

Licensing Sub-Committee Report

Item No:	
Date:	3 August 2017
Licensing Ref No:	17/06018/LIPN - New Premises Licence
Title of Report:	Basement 35 The Piazza Covent Garden London WC2E 8BE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	2 June 2017		
Applicant:	Capital & Counties CG Limited And Capital & Counties CG Nomi		
Premises:			
Premises address:	Basement 35 The Piazza Covent Garden London	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as an entertainment venue, bar and restaurant		
Premises licence history:	This is a new application for a new premises licence however the premises benefits from an existing premises licence (Appendix 3)		
Applicant submissions:	The application is for a 'shadow' licence of the existing Roadhouse licence (ref: 15/09173/LIPVM) on the exact same terms as currently permitted. (Appendix 2)		

1-B Current and proposed licensable activities, areas and hours				
<u>Regulated Entertainment</u>				
Performance of Dance, Provision of facilities for Dancing, Provision of facilities for making music, Performance of Live Music, Provision of facilities for entertainment of a similar description to making music or dancing, Anything of a similar description to Live Music, Recorded Music or Performance of Dance: Indoors				
	Shadow Licence Current Hours		Proposed Hours	
Monday	09:00	03:00	No change	No change
Tuesday	09:00	03:00	No change	No change
Wednesday	09:00	03:00	No change	No change
Thursday	09:00	03:00	No change	No change
Friday	09:00	03:00	No change	No change
Saturday	09:00	03:00	No change	No change
Sunday	09:00	01:00	No change	No change

Seasonal variations/ Non-standard timings:	Current:	Proposed:
	N/A	On the morning that British Summertime Commences these hours to be extended until 04:00

Playing of recorded Music: Indoors				
	Shadow licence Current Hours		Proposed Hours	
Monday	Unrestricted	Unrestricted	No change	No change
Tuesday	Unrestricted	Unrestricted	No change	No change
Wednesday	Unrestricted	Unrestricted	No change	No change
Thursday	Unrestricted	Unrestricted	No change	No change
Friday	Unrestricted	Unrestricted	No change	No change
Saturday	Unrestricted	Unrestricted	No change	No change
Sunday	Unrestricted	Unrestricted	No change	No change

Late night refreshment				
Indoors, outdoors or both			Current :	Proposed:
			Indoors	Indoors
	Shadow Licence Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	23:00	03:30	No change	No change
Tuesday	23:00	03:30	No change	No change
Wednesday	23:00	03:30	No change	No change
Thursday	23:00	03:30	No change	No change
Friday	23:00	03:30	No change	No change
Saturday	23:00	03:30	No change	No change
Sunday	23:00	01:00	No change	No change
Seasonal variations/ Non-standard timings:	Current:		Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.		On the morning that British Summertime Commences these hours to be extended until 04:00	

Sale by Retail of Alcohol				
On or off sales			Current :	Proposed:
			Both	Both
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	10:00	03:00	No change	No change
Tuesday	10:00	03:00	No change	No change
Wednesday	10:00	03:00	No change	No change
Thursday	10:00	03:00	No change	No change
Friday	10:00	03:00	No change	No change
Saturday	10:00	03:00	No change	No change
Sunday	12:00	00:30	No change	No change
Seasonal variations/	Current:		Proposed:	
			On the morning that British	


<p>Non-standard timings:</p>	<p>Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-</p> <p>i.the permitted hours shall end at 00:00 on any Sunday on which music and dancing is not provided after midnight;</p> <p>ii.where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d)On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12:00 and extend until 01:00 on the morning following except that'</p> <p>i.the permitted hours shall end at 00:00 midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 00:00 midnight;</p> <p>ii.where music and dancing end (or, in the case of casino premises, gaming ends) between 00:00 midnight on any Sunday and 03:00, the permitted hours on that Sunday shall end when the music and dancing end (or, as the case may be, when the gaming ends).</p> <p>iii.The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.</p>	<p>Summertime Commences these hours to be extended until 04:00</p>
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Hours premises are open to the public

