



LICENSING (HEARING) SUB COMMITTEE

Date: FRIDAY, 15 NOVEMBER 2013

Time: 2.30 pm

**Venue: COMMITTEE ROOM 3 -
CTTEERM3ROOMS, 2ND FLOOR, WEST
WING, GUILDHALL**

**APPLICANT:
PEONY CLUB LIMITED**

**PREMISES:
PEONY, 46 GRESHAM STREET, LONDON,
EC2V 7AY**

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LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.¹
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

¹ In hearings where a licence is being reviewed, references in this procedure to 'applicant' should be read as references to the licence holder and references to 'those making representations' should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

Committee(s): Licensing Sub-Committee	Hearing Date(s): 15 Nov 2013	Item no.
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence		
Name of Premises: Peony Address of Premises: 46 Gresham Street		
Report of: Director of Markets and Consumer Protection	Public / Non-Public	
Ward (if appropriate): Cheap		

1 Introduction

- 1.1 To consider and determine, by public hearing, the application to vary a premises licence under the Licensing Act 2003, taking into account the representation of other persons detailed in paragraph 5 and the policy considerations detailed in paragraph 6 of this report.

- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

2 Summary of Application

- 2.1 An application made by:
 - Peony Club Limited
 - 46 Gresham Street
 - EC2V 7AY

was received by the City of London Licensing Authority on 20 September 2013 to vary a premises licence in respect of the premises:

Peony
 46 Gresham Street
 EC2V 7AY

- 2.2 The application seeks to extend the terminal hour for the sale of alcohol and recorded music to 03:00 and add the licensable activities of Live Music and Performance of Dance. (The terminal hour for Late Night Refreshment is being reduced from 05:00 to 03:00). The application also seeks to vary the premises layout in accordance with the plans referred to in paragraph 7.1. The application is also looking to remove the sole condition currently on the licence which requires that alcohol is only sold to persons sitting down eating a meal, and for consumption with that meal.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 10:00 – 00:00 Sun 12:00 – 23:30	Mon-Sun 10:00 – 03:00
Live Music, Recorded Music, Performance of Dance, Anything similar to above	Mon-Sat 10:00 – 00:00 Sun 12:00 – 23:30 (Recorded Music Only)	Mon-Sun 10:00 – 03:00
Late Night Refreshment	Mon-Sat 23:00 – 05:00 Sun 23:00 – 05:00	Mon-Sun 23:00 – 03:00

The sale of alcohol is for both on and off sales.

In addition, the application seeks to extend the terminal hour for licensable activities on New Year’s Eve to the commencement of licensable activities the following day. (With the exception of Late Night Refreshment which is to 05:00 on New Year’s Eve).

- 2.3 The Operating Schedule submitted by the applicant suggests a number of further steps intended to be taken in order to promote the four licensing objectives. A number of these can be deemed as conditions consistent with the operating schedule and as such could be added to the licence. These conditions can be seen as Appendix 4.

In addition to the mandatory conditions, another condition attached to the premises licence is currently still valid. This condition has been on the licence since it was granted in 2012 and can be seen as Appendix 3.

- 2.4 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedule to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.5 Full details of the application are contained in a copy of the Application Form at Appendix 1.

3 Licensing History of Premises

- 3.1 A justices' licence was converted in 2005 to the licence holder Rosebase Ltd trading as Tokyo City Restaurant. Rosebase went into liquidation in 2011 and the licence lapsed.
- 3.2 A new premises licence was granted in September 2012 to Champion Cuisine trading as Peony. The licence was transferred to Peony Club Ltd in May 2013.
- 3.3 The current premise licence can be seen as Appendix 2.

4 Representations from Responsible Authorities

- 4.1 There has been one representation from the City of London Police Licensing Team. The representation is against the application on the basis that there is a likelihood for crime and disorder and public nuisance. The representation is attached in full as Appendix 5.

5 Representations From Other Persons

- 5.1 There have been no representations from other persons.

6 Policy Considerations

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.

City of London Corporation's Statement of Licensing Policy

- 6.2 The following sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.

Paragraph 50 states an overriding policy principle namely, that each application will be decided on its individual merits, with the process complying with the regulations made under the Licensing Act 2003.

Paragraphs 51-54 state the Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

Paragraph 59 - addresses the need to strike a fair balance between the desires and expectations of operators and the benefits to the community of licensed venues with the reasonable expectations of local residents and workers not to be disturbed during night time hours.

Paragraph 66 introduces a number of relevant matters to be considered by the City Corporation when assessing the likelihood of a particular licensable activity causing an unacceptable adverse impact.

Paragraph 84 states that it is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

Statutory Guidance

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised June 2013):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.18 states that it is, '...important that in considering the promotion of [the public nuisance licensing objective, licensing authorities] focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.'

