



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 18th March, 2021**, This will be a virtual meeting.

Members Present: Councillors Tim Mitchell (Chairman), Richard Elcho and Maggie Carman

1. MEMBERSHIP

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

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1. 10.00 AM: BELLARIA RESTAURANT, 71 GREAT TITCHFIELD ST, LONDON W1W 6RB

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2 ("The Committee")

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

Officer Support: Legal Adviser: Vivienne Walker
Policy Officer: Kerry Simpkin
Committee Officer: Cameron Maclean
Presenting Officer: Jessica Donovan

Parties Present: Mr Nimet Oner, the Applicant, Ms Ilkay Cinco Oner (representing the Applicant), Mr Richard Brown, Citizens Advice Westminster, Licensing Project (representing residents); Mr Gareth Hughes, Counsel (representing the Langham Court Hotel); Mr Yoram Blumann, representing the Fitzrovia

Neighbourhood Association; Mr Christopher Sharp, Mr Austen Callison and Ms Barbara Corr (Objectors).

**Application for a Variation of Premises Licence – Bellaria Restaurant
Basement and Ground Floor 71 Great Titchfield Street London W1W 6RB
20/11567/LIPV**

FULL DECISION

Premises

Bellaria Restaurant
71 Great Titchfield Street
London W1W 6RB

Applicant

Mr. Nimet Oner

Cumulative Impact Area

The Premises are not located within the Cumulative Impact Area

Ward

West End

Summary of Application

The Sub-Committee has determined an application for a variation of a premises licence under the Licensing Act 2003 (“the Act”). The Premises are a restaurant situated in the West End Ward, but not within the Cumulative Impact Area or the Special Consideration Zone.

Proposed Licensable Activities and Hours

Hours the Premises are open to the Public

Monday to Wednesday 10:00 to 23:30 hours
Thursday to Saturday 10:00 to 00:30 hours
Sunday 12:00 to 23:00 hours.

Live Music operation

Thursday to Saturday 10:00 to 00:30 hours.

Recorded Music

Monday to Wednesday 10:00 to 23:30 hours

Thursday to Saturday 10:00 to 00:30 hours

Sunday 12:00 to 23:00 hours.

Late Night Refreshment

Monday to Wednesday 23:00 to 23:30 hours.

Thursday to Saturday 23:00 to 00:30 hours.

Sale by Retail of Alcohol (On Sales)

Monday to Wednesday 10:00 to 23:00 hours.

Thursday to Saturday 10:00 to 00:30 hours.

Sunday 12:00 to 22:30 hours.

Representations Received

- Environmental Health Service (Dave Nevitt)
- Metropolitan Police Service (Nicole Sondh) (Withdrawn)
- 25 Local Residents

Summary of issues raised by Objectors

- The proposals are likely to increase the risk of Public Nuisance. The extended licensable activities sought are significantly beyond the Core Hours.
- I object to the application to extend opening hours to 1:30 a.m. on Thursdays, Fridays and Saturdays for late night refreshment and sale of alcohol, and until 11.30 p.m. on Sunday for the sale of alcohol. The proposal to extend the hours when music played is also problematic. This would represent a very significant increase on the hours currently allowed. It will undermine licensing objectives to prevent public nuisance. The restaurant has I understand already received multiple noise complaints from residents about loud music emanating from the premises. It should be noted these complaints have been made within current licensing arrangements, which ensure the premises close at a reasonable time. It can, therefore, be assumed that these issues would continue were the premises allowed to open until 1:30 a.m. only this time they would cause more nuisance as the restaurant would clearly

continue much later into the night. In addition, it would create a precedent, paving the way for further public nuisance issues, again contrary to the licensing objectives.

