



City of Westminster

Committee Agenda

Title:

Licensing Sub-Committee (5)

Meeting Date:

Thursday 15th November, 2018

Time:

10.00 am

Venue:

Room 3.6 and 3.7, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Murad Gassanly
Jacqui Wilkinson
Aicha Less



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk Tel: 020 7641 2783

Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. ODEON CINEMA, 24-27 LEICESTER SQUARE, LONDON, WC2H 7LE

(Pages 1 - 46)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward/ West End Cumulative Impact Area	Odeon Cinema 24-27 Leicester Square London WC2H 7LE	New Premises Licence	18/11604/LIPN

Stuart Love
Chief Executive
9 November 2018

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight
Sundays immediately prior to Bank Holidays: 09.00 to midnight
Other Sundays: 09.00 to 22.30
Monday to Thursday: 09.00 to 23.30.

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Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	15 November 2018
Licensing Ref No:	18/11604/LIPN - New Premises Licence
Title of Report:	Odeon Cinema 24-27 Leicester Square London WC2H 7LE
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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 September 2018		
Applicant:	Odeon Cinemas Limited		
Premises:	Odeon Cinema		
Premises address:	24-27 Leicester Square London WC2H 7LE	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	This is a new premises licence application and is described in the application as a Cinema		
Premises licence history:	This premises benefits from a Premises Licence number 18/09324/LIPV as shown at Appendix 3. A variation to reconfigure the layout to the basement, ground, first and second floor was granted under delegated authority on the 11 September 2018.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:		For full details please see conditions at Appendix 4					

Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		For full details please see conditions at Appendix 4					

Provision of Plays				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	23:59	23:59	23:59	23:59	23:59	23:59	23:59
Seasonal variations/ Non-		For full details please see conditions at Appendix 4					

standard timings:	
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Provision of Films, Live Music, Recorded Music, Performance of Dance, Anything of a similar description to that falling within e,f or g				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:		For full details please see conditions at Appendix 4					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		For full details please see conditions at Appendix 4					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	23 October 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
Responsible Authority:	Licensing Authority
Representative:	Roxanna Haq
Received:	24 October 2018
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a New Premises Licence: 18/11604/LIPN: Odeon Cinema, 24 - 27 Leicester Square, London, WC2H 7LE. As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to</p>	

this application and how the premises would promote the Licensing Objectives:

- ☐ Public Nuisance
- ☐ Prevention of Crime & Disorder
- ☐ Public Safety
- ☐ Protection of children from harm

The application seeks to permit the following licensable activities:

- ☐ Performance of a Play
Monday to Sunday: 00:00 to 23:59
- ☐ Films, Live Music, Recorded Music, Dance and Anything of a Similar Description
Monday to Sunday: 09:00 to 03:00
- ☐ Late Night Refreshment
Monday to Sunday: 23:00 to 03:00
- ☐ Supply of Alcohol (on)
Monday to Sunday: 09:00 to 01:00

The premises is located within the West End Cumulative Impact Area and as such, a number of policy points must be considered, namely CIP1, HRS1 and PVC2.

The premises currently has the benefit of a premises licence, which permits the above licensable activities save the hours for the sale by retail of alcohol which are currently 09:00 to 00:00. This application seeks to increase this licensable activity by one hour. We note that the applicant has included a substantial list of model conditions with this application including MC86 and the wording that states;

“ No sale of alcohol or intoxicating liquor shall be made after 10pm except:

- a. Persons admitted to the premises by purchasing a ticket or
- b. Employees and bona fide guests of Odeon Cinemas Ltd,
- c. Persons for whose admittance has been made”

Policy CIP1 requires the applicant to demonstrate that the proposed operation of the premises will not add to cumulative impact in the Cumulative Impact Areas. In this case, the applicant will have to demonstrate how the additional hour sought for the sale by retail of alcohol will not add to cumulative impact within the cumulative impact area.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation to this application.

Response from Applicant's Solicitors dated 5 November 2018

INTRODUCTION

An application has been lodged with Westminster City Council (“WCC”) for a new premises licence for the above-mentioned premises by Odeon Cinemas Limited (“The Company”).

The premises operate as a cinema and currently benefit from a premises licence. The hours

for licensable activities sought are the same as the existing permissions, save for permission to sell alcohol for an extra hour each evening.

We have been asked to address this issue by Ms Roxsana Haq, Senior Licensing

Officer at Westminster City Council ("WCC") in her letter of representation dated 24th October 2018 in the context of WCC's licensing policy.

BACKGROUND.

The premises are currently closed whilst a major refurbishment is undertaken. The applicant is spending in excess of £20 million in order to provide London with the finest cinema in the world, so that state of the art facilities can be provided for guests and Royal/ Film Premieres may be hosted. More details of the nature of the changes, the state of the art facilities, guest experiences etc which in the company's view go to making the cinema the finest in the world will be provided at the hearing.

WCC LICENSING POLICY CONSIDERATIONS

In order to address the matter referred to in Ms Haq's email, the relevant policy matters are considered subsequently, dealing with Policies HRS1, CIP1 and PVC2 in turn.

Reference is made to various matters in HRS1 and comments have been made upon those matters which are applicable to the application (following the policy numbering) as follows:

POLICY HRS1

Paragraph 2.3.2. (ii) states the following:

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

There are **no** residential objections to the application.