Chapter 9, paragraphs 9.27 to 9.40, covers the determination of applications at a hearing. Of particular note is paragraph 9.39 which states, ‘The [*licensing*] Authority’s determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve’.

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, ‘Conditions should be determined on a case-by-case basis and standard conditions which ignore these individual aspects should be avoided.’ Also, ‘Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.’

7 Map and Plans

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 6. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises. A copy of the current plans and those proposed can be seen as Appendices 7(i) and 7(ii) respectively.

8 Summary

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998.

9 Options

- 9.1 The Sub-committee must, having regard to the representation, take such of the following steps as it considers appropriate and necessary for the promotion of the licensing objectives:
- i) modify the conditions of the licence; or
 - ii) reject the whole or part of the application

Any determination by the licensing sub-committee will not have effect until the end of 21 days following notification of the decision to the applicant by the licensing authority or, in the event of an appeal to the

Magistrates' Court against the Sub-Committee's decision, the determination of the appeal

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of a premises licence in accordance with paragraph 9 of this report.

Prepared by P Davenport, Licensing Manager
peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2013)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – 'June 2013 - Amended Guidance Issued Under Section 182 Of The Licensing Act 2003'.		https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2.pdf
Premises file	MCP	5th Floor Walbrook Wharf

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.


I/We Peony Club Limited

(Insert name(s) of applicant)

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 [REDACTED]
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Peony, 46 Gresham Street			
			
Post town	London	Postcode	RECEC2VF7AY

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	[REDACTED]

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

[Type text]

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<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 internal layout of the premises (no overall increase in size of premises) as per the enclosed plans

To extend the hours for licensable activities and remove certain conditions from the licence

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:

[Type text]

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 all that apply

- 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

[Type text]

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

[Type text]

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

[Type text]

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed				
Thur				
Fri				
Sat				
Sun				

[Type text]

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)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

[Type text]

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 checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	10:00	03:00						
Tue	10:00	03:00						
Wed	10:00	03:00				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10:00	03:00						
Fri	10:00	03:00	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)					
Sat	10:00	03:00						
Sun	10:00	03:00	The terminal hour on New Year's Eve shall be the start of hours for licensable activities on New Year's Day					

[Type text]

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 checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	10:00	03:00						
Tue	10:00	03:00						
Wed	10:00	03:00				State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	03:00	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)					
Fri	10:00	03:00						
Sat	10:00	03:00	The terminal hour on New Year's Eve shall be the start of hours for licensable activities on New Year's Day					
Sun	10:00	03:00						

[Type text]

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10:00	03:00			
Tue	10:00	03:00			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	10:00	03:00			
Thur	10:00	03:00			
			<u>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</u> (please read guidance note 5)		
Fri	10:00	03:00			
			The terminal hour on New Year's Eve shall be the start of hours for licensable activities on New Year's Day		
Sat	10:00	03:00			
Sun	10:00	03:00			

[Type text]

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 checked="" type="checkbox"/>
Mon	10:00	03:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	03:00	Please give further details here (please read guidance note 3)		
Wed	10:00	03:00			
Thur	10:00	03:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10:00	03:00			
Sat	10:00	03:00	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	10:00	03:00	The terminal hour on New Year's Eve shall be the start of hours for licensable activities on New Year's Day		

[Type text]

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	03:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23:00	03:00			
Wed	23:00	03:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	03:00			
Fri	23:00	03:00	<u>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</u> (please read guidance note 5) The terminal hour on New Year's Eve shall be 05:00		
Sat	23:00	03:00			
Sun	23:00	03:00			

[Type text]

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" 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	10:00	03:00			
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			
			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)		
			The terminal hour on New Year's Eve shall be the start of hours for licensable activities on New Year's Day		

K

<p>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).</p> <p>None</p>

[Type text]

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) <u>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</u> (please read guidance note 5) The terminal hour on New Year's Eve shall be the start of opening hours on New Year's Day
Day	Start	Finish	
Mon	10:00	03:30	
Tue	10:00	03:30	
Wed	10:00	03:30	
Thur	10:00	03:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	10:00	03:30	

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.

Annex 2 Conditions on current licence

[Type text]

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

[Type text]

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 and e) (please read guidance note 9)

As per existing licence

b) The prevention of crime and disorder

1. The premises licence holder shall advise the Police of any promoted event* that is to take place at the premises by completing a Risk Assessment form provided by the Police and submitting this to the City of London Police Licensing Office, and the Metropolitan Police SCD9 Unit, at least 14 days before the event. A further debrief form provided by the Police must be completed by the premises licence holder and submitted to the Police not more than seven days after the event. The Police have absolute veto on promoted events categorised as high risk.

** A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 11.00 pm and 7.00 am by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public*

2. When promoted events are held door supervisors shall be employed on a ratio of 1:75 patrons. At least one member of the door staff shall be female. A register shall be maintained on the premises in which the full name, SIA licence number and signature of all door supervisors shall be recorded. The register shall be readily available for inspection by the Police and the Licensing Authority.

3. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

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

5. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice. When door staff are implemented it will be a minimum of 2 SIA door staff

[Type text]

c) Public safety

As per existing licence

d) The prevention of public nuisance

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

e) The protection of children from harm

as per existing licence

Checklist:

Please tick to indicate agreement

- 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	
-----------	---

[Type text]

Date	19.9.13
Capacity	Solicitors and agents for 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	
Date	
Capacity	

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

Philip Somarakis
Davenport Lyons Solicitors

Post town		Post code	
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

[Type text]

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, each of the 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.

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**Licensing Act 2003
Section 24
Premises licence**

Trading Standards (Licensing Section), City of London
PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

--

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Peony, 46 Gresham Steet	
Post town London	Post code EC2V 7AY
Telephone Number [REDACTED]	

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales, Recorded Music, Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol Sales, Recorded Music

Sunday	12:00 - 23:30	-
Monday	10:00 - 00:00	-
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	-

Late Night Refreshment

Sunday	23:00 - 05:00	-
Monday	23:00 - 05:00	-
Tuesday	23:00 - 05:00	-
Wednesday	23:00 - 05:00	-
Thursday	23:00 - 05:00	-
Friday	23:00 - 05:00	-
Saturday	23:00 - 05:00	-

The opening hours of the premises

Sunday	12:00 - 23:30
Monday	10:00 - 00:00
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

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

On & Off the Premises

Part 2

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

Peony Club Limited
46 Gresham Street
London
EC2V 7AY

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

██████████

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

Mr. Chung Lep Mak

██████████
██████████
██████████

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

██████████ - London Borough of Brent

Date granted 22nd September 2012

Latest amendment 2nd May 2013

Director of Environmental Services

Appendix 3

Current Conditions consistent with the Operating Schedule

1. Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

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Peony – 46 Gresham Street

Possible new conditions consistent with the operating schedule

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested.

2. On any occasion that regulated entertainment is provided, not less than one door supervisor for every 75 customers shall be engaged to control entry.

3. The premises licence holder shall advise the Police of any promoted event* that is to take place at the premises by completing a Risk Assessment form provided by the Police and submitting this to the City of London Police Licensing Office, at least 14 days before the event. The debrief part of that form must be completed by the premises licence holder and submitted to the Police not more than seven days after the event.

** A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.*

4. All doors and windows shall remain closed after 21:00 hours and at all times during the provision of regulated entertainment save for access or egress or in the event of an emergency.

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Tel: [REDACTED]
Fax: [REDACTED]

30th September 2013

Peter Davenport
Principal Licensing Officer
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

Dear Mr Davenport,

Peony, 46 Gresham Street, London, EC2V 7AY
Variation – Hours and Conditions

Police object to the variation as we believe it could undermine the Crime Prevention Objective. The potential for Crime and Disorder and Public nuisance is significant with the anticipated business plan.

From the Crime & Disorder section, there is a clear statement of intention to use the venue for Promoted Events. Our concern that the venue moves from daytime restaurant business to one which might reasonably be described as a Night Club is a leap too far.

The venue does not lend itself well to that type of enterprise. The floor space is very small and the potential for unrest increases in these circumstances. The small pavement will cause queue problems. The search requirement will introduce delays and increase the potential for customer unrest and associated disorder, notwithstanding the fact that there is little or no room to search in any case.

It is difficult to envisage a situation where restaurateurs can successfully move to a position of nightclub owners; especially in light of the type and size of the premises. Dancing normally features at Promoted Events and again the size of the venue (even with alterations) suggests that patron close proximity with movement is another recipe for disquiet.

A suggested condition to be applied to the licence that would assist in promoting the licensing objectives: No Promoted Events may be held on the premises. " A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public"

I refer now to sections E, F, G and H and the non standard timings relating to New Years Eve. The traditional position of New Years Eve (in the City of London) has moved on from being merely an annual celebration to its current position of a major public order event for police, with all the planning and resourcing that entails. As any additional premises requirements can be satisfied with the use of a Temporary Event Notice, which determines the timings and nature of any event/extension to normal trading;

