

Report of: Service Director, Public Protection,

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	9 January 2013	B2	Clerkenwell

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
RE: Pizza Express, 26 Cowcross Street, London EC1M 6DQ
1. Synopsis

- 1.1 This is an application for the variation of a premises licence under the Licensing Act 2003.
- 1.2 The variation application is to:
 - i) Vary the layout plans of the premises. The main changes include removal of the lower ground floor from the licensed area and include the rear external seating area of the ground floor under the licence;
 - ii) To remove a condition of the licence which prohibits persons under 14 years being in the bar area;

2. Recommendations

- 2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.
- 2.2 If the Committee grants the application it should be subject to:
 - i) conditions of the current premises licence;
 - ii) conditions prepared by the Licensing Officer which are consistent with the Operating Schedule
 - iii) conditions recommended by responsible Authorities
 - iv) any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 The premises currently holds a licence to:

- i) Sell alcohol on the **ground floor** between 10:00 and 23:00, on Mondays to Saturdays, and between 12:00 and 22:30, on Sundays;
- ii) Sell alcohol on the **lower ground** between 10:00 and 00:00, on Mondays to Saturdays, and between 12:00 and 23:30, on Sundays (area to be removed from licence);
- iii) Provide late night refreshment to 00:30, on Mondays to Saturdays, and to 00:00, on Sundays;
- iv) Allow the playing of recorded music, 24 hours, 7 days a week;

3.2 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2a: name & address details of those persons making representations;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premise location.

3.3 The Licensing Authority has received 6 letters of representation from local residents. The Licensing Authority has also made a representation.

3.4 The premises is no longer trading as Pizza Express, and at the time of writing the premises is being refurbished as a branch of Byron Hamburgers. Both brands are owned by the Gondola Group.

4. Planning Implications

4.1 There are no apparent planning concerns raised by this licence variation application.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

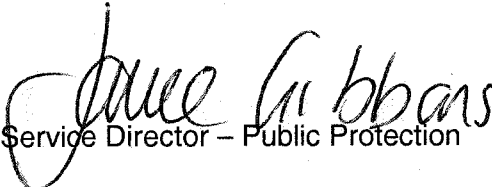
The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date 20/12/12

Received by

Date

Head of Scrutiny and Democratic Services

Report author: Simon Gallacher

Tel: 0207 527 3879

E-mail: simon.gallacher@islington.gov.uk

Islington London Borough Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

We PizzaExpress (Restaurants) Limited
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/3160-181111
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
PizzaExpress 26 Cowcross Street			
Post town	London	Post code	EC1M 6DQ

Telephone number at premises (if any)	020 7490 8025
Non-domestic rateable value of premises	£107,000.00

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	Hunton House Highbridge Estate Oxford Road
Post Town	Uxbridge
Postcode	UB8 1HU

Stamp: 8/11/12
 450.00
 5900.99
 0652009
 AF1

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

FROM THE DATE ON WHICH THE COUNCIL ARE NOTIFIED THAT THE WORKS HAVE BEEN COMPLETED

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note)

1) To vary the layout of the premises in accordance with the plans submitted by the applicant. Main changes are to include De-licensing Lower Ground Floor and Licence external seating area on Ground Floor. Moving the disabled toilet on the Ground floor to new position. Removal of beverage counter, new designed Theatre kitchen.

2) Removal of condition 2 under Annex 2 a)-d) which states:-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol 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 tables meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

The new legislation regarding children replaces this condition.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)			
Day	Start	Finish	Indoors	<input type="checkbox"/>		
Mon			Outdoors	<input type="checkbox"/>		
Tue			Both	<input type="checkbox"/>		
Wed			Please give further details here (please read guidance note 3)			
Thur						
Fri						
Sat						
Sun						
					State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
					Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	NO CHANGE				
Tue	NO CHANGE				
Wed	NO CHANGE		State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	NO CHANGE				
Fri	NO CHANGE				
Sat	NO CHANGE		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	NO CHANGE		NO CHANGE		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	NO CHANGE				
Tue	NO CHANGE		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	NO CHANGE				
Thur	NO CHANGE		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	NO CHANGE				
Sat	NO CHANGE				
Sun	NO CHANGE		NO CHANGE		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	NO CHANGE				
Tue	NO CHANGE		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed	NO CHANGE				
Thur	NO CHANGE		NO CHANGE		
Fri	NO CHANGE				
Sat	NO CHANGE				
Sun	NO CHANGE				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8) None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	NO CHANGE		
Tue	NO CHANGE		
Wed	NO CHANGE		
Thur	NO CHANGE		
Fri	NO CHANGE		
Sat	NO CHANGE		
Sun	NO CHANGE		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NO CHANGE