(c) The proposed hours of licensable activities and when customers will be permitted to remain on the premises.

The sale of alcohol at the cinema is already permitted beyond core hours Sundays to Thursdays and to core hours on Friday and Saturdays without concerns being raised with those operating the venue by residents or the responsible Authorities, including the police.

The request for an extra hour for the sale of alcohol at the cinema is to allow guests attending the venue to watch the last showing of a film to purchase a drink prior to the commencement of the screening. Guests viewing the last screening will therefore leave the cinema up to 2 hours after having been able to purchase a drink.

(e) The hours when customers are able to take food and drink outside or open areas which form part of the premises

The applicant has not sought off sales and there shall be no sales of hot food and drink after 22.00.

(f) The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.

See (c) above

It is also to be noted that currently the premises include an external terrace area on the first floor. Members of the public are permitted on the terrace until 21.00 each day and regulated entertainment is also permitted during certain times of the day. Following completion of the works there will no longer be an external area on the first floor as the area will be incorporated into the internal part of the premises. Whilst use of the terrace subject to the operation of the current conditions on the premises licence has not given rise to any issues of public safety or nuisance, the incorporation of the external terrace area into the building will promote the licensing objectives in these regards.

(g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

Guests leaving Leicester Square will have access to the tube, late night bus services, taxis and Ubers at the terminal hour, as they do currently.

(h) The capacity of the premises.

There will be a significant reduction in the capacity at the premises, from 1922 to 1413 overall; when the terminal hour of the exhibition of film is 03.00, the maximum capacity leaving the venue at that time falls to a new reduced maximum possible capacity of 953 (assuming each auditoria is full), a reduction of 969.

(i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.

The premises operate as a cinema. The applicant has proffered model condition MC86, which states “The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cinema.”

POLICY CIP1

The cinema falls within the West End cumulative impact area and it is necessary to demonstrate that the application should be granted as an exception to WCC’s policy in this regard. Paragraph 2.4.7 of the policy states the following:

“..... Similarly, the reduction in the capacity of a premises or a reduction in hours of operation might be a reason for an exception to policy. The police have found the reduction in capacity to be a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.”

and paragraph 2.4.24 states that:

“The council will consider whether offers to set capacities (maximum numbers of people permitted to be on the premises) for the first time in premises which have not previously had set capacities (generally pubs and bars and restaurants) and whether offers to reduce capacities, actually do effectively address the underlying reasons for a policy on cumulative impact. There would have to be substantial reductions in relation to the capacity at which premises had actually been operating. Any proposals for later hours which offer reducing the capacity will have to be shown to lead to a reduction in cumulative impact and represent genuine reductions in the actual number of people using the premises at its peak times and late at night and not on days or at times when the premises are less busy. The later the hours sought, the more significant the reduction in capacity would have to be.”

The premises operate as a cinema which is the type of diverse range of entertainment which the Council wishes to promote. The premises are not alcohol led, the provision of alcohol is an ancillary service for customers attending the cinema which provides a wide variety of entertainment, thereby encouraging a broader age range into the centre of the city. The policy recognises that there is little association with crime and disorder at cinemas and this is borne out by the lack of public order issues related to the premises and confirmed by the police.

Significantly, the proposal will lead to a substantial reduction in capacity as the operator proposes to provide enhanced facilities in order to offer an improved customer experience. The reduction in capacity overall represents a reduction of 26.48% which it is contended goes to the heart of the purpose of WCC’s policy, namely to avoid the adverse impact which large volumes of people may have in the heart of the city in the later hours. The capacity reduction as a percentage is even greater when considering the reduction at the terminal hour of the last screening which is 50.41%, when there is the potential for approaching a thousand fewer people on the streets after 3.00am each evening.

POLICY PVC2

Paragraph 2.5.33 states:

“Bars are a normal feature of performances venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances.”

As previously set out, the sale of alcohol will be an ancillary service for customers attending the cinema and the applicant has proffered the condition confirming that licensable activities will be ancillary to the main function of the premises as a cinema, thereby reducing any concerns with specific reference to the current operation that the Authorities may have and with regard to future operators (since the premises could not

operate otherwise than principally as a cinema, inter alia, without the need for an application to remove the condition on the premises licence) .

Paragraph 2.5.36 states:

“The council welcomes the vital contribution that theatres, cinemas, concert halls and other performance venues make in providing the diverse cultural and entertainment that attracts people of all ages into Westminster, and maintains its status as a world class city. The council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities.”

The applicant wishes to provide the world's finest cinema in the heart of the West End of London and wishes to do so by providing the extensive facilities and experiences that today's cinema goers seek, including being able to enjoy a drink whilst watching a film in the same way that those attending the theatre are able to enjoy as part of their evening's entertainment.

CONCLUSION

The applicant believes that the matters set out clearly establish that the application will promote the licensing objectives. There are a number of factors which support such a contention, as referenced in this document but in particular it is demonstrated by the significant reduction (as called for by WCC's policy) to the capacity of the premises, which is at the heart of the Council's policy. One of the purposes of the policy is to minimise cumulative impact on issues such as crime and disorder, public nuisance and services. By reducing the capacity of the cinema by over a quarter generally and over a half at the terminal hour amongst other matters, the applicant contends that the objectives of the policy are met, that the application is an exception to policy, that the licensing objectives will be promoted and invites the Committee to grant the application on the terms sought.