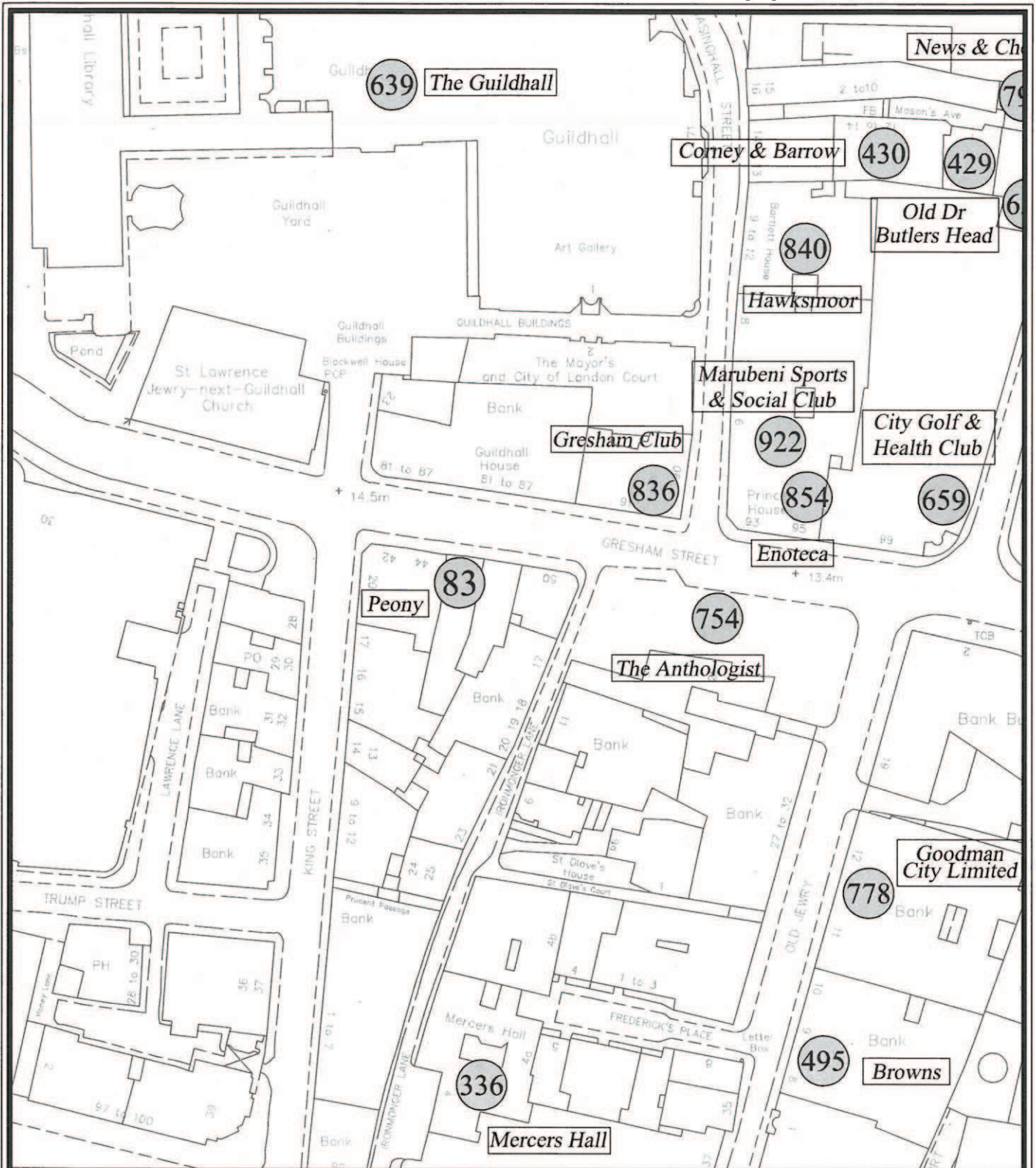
***A suggested alteration that would assist in promoting the above objectives:
Delete the phrase 'The terminal hour on New Years Eve shall be the start of hours for licensable activities on New Years Day' from sections E, F, G and H***

Yours sincerely,

[REDACTED]

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Appendix 6



Address :

Peony (ref 83),
46 Gresham Street,
London, EC2V 7AY.

PLAN PREPARED BY THE CARTOGRAPHIC
 CAD & RESEARCH SECTION OF THE
 CONSTRUCTION PROJECTS DIVISION
P.G.Bennett, MA (Cantab) FRICS
City Surveyor

CITY SURVEYOR'S DEPARTMENT
 Tel : 020 7332 1507



**CITY
 OF
 LONDON**

**MARKETS AND CONSUMER
 PROTECTION**
*Environmental Health and Public Protection
 Section*

**PO BOX 270, GUILDHALL,
 LONDON, EC2P 2EJ.**
 Tel : 020 7332 3227 Fax : 020 7332 3536

Print Scale :
1 : 1 @ A3

 Date :
Oct 2013

 Drawn by :
M.J.B.

