



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Wednesday 28th October, 2020**, This was a virtual hearing.

**Members Present:** Councillors Karen Scarborough (Chairman), Jim Glen and Aicha Less

**Apologies for Absence:** There were none.

#### 1 MEMBERSHIP

There were no changes to the Membership of the Sub Committee.

For the purposes of this meeting, the Chairman proposed that Councillor Glenn be appointed Substitute Chairman. Councillor Less seconded the nomination and Councillor Glenn was duly appointed Substitute Chairman.

#### 2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

#### 3 12 OLD COMPTON STREET, LONDON W1D 4TQ

##### LICENSING SUB COMMITTEE No. 4

*Wednesday, 28 October 2020*

**Membership:** Councillors Karen Scarborough (Chairman), Jim Glenn and Aicha Less.

**Officer Support:** Legal Officer: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Cameron MacLean  
Presenting Officer: Michelle Steward

#### APPLICATION FOR A NEW PREMISES LICENCE 28/07331/LIPN

**Present:** Marcus Lavell, Keystone Law (Counsel for the Applicant); Edmund Weil (Applicant); PC Bryan Lewis, Metropolitan Police Service; Karyn Abbott, Licensing Authority; Ian Watson, Environmental Health Services; Richard Brown, CAB Licensing Project (on behalf of The Soho Society); and Jane Doyle, The Soho Society.

**Representations:** Representations were received from the Metropolitan Police Service; Environmental Health Service; the Licensing Authority; The Soho Society (representing a resident); and Complete Licensing (representing an objector)

**Applicant:** Swift One Holdings Ltd  
**Ward:** West End  
**CIA<sup>1</sup>:** West End

### **Summary of Application**

The application was for a new Premises licence allowing the Premises to operate as a lounge bar.

### **Proposed Licensable Activities and Hours**

#### Live Music (Indoors)

Monday to Saturday: 10:00 hours to 01:30 hours  
Sunday: 12:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays from 12:00 hours to 01:30 hours
- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour to the standard and non-standard times on the day when British Summer Time commences.

#### Recorded Music (Indoors)

Monday to Saturday: 10:00 hours to 01:30 hours  
Sunday: 12:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays from 12:00 hours to 01:30 hours
- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour to the standard and non-standard times on the day when British Summer Time commences.

#### Late Night Refreshment (Indoors and Outdoors)

Monday to Saturday: 10:00 hours to 01:30 hours  
Sunday: 12:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays from 12:00 hours to 01:30 hours
- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour to the standard and non-standard times on the day when British Summer Time commences.

#### Sale by Retail of Alcohol (On- and Off-Sales)

Monday to Saturday: 10:00 hours to 01:30 hours  
Sunday: 12:00 hours to 00:00 hours

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<sup>1</sup> Cumulative Impact Area

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays from 12:00 hours to 01:30 hours
- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour to the standard and non-standard times on the day when British Summer Time commences.

#### Hours Premises Are Open to the Public

Monday to Saturday: 10:00 hours to 01:30 hours

Sunday: 12:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays from 12:00 hours to 02:00 hours
- Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour to the standard and non-standard times on the day when British Summer Time commences.

### **INTRODUCTION**

Ms Michelle Steward, Senior Licensing Officer, stated this was an application by Swift One Holdings Ltd for a new Premises licence and that the Premises owner and operator, Mr Edmund Weil, would be represented at today's proceedings by Marcus Lavell, Counsel, Keystone Law.

Ms Stewart summarised the application; listed the representations and objections received; informed the Sub Committee which parties making representations and/or objections were present; and noted that late submissions had been received from the Applicant and interested parties and that these had been included in the Additional Information Pack sent to Members.

In conclusion, Ms Stewart noted that the Premises were in the West End Ward and were within the West End Cumulative Impact Area (CIA).

### **SUBMISSIONS**

The following submissions were made on behalf of the various parties.

#### **Submissions on Behalf of the Applicant**

On behalf of the Applicant, Mr Marcus Lavell, Counsel (Keystone Law), made the following submissions.

- (a) The Applicants had invested their time, money, and efforts into converting what had been a high-volume vertical drinking establishment into an award-winning establishment that had reduced the impact the Premises had within the CIA.
- (b) The Applicant's submissions on Page 19 of the Additional Information Pack stated that fewer customers would be accommodated on the Premises; the proposed Conditions were more robust than the current conditions; and the effect of fewer customers and robust conditions would make for more effective dispersal during the key hours of 12.00 midnight and 2 AM.

[Mr Lavell then summarised the proposed conditions set out on Page 20 of the Additional Information Pack].

- (c) The application stood on its merits and was an exception to the stress area policy as it reduced impact within the stress area. Because of the curfew on licensed Premises' opening hours, the application would not have any immediate effect on the CIA. However, when the curfew was lifted, the effect of social distancing on limiting the number of customers possible would reduce the impact the Premises had on the CIA.

In response to several questions by the Chairman, and Members of the Sub Committee, Mr Lavell provided the following information.

- (a) The Premises was not a restaurant and the sale of alcohol was not ancillary to a substantial meal; the Premises was currently operating under an existing Premises licence.
- (b) Compared with the existing licence, which allowed 193 people to drink alcohol until midnight, the new Premises licence, if granted, would reduce the number of customers to 120. In the basement area it was proposed that there be a condition requiring customers to be seated and that service be restricted to waiter/waitress service.<sup>2</sup>
- (c) Under the current licence, when the Premises closed at midnight, 193 high volume vertical drinkers would leave the Premises and enter the stress area. Under the current proposals, when the doors closed at midnight, customers could remain on the Premises until such time as they wished to leave and would do so under greater management control both inside and outside the Premises.
- (d) Substantial food would be available and it was proposed that there be a condition that substantial food be available when the Premises was operating.
- (e) The current operator, Swift One Holdings Ltd, took over the Premises about four years ago and were now running the Premises in the manner shown in the Applicant's [illustrated] submission.
- (f) It was a condition of the current licence that substantial food be available throughout the Premises opening hours. However, the sale of alcohol was not ancillary to the sale of a substantial meal.
- (g) Customers entering the basement area would automatically be seated. Customers on the ground floor would be allocated an area when they entered the Premises and where they would be waited upon by staff. There would be no customer service at the bar.
- (h) Customers waiting to enter the Premises at peak times currently queued outside the Premises. Under the proposals, customers would still queue outside the Premises, but the doors would close at midnight.
- (i) The provision of seated areas necessarily restricted the number of customers that the Premises could currently accommodate (60 persons on the ground floor and 60 in the basement area). However, should the operator wish to remove a lot of the seating, the Premises could still accommodate 193 customers.

### **Representations on Behalf of the Licensing Authority**

On behalf of the Licensing Authority, Ms Angela Seaward made the following submissions.

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<sup>2</sup> Proposed Condition: 42 in the basement area, other than pre-booked and bona fide private functions or events to which members of the public are not admitted, the supply of alcohol will be by waiter or waitress service only and shall only be to a person who is seated.

- (a) The application came within Council's Pubs & Bars policy as the Premises was within a Cumulative Impact Area (CIA); the application was to extend the operating hours; and, because the proposed sale of alcohol would not be ancillary to ordering a substantial meal.
- (b) Accordingly, it was the Council policy to refuse such applications unless the applicant could demonstrate exceptional circumstances.
- (c) It was also Council policy that, when applying for a new Premises licence, any existing Premises licence should be surrendered in accordance with the Council's Model Condition 62.<sup>3</sup> On this occasion, the Applicant had stated that they were not willing to surrender the existing licence.
- (d) The Licensing Authority were of the view that it was for the Licensing Subcommittee to determine whether the Applicant had demonstrated any exceptional circumstances that would allow the Council to depart from its policy in relation to CIA's.

In response to a question as to why his client did not wish to surrender the existing Premises licence, Mr Lavell stated his client was concerned that, should a time-limited Premises licence be granted and the existing licence surrendered, when the new licence expired, there would be no Premises licence in place. He suggested that consideration could be given to a new Premises licence which was time-limited with the opening hours and conditions reverting to the existing licence on the expiration of the new licence.

Mr Kerry Simpkin, Policy Officer, confirmed that, although the present application was not for a time-limited Premises licence, the Sub Committee could consider such a proposal as an exception to the Council's policy on CIA's. However, he noted that it had been proposed that the reduction in customer numbers provided an exception to the Council's Pubs & Bars policy.

### **Representations on Behalf of the Environmental Health Service**

On behalf of the Environmental Health Service, Mr Ian Watson made the following submissions.

- (a) Given previous concerns regarding public nuisance affecting Greek Court it was proposed that consideration be given to including the following conditions as part of the licence, should the application be granted –
  - Customers shall not enter or leave the Premises from Greek Court except in the event of an emergency; and
  - After 21:00 hours Greek Court shall not be used for storage, deliveries or refuse, and the exit door to Greek Court shall not be used except in an emergency
- (b) It was a concern that, notwithstanding the seating arrangements restricting the number of customers, the Premises could accommodate, the capacity for customer numbers remained the same.
- (c) In the time the Applicant had been operating the Premises, there had been no significant complaints by residents, including a number of TENs (Temporary Event Notices) when the Premises had operated until the early hours of the morning.

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<sup>3</sup> No licensable activities shall take place at the Premises until Premises 19/11486/LIPT (or such other number subsequently issued for the Premises) has been surrendered [and is incapable of resurrection].

- (d) Officers had concerns regarding arrangements for smoking and dispersal at late hours. There was a proposed condition that up to 10 persons at any one time be allowed outside the Premises to smoke. It was proposed that the Sub Committee might wish to consider reducing this number to 6, in keeping with Council guidelines. It was noted that the application now contained a proposed condition that there be a door supervisor and that the last entry time of midnight would prevent the Premises from becoming a late-night destination venue.
- (e) Regarding the proposal to exclude certain conditions from the existing licence in any new licence conditions, it was noted that some of these conditions were now redundant and that others were difficult to enforce.

In response to a question by the Chairman regarding queueing outside the Premises, Mr Watson stated that, because there was no entry after midnight, there would be no late-night queues and operators would be expected to manage queues in accordance with social distancing requirements. He noted that there were also queueing applications used by operators to inform customers when they could enter the Premises thereby avoiding customers having to queue outside the Premises.

### **Representations on Behalf of the Metropolitan Police**

PC Bryan Lewis stated that the main concern of the Police was the dispersal of up to 120 persons at 2 AM and that the Premises were within a Cumulative Impact Area (CIA). He noted that all the Licence Conditions proposed by the Police had been agreed by the Applicant.

In response to a question, PC Lewis stated that the Police were concerned that customers could be leaving the Premises at a time when there was a greater incidence of intoxicated persons on the street making them more vulnerable because of their intoxication and because of the reduced numbers of persons on the street at that time of night.

### **Representations by Richard Brown, Citizens Advice Licensing Advice Project, Representing Local Residents and The Soho Society**

Regarding the representations made by the Applicant concerning the reduction in numbers, Mr Brown proposed that, by extending the existing opening hours, the cumulative impact was up to 120 persons entering the Cumulative Impact Area (CIA) later than the Premises current closing time of midnight.

Mr Brown referred to the representation set out at Page 5 in the Additional Information Pack, noting that it had not been part of his representations that the application may be time-limited as this proposal did not form part of the application. Specifically, he referred to the following points

- (a) The Premises was in a highly residential area with many of the residences on the upper floors of Premises in Old Compton Street. Residents were pragmatic about the levels of noise associated with licensed Premises in the area but only to the extent of the current hours which were already beyond the Council's Core Hours.
- (b) A notable effect of extending the hours would be the operation of the ventilation system in Greek Court affecting those flats with windows looking on to Greek Court.
- (c) Referring to policy considerations and the representation set out on Page 9 of the Additional Information Pack, it was noted that an application would not be considered exceptional unless it addressed the underlying reasons for the policy.

Without more, extending the opening hours until 2 AM did not meet the exceptional circumstances criteria of the policy.

- (d) The impact of extending the opening hours, contrary to Policy PB2 of the Council's Statement of Licensing Policy, would be to allow up to 120 persons to enter the stress (CIA) area when the Premises closed at 2 AM.
- (e) Referring to Mr Lavell's submissions on behalf of the Applicant, it was submitted that –
- The proposed reduction in the capacity of the Premises could constitute an exception to the Council's special policy on cumulative impact in CIA's (Policy CIP1), the potential for the Premises to accommodate up to 193 customers and the extended opening hours meant that there would be an increase in the number of persons entering the CIA when the Premises closed; and
  - That the proposed condition that customers in the basement area be seated and service restricted to waiter or waitress service referred to the Council's policy on appropriate conditions up until 8 PM.
- (f) Regarding Covid-19, The Soho Society had concerns about overcrowding during the alfresco dining period.
- (g) The Premises may become a destination venue as it would be possible to enter the Premises just before midnight and order alcohol, unlike the present situation where it was not possible to order alcohol after midnight.

