



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	16 th March 2017
Licensing Ref No:	17/00789/LIPV - Premises Licence Variation
Title of Report:	The Arts Theatre Unicorn Arts Theatre 6-7 Great Newport Street London WC2H 7JB
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 January 2017		
Applicant:	J J Goodman Limited		
Premises:	The Arts Theatre		
Premises address:	Unicorn Arts Theatre 6-7 Great Newport Street London WC2H 7JB	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as an independent Theatre.		
Variation description:	<p>The variation applies to the use of 1st floor of this premises and seeks to amend a number of conditions relating to this floor:</p> <p>(1) to be allowed to have cabaret style seating with tables, which means remove the restriction on having the seats in rows (condition 13 shall need amending if granted).</p> <p>(2) to be able to serve drinks in glass rather than plastic (condition 13 shall need amending if granted).</p> <p>(3) to extend the hours for Live Music on the first floor from 23:00 hours until 00:00 Monday to Sunday.</p> <p>The applicant does not wish to change the nature of entertainment in the space; and will still be programming ticketed entertainment but they would like to add variety shows, small cabarets and non-amplified music, primarily classical and jazz.</p>		
Premises licence history:	The premises has been licensed since January 2009.		
Applicant submissions:	None submitted.		

1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Exhibition of films

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No Change		Basement & Ground Floor	No Change
Tuesday	09:00	00:00				
Wednesday	09:00	00:00				
Thursday	09:00	00:00				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	00:00				
Seasonal variations: Non-standard timings:	Current: From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				Proposed: No Change	

Exhibition of films

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		First Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations: Non-standard timings:	Current: From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				Proposed: No Change.	

Performance of Live Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		Basement and Ground Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.	

Performance of Live Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	09:00	00:00	First Floor	No Change
Tuesday	09:00	23:00	09:00	00:00		
Wednesday	09:00	23:00	09:00	00:00		
Thursday	09:00	23:00	09:00	00:00		
Friday	09:00	23:00	09:00	00:00		
Saturday	09:00	23:00	09:00	00:00		
Sunday	09:00	22:30	09:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No Change		Basement and Ground Floor	No Change
Tuesday	09:00	00:00				
Wednesday	09:00	00:00				
Thursday	09:00	00:00				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		First Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No Change		Basement and Ground Floor	No Change
Tuesday	09:00	00:00				
Wednesday	09:00	00:00				
Thursday	09:00	00:00				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		First Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Performance of a play						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No Change		Basement and Ground Floor	No Change
Tuesday	09:00	00:00				
Wednesday	09:00	00:00				
Thursday	09:00	00:00				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Performance of a Play						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		First Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No Change		Basement and Ground Floor	No Change
Tuesday	09:00	00:00				
Wednesday	09:00	00:00				
Thursday	09:00	00:00				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:00	No Change		First Floor	No Change
Tuesday	09:00	23:00				
Wednesday	09:00	23:00				
Thursday	09:00	23:00				
Friday	09:00	23:00				
Saturday	09:00	23:00				
Sunday	09:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change	

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No Change		Basement and Ground Floor	No Change
Tuesday	23:00	00:00				
Wednesday	23:00	00:00				
Thursday	23:00	00:00				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change.	

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		First Floor	No Change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Sunday						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.				No Change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On sales		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Basement and Ground Floor	No Change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On sales		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		First Floor	No Change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	23:30				
Saturday	10:00	23:30				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day			No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	10:00	00:00	Whole Premises.	No change
Tuesday	09:00	00:00	10:00	00:00		
Wednesday	09:00	00:00	10:00	00:00		
Thursday	09:00	00:00	10:00	00:00		
Friday	09:00	00:00	10:00	00:00		
Saturday	09:00	00:00	10:00	00:00		
Sunday	09:00	00:00	12:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No Change	

1-C Layout alteration
The applicant has applied to remove the seating in rows to allow for cabaret style seating with tables.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p><u>Condition 19:</u></p> <p>A proof of age scheme, such as Challenge 21, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.</p>	<p>Amended:</p> <p>A proof of age scheme, such as Challenge 25, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.</p>	
<p><u>Condition 54:</u></p> <p>The premises shall have a comprehensive dispersal policy in action.</p>	<p>To be added</p>	
Adult entertainment:	Current position:	
	Not applicable	
	Proposed position:	
	Not applicable	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	2 nd February 2017
<p>I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated within the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy PVC2 applies:	Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