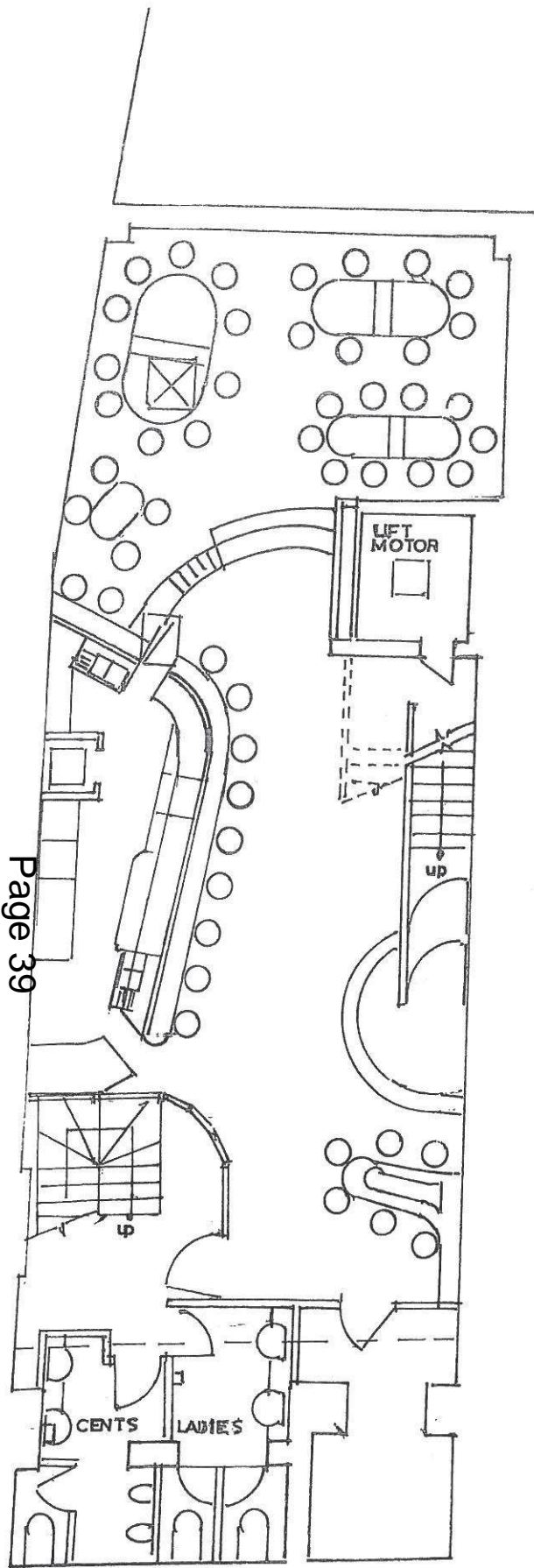
Scale 1:750

Drawing No :
5-C-37595

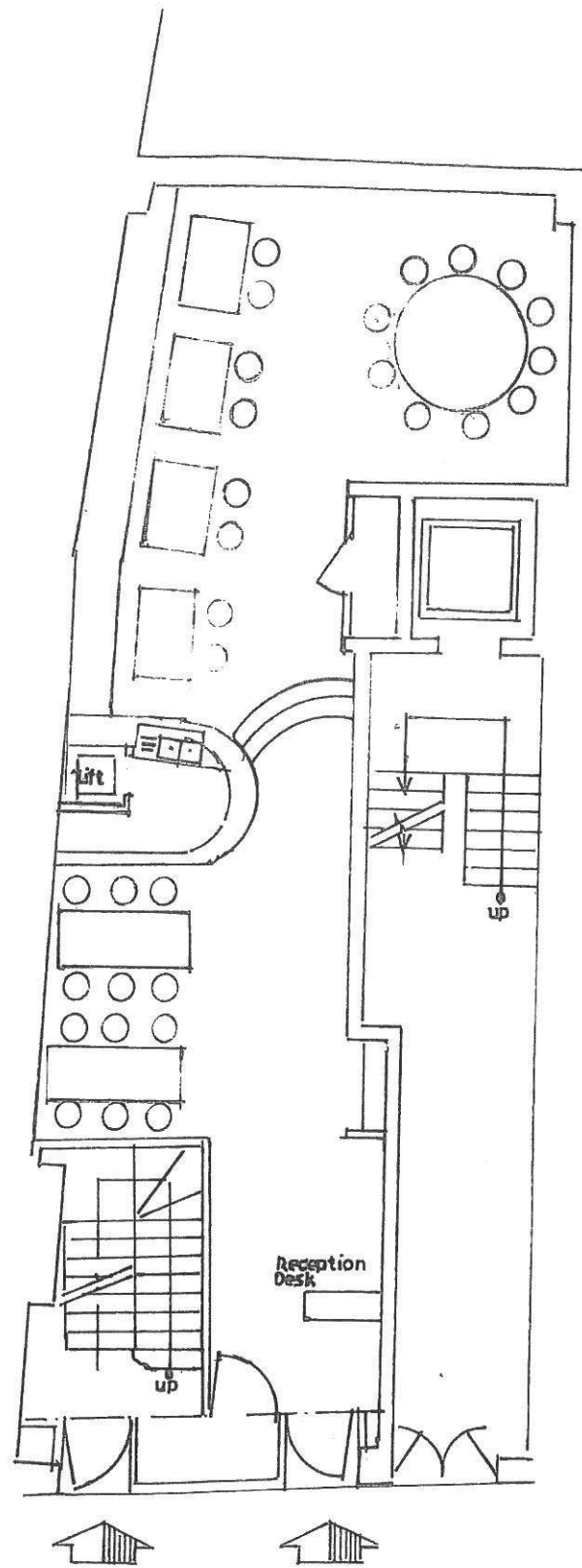
Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of London 100023243 2012

