



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	31 st August 2017
Licensing Ref No:	17/06988/LIPV - Premises Licence Variation
Title of Report:	Chez Antoinette The Piazza Covent Garden London
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 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 June 2017		
Applicant:	Chez Antoinette Limited		
Premises address:	Chez Antoinette The Piazza Covent Garden London	Ward:	St James's
		Cumulative Impact Area:	Yes
Premises description:	The premises currently operates as a sandwich bar serving food and drinks.		
Variation description:	<p>According to the application, the applicant is seeking to amended condition 14 of the existing licence so as to allow the consumption of alcohol off the premises to seated diners in the external seating area.</p> <p>Condition 14 reads:</p> <p>All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</p> <p>Proposed amendment:</p> <p>The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.</p>		
Premises licence history:	The premises currently benefits from a premises licence (Appendix 3) of the report		
Applicant submissions:	None		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales		Current :		Proposed:		
		Both		Both		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00	22:30			Basement Floor	No Change
Tuesday	12:00	22:30			Basement Floor	

Wednesday	12:00	22:30	No change	Basement Floor
Thursday	12:00	22:30		Basement Floor
Friday	12:00	22:30		Basement Floor
Saturday	12:00	22:30		Basement Floor
Sunday	12:00	22:30		Basement Floor

Playing of recorded Music						
Indoors, outdoors or both		Current :		Proposed:		
		Indoors		Indoors		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No change		Basement Floor	No Change
Tuesday	11:00	23:00			Basement Floor	
Wednesday	11:00	23:00			Basement Floor	
Thursday	11:00	23:00			Basement Floor	
Friday	11:00	23:00			Basement Floor	
Saturday	11:00	23:00			Basement Floor	
Sunday	11:00	23:00			Basement Floor	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No Change		Basement Floor	No Change
Tuesday	11:00	23:00			Basement Floor	
Wednesday	11:00	23:00			Basement Floor	
Thursday	11:00	23:00			Basement Floor	
Friday	11:00	23:00			Basement Floor	
Saturday	11:00	23:00			Basement Floor	
Sunday	11:00	23:00			Basement Floor	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Condition 14: All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.	Condition 14: The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	19 th July 2017
<p>I write in relation to the application submitted to Vary the Premises Licence for the above premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>We are concerned that the additional people in the cumulative impact area will lead to an increase in public nuisance. It is unclear from the application how many people will be able to use the external seating area so we would ask the applicant to update us with that information. CIP2 states that applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>If the applicant is able to specify the amount of outside seating there will be, we may be minded to withdraw our representation. We look forward to receiving additional information.</p>	
Responsible Authority:	The Environmental Health Service (withdrawn)
Representative:	Sally Fabbricatore
Received:	18 th July 2017
<p>I refer to the application for variation of a Premises Licence (14/04974/LIPN), issued under the Licensing Act 2003.</p>	

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

This representation is based on the Operating Schedule and the plan titled with the address and date 20/06/17.

The applicant is seeking the following on the **lower ground external area**:

To allow off sales to be consumed in the external area to seated diners. To amend condition 14 to now read: *The consumption of alcohol off the premises will be in sealed containers or by persons in the external seating area (as shown on the attached plans) and in accordance with the requirements of condition 11.*

I wish to make the following representation in relation to the above application:

1. The increase in capacity may cause an increase in Public Nuisance in the cumulative impact area.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.

The proposed conditions have been agreed by the applicant so the EH representation has been withdrawn.

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.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
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If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

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	
5	The Licensing Authority Representation	19 th July 2017
6	The Environmental Health Service Representation	18 th July 2017

Applicant Supporting Documents

Appendix 1

(None)

Appendix 2

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/04974/LIPN	Application for a new premises licence	29.07.2014	Granted under delegated authority

Temporary Event Notice

Application	Details of Application	Date Determined	Decision
11/04432/LITENN	Temporary Event Notice	11.05.2011	Notice Allowed

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.

Annex 2 – Conditions consistent with the operating Schedule

9. 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.
10. 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.
11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (v) do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

12. A Challenge 21 proof of age scheme will 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.
13. There shall be no self service of alcohol.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received 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.

16. When regulated entertainment takes place all external doors and windows to be kept closed save for immediate access and egress of persons.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
19. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
20. All external tables and chairs shall be rendered unusable after 23.00 hours Monday to Sunday.
21. The number of persons accommodated at any one time (excluding staff) shall not exceed 30 persons.
22. WC facilities shall be available on the lower floor of The Piazza for customer use, free of charge, at all times when the premises is open for business.