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

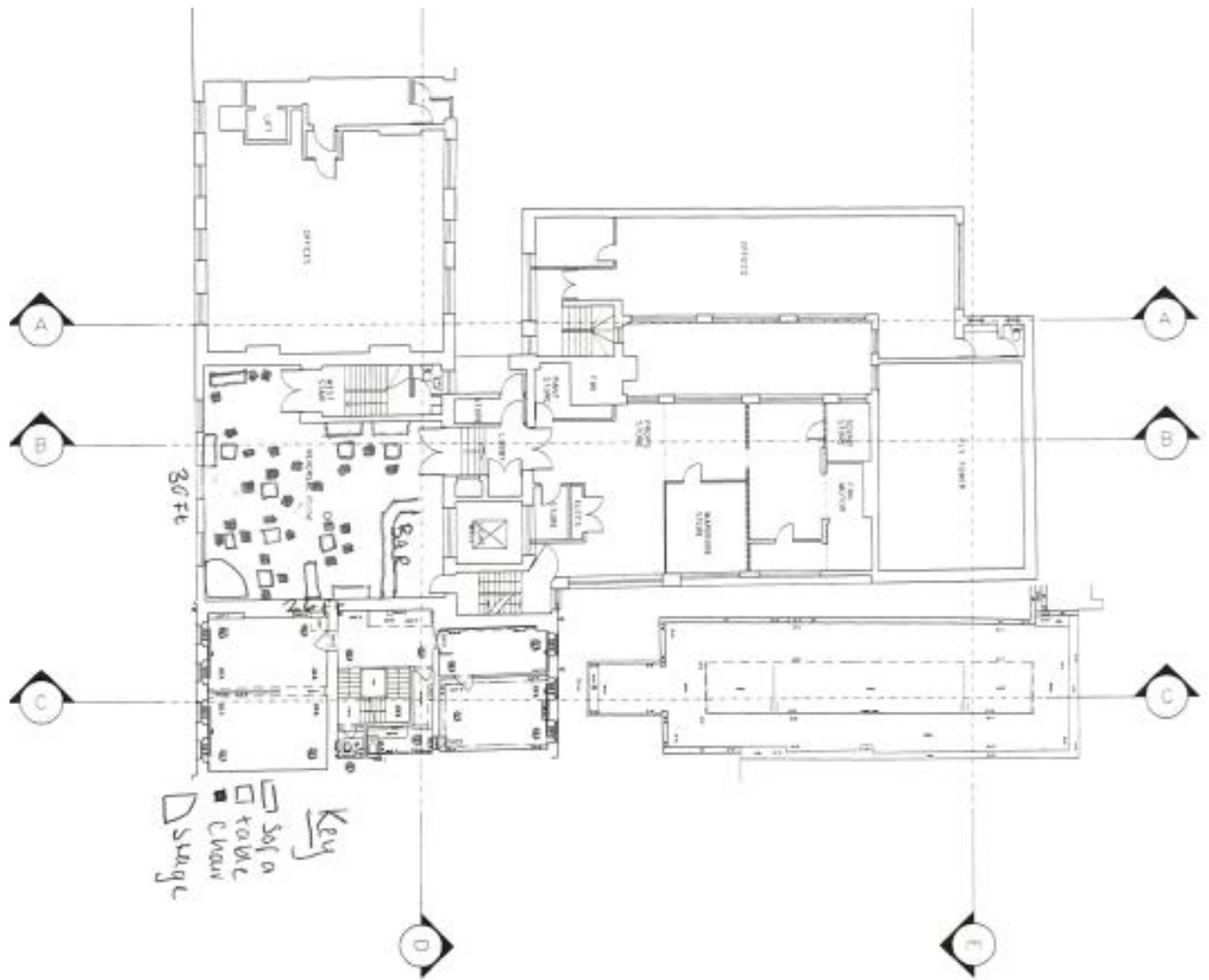
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