		Shadow Licence Current Hours	Proposed Hours	
	Start:	End:	Start:	End:

Monday	09:00	03:30	No change	No change
Tuesday	09:00	03:30	No change	No change
Wednesday	09:00	03:30	No change	No change
Thursday	09:00	03:30	No change	No change
Friday	09:00	03:30	No change	No change
Saturday	09:00	03:30	No change	No change
Sunday	09:00	01:00	No change	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	30 th June 2017
<p>Please accept this as a formal objection to the above application.</p> <p>We are concerned the application could undermine the licencing objectives.</p> <p>The application seeks hours (HRS1) that go beyond that of core hours and us located in the heart of the Westminster Cumulative Impact Zone.</p> <p>Some of the current proposed conditions could be replaced with more suitable ones and I will propose some in due course .</p> <p>We would welcome dialogue with the applicant to move forward with the application .</p>	
2-B Other Persons	
Name:	Mr David Kaner – CGCA
Address and/or Residents Association:	
Received:	30 th June 2017
<p>2:12 PM on 30 Jun 2017 This representation is being made on behalf of the Covent Garden Community Association.</p> <p>The application for is a new licence for the Basement area underneath Jubilee Hall. This currently trades as The Roadhouse which is a music and dancing venue which also serves food with a licence to operate until 03:30 Monday to Saturday and 01:00 on Sunday. The licence is a converted licence which has been the subject of minor variation applications.</p> <p>The Roadhouse is one of the very few venues of any type in the area which is open after the end of core hours. It frequently has large numbers of people outside the premises</p>	

smoking and talking which disturbs residents especially those in Driscoll House.

This is an application for a so-called shadow licence. This is a new licence which is on the same terms as the existing one. As such it is a new licence in the CIA for an operation which is not food led and which operates beyond core hours. The CGCA's view is that this licence, if granted on the terms applied for, would fail to promote the licencing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder.

The CGCA's view is that any new licence granted for these premises should be significantly more restrictive than the existing licence. The particular areas where it should be more restrictive are as follows:

- More restrictive hours of operation (we suggest to core hours)
- If hours remain the same then the addition of a last entry condition
- Conditions regarding noise emanating from the premises
- Requirement for a dispersal policy agreed with WCC and the Police
- Minimum numbers of door staff
- Clear policies for managing queuing and smoking areas
- Requirement to manage the nuisance caused by customers outside the premises

We hope that this representation is clear.

3. Policy & Guidance

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

Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact

	Areas.
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4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Copy of Existing Licence

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	The Application Form	2 nd June 2017
5	The Licensing Authority Rep	27 th June 2017
6	David Kaner Rep	30 th June 2017

To view the plans of the premises please contact the Licensing Department.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

**Conditions consistent with the operating schedule
Shadow Licence
The Basement, 35 The Piazza, WC2E 8ND**

Proposed Conditions

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

Conditions relating to regulated entertainment

1. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
2. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3am on the day following, and from 11pm on Sunday to 1am on the day following.
3. A telephone line dedicated to the receipt of complaints from the public shall be continuously manned throughout the hours of opening and for 30 minutes after the end of the hours of opening.
4. An announcement shall be made on the public address system at the premises to be audible by all customers therein not less than 15 minutes between a time one and a half hours before closing time and closing time each night directing patrons to the importance of silent departure from the premises.
5. The alteration or modification to any existing sound systems should be effected without prior knowledge of an authorised officer of the Environmental Health Services.
6. The number of persons accommodated at any one time (excluding staff) shall not exceed 575.
7. The use of music and dancing at the premise shall remain ancillary to A3 use.
8. That a comprehensive CCTV system be installed to the satisfaction of the Metropolitan Police Crime Prevention officer and Environmental Health Service. All cameras shall continually record whilst the premises are open to the public which enable frontal identification of every person entering in any light condition. The video recording (i) shall be kept available for a minimum of 31 days with time and date stamping (ii) tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing (iii) the recordings for the preceding two days shall be made available immediately upon request. Recordings outside the period shall be made available on 24 hours notice.
9. No unauthorised advertisements of any kind (including poster, flyer, sticker, picture, letter, sign, or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on street to the public that advertises or promotes the establishment, its premises, or any of the events, facilities, goods, or services.