#### Representations by Ms Jane Doyle, The Soho Society

Ms Doyle made the following submissions.

- (a) This was a high crime area where drug dealing took place. It was also a highly residential area with a house of multiple occupation two doors down from the Premises, and there was a hotel in the immediate vicinity.
- (b) Other Premises in the area were not licensed beyond 11.00 pm or midnight.
- (c) If the licence was granted, it should include a condition discouraging pedicabs.
- (d) That the number of smokers outside the Premises be restricted to 3 as to allow more would encroach upon the Premises on either side.

The Chairman then invited the parties to sum up their representations.

#### Summary on Behalf of the Licensing Authority

If the Sub Committee was minded to grant a time-limited Premises licence, the Licensing Authority would not then request that the Applicant surrender the existing licence.

#### Summary on Behalf of the Environmental Health Service

Mr Watson reiterated his concerns about the number of people that might be allowed to smoke outside the Premises and the location of the smoking area.

#### Summary on Behalf of the Metropolitan Police

PC Bryan Lewis noted, should the application be granted, that Condition 33 in the current Premises licence relating to CCTV be updated as it made an anachronistic reference to "tapes".

#### Summary by Richard Brown on Behalf of the Soho Society & Residents

Mr Brown said that, in considering the application, he would ask the Sub Committee to consider whether the measures proposed provided support for an exception to the Council's Pubs & Bars policy. In his submission, the application did not meet the strict requirements allowing for an exception to the policy.

#### Summary by Mr Lavell on Behalf of the Applicant

Mr Lavell noted that the current licence permitted the provision of regulated entertainment for a 24-hour period and the sale of alcohol until midnight. He stated that the proposed application offered a reduction in both the number of persons in the Premises and the number of persons entering the CIA between midnight and 2 AM i.e., presently, persons left the Premises at midnight but remained within the CIA as they continued their evening's entertainment.

Under the current proposals, customers would leave the Premises at any time up until 2 AM and were more likely to end the evening at the Premises before going home rather than remaining within the CIA.

Regarding criminal activity in the CIA late at night, which was not linked to the Premises as the activity occurred after the Premises had closed, the presence of a registered SIA door supervisor would assist in reducing crime and alerting the police to criminal activity, thereby assisting in the promotion of the licensing objectives.

Mr Lavell had noted that the police had recognised that the Premises were well-run and that this would be a further ground for providing an exception to the Council's Pubs & Bars policy.

Regarding queueing, the current licence allowed people to queue outside the Premises. However, the applicant would be willing to take measures, including the possible use of a queueing app, to manage queueing at the Premises as might be conditioned by the Premises licence.

Concerns about the Premises' ventilation had been discussed with residents and it was thought that the matter had been resolved. However, the Applicant would be willing to have further discussions with residents to resolve any issues.

If the proposed number of smokers was deemed to be too high, it would be open to the Sub Committee to specify the number of smokers permitted in the smoking area in the licence conditions.

Regarding time-limited licences, the Sub Committee had, on occasion, granted an application for a Premises licence but for a limited period only, reflecting the reality of Covid-19.

#### Mr Edmund Weil: Owner & Operator

On behalf of the owners and operators of the Premises, Mr Weil stated that it was important to the owners to be part of the local community and that their Premises be a legacy and sustainable venue that worked with residents. He stated that, as owners and operators of Premises in Shoreditch, the applicants had developed excellent relationships with the local community. It was the company's intention to operate high quality, low-impact lounge venues offering an exceptional experience to its guests.

Mr Weil stated that, as owners and operators of the Premises, they would be willing to set up a WhatsApp group which residents could join and use to raise general and/or specific concerns regarding the operation of the Premises. Regarding dispersal, he noted that customers tended to leave before closing time and, at the

end of the evening, there was usually only a handful of customers remaining on the Premises.

Referring to Covid-19, Mr Weil stated that the regulations governing social distancing, "Rule-of-6", curfew & Tier 2, he stated that it had been "death by a thousand cuts" for the industry. He stated that the proposed changes to the licence would sustain the business in the long term, and that the lifting of the curfew would allow the business to get nearer to breaking even. The substantial losses sustained by the business had meant that some staff redundancies had been necessary, but it was hoped to keep this at a minimum. In conclusion, Mr Weil stated that the proposed extension to the licence would provide a lifeline given the significantly reduced number of customers.

## **ADJOURNMENT**

The Chairman announced that, at this stage of the proceedings, the Sub Committee would retire to consider its decision and that a summary of the Sub Committee's decision would be available within five working days.

## **DECISION**

Having considered the report of the Director of Public Protection and Licensing; the papers in the Additional Information Pack; and, having heard the representations from the various parties, it was the Sub Committee's decision to **REFUSE** the application.

## **REASONS FOR THE DECISION**

The Sub Committee's reasons for refusing the application are set out in the Summary Decision attached as an appendix to this minute.

## **4 NOMAD HOTEL, 28 BOW STREET, LONDON, WC2E 7AW**

### **LICENSING SUB COMMITTEE No. 4**

*Wednesday, 28 October 2020*

**Membership:** Councillors Karen Scarborough (Chairman), Jim Glenn and Aicha Less.

**Officer Support:** Legal Officer: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Cameron MacLean  
Presenting Officer: Michelle Steward

### **APPLICATION FOR A NEW PREMISES LICENCE 28/07331/LIPN**

**Present:** Lana Tricker (Solicitor for the Applicant); Stuart Adolf, Sydell Group, and Kate Hart, General Manager, NoMad Hotel (on behalf of the Applicant); Angela Seaward, Licensing Authority; David Nevitt, Environmental Health Services; Richard Brown, Westminster Citizens Advice, Licensing Advice Project (on behalf of local residents); David Kaner (Covent Garden Community Association); and Christopher Gardner (local resident)

**Representations:** Representations were received from the Environmental Health Service; the Licensing Authority; Covent Garden Community Association; and local residents.

**Applicant:** Bow Street Hotel Ltd  
**Ward:** West End  
**CIA<sup>4</sup>:** West End

### **Summary of Application**

The application was for a new Hotel licence.<sup>5</sup>

### **Amendments to the Application**

Prior to the Licensing Sub Committee meeting to hear the application, the Applicant amended the application by submitting revised hours of operation.<sup>6</sup>

### **INTRODUCTION**

Ms Michelle Steward, Senior Licensing Officer, stated this was an application by Bow Street Hotel Ltd (“the Applicant”) for a new Premises licence for the NoMad Hotel, 28 Bow St, London WC2E 7AW

Ms Steward summarised the application; listed the representations and objections received; informed the Sub Committee which parties making representations and/or

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<sup>4</sup> Cumulative Impact Area

<sup>5</sup> The applied-for licensable activities are set out in Appendix 1 to these minutes.

<sup>6</sup> The amended hours of operation are set out in Appendix 2

objections were present; and noted that late submissions had been received and these were included in the Additional Information Pack sent to Members.

In addition, Ms Stewart noted that the Applicant had submitted a revised list of proposed conditions which had been circulated to Members.

In conclusion, Ms Stewart stated that the Premises were in the West End Ward and within the West End Cumulative Impact Area (CIA).

## **SUBMISSIONS**

The following submissions were made on behalf of the various parties.

### **Submissions on Behalf of the Applicant**

On behalf of the Applicant, Ms Lana Tricker, Solicitor (Lt Law), made the following submissions.

- (a) In 2016, the Applicant had acquired the site of the former Magistrates' Court and Police Station on Bow Street (a Grade 2 listed building). £140 million had been spent on developing the site into a 91-guestroom, luxury brand NoMad Hotel which would open in December of this year.
- (b) The existing Premises licences, a hotel licence, and a restaurant licence, were granted prior to the proposals for the current development and it was proposed to surrender the hotel licence. It was not within the Applicant's gift to surrender the restaurant licence. However, the revised proposals for the site made the restaurant licence inoperable.
- (c) The Applicant would not be relying on Covid-19 as an exceptional circumstance for the granting of the licence as the Applicant was seeking a permanent Premises licence. However, Covid-19 was having a significant impact on licensed Premises and was, therefore, a relevant consideration when considering licence applications within Cumulative Impact Areas (CIAs).
- (d) Regarding plans of the property, licensable activities authorised under the Premises licence would be ancillary to the operation of the Premises as a hotel, as stated in proposed Condition 10.<sup>7</sup>

[At this stage in her presentation, Ms Tricker described the various plans attached at Appendix 2 of the report and the Revised Ground Floor Plan with Amended Smoking Areas on page 201 of the Additional Information Pack].

### **Outdoor Seating & Ground Floor Area**

#### Outdoor Seating

- (e) Regarding the outdoor seating on Broad Court, which had been granted planning permission, it was proposed that this would be used between 8 AM and 9 PM by hotel guests only and that the tables and chairs would be removed by 9:30 PM each day. There was a proposed condition that service would be restricted to customers who were seated and would be by way of waiter/waitress service only.

#### Ground Floor Event Spaces

- (f) Regarding the event spaces on the ground floor, which had a 170-person capacity, these would be used primarily for pre-booked, sit down dinners, but the

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<sup>7</sup> 10. Licensable activities authorised under this license shall remain ancillary to the main use of the Premises as a hotel.

Applicant also wished to be able to offer stand-up canapé events, as reflected in the proposed conditions.

- (g) It had been agreed with the Covent Garden Community Association (CGCA) not to use the door on the corner of Bow Street and Broad Court after 10 PM except in exceptional circumstances when entry would be supervised by SIA registered door supervisors, as set out in the proposed conditions.
- (h) Regarding use of the event spaces by Non-residents, it was proposed that this be restricted to Core Hours as set out in proposed Condition 59.<sup>8</sup>

#### Library Space

- (i) This was a predominantly seated area and it was proposed that non-residents could use the area to have a meal and/or a drink. After 8 PM, non-residents would be required to have a table meal, as per Model Condition 66, and use of the Library by non-residents and for events would be restricted to Core Hours.

#### Police Museum

- (j) It had been a Planning requirement that there be a Police Museum, the entrance to which was from Martlett Court and which would be closed at 10 PM except in exceptional circumstances when a SIA registered door supervisor would be present. Any events in the Museum would end at 10 PM. Licensable activities would include visitors to the Museum up until 5 PM; events in the Museum up to 10 PM; residents with up to 4 bona fide guests; and non-residents by invitation of the Hotel Management.

#### Ground Floor Side Hustle

- (k) The Ground Floor Side Hustle, the entrance to which was from Bow Street, would be food-led with a Mexico City theme. Seating, including barstools would be fixed and the capacity was for 75 persons. Licensable activities would be for Core Hours, Monday to Thursday; and to 1 AM on Fridays and Saturdays (with no entry/re-entry after midnight). Service would be either by way of waiter/waitress service or bar service.

Varying the opening hours for each space was to allow the gradual closure of each area within the Premises to assist in dispersal and to restrict the activities of non-residents.

[Ms Tricker then described the location of the reception and atrium area in relation to the event spaces].

#### **Basement Area**

##### Fireplace Room and NoMad Restaurant

- (l) This was a restaurant space where it was proposed that events could take place by way of Temporary Event Notices (TENs). As this was an atrium space, it had been acoustically treated to prevent any noise nuisance to residents. Licensable activities included table meals; pre-booked events until 8 PM; and use by

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<sup>8</sup> 59. In respect of (b) [persons attending a private a pre-booked function and booked at least 24 hours in advance, a register of such events to be kept for 31 days and made available for inspection by the responsible authorities on request] after 23.30 Mon-Thurs, midnight Fri-Sat and Sundays before bank holidays, 22.30 Sun licensable activities shall only be provided where there is waiter-waitress table service, using non disposable crockery, and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the Premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals;

residents and their guests until 1 AM. To address concerns by the Covent Garden Community Association (CGCA), Model Condition 66 had been reflected in proposed Condition 85.

[Ms Tricker then described the proposed operation of the holding bar].

### NoMad Lounge

- (m) It was proposed that the NoMad Lounge would operate to 2 AM, seven days a week and a door supervisor would be present from 10 PM. Access to the lounge would be via the main hotel. The supply of alcohol would be by waiter/waitress service or bar service. There would be no vertical drinking in the seated areas of the lounge, with an exception for occasional stand-up, canapé events. The area would not be sublet, and the Hotel Events Team would manage events in this space. It had been agreed that the Bow Street entrance would only be used after 10 PM and not after midnight.