Responsible Authority:	Metropolitan Police Service
Representative:	Bryan Lewis
Received:	11 October 2018

Police objection to the Odeon Cinema, Leicester Square new premises licence application in the Cumulative Impact Area.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <ul style="list-style-type: none"> • For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 • For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
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.
Policy CIP 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>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

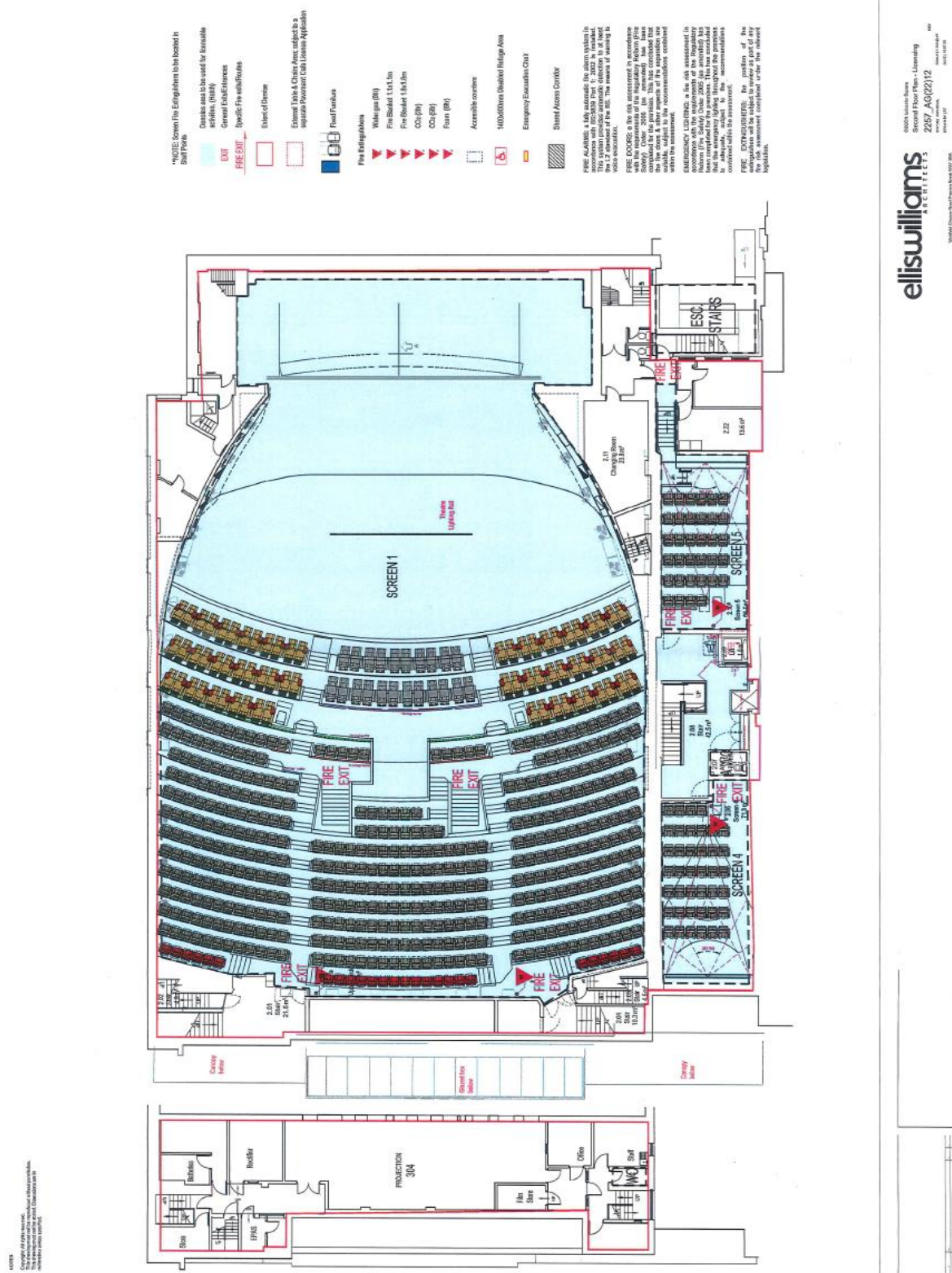
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Pre-Application Advice Report
Appendix 7	Premises Licence

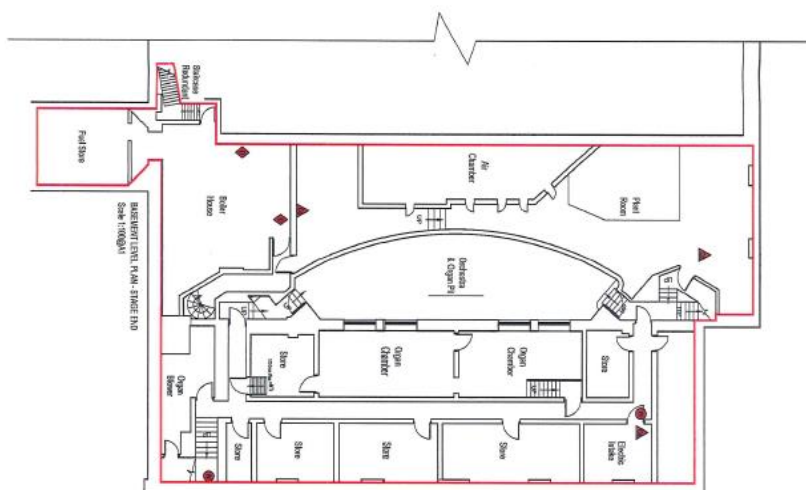
Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

