



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday, 3rd December 2020**. This was a Microsoft Teams virtual meeting.

Members Present: Councillors Karen Scarborough (Chairman), Susie Burbridge and Rita Begum

1 MEMBERSHIP

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

For the purposes of this meeting, the Chairman proposed that Councillor Susie Burbridge be appointed Substitute Chairman. Councillor Burbridge accepted the appointment.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. LICENSING APPLICATIONS FOR DETERMINATION

The following licence applications were presented to the Sub Committee for determination.

3.1. NO. 24 UPPER BERKELEY STREET, LONDON W2 2AW

Present: Caroline Horstmann (for the Applicant); Cathy Courtney (Resident); and Professor Eileen Hogan (Resident).

Representations: Representations had been received from the Environmental Health Service; the Licensing Authority; and residents.

Applicant: Temple Guiting Manor Ltd

Ward: Bryanston and Dorset Square

CIA¹: None

Summary of Application

The application was for a new Premises licence for the sale by retail of alcohol on the Premises, as follows –

Sale by Retail of Alcohol on The Premises

Monday to Sunday: 00:00 hours to 24:00 hours

¹ Cumulative Impact Area

Seasonal Variations/Non-Standard Timings

Alcohol to be served within the reception rooms between 09:00 hours and 00.00 hours. Only the minibars in rooms would be available 24 hours.

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub Committee and the Council Officers who would be supporting the Sub Committee before explaining the procedure that would be followed at the meeting.

The Chairman then invited the Presenting Officer, Mr Kevin Jackaman, to present the report.

PRESENTATIONS AND SUBMISSIONS

Mr Kevin Jackaman, Senior Licensing Officer

Mr Jackaman, Senior Licensing Officer, summarised the application as set out in the report before the Sub Committee, noting that several representations had been received, including representations from responsible authorities and residents. After mediation between the parties, the representations by the responsible authorities had subsequently been withdrawn.

Ms Carolyn Horstmann On Behalf of the Applicant

Ms Horstmann stated that the Premises, Henry's Townhouse, at 24 Upper Berkeley Street was hoping to open for bookings as soon as possible, coronavirus permitting. The Premises comprised a luxury private dwelling and boutique hotel with seven bedrooms sleeping a maximum of 14 guests.

The owners of the property had spent the last two years refurbishing the Grade 1 listed building. It was the applicant's intention that the hotel would cater for a range of customers, including corporate clients who may wish to use the Premises for small meetings or corporate lunches.

Referring to the plans attached to the application, Ms Horstmann noted that the Premises comprised a pantry/kitchen in the basement and a dining table that could seat up to 14 guests; sitting room at the front of the house; a snug at the back of the house which could seat six guests; and a small terrace on the stairwell on the second floor.

Addressing residents' concerns, Ms Horstmann stated that the terrace was protected by a party wall and had seating for up to 8 persons, or 10 to 12 persons if standing. Planning permission had been granted for the terrace to be an accessible outside space for guests to use. Agreement had been reached with the Environmental Health Service that the terrace would close at 11 PM. The on-site manager, who lived in the Premises' basement, would be responsible for monitoring noise to ensure that neighbours were not unfairly affected.

Ms Horstmann noted that the terrace was like terraces on several neighbouring properties opposite, some of which were higher up and overlooking the applicant's terrace.

It was essential for the business to be able to offer its guests alcohol for sensible consumption on the Premises if it was to compete with other licensed Premises in the area which allowed alcohol to be consumed on terraces and in gardens, and which catered for much larger numbers of customers.

In conclusion, Ms Horstmann asked that the Sub Committee grant the licence based on the applicant's adherence to the proposed use of the terrace in accordance with fair and practical times for use of the terrace having been agreed.

In response to several questions by Members, Ms Horstmann provided the following information.

- (a) The lounge was located on the ground floor near the entrance. It had been the intention to have a bedroom there, but the plans had changed, and this would be a sitting room area meaning that there would now only be seven bedrooms in the Premises.
- (b) Updated plans showing the current configuration of the Premises could be submitted today.
- (c) The pot washing area shown in the plans included a galley kitchen where the chef would prepare food for guests. There were also fridges in this area and the laundry area shown on the plans had now been removed. The applicant could provide photographs of the kitchen area, if necessary.
- (d) The kitchen extractor came out at the front of the building near the basement area where there was a fire exit and a staff entrance.
- (e) A full-time house manager, Ann Grimes, who would live on the Premises, had already been employed and was presently setting up the Premises. There would always be a member of staff on the Premises.
- (f) The room that was marked IT on the plans was where the Premises' electrical systems could be accessed and where the Premises manager had a small desk and computer. The room was also used as a storage space for linen.
- (g) Alcohol would be stored in the Premises snug on the first floor next to the terrace where there were locked cabinets. Spirits would be stored here, and this is where guests would be served. Wine was stored in the basement in refrigerators and was kept under lock and key.
- (h) A member of staff would serve guests from the wine/drinks list. Alcohol would not be sold after 9 PM unless it was part of a dinner. For guests wanting alcohol after that time, there were minibars available in the rooms.
- (i) On the terrace there were three tables that could seat two persons each, and a bench that could seat two persons. Therefore, the terrace could accommodate up to eight people sitting; six people if sitting comfortably.
- (j) It was proposed that the number of guests and use of the terrace would be limited in accordance with the coronavirus regulations and social distancing.

Ms Cathy Courtney, Local Resident

Ms Courtney said that she wished Henry's House well but proposed that its operation should be contained within the walls of the Premises. Referring to the

applicant's use of the phrase "unfairly affected" by possible noise from the balcony, Ms Courtney stated that this was a very subjective term. She was particularly concerned about noise during the day that would "wipe out" her daytime study.

Ms Courtney was also concerned about possible noise from a separate non-residential building at the rear of the Premises which adjoined the property. There was occasional noise from this building, and she was worried that if this building was used, including using it for housing machinery, there could be added noise.

