



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	17 December 2015
Licensing Ref No:	15/09428/LIPV - Premises Licence Variation
Title of Report:	Waterstone's 203 - 206 Piccadilly London W1J 9HD
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	26 October 2015		
Applicant:	Waterstones Booksellers Limited		
Premises:	Waterstone's		
Premises address:	203 - 206 Piccadilly London W1J 9HD	Ward:	St James's
		Stress Area:	None
Premises description:	The premises are operated as a book store with bar and restaurant facilities.		
Variation description:	<p>To vary the premises licence to include the ground floor and ground floor mezzanine cafe seating area.</p> <p>The sale of alcohol, late night refreshment and opening hours for the ground floor and the ground floor mezzanine café seating area to be the same as the lower ground floor.</p>		
Premises licence history:	The premises is currently licensed and the premises licence history can be found at Appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment – Basement, Fifth and Sixth Floors						
Indoors, outdoors or both	Current :			Proposed:		
	Indoors			No change		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Basement, fifth and sixth floors	No change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Sunday	N/A	N/A				
Seasonal variations:	Current:			Proposed:		
	On New Year's Eve until 05:00 on New Year's Day.			No change		
Non-standard timings:	Current:			Proposed:		
	Not applicable			Not applicable		

Late night refreshment – Lower Ground Floor (Existing) - Ground floor and Ground floor mezzanine (Proposed)
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Indoors, outdoors or both		Current :				Proposed:	
		Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	23:00	00:30	No change		Lower ground	Lower ground, ground and ground mezzanine floors	
Tuesday	23:00	00:30					
Wednesday	23:00	00:30					
Thursday	23:00	00:30					
Friday	23:00	00:30					
Saturday	23:00	00:30					
Sunday	23:00	00:00					
Seasonal variations:	Current:				Proposed:		
	On New Year's Eve until 05:00 on New Year's Day.				No change		
Non-standard timings:	Current:				Proposed:		
	Not applicable				No change		

Sale by Retail of Alcohol – Basement, Fifth and Sixth Floors							
On or off sales		Current :				Proposed:	
		On and Off				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	10:00	23:00	No change		Basement, fifth and sixth floors	No change	
Tuesday	10:00	23:00					
Wednesday	10:00	23:00					
Thursday	10:00	23:00					
Friday	10:00	23:00					
Saturday	10:00	23:00					
Sunday	12:00	22:30					
Seasonal variations:	Current:				Proposed:		
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).				No change		
Non-standard timings:	Current:				Proposed:		
	Not applicable				No change		

Sale by Retail of Alcohol – Lower Ground Floor (Existing) Ground floor and Ground floor mezzanine (Proposed)							
On or off sales		Current :				Proposed:	
		On and Off				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	

Monday	10:00	00:00	No change	Lower ground floor	Lower ground, ground and ground mezzanine floors
Tuesday	10:00	00:00			
Wednesday	10:00	00:00			
Thursday	10:00	00:00			
Friday	10:00	00:00			
Saturday	10:00	00:00			
Sunday	12:00	23:30			
Seasonal variations:	Current:			Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).			No change	
Non-standard timings:	Current:			Proposed:	
	Not applicable			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	10:00	00:30	Basement, lower ground, fifth and sixth floors	Basement, lower ground, ground, ground mezzanine, fifth and sixth floors
Tuesday	10:00	00:30	10:00	00:30		
Wednesday	10:00	00:30	10:00	00:30		
Thursday	10:00	00:30	10:00	00:30		
Friday	10:00	00:30	10:00	00:30		
Saturday	10:00	00:30	10:00	00:30		
Sunday	10:00	00:00	10:00	00:00		
Seasonal variations:	Current:				Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).				No change	
Non-standard timings:	Current:				Proposed:	
	Not applicable				No change	

1-C Layout alteration
To vary the premises licence to include the ground floor and ground floor mezzanine cafe seating area as part of the licensed premises.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	18 November 2015

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

The applicant has submitted floor plans of the Mezzanine and Ground Floor dated 03/25/15.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To vary the licence to include the ground floor and Mezzanine Café within the scope of the licence being Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours and Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours. On New Years Eve to provide late night refreshment and Supply of Alcohol from the end of authorised hours on New Year's Eve to commencement of authorised hours on New Years Day.

I wish to make the following representation

1. The areas and hours requested for the Supply of Alcohol and Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

Following an inspection of the premises, they have proposed the addition of the ground floor to the licensed area be withdrawn from the application and the conditions below to be attached to the premises licence if the Committee is minded to grant.

With regard to the ground floor mezzanine area I propose the following conditions.

- The maximum number of person permitted on the ground floor mezzanine floor (excluding staff) shall not exceed 60 persons.
- The consumption of alcohol on the ground floor mezzanine floor shall only be by customers that are seated.
- After 23.00 hours the sale of alcohol on the ground floor mezzanine floor shall only be ancillary to a meal.
- All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

- Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Responsible Authority:	Metropolitan Police
Representative:	Bryan Lewis
Received:	18 November 2015

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application would undermine the Licensing Objectives.