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	Environmental Health Representation	23 October 2018
5	Licensing Authority	24 October 2018
6	Metropolitan Police Service	11 October 2018





None

Premises History**Appendix 3**

Application Reference	Details of Application	Determination Date	Decision
05/06000/LIPCV	Converted Licence under Licensing Act 2003	01/09/2005	Granted by Licensing Sub Committee
06/01306/LIPV	Full Variation	18.05.2006	Granted by Licensing Sub Committee
06/05920/WCCMAP	Master Licence		
09/03341/LIPDPS	Application to Vary Designated Premises Supervisor	14.05.2009	Granted under delegated authority
11/11826/LIPV	Full Variation	01.02.2012	Granted under delegated authority
12/07964/LIPVM	Minor Variation	25.10.2012	Granted under delegated authority
15/00058/LIPDPS	Application to Vary Designated Premises Supervisor	17.02.2015	Granted under delegated authority
15/05230/LIPDPS	Application to Vary Designated Premises Supervisor	20.11.2015	Granted under delegated authority
18/09324/LIPV	Full Variation	11.09.2018	Granted under delegated authority

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

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

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

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

Mandatory Conditions

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

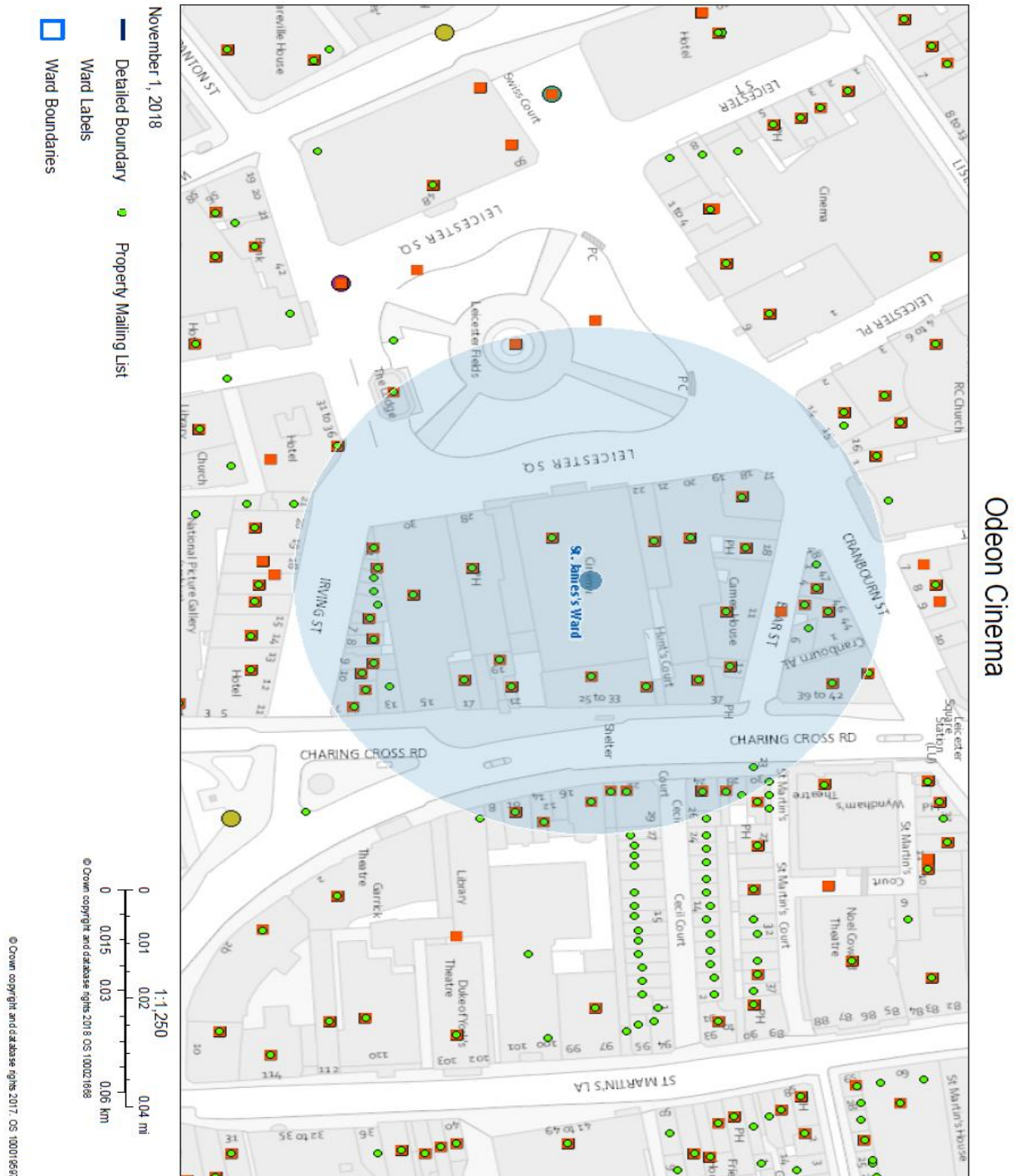
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. 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. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No drinks shall be served in glass containers at any time, with the exception of a) the area marked 'glass box' and b) the fixed seating area on the first floor. Notwithstanding a) and b) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked functions throughout the ground and first floor foyers.
12. There shall be no sales of alcohol for consumption off the premises.
13. All tables and chairs shall be removed from the outside area at 22.00 each day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
16. 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.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 10pm.
21. No deliveries to the premises shall take place between 10.00 and 06.00 on the following day.
22. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as the area permitted by WCC to be used for tables and chairs at the front of the premises.
23. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
24. 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.
25. 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.
26. All emergency exit doors will be available at all material times without the use of a key, code, card or similar means with the exception of those doors that are to be protected with a lock down facility for security purposes. These doors will be secured on activation of the lock down facility at the discretion of the Control Room independent security personnel or Management of the cinema only.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall 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, shall be non-combustible.
31. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
32. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
33. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cinema.
No sale of alcohol of intoxicating liquor shall be made after 10pm except to:
Persons admitted to the premises by purchasing a ticket, or
Employees and bona fide guests of Odeon Cinemas Limited, or
Persons for whose admittance payment has been made.
34. On not more than 12 occasions per year films may be exhibited between the hours of 03.00 and 09.00. On those occasions at least ten working days notice shall be given to the City Council's Environmental Health Consultation Team and the Borough Police Licensing Unit.
35. On the 12 occasions when films are exhibited between the hours of 03.00 and 09.00 hours Late Night Refreshment may be provided from 03.00 to 05.00 hours