The disposition of tall buildings surrounding the small mews house acted like an echo chamber necessitating double or triple glazing in the mews properties as outside noise could be heard throughout residents' properties.

Ms Courtney stated that she used her study at all times of the day, and she required the quiet use of it. She stated that the use of the terrace was markedly different when use by a single resident compared with its commercial and continual use by hotel guests.

The Premises advertised itself as offering a decadent home. When operating as a bed-and-breakfast, when guests only occasionally made a lot of noise, neighbouring residents could ask the owner for help in dealing with any noise issues. The use of the terrace was advertised as being available to guests to use. As such, it would be unreasonable to ask guests not to make any noise at all. Anyone sitting on the terrace using a laptop for meetings on Zoom, or using their mobile phone, would intrude upon her use of her study room.

There was also concern that if the doors to the terrace were left open, this would add to the noise from the Premises which could be exacerbated by the use of the terrace throughout the day as it was advertised as being a peaceful place for a quiet morning coffee or an evening aperitif. In turn, noise from the terrace could cause neighbours to escalate their noise levels.

Ms Courtney stated that, if residents ever felt the need to call the Council's Noise Team, it was often the case that the Noise Team could not respond immediately and, therefore, were not present at the time the noise was occurring to be able to record the complaint.

In response to a question, Ms Courtney stated that even if the use of the terrace was restricted to no later than 9 PM, this would be of little assistance to her as she required the use of her study throughout the day. In response to a further question, Ms Courtney stated she did not believe there were other properties with terraces that overlooked her property which were regular in use by residents.

Professor Eileen Hogan, Local Resident

Professor Hogan stated that she also wished Henry's House well, but she strongly objected to the use of the terrace as described by the applicant and as advertised on the applicant's website. She stated that all the houses in Wythburn Place [which were back-to-back with the properties on Upper Berkeley Street) were residential and the terrace overlooked the back of this row of houses.

Professor Hogan noted that the area was a sound well and that sound reverberated around the whole of this area. She stated that noise was a significant problem which would be made worse if the application was approved. She had no doubt about the good intentions of the applicant. However, staff changed, and the Premises may change ownership and, if the application was agreed, it may be very difficult to rectify any later problems.

In conclusion, Professor Hogan stated that Ms Courtney had already covered the matters that were of most concern to residents.

The Members of the Sub Committee and the Legal Officer, Ms Vivien Walker, and the Policy Officer, Mr Aaron Hardy, confirmed that they had no questions.

SUMMING UP

At this stage of the proceedings, the Chairman invited the various parties who had made representations to sum up their representations, if they so wished.

Ms Carolyn Horstmann (for the Applicant)

Having been granted planning permission for use of the terrace, and having previously operated as a hotel, the applicants wished to allow guests the opportunity to have fresh air and enjoy a drink on the terrace. It was the intention that the applicant would cater more for private use, including families, and groups who knew each other.

There was always a Member of Staff on site. The applicant did not wish to upset residents and would be happy to remind guests to be respectful of residents and to put a notice to this effect in the guestbook in each of the guestrooms, as well as having someone on-site to manage any noise. A telephone number would also be made available to residents to contact staff at Henry's Townhouse, should the need arise.

Not to allow use of the terrace during the day and early evening would be hard on the business in that there were pubs and restaurants at the front of the building and on Seymour Place. Accordingly, the applicant would want to be able to use the terrace until 10 PM, stating that the terrace would always be monitored and controlled.

In response to a question by the Chairman, Ms Horstmann confirmed that planning permission had been granted to add the terrace to the Premises at the time the property, which had previously been a bedsit, was refurbished.

On a point of clarification, Vivien Walker, Legal Officer, confirmed that, even if the application were to be refused, the applicant had permission to use the terrace area where guests could be served coffee [or any non-alcoholic drink] and/or breakfast.

Ms Cathy Courtney (Local Resident)

Ms Courtney said that she was not concerned what activities were taking place on the terrace. Her request was that whatever activity was taking place, that it be done quietly.

In response to a Member's question, Ms Horstmann confirmed that there would be a Member of Staff on the Premises every day, 24 hours a day, and that the applicant was willing to provide residents with a telephone number which they

could use to contact the on-site member of staff at any time, should they have any concerns.

In response to a further question, Ms Horstmann confirmed that, if guests wished to smoke, they would do so on the terrace area as it had been agreed with the Police that guests would not be permitted use the front of the Premises as a smoking area.

Professor Hogan (Local Resident)

Professor Hogan stated that the residents' objection was to alcohol being served on the terrace. She stated that the examples of people drinking coffee and other activities on the terrace were examples of noise-related problems affecting residents, some of whom worked from home or were otherwise at home during the day, and because of the particular architecture of the surrounding space which exacerbated noise issues.

Professor Hogan went on to say that, if the licence was granted, she could not see why the Sub Committee could not impose restrictions on serving alcohol and/or the consumption of alcohol on the terrace.

In response, the Chairman, stated that the Sub Committee could impose conditions on the licence. Professor Hogan said that imposing conditions on the licence might ameliorate some of the concerns of residents.

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting so that Members could retire to consider their decision. She stated that the Sub Committee would not announce its decision today but that a summary of the decision would be sent to the various parties within five working days.

The Chairman then closed the live part of the virtual meeting.

DECISION

It was the Sub Committee's decision to approve the application, as set out in the Appendix to these minutes, subject to conditions being attached to the Premises licence regarding the use of the terrace, and subject to the applicant submitting updated plans and drawings of the Premises that met with the requirements of the Licensing Authority.

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; and having heard representations by the applicant and by residents objecting to the application, the Sub Committee was satisfied that it was appropriate and proportionate to grant the application, subject to added conditions to the Premises licence.

The Sub Committee accepted the argument by residents that there were problems in relation to noise affecting the properties in the area, and that the Environmental Health Service (EHS) had made representations that the application may undermine the Licensing Objectives of –

1. The Prevention of Public Nuisance; and
2. Public Safety;

However, following mediation and agreement between the applicant and the EHS on proposed conditions, as set out in Appendix 5 of the report, the EHS had subsequently withdrawn its representation.