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- The hours sought for the sale of alcohol are beyond core hours as defined by the WCC Licensing Policy

Subsequently, they have propose the conditions below to be attach to the licence if the Committee is minded to grant.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. 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 are open. This 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
3. 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 concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service

4. No open containers of alcohol shall be allowed beyond the boundaries of the licensable area.
5. All staff shall receive training in the responsible sale of alcohol as required by the 2003 Licensing Act
6. A Challenge 21 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.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. Save for pre booked private functions, the sale of alcohol shall be made by waiter/waitress service and only to those customers that are seated.
9. There shall be no sale of draught beer.
10. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol.

3. Policy & Guidance

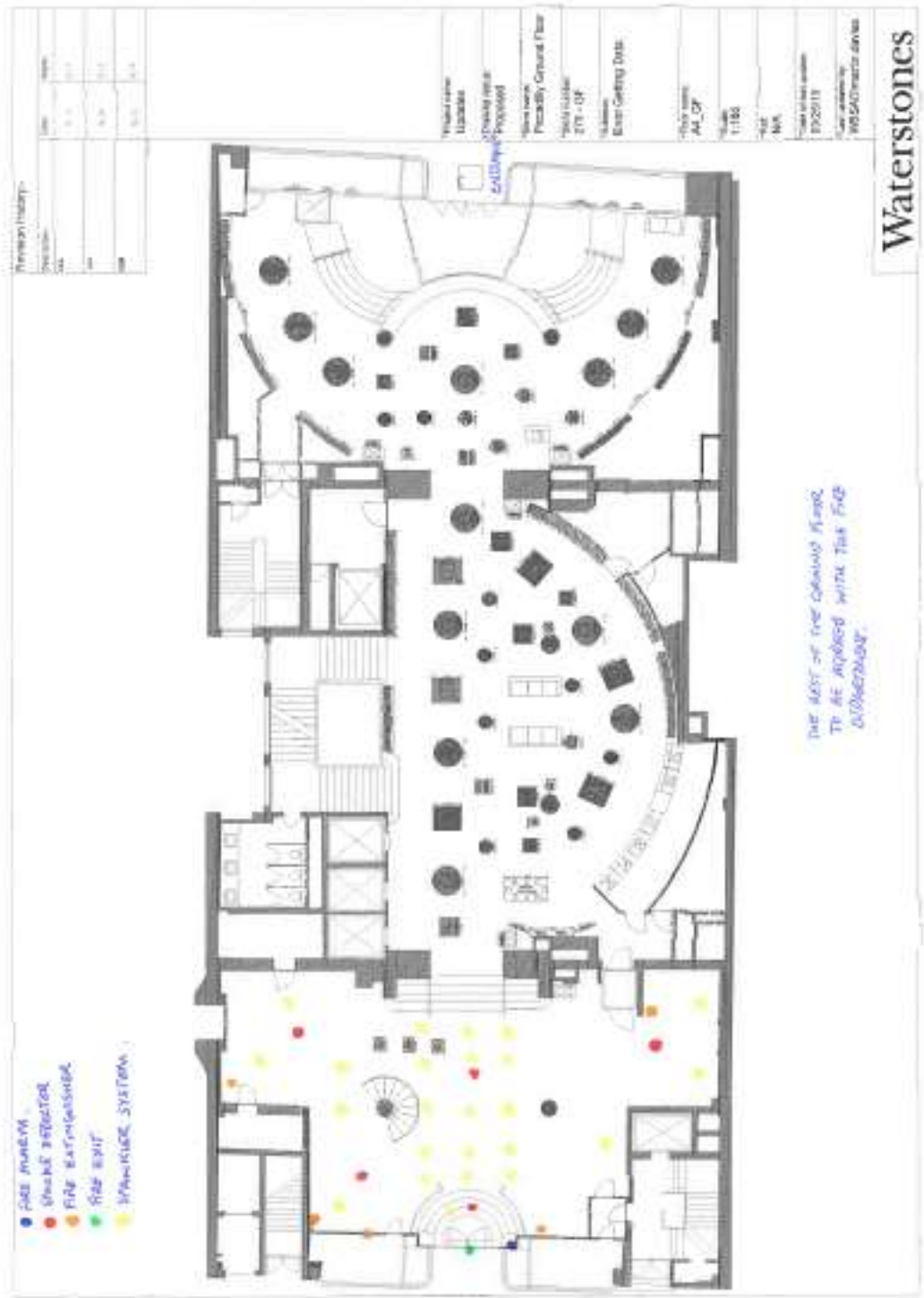
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <p>(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.</p> <p>(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.</p>
Policy RNT1 applies:	<p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>
Policy PB1 applies:	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

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

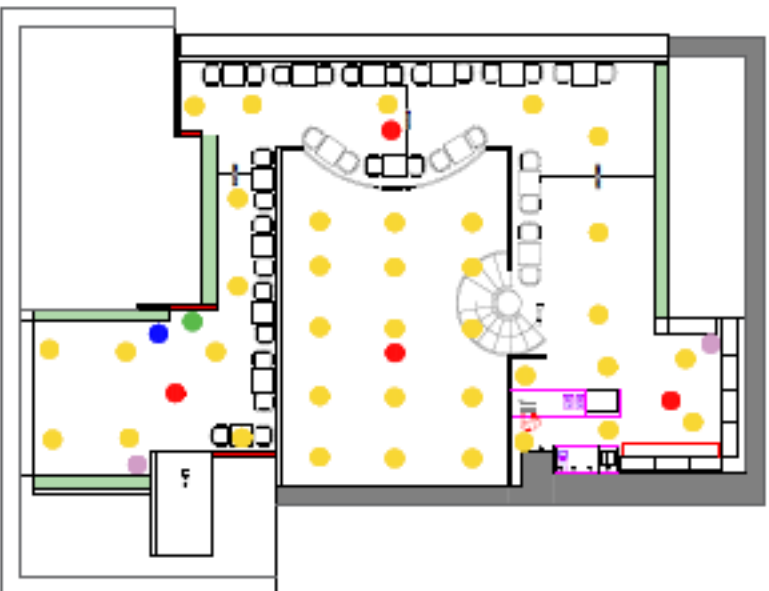
Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk



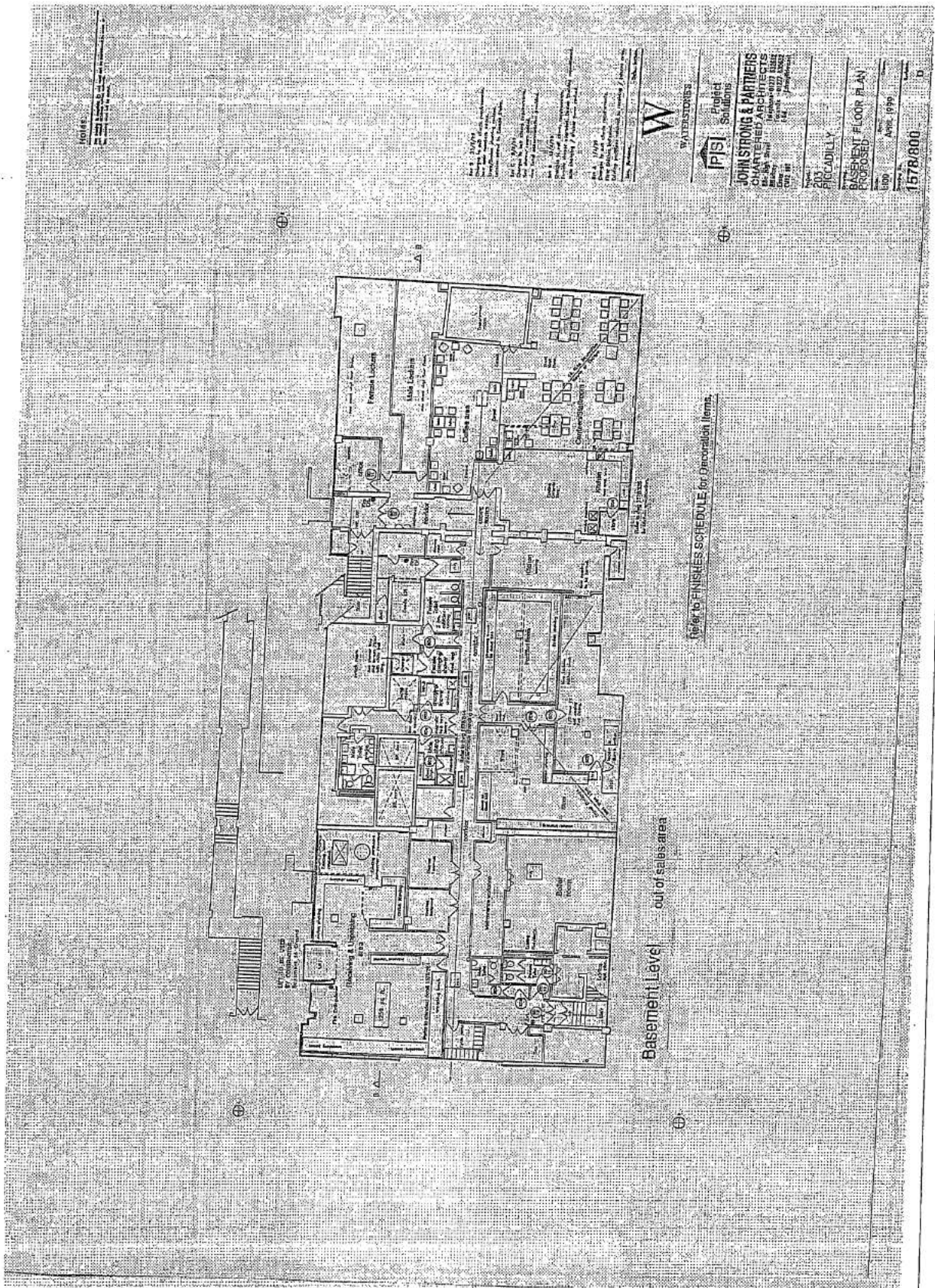
Waterstones

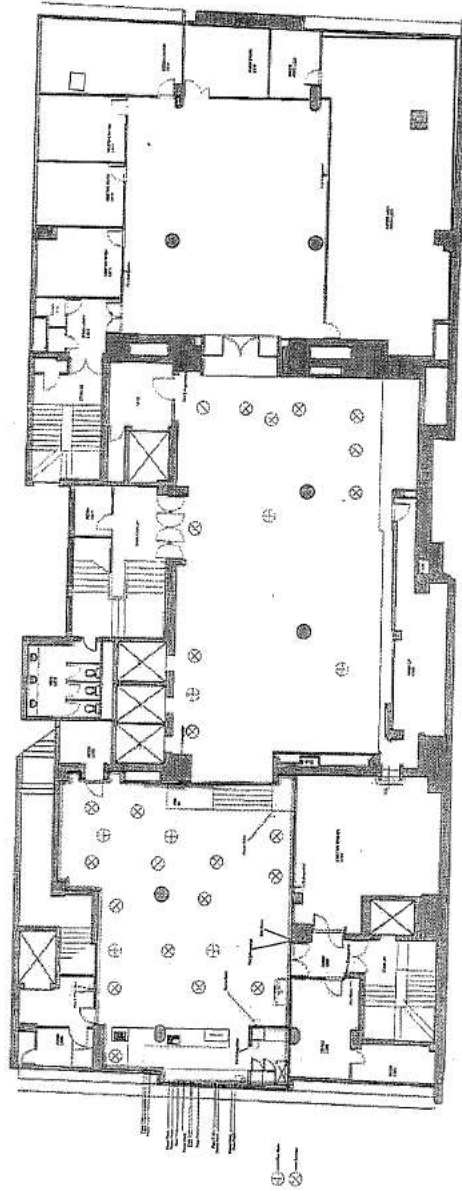


	table seats
	red seats
	te Dymola
	te E2
	te A2



Waterstones
 Piccadilly
 Manchester Cafe
 Scale - 1:100 (A3/24d)
 ref: Plan PointB





Waterstones

Piccadilly Lower Ground Floor

Safety Points

Scale - 1:100 @ A1

ref: 300714BRAE01 [REV B]

Notes

- 1. See Section 1000 for details of construction.
- 2. See Section 1000 for details of construction.
- 3. See Section 1000 for details of construction.
- 4. See Section 1000 for details of construction.
- 5. See Section 1000 for details of construction.
- 6. See Section 1000 for details of construction.
- 7. See Section 1000 for details of construction.
- 8. See Section 1000 for details of construction.
- 9. See Section 1000 for details of construction.
- 10. See Section 1000 for details of construction.

Working drawings to be used in accordance with the following conditions:

1. These drawings are to be used in accordance with the conditions set forth herein.