Resident Count : 22

Licence Number	Trading Name	Address	Premises Type	Time Period
15/05230/LIPDPS	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Cinema	Monday to Sunday; 00:00 - 00:00
15/07167/LIPDPS	Bella Italia	22 Leicester Square London	Restauran	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00
17/12764/LIPDPS	Chiquitos	20-21 Leicester Square London WC2H 7LE	Restaurant	Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00
18/02327/LIPDPS	Club Storm	28A Leicester Square London WC2H 7LE	Night clubs and discos	Monday to Wednesday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 06:00 Sunday; 07:00 - 02:00
18/07437/LIPVM	Moon Under Water	28 Leicester Square London WC2H 7LE	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
17/05123/LIPVM	Pizza Hut	19 Leicester Square London WC2H 7LE	Restaurant	Monday to Thursday; 10:00 - 02:00 Friday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 02:00
17/07548/LIPVM	Burger King	17-18 Leicester Square London WC2H 7LE	Restaurant	Monday to Sunday; 23:00 - 03:00
13/04940/LIPDPS	Zoo Too	18 Bear Street London WC2H 7AS	Pub or pub restaurant with lodge	Monday to Wednesday; 10:00 - 00:00 Thursday; 10:00 - 01:00 Friday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 23:00

15/06521/LIPVM	The Zoo Bar And Club	Basement And Ground Floor Cameo House 13-17 Bear Street London WC2H 7AQ	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 02:30
16/00395/LIPT	Maharaja Of India	19A Charing Cross Road London WC2H 0ET	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/00655/LIPN	Assembly Hotel	Basement And Ground Floor Part Alhambra House 27-31 Charing Cross Road London WC2H 0AU	Hotel, 3 star or under	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 22:30
18/05674/LIPDPS	Global Radio	29-30 Leicester Square London WC2H 7LA	Office	Monday to Friday; 07:00 - 00:00
18/01056/LIPDPS	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Not Recorded	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:30
14/00705/LIPV	Stephano's Cafe La Chandelle	2-3 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
14/04885/LIPVM	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Shop	Monday to Sunday; 08:00 - 05:00
18/01279/LIPDPS	Saravana Bhavan	17 Charing Cross Road London WC2H 0EP	Restaurant	Monday to Sunday; 10:00 - 00:30

17/09463/LIPVM	Saravana Bhavan	17 Charing Cross Road London WC2H 0EP	Restaurant	Monday to Sunday; 10:00 - 00:30
06/05390/WCCMAP	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Park / Open Space	Monday to Saturday; 07:30 - 22:30 Sunday; 08:00 - 22:30
18/05898/LIPDPS	Bear & Staff Public House	10-12 Bear Street London WC2H 7AS	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00
16/11445/LIPN	Il Padrino	6-7 Irving Street London WC2H 7AT	Not Recorded	Monday to Saturday; 10:00 - 05:00 Sunday; 11:00 - 01:30
08/07461/LIPT	Rimini Coffee Bar	Basement And Ground Floor West 47 Cranbourn Street London WC2H 7AN	Cafe	Monday to Thursday; 10:00 - 02:00 Monday to Thursday; 10:00 - 02:00 Friday to Saturday; 10:00 - 04:00 Friday to Saturday; 10:00 - 03:00 Sunday; 12:00 - 01:30 Sunday; 12:00 - 02:00
09/02717/LIPT	Wox	8 Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 23:00 - 05:00
18/09120/LIPDPS	Radisson Hampshire Hotel	31-36 Leicester Square London WC2H 7LH	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
06/12648/WCCMAC	Beefsteak Club	Basement To First Floor 9 Irving Street London WC2H 7AT	Club or institution	Monday to Friday; 17:30 - 23:30 Monday to Friday; 13:00 - 15:00
10/05756/LIPN	Pompidou	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 07:00 - 23:30 Sunday; 09:00 - 23:00