Peony, 46 Gresham Street, London, EC2V 7AY

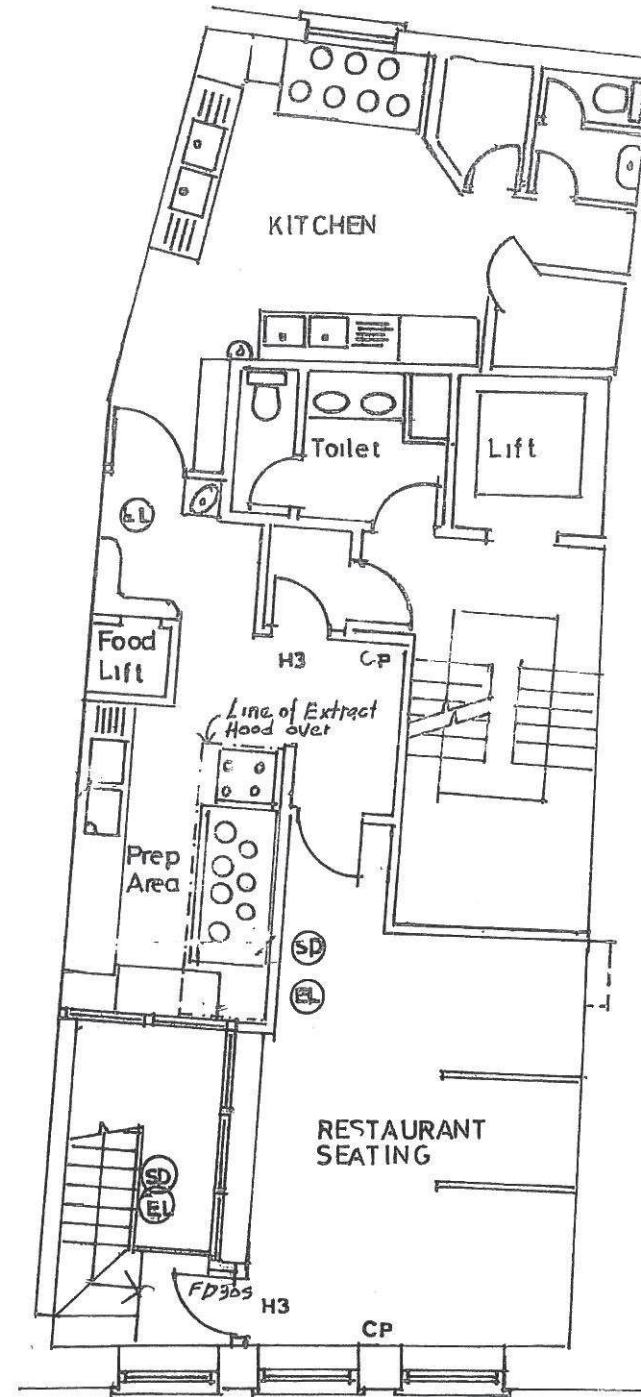
<u>Map Reference</u>	<u>Name</u>	<u>Maximum Permitted Hours for Alcohol Sales</u>
1. (336)	Mercers Hall	Sun - Sat: 07:00 – 00:00
2. (495)	Browns	Thu - Sat: 08:00 – 01:00
3. (778)	Goodman City Ltd	Sun – Sat: 11:00 – 23:30
4. (754)	The Anthologist	Sat: 08:00 – 03:00
5. (836)	Gresham Club	Sun – Sat: 07:00 – 02:00
6. (854)	Enoteca	Sun - Sat: 07:00 – 00:00
7. (659)	City Golf & Health	Sun - Sat: 10:00 – 00:00
8. (922)	Marubeni Sports	Mon – Fri: 17:00 – 23:00
9. (840)	Hawksmoor	Sun – Sat: 07:00 – 02:00
10. (429)	Old Dr Butlers Head	Sun - Sat: 08:00 – 01:30
11. (430)	Corney & Barrow	Sun - Sat: 07:30 – 00:00
12. (79)	News & Chews	Mon – Fri: 07:00 – 23:00
13. (639)	The Guildhall	Sun – Sat: 07:00 – 02:00



BASEMENT
BAR/RESTAURANT



GROUND FLOOR
RESTAURANT



FIRST FLOOR
KITCHEN/RESTAURANT

Key to Symbol
 EL Emergency Light
 SD Smoke Detector
 H3 Fire Exit Sign
 CP Call Point.