The Sub Committee also noted that Ms Horstmann, during her presentation, had offered several conditions intended to address residents' concerns about noise. These conditions included restricting the hours the terrace may be used in the evening; providing residents with a mobile telephone contact number that could be used 24 hours a day should residents wish to complain about noise; and arranging for a Member of Staff being to be on the Premises at all times who could be contacted by residents should they have any concerns about noise from the Premises.

The Sub Committee noted that many of the residents' concerns related to noise nuisance generally, and not specifically to the sale and/or consumption of alcohol on the Premises and, specifically, the terrace area. It was the Sub Committee's view that complaints about noise nuisance in general were governed by other statutory provisions.

In conclusion, the Sub Committee was of the view that it would be disproportionate to significantly curtail the hours that the terrace could be used by guests drinking alcohol, particularly as guests would be permitted to use the terrace for any number of other activities not governed by the Licensing Act 2003.

3.2. NO'S. 1-8 DAVIES MEWS, LONDON W1K 5AB

Present: Lana Tricker, Solicitor, Lt Law (representing the applicant); Simon Cummin (for the applicant); Louis Hartshorne (for the applicant).

Representations: Representations had been received from the Environmental Health Service; the Licensing Authority; and residents.

Applicant: Hartshorne Hook Enterprises Ltd

Ward: Bryanston and Dorset Square

CIA²: None

Summary of Application

The application was for a new Premises licence for a venue which the applicant was transforming into a performance space which would operate as a theatre space offering a variety of productions, performances and an immersive theatre setting where attendees would be invited to be part of the theatre production. The application was for a time-limited licence until 31 July 2006.

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub Committee and the Council Officers who would be supporting the Sub Committee before explaining the procedure that would be followed at the meeting.

The Chairman then invited the Presenting Officer, Mr Kevin Jackaman, to present the report.

PRESENTATIONS AND SUBMISSIONS

Mr Kevin Jackaman, Senior Licensing Officer

Mr Jackaman, Licensing Officer, summarised the application as set out in the report before the Sub Committee. The application was for a time-limited licence to July 2026. Representations had been received from the Environmental Health Service and one other interested party who was not represented at today's meeting. It was noted that the Premises were within the West End Ward and did not fall within any Cumulative Impact Area.

Presentation by Ms Lana Tricker of LT Law on Behalf of the Applicant

Ms Tricker stated that the applicants, Hartshorn Hook Enterprises Ltd, were applying for a five-year time-limited Premises licence for an Immersive Doctor Who Experience.

The applicant was an award-winning theatre company that transformed vacant buildings into live theatre sets. £4.2 million had been spent on building the Doctor Who set at 1-8 Davies Mews, and installing an acoustic system. The estimated running costs for the Doctor Who Immersive Theatre shows were £100,000 per week. It was noted that the applicant already had a Premises

² Cumulative Impact Area

licence for No. 56 Davies Street which was next door where the Immersive Great Gatsby Show was running.

Ms Tricker described the content of the show, noting that it would be one of the most expensive immersive theatre productions in London. Shows would have staggered start times such that, as one audience of up to 200 persons, having seen the first part of the show, descended into the basement area for the second part of the show, a new audience would enter the ground floor area for the start of the next show. Therefore, there could be up to 400 persons in the Premises at any one time but there would be no overlapping of the two audiences either entering the Premises, watching the shows, or exiting the Premises. There would be three shows a day.

The applicants planned to open the shows in April of next year, coronavirus permitting, and shows would run Tuesday to Sunday, with no performances on Monday. The entrance would be on Davies Mews, nearest to South Molton Lane. Audiences would purchase their tickets online and would be provided with information on terms and conditions including dispersal and informing them that there was no right of re-entry after leaving the Premises.

Entrances to the Premises would be supervised by SIA badged door supervisors who would wear Hi Viz jackets when outside the Premises clearly, identifying who they were, as well as clearly visible identification when inside the Premises. There would also be a front of house manager and a show manager who would liaise in letting guests into the pre-show foyer and bar area and then into the show.

Ms Tricker described the procedures that would be followed when checking tickets as guests entered the Premises and how the queues to the shows would be managed before guests entered a pre-show interactive experience prior to being taken around the venue/show by a team of mostly theatre actors. At the conclusion of the show, guests could go to the bar and/or participate in some interactive photo opportunities. These after-show activities would stagger dispersal of guests from the Premises. Ms Tricker then detailed showtimes and arrangements for dispersal of guests when leaving the Premises.

Ms Tricker stated that agreement had been reached with the Environmental Health Service (EHS) on proposed conditions and there was an ongoing dialogue between the applicant and a local resident who had objected to the application. To accommodate concerns expressed by EHS regarding opening hours, the applicant had agreed to some reduction in the hours sought. She stated that the hours that had been sought were to promote the licensing objectives and to prevent guests leaving both the Doctor Who show and the Great Gatsby show in the nearby Premises at 56 Davies Mews at the same time.

Regarding holding events, including corporate events, at the venue, Ms Tricker stated that, based on events held at The Great Gatsby venue, these numbered less than one week and tended to be during the daytime with attendees then possibly going to see a show at the conclusion of the event. She noted that the Premises lease contained strict terms and conditions in relation to the use of the Premises for events. In addition, there was a dispersal policy in place specifically for events.

Ms Tricker stated that the sale of alcohol was ancillary to guests attending a show and there was no application for off sales. She stated that the application was in accordance with the Council's Statement of Licensing Policy which stated at Paragraph 2.5.33 -

Theatres, cinemas, other performance venues, and qualifying clubs

2.5.33 *These policies apply to a wide-ranging premise including:*

- *theatres, cinemas, concert halls and other performance venues providing regulated entertainment*
- *...*

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

In conclusion, Ms Tricker stated that this was a time-limited application and that she relied upon the dispersal policies and crowd management plan attached to the submissions before the Sub Committee.