### **Conditions**

- (n) It was noted that the proposed conditions had taken into consideration the Council's policies and concerns by residents. After agreement with Mr Kaner of the CGCA, it had been agreed that last entry to the NoMad Lounge would be in accordance with Core Hours, and not midnight.
- (o) Within the proposed conditions, there were a few exceptions to Council policy and the Sub Committee was requested to consider the proposed hours within the context of the operation of the Premises as a whole.
- (p) Each area would have a designated manager who would be trained on the relevant conditions to ensure compliance with the conditions.
- (q) A draft Dispersal Policy was included as part of the proposed operation of the Premises and reflected in the proposed conditions. The policy would be updated, in consultation with residents, as necessary.
- (r) The smoking areas were as far away as possible from residents and would be managed by hotel staff.
- (s) A Service and Waste Management Plan [Appendix 3 of the report] had been agreed and reflected in the proposed conditions.
- (t) The use of the Hotel's bars and restaurants by non-residents would be governed by proposed Condition 42: "The restaurants and bars shall not be used by non-residents of the hotel except between hours of 07:00 and 01:00 hours, unless a non-resident is a bona fide guest of a resident of the hotel".
- (u) The application included Regulated Entertainment throughout the Premises but would primarily be confined to the event spaces. As the hotel had been acoustically treated, such events would not disturb residents as there would be no sound from these events outside the building.
- (v) Proposed Condition 11 restricted the sale of alcohol between 08:00 hours and 10:00 hours, Monday to Sunday, to persons, other than hotel residents and up to 4 of their bona fide guests, who were seated and taking a table meal.
- (w) Off sales were in accordance with the Council's model conditions and incorporated into proposed Condition 32.
- (x) There was extensive exterior CCTV provision covering the Premises and, at the request of residents, lighting had been provided round the perimeter of the building.

## **Presentation by Stuart Adolph, Senior Vice President, Sydell Group, on Behalf of the Applicant**

Mr Adolph detailed the consultations that had taken place with residents' groups, including a well-attended public meeting to consider the revised Planning proposals in 2016/17. In addition, newsletters had been circulated to residents updating them on progress of the project, including the Premises licence application. Furthermore, consultation had taken place on public realm and highways matters in relation to Section 106<sup>9</sup> funding.

## **Presentation by Kate Hart, General Manager, NoMad Hotel**

Ms Hart stated that the Applicant was in the business of "selling sleep" with very expensive guestrooms at the front of the hotel. Therefore, it was in her interest to ensure that guests were quiet when they left the Premises. Consequently, she shared the concerns of residents about noise and possible disturbance.

## Questions by Members

In response to several questions, Ms Tricker provided the following information.

- (a) Regarding the dispersal of patrons from the NoMad Lounge late at night, it was noted that customers would include residents and non-residents and that there were strict conditions proposed for entry to, and exit from, the Premises by non-residents.
- (b) There would be a maître d' at the entrance to each area who would be responsible for finding a place for, and seating, customers. In so doing, they would determine which customers were hotel residents and which were not.
- (c) An example of an exceptional circumstance in which the Hotel may wish to use the entrance to the event spaces after 10 PM might be if there was a wedding party in "The Magistrates' Court" and another smaller group in the Fielding Room, the smaller group might be asked to exit by this route rather than encroach upon the bar area in "The Magistrates' Court". However, it was anticipated that it would be unusual for more than one area to be booked for an event at any one time and, should that be the case, arrangements would be made in accordance with the dispersal policy to avoid the requirement to use the event spaces entrance after 10 PM.
- (d) Areas that non-residents could access after Core Hours included –
  - The Museum, for guests of the Hotel Management until no later than 1 AM;
  - Ground Floor Side Hustle on Fridays and Saturdays where the sale of alcohol would be ancillary to a table meal after 10 PM;
  - The NoMad Lounge which would be open to non-residents until 1 AM [it was now proposed that, on Fridays and Saturdays, the NoMad Lounge close at 2 AM and not 3 AM];
  - The NoMad Restaurant and Fireplace Room until 1 AM subject to Model Condition 66 in which the sale of alcohol would be ancillary to a main meal from 8 PM.
- (e) The only smoking areas would be on Bow Street.

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<sup>9</sup> Town & Country Planning Act 1990

## **Representations by Mr Richard Brown, Citizens Advice, Licensing Advice Project**

On behalf of a few residents living in Sheridan buildings and Beaumont Buildings and Martlett Court, Mr Brown made the following submissions.

- (a) As a former Magistrates' Court and Police Station located in a highly residential area, in its current incarnation the Premises was of a wholly different nature.
- (b) The map on Page 149 identified the residential areas within the vicinity of the NoMad Hotel. The diversity of the residential population, which included families, young persons, some very elderly persons and key workers, made this a community with a sensitive demographic.
- (c) As a hotel with ancillary facilities offering a diverse range of entertainment for residents, guests of residents and non-residents it was the use of the hotel by non-residents i.e., members of the public, that caused concern. Residents broadly concurred with the approach proposed by the Covent Garden Community Association (CGCA) which would be to restrict the time members of the public could use the Hotel's facilities to that of core hours or, if dining, to 1 AM in accordance with the Council's Model Licence Condition 66. In addition, bona fide guests of residents, of which there could be up to four guests per resident, should also be restricted to a 1 AM to avoid the potential for nuisance to residents when guests dispersed.
- (d) Regarding dispersal, residents wished to know how this would operate in practice and not add to the existing problems of taxis and chauffeurs using the residential areas when picking up and setting down at the Royal Opera House.
- (e) The entrance to the Hotel Museum, being the nearest hotel entrance/exit to the residential areas should not be used after 10 PM.
- (f) Regarding the basement bar, it was proposed that core hours apply to members of the public, last entry to be within core hours, and that after core hours, guests of residents using the basement bar leave by the main hotel entrance/exit. In addition, those areas allowing unrestricted access by residents and their bona fide guests should be restricted to 1 AM for guests of residents.

In response to Mr Brown's submissions, Ms Tricker provided the following information.

- (a) The number of non-resident guests was in accordance with the Council's Model Condition 88 and, as had previously been mentioned, hotel staff would be aware of who were guests and who were residents.
- (b) The Applicant was aware of the residential nature of the area and had spent years consulting with residents on servicing, outside activities and Planning consents.
- (c) In accordance with the proposed dispersal policy, staff would be trained on managing the dispersal of guests. In addition, security staff would supervise guests leaving the Premises and, in so doing, directing persons towards transport on Bow Street and away from the Hotel and residential areas.
- (d) Several conditions had been proposed to prevent noise nuisance and the Hotel management were willing to liaise with residents and amend the dispersal policy as necessary, as well as arranging for quarterly meetings with residents to address any issues or complaints.

Mr Adolf confirmed that the Applicant also tried to engage with the local community wherever its hotels were located and Sydell London Ltd had been a Member of the CGCA since 2017. He stated that residents were regularly updated by way of newsletters and it was hoped that, when the Premises opened, the Operations Team would continue to be involved in the CGCA's activities.

### **Representations on Behalf of the Licensing Authority**

On behalf of the Licensing Authority, Angela Seaward made the following submissions.

- (a) The Council's HOT1 policy stated that, when considering granting a hotel Premises licences "The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from street will be likely to raise similar concerns to pubs and bars". As the Premises were within a Cumulative Impact Area (CIA) it would be the Council's policy to refuse the application.
- (b) Council Policy PB2 stated that the grant of new licences for pubs and bars in the CIA should be limited to exceptional circumstances. Accordingly, the areas that fell to be considered within the policy were The Side Hustle Bar, NoMad Lounge, Museum, and exterior terrace. A relevant consideration for the Sub Committee was the proposed conditions governing those areas where the sale of alcohol would not be ancillary to a meal.

[It was confirmed that sale of alcohol to non-residents in The Side Hustle Bar was ancillary to a meal after Core Hours].

- (c) There were unpaid fees in respect of the existing restaurant licence. Therefore, the licence was currently suspended and could only be resurrected upon payment of the fees and upon approval to a variation of the licence in accordance with the new configuration of the Premises.

### **Representations on Behalf of the Environmental Health Service**

On behalf of the Environmental Health Service (EHS), David Nevitt made the following submissions.

- (a) The key areas for consideration by the Sub Committee were –
  - The areas which were open to public use, including The Side Hustle Bar which could be accessed from Bow Street without having to go through the Hotel.
  - Areas for pre-booked events such as wedding receptions, parties and functions permitted under a Temporary Event Notice (TEN) involving members of the public possibly leaving the Premises late at night.
  - Late-night dispersal and the effect of the pedestrianised areas around the hotel where there was no traffic noise to mask sounds in those areas.
  - Ancillary operational activities such as refuse disposal and deliveries.
- (b) In making its representations, the EHS proposed that it was appropriate for the Sub Committee to consider –
  - The appropriateness of what the Applicant was applying for and the proposed conditions and hours; and
  - To ensure that all the concerns of residents had been addressed.

## **Representations on Behalf of Covent Garden Community Association (CGCA)**

David Kaner, on behalf of the CGCA, made the following submissions.

- (a) Many residents had been frustrated by the fact that they only learned about the Premises licence application when they were notified by the CGCA.
- (b) There had been discussions with the Hotel management about the proposed conditions and agreement had been reached on many of the conditions.
- (c) The main concern for residents was the sale of alcohol after core hours to members of the public and guests of Hotel residents that was not ancillary to a meal. The areas where this could take place included the basement bar and the NoMad Lounge.
- (d) To address these concerns, it was proposed that the Sub Committee consider restricting access to the basement bar from Martlett Court, and the operation of the bar after core hours in relation to the sale of alcohol to members of the public and guests of residents and the opening hours.

In response, Ms Tricker confirmed that the basement bar would be open until 2 AM for bona fide guests of residents and that the use of the entrance/exit on Martlett Court would be supervised in accordance with the dispersal policy. Accordingly, the Applicant was confident that Hotel's operation would not add to the cumulative of impact in the area or cause disturbance to residents.

In response to Member's questions, Ms Tricker provided the following information –

- (a) The exceptional use of entrances and exits after 10 PM would be for emergency use only. Entry to the basement bar using the Martlett Court entrance would be until midnight, but there would be no exit using the Martlett Court entrance/exit after 10 PM. In addition, proposed Condition 41 stated: "any doors on Crown Court shall only be used as an emergency escape and staff and any patrons shall not be permitted to use them at any time except in the case of emergency".
- (b) Regarding staff breaks and smoking, this was covered by proposed Condition 22 which read: "Staff will not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court", and that there were disciplinary provisions in place should staff breach this condition.

## **Representations by Christopher Gardner, Resident**

Mr Gardner made the following points in his representations.

- (a) The Premises had never previously operated as licenced Premises. Therefore, the Sub Committee was being asked to rely upon assurances, predictions, and projections by the Applicant.
- (b) Should the Applicant's predictions and projections be incorrect, this could impinge significantly upon residents in this highly residential area. Accordingly, he would ask the Sub Committee to be cautious in its approach to the application regarding dispersal and the potential for noise nuisance.
- (c) If the Premises operated in a way that did not impinge upon residents, then it would be open to the Applicant to apply to vary the hours and conditions approved by the Sub Committee.
- (d) Residents were concerned that this might become a late-night destination for drinkers and as the Hotel's CCTV would not be monitored, it would only be in

response to complaints by residents that steps might be taken by the Hotel management to address any public nuisance concerns.

In response, Ms Tricker noted that proposed Condition 25 detailed the implementation and operation of a dispersal and outdoor management policy and that would be kept under review. In addition, staff would be trained on the implementation and operation of the policy. Furthermore, any breach of the conditions could give rise to criminal liability and a review of the Premises licence. Given the very significant investment in this property, the Hotel management would ensure that staff complied with and enforced the Premises licence conditions.

### **Representations by Councillor Tim Mitchell, Ward Councillor**

Councillor Mitchell stated he was representing the three local Ward Councillors in their support of the various representations made by residents. The residential areas affected by the application included the Martlett Court Estate (Fletcher Buildings, Beaumont Buildings and Sheridan Buildings), Crown Court and Broad Court which, when taken together, comprised a densely residential part of Covent Garden largely hidden from visitors to the area.

The local Ward Councillor's concerns included –

- (a) The potential impact of public nuisance as a result of the sale of alcohol late at night from those parts of the Hotel which were open to members of the public and guests of residents;
- (b) The servicing of the Hotel; and
- (c) Members of staff congregating outside the Premises.

The existing Premises licence application was restricted to core hours. The present application went beyond core hours and, if granted, the licence would pass to any future owners of the Premises. Councillor Mitchell stated that the proposed conditions were welcomed, noting that the Hotel would make a positive contribution to the area.

In response, Ms Tricker confirmed that proposed Conditions 36 to 40 covered servicing of the Hotel, including waste management and deliveries.

[It was noted that the Service Delivery Plan, which was subject to Planning approval, was more restrictive than the proposed Premises licence conditions. The reason being that the Service Delivery Plan could be amended without applying for a variation to the Premises licence but only to the extent of the hours permitted in the proposed licensing conditions. Both the Service Delivery Plan and the proposed conditions were acceptable to the CGCA].

### **SUMMING UP**

The Chairman then invited the various parties to sum up their presentations.

### **The Licensing Authority**

Ms Seaward stated that she had nothing further to add to her presentation.

### **Environmental Health Service**

Mr Nevitt noted that the various event spaces within the Hotel Premises came under the umbrella of the Council's Hotel policy rather than as separate Premises under the Council's Pubs & Bars policy.