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Removal of condition 2 under Annex 2 a)-d) which states:-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol 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 tables meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

The new legislation regarding children replaces this condition.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
N/A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We have considered the impact of the proposed alterations and do not feel that there will be any increased risk. No further steps will be necessary to promote the licensing objectives and the existing measures will continue

b) The prevention of crime and disorder

See box a)

c) Public safety

See box a)

d) The prevention of public nuisance

See box a)

e) The protection of children from harm

See box a)

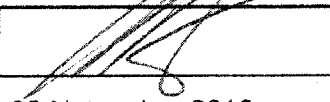
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	06 November 2012
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	n/a
Date	n/a
Capacity	n/a

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Emma Lamb
 Poppleston Allen Solicitors
 37 Stoney Street
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
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Telephone number (if any) 0115 9349193

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
 e.lamb@popall.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN/3160-181111		
Postal address of premises, or if none, ordnance survey map reference or description			
PIZZA EXPRESS 26 COWCROSS STREET			
Post town	London	Post code	EC1M 6DQ
Telephone number	020 7490 8025		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
To apply to Lower Ground Floor and Ground Floor:
The provision of regulated entertainment by way of:
<ul style="list-style-type: none"> • The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
Delete any that do not apply																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the playing of recorded music: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">00.00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">24.00</td> <td style="width: 45%;"></td> </tr> <tr> <td>Tuesday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> <tr> <td>Wednesday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> <tr> <td>Thursday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> <tr> <td>Friday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> <tr> <td>Saturday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> <tr> <td>Sunday</td> <td>00.00</td> <td>to</td> <td>24.00</td> <td></td> </tr> </table> • The provision of late night refreshment in: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">23.00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">00.30</td> <td style="width: 45%;">the following day</td> </tr> <tr> <td>Tuesday</td> <td>23.00</td> <td>to</td> <td>00.30</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>23.00</td> <td>to</td> <td>00.30</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>23.00</td> <td>to</td> <td>00.30</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>23.00</td> <td>to</td> <td>00.30</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>23.00</td> <td>to</td> <td>00.30</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>23.00</td> <td>to</td> <td>00.00</td> <td></td> </tr> </table> 	Monday	00.00	to	24.00		Tuesday	00.00	to	24.00		Wednesday	00.00	to	24.00		Thursday	00.00	to	24.00		Friday	00.00	to	24.00		Saturday	00.00	to	24.00		Sunday	00.00	to	24.00		Monday	23.00	to	00.30	the following day	Tuesday	23.00	to	00.30	the following day	Wednesday	23.00	to	00.30	the following day	Thursday	23.00	to	00.30	the following day	Friday	23.00	to	00.30	the following day	Saturday	23.00	to	00.30	the following day	Sunday	23.00	to	00.00	
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• The sale by retail of alcohol:

Monday	10.00	to	00.00	the following day
Tuesday	10.00	to	00.00	the following day
Wednesday	10.00	to	00.00	the following day
Thursday	10.00	to	00.00	the following day
Friday	10.00	to	00.00	the following day
Saturday	10.00	to	00.00	the following day
Sunday	12.00	to	23.30	

Except on:

Good Friday: 12.00 to 23.30

Christmas Day: 12.00 to 23.30 hours in the designated area

New Year's Eve, except on a Sunday: 10.00 until the time authorised on the following day

New Year's Eve on a Sunday, 12.00 until the time authorised on the following day.