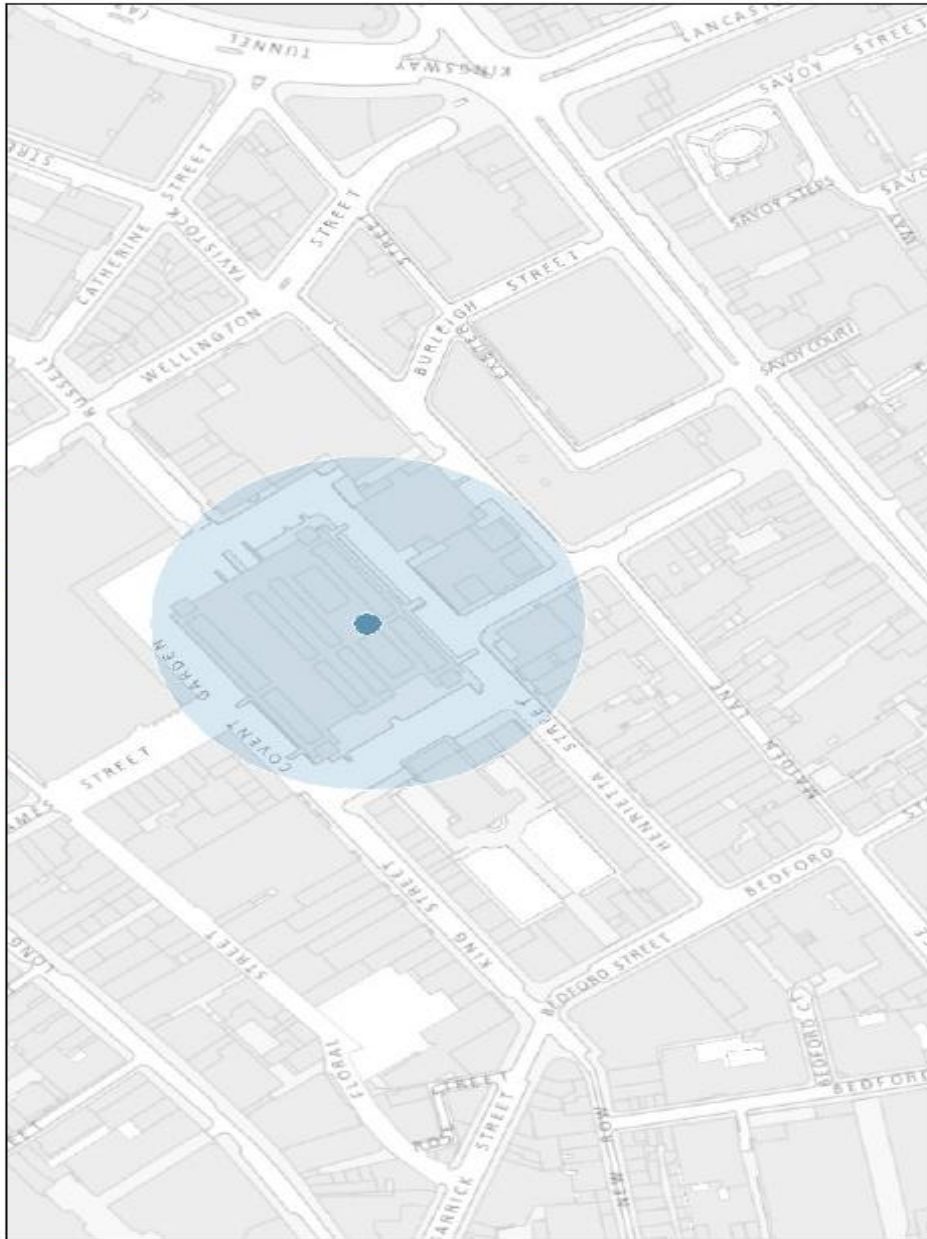
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Proposed Conditions by Environmental Health Service and agreed by Applicant

23. The number of persons accommodated at any one time (excluding staff) shall not exceed 24 persons internally, 6 persons immediately outside the premises and 16 persons in the hatched area for off sales.
24. The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.

Chez Antoinette The Piazza Covent Garden



August 18, 2017

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Resident Count: 48