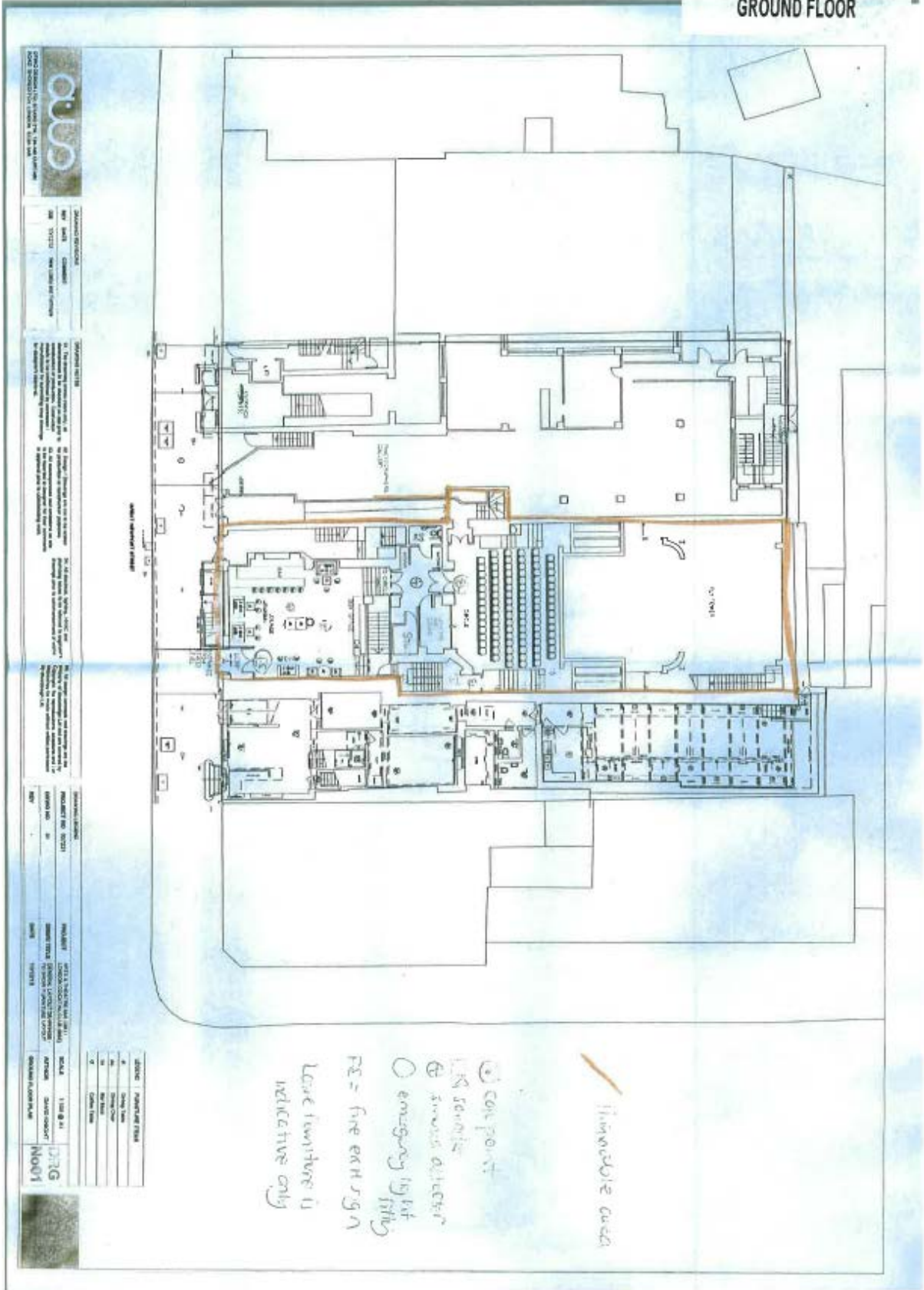
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	24 th January 2017
5	Representation – MET Police	2 nd February 2017

Premises Plans – Proposed 1st Floor



Premises Plan - Current

GROUND FLOOR



PROFESSIONAL INFORMATION
 ARCHITECTS AND BUILDING DESIGNERS
 10, THE SQUARE, LONDON, W1A 1AA
 TEL: 020 7493 8000
 FAX: 020 7493 8001
 WWW: www.a-m.co.uk

PROJECT INFORMATION
 PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

PROJECT NO: 1001
 PROJECT NAME: [illegible]
 CLIENT: [illegible]

DATE: 10/01/01
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1:100
 SHEET NO: 1001/01