If there are no permitted hours on the following day, midnight on the 31st December

The opening hours of the premises: Not Specified

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

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Pizza Express (Restaurants) Ltd
Hunton House
Highbridge Estate
Oxford Road
Uxbridge
Middlesex
UB8 1HU
Telephone: 0845 389 9489

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

2805490

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

Fernando Rocha
5 Rectory Court
Woodhouse Road
London
E11 3ND

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

Z01N1158WO/1 Waltham Forest

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Janet Gibbons

Service Manger - Commercial

13/12/11

Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

In this condition, 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (1) 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
 - (2) 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - 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;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (1) the outcome of a race, competition or other event or process.
or
 - (2) the likelihood of anything occurring or not occurring;
 - e) 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.
6. The responsible person shall ensure that no alcohol is dispensed 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).

7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

9. The responsible person shall 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:
 - (1) beer or cider: ½ pint;
 - (2) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (3) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to 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 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; or
 - 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; or
 - 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.

2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol 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.

3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
Children and Young Persons Act 1933
Cinematograph (Safety) Regulations 1955
Sporting Events (Control of Alcohol Etc) Act 1985
5. Alcohol may be sold or supplied 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 on the Ground Floor the permitted hours for the sale or supply of alcohol shall be one hour less than the terminal hour specified above; in such circumstances there shall be no sale or supply of alcohol between 15.00 and 19.00 on Christmas Day.
6. Substantial food shall be available at all time whilst the premises is open to the public.
7. Alcohol shall only be sold to persons seated at tables by waiter/waitress service (except when pre booked for private parties)

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

Nil

Annex 4 – Plans

Reference Number: 061 Date: 06/05/05



Premises Licence Summary

Licensing Act 2003

Premises licence number LN/3160-181111

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**PIZZA EXPRESS
26 COWCROSS STREET**

Post town	London	Post code	EC1M 6DQ
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Telephone number	020 7490 8025
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Where the licence is time limited the dates

Not Applicable

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the playing of recorded music:

Monday	00.00	to	24.00
Tuesday	00.00	to	24.00
Wednesday	00.00	to	24.00
Thursday	00.00	to	24.00
Friday	00.00	to	24.00
Saturday	00.00	to	24.00
Sunday	00.00	to	24.00

- The provision of late night refreshment in:

Monday	23.00	to	00.30	the following day
Tuesday	23.00	to	00.30	the following day
Wednesday	23.00	to	00.30	the following day
Thursday	23.00	to	00.30	the following day
Friday	23.00	to	00.30	the following day
Saturday	23.00	to	00.30	the following day
Sunday	23.00	to	00.00	

• The sale by retail of alcohol:

Monday	10.00	to	00.00	the following day
Tuesday	10.00	to	00.00	the following day
Wednesday	10.00	to	00.00	the following day
Thursday	10.00	to	00.00	the following day
Friday	10.00	to	00.00	the following day
Saturday	10.00	to	00.00	the following day
Sunday	12.00	to	23.30	

Except on:

Good Friday: 12.00 to 23.30

Christmas Day, 12.00 to 22.30 hours in the designated area

New Year's Eve, except on a Sunday: 10.00 until the time authorised on the following day

New Year's Eve on a Sunday, 12.00 until the time authorised on the following day.

If there are no permitted hours on the following day, midnight on the 31st December

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

On supplies

Name, (registered) address of holder of premises licence

Pizza Express (Restaurants) Ltd
Hunton House
Highbridge Estate
Oxford Road
Uxbridge
Middlesex
UB8 1HU
Telephone: 0845 389 9489

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

2805490

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

Fernando Rocha

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

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 1 of annex 2 of this licence.

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over.

No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

RED LINE DENOTES LICENSABLE AREA

- 3 hr maintained exit legend
- 3 hr maintained exit light & legend
- 3 hr non-maintained recessed light
- 3 hr non-maintained surface light
- 3 hr non-maintained recessed LED light
- 3 hr maintained external light
- 3 hr non-maintained flood light
- Fire fighting equipment
- PIR
- Fire Alarm Panel
- Magnetic Door Hold
- Manual Call Point
- Heat Detector
- Smoke Detector
- Indicator For Void Detector
- Indicator Void Detector
- Sounder
- Zenon Beacon
- Danesh Soudier Bases

NOTE: The current location of fire safety equipment is shown in this drawing. It is the responsibility of the client to ensure that the equipment is installed in the correct location and that the equipment is maintained in accordance with the fire code.