46 GRESHAM STREET London EC2V 7AY

Ground Floor Layout revised

10.02.2011 A

letter

date 17 FEB 05
 drawn by
 scale 1:100

FGC Architects
 76 Parkhill Road, London NW3 2YT
 telephone 020 7237 6240 mobile 07816 430 288

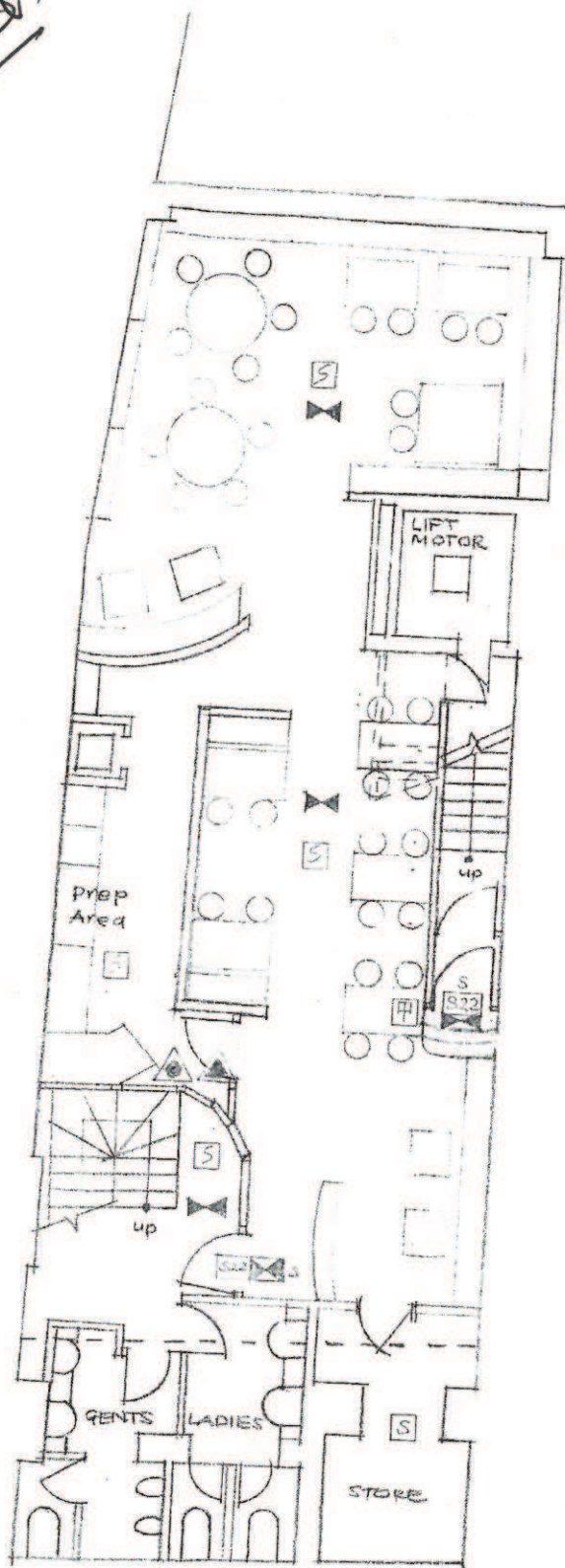
FIRST FLOOR PLAN










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Approved

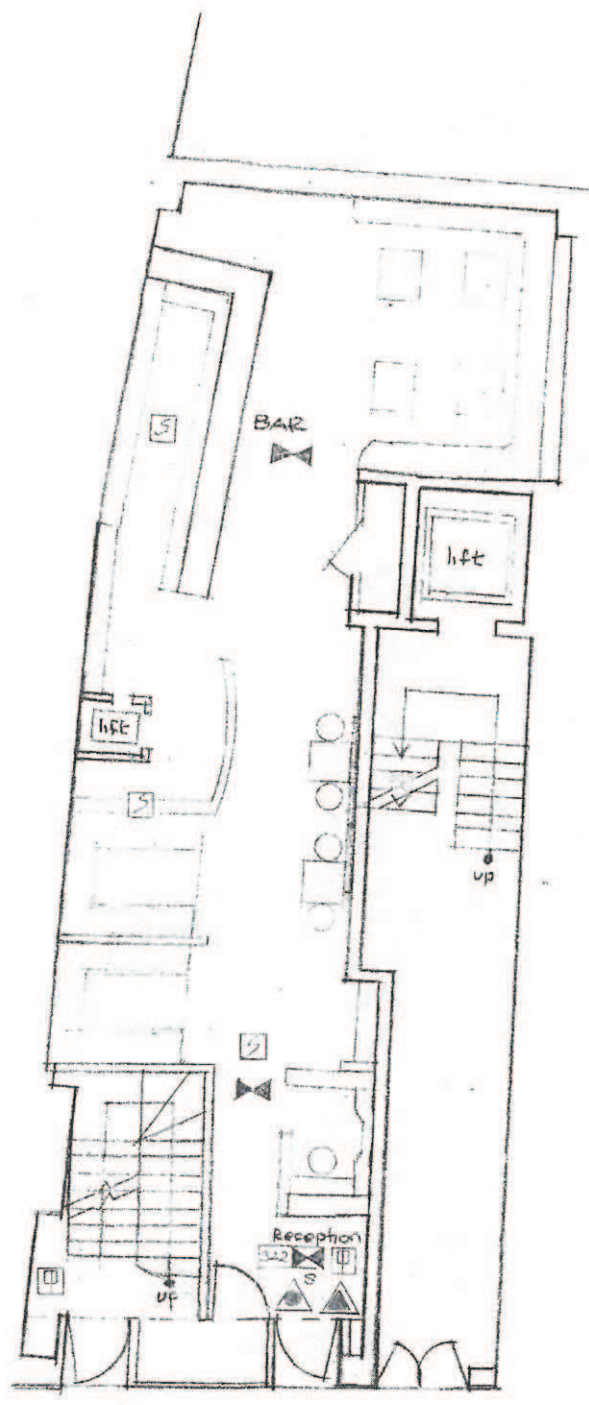
1 of 3



- SYMBOLS:
-  S SMOKE DETECTOR
 -  ESCAPE HATCHING
 -  A FIRE ALARM CALL POINT