2. The contractor shall be responsible for obtaining all necessary permits and licenses for the work shown on these drawings.

3. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

4. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

5. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

6. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

7. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

8. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

9. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

10. The contractor shall be responsible for obtaining all necessary approvals from the appropriate authorities.

W
WATERSTONES

PISI
Project solutions

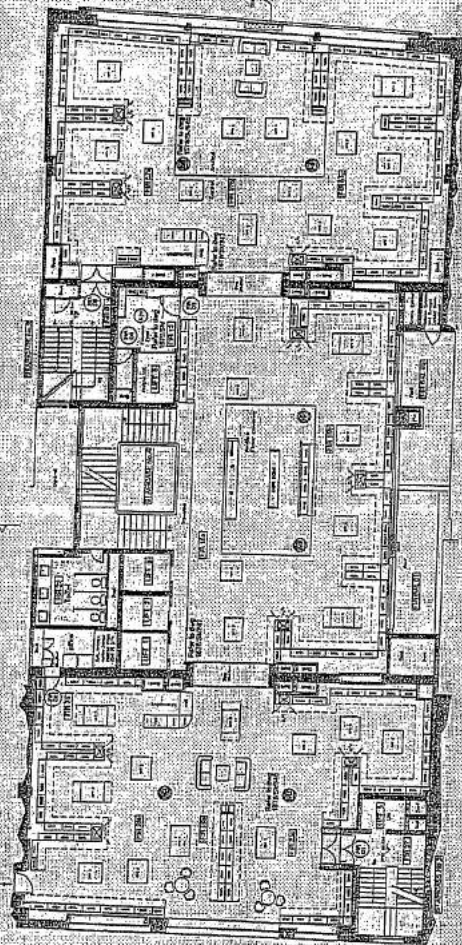
JOHN STRONG & PARTNERS
REGISTERED ARCHITECTS
1000 Bay Street
London, ONTARIO
N6A 1A1
Phone: (519) 763-1111
Fax: (519) 763-1112

Area:
PICCADILLY

**FIRST FLOOR
PROPOSED LAYOUT**

1000
April, 1975
1578/803

b



First-Floor Level

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES.

6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORKING ENVIRONMENT AT ALL TIMES.