10. All refuse must be paid, properly presented, and can only be placed on street 30 minutes before the scheduled collection time.

11. A minimum of five additional female public WC's shall be installed within the premises prior to the renewal of this licence.

12. The number of persons accommodated at any one time (excluding staff) shall not exceed 575.

Conditions for sale of alcohol

13. In the part of the premises cross hatched in green on the deposited plan there shall be no sale or supply of spirits and no draught beer other than 1 brand of draught beer.

14. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

15. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

(a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that:

i. the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and

ii. on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;

(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect:

i. with the substitution of references to 04:00 for references to 03:00.

(c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-

i. the permitted hours shall end at 00:00 on any Sunday on which music and dancing is not provided after midnight;

ii. where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.

(d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12:00 and extend until 01:00 on the morning following except that'

i. the permitted hours shall end at 00:00 midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 00:00 midnight;

ii. where music and dancing end (or, in the case of casino premises, gaming ends) between 00:00 midnight on any Sunday and 03:00, the permitted hours on that Sunday shall end when the music and dancing end (or, as the case may be, when the gaming ends).

iii. The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.

(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

(g) the taking of alcohol from the premises by a person residing there;

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

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

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

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence;

(b) He resides in the premises, but is not employed there;

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the

service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

17. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;

(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and

(c) to take all other reasonable precautions for the safety of the children.

18. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

19. On no more than 25 occasions (and in substitution for Temporary Event Notices) per calendar year and following 10 working days notice to be given to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such time as agreed with the Police. The Police have the power to veto any such application.

20. On any occasion when the premises are open to the public, all customers entering the premises after 21:00 hours will have their ID scanned on entry, save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).

21. Notwithstanding the above condition, a maximum number of 30 guests per night may be admitted at the manager's discretion without ID being scanned and recorded. A legible record of these people's full names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.

22. All door supervisors working outside the entrance to the premises, or supervising or controlling queues and the smoking area, shall wear yellow high visibility jackets, vests or tabards.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06215/LIPCV	Conversion Application.	16.09.2009	Granted Under Delegated Authority
06/13207/WCCMAP	New Premises Application.	01.02.2008	Granted Under Delegated Authority
12/09722/LIPDPS	To Vary Designated Premises Supervisor.	19.11.2012	Granted Under Delegated Authority
14/08002/LIPDPS	To Vary Designated Premises Supervisor	08.10.2014	Granted Under Delegated Authority
14/10240/LIPVM	Minor Variation Application	10.12.2014	Granted Under Delegated Authority
15/07033/LIPDPS	To Vary Designated Premises Supervisor	02.09.2015	Granted Under Delegated Authority
15/09173/LIPVM	Minor Variation Application	24.11.2015	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