 -  S22 FIRE EXIT, NOTICE SUSPENDED ABOVE HEAD 1 METRE AT RIGHT ANGLES TO THE ESCAPE ROUTE WITH THE GRAPHICAL SYMBOL ON THE APPROVED SIDE
 -  FOAM FIRE EXTINGUISHER 21A
 -  CARBON DIOXIDE FIRE EXTINGUISHER 34B
 -  WET CHEMICAL FIRE EXTINGUISHER 13A
 -  FIRE BLANKET IN CONTAINER
 -  H AUTOMATIC HEAT DETECTOR

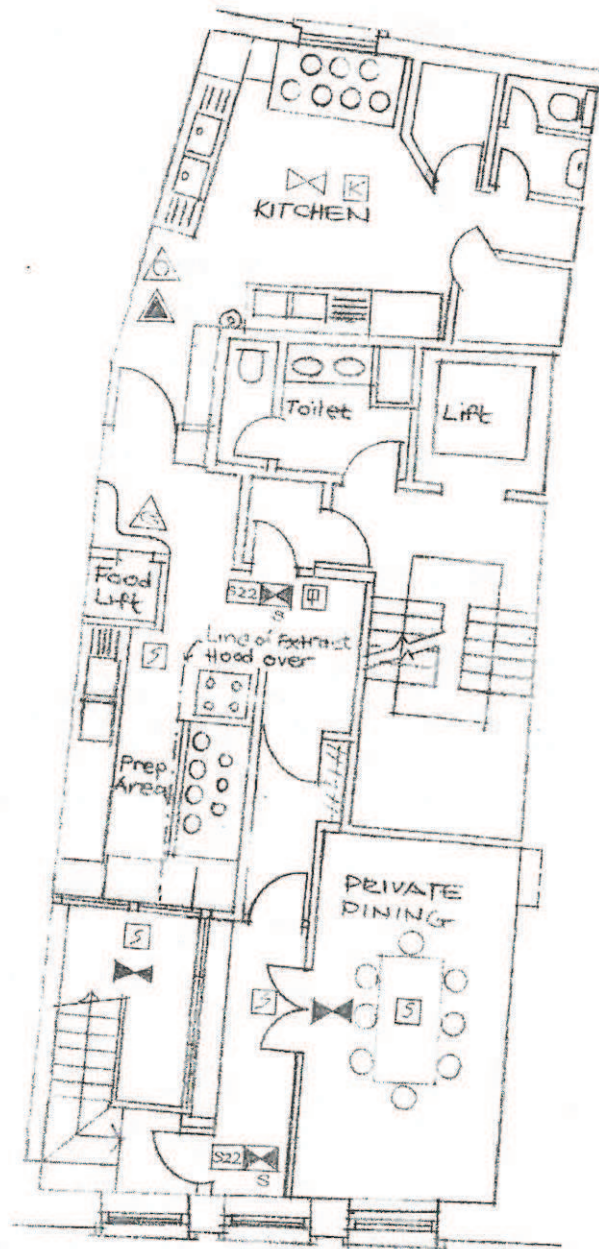
BASEMENT
RESTAURANT
1/100

46 GRESHAM STREET LONDON EC2V 7AY
11 FEB 13



GROUND FLOOR
BAR / RESTAURANT
1:100

46 GRESHAM STREET LONDON EC2V 7AY
11 FEB 13



FIRST FLOOR
PRIVATE DINING / KITCHEN
1:100

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