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

- (a) Audiences entered the Premises and moved round the exhibition in such a way that the audiences did not overlap. However, it was possible that if every member of each audience remained in the bar after the shows, there could be up to 400 people in the bar but that was extremely unlikely.
- (b) Guests would have timed entry tickets and could arrive up to 45 minutes before the start of the show. To avoid the possibility of queues forming outside the Premises should guests turn up more than 45 minutes before the start of the show, they would be asked to come back at a time when they would be allowed to enter the venue.
- (c) Events tended to be during the day and tended to be corporate events. Occasionally there were birthday events which would precede a show. The attraction for holding events at the venue was the show itself.
- (d) Mr Collins, using the floor plans on display, described how an audience would move through the venue. He stated that the bar area was similar to a foyer bar in a theatre and, therefore, it was not expected that all 200 guests attending a show would buy drinks at the bar, but the application was for the whole of the floor where the bar was located to be licensed.
- (e) There was a box office and merchandising section on Davies Mews and the application contained a provision for this section to open from 7:30 AM. The reason being that experience had shown that people bought tickets for shows on their way to or from work and having a box office with members of staff provided a user-friendly front of house presence.
- (f) The earliest show would be a matinee performance at 12 midday on days when there were matinee performances. The opening hours were in

accordance with the planning permission and were indicative and it was proposed that licensable activities would take place later in the day, as per the application.

- (g) Smoking was covered in the applicant's policies on pages 15 and 16 of the papers before the Sub Committee. It was not anticipated that there would be many people wishing to smoke but a smoking area had been identified at the Davies Street end of Davies Mews which would be managed by the SIA door staff. Very occasionally guests may be allowed out to have a cigarette and be granted re-entry to the venue by the SIA door supervisor staff.
- (h) Mr Hartshorn detailed the number of staff that would be employed and in what capacity, stating that there was strict adherence to the requirements of social distancing and the Coronavirus Regulations, and that arrangements for staff and the operation of the Premises had been agreed with the Acting Union, Equity.
- (i) Mr Collins detailed the discussions that had taken place with the local resident who had objected to the application, stating that it had been agreed that no noisy works on construction of the sets would take place between 1 PM and 3 PM. Upon investigation of noise complaints by the resident, it had been determined that the source of the noise was from Premises on South Molton Lane and not work being undertaken by the applicant's contractors.

Presentation by David Nevitt on Behalf of the Environmental Health Service

Mr Nevitt, Environmental Health Service (EH) drew Member's attention to his comments set out in the report before the Sub Committee. Referring to a photograph of the Premises, he identified the residential parts of the Premises which were located above the venue.

There had been consultation with the applicants during the pre-application phase of the planning process where concerns about noise, dispersal and the sale of alcohol had been discussed during a site visit and meeting. The applicant had subsequently agreed to the various conditions that had been proposed during the pre-application consultation.

Several restrictions had also been imposed as part of the planning process including acoustic treatment. Having inspected the Premises, Mr Nevitt stated that he could confirm that the building generally had good acoustic integrity.

Pages 47 and 48 of the report set out conditions proposed by EHS. Mr Nevitt drew attention to the following proposed conditions –

- Condition 44: The sale of alcohol shall, always, be ancillary to the primary use of the Premises for theatre performances.
- Condition 57: alcohol shall only be sold for consumption by persons:
 - (i) Attending the performance of a play or theatre production that day and/or,
 - (ii) Attending a pre-booked and bona fides private function or event to which members of the public are not admitted. A register of persons attending

the event shall be kept at the Premises and made available for immediate inspection by police or an authorised officer of the Council.

He stated that Condition 57 addressed possible concerns for residents about events held at the Premises.

The other concern for officers was departure and dispersal of guests. He said that the proposed dispersal policy addressed these concerns and the officers were happy that the applicants were experienced operators.

In response to a question by the Chairman, Mr Nevitt stated that, regarding conditions relating to the sale of alcohol, his preference was for the proposed Condition 44. Ms Tricker confirmed that the applicant had no objection to that proposed condition.

In response to a further question by the Chairman, Mr Hartshorn stated that, as audiences moved through the show in a linear manner, it would not be possible to host a private function while a show was taking place because, at some point, members of the audience would come to the location where the private function was taking place.

Mr Hartshorn noted that the cost of the Doctor Who set alone (not including costumes etc.) was £1.7 million and the applicants cared-for the set and were mindful of the need to keep it in good order with three waves of audience going through the set each day. Therefore, it was not realistic to hold a vertical drinking function for 400 people and then set up the Premises for a show the following day. Although events were a key ancillary revenue stream, they remained ancillary to the operation of the venue as a theatre.

In response to Member's question about whether the applicant would have any objection to the licences being put in the applicant's name, Mr Hartshorn confirmed that Hartshorn Hook Enterprises Ltd would be willing to take responsibility for the management of the venue.

SUMMING UP

At this stage of the proceedings, the Chairman invited the various parties who had made representations to sum up their representations, if they so wished.

David Nevitt on Behalf of the Environmental Health Service

Mr Nevitt stated that he was happy with what had been agreed with the applicant and, therefore, he had nothing further to add.

Ms Tricker on Behalf of the Applicant

Ms Tricker stated that events were a necessary part of the operation and were ancillary to the operation of the venue as a theatre. The applied-for hours were important, including those applied for on Sunday which were intended to promote the licensing objectives.

The proposed conditions, agreed with the Environmental Health Service (EHS), had been subject to thorough and meaningful consideration. In addition, and there had been good communication with the resident objector, and it was the applicant's intention to maintain a dialogue with residents, including providing residents with a direct telephone number should they wish to contact the applicant.

Regarding noise, a Model Condition had been agreed with EHS to ensure that there would be no noise emanating from the Premises, including noise from electrical and mechanical plant.

In conclusion, Ms Tricker noted that the Sub Committee Members had read the dispersal policy.