Mandatory Conditions

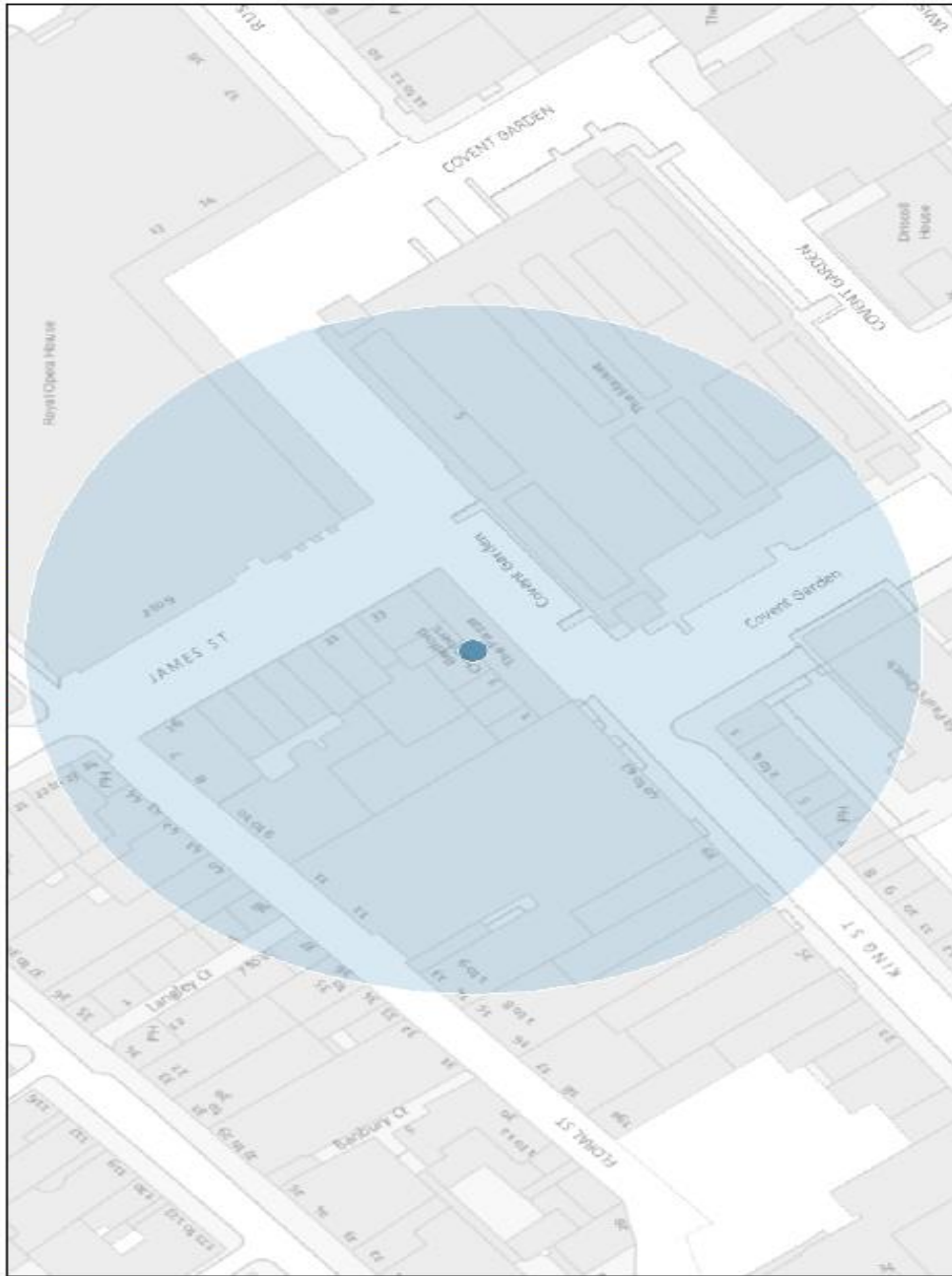
1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Basement 35 The Piazza



July 20, 2017

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Copy of Existing licence 15/09173/LIPVM



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

Premises licence

WARD: St James's
UPRN: 010033544648

Regulation 33, 34

Premises licence number:

15/09173/LIPVM

Original Reference:

05/06215/LIPCV

Part 1 – Premises details

Postal address of premises:

The Roadhouse
Basement
35 The Piazza
Covent Garden
London
WC2E 8BE

Telephone Number: 020 7497 0119

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 01:00

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

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

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Maxwell's Restaurants Ltd
22 Henrietta Street
Covent Garden
London
WC2E 8ND
Business Phone Number : 020 7240 6001

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

1038660

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

Name: Mr Simon Rogers

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 013243
Licensing Authority: London Borough Of Havering

Date: 01 December 2015

This licence has been authorised Mr Yiannis Chrysanthou on behalf of the Director – Public Protection & Licensing

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

Conditions relating to regulated entertainment

- 10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3am on the day following, and from 11pm on Sunday to 1am on the day following.
- 12. A telephone line dedicated to the receipt of complaints from the public shall be continuously manned throughout the hours of opening and for 30 minutes after the end of the hours of opening.
- 13. An announcement shall be made on the public address system at the premises to be audible by all customers therein not less than 15 minutes between a time one and a half hours before closing time and closing time each night directing patrons to the importance of silent departure from the premises.