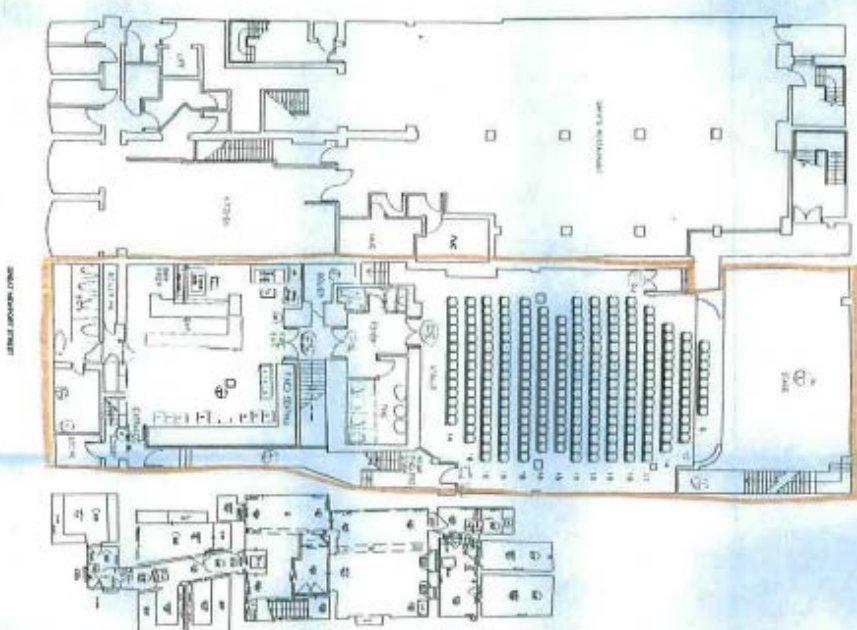
SYMBOL	DESCRIPTION
○	CONCRETE
⊕	IMMEDIATE ACCESS
⊗	EMERGENCY LIGHT
⊙	FIRE EXIT SIGN
□	LEAVE FURNITURE IS INDICATIVE ONLY

○ CONCRETE
 ⊕ IMMEDIATE ACCESS
 ⊗ EMERGENCY LIGHT
 ⊙ FIRE EXIT SIGN
 □ LEAVE FURNITURE IS INDICATIVE ONLY



DATE	DESCRIPTION
10/11/11	ISSUED FOR PERMIT
10/11/11	ISSUED FOR PERMIT

1. The owner is responsible for obtaining all necessary permits from the appropriate authorities. The architect is not responsible for obtaining permits. The owner is responsible for providing all necessary information to the architect. The architect is not responsible for providing information to the owner. The owner is responsible for providing all necessary information to the architect. The architect is not responsible for providing information to the owner.



NO.	DESCRIPTION
1	REVISION
2	REVISION

NO.	DESCRIPTION
1	REVISION
2	REVISION

NO.	DESCRIPTION
1	REVISION
2	REVISION



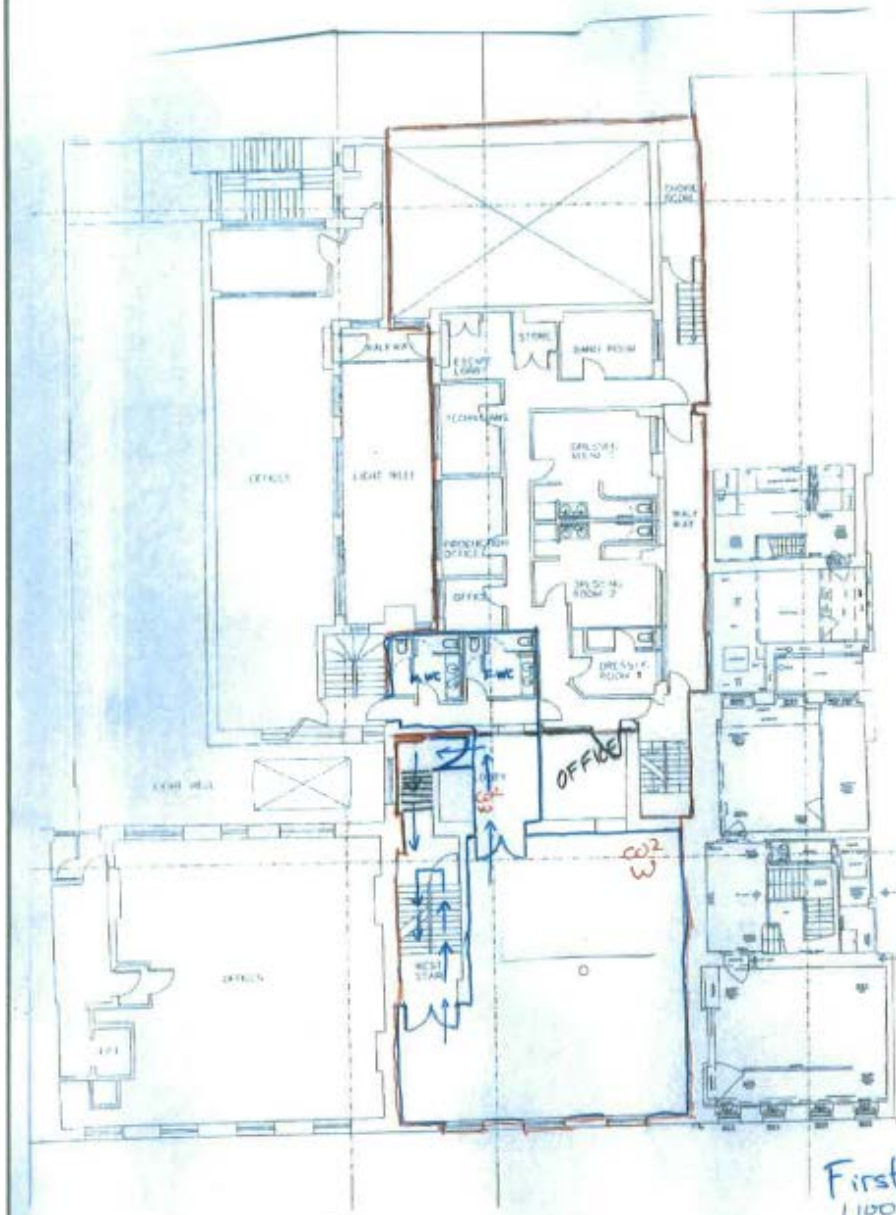
- red point
 - sander
 - ⊕ smoke detector
 - emergency light fitting
 - FE fire exit sign
- Leave furniture is indicative only
- Renovate area

NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION
9	REVISION
10	REVISION



PLAN OF UNDERSTAGE AREA
(SUB BASEMENT)

FIRST FLOOR



AREA IN BLUE =
AREA BEING APPLIED FOR

AREA IN RED =
BOUNDARY OF BUILDING

→ = access and egress route

F.WC = Female lavatory

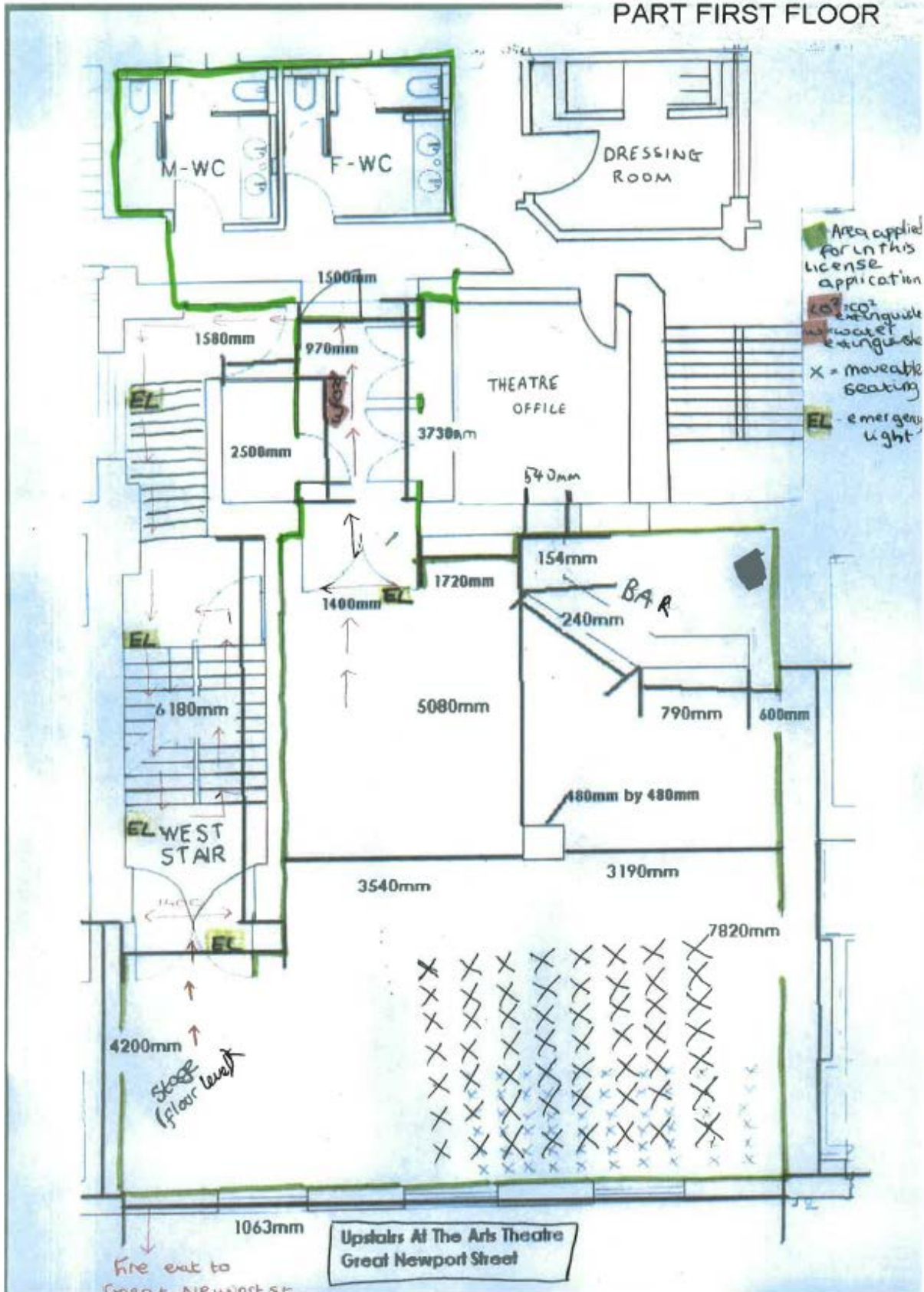
M.WC = Male Lavatory

CO₂ = CO₂ extinguisher

W = water extinguisher

First Floor
1100 @ A1

PART FIRST FLOOR



Upside At The Arts Theatre
Great Newport Street

Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
08/11180/LIPN	New Premises Application	29.01.2009	Granted by Licensing Sub- Committee
10/09671/LIPT	Transfer Application	05.01.2011	Invalid Application
12/03153/LIPT	Transfer Application	11.06.2012	Granted Under Delegated Authority
13/02156/LIPVM	Minor Variation Application	17.04.2013	Granted Under Delegated Authority
14/01930/LIPV	Variation Application	08.05.2014	Granted by Licensing Sub- Committee
14/07209/LIPV	Variation Application	12.10.2014	Granted Under Delegated Authority
<u>Temporary Event Notice History</u>			
15/00550/LITENP	Temporary Event Notice	01.10.2015	Notice Granted
15/07347/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/11473/LITENP	Temporary Event Notice	22.12.2015	Notice Granted
15/11479/LITENP	Temporary Event Notice	11.12.2015	Notice Granted
16/12100/LITENP	Temporary Event Notice	21.11.2016	Notice Granted

16/12105/LITENP	Temporary Event Notice	08.12.2016	Application Withdrawn
16/13544/LITENP	Temporary Event Notice	29.12.2016	Notice Granted
16/13564/LITENP	Temporary Event Notice	14.02.2017	Notice Granted
17/00796/LITENN	Temporary Event Notice	25.01.2017	Invalid Application

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

First Floor:

10. The maximum number of persons accommodated on the first floor at any one time (excluding staff) shall not exceed 60 persons.