In response to a question about complying with core hours, Ms Tricker stated that the opening hours were in accordance with the planning permission and were indicative for the purposes of licensable activities. Mr Cummin stated that matinee performances started at 12 midday and the audience could arrive up to 45 minutes before the show. Therefore, to be consistent with the times of shows and the box office and merchandise shop hours, the applicant would wish to keep to the hours as set out in the application for licensable activities.

Mr Nevitt noted that the Core Hours for the sale of alcohol on Sunday was 10 AM, and 9 AM for other licensable activities.

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting so that Members could retire to consider their decision. She stated that the Sub Committee would not announce its decision today but that a summary of the decision would be sent to the various parties within five working days.

The Chairman then closed the live part of the virtual meeting.

DECISION

It was the Sub Committee's decision to **Approve** the application as set out in the Appendix to this minute.

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; and having heard representations by the applicant and the Environmental Health Service (EHS) as a responsible authority, the Sub Committee was satisfied that it was appropriate and proportionate to grant the application, subject to added conditions to the Premises licence agreed by the applicant and the EHS.

In particular, the Sub Committee noted that -

1. This was an application for a 5-year time-limited Premises licence to July 2026;
2. The sale of alcohol would be ancillary to theatre events, as set out in the following Conditions proposed by the Environmental Health Service and agreed by the applicant:
 - (a) *Condition 44 (see Model Condition 86): The sale of alcohol shall, always, be ancillary to the primary use of the Premises for theatre performances.*
 - (b) *Condition 57 (see Model Condition 94): alcohol shall only be sold for consumption by persons:*
 - (i) *Attending the performance of a play or theatre production that day and/or,*

(ii) Attending a pre-booked and bona fides private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the Premises and made available for immediate inspection by police or an authorised officer of the Council.

3. The Sub Committee also considered the strict terms and conditions governing the Premises' lease in relation to the applicant hosting events. Accordingly, the Sub Committee was of the view that it was neither necessary nor proportionate to require that the Premises licence be in the name of the applicant, as discussed during the proceedings.

The Meeting ended at 2.15 pm

CHAIRMAN: _____

DATE _____

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

Thursday, 3 December 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Rita Begum

Officer Support: Legal Adviser: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Cameron MacLean
Presenting Officer: Kevin Jackaman

Parties Present: Ms Caroline Horstmann for the Applicant, Professor Eileen Hogan, Resident and Ms Cathy Courtney, Resident.

APPLICATION FOR A NEW PREMISES LICENCE – 24 UPPER BERKELEY STREET, LONDON W1H 7QH (20/08468/LIPN)

FULL DECISION

Premises

24 Upper Berkeley Street
London
W1H 7QH

Applicant

Temple Guiting Manor Limited

Cumulative Impact Area

The Premises are not located within the Cumulative Impact Area.

Ward

Bryanston and Dorset Square

Summary of Application

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("the Act"). The Premises intend to operate as a small luxury boutique hotel with seven bedrooms sleeping sixteen guests. A pantry kitchen area for dining seating 14 people, a small lounge area and a small landing snug with honesty bar, outdoor seating six to eight guests.

Proposed Licensable Activities and Hours

Sale by Retail of Alcohol (On Sales)

Monday to Sunday: 00:00 to 24:00 hours

Hours Premises are open to the Public

Monday to Sunday: 00:00 to 24:00 hours

Representations Received

- Metropolitan Police Service (PC Brian Hunter) (withdrawn)
- Environmental Health Service (Anil Drayan) (withdrawn)
- Professor Eileen Hogan
- Ms Cathy Courtney

Summary of issues raised by Objectors

The objections from the two local residents were on the basis that the granting of the licence will increase noise levels at the rear of the premises.

Policy Position

Policies HRS1 and HOT1 apply under the City Council's Statement of Licensing Policy.

SUBMISSIONS AND REASONS

The Presenting Officer, Mr. Jackaman summarised the application to the Sub-Committee. He confirmed that several representations had been received, including representations from the responsible authorities and residents. After mediation between the parties, the representations by the responsible authorities had subsequently been withdrawn.

Members heard from Ms. Carolyn Hortsman, on behalf of the Applicant, who stated that the premises were recently opened for bookings. The premises comprised a luxury private dwelling and boutique hotel with seven bedrooms sleeping a maximum of fourteen guests. Also, there is a pantry/kitchen in the basement and a dining table that could seat up to fourteen guests; there is a sitting area at the front, a snug at the rear which could seat six guests and a small terrace on the second floor.

Ms. Hortsman stated that the owners of the property had spent two years refurbishing the Grade I listed building. It was the Applicant's intention that the hotel would cater for a range of customers, including corporate clients who may wish to use the premises for small meetings or corporate lunches.

Addressing resident's concerns, Ms. Hortsman stated that the terrace was protected by a party wall and had seating for up to eight persons, or ten to twelve persons if standing.

It was noted that an agreement had been reached the Environmental Health Service that the terrace would close at 23:00 hours. The on-site manager, who lives in the basement of the premises, would be responsible for monitoring noise to ensure that neighbours were not affected.

Ms. Hortsman stated that the terrace was like terraces on several neighbouring properties opposite, some which were higher up and overlooking the Applicant's terrace.

Ms. Hortsman explained that it was essential for the business to be able to offer its guests alcohol for sensible consumption on the premises if it was to compete with other licensed premises in the area, which allowed alcohol to be consumed on terraces and in gardens and which catered for much larger numbers of customers.