14. The alteration or modification to any existing sound systems should be effected without prior knowledge of an authorised officer of the Environmental Health Services.
15. The number of persons accommodated at any one time (excluding staff) shall not exceed 575.
16. The use of music and dancing at the premise shall remain ancillary to A3 use.
17. That a comprehensive CCTV system be installed to the satisfaction of the Metropolitan Police Crime Prevention officer and Environmental Health Service. All cameras shall continually record whilst the premises are open to the public which enable frontal identification of every person entering in any light condition. The video recording (i) shall be kept available for a minimum of 31 days with time and date stamping (ii) tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing (iii) the recordings for the preceding two days shall be made available immediately upon request. Recordings outside the period shall be made available on 24 hours notice.
18. No unauthorised advertisements of any kind (including poster, flyer, sticker, picture, letter, sign, or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on street to the public that advertises or promotes the establishment, its premises, or any of the events, facilities, goods, or services.
19. All refuse must be paid, properly presented, and can only be placed on street 30 minutes before the scheduled collection time
20. A minimum of five additional female public WC's shall be installed with in the premises prior to the renewal of this licence.
21. The number of persons accommodated at any one time (excluding staff) shall not exceed 575.

Conditions for sale of alcohol

22. In the part of the premises cross hatched in green on the deposited plan there shall be no sale or supply of spirits and no draught beer other than 1 brand of draught beer.
23. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be equally available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

24. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that:
 - i. the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - ii. on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;

- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect:
 - i. with the substitution of references to 04:00 for references to 03:00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-
 - i. the permitted hours shall end at 00:00 on any Sunday on which music and dancing is not provided after midnight;
 - ii. where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12:00 and extend until 01:00 on the morning following except that'
 - i. the permitted hours shall end at 00:00 midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after 00:00 midnight;
 - ii. where music and dancing end (or, in the case of casino premises, gaming ends) between 00:00 midnight on any Sunday and 03:00, the permitted hours on that Sunday shall end when the music and dancing end (or, as the case may be, when the gaming ends).
 - iii. The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

28. On no more than 25 occasions (and in substitution for Temporary Event Notices) per calendar year and following 10 working days notice to be given to the Police and Licensing Authority (or such lesser time as may be agreed with the Police) the hours for the provision of licensable activities currently provided at the premises may be extended to such time as agreed with the Police. The Police have the power to veto any such application.
29. On any occasion when the premises are open to the public, all customers entering the premises after 21:00 hours will have their ID scanned on entry, save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).
30. Notwithstanding the above condition, a maximum number of 30 guests per night may be admitted at the manager's discretion without ID being scanned and recorded. A legible record of these people's full names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
31. All door supervisors working outside the entrance to the premises, or supervising or controlling queues and the smoking area, shall wear yellow high visibility jackets, vests or tabards.

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: St James's
UPRN: 010033544648

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/09173/LIPVM

Part 1 – Premises details

Postal address of premises:

The Roadhouse
Basement
35 The Piazza
Covent Garden
London
WC2E 8BE

Telephone Number: 020 7497 0119

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 01:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 01:00

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

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

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

Maxwell's Restaurants Ltd
22 Henrietta Street
Covent Garden
London
WC2E 8ND

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

1038660

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

Name: Mr Simon Rogers

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

Restricted

Date: 01 December 2015

This licence has been authorised Mr Yiannis Chrysanthou on behalf of the Director – Public Protection & Licensing