- These kinds of late-night licensing applications are not appropriate for a highly residential area. The applicant does not propose specific measures to attenuate the noise and vibration caused by these activities, it does not propose limiters on volume and noise and bass, it does not mention sound systems or volumes, or how this is to be controlled, it does not propose to fit soundproofing; it does not show where within the premises this activity would take place and how many people would be allowed to dance on the floor.
- There are no measures to prevent noise escaping through the doors; currently, there are no double doors, and the door remains open most of the time, causing noise to escape to the street. There is no proposal to control and minimise the number of people going out for a smoke. It is right to support hospitality businesses during a moment like the one we're living through. However, it's important to strike a balance between protecting residential amenity and supporting businesses, which this application would fail to do. Furthermore, the licensing objectives must be maintained.
- The restaurant is located at the heart of a residential area; we have major concerns over the potential loss of amenity to residents, in particular good night sleep caused by the nuisance from the premises. There is a past record of complaints from residents regarding issues of public nuisance. The proposed conditions and measures by the applicant are inadequate and fail to address the concerns raised above. Given the residential character of the area, the potential of nuisance caused by the premises into 0130 and beyond, would prevent residents from going to sleep before 0200, this is unacceptable. Noises from the premises, the coming and going to and from the premises, cars, taxis minicabs, uber services, engine cars revving or being kept running while the vehicle is waiting for patrons to emerge, the dispersal of customers leaving the premises and the noise made by bringing chairs and tables inside.
- This is an area with a high number of residents. All the buildings close to the specific location of the restaurant contain flats - other than the immediate neighbour on Langham Street, and that is a hotel. I believe that all these people could be badly affected by the extension of the opening hours late into the night and the additional disturbance that would be caused. I would certainly be impacted by the additional disturbance late at night because I live on Langham Street and my bedroom is directly opposite the restaurant. The potential disturbances are not only from the immediate noise of the diners and the entertainment proposed but the noise caused by their departure and the closing up of the restaurant.
- I am sympathetic to the need of our local restaurants to make a living. They make a valuable contribution to the vitality and liveliness of our area and I am keen that they should prosper, but this must not be at the expense of the ability of the local residents to get a good night's sleep. The local residents also make a valuable contribution to the atmosphere of the area and they should have their interests protected too. I believe an extension to opening

hours would set a very bad precedent and open up the possibility of other restaurants in the area also seeking to extend their hours. The level of noise and disturbance could very rapidly become intolerable. I strongly believe there is a need for all the hospitality businesses in the area to close by 11pm at the latest. For these reasons I wish to object strongly to any extension of opening hours for this restaurant and ask you to reject this licensing application.

Policy Considerations

Policies HRS1, RTN1 and PB1 apply under the City Council's Statement of Licensing Policy. Applications outside the West End Cumulative Zone will generally be granted subject to the application meeting the requirements of Policies CD1, PS1, PN1 and CH1.

SUBMISSIONS AND REASONS

The Presenting Officer, Ms Donovan summarised the application to the Sub-Committee. She confirmed that during the consultation process, the Applicant had withdrawn the application for the "Performance of Dance".

Ms Donovan stated that representations had been received from the Metropolitan Police Service, but these had subsequently been withdrawn following agreement with the Applicant on proposed conditions to be attached to the Premises Licence.

Mr. David Nevitt on behalf of Environmental Health Services (EHS) stated that EHS had maintained its representation as there were several objections from residents and because the application was beyond the Council's policy on Core Hours.

Mr. Nevitt stated that there was no history of noise complaints from these premises which had been operating for quite a long time as a restaurant. He went on to say, on checking the Council's records for noise complaints relating to these premises, there had been a complaint in 2017, about the use of speakers outside the premises which had resulted in Council Officers visiting the premises. On that occasion, it was not held that the speakers constituted a nuisance.

Mr. Richard Brown, from the CAB Licensing Project, on behalf of Residents stated that it was apparent from the representations made by residents that there was a lot of goodwill towards the restaurant and residents wished the restaurant success when it reopened. However, he stated that it was not accurate to say there had been no noise complaints from the premises. Mr Brown then referred to specific complaints set out in the representations.

Mr. Brown proposed that, should the application be granted, this would exacerbate existing concerns about noise nuisance which might otherwise be managed within the existing licence conditions.

Mr. Brown stated that residents were opposed to the application to allow live music until midnight, noting there was no acoustic lobby at the entrance to the premises, and no proposals to install a sound limiter. Mr. Brown referred to Paragraph E8 of the Core Hours Policy (HRS1) in the Council's Statement of Licensing Policy which emphasised the link between a late terminal hour and dispersal, Policy PN1, Prevention of Public Nuisance and the application of that policy in accordance with the criteria and consideration set out in the Statement of Licensing Policy.