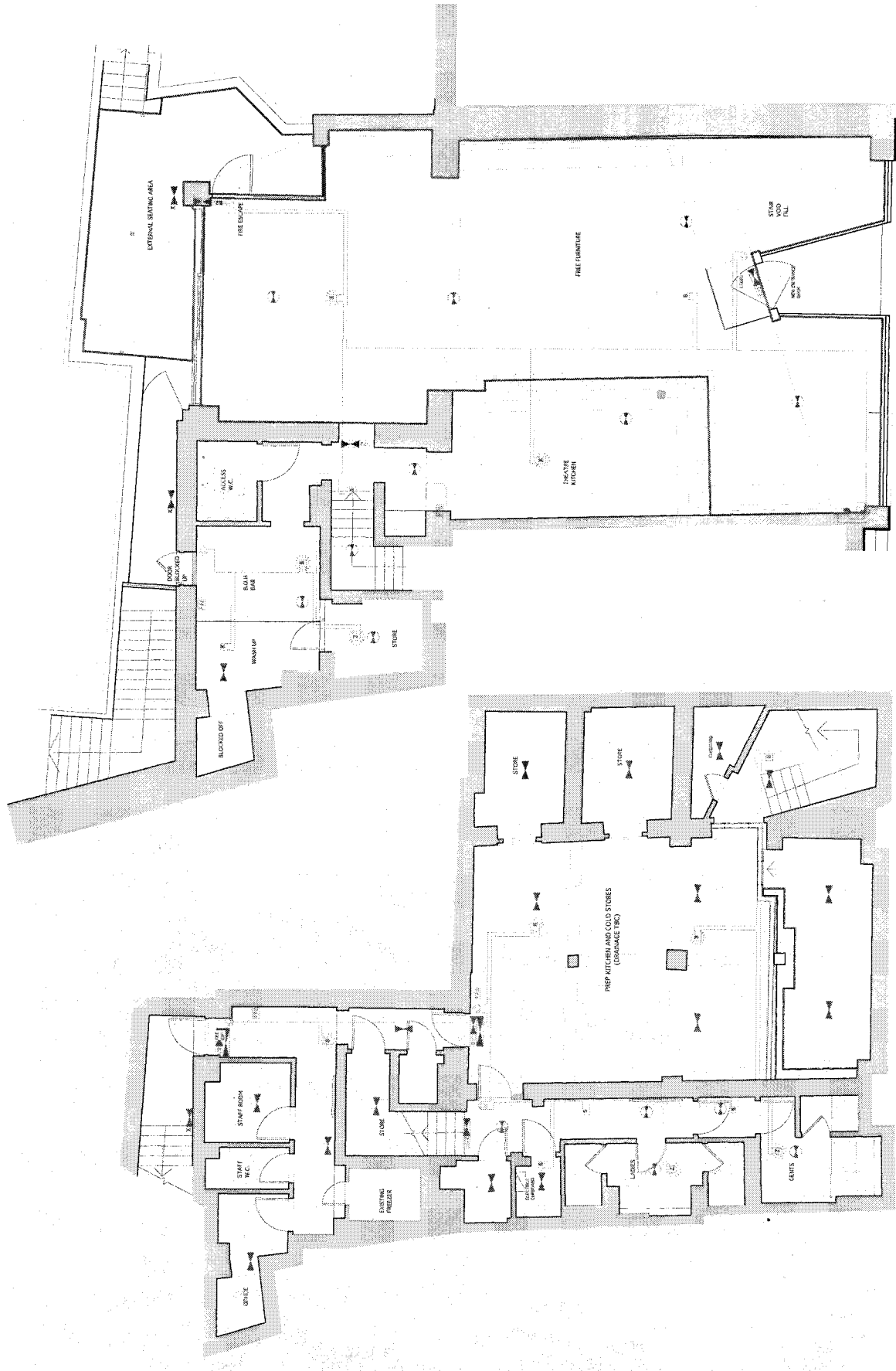
REVISIONS

No.	Description	Date
A	06/12/2012 GA/UP/DAT	

Michaelis Boyd Associates Ltd
 108 Palace Gardens Terrace, London W8 4RT
 T +44(0)20 7221 1237 F +44(0)20 7221 0130
 michaelisboyd.com