WILFREEDSON'S

ipst Project Solutions

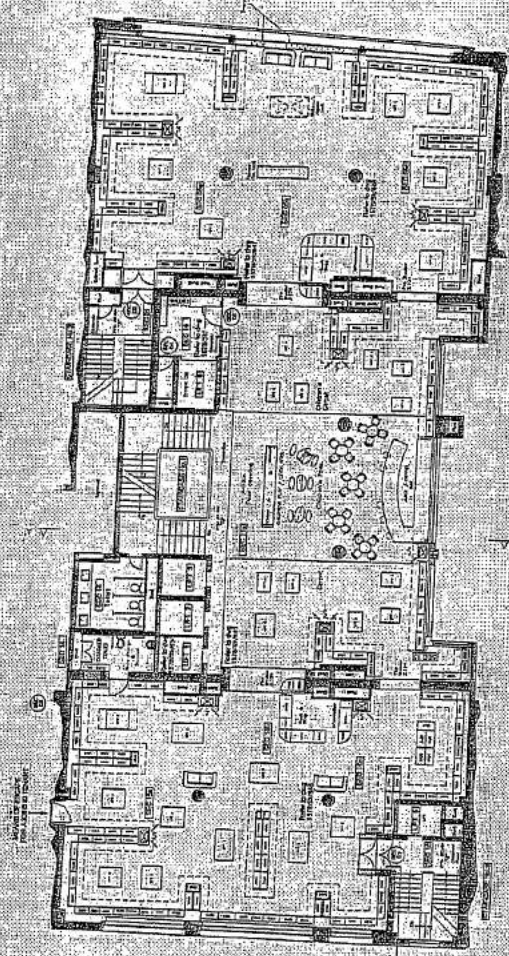
JOHN STRONG & PARTNERS
 CHARTERED ARCHITECTS
 200, 201 & 202, The Arcade, 100, Market Street, London, EC1A 3BB
 Tel: 020 7493 8100
 Fax: 020 7493 8101
 Email: john@johnstrong.co.uk
 www.johnstrong.co.uk

703 PICCADILLY

SECOND FLOOR PROPOSED LAYOUT

DATE: APRIL 1999

REF: 703/02



Second Floor Level

Notes
1. All dimensions are to the centerline of walls unless otherwise indicated.
2. All dimensions are in meters unless otherwise indicated.
3. All dimensions are to be confirmed by the contractor.

1. All dimensions are to the centerline of walls unless otherwise indicated.
2. All dimensions are in meters unless otherwise indicated.
3. All dimensions are to be confirmed by the contractor.

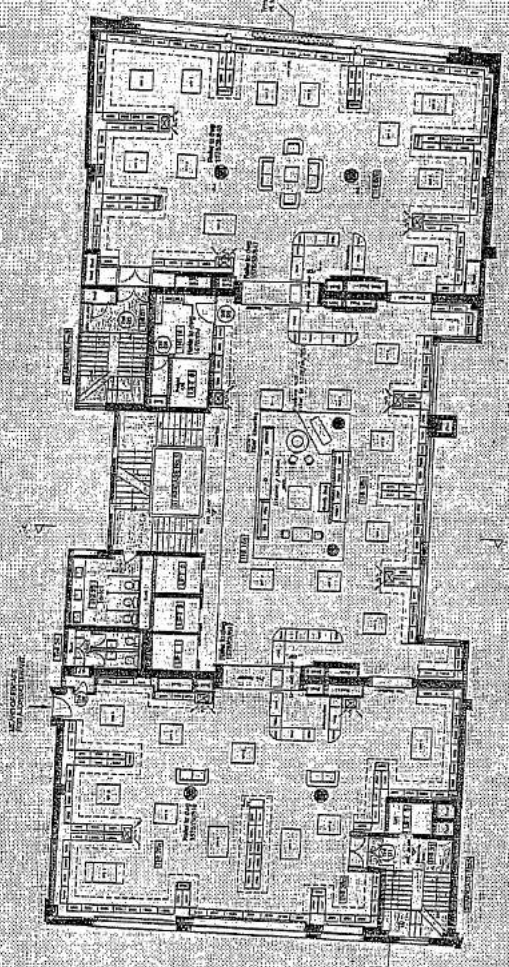
W
WATERSTONE'S
Project Solutions
PSI

JOHN STRONG & PARTNERS
CHARTERED ARCHITECTS
15, 16 & 17
15, 16 & 17
15, 16 & 17
15, 16 & 17

205
PICCADILLY

**THIRD FLOOR
PROPOSED LAYOUT**

15/8/05



Third Floor Level

Notes:
1. See General Notes on Sheet 1000.

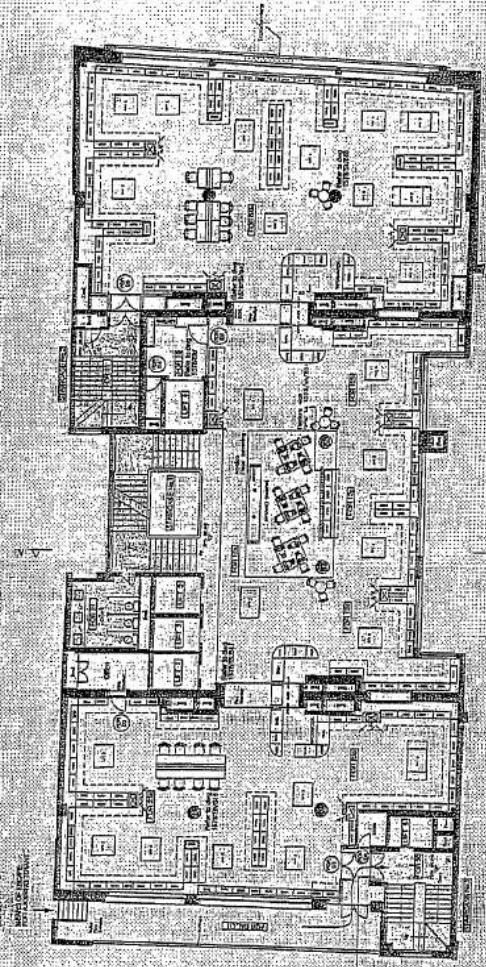
Architect:
JOHN STRONG & PARTNERS
225 W. 5th St.
New York, N.Y. 10014
Tel: (212) 512-1000
Fax: (212) 512-1001