17/12395/LIPVM	Not Recorded	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00
09/02405/LIPV	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Restaurant	Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00
10/07083/LIPT	Cork And Bottle Wine Bar	Basement 44-46 Cranbourn Street London WC2H 7AN	Wine bar	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/09520/LIPDPS	Bella Italia	10 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00
18/02594/LIPCHT	Platinum Lace Leicester Square	Basement Victory House 14 Leicester Square London WC2H 7NG	Sexual Entertainment Venue	Monday to Saturday; 17:00 - 06:00 Sunday; 17:00 - 03:00 Sundays before Bank Holidays; 17:00 - 06:00
17/05167/LIPDPS	Maison Du Mezze	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Restaurant	Monday to Saturday; 10:00 - 03:00 Sunday; 12:00 - 01:00

Trading name of business and Address: ODEON CINEMA, 24-27 LEICESTER SQUARE		
Reference Number if Applicable: 18/08449/PREAPM		
Licence: 15/05230/LIPDPS is the current Issued Licence	Applicant: Suzanne Davies sd@cliftondavies.com	Stress Area: WEST END
Type of Business: CINEMA		
<p>Current timings:</p> <p>REGULATED ENTERTAINMENT (DANCE, FILMS, LIVE MUSIC): 0900-0300 (THE EXTERNAL BALCONY TERMINAL HOUR IS 2100HRS)</p> <p>PERFORMANCE OF PLAYS 0000HRS-2359HRS</p> <p>LNR 0300HRS</p> <p>SALE OF ALCOHOL 0900HRS-0000HRS ('ON' THE PREMISES)</p> <p>NB: CONDITIONS 37 & 38 ON THE CURRENT LICENCE ALLOWS SHOWING OF FILMS AND LNR TO BE EXTENDED FROM 0300HRS-0900HRS ON NO MORE THAN 12 OCCASIONS PER YEAR.</p> <p><u>PROPOSED:</u></p> <p><i>A new premises licence will be sought. The principal changes to the current operation are:</i></p> <ul style="list-style-type: none"><i>the approval of a <u>change of layout</u> (plans will be provided for discussion purposes at the meeting);</i><i>to apply <u>for later hours for regulated entertainment</u> (currently 9 to 3 to <u>8 to 4</u>)</i><i>to apply <u>for later hours for the sale of alcohol</u> (currently 11 to midnight to <u>11 until 1</u>);</i><i>to allow <u>off sales</u> so that consumption of alcohol may be permitted in the "pavement licensed area" at the front of the venue;</i><i>to allow customers <u>without a cinema ticket to purchase alcohol until 10pm</u> each night.</i><i>The proposals will <u>significantly reduce the capacity</u> at the venue.</i> <p><u>EH COMMENTS & ADVICE:</u></p> <p>In relation to the <u>application to vary the layout</u> of the premises EH will raise no objection. This is on the basis that there will be benefits to the City Council:</p>		

- (i) Improved Public Safety arrangements
- (ii) Reduced Capacity
- (iii) Better Regulation (i.e. conditions which specify Capacities and inclusion of more up to date relevant Model Conditions)
- (iv) Reduced risk of Public Nuisance (enclosure of the external terrace/balcony area)

It is understood that this is part of a major refurbishment, modernisation and upgrade of the customer facilities. This will involve improved public safety arrangements and improved sanitary facilities. More comfortable facilities will result in a significant reduction in capacity. The current capacity is not specified on the Issued Premises Licence but is believed to be 1992 persons. The resulting reduced capacity is likely to be approximately 1395 persons – a reduction of 597. It is likely that EH will seek to apply a Condition to the New Licence in relation to capacities for various areas of the premises. The external Balcony Area is to be made an internal space.

Drawings 2257_AG(22) 9,10, 11, & 12 were made available at the site meeting on 23rd July.

The applicant is advised to liaise at an early stage with the District Surveyor and the LFB in relation to the technical aspects of the changes to the layout.

In relation to the application to extend the hours for Regulated Entertainment I am of the view that this is relatively non-controversial for the following reasons:

- The Issued Licence already allows for some extended hours (Conditions 37 & 38) which have been used without cause for concern;
- The premises has operated TENs without cause for concern;
- The significant reduction in capacity has the likely effect of reducing Cumulative Impact in overall terms;
- What is sought is not drink-led.

The applicant should be advised that this aspect of the application will still need to be considered by the Licensing Sub Committee at a Hearing in light of Policy PVC2 of the City Council's Licensing Policy. The Police and the Licensing Service are likely to raise Representations in relation to this aspect. The issued Licence includes the following Condition which the Ctee may wish to repeat:

21. Live music, performance of dance and anything similar to live music, recorded music or performance of dance is ancillary to exhibition of films.