Mr. Gareth Hughes on behalf of the Langham Court Hotel which was immediately adjacent to the premises stated that there was too little evidence in the application to support the late hours sought by the Applicant. Therefore, the application must fail. He stated that there was nothing in the application to say how the Applicant would promote the licensing objective of Prevention of Public Nuisance or measures to ameliorate possible noise nuisance, particularly, given there was a party wall between the premises and the Langham Court Hotel next door.

Ms. Ilkay Cinco Oner on behalf of the Applicant, stated that she was the leaseholder of the Premises which were managed by Mr Oner. She stated that having reviewed the objections to the application, it had been decided to withdraw the application for "Performance of Dance" and to prepare a response to the queries raised by neighbours.

Ms Oner stated that the Applicant did not wish to cause any nuisance or disruption to the neighbours. She stated that it was a very small restaurant accommodating 28 people upstairs and 30 people downstairs. She stated that, regarding the dispersal of patrons and management of the smoking area, the Applicant was willing to consider any proposals that might be put forward by residents. In addition, a member of staff would be employed to manage the door and ensure there was no disturbance as patrons left the Premises.

Ms. Oner noted that concerns had been expressed about the premises becoming a bar. She emphasised that the Premises would not become a bar. She stated that there would be no vertical drinking and the sale of alcohol would be ancillary to a meal and would be by table service only.

In conclusion, Ms Oner stated that the Applicant was willing to discuss any concerns anyone might have about the application, noting that the Applicant had accepted the conditions proposed by the Police.

In response to Members' questions, Ms Oner and Mr Oner provided the following information:

- The music proposed for the basement area would be background music or a person playing a saxophone or a guitar. There would not be hard-core drum and bass and/or a resident DJ.
- The Applicant had never received any noise abatement notice or other documentation relating to noise complaints.
- For evening booking, often the menu would have been agreed in advance and would consist of 3 to 4 courses with an expectation that the group would stay for 2 to 3 hours.
- The proposed door staff would be SIA registered door supervisors who would be employed on Thursday, Friday, and Saturday evenings.

The Chairman of the Committee referred to the licence conditions proposed by the Responsible Authorities and Ms Oner confirmed that the Applicant had agreed to these conditions. In addition, Ms Oner stated that the Applicant would be willing to reduce the hours for the opening of the Premises to the public, on Thursday to Saturday from 01:30 to 01:00 hours.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits. It welcomed that fact that the Applicant had engaged with the Responsible Authorities. The Sub-Committee were mindful of the fact that conditions had been agreed with the Responsible Authorities.

The Sub-Committee took comfort from the fact that the Police had withdrawn their objection. This demonstrated to the Sub-Committee that the Police were satisfied with the application when it came to crime and disorder and that the conditions, they sought in relation to a SIA Door Supervisor Staff from 22:00 hours Thursdays to Saturdays was to be imposed on the Premises Licence having the desired effect of upholding the crime and disorder licensing objective.

The Sub-Committee noted that after discussions with the Environmental Health Service the Applicant had agreed to amend the application to reduce the hours that the Premises would be open to the public Thursdays to Saturdays as set out in the application.

The Sub-Committee also noted that live and recorded music were played in the basement area of the Premises, and during the time the Applicant had operated these Premises, this had not given rise to any noise complaints from residents or the adjoining Langham Court Hotel. The Sub-Committee concluded that the lack of previous complaints alongside the Environmental Health Service conditions would alleviate residents' concerns.

The Sub-Committee considered that the conditions it has imposed on the Premises Licence were appropriate and proportionate to promote the licensing objectives. Accordingly, 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 parties both orally and in writing, **the Sub-Committee 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 to extend the hours the premises are open to the public, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
2. To grant permission to add Live Music operation Thursday to Saturday 10:00 to 00:30 hours.