Engineer:
WALTER STONES
110 W. 4th St.
New York, N.Y. 10014
Tel: (212) 512-1000
Fax: (212) 512-1001

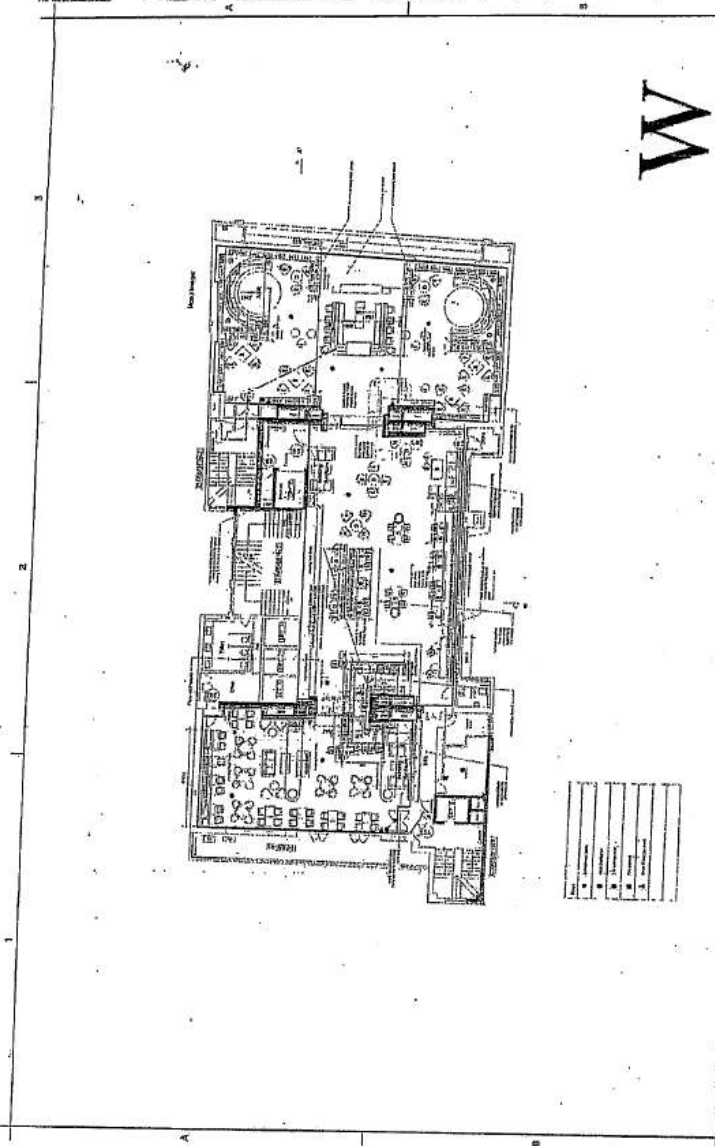
W
WALTER STONES
Project Solutions

JOHN STRONG & PARTNERS
CHARTERED ARCHITECTS
225 W. 5th St.
New York, N.Y. 10014
Tel: (212) 512-1000
Fax: (212) 512-1001

BRADY
FOURTH FLOOR
PROPOSED
Date: April 1997
Project No. 1000



Fourth Floor Level



W

WATERSTONES

Proposed Plan 5th Floor 5th Floor Waterstones Academy
 Other Floor Plans
 Scale: 1:100
 Date: 27/08/2009

Waterstones Academy
 100% of the building is to be used for educational purposes
 The building is to be used for educational purposes
 The building is to be used for educational purposes

Scale 1:100 A1

Proposed Plan 5th Floor
 Dwg code: 2101009

1	Room 1
2	Room 2
3	Room 3
4	Room 4
5	Room 5
6	Room 6
7	Room 7
8	Room 8
9	Room 9
10	Room 10
11	Room 11
12	Room 12
13	Room 13
14	Room 14
15	Room 15
16	Room 16
17	Room 17
18	Room 18
19	Room 19
20	Room 20
21	Room 21
22	Room 22
23	Room 23
24	Room 24
25	Room 25
26	Room 26
27	Room 27
28	Room 28
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87	Room 87
88	Room 88
89	Room 89
90	Room 90
91	Room 91
92	Room 92
93	Room 93
94	Room 94
95	Room 95
96	Room 96
97	Room 97
98	Room 98
99	Room 99
100	Room 100

Notes:
 1. See General Notes to this set of drawings.
 2. See Section Notes to this set of drawings.
 3. See Schedule Notes to this set of drawings.