Regarding proposed Condition 23: "Staff will not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court", this was a very widely drawn condition and may prove difficult to enforce.

Ms Tricker stated that it had been agreed with the Applicant that the wording would be revised to read, as follows –

*"Staff will not be permitted to smoke or take their breaks on Broad Court, Martlett Court or Crown Court".*

Enforcement of this would be achieved using CCTV and staff training.

#### **David Kaner on Behalf of -**

- 1. The Covent Garden Community Association (CGCA); and**
- 2. [in his absence] Richard Brown, Citizens Advice Bureau, Licensing Project on Behalf of Local Residents**

The CGCA was satisfied with the proposed conditions. The issue that remained unresolved was the time that non-resident alcohol led activities would end. It was proposed that this should be earlier than the hours of operation set out in the application.

The CGCA concurred with the proposal by Richard Brown that the basement bar should close at 1 AM for all users as this would be consistent with the time that non-residents had to be off the Premises.

That there was no objection to the revised wording for proposed Condition 23.

#### **Ms Tricker on Behalf of the Applicant**

The application was in accordance with the Council's Hotel Premises policy and there was, in accordance with policy, an ancillary provision within the public areas of the Premises. Significant conditions had been proposed to control and modify the operation and management of the areas within the Premises.

Regarding Crime and Disorder and the Council's CIA policy, the Premises would have less impact on the Cumulative Impact Area when compared with other licenced Premises in the CIA. Given the iconic location within which the Hotel would be operating, there were no other Premises within the area that could offer similar services.

The operation of the Hotel would assist in curbing antisocial behaviour in the areas behind the Hotel, including the installation of CCTV and lighting for the exterior parts of the Premises.

The Applicant was in the business of selling sleep and the guestrooms were expensive thereby providing an incentive to the Applicant to operate the Hotel in a quiet and efficient manner that did not disturb residents. Noise reduction measures had been included in all public areas within the Hotel to ensure that residents would not be disturbed.

Servicing operations ended at 8 PM and the sale of alcohol was well-regulated, and all areas remained under the management of the licence holder. If the Sub Committee deemed it appropriate, the Applicant would be willing to accept a further condition that licensable activities only take place by Bow Street Hotel Ltd thereby avoiding any subletting of the operation of the licensed Premises.

There were strict conditions governing the entry and non-entry to the NoMad Lounge, which was not a nightclub, and more than half the area within the lounge had seated waiter/waitress service with limited access and egress after specific times.

Core hours had been respected with changes to conditions for the time that any area operated beyond core hours. The conditions and opening hours provided for natural dispersal.

In conclusion, it was proposed that the application, as presented, would support the Licensing Objectives and was consistent with the Council's policies, and that the Premises would be well-regulated.

## **ADJOURNMENT**

At this stage in the proceedings, the Chairman adjourned the meeting to allow the Members of the Sub Committee to retire and consider their decision.

## **DECISION**

Having considered the report of the Director of Public Protection and Licensing; the papers in the Additional Information Pack; and, having heard the representations from the various parties, it was the Sub Committee's decision to **APPROVE** the application.

## **REASONS FOR THE DECISION**

The Sub Committee's reasons for refusing the application are set out in the Summary Decision attached as an appendix to this minute.

The Meeting ended at 2.55 pm.

## WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4 ("THE COMMITTEE")

Wednesday, 28th October 2020

**Membership:** Councillor Karen Scarborough (Chairman)  
Councillor Jim Glen and Councillor Aicha Less

**Officer Support:** Legal Adviser: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officer: Cameron MacLean  
Presenting Officer: Michelle Steward

**Parties Present:** Mr Marcus Lavell, Counsel for the Applicant, PC Bryan Lewis, Metropolitan Police Service, Ms Angela Seaward for the Licensing Authority, Ian Watson for Environmental Health Service, Mr Richard Brown, CAB Licensing Project for the Soho Society and Ms Jane Doyle for the Soho Society.

### APPLICATION FOR A NEW PREMISES LICENCE - 12 OLD COMPTON STREET, LONDON WD4TQ (20/07331/LIPN)

#### FULL DECISION

#### Premises

12 Old Compton Street  
London  
W1D 4TQ

#### Applicant

Swift One Holdings Limited

#### Cumulative Impact Area?

The Premises are located within the West End Cumulative Impact Area

#### Ward

West End

#### Summary of Application

This is a new application for a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises proposed to operate as a lounge bar. The Premises have had the benefit of a Licence Number 19/11486/LIPT since 2005.

#### Proposed Licensable Activities and Hours

##### Live Music (Indoors)

Monday to Saturday: 10:00 to 01:30 hours  
Sunday: 12:00 to 00:00 hours  
Sunday before Bank Holidays: From 12:30 to 01:30 hours

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British summer time commences.

### Recorded Music (Indoors)

Monday to Saturday: 10:00 to 01:30 hours  
Sunday: 12:00 to 00:00 hours

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British summer time commences.

### Late Night Refreshment (Indoors & Outdoors)

Monday to Saturday: 23:00 to 01:30 hours  
Sunday: 23:00 to 00:00 hours

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British summer time commences.

### Sale by Retail of Alcohol (On or Off Sales)

Monday to Saturday: 10:00 to 01:30 hours  
Sunday: 10:00 to 00:00 hours

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British summer time commences.

### Hours Premises are open to the Public:

Monday to Saturday: 10:00 to 02:00 hours  
Sunday: 10:00 to 00:30 hours

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British summer time commences.

### **Representations Received**

1. Metropolitan Police Service (PC Adam Deweltz)
2. Licensing Authority (Angela Seaward)
3. Environmental Health Service (Ian Watson)
4. Neil Drinkwater
5. Eric Babak
6. Soho Society (Jane Doyle)

### **Summary of issues raised by Objectors**

1. The application if granted would undermine the licensing objectives in relation to the Prevention of Crime and Disorder.
2. There were concerns as to how the premises would promote the four licensing objectives.
3. The operating hours applied for fall outside the Council's Core Hours.
4. The hours requested will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.

### **Policy Position**

Policies CIP1, HRS1, PB2 and CIA apply under the City Council's Statement of Licensing Policy. The Premises are located within the West End Cumulative Impact

Area, and as such, the Applicant must demonstrate that the application will not add to Cumulative Impact in the West End Cumulative Impact Area.

### **SUBMISSIONS AND REASONS**

The Licensing Sub-Committee heard from Mr. Marcus Lavell, Counsel for the Applicant, who stated that his clients have invested money and effort in order to convert a high volume, vertical drinking establishment into an award-winning establishment that reduced the impact the premises had within the Cumulative Impact Area.

Mr. Lavell referred to the Applicant's submissions which stated that fewer patrons would be accommodated on the premises and that the proposed conditions were more robust than the current licence conditions.

Mr. Lavell stated that the effect of fewer patrons was designed to reduce activities in the stress area.

He explained that application stood on its merits and was an exception to the Statement Licensing Policy.

When asked by Members why the application was not time limited, Mr. Lavell stated that the premises were not a restaurant and under the existing licence the sale of alcohol was not ancillary to ordering a substantial meal. It is proposed that substantial food will be available when the premises become operational.

Mr. Lavell stated that the current licence allowed 190 people to drink alcohol until midnight, the new premises licence, if granted, would reduce the number of customers to 120.

It was proposed that there would be a condition requiring customers in the basement to be seated and that service be restricted to waiter/waitress service only.

Mr. Lavell explained that under the current licence, when the premises closed at midnight, 190 high volume vertical drinkers would leave the premises and enter the stress area. Under the current proposals, when the doors closed at midnight, customers could remain on the premises until such time as they wished to leave and would do so under greater management control both inside and outside the premises.

Mr. Weil on behalf of the owners stated that it was important to the owners to be part of the community. It was the company's intention to operate high quality, low impact lounge venues offering an exceptional experience to its guests.

Mr. Weil stated that they would be willing to set up a WhatsApp group which local residents could join and use to raise general and/or specific concerns regarding the operation of the premises.

He stated that with regard to dispersal, customers tended to leave the premises before closing time and at the end of the evening, there was only a small number of customers remaining on the premises.

Mr. Weil stated that the substantial losses sustained by the business had meant that some staff redundancies had been necessary and that the proposed extension to the licence would provide a lifeline to the business.

When asked by members when did the Applicant open the premises, Mr. Lavell stated that Swift One Holdings Limited took over the lease four years ago and were now running the premises in the manner illustrated in their submission.

It was noted that customers entering the basement area would automatically be seated. Customers on the ground floor would be allocated an area when they entered the premises and where they would be waited upon by staff.

When asked by members if there was a holding area on the ground floor Mr. Lavell stated that customers waiting to enter the premises at peak times queued outside the premises. Under the current proposals, customers would still queue outside the premises, but the doors would be closed at midnight.

Members asked for explanations as to the current practical capacity for the premises. Mr. Lavell stated that the provision of seated areas restricted the number of customers that the premises could currently accommodate, 60 persons on the ground floor and 60 persons in the basement area. He further stated that should the operator wish to remove the furniture they can trade to the safe capacity on the licence.

When asked by Members why the Applicant would not surrender the existing licence, Mr. Lavell stated that his client was concerned that should a time limited premises licence be granted and the existing licence surrendered, when the new licence expired, there would be no Premises Licence in place.

It was noted that because the Applicant did not want to surrender the existing licence, it was not their intention to apply for a time limited license.

Mr. Ian Watson on behalf of the Environmental Health Service stated that given previous concerns regarding public nuisance affecting Greek Court, the following conditions were proposed should the application be granted: -

- Customers shall not enter or leave the premises from Greek Court except in the event of an emergency; and
- After 21:00 hours Greek Court shall not be used for storage, deliveries or refuse and the exit door to Greek Court shall not be used except in an emergency.

Mr Watson stated that there was a concern that, notwithstanding the seating arrangements restricting the number of customers, the capacity for the premises remained the same.

It was noted that during the time the Applicant had been operating the premises, there had been no significant complaints by residents. Also, there had been a number of Temporary Event Notices when the premises had operated until the early hours of the morning.

Mr. Watson stated that there had been concerns regarding arrangements for smoking and dispersal at late hours.

It was proposed that there was a condition that only ten persons at any one time be allowed outside the premises to smoke.

It was noted that the application contained a proposed condition that there be a door supervisor and that the last entry time of midnight would prevent the premises from becoming a late-night destination venue.

When asked by Members about queueing outside the premises, Mr. Watson stated that because there was no entry after midnight, there would be no late-night queues and operators would be expected to manage queues in accordance with social distancing requirements.

PC Bryan Lewis, on behalf of the Metropolitan Police stated that they have never heard of the premises which is an indication that the premises are well run. However, he also stated that the Police did have a concern that customers could be leaving the premises at a time when there was a greater incidence of intoxicated persons on the street, leaving them more vulnerable because of the reduced numbers of persons on the street at that time of night.

It was noted that the conditions proposed by the Police had been agreed by the Applicant.

It was also noted that under Paragraph 2.4.4 of the Statement of Licensing policy, the Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises.

Representations were made by Mr. Brown on behalf of local residents and the Soho Society, Mr. Brown made reference to the reduction in capacity and proposed that by extending the existing opening hours, the cumulative impact was up to 120 persons entering the Cumulative Impact Area (CIA) after the time at which the premises presently closed.

Mr. Brown stated that residents were concerned about the levels of noise associated with licensed premises in the area but only to the extent of the current hours which were already beyond the Council's Core Hours.

Mr. Brown also stated that the Soho Society had concerns about overcrowding during the alfresco dining period.

The Committee decided that the Applicant had not provided sufficient reasons as to why the Committee should depart from paragraphs 2.5.23 and 2.5.48 of the Statement of Licensing Policy and why granting the application would promote the licensing objectives and therefore **refused** the application for a new Premises Licence.

The Committee noted that the Premises have had the benefit of a Premises Licence since 2005 and have been operating for four years.

The Committee noted that it was proposed to reduce the capacity from 193 to 120 people, and it was argued that this change would be an exception under paragraph 2.4.7 on page 38 of the Statement of Licensing Policy.

The Committee noted that the Police stated that the Premises were not a problem premises as far as crime and disorder were concerned but appreciated that the premises were in the cumulative impact area where exceptional reasons had to be proven.

The Committee noted that the Applicant's intention to keep patrons on the premises until 01:30 and this would mean fewer people leaving the premises at any one time.

It was noted that when the Police were asked about the Applicant's intention to reduce capacity the Police responded that as there would be less people on the street at the proposed terminal hour which meant that people would be more vulnerable.

The Committee duly considered the evidence given by the Police in terms of drug dealings and street robberies that take place in the area which is a highly residential area, and which would increase with a later terminal hour.

The Committee did express concern regarding patrons queuing outside the premises and customers leaving the premises at the terminal hour which would lead to problems with dispersal in the West End causing public nuisance for local residents especially for those residents who live in such proximity to the premises.