3. To grant permission to change and extend the hours of Recorded Music, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
4. To grant permission to change and extend the hours of Late-Night Refreshment, Monday to Wednesday 23:00 to 23:30; Thursday to Saturday 23:00 to 00:30 hours.
5. To grant permission to change and extend the Sale of Alcohol on the Premises, Monday to Wednesday 10:00 to 23:00; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 22:30.
6. That the Licence is subject to any relevant mandatory conditions.
7. 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

8. 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 31day period.
9. 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 the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. 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.
11. 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
12. On Thursday, Friday and Saturday after 23:00 hours until 00:30 hours the following day. The premises shall only operate as 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.
 13. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
 14. On Thursday, Friday and Saturday, entry to the venue after 21:00 hours will be by prior reservation only and the last entry will be at 23:00 hours.
 15. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 16. On Thursday, Friday and Saturday, a minimum of one (1) SIA licensed door supervisor shall be on duty at the premises from 21:00 hours until 30 minutes after licensing hours.
 17. Live entertainment shall cease at midnight.
 18. Save for in any permitted external area, 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.
 19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

22. Regulated Entertainment (live music/recorded music after 23:00 hours) will only take place in the Basement.
23. There will be a designated smoking area and the number of smokers permitted at any one time will be limited to 6 persons.
24. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

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

This Decision takes immediate effect.

2. **3.00 PM – THE WINDMILL THEATRE, 17-19 GREAT WINDMILL ST, W1D 7JZ**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

Officer Support: Legal Adviser: Vivienne Walker
 Policy Officer: Kerry Simpkin
 Committee Officer: Cameron Maclean
 Presenting Officer: Jessica Donovan

Parties Present: Mr. Philip Kolvin, QC for the Applicant, Mr Marcus Lavell for the Applicant, Mr. Jodie Harsh, Director, Mr. John Common, Food and Beverage Director, Dr. Phil Hadfield, Late-Night Economy/Policy Expert, Mr. Adrian Studd, Crime and Disorder Expert and Mr. Richard Vivian, Acoustics Expert

Application for a New Premises Licence – The Windmill Theatre 17-19 Windmill Street London W1D 7JZ – 20/10170/LIPN

FULL DECISION

Premises

The Windmill Theatre
17-19 Windmill Street
London W1D 7JZ

Applicant

Immerse London Limited

Cumulative Impact Area

The Premises are within the West End Cumulative Impact Area

Ward

West End

Summary of Application

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises proposed to operate as a theatre with bar, restaurant and associated facilities. The Premises have had the benefit of a Licence Number 20/03225/LIPWM. The Premises previously had the benefit of a Sexual Entertainment Venue Licence from June 2012 to 2017.

Proposed Licensable Activities and Hours

Plays (Indoors)

Monday to Saturday: 09:00 to 05:00 hours
Sunday: 14:00 to 03:00 hours.

Seasonal Variations: 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.

Films (Indoors)

Monday to Saturday: 09:00 to 05:00 hours
Sunday: 09:00 to 00:00 hours.

Seasonal Variations: 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.

Live Music (Indoors)

Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: 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 Sunday: 00:00 to 00:00 hours

Seasonal Variations: 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.

Performance of Dance (Indoors)

Monday to Saturday: 09:00 to 05:00 hours

Seasonal Variations: 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.

Anything of a Similar description to Live Music, recorded Music and Performance of Dance (Indoors)

Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: 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 and Outdoors)

Monday to Saturday: 23:00 to 05:00 hours.

Seasonal Variations: 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 and Off Sales)

Monday to Saturday: 10:00 to 05:00 hours
Sunday: 12:00 to 22:30 hours

Seasonal Variations: 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: 09:00 to 05:30 hours

Sunday: 09:00 to 03:00 hours

Seasonal Variations: 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

- Metropolitan Police Service (PC Bryan Lewis)
- Environmental Health Service (Ian Watson)
- Licensing Authority (Kevin Jackaman)

Summary of issues raised by Objectors

- It is our belief that if granted the application would undermine the Licensing Objectives.
- The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.
- There is insufficient detail within the operating schedule to promote the Licensing Objectives.
- The hours sought exceed Westminster's Core Hours Policy.
- The hours requested for the supply of alcohol, provision of late-night refreshment and the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area (CIA).
- The increase in capacity may impact on Public Safety and a visit would be required to assess the premises and emergency arrangements.
- There are concerns in relation to this application and how the premises would promote the four licensing objectives.