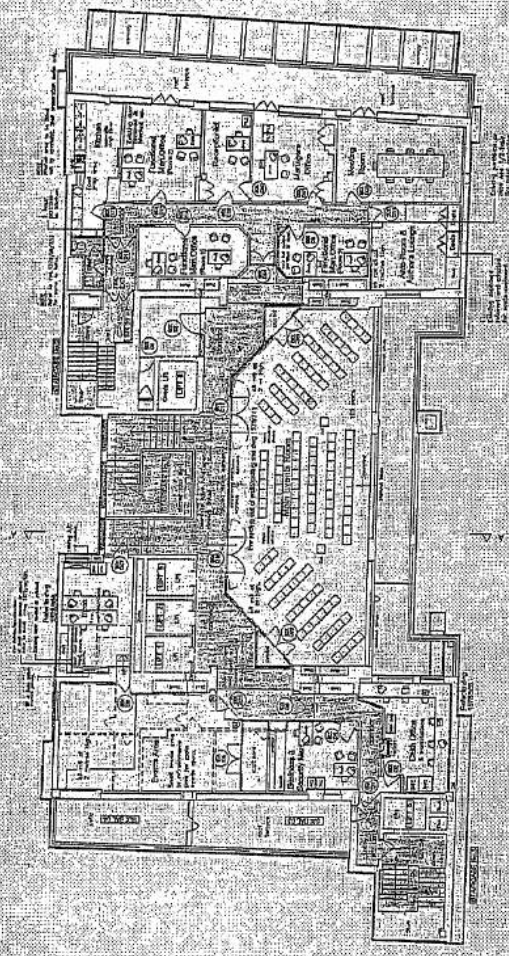
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE AND THE NATIONAL MECHANICAL CODE.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PLUMBING AND HEATING CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL SAFETY COUNCIL (NSC) CODES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING ORGANIZATION (NBO) CODES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF ARCHITECTS (NAA) CODES.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF ENGINEERS (NAE) CODES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF CONTRACTORS (NAC) CODES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ASSOCIATION OF MANUFACTURERS (NAM) CODES.

W

WASHINGTON
 IP Solutions

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 SUITE 1000
 WASHINGTON, D.C. 20017
 TEL: 202-462-1000
 FAX: 202-462-1001
 WWW: JOHNSTRONG.COM

2033
 PICCADILLY
 SIXTH FLOOR
 PROPOSED
 DATE: 01/11/08
 DRAWING NO.: 1578/808
 SHEET NO.: D



Sixth Floor Level

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion	Application to convert existing Justices on Licence and Supper Hours Certificate	18.9.05	Granted under delegated authority
Variation	Change of layout on the fifth floor to extend the studio lounge bar	2.6.06	Granted under delegated authority
Variation	Change of layout on the fifth floor to add a new restaurant	10.2.10	Granted under delegated authority
Minor Variation	<p>To change the layout on the lower ground floor so as to</p> <p>Remove the toilets in the top right corner of the plans within the licensable area</p> <p>Decrease the licensable area within the lower left corner to be de-licensed to use for office space</p> <p>All other floors within the premises licence to remain as existing.</p>	2.12.14	Granted under delegated authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

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

Conditions Related to the Sale of Alcohol

Applicable to such parts of the basement, lower ground, fifth and sixth floors as are shown more particularly coloured and edged in red on the deposited plan.

- 9. Substantial food and non-intoxicating beverages shall be equally available at all times during permitted hours.
- 10. The maximum number of persons to be present in the licensed premises on each floor shall not exceed the number specified from time to time by the proper officer of the LFCDA. Currently no restriction on numbers.

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

For the Basement, Lower Ground, Fifth and Six floors;

- 11. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

For the Lower ground floor

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours in the basement, fifth and sixth floors and (thirty minutes on the lower ground floor), the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

For the Basement, Lower Ground and Sixth floors

12. 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.

13. 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

For the fifth floor

14. No person under fourteen shall be in the bar of the canteen 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 premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- (e)
 - (i) He is in an area shown coloured orange on the plan of the fifth floor attached to the licence or in an area show edged red on the plan deposited with the Licensing Authority from 21.06.06.
 - (ii) Meals and non-alcoholic beverages are available for sale for consumption in that area.
 - (iii) He is in the company of a person aged 18 or over.
 - (iv) He is there prior to 17:00.

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.

15. Save for pre booked private functions, the sale of alcohol will be made by waiter/waitress service and only to those customers that are seated.

16. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol.

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

None

Conditions proposed by the Police

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. 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 are open. This 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
19. 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 concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
20. No open containers of alcohol shall be allowed beyond the boundaries of the licensable area.
21. All staff shall receive training in the responsible sale of alcohol as required by the 2003 Licensing Act
22. A Challenge 21 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.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
24. Save for pre booked private functions, the sale of alcohol shall be made by waiter/waitress service and only to those customers that are seated. **Alternative to condition 15**

25. There shall be no sale of draught beer.

26. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol. **Alternative to condition 16**