The Committee noted that the Applicant had not applied for a time limited licence and questioned why they had not done so. The Applicant stated that should a time-limited premises licence be granted, the existing licence surrendered, when the new licence expired, there would be no Premises Licence in place.

The Committee noted that the Applicant proposal for a late request for a time limited licence. It was noted that as local residents and the Responsible Authorities were not given an opportunity to make representations on such proposal, therefore, it could not form part of the application.

The Committee welcomed the additional conditions that had been agreed with the Police regarding the incident log and the pre-booked arrangement for the basement area in the premises.

In terms of the policy considerations, the Committee had regard to Policy HRS1 which states **"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 (SLP)"**.

The Committee appreciated it has discretion when considering the merits of the application but took the view that granting the application would be contrary to other policies. The Committee had regard to all relevant policies under the SLP Policy PN1; the prevention of Public Nuisance.

The Committee felt that it needed to strike the right balance when considering the merits of the application and the evidence before it and did not arrive at refusing the application lightly having regard to the full set of circumstances of the case, the Home Office Guidance, the SLP and the promotion of the public nuisance licensing objective.

The Committee did consider whether the proposed conditions offered would mitigate the concerns of residents but was not fully persuaded by the arguments put forward by the Applicant that these would go to the heart of the problems associated with nuisance and exceptionality.

The Committee was of the view that exceptional reasons had not been provided. It sympathised with the Applicant that the new licence would be a lifeline for the business at this difficult time, but exceptionality must first and foremost be proven in accordance with the policy aims and objectives.

The Committee came to the overall conclusion that the granting of the new licence would have a negative impact on the cumulative impact area leading to the licensing objectives being undermined the public nuisance licensing objective.

**This is the Full Decision reached by the Licensing Sub-Committee. This decision takes immediate effect.**

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## PROPOSED LICENSABLE ACTIVITIES AND HOURS

### Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Performance of Live Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Playing Recorded Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Exhibition of a Film (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Performance of Dance (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
Friday & Saturday: 10:00 hours to 03:00 hours  
Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Performance of Live Music (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
Friday & Saturday: 10:00 hours to 03:00 hours  
Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Playing of Recorded Music (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
Friday & Saturday: 10:00 hours to 03:00 hours  
Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
Friday & Saturday: 10:00 hours to 03:00 hours  
Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Exhibition of a Film (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
Friday & Saturday: 10:00 hours to 03:00 hours  
Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Performance of Dance (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Performance of Live Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

#### Playing of Recorded Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

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

Ground Floor Side Hustle

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Exhibition of a Film (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Late Night Refreshment (Indoors and Outdoors)

Residents

Monday to Sunday: 23:00 hours to 05:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Late Night Refreshment (Indoors and Outdoors)

Non-Residents in Ground Floor Side Hustle

Monday to Thursday: 23:00 hours to 23:30 hours

Friday & Saturday: 23:00 hours to 01:00 hours

Sunday: Not Applicable

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 23:00 hours to 00:00 hours
- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Late Night Refreshment (Indoors and Outdoors)

Non-residents in ground floor event space.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Late Night Refreshment (Indoors and Outdoors)

Non-residents in NoMad Restaurant and Fireplace Room

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Late Night Refreshment (Indoors and Outdoors)

Non-residents in Ground Floor Library.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

### Late Night Refreshment (Indoors and Outdoors)

Non-residents in Ground Floor Museum.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in Basement NoMad Lounge (also known as Common Decency)

Monday to Thursday: 23:00 hours to 02:00 hours  
 Friday & Saturday: 23:00 hours to 03:00 hours  
 Sunday: 23:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (On and Off Sales)

Residents

Monday to Sunday: 00:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
 Friday and Saturday: 10:00 hours to 01:00 hours  
 Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Event Space.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in NoMad Restaurant and Fireplace Room

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Library.

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in External Terrace Area

Monday to Sunday: 10:00 hours to 21:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Museum.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Basement NoMad Lounge (also known as Common Decency)

Monday to Thursday: 10:00 hours to 02:00 hours

Friday and Saturday: 10:00 hours to 03:00 hours

Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 47)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 48)

Hours Premises Are Open to the Public

Monday to Sunday: 00:00 hours to 00:00 hours

Seasonal variations/non-standard timings: not applicable.

## Opening Hours

Monday to Sunday: 00:00 hours to 00:00 hours [the premises trades as a hotel]

Note: The below hours are for all licensable activities unless stated otherwise. However, Late Night Refreshment (LNR) commences at 23:00 hours where applicable.

### **Museum: Ground Floor**

#### Non-residents (ticket holders)

10:00 hours to 17:00 hours

#### Non-residents (attending events)

10:00 hours to 22:00 hours

Non-residents (invited by Management – maximum of 10 persons)

10:00 hours to 01:00 hours

#### Residents and Their Bona Fides Guests

10:00 hours to 01:00 hours

### **Ground Floor Side Hustle**

#### Non-residents

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours (conditioned that, if the premises after midnight they must be seated having a table meal and alcohol ancillary to meal)
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

#### Residents and Their Bona Fides Guests

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

### **NoMad Lounge (also known as Common Decency)**

[Exterior door on corner closed at midnight]

#### Residents and Their Bona Fides Guests

Unrestricted

#### Non--residents

Monday to Sunday: 10:00 hours to 01:00 hours (no new entries after 00:00 hours)

### **Nomad Restaurant and Fireplace Room**

#### Residents and Their Bona Fides Guests

Unrestricted

### Owners of Hotel and Bona Fides Guests

10:00 hours to 01:00 hours

### Non-residents

10:00 hours to 01:00 hours (after 8 PM must be dining (MC 66))

### Non-residents

Bar area: seated or at a table served by waiter/waitress service and alcohol starts from 8 AM, not 10 AM, for non-residents, but between 8 AM and 10 AM alcohol is with a meal (conditioned)

### **Event Space**

#### Non-Residents (in general)

(Conditioned that, if in the premises after midnight, they must be seated, having table meal and alcohol ancillary to meal): core hours

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

#### Non-residents (attending events)

Monday to Sunday: 10:00 hours to 01:00 hours but for those hours passed core hours it will be for seated persons having table meal and alcohol ancillary to meal.

### Residents and Their Bona Fides Guests

Unrestricted

### **Exterior Area**

Alcohol: Monday to Sunday – 10:00 hours to 21:00 hours (seated)

### **Library**

#### Residents and Their Bona Fides Guests

Unrestricted

#### Non-Residents (in general and conditioned to have a table meal after 8 pm)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

#### Non-Residents (attending an event)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

and alcohol starts from 8 AM, not 10 AM for non-residents, but between 8 AM and 10 AM alcohol is served with a meal (conditioned)

Off Sales: cease at 23:00 hours (conditioned – sealed containers).  
Plus, New Year's Eve/British summertime non-standard timings.

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## FULL DECISION

Appendix 3  
WCC LSC 4: 28.10.2020

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4 ("The Committee")

Thursday, 28 October 2020

**Membership:** Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aicha Less

**Officer Support:** Legal Advisor: Vivienne Walker  
Policy Officer: Kerry Simpkin  
Committee Officers: Cameron MacLean  
Presenting Officer: Michelle Steward

### APPLICATION FOR A NEW PREMISES LICENCE – NOMAD HOTEL, 28 BOW STREET, LONDON WC2E 7AW [20/07606/LIPN]

## FULL DECISION

### Premises

NoMad Hotel, 28 Bow Street, London WC2E 7AW

### Applicant

Bow Street Hotel Limited

### Cumulative Impact Area?

West End

### Ward

St James

### Proposed Licensable Activities and Hours

#### Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Performance of Live Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Playing Recorded Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Exhibition of a Film (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Performance of Dance (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours

Friday & Saturday: 10:00 hours to 03:00 hours

Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Performance of Live Music (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
 Friday & Saturday: 10:00 hours to 03:00 hours  
 Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Playing of Recorded Music (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
 Friday & Saturday: 10:00 hours to 03:00 hours  
 Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours  
 Friday & Saturday: 10:00 hours to 03:00 hours  
 Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Exhibition of a Film (Indoors)

NoMad Lounge, also known as Common Decency

Monday to Thursday: 10:00 hours to 02:00 hours  
 Friday & Saturday: 10:00 hours to 03:00 hours  
 Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Performance of Dance (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Performance of Live Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

#### Playing of Recorded Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

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

**Ground Floor Side Hustle**

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Exhibition of a Film (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday & Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Residents*

Monday to Sunday: 23:00 hours to 05:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-Residents in Ground Floor Side Hustle*

Monday to Thursday: 23:00 hours to 23:30 hours  
Friday & Saturday: 23:00 hours to 01:00 hours  
Sunday: Not Applicable

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 23:00 hours to 00:00 hours

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-residents in ground floor event space.*

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-residents in NoMad Restaurant and Fireplace Room*

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-residents in Ground Floor Library.*

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-residents in Ground Floor Museum.*

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

*Non-residents in Basement NoMad Lounge (also known as Common Decency)*

Monday to Thursday: 23:00 hours to 02:00 hours  
Friday & Saturday: 23:00 hours to 03:00 hours  
Sunday: 23:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (On and Off Sales)

*Residents*

Monday to Sunday: 00:00 hours to 00:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in Ground Floor Side Hustle.*

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday and Saturday: 10:00 hours to 01:00 hours  
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in Ground Floor Event Space.*

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in NoMad Restaurant and Fireplace Room*

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in Ground Floor Library.*

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in External Terrace Area*

Monday to Sunday: 10:00 hours to 21:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in Ground Floor Museum.*

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

*Non-residents in Basement NoMad Lounge (also known as Common Decency)*

Monday to Thursday: 10:00 hours to 02:00 hours

Friday and Saturday: 10:00 hours to 03:00 hours

Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)

- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Hours Premises Are Open to the Public

Monday to Sunday: 00:00 hours to 00:00 hours [the premises trades as a hotel]

Note: The below hours are for all licensable activities unless stated otherwise. However, Late Night Refreshment (LNR) commences at 23:00 hours where applicable.

**Museum: Ground Floor**

Non-residents (ticket holders)

10:00 hours to 17:00 hours

Non-residents (attending events)

10:00 hours to 22:00 hours

Non-residents (invited by Management – maximum of 10 persons)

10:00 hours to 01:00 hours

Residents and Their Bona Fides Guests

10:00 hours to 01:00 hours

**Ground Floor Side Hustle**

Non-residents

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours  
(conditioned that, if the premises after midnight they must be seated having a table meal and alcohol ancillary to meal)
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Residents and Their Bona Fides Guests

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

**NoMad Lounge (also known as Common Decency)**

[Exterior door on corner closed at midnight]

Residents and Their Bona Fides Guests

Unrestricted

Non-residents

Monday to Sunday: 10:00 hours to 01:00 hours (no new entries after 00:00 hours)

**Nomad Restaurant and Fireplace Room**

Residents and Their Bona Fides Guests

Unrestricted

Owners of Hotel and Bona Fides Guests

10:00 hours to 01:00 hours

Non-residents

10:00 hours to 01:00 hours (after 8 PM must be dining (MC 66))

Non-residents

Bar area: seated or at a table served by waiter/waitress service and alcohol starts from 8 AM, not 10 AM, for non-residents, but between 8 AM and 10 AM alcohol is with a meal (conditioned)

**Event Space**

Non-Residents (in general)

(Conditioned that, if in the premises after midnight, they must be seated, having table meal and alcohol ancillary to meal): core hours

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Non-residents (attending events)

Monday to Sunday: 10:00 hours to 01:00 hours but for those hours passed core hours it will be for seated persons having table meal and alcohol ancillary to meal.

Residents and Their Bona Fides Guests

Unrestricted

**Exterior Area**

Alcohol: Monday to Sunday – 10:00 hours to 21:00 hours (seated)

**Library**

Residents and Their Bona Fides Guests

Unrestricted

Non-Residents (in general and conditioned to have a table meal after 8 pm)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Non-Residents (attending an event)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20:30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Alcohol starts from 8 AM, not 10 AM for non-residents, but between 8 AM and 10 AM alcohol is served with a meal (conditioned)

Off Sales: cease at 23:00 hours (conditioned – sealed containers).

Plus, New Year's Eve/British summertime non-standard timings.

### **Representations Received**

- Environmental Health Service (David Nevitt)
- Licensing Authority (Angela Seaward)
- Covent Garden Community Association (David Kaner)
- Councillor Tim Mitchell
- Richard Brown (On behalf of a few residents living in Sheridan buildings and Beaumont Buildings and Martlett Court)
- Christopher Gardner

### **Summary of Objections**

- Local residents noted the residential area with a community which has a sensitive demographic. Residents were concerned about the use of the hotel by non-residents and asked for these hours to be reduced. They were also concerned about dispersal and the impact this would have on local residents and that this would become a late-night destination venue.
- The three ward councillors expressed concerns with regards to the impact of public nuisance resulting from late night sale of alcohol, the servicing of the hotel and members of staff congregating outside of the hotel.