In response to a number of questions raised by Members of the Licensing Sub-Committee, Ms. Hortsman provided the following information:-

1. The lounge was located on the ground floor near the entrance. It had been the intention to have a bedroom there, but the plans had changed and this would be a sitting room area meaning there would now only be seven bedrooms in the premises. **(Subsequently, the Applicant has provided the Licensing Authority with a revised plan showing the exact lay out of the licensable area).**
2. The pot washing area shown in the plans included a galley kitchen where the chef would prepare food for guests. There were also fridges in this area. The laundry area shown on the plans had been removed.
3. The kitchen extractor came out at the front of the building near the basement area where there was a fire exit and staff entrance.
4. A full-time house manager who lives on the premises, had already been employed and was presently setting up the premises. There would always be a member of staff on the premises.
5. Alcohol would be stored in the premises' snug on the first floor next to the terrace where there are locked cabinets. Spirits would be stored there and guests would be served from that area. Wines were stored in the basement in refrigerators and were kept under lock and key.
6. A member of staff would serve guests from the wine/drinks list. Alcohol would not be sold after 21:00 hours unless it was part of a dinner. For guests wanting alcohol after that time, there were minibars available in the rooms.
7. On the terrace there are three tables that could seat two persons each, and a bench that could seat two persons. Therefore, the terrace could accommodate up to eight people sitting.
8. If guests wished to smoke, they would do so on the terrace area as it had been agreed with the Police that guests would not be permitted use of the front of the premises as a smoking area.

Ms. Cathy Courtney, a local resident stated she wished the premises well but proposed that its operation should be contained within the walls of the premises.

Ms. Courtney stated that she was concerned about the noise during the day. She stated that she used her study all times of the day, and she required the quiet use of it. She stated that the use of the terrace was noticeable different when used by a single resident compared with its commercial and continual use by hotel guests.

Ms. Courtney explained that the use of the terrace was advertised as being available to guests for their use. As such, it would be unreasonable to ask guests not to make any noise at all. She stated that anyone sitting on the terrace using a laptop for meeting on Zoom, or using their mobile phone, would intrude upon her use of her study room.

In response to questions raised by Members, Ms. Courtney stated that if the use of the terrace was restricted to no later than 21:00 hours, this would be of little assistance to her as she required the use of her study throughout the day.

Representations were also received from Professor Hogan, a local resident who stated that she also wished the premises well, but she strongly objected to the use of the

terrace. She stated that noise was a significant problem which would be made worse if the application was approved.

Professor Hogan stated that if the licence was granted, she could not see why Members could not impose restrictions on serving alcohol and/or the consumption of alcohol on the terrace.

In response, the Chairman of the Licensing Sub-Committee confirmed that Members could impose conditions on the licence.

During the hearing Members of the Sub-Committee advised the objectors that the terrace formed part of the premises, and therefore, patrons and guests were allowed to use the terrace for the consumption of coffee, tea, water or alcohol.

In response to questions raised by Members, professor Hogan stated that imposing conditions on the licence might ameliorate some of the concerns of residents.

This application was granted subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

1. The Licence Holder shall ensure that the bar is only used for those paying guests in residence and those onsite for private events and not for members of the public.
2. 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.
3. 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.
4. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
5. The Licence Holder shall keep on the Premises at all times an adequate supply of first aid equipment and associated materials.
6. All systems relating to gas, electricity, boilers, alarms, fire equipment and appliances are to be maintained and inspected by appropriately qualified professional persons in accordance with British Standards and at intervals recommended in national guidance Records are to be kept and available for inspection by authorised officers on request.
7. The Licence Holder shall have in place at all times valid public liability insurance and a copy of the insurance schedule shall be available for immediate inspection upon request by authorised officers.
8. Hotel Guests of residents shall be required to sign-in and out when entering and leaving the Premises and a register shall be kept and made available for immediate inspection by authorised officers upon request.
9. The playing of live or recorded music shall not be permitted outside of the premises at any time.
10. The placing of bottles into receptacles outside of the premises shall take place at such times that will minimise disturbance to nearby properties.

11. No fumes steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
12. 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.
13. The Premises shall only be used by residents and their guests or private hire guests for the purposes of the authorised use.
14. 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.
15. The use of the external terrace area shall cease by 21.00 each day and shall be limited to 8 persons seated at any one time.
16. The sale and consumption of alcohol on the terrace shall only be to persons who are seated and be by waiter or waitress service only.
17. The mobile number for the manager at the premises shall be publicly available at all times the premises are open. This mobile number is to be made available to residents and businesses in the vicinity.
18. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 30 persons.
19. The Licence Holder shall ensure that there is a member of staff present on the premises at all times.
20. 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.
21. 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.
22. A Challenge 21 or 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.
23. 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.

INFORMATIVE

If the Licence holder fails to comply with the Licence Conditions, 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.

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

Thursday, 3 December 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Rita Begum

APPLICATION FOR A NEW PREMISES LICENCE – 1-8 DAVIES MEWS, LONDON W1K 5AB – 20/09233/LIPN

FULL DECISION

Premises

1-8 Davies Mews
London
W1K 5AB

Applicant

Hartshorn Hook Enterprises Limited

Cumulative Impact Area?

No

Ward

West End

Proposed Licensable Activities and Hours

Plays (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Films (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Live Music (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Recorded Music (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Performance of Dance (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Anything of a similar description to that above (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Late Night Refreshment (Indoors)

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

Seasonal Variation: The premises shall 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.

Sale by Retail of Alcohol (On Sales)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The premises shall 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.

Hours Premises are open to the Public

Monday to Saturday: 07:30 to 23:30 hours
Sunday: 07:30 to 23:00 hours

Seasonal Variation: The premises shall 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.

Representations Received

- Environmental Health Service (Dave Nevitt)
- One Local Resident.

Summary of Objections

- Environmental Health state that the application is likely to impact upon public nuisance and public safety.
- We are extremely worried about the amount of noise which will be incurred when the premises are due to open. We understand that it will include music until late in the evenings and this is highly disturbing for young families.

Summary of Application

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Applicant intends to operate the Premises as a theatre space offering a variety of productions and performances. The Premises are not within the Cumulative Impact Area. The Applicant has applied for a time limited Licence until 31 July 2026 and this was duly noted by the Committee.

SUBMISSIONS AND REASONS

Mr Jackaman, Licensing Officer, summarised the application as set out in the report before the Sub Committee. The application was for a time-limited licence to July 2026. Representations had been received from the Environmental Health Service and one other interested party who was not represented at the hearing. It was noted that the Premises were within the West End Ward and did not fall within any Cumulative Impact Area.