Policy Position

Policies HRS1, PB1, RNT1, CCSOS1 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 would not add to Cumulative Impact in the West End Cumulative Impact Area.

SUBMISSIONS AND REASONS

The Presenting Officer, Ms Donovan summarised the application to the Sub-

Committee. She confirmed that this was an application for a New Premises Licence made on behalf of the Applicant, Immerse London Limited.

Mr. Ian Watson, on behalf of Environmental Health Service stated that he had met with the Applicant and the Applicant's legal representatives at the premises when the matter of proposed conditions had been discussed, and he noted that the proposed conditions reflected the model conditions.

Mr Watson referred to the plan in the report before the Sub-Committee. He stated that having consulted with the District Surveyor, it was proposed that depending on the layout, the basement of the premises could in accordance with public safety requirements accommodated between 120 and 140 persons.

Mr. Watson stated that there had never been any complaints about noise breakout from the premises, and the proposed conditions in relation to potential noise breakout and nuisance were enough. He also referred to the photographs of the entrance to the basement, it was noted that the nearest residents lived above the "Be at One" cocktail bar across the road from the theatre's main entrance. Therefore, they were unlikely to be affected by any noise from the basement and that the main entrance doors to the theatre would be of a suitable acoustic design.

In response to a Member's question, Mr Watson confirmed that he was satisfied that the Applicant had taken all reasonable measures to prevent the possibility of noise nuisance as a result of the operation of the premises.

Mr. Jackaman, on behalf of the Licensing Authority welcomed the proposed condition 23 (now condition 31) as amended as it brought the sale of alcohol within the Council Policies set out in the Statement of Licensing Policy. It was noted that the proposed hours for licensable activities were within the Council's Core Hours Policy. Mr. Jackaman stated that the Licensing Authority was satisfied that the Applicant had demonstrated that granting the application would not add to the Cumulative Impact Area.

It was noted that the sale of alcohol and late-night refreshment would be ancillary to the Premises primary function as a cultural venue and limited after 23:00 hours to persons using the Premises in its primary function.

PC Bryan Lewis on behalf of the Metropolitan Police Service stated that the Police objection was in relation to the Cumulative Impact Area policy and concerns about potential dispersal problems. He noted that agreement had been reached on most of the proposed conditions. However, there remained a condition proposed by the Police which had not been agreed, that was, the use of polycarbonate drinkware, rather than glassware. PC Lewis stated that was a normal request by the Police for late-night venues.

The Chairman of the Sub-Committee noted that regarding the use of Polycarbonates Products, the Council would favour the use of drinking vessels deemed to be safe in that, they could not be used to cause injury, and which were environmentally friendly.

In response to a Members question about customers being allowed to pour drinks

from bottles, PC Lewis stated that the later premises stayed open serving alcohol, the greater the possibility of a higher consumption of alcohol and the greater the risk of crime and disorder involving use of bottles as a weapon. It was for these reasons that the Police requested the use of polycarbonate drinkware in late-night premises.

It was explained on behalf of the Applicant that the use of polycarbonate drinkware would not be appropriate for guests dining at an expensive restaurant with a Michelin starred Chef. Therefore, the Applicant asked the Sub-Committee not to impose such a condition.

Mr. Kolvin for the Applicant stated that the application provided the opportunity to restore one of Soho's historic cultural buildings and replace its use as a sexual entertainment venue with an entertainment use appealing to a wide demographic. He stated that if the application was granted, it would mean that the venue could operate as a theatre without being half empty and having to resort to use as a sexual entertainment venue.

Mr. Kolvin referred to the Council's Cultural Venue Policy, including theatres and performances venues. It was noted that such venues have less impact than other licensed premises, and there was no presumption within the Council's CIA Policy requiring the Applicant to show exceptional circumstances.