### **Summary of Application**

The application was for a new premises licence for a hotel located within the Cumulative Impact Area. The hotel will provide 91 guestrooms and will house numerous associated facilities including restaurants, bar/lounge, café, private dining and meeting rooms and a small gym. The building comprises a full-service high-quality lifestyle hotel and a Police memorabilia museum.

## **SUBMISSIONS AND REASONS**

Ms Michelle Steward, Senior Licensing Officer, stated this was an application by Bow Street Hotel Ltd ("the Applicant") for a new Premises licence for the NoMad Hotel, 28 Bow St, London WC2E 7AW.

Ms Steward summarised the application; listed the representations and objections received; informed the Sub Committee which parties making representations and/or objections were present; and noted that late submissions had been received and these were included in the Additional Information Pack sent to Members.

In addition, Ms Steward noted that the Applicant had submitted a revised list of proposed conditions which had been circulated to Members. In conclusion, Ms Steward stated that the Premises were in the West End Ward and within the West End Cumulative Impact Area (CIA).

Ms Lana Tricker, Solicitor (Lt Law), made the following submissions:

- (a) In 2016, the Applicant had acquired the site of the former Magistrates' Court and Police Station on Bow Street (a Grade 2 listed building). £140 million had been spent on developing the site into a 91-guestroom, luxury brand NoMad Hotel which would open in December of this year.

- (b) The existing Premises licences, a hotel licence, and a restaurant licence, were granted prior to the proposals for the current development and it was proposed to surrender the hotel licence. It was not within the Applicant's gift to surrender the restaurant licence. However, the revised proposals for the site made the restaurant licence inoperable.
- (c) The Applicant would not be relying on Covid-19 as an exceptional circumstance for the granting of the licence as the Applicant was seeking a permanent Premises licence. However, Covid-19 was having a significant impact on licensed Premises and was, therefore, a relevant consideration when considering licence applications within Cumulative Impact Areas (CIAs).
- (d) Regarding plans of the property, licensable activities authorised under the Premises licence would be ancillary to the operation of the Premises as a hotel, as stated in proposed Condition 10.

[At this stage in her presentation, Ms Tricker described the various plans attached at Appendix 2 of the report and the Revised Ground Floor Plan with Amended Smoking Areas on page 201 of the Additional Information Pack].

### **Outdoor Seating & Ground Floor Area**

#### Outdoor Seating

- (e) Regarding the outdoor seating on Broad Court, which had been granted planning permission, it was proposed that this would be used between 8 AM and 9 PM by hotel guests only and that the tables and chairs would be removed by 9:30 PM each day. There was a proposed condition that service would be restricted to customers who were seated and would be by way of waiter/waitress service only.

#### Ground Floor Event Spaces

- (f) Regarding the event spaces on the ground floor, which had a 170-person capacity, these would be used primarily for pre-booked, sit-down dinners, but the Applicant also wished to be able to offer stand-up canapé events, as reflected in the proposed conditions.
- (g) It had been agreed with the Covent Garden Community Association (CGCA) not to use the door on the corner of Bow Street and Broad Court after 10 PM except in exceptional circumstances when entry would be supervised by SIA registered door supervisors, as set out in the proposed conditions.
- (h) Regarding use of the event spaces by Non-residents, it was proposed that this be restricted to Core Hours as set out in proposed Condition 59.

#### Library Space

- (i) This was a predominantly seated area and it was proposed that non-residents could use the area to have a meal and/or a drink. After 8 PM, non-residents would be required to have a table meal, as per Model Condition 66, and use of the Library by non-residents and for events would be restricted to Core Hours.

#### Police Museum

- (j) It had been a Planning requirement that there be a Police Museum, the entrance to which was from Martlett Court and which would be closed at 10 PM except in exceptional circumstances when a SIA registered door supervisor would be present. Any events in the Museum would end at 10 PM. Licensable activities

would include visitors to the Museum up until 5 PM; events in the Museum up to 10 PM; residents with up to 4 bona fide guests; and non-residents by invitation of the Hotel Management.

#### Ground Floor Side Hustle

- (k) The Ground Floor Side Hustle, the entrance to which was from Bow Street, would be food-led with a Mexico City theme. Seating, including barstools would be fixed and the capacity was for 75 persons. Licensable activities would be for Core Hours, Monday to Thursday; and to 1 AM on Fridays and Saturdays (with no entry/re-entry after midnight). Service would be either by way of waiter/waitress service or bar service.

Varying the opening hours for each space was to allow the gradual closure of each area within the Premises to assist in dispersal and to restrict the activities of non-residents.

[Ms Tricker then described the location of the reception and atrium area in relation to the event spaces].

#### **Basement Area**

##### Fireplace Room and NoMad Restaurant

- (l) This was a restaurant space where it was proposed that events could take place by way of Temporary Event Notices (TENs). As this was an atrium space, it had been acoustically treated to prevent any noise nuisance to residents. Licensable activities included table meals; pre-booked events until 8 PM; and use by residents and their guests until 1 AM. To address concerns by the Covent Garden Community Association (CGCA), Model Condition 66 had been reflected in proposed Condition 78.

[Ms Tricker then described the proposed operation of the holding bar].

##### NoMad Lounge

- (m) It was proposed that the NoMad Lounge would operate to 2 AM, seven days a week and a door supervisor would be present from 10 PM. Access to the lounge would be via the main hotel. The supply of alcohol would be by waiter/waitress service or bar service. There would be no vertical drinking in the seated areas of the lounge, with an exception for occasional stand-up, canapé events. The area would not be sublet, and the Hotel Events Team would manage events in this space. It had been agreed that the Bow Street entrance would only be used after 10 PM and not after midnight.

#### **Conditions**

- (n) It was noted that the proposed conditions had taken into consideration the Council's policies and concerns by residents. After agreement with Mr Kaner of the CGCA, it had been agreed that last entry to the NoMad Lounge would be in accordance with Core Hours, and not midnight.
- (o) Within the proposed conditions, there were a few exceptions to Council policy and the Sub Committee was requested to consider the proposed hours within the context of the operation of the Premises as a whole.
- (p) Each area would have a designated manager who would be trained on the relevant conditions to ensure compliance with the conditions.

- (q) A draft Dispersal Policy was included as part of the proposed operation of the Premises and reflected in the proposed conditions. The policy would be updated, in consultation with residents, as necessary.
- (r) The smoking areas were as far away as possible from residents and would be managed by hotel staff.
- (s) A Service and Waste Management Plan [Appendix 3 of the report] had been agreed and reflected in the proposed conditions.
- (t) The use of the Hotel's bars and restaurants by non-residents would be governed by proposed Condition 42: "The restaurants and bars shall not be used by non-residents of the hotel except between hours of 07:00 and 01:00 hours, unless a non-resident is a bona fide guest of a resident of the hotel".
- (u) The application included Regulated Entertainment throughout the Premises but would primarily be confined to the event spaces. As the hotel had been acoustically treated, such events would not disturb residents as there would be no sound from these events outside the building.
- (v) Proposed Condition 11 restricted the sale of alcohol between 08:00 hours and 10:00 hours, Monday to Sunday, to persons, other than hotel residents and up to 4 of their bona fide guests, who were seated and taking a table meal.
- (w) Off sales were in accordance with the Council's model conditions and incorporated into proposed Condition 32.
- (x) There was extensive exterior CCTV provision covering the Premises and, at the request of residents, lighting had been provided round the perimeter of the building.

Mr Stuart Adolph, the Senior Vice President of the Sydell Group on behalf of the Applicant, detailed the consultations that had taken place with residents' groups, including a well-attended public meeting to consider the revised Planning proposals in 2016/17. In addition, newsletters had been circulated to residents updating them on progress of the project, including the Premises licence application. Furthermore, consultation had taken place on public realm and highways matters in relation to Section 106 funding.

Ms Kate Hart, General Manager of the NoMad Hotel, stated that the Applicant was in the business of "selling sleep" with very expensive guestrooms at the front of the hotel. Therefore, it was in her interest to ensure that guests were quiet when they left the Premises. Consequently, she shared the concerns of residents about noise and possible disturbance.

#### Questions by Members

In response to several questions, Ms Tricker provided the following information.

- (a) Regarding the dispersal of patrons from the NoMad Lounge late at night, it was noted that customers would include residents and non-residents and that there were strict conditions proposed for entry to, and exit from, the Premises by non-residents.
- (b) There would be a maître d' at the entrance to each area who would be responsible for finding a place for, and seating, customers. In so doing, they would determine which customers were hotel residents and which were not.

- (c) An example of an exceptional circumstance in which the Hotel may wish to use the entrance to the event spaces after 10 PM might be if there was a wedding party in “The Magistrates’ Court” and another smaller group in the Fielding Room, the smaller group might be asked to exit by this route rather than encroach upon the bar area in “The Magistrates’ Court”. However, it was anticipated that it would be unusual for more than one area to be booked for an event at any one time and, should that be the case, arrangements would be made in accordance with the dispersal policy to avoid the requirement to use the event spaces entrance after 10 PM.
- (d) Areas that non-residents could access after Core Hours included –
- The Museum, for guests of the Hotel Management until no later than 1 AM;
  - Ground Floor Side Hustle on Fridays and Saturdays where the sale of alcohol would be ancillary to a table meal after 10 PM;
  - The NoMad Lounge which would be open to non-residents until 1 AM [it was now proposed that, on Fridays and Saturdays, the NoMad Lounge close at 2 AM and not 3 AM];
  - The NoMad Restaurant and Fireplace Room until 1 AM subject to Model Condition 66 in which the sale of alcohol would be ancillary to a main meal from 8 PM.
- (e) The only smoking areas would be on Bow Street.

Mr Richard Brown, Citizens Advice, Licensing Advice Project, made the following submissions on behalf of a few residents living in Sheridan buildings and Beaumont Buildings and Martlett Court:

- (a) As a former Magistrates’ Court and Police Station located in a highly residential area, in its current incarnation the Premises was of a wholly different nature.
- (b) The map on Page 149 identified the residential areas within the vicinity of the NoMad Hotel. The diversity of the residential population, which included families, young persons, some very elderly persons and key workers, made this a community with a sensitive demographic.
- (c) As a hotel with ancillary facilities offering a diverse range of entertainment for residents, guests of residents and non-residents it was the use of the hotel by non-residents i.e., members of the public, that caused concern. Residents broadly concurred with the approach proposed by the Covent Garden Community Association (CGCA) which would be to restrict the time members of the public could use the Hotel’s facilities to that of core hours or, if dining, to 1 AM in accordance with the Council’s Model Licence Condition 66. In addition, bona fide guests of residents, of which there could be up to four guests per resident, should also be restricted to a 1 AM to avoid the potential for nuisance to residents when guests dispersed.
- (d) Regarding dispersal, residents wished to know how this would operate in practice and not add to the existing problems of taxis and chauffeurs using the residential areas when picking up and setting down at the Royal Opera House.

In response to Mr Brown’s submissions, Ms Tricker provided the following information.

- (a) The number of non-resident guests was in accordance with the Council's Model Condition 88 and, as had previously been mentioned, hotel staff would be aware of who were guests and who were residents.
- (b) The Applicant was aware of the residential nature of the area and had spent years consulting with residents on servicing, outside activities and Planning consents.
- (c) In accordance with the proposed dispersal policy, staff would be trained on managing the dispersal of guests. In addition, security staff would supervise guests leaving the Premises and, in so doing, directing persons towards transport on Bow Street and away from the Hotel and residential areas.
- (d) Several conditions had been proposed to prevent noise nuisance and the Hotel management were willing to liaise with residents and amend the dispersal policy as necessary, as well as arranging for quarterly meetings with residents to address any issues or complaints.

Mr Adolf confirmed that the Applicant also tried to engage with the local community wherever its hotels were located and Sydell London Ltd had been a Member of the CGCA since 2017. He stated that residents were regularly updated by way of newsletters and it was hoped that, when the Premises opened, the Operations Team would continue to be involved in the CGCA's activities.

Ms Angela Seaward, Senior Licensing Officer, made the following submissions on behalf of the Licensing Authority:

- (a) The Council's HOT1 policy stated that, when considering granting a hotel Premises licences "The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from street will be likely to raise similar concerns to pubs and bars". As the Premises were within a Cumulative Impact Area (CIA) it would be the Council's policy to refuse the application.
- (b) Council Policy PB2 stated that the grant of new licences for pubs and bars in the CIA should be limited to exceptional circumstances. Accordingly, the areas that fell to be considered within the policy were The Side Hustle Bar, NoMad Lounge, Museum, and exterior terrace. A relevant consideration for the Sub Committee was the proposed conditions governing those areas where the sale of alcohol would not be ancillary to a meal.

[It was confirmed that sale of alcohol to non-residents in The Side Hustle Bar was ancillary to a meal after Core Hours].