Ms Lana Tricker, Solicitor for the Applicant presented her case to the Sub-Committee. Ms Tricker stated that the application was for a five-year time, limited premises licence for an Immersive Doctor Who Experience. The Applicant was an award-winning theatre company that transformed vacant buildings into live theatre sets. The Committee noted that the Applicant has a premises licence for number 56 Davies Street. Ms Tricker stated that the show would be one of the most expensive immersive theatre productions in London. Shows would have staggered start time, in order that, as one audience of up to 200 persons, having seen the first part of the show descended into the basement area for the second part of the show, a new audience would enter the ground floor area for the start of the next show.

Ms Tricker explained that there could be up to 400 persons in the premises at any one time and there would be no overlapping of the two audiences either entering the

Premises, watching the shows, or exiting the Premises. Ms. Tricker stated that the Applicant planned to open the shows in April 2021, and shows would run Tuesday to Sunday, with no performances on Monday. The show starts from 18:00 hours and finishes at 22:15 hours. Ms. Tricker stated that the hours were considered to promote the licensing objectives.

Ms Tricker stated that entrances would be supervised by SIA door supervisors and there would also be a front of house manager. A show manager who would liaise in letting guests into the pre-show foyer and bar area. Ms Tricker described the procedures that would be followed when checking tickets as guests entered the Premises and how the queues to the shows would be managed. The Sub-Committee noted that the Premises lease contained strict terms and conditions in relation to the use of the Premises for events. In addition, there was a dispersal policy in place specifically for events.

Ms Tricker stated the sale of alcohol was ancillary to guests attending a show and there was no application for off sales. She advised that the application was in accordance with paragraph 2.5.33 of the City Council's SLP which stated that these policies apply to wide-ranging premises including theatres, cinemas, concert halls and other performance venues providing regulated entertainment. She advised further that bars are a normal feature of performance venues, but they should be ancillary to the overall use of the Premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the Premises are open for performances and should not extend later than the hours of performances.

In conclusion, Ms Tricker stated that this was a time limited application and she relied upon the dispersal policy and crowd management plan attached to the submissions before the Sub-Committee.

The Sub-Committee sought confirmation from the Applicant when dealing with dispersal and queueing outside the premises, and to give clarity on the events, Ms Tricker and Mr Collins, the Director, provided the following information: -

- Audiences entered the Premises and moved round the exhibition in such a way that the audiences did not overlap. It was possible that if every member of each audience remained in the bar after the shows, there could be up to 400 people in the bar but that was unlikely.
- Guests would have timed entry tickets and could arrive up to 45 minutes before the start of the show, this would avoid the possibility of queues forming outside the premises. Should guests arrive more than 45 minutes before the start of the show, they would be allowed to enter the venue.
- Events tended to be during the day and are usually corporate events. Occasionally there were birthday events.
- Mr Collins referred to the floor plan and described how an audience would move through the Premises.
- Mr Collins stated that the bar area was similar to a foyer bar in a theatre and, therefore, it was not expected that all 200 guests attending a show would buy drinks at the bar, but the application was for the whole of the floor where the bar was located.

- There was a box office and merchandising section which opened at 7:30am in order that people can buy tickets for shows on their way to and from work.
- The earliest show would be a matinee performance at 12 midday on days when there were matinee performances.

In addition, the Sub-Committee also sought confirmation from the Applicant regarding the provision for smokers and was advised of the following matters:

- There would not be many people wishing to smoke but a smoking area had been identified at the Davis Street end of Davies Mews which would be managed by the SIA door staff.
- Mr Hartshorn, the Operations Director, stated that there would be a number of staff employed and there would be strict adherence to the requirements of social distancing and the Coronavirus Regulations. There have been measures in place to safeguard the audience and members of staff.
- Mr Collins stated discussions had taken place with the local resident who had objected to the application and it was agreed that no noisy works on construction of the sets would take place between 13:00 hours and 15:00 hours.

In response to a further question by the Chairman, Mr Hartshorn stated that, as audiences moved through the show in a linear manner, it would not be possible to host a private function while a show was taking place because, at some point, members of the audience would come to the location where the private function was taking place. Mr Hartshorn advised that the cost of the Doctor Who set alone (not including costumes etc.) was some £1.7 million and the applicants cared-for the set and were mindful of the need to keep it in good order with three waves of audience going through the set each day. Therefore, it was not realistic to hold a vertical drinking function for 400 people and then set up the Premises for a show the following day. Although events were a key ancillary revenue stream, they remained ancillary to the operation of the venue as a theatre. In response to Member's question about whether the applicant would have any objection to the licences being put in the applicant's name, Mr Hartshorn confirmed that Hartshorn Hook Enterprises Ltd would be willing to take responsibility for the management of the Premises.

Mr David Nevitt on behalf of Environmental Health Service addressed the Sub-Committee and referred to a photograph of the Premises where he identified the residential parts of the building which are located above the Premises. He stated that there had been consultation with the Applicant during the pre-application phase of the planning process and concerns about noise, dispersal, capacity and public safety were discussed. He advised that the Applicant had subsequently agreed to the various conditions proposed by the Environmental Health Service, namely the sale of alcohol shall, always, be ancillary to the primary use of the Premises for theatre performances, alcohol shall only be sold for consumption by persons: (i) Attending the performance of a play or theatre production that day and/or, (ii) Attending a pre-booked and bona fides private function or event to which members of the public are not admitted and that a register of persons attending the event shall be kept at the Premises and made available for immediate inspection by police or an authorised officer of the Council.