In relation to the application to extend the hours and circumstances for the Sale of Alcohol I make the following comments:

This is the most controversial part of the application. The Current Issued Licence includes the following Conditions:

Conditions for Sale of Alcohol

18. The primary use of the premises shall remain as a cinema otherwise the licence shall cease to have effect.

22. No sale of intoxicating liquor shall be made except to:

- (a) persons admitted to the premises by purchasing a ticket, or
- (b) employees and bona fide guests of Odeon Cinemas Limited, or
- (c) persons for whose admittance payment has been made.

The application to extend Sales of alcohol to 0100hrs: it will be for the applicant to show how this will not add to Cumulative Impact. I suggest that it is tied to a Condition that such Sales are only to persons falling into categories (a) and (b) above. Sections 2.4.23 and 2.4.24 of the Policy may be relevant.

The application to allow customers without a cinema ticket to purchase alcohol until 10pm each night: again, the applicant will need to show how this will not add to cumulative impact. The Ctee may be concerned how this may affect the nature and character of the premises. The current Condition 22 is quite restrictive, although it is noted that the wording of (c) is relatively vague and could be loosely interpreted. The applicant should be mindful of the wording of Paragraph 2.5.33 of the City Council's Licensing Policy:

'Bars are a normal feature of performances venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non-alcohol led activities'.

The applicant should also be aware of the following sections of the Policy which may also inform the Ctee:

2.4.17 – 2.4.22 'Mixed-use premises'

I suggest that the applicant considers the following:

- marking up the floor plans to show the proposed designated 'Bar use' areas rather than the whole of the premises;
- locations of these areas so that the bars are not directly visible from the outside;
- conditions to limit the capacities/numbers of persons who can drink;
- conditions to prevent 'vertical drinking',
- provision of waiter/waitress service, and provision of substantial food at all times.

The application to allow 'Off' sales of Alcohol so that consumption of alcohol may be permitted in the "pavement licensed area" at the front of the venue:

The applicant will need to show that this aspect will not add to cumulative impact. Again, the following paragraphs in the Policy may be relevant for the Ctee:

2.4.17 – 2.4.22, and 2.5.33

The applicant will need to offer suitable conditions for the terminal hour in relation to the use of the external area, the requirement for patrons to be seated, and a capacity for the area.

Conditions:

An application for a New Premises Licence should be accompanied by a schedule of proposed Conditions drawn from our list of ‘Model Conditions’ as a starting point for detailed discussion/agreement during the Consultation process and at a Hearing of the Licensing Committee if required. It might also help if a document could be produced which shows the comparison between what the current Issued Licence allows and what is sought by the application for a New Licence.

The police are likely to make a Representation may seek additional Conditions following the application.

The licensing Service are likely to make a Representation and may have additional comments regarding Policy.

A copy of the Pre-App Report will be sent to the District Surveyor, Alan Lynagh who may also have comments.

THE MATTER WILL NEED TO BE ADJUDICATED AT A HEARING OF THE LICENSING SUB CTEE AND THE APPLICATION WILL BE DETERMINED IN RELATION TO THE CITY COUNCIL’S LICENSING POLICY. IT WILL BE FOR THE APPLICANT TO SHOW HOW THE LICENSING OBJECTIVES WILL BE PROMOTED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Premises LicenceSchedule 12
Part A**Appendix 7**WARD: St James's
UPRN: 010033537373**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

18/09324/LIPV

Original Reference:

05/06000/LIPCV

Part 1 – Premises details**Postal address of premises:**Odeon Cinema
24 - 27 Leicester Square
London
WC2H 7LE**Telephone Number:** 020 7930 2787**Where the licence is time limited, the dates:**

Not applicable

Licensable activities authorised by the licence:Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:****Performance of Dance**Monday to Sunday: 09:00 to 03:00
Saturday to Sunday: 09:00 to 21:00 (External Balcony)
Monday to Friday: 17:00 to 21:00 (External Balcony)**Exhibition of a Film**Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions at Annex 3**Performance of Live Music**Monday to Sunday: 09:00 to 03:00
Saturday to Sunday: 09:00 to 21:00 (External Balcony)
Monday to Friday: 17:00 to 21:00 (External Balcony)

Playing of Recorded Music

Saturday to Sunday: 09:00 to 21:00 (External Balcony)
Monday to Friday: 17:00 to 21:00 (External Balcony)

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Sunday: 09:00 to 03:00
Saturday to Sunday: 09:00 to 21:00 (External Balcony)
Monday to Friday: 17:00 to 21:00 (External Balcony)

Performance of a Play

Monday to Saturday: 00:00 to 23:59

Late Night Refreshment

Monday to Sunday: 23:00 to 03:00
Non-standard Timings: See conditions at Annex 3

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Sale by Retail of Alcohol

Monday to Sunday: 09:00 to 00:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Odeon Cinemas Limited
3rd Floor
St Albans House
57-59 Haymarket
London
SW1Y 4QX

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

1854132

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

Name: Tessa Street

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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

Licence Number: LN/200900130

Licensing Authority: Elmbridge Borough Council

Date: 06 November 2018

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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.
 - (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.

- (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.
- (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.