- (c) There were unpaid fees in respect of the existing restaurant licence. Therefore, the licence was currently suspended and could only be resurrected upon payment of the fees and upon approval to a variation of the licence in accordance with the new configuration of the Premises.

Mr David Nevitt, on behalf of Environmental Health Service, made the following submissions:

- (a) The key areas for consideration by the Sub Committee were –
  - The areas which were open to public use, including The Side Hustle Bar which could be accessed from Bow Street without having to go through the Hotel.

- Areas for pre-booked events such as wedding receptions, parties and functions permitted under a Temporary Event Notice (TEN) involving members of the public possibly leaving the Premises late at night.
  - Late-night dispersal and the effect of the pedestrianised areas around the hotel where there was no traffic noise to mask sounds in those areas.
  - Ancillary operational activities such as refuse disposal and deliveries.
- (b) In making its representations, the EHS proposed that it was appropriate for the Sub Committee to consider –
- The appropriateness of what the Applicant was applying for and the proposed conditions and hours; and
  - To ensure that all the concerns of residents had been addressed.

Mr David Kaner, on behalf of the Covent Garden Community Association ('CGCA'), made the following submissions:

- (a) Many residents had been frustrated by the fact that they only learned about the Premises licence application when they were notified by the CGCA.
- (b) There had been discussions with the Hotel management about the proposed conditions and agreement had been reached on many of the conditions.
- (c) The main concern for residents was the sale of alcohol after core hours to members of the public and guests of Hotel residents that was not ancillary to a meal. The areas where this could take place included the basement bar and the NoMad Lounge.
- (d) To address these concerns, it was proposed that the Sub Committee consider restricting access to the basement bar from Martlett Court, and the operation of the bar after core hours in relation to the sale of alcohol to members of the public and guests of residents and the opening hours.

In response, Ms Tricker confirmed that the basement bar would be open until 2 AM for bona fide guests of residents and that the use of the entrance/exit on Martlett Court would be supervised in accordance with the dispersal policy. Accordingly, the Applicant was confident that Hotel's operation would not add to the cumulative of impact in the area or cause disturbance to residents.

In response to Member's questions, Ms Tricker provided the following information –

- (a) The exceptional use of entrances and exits after 10 PM would be for emergency use only. Entry to the basement bar using the Martlett Court entrance would be until midnight, but there would be no exit using the Martlett Court entrance/exit after 10 PM. In addition, proposed Condition 41 stated: "any doors on Crown Court shall only be used as an emergency escape and staff and any patrons shall not be permitted to use them at any time except in the case of emergency".
- (b) Regarding staff breaks and smoking, this was covered by proposed Condition 23 which read: "Staff will not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court", and that there were disciplinary provisions in place should staff breach this condition.

Mr Christopher Gardner, a local resident, made the following points in his representations:

- (a) The Premises had never previously operated as licenced Premises. Therefore, the Sub Committee was being asked to rely upon assurances, predictions, and projections by the Applicant.
- (b) Should the Applicant's predictions and projections be incorrect, this could impinge significantly upon residents in this highly residential area. Accordingly, he would ask the Sub Committee to be cautious in its approach to the application regarding dispersal and the potential for noise nuisance.
- (c) If the Premises operated in a way that did not impinge upon residents, then it would be open to the Applicant to apply to vary the hours and conditions approved by the Sub Committee.
- (d) Residents were concerned that this might become a late-night destination for drinkers and as the Hotel's CCTV would not be monitored, it would only be in response to complaints by residents that steps might be taken by the Hotel management to address any public nuisance concerns.

In response, Ms Tricker noted that proposed Condition 25 detailed the implementation and operation of a dispersal and outdoor management policy and that would be kept under review. In addition, staff would be trained on the implementation and operation of the policy. Furthermore, any breach of the conditions could give rise to criminal liability and a review of the Premises licence. Given the very significant investment in this property, the Hotel management would ensure that staff complied with and enforced the Premises licence conditions.

Councillor Tim Mitchell, Ward Councillor for St James's Ward, stated he was representing the three local Ward Councillors in their support of the various representations made by residents. The residential areas affected by the application included the Martlett Court Estate (Fletcher Buildings, Beaumont Buildings and Sheridan Buildings), Crown Court and Broad Court which,

when taken together, comprised a densely residential part of Covent Garden largely hidden from visitors to the area.

The local Ward Councillor's concerns included –

- (a) The potential impact of public nuisance as a result of the of the sale of alcohol late at night from those parts of the Hotel which were open to members of the public and guests of residents;
- (b) The servicing of the Hotel; and
- (c) Members of staff congregating outside the Premises.

The existing Premises licence application was restricted to core hours. The present application went beyond core hours and, if granted, the licence would pass to any future owners of the Premises. Councillor Mitchell stated that the proposed conditions were welcomed, noting that the Hotel would make a positive contribution to the area.

In response, Ms Tricker confirmed that proposed Conditions 36 to 40 covered servicing of the Hotel, including waste management and deliveries.

[It was noted that the Service Delivery Plan, which was subject to Planning approval, was more restrictive than the proposed Premises licence conditions. The reason being

that the Service Delivery Plan could be amended without applying for a variation to the Premises licence but only to the extent of the hours permitted in the proposed licensing conditions. Both the Service Delivery Plan and the proposed conditions were acceptable to the CGCA].

## **Conclusion**

The Sub-Committee realises that it has a duty to consider each application on its individual merits. The Sub-Committee were mindful that this application for a premises licence for a hotel was located within the Cumulative Impact Area. The hotel will house numerous associated facilities including restaurants, bar/lounge, café, private dining and meeting rooms and a small gym. The building comprises a full-service high-quality lifestyle hotel and a Police memorabilia museum.

The Sub-Committee were grateful to all parties for their detailed representations. They were mindful that the premises have a number of residential premises around it, and the introduction of a hotel with associated facilities had given rise to concerns about the impact this may have on local residents. Whilst some residents appeared to not have been made aware of the application for the premises licence, the Sub Committee noted that the applicant had undertaken detailed consultation with residents' groups. The Sub Committee considered that this was a positive and proactive approach by the applicant and was evidenced by the detailed conditions suggested by the applicant, which not only sought to secure compliance with the Council's Policy, insofar as possible, but also had taken into account concerns by residents. One such example was the agreement made by the applicant with CGCA not to use door on corner of Bow Street and Broad Court after 10 pm. Similarly, the Sub Committee considered that the Dispersal policy and Service and Waste Management Plan provided by the applicant would promote the licensing objectives and protect the interests of local residents.

Furthermore, as noted during the course of the hearing, although there were a number of facilities proposed along with the hotel, the hotel was in the business of "selling sleep". Accordingly, it was in the interests of the hotel to maintain quiet. The Sub Committee considered that this, taken together with the detailed conditions and management plans put forward by the applicant, would ensure that the licensing objectives were promoted.

The Sub Committee were mindful that whilst most of the hours proposed were in accordance with the Council's core hours, there were some exceptions. In accordance with Policy HRS1, the Sub Committee had to consider applications outside core hours on their merits. In this instance, the Sub Committee concluded that the merits of this application were such that longer hours could be granted where applied for. In reaching this conclusion, the Sub Committee were mindful of the limitations placed on these uses – for example, noting that the sale of alcohol in the basement bar until 2am was limited to bona fide guests of the hotel and that this was still subject to the dispersal policy and agreement not to use entrances and exits aside from in exceptional circumstances, that there were strict conditions with regards to entering (last entry being in accordance with the core hours in any event) and exiting the NoMad Lounge and that outdoor seating was limited to use by hotel guests only.

With regards to the Council's hotel policy, Policy HOT1, the Sub Committee were mindful that it stated that, when considering granting a hotel Premises Licence "The extent and location of provision of bar facilities will be taken into account. Hotel bars

that are directly or easily reached from street will be likely to raise similar concerns to pubs and bars". Given the Sub Committee's conclusion that the licence would promote the licensing objectives with the conditions attached, the Sub Committee consider that Policy HOT1 is complied with.

The Sub Committee were mindful that the premises are located within a cumulative impact area. Although Policy CIP1(i) directs that applications in CIA's should be refused for, inter alia, premises offering facilities for music and dancing other than applications to vary hours, there can be exceptions from policy (there is no definition of what can constitute an exemption). For other applications, Policy CIP1(ii) directs that applications must demonstrate that they will not add to the cumulative impact. In this instance, the Sub Committee concluded that the application would not add to the cumulative impact given the strict and detailed conditions. Furthermore, the Sub-Committee were of the view that there were exceptional circumstances to depart from Policy CIP1(i) insofar as they concluded that these premises were in an iconic location with a unique offering.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

#### **Ground Floor – Formal Event Space**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sunday immediately prior to a bank holiday 10:00 to 00:00 (condition 57(a)).
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 01:00 (condition 57(b) and (e))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 57(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

#### Late Night Refreshment (indoors and outdoors)

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; (condition 57(a))
- Non-Residents (Private or pre-booked function): Monday to Sunday 23:00 to 01:00 (condition 57(b) and (e)).
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (condition 57(b) and (e))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

## **Broad Court - Exterior Area**

### Sale of Alcohol (on and off):

Monday to Sunday: 10:00 to 21:00 (conditions 61 and 65)

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

## **Ground Floor - Library**

### Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sundays before bank holidays: 10:00 to 00:00 (condition 66(a) and (c)).
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 01:00 (condition 66(d) and (f))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 66(d))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday: 08:00 to 22:30; Sundays before bank holidays: 08:00 to 00:00 (condition 66(b) and (c))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 08:00 to 01:00 (condition 66(d) and (f))
- Residents and their bona fide guests: Monday to Sunday 08:00 to 01:00 (conditions 11, 66(b) and (c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### Late Night Refreshment (indoors and outdoors)

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30, Friday and Saturday: 23:00 to 00:00; Sunday immediately before a bank holiday 23:00 to 00:00 (condition 66(a) and (c))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (condition 66(d) and (f))

- Residents and their bona fide guests: Monday to Sunday 23:00 to 01:00 (condition 66(e))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### **Ground Floor – Police Museum and Event Cells**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film, and The Sale of Alcohol (on and off the premises only):

- Non-Residents (ticket holders): Monday to Sunday 10:00 to 17:00 (condition 69(a))
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 22:00 (condition 69(b) and (f))
- Non-Residents (invited by the owner or management of the hotel – maximum of 10): Monday to Sunday 10:00 to 01:00 (condition 69(c) and (e))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 69(d))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52)

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

#### Late Night Refreshment:

- Non-Residents – Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; Sundays before bank holidays 23:00 to 00:00 (condition 69(a)).
- Non-Residents (invited by the owner or management of the hotel – maximum of 10): Monday to Sunday 23:00 to 01:00 (condition 69(c) and (e)).
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (condition 69(d)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### **Ground Floor - Side Hustle**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film, and The Sale of Alcohol (on and off the premises only):

Non-Residents – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays before bank holidays 10:00 to 00:00 (condition 76(a))

- Residents and their bona fide guests: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 01:00; Sunday 10:00 to 22:30; Sunday before bank

Holidays: 10:00 to 00:00 (condition 76(b))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53)

Late Night Refreshment:

- Non-Residents – Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; Sundays before bank holidays 23:00 to 00:00 (condition 76(a)).
- Residents and their bona fide guests: Monday to Thursday: 10:00 to 23:30, Friday and Saturday: 23:00 to 01:00, Sunday immediately prior to a bank Holiday: 23:00 to 01:00 (condition 76(b)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

**Basement - NoMad Restaurant and Fireplace Room**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General): Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays immediately prior to a bank holiday 10:00 to 00:00 (condition 77(a))
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 10:00 to 01:00 (condition 77(c)):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (condition 77(d))
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (condition 77(e))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Sale of alcohol:

- Non-Residents (General): Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday midday to 22:30; Sundays immediately prior to a bank holidays midday to 00:00 (conditions 11, 77(b), 78 and 79)
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 10:00 to 01:00 (conditions 77(c), 78 and 79):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (conditions 77(d), 78 and 79)
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (conditions 77(e), 78 and 79)

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment (indoors and outdoors):

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00 and Sundays immediately prior to a bank Holiday: 23:00 to 00:00 (conditions 77(a), 78 and 79)
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 23:00 to 01:00 (conditions 77(c), 78 and 79):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (conditions 77(d), 78 and 79)
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (conditions 77(e), 78 and 79).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

**Basement - NoMad Lounge (also known as Common Decency)**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays before bank holidays 10:00 to 00:00 (condition 83(a))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (condition 83(b)).
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (condition 83(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment: (indoors and outdoors)

- Non-Residents Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00 and Sundays immediately prior to a bank Holiday: 23:00 to 00:00 (condition 83(a))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (condition 83(b)).
- Residents and their bona fide guests Monday to Sunday: 23:00 to 01:00 (condition 83(c))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52)

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### **All Other Areas (excluding those listed above and Basement Floors 2 and 3)**

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents: Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday 10:00 to 22:30 and Sundays immediately prior to a bank Holiday: 10:00 to 00:00 (condition 83(a)).

- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 83(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

#### Sale of alcohol:

- Non-Residents: Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday midday to 22:30 and Sundays immediately prior to a bank Holiday: midday to 00:00 (condition 83(b)).

- Residents and their bona fide guests: Monday to Sunday: 00:00 to 00:00 (condition 83(e)).

#### Late Night Refreshment (indoors and outdoors)

- Non-Residents: Monday to Thursday: 23:00 to 23:30, Friday and Saturday: 23:00 to 00:00; Sunday immediately before a bank holiday 23:00 to 00:00 (condition 83(a))

- Residents and their bona fide guests: Monday to Sunday: 23:00 to 05:00 (condition 83(c)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

### **Opening Hours**

Monday to Sunday: 00:00 to 00:00

The Licence is subject to any relevant mandatory conditions

### **DECISION**

Application **GRANTED** subject to the following additional conditions in addition to the Mandatory Conditions applicable to this type of application

### **CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING**

#### **Whole Premises**

10. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

11. The Sale and supply of alcohol between the hours of 08:00 and 10:00 Monday to Sunday where permitted shall be limited to persons seated taking a table meal except for hotel residents and up to 4 of their bona fide guests.
12. There will be no self-service of alcohol except in the guest bedrooms.
13. No licensable activities shall be provided on levels B2 and B3.
14. There shall be waiter/waitress service available throughout the entire premises with the exception of hotel bedrooms.
15. 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 are 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
22. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to designated smoking areas on the ground floor and supervised by staff after 22:00. All designated smoking areas shall be monitored by CCTV. Smokers shall be limited to 15 persons at any one time in each of the designated smoking areas.
23. Staff shall not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
25. The licence holder shall implement a dispersal and outdoor management policy. This policy shall deal with, as a minimum, the entry and entrance of patrons and staff to the Hotel, the management of smoking areas and the duty of staff and security to ensure the prevention of public nuisance is being upheld. This policy shall be made available to local residents and responsible authorities upon request. All necessary staff, including security shall be trained on the contents and implementation of the dispersal policy and records of training shall be retained by the licence holder. The dispersal policy shall be reviewed regularly, at least annually, or whenever a complaint is received (whichever is the earlier) and thereafter amended if needed to respond to such complaint.
26. There shall be no payment made by or on behalf of the licence holder to any persons bringing customers to the premises directly off the street.
27. All windows and external doors in public areas shall be kept closed after (22:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
28. 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.
29. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
30. Other than in hotel bedrooms there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
31. 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 the consumption on the premises.
32. There shall be no takeaway food or alcohol permitted after 23:00. Any off sales, with the exception of off sales in the exterior seating area shall be in sealed containers.

33. Prior to any event being taken at the premises a risk assessment for that event shall be undertaken which will address as a minimum entrance and dispersal of patrons, provision and service of alcohol and the monitoring of consumption of alcohol and whether the provision of SIA shall be required. This risk assessment shall be retained at the premises for a minimum of 31 days after the event takes place.
34. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
35. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
36. The servicing and waste management plan lodged with an approved by the planning department, and as agreed with local residents, shall be complied with.
37. No service deliveries to or collections from the premises shall take place between 20:00 hours and 07:00 hours on the following day.
38. No service deliveries are to be made to the premises other than to the service delivery point marked on plan.
39. All waste shall be stored internally prior to collection.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times and no collections shall take place prior to 10 a.m.
41. Any doors on Crown Court shall only be used as an emergency escape and staff and any patrons shall not be permitted to use them at any time, except in the case of emergency.
42. The restaurants and bars shall not be used by non-residents of the hotel except between the hours of 07:00 and 01:00, unless a non-resident is a bona fide guest of a resident of the hotel.
43. 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 on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - (a) dry ice and cryogenic fog
  - (b) smoke machines and fog generators
  - (c) pyrotechnics including fireworks
  - (d) firearms

- (e) lasers
  - (f) explosives and highly flammable substances
  - (g) real flame
  - (h) strobe lighting
44. 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.
  45. 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.
  46. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
  47. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
  48. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
  49. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
  50. 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.
  51. 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.
  52. The premises may remain open for the sale of alcohol, regulated entertainment 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.
  53. 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.
  54. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
  55. The licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyors Association – technical

Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.

56. No licensable activities shall take place at the premises until premises licence 14/11325/LIPN (or such other number subsequently issued for the premises) has been surrendered.

**Ground Floor Formal Event Space (as hatched on the plans)**

57. The provision of licensable activities shall be restricted to:
- (a) Non-residents in which customers are shown to their table, there is waiter-waitress table service, using non disposable crockery, and where alcohol shall not be sold or supplied, otherwise than for consumption by person who are seated in the premises and bona fide taking substantial table meals there, and provided always the consumption of alcohol by such person is ancillary to taking such meals, Monday to Thursday 10:00 to 23:30, Friday and Saturday:10:00 to midnight, Sundays: Midday to 22:30 and Sundays immediately prior to Bank Holiday: Midday to Midnight other;.
  - (b) Non-Residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00 or
  - (c) Residents and up to 4 of their bona fide guests from 10:00 to 01:00 Monday to Sunday.
  - (d) (d) In respect of (b) after 23:30 Monday to Thursday, midnight Friday to Saturday and Sundays immediately prior to a bank holiday, 22:30 Sunday licensable activities shall only be provided where there is waiter/waitress table service, using non disposable crockery, and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
  - (e) A register of all private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request.
58. The number of persons permitted in the Ground Floor Event Space excluding staff shall not exceed:
- DeVeil Dining Room - 16
  - Fielding Dining Room - 50
  - Magistrates Ballroom - 120
- at any one time (to be determined by Environmental Health Service).
59. The events entrance (on the corner of Bow Street and Broad Court) shall not be used after 22:00 and guests shall use the main Hotel entrance on Bow Street. If it is required to be used after 22:00 it shall be manned by SIA door supervisors who will use their best endeavours to ensure that customer leave via Bow Street and not via Broad Court in order to prevent a nuisance by way of noise.

### **Ground Floor Exterior Terrace Area on Broad Court**

60. There shall be no Regulated Entertainment provided to the exterior terrace area
61. The exterior terrace area shall be rendered unusable after 21:00
62. All tables and chairs shall be removed from the outside area by 21.30 each day.
63. There shall be no loudspeakers permitted in the exterior terrace area
64. The number of persons permitted in the external terrace area excluding staff shall not exceed [30] persons (subject to the issue of a tables and chairs licence) at any one time.
65. The sale and supply of alcohol for consumption shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, to residents and their bona fide guests who shall be seated.

### **Ground Floor Library**

66. The provision of licensable activities shall be restricted to:
  - (a) Non-residents (regulated entertainment and late-night refreshment) from Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sundays before bank holidays: 10:00 to 00:00
  - (b) Non-residents (sale of alcohol) Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday: 08:00 to 22:30; Sundays before bank holidays: 08:00 to 00:00, subject to condition 11.
  - (c) In respect of (a) and (b) after 20:00 non-residents shall be limited to taking a table meal in which customers are shown to their table, there is waiter/waitress table service, using non disposable crockery and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals; or
  - (d) Non-residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00; or
  - (e) Residents and up to 4 of their bona fide guests, Monday to Sunday from 10:00 to 01:00.
  - (f) (f) A register of such events to be kept for 31 days and made available for inspection by the responsible authorities on request.
67. The supply of alcohol shall only be by waiter/waitress service or bar counter service and only to persons seated.
68. The number of persons permitted in the Ground Floor Library excluding staff shall not exceed [40] persons at any one time (to be determined by Environmental Health Service).

### **Police Museum and Event Cells**

69. The provision of licensable activities shall be restricted to:

- (a) Non-residents for the museum, holding a valid ticket for the day and time of visit, between 10:00 to 17:00.
  - (b) Non-residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 22:00
  - (c) Non-residents, who have been invited by hotel management who have dined on the same day at the Hotel Monday to Sunday 10:00 to 01:00.
  - (d) Residents and up to 4 of their bona fide guests; Monday to Sunday 10:00 to 01:00;
  - (e) The number of hotel management invited non-residents as referred to in (c) shall be limited to a maximum of 10 persons and their names shall be kept within a register for 31 days which will be made available for inspection upon the request of a responsible authority.
  - (f) A register of private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request
70. The number of persons permitted in the Police Museum and Event Cells excluding staff shall not exceed [60] persons at any one time (to be determined by Environmental Health Service).
71. When the Museum entrance on Martlett Court is required to be used after 22:00 in any event except in case of an emergency it will be manned by a minimum of 1 SIA door supervisor.

#### **Ground Floor Side Hustle**

72. The number of persons permitted in the Ground Floor Side Hustle excluding staff shall not exceed [75] persons at any one time.
73. There shall be a minimum of 44 seats provided at all times.
74. The supply of alcohol shall only be by waiter/waitress service or bar counter service.
75. No new entry/re-entry of patrons (excluding persons exiting to smoke) after 23:30 hours Fridays and Saturdays.
76. The provision of licensable activities shall be restricted to:
- (a) Non-residents; Monday to Thursday 10:00 to 23:30, Friday and Saturday from 10:00 to midnight, Sundays Midday to 22:30 and Sundays immediately prior to Bank Holiday: Midday to Midnight.;
  - (b) Residents and up to 4 of their bona fide guests: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 01:00; Sunday 10:00 to 22:30; Sunday immediately prior to a bank Holiday: 10:00 to 00:00

#### **NoMad Restaurant and Fireplace Room**

77. The provision of licensable activities shall be restricted to:
- (a) Non-residents (regulated entertainment and late-night refreshment): Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday: 10:00 to 22:30 and Sundays immediately prior to a bank Holiday: 10:00 to 00:00, subject to condition 78.

- (b) Non-residents (sale of alcohol) Monday to Thursday 08:00 to 23:30, Friday and Saturday: 08:00 to 00:00, Sunday: midday to 22:30 and Sundays immediately prior to a bank Holiday: midday to midnight, subject to condition 11 and 78.
  - (c) Non-residents invited by the hotel owner or management Monday to Sunday 10:00 to 01:00
  - (d) Non-Residents attending a private or pre-booked function organised and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00.
  - (e) Residents and up to 4 of their bona fide guests; 10:00 to 01:00
  - (f) The number of hotel owner or management invited non-residents as referred to in (c) shall be limited to a maximum of 20 persons after 20:00 and their names shall be kept within a register for 31 days which will be made available for inspection upon the request of a responsible authority.
  - (g) A register of private or pre-booked functions and persons attending shall be kept for 31 days and made available for inspection by the responsible authorities on request.
78. After 20:00, the provision of licensable activities for non-residents, excluding those attending a private pre-booked function or are invited by the owner or management of the hotel shall be restricted to the operation of a restaurant:
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption
  - (v) which do not provide any takeaway service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
79. Subject to condition 77 and 78 the provision of licensable activities shall be restricted to:
- (a) Persons taking a seated table meal; or
  - (b) Persons waiting to be seated for their booking or for their party to assemble, and
  - (c) the supply and consumption of alcohol in the bar area (designated on the plan), shall be limited to waiter/waitress service to persons seated or at a table.

80. The number of persons permitted in the NoMad Restaurant and Fireplace Room excluding staff shall not exceed [350] persons at any one time.

**Basement NoMad Lounge (also known as Common Decency)**

81. Any patrons entering the Basement NoMad Lounge (also known as Common Decency) shall be greeted by a member of staff at a reception desk.

82. The supply of alcohol shall only be by waiter/waitress service or bar counter service.

83. The provision of licensable activities shall be restricted to:

(a) Non-residents: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30 and Sundays immediately prior to a bank holiday: 10:00 to 00:00.

(b) Non-residents attending a private or pre-booked function organised and booked at least 24 hours in advance: Monday to Sunday 10:00 to 01:00.

(c) Residents and up to 4 of their bona fide guests: Monday to Sunday 10:00 to 01:00.

(d) A register of private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request

84. With the exception of private or pre-booked functions, the retail sale of alcohol in the area hatched grey in the NoMad Lounge (also known as Common Decency) shall be to seated patrons.

85. The number of persons permitted in the basement NoMad Lounge (also known as Common Decency) excluding staff shall not exceed [150] persons at any one time.

86. The Basement NoMad Lounge (also known as Common Decency) shall not be sublet and will be operated by the premises licence holder.

87. When the entrance (on the corner of Bow Street and Martlett Court) is used after 22:00 it will be manned by a minimum of 1 SIA door supervisor.

88. The entrance (on the corner of Bow Street and Martlett Court) shall be used for entrance only after 22:00 and not used at all after midnight. After 22:00 all guests shall be asked to leave Common Decency via the main hotel entrance on Bow Street.

If problems are experienced, then an application for a review of the Premises licence can be made.

**This is the Full Decision reached by the Licensing Sub-Committee. This Decision takes immediate effect.**

**The Licensing Sub-Committee  
28 October 2020**