11. All alcohol consumed on the first floor shall be in plastic or paper containers only.
12. The sale and supply of alcohol on the first floor shall only be to persons attending the premises that have purchased a ticket for theatrical productions or comedy nights on that night only and such alcohol shall be ancillary to the premises' primary use as a theatre.
13. No single loose seating shall be provided for the audience during a performance. All seats shall be tied together in six seat bundles.
14. All windows to the first floor shall be kept closed when regulated entertainment or a theatrical performance is taking place.

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

15. This licence shall only be valid as long as the premises operate as a theatre.
16. The sale and supply of alcohol shall only be to persons attending the premises that have purchased a ticket for theatrical productions or comedy nights and such alcohol shall be ancillary to the premises' primary use as a theatre.
17. At any time when a theatrical performance is not taking place at the premises alcohol may only be served to bona fide members (and their guests limited to 3) of the theatre club who will only gain admission on production of a membership card.

Membership to the theatre club can only be granted to applicants at least 24 hours prior to seeking admission.

The theatre club's activities are to be complementary and ancillary to the operation of the premises as a theatre.

The theatre is to maintain an up to date membership list of members of the theatre club. The membership list is to be made available to a Police or authorised officer on demand.

18. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
19. A proof of age scheme, such as Challenge 21, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.

The applicant has proposed that condition 19 be amended to Challenge 25.

20. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. Any consumption of alcohol within the auditorium must be in plastic or paper containers only.
22. No drinks shall be consumed outside the premises.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:

Stalls -229
Circle - 122
Basement Bar - 100
Ground Floor Bar - 60

With a maximum capacity at any one time of:
Basement Floor - 229
Ground Floor - 122.

25. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises is properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
26. A minimum of 7 working days' notice shall be given to the Environmental Health Consultation Team when there is a change to the theatrical production.
27. On an open stage and elsewhere in the premises any permanently installed scenery should normally be made from the following:
 - Non-combustible material; or
 - Inherently flame-retarded fabric; or
 - Durably-treated flame retarded fabric; or
 - Timber, hardboard or plywood treated by a process of impregnation which meets Class 1 (BS 476-7) or Class-s3.d2 (BS EN 13501-1) surface spread flame; or
 - Timber framing of minimum 22mm nominal thickness; or
 - Medium-density fibreboard (MDF), plywood, chipboard not less than 18mm in thickness; or
 - Plastics material subject to special consideration by appropriate Responsible Authority, being the Fire Authority; or
 - Other materials acceptable to the appropriate Responsible Authority, being the Fire Authority.
28. All materials used in finishing and furnishing the premises should, as far as is reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.
29. All fabrics, curtains, drapes and similar features should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
30. The final exit gate to the street from the basement emergency exit shall be fastened in the open position when members of the public are on the premises.
31. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

32. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 and The London Local Authorities Act 2007 shall not be provided.

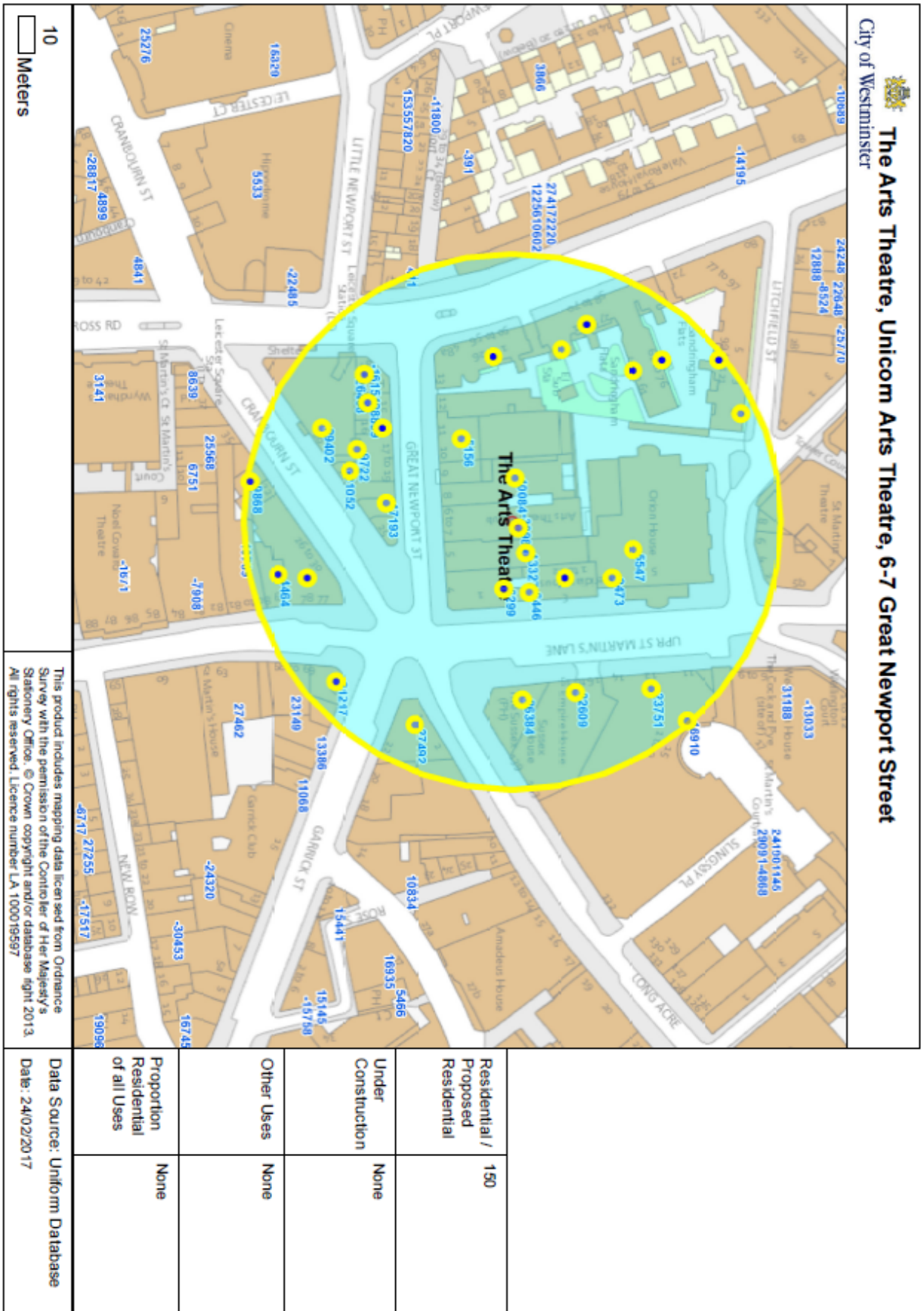
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
 - Ceiling
40. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team:
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
41. No regulated entertainment shall be provided in the ground floor bar.
42. Provisions of facilities for dancing shall be restricted to the stage in the auditorium for performers only.
43. The provision of films shall be restricted to the auditorium in connection with a theatrical performance.