The Sub-Committee realises that it has a duty to consider each application on its individual merits. It considered the potential of public nuisance that could be caused

due to dispersal of crowds and those residents who lived directly above the Premise. The Sub-Committee welcomed the fact that there had been dialogue between the parties regarding the potential for nuisance in respect of these matters. With this in mind the Sub-Committee was persuaded that the safeguards the Applicant was to put in place by way of managing the Premises and the proposed conditions offered would mitigate the concerns of residents and the Responsible Authorities who had objected. The Sub-Committee took comfort from the fact that the building as confirmed by Mr Nevitt generally had good acoustic integrity so that would help minimise the outbreak of noise likely to affect nearby residents. In this respect the Sub-Committee imposed MC12 which appears below as Condition 15. The Sub-Committee considered that the sale of alcohol should be properly restricted given the nature of the Premises and accordingly conditions numbered 18, 19, 45 and 48 below are imposed on the Premises Licence.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

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:

1. To grant permission for Plays (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours:

Seasonal Variation: The Premises shall 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.

2. To grant permission for Films (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours:

Seasonal Variation: The Premises shall 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.

3. To grant permission for Live Music (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The Premises shall 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.

4. To grant permission for Recorded Music (Indoors)

Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours

Seasonal Variation: The Premises shall 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.

5. To grant permission for Performance of Dance (Indoors)

Monday to Saturday: 10:00 to 23:30 hours

Sunday: 10:00 to 23:00 hours

Seasonal Variation: The Premises shall 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.

6. To grant permission for Anything of a similar description to that above (Indoors)

Monday to Saturday: 10:00 to 23:30 hours

Sunday: 10:00 to 23:00 hours

Seasonal Variation: The Premises shall 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.

7. To grant permission for Late Night Refreshment (Indoors)

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

Seasonal Variation: The Premises shall 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.

8. To grant permission for the Sale by Retail of Alcohol (On Sales)

Monday to Saturday: 10:00 to 23:30 hours

Sunday: 10:00 to 23:00 hours

Seasonal Variation: The Premises shall 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.

9. To grant permission for the Hours Premises are open to the Public

Monday to Saturday: 07:30 to 23:30

Sunday: 07:30 to 23:00 hours

Seasonal Variation: The Premises shall 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.

10. That the Licence is subject to any relevant mandatory conditions.

11. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

12. 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 the Police or authorised officer throughout the entire 31-day period.
13. 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.
14. At least 1 SIA licensed door supervisor shall be on duty at the premises after 19:00 hours whilst the premises are open for business.
15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no sales of alcohol for consumption off the premises.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. 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.
21. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
22. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
23. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
24. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

25. 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.
26. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
27. No deliveries to the premises shall be arranged between 23.00 and 08.00.
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 holographically marked PASS scheme identification cards.
29. All Customer Service Assistants will be fully versed in the transport options available within the vicinity of the premises.
30. A permanently manned direct telephone number for a responsible person who has powers to deal with nuisance, shall be publicly available at all times the premises are open and up to 30 minutes after the scheduled closing time. This telephone number is to be made available to residents, businesses and local Residents' Associations in the vicinity.
31. 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.
32. No 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.
33. 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, which 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 or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
34. 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.

- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting
35. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
 36. 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.
 37. 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.
 38. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
 39. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
 40. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 41. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
 42. 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.
 43. 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.
 44. All persons entering or re-entering the premises shall have their bags searched by a member of staff and monitored by the premises CCTV system.
 45. The sale of alcohol shall, at all times, be ancillary to the primary use of the premises for theatre performances.
 46. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

47. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
48. 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.
49. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 50 (a) At least 7 days' notice shall be given to the Council of any proposal to use scenery or properties and such scenery or properties shall only be used with the consent of the Council.
- (b) Scenery and properties shall only be stored in approved areas and where permitted to be stored on the stage shall be limited to the approved amounts.
- (c) The doors to any scenery store shall be kept closed during performances.
- (d) The scenery and properties used on an open stage shall be restricted to that of the actual production. No other storage shall be permitted in the stage area.
- 51 (a) Any entertainment which involves special risks (e.g., firearms, skating to music) may only be given with the Council's consent. At least 7 days' notice shall be given to the Council and save in exceptional circumstances exact details of the proposal including the date and time of any proposed rehearsal
- (b) Smoking shall be strictly prohibited within any stage area (other than as part of the action of the performance). Notices prohibiting smoking shall be prominently displayed.
52. The use of special effects (e.g., lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the premises of any explosive or flammable substance may only be permitted with the consent of the Council. At least seven days' notice shall be given to the Council detailing the exact proposal including the date and time of any proposed rehearsal. Special effects shall only be used where the desired effect cannot be achieved using other safer means (e.g., by mechanical devices).
- NOTE:** When it is intended to use special effects the inspecting officer that the effects can be assessed and, if satisfactory, approved by the issue of a certificate.
53. Pyrotechnics, explosives or other highly flammable substances shall only be stored in areas approved by the Council and subject to the provisions set out below:
- Firearms and replica firearms including blank ammunition, shall be stored in a secure area to the satisfaction of the Council and the Police. They shall be under the control of a responsible person, who shall be responsible for the removal and return of all firearms.
 - Firearms shall only be removed from the store (with the amount of ammunition required for the scene) immediately prior to use and returned to the store immediately after use.
 - All discharged cartridges etc. must also be accounted for.

54. Storage areas and containers used shall be indicated by the explosive/inflammable symbol on the door or lid.
55. A minimum of 14 days' notice in writing shall be given to the Council of any intention to use any live animal, bird or fish in a performance at the premises.
- 56 (a) The number of performers and members of any orchestra shall not exceed the number for which in the opinion of the Council, the dressing rooms, staff rooms and retiring-room accommodation is adequate.
 - (b) Temporary dressing rooms shall not be provided except with the consent of the Council.
 - (c) Quick change arrangements which affect the means of escape or safety arrangements shall only be made with the consent of the Council.
57. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
58. Alcohol shall only be sold for consumption by persons:

Attending the performance of a play or theatre production that day and/or, attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by the Police or an authorised officer of the Council.
59. The licensable activities permitted under this Licence shall end after 31 July 2026 and shall cease to have no effect.

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

**The Licensing Sub-Committee
3 December 2020**