Client: Byron	Date Created: 12/10/26
Project: 26 Concorse Street, London, ECM 800	Revision Date: 12/12/03
Drawing Title: Proposed Ground & Basement Plan - License	Drawing No.: 12007/801
Scale: 1:50 @ A1	Checked by: A

DO NOT SCALE FROM DRAWING. ALL DIMS TO BE CHECKED ON SITE. REPORT OMISSIONS AND DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.



PROPOSED GROUND PLAN 1:50 @ A1

PROPOSED BASEMENT PLAN 1:50 @ A1

Rep (1)

Fitzsimons, Aiden

From: [REDACTED]
Sent: 06 December 2012 20:47
To: Licensing
Subject: LICENSING ACT 2003 - RE PIZZA EXPRESS 26 COWCROSS ST EC1M

I wish to object to one of the variations proposed to the premises licence, namely the proposal to include the external seating area at the rear of the premises under the licence. My objection is on the grounds of prevention of nuisance.

I live in an apartment in City Pavilion that faces onto the outdoor area at the rear of Pizza Express. The apartment is directly above this area. The outdoor area is narrow and has hard bare surfaces that direct noise upwards and magnify it. When people are gathered in this area the noise is very intrusive and can be heard even though double glazing and above that of television or radio at normal volume.

To permit the consumption of alcohol outside will encourage noise and if permitted to midnight will destroy any possibility of sleep before then and will make life intolerable.

Yours sincerely

Rep 2

-----Original Message-----

From:

Sent: 01 December 2012 20:53

To: Licensing

Subject: Simon gallacher-WK/12136612

I am writing to complain/express serious concerns for the above application-although put in by pizza express-is for a BYRON restaurant. So where does that leave us legally?

We live on top/next door to this so are immediately very affected by it (including very noisy works on the refit anyway happening right now-never got notice of this from islington?).

I am slightly confused by the license new demands anyway. So my questions are

What is now happening on the lower ground floor?

I am very against further external seating on the piazza-we are already fighting the noise and parties on a bigger level across the whole piazza (alongside our freeholder Paul Cooke-who is separately talking to council)-so this contradicts all conversations so far...

The piazza must be cleared of all tables and chairs that have to come INSIDE the building by 11pm (agreed with noisy sports bar and grill opposite) in our efforts to stop the echo chamber getting any noisier-and us trying to get SOME sleep

So we must stop any licence allowing for drink/food outside after the above time-if not earlier during the week. So please clarify asap the intended situation-before we take this further?

Is the place turning into a bar-as well as a restaurant-not clear?

I await a detailed report back from yourself

Ref 3

Fitzsimons, Aiden

From: [redacted]
Sent: 22 November 2012 17:26
To: Licensing
Subject: Ref. 12136612 - Application for Licence variation - Pizza Express, Cowcross Street

Dear Mr. Gallacher

I write as a resident of [redacted] in the City Pavilion apartment building directly opposite the rear of the Pizza Express establishment which has applied for the above licence variation.

While I have no objection to the changes proposed to the interior of the establishment, I feel that I must object in the strongest terms to the proposal to include the external seating area at rear of the premises under the licence. I would make the following points:

1. If that area is not currently licensed, then the management have been ignoring that fact and have been serving alcoholic beverages in the same way as inside the establishment. This creates a very real level of disruptive noise pollution which can and, from time to time, does spoil the amenity value of my property – loud voices, chinking of bottles & glasses etc.
2. I would be concerned that to extend the licence formally to include this area would only serve to exacerbate this problem.
3. Such an extension would also be inconsistent with the sensible restrictions imposed on the sports bar immediately below the City Pavilion building, which places a requirement on the management of that establishment to close its shutters at 21.00 and to require patrons to drink inside the establishment.
4. The issue of the problems caused by the number of alcohol-serving establishments in Farringdon is already known to the Licensing Team, hence the Special Policy status awarded. No useful social purpose will be served by extending the outdoor licensing at the Pizza Express establishment. The only benefit will be financial gain by the Pizza Express company.