44. The provision of live music shall be restricted to the auditorium and basement bar only in connection with a theatrical performance including musicals. A minimum of 7 days written notice shall be given to the Police and Environmental Health Consultation Team for any other performance of live music within these areas. Written consent will then follow if agreed by the Police and Environmental Health.
45. Loudspeakers shall not be located near the entrance area.
46. All entrance doors shall be kept closed, when regulated entertainment is taking place and in any event after 2100 hours, except for immediate access and egress of persons.
47. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
48. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
49. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
50. The operators of the business and/or the licensees shall exercise all due diligence so as to prevent the formation of queues outside the premises causing a nuisance.
51. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
52. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 23:00 hours and 08:00 hours.
53. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Proposed conditions by the applicant:

54. The premises shall have a comprehensive dispersal policy in action.
55. Live music on the first floor shall be restricted to non-amplified music.

Residential Map and List of Premises in the Vicinity



**Premises within 75 metres of:
The Arts Theatre, 6-7 Great Newport Street**

p / n	Name of Premises	Premises Address	Licensed Hours
6446	Subway	2 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00
10084	Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Sunday 09:00 - 01:00 Monday 09:00 - 01:30 Tuesday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30
-27492	Five Guys	1-3 Long Acre London WC2E 9LH	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-26468	The Porcupine Public House	48 Charing Cross Road London WC2H 0BS	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-16154	Abeno Too Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Sunday 12:00 - 22:30 Monday to Wednesday 12:00 - 23:00 Wednesday to Saturday 12:00 - 23:30
-9722	Entrecote Tortilla	21 Cranbourn Street London WC2H 7AA	Monday to Sunday 23:00 - 05:00
-5547	Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Monday to Saturday 06:30 - 23:00 Sunday 07:30 - 23:00
-4464	Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
13327	White Space	5 Great Newport Street London WC2H 7JA	Monday to Saturday 09:00 - 00:30 Sunday 10:00 - 23:00
17193	Spaghetti House	24 Cranbourn Street London WC2H 7AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26384	The Sussex	Ground Floor 20 Upper St Martin's Lane London WC2H 9DL	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30

29402	Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
-23751	Dishoom	12 Upper St Martin's Lane London WC2H 9FB	Friday to Saturday 08:00 - 00:00 Sunday to Thursday 08:00 - 23:30
-21052	Cafe Aroma	22 Cranbourn Street London WC2H 7AA	Monday to Thursday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 23:00
-9868	Westminster Noodle Bar	Ground Floor 33 Cranbourn Street London WC2H 7AD	Sunday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00
5156	Aviva	10-11 Great Newport Street London WC2H 7JA	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 10:00 - 23:00 Sundays before Bank Holidays 12:00 - 00:00
6299	Scarlet's	1 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
9473	Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Sunday 08:00 - 00:30 Sundays before Bank Holidays 08:00 - 00:30 Monday to Saturday 08:00 - 02:00
16910	Jamie's Italian	Basement And Ground Floor 11 Upper St Martin's Lane London WC2H 9FB	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
22609	Stringfellows	16-19 Upper St Martin's Lane London WC2H 9EF	Sunday 09:00 - 23:00 Monday to Saturday 10:00 - 06:00
28899	Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Monday to Sunday 07:00 - 00:30
31217	Bella Italia	70 St Martin's Lane London WC2N 4JS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00