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

Conditions relating to regulated entertainment:

- 10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001
- 11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 12. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 00:00 midnight on each of the days Sunday to Saturday to 03:00 on the days following.
- 13. The topmost fifth floor of the tower shall not be used for any purpose: the third and fourth floors shall not be used except for the storage of incombustible materials and the other rooms in the tower (except the battery room) shall not be used otherwise than as storerooms.
- 14. Eight wheelchair users may be admitted to the rear of the stalls area of the main cinema and two wheelchair users may be admitted to the rear of mezzanine one.
- 15. When the premises are in use for continuous cinematography exhibitions, it shall be permissible notwithstanding No.98(a) of the Rule of Management to raise the safety curtain only at the commencement of the first performance and to lower it at the end of the last performance each day.
- 16. No person shall be employed at the premises by any employer on any Sunday in connection with film entertainment or any other entertainment or exhibition given therewith who has been employed on each of the six previous days either by that employer in any occupation or by any other employer in connection with similar entertainments or exhibitions. For the purposes of this condition 'employed' shall include service voluntarily given or duties gratuitously performed.
- 17. A notice to the effect of the foregoing condition shall be prominently displayed in a position or positions in which it can be easily seen and read by all the staff engaged at the premises.

Conditions for Sale of Alcohol

18. The primary use of the premises shall remain as a cinema otherwise the licence shall cease to have effect.

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

19. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
20. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
21. Live music, performance of dance and anything similar to live music, recorded music or performance of dance is ancillary to exhibition of films.

Annex 2 – Conditions consistent with the operating Schedule

22. No sale of intoxicating liquor shall be made except to:
 - (a) persons admitted to the premises by purchasing a ticket, or
 - (b) employees and bona fide guests of Odeon Cinemas Limited, or
 - (c) persons for whose admittance payment has been made.
23. Any drink either intoxicating or soft, sold or consumed with the auditorium or the balcony area must be in plastic or paper containers.
24. The use of the balcony for Regulated Entertainment is permitted between 17:00 - 21:00 hours Monday to Friday and 09:00 - 21:00 hours Saturday to Sunday with a minimum of ten working days written notice to the City Councils Environmental Health Consultation Team.
25. The number of persons permitted on the balcony at any one time shall be limited to 30 persons.
26. Regulated Entertainment shall not be permitted on the balcony when used as a public area.
27. The permitted hours for public access on the balcony area shall be Monday to Sunday 11:00 to 21:00.
28. No unaccompanied children under the age of 12 years to be admitted to film performances commencing after 20:00 hours.
29. No unaccompanied children under the age of 15 to be admitted to film performances commencing after 22:00.
30. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a diving licence or passport.
31. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.
32. Any alcohol sold for consumption within the auditorium shall be contained in non breakable vessels.
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
34. 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 show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

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

36. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Sunday from 09:00 to 00:00
 - (b) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
37. Performance of Plays shall take place in the main auditorium only and plays ancillary to films elsewhere from 00:00 to 23:59.
38. On not more than 12 occasions per year films may be exhibited between the hours of 03:00 and 09:00 hours. On those occasions at least ten working days notice shall be given to the City Council's Environmental Health Consultation Team and the Borough Police Licensing Unit.
39. On the 12 occasions when films are exhibited between the hours of 03:00 and 09:00 hours Late Night Refreshment may be provided from 03:00 to 05:00 hours.
40. Live music and dancing on the balcony shall be limited to a maximum of 30 minutes per session within any one hour with no more than 2 sessions per day.
41. Noise levels from any licensable activity on the balcony, whether amplified or not must not exceed an LAeq. (5mins) of 70dB at the nearest affected premises.

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

**Schedule 12
Part B**

**WARD: St James's
UPRN: 010033537373**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/09324/LIPV

Part 1 – Premises details

Postal address of premises:

Odeon Cinema
24 - 27 Leicester Square
London
WC2H 7LE

Telephone Number: 020 7930 2787

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Sunday:	09:00 to 03:00
Saturday to Sunday:	09:00 to 21:00 (External Balcony)
Monday to Friday:	17:00 to 21:00 (External Balcony)

Exhibition of a Film

Monday to Sunday:	09:00 to 03:00
Non-standard Timings:	See conditions at Annex 3

Performance of Live Music

Monday to Sunday:	09:00 to 03:00
Saturday to Sunday:	09:00 to 21:00 (External Balcony)
Monday to Friday:	17:00 to 21:00 (External Balcony)

Playing of Recorded Music

Saturday to Sunday:	09:00 to 21:00 (External Balcony)
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Monday to Friday:	17:00 to 21:00 (External Balcony)
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Sunday:	09:00 to 03:00
Saturday to Sunday:	09:00 to 21:00 (External Balcony)
Monday to Friday:	17:00 to 21:00 (External Balcony)
Performance of a Play	
Monday to Saturday:	00:00 to 23:59
Late Night Refreshment	
Monday to Sunday:	23:00 to 03:00
Non-standard Timings:	See conditions at Annex 3
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
	Unrestricted
Sale by Retail of Alcohol	
Monday to Sunday:	09:00 to 00:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3</i>	

The opening hours of the premises:	
Monday to Sunday:	00:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:	
Alcohol is supplied for consumption on the Premises.	

Name and (registered) address of holder of premises licence:	
Odeon Cinemas Limited 3rd Floor St Albans House 57-59 Haymarket London SW1Y 4QX	

Registered number of holder, for example company number, charity number (where applicable)	
1854132	

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:	
Name:	Tessa Street

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

Date: 06 November 2018

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

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