If you would like any clarification on the content of this objection, please feel free to call me on [redacted]

Yours sincerely,

Rep 4

Fitzsimons, Aiden

From:
Sent: 23 November 2012 10:53
To: Licensing
Subject: 26 Cowcross Street - New premise license application

To Whom It May Concern,

It's not often that I write to Islington Council. All in all, I feel you do an excellent job around Farringdon. Nevertheless, when I received a letter on my doorstep informing me about the proposed variations to the premises license of 26 Cowcross Street (formerly Pizza Express), I was so incensed that I felt the need to submit a written representation; as I'm rightfully entitled to do under the Licensing Act of 2003.

My main qualm with this proposed variation is with the request to 'include external seating area at rear of the premises under license'. In the light of recent local events, I'm shocked and outraged that such a variation could even be considered. Just last August, I seem to remember that the Sports Bar and Grill (19-25 Cowcross St), which also sought permission to use its outdoor space late into the night, dropped its application after a deluge of complaints from nearby residents. These residents, including myself, complained that an increase in hours would make a bad situation worse by increasing the amount of noise, anti-social behavior and nuisance. My bedroom looks over the courtyard, where both outside areas are situated, so I know from first-hand experiences that the above takes place and that it is already at an unacceptable, if not intolerable level.

In many ways, this premise licensing application is no different to the Sports Bar and Grill's. Firstly, the premise falls within a special policy area. Secondly, the outside area of this premise is in close proximity to many residential properties- many of which contain children. Thirdly, it is seeking to permit people to drink outside and drink for longer. Therefore, I fail to see how the proposed activities (as contained in this letter) would not create similar problems and have a negative impact on the area.

I love the Farringdon area including its many restaurants and bars. However, the number of bars in Farringdon has now become a poisoned chalice for the area. Drink related incidents have not only increased in number but also in severity. The tragic stabbing of Nicholas Henry in June was testament to this. Therefore, I would strongly recommend that the Licensing team reject this proposal without hesitation. Only then can Islington Council claim that they prioritize the interests of their community and are taking a 'tough stance' on alcohol.

Yours Sincerely,

P.S I was under the impression that a 'Bryon Burger' was replacing Pizza Express but this application sounds like a new bar is entering the area. Is this the case?

Licensing Act 2003- Representation from the Licensing Authority
Application: PIZZA EXPRESS COWCROSS ST LONDON EC1

I am submitting a representation on behalf of the Licensing Authority in respect of this variation application. My representation is concerned with that part of the application which relates to the permission to use the external seating area for licensable activities:

- Mondays to Saturdays until 12.30am
- Sundays until midnight

The recommendation contained in this representation is consistent with the Licensing Policy Statement for 2011-2014 which was agreed by Council in December 2010 following full public consultation.

The premise is located in the Clerkenwell Cumulative Impact and **Licensing Policy 27** states:

"The Licensing Authority has adopted a special policy relating to cumulative impact in relation to the south Clerkenwell Area. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact".

The Licensing Authority is concerned that if this application is granted to permit the use of the external area it will add to the cumulative impact in terms of public nuisance which already exists in this area.

The external seating area is located to the rear of the premises and this area is overlooked by a considerable number of residential premises. Although the number of residents who have responded to this application may only constitute a small percentage of the number of residents that could be adversely effected by the premises feedback from a residents survey in the area over two years ago indicated that residents were very concerned about the level of noise and disturbance arising from licenced premises.

The application form does not identify any additional measures that are necessary to promote the licensing objectives but in my opinion permitting licensable activities in the external seating area until 12.30am will add to the cumulative impact and undermine the licensing objective to prevent public nuisance. The applicant has not demonstrated why the operation of the premises will not add to the cumulative impact.