Conditions proposed by Environmental Health

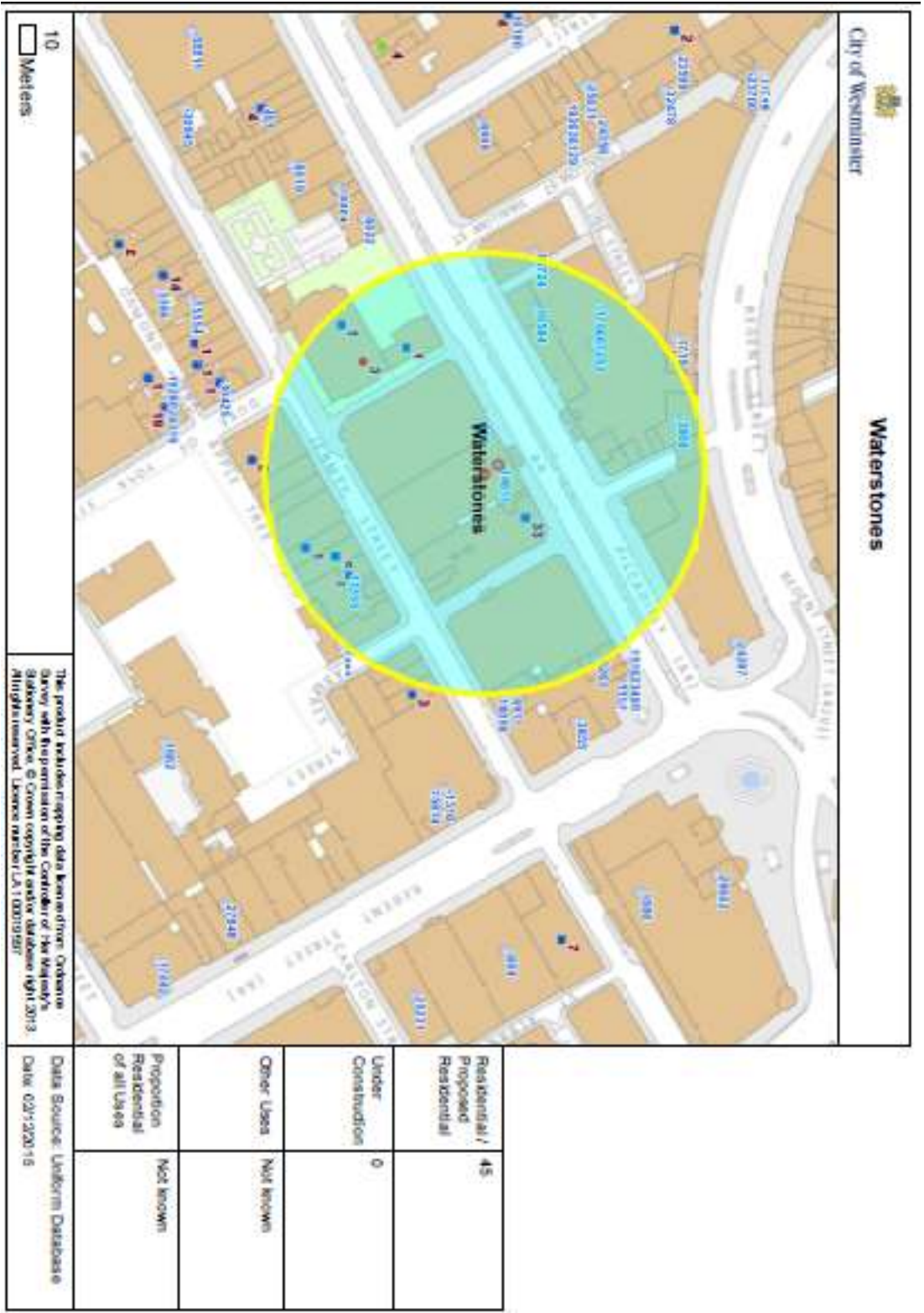
27. The maximum number of person permitted on the ground floor mezzanine floor (excluding staff) shall not exceed 60 persons.

28. The consumption of alcohol on the ground floor mezzanine floor shall only be by customers that are seated.

29. After 23.00 hours the sale of alcohol on the ground floor mezzanine floor shall only be ancillary to a meal.

30. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises. **Duplicate of condition 23**

31. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. **Alternative to conditions 16 and 26**



Premises within 75 metres of: Waterstones 203-206 Piccadilly			
p / n	Name of Premises	Premises Address	Opening Hours
820	Rush	200 Piccadilly London	Monday to Friday 08:00 - 21:00 Saturday 08:30 - 18:00 Sunday 10:00 - 17:00
6263	San Carlo Cicchetti	215 Piccadilly London W1J 9HL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13355	BG Group	Fifth Floor To Sixth Floor Eagle House 108 - 110 Jermyn Street London SW1Y 6RP	Monday to Sunday 00:00 - 00:00
-17566	Le Meridien Hotel	Le Meridien Hotel 21 Piccadilly London W1J 0BH	Monday to Sunday 00:00 - 00:00
-14811	Waterstone's	203-206 Piccadilly London W1J 9HD	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
10584	Caffe Concerto	29-31 Piccadilly London W1J 0LF	Monday to Sunday 08:00 - 23:30
3868	Hawksmoor (entrance 5a Air Street)	First Floor 65 Regent Street London W1B 4EA	Monday to Saturday 09:00 - 02:30
7253	Le Meridien Piccadilly	Le Meridien Hotel 21 Piccadilly London W1J 0BH	Monday to Sunday 00:00 - 00:00

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 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Existing licence	26/10/15
5	Application form	26/10/15
6	Service and Acknowledgement	26/10/15
7	Plan	27/10/15
8	Public Health no representation	27/10/15
9	Public notice	27/10/15
10	Residents notification	29/10/15
11	LFEPA no representation	9/11/15
12	Environmental Health representation	18/11/15
13	Hearing notification	1/12/15
14	Police representation	2/12/15
15	Police conditions	2/12/15
16	Environmental Health conditions	9/12/15
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