In response to several questions raised by Members of the Sub-Committee, Mr. Kolvin provided the following information:

1. The Applicant was not applying for a Sexual Entertainment Venue Licence and there would be no sexual entertainment permitted under the applied for Premises Licence. The Applicant wished to put on cabaret performances which would appeal to a domestic and international audience of all ages and genders. Consequently, the previous use of the Windmill Theatre was the opposite of the Applicant's intentions.
2. Regarding the Dispersal Strategy, it was not anticipated that there would be a mass exodus from these premises. Therefore, the dispersal issues were different from those relating to pubs and clubs. It was proposed that people would start to leave after the headline act had finished at 02:00 hours.
3. It was believed that most of the dispersal of customers would be towards Shaftesbury Avenue. In addition, arrangements have been made to ensure that Uber pickups would be made from Shaftesbury Avenue and SIA staff would communicate by way of earpieces around the area to ensure a calm and safe dispersal of customers.
4. Tickets for both the main theatre and Henderson would have to be prebooked as there would be no "walk up" for either venue.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits. In this case, the Sub-Committee noted that this was an application for a New Premises Licence which would be conditional upon the applicant surrendering the existing Premises Licence.

The Sub-Committee were satisfied that the measures the Applicant were to put in place in terms of managing the Premises and dispersal arrangements under the dispersal policy would mitigate the concerns raised by those who had objected.

The Sb-Committee noted that no noise complaints had been made against the Premises.

The Sub-Committee gave weight to the fact that the Applicant had addressed the Responsible Authorities' concerns with the imposition of conditions. The Sub-Committee were satisfied that the application complied with the Policies set out in the Council's Statement of Licensing Policy.

The Sub-Committee were of the view that the proposal would not add to negative cumulative impact on the CIA. In reaching this conclusion, the Sub-Committee were particularly mindful of the nature of the Premises and how it would be run.

The Sub-Committee considered that the conditions were appropriate and proportionate to promote the licensing objectives. Accordingly, 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 parties both orally and in writing, **the Sub-Committee 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: 09:00 to 05:00 hours Sunday: 14:00 to 03:00 hours.

Seasonal Variations: 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.

2. To grant permission for Films (Indoors) Monday to Saturday: 09:00 to 05:00 hours Sunday: 09:00 to 00:00 hours.

Seasonal Variations: 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.

3. To grant permission for Live Music (Indoors) Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: 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.

4. To grant permission for Recorded Music (Indoors) Monday to Sunday: 00:00 to 00:00 hours.

Seasonal Variations: 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.

5. To grant permission for Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours

Seasonal Variations: 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.

6. To grant permission for Anything of a Similar description to Live Music, recorded Music and Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: 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.

7. To grant permission for Late Night Refreshment (Indoors and Outdoors) Monday to Saturday: 23:00 to 05:00 hours.

Seasonal Variations: 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.

8. To grant permission for Sale by Retail of Alcohol (On and Off Sales) Monday to Saturday: 10:00 to 05:00 hours Sunday: 12:00 to 22:30 hours

Seasonal Variations: 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.

9. To grant permission for the Hours Premises are open to the Public Monday to Saturday: 09:00 to 05:30 hours Sunday: 09:00 to 03:00 hours

Seasonal Variations: 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.

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. Admission to the Premises shall be limited to the following:
 - Persons having booked tickets to a performance, prior to attending the Premises.

- No more than 15 guests of the proprietor, whose names have been recorded in a guest list, maintained at the Premises and available for inspection by any Police or Authorised Officer. The guest list is to contain the name, address and contact details of all guests.
- Persons attending a private function which has been booked at least 24 hours in advance in writing (a list of whom shall be kept at reception for inspection by the relevant authority).

13. The capacity of the premises to be:

- i) Ground Floor and Mezzanine - 250 persons (excluding staff).
- ii) Basement – 100 persons (excluding Staff)

The above figures are subject to the following restrictions on the whole Premises

- iii) From 09:00am to 3.30am – 350 persons (excluding Staff)
- iv) From 3.30am to 5.30am – 150 persons (excluding Staff)

14. The Premises shall develop and operate a Dispersal, Transport and Noise Strategy, a copy whereof shall be provided to the Licensing Authority.

15. A minimum of 4 SIA licensed Door Supervisors will be stationed on Great Windmill Street from midnight until 30 minutes after the Premises are closed and empty of patrons.

16. Designated Street Marshals and Noise Control Officers will be deployed on Great Windmill Street and neighbouring streets as identified from time to time, from midnight until 30 minutes after the Premises are closed and empty of patrons.

17. A chauffeur service shall be available to patrons. Patrons will