Licensing Policy 20 outlines the Licensing Authorities policy in relation to smoking, drinking and eating outside:

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, drinking or eating outside, users can cause nuisance.

Where outside facilities are provided, the Licensing Authority expects applicants to provide details in their application:

- of the location of outside areas to be available for use, and
- how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public.

Where the Licensing Authority receives relevant representations that relate to the licensing objectives, or where a responsible authority or an interested party seeks a review, the Licensing Authority will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective

In order to promote the public nuisance licensing objective it is recommended that consideration be given to restricting the licensable activities in the external area by:

- Permitting the sale of alcohol and the provision of recorded music until 9pm Mondays to Sunday.
- Prohibiting the use of the external area for late night refreshment (which is licensable after 11pm)

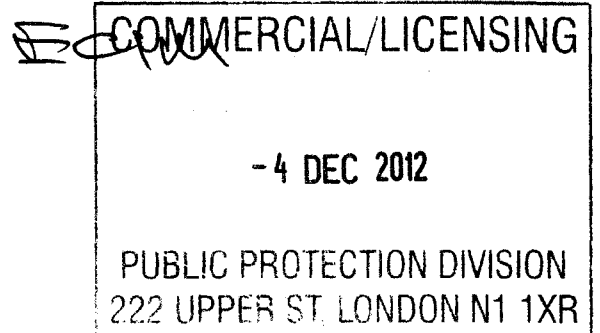
I also strongly recommend that the applicant, in the spirit of acting as a good and responsible neighbour, gives consideration to refraining from using the external area for all activities beyond 9pm.

Janice Gibbons
Service Manager (Commercial)
Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
T: 020 7527 3212
E: janice.gibbons@islington.gov.uk

5 December 2012

Simon Callaghan
licensing officer
222 Upper Street,
London
N1 1XR

Apartment ^{Rep(6)}
33 Zetter St
London



Dear Mr Callaghan,

re: Pizza Express application for
a private licence variation
@ 26 Cavendish Street.

I am writing to object to
this application.

We already have a noise &
nuisance issue in the courtyard
to add to the noise level
which at present is not being
controlled, would make life
very difficult for all in the
building.

As much as good intentions

2

Here is the reality, in the experience of life building, is far different.

We are forever being woken by loud voices, the clinking of glasses and dishes far later than existing 9pm curfew.

Another participant in the mix would cause huge disturbance, more so than ever, and would lower the quality of life in the evening.

As residents we already have a random factor of late night visitors in the courtyard broken bottles meet us and our kids most Saturday + Sunday mornings - this is rolling to

do with the ²cramped points
however an extension of licensing
hours surely would only
invite others to the courtyard
as a drinking, late night
party area.

Yours Sincerely

Ref 7

COMMERCIAL/LICENSING
- 4 DEC 2012
PUBLIC PROTECTION DIVISION
222 UPPER ST. LONDON N1 1XR

Simon Gallacher
Licensing Officer
Public Protection Division
222 Upper St, London N1

33 Betterton St
London EC1M 5UG
2/12/12

Dear Simon,
Licensing Act 2003. Application for a premises
licence variation

re Pizza Express 26 Cowcross Street EC1M

I am writing to object
to the variation on the grounds that
I view it as an extension to the
nuisance caused by the licensed
premises in the courtyard. Specifically
the variation "to include external seating area
at the rear of the premises under licence".
Were this to be granted the nuisance
in the courtyard from noise would
escalate so it must be limited.

The Bar & Grill are limited to using
their outside area after 9 pm and
it has to be dismantled I understand.
This is not happening at the moment as
the umbrellas are left up after 9 pm
and drinkers with their glasses congregate
there largely smoking. This should be
stopped.

Pizza Express are a
good company but this attention to
use the outdoor area should be
stopped or at least limited to 9 pm
and this should be monitored as
for the Bar & Grill.

Yours sincerely

Suggested conditions of approval recommended by Licensing Authority

1. The sale of alcohol and the provision of recorded music shall be restricted to no later than 9pm in the external area on any day.
2. The external area shall not be used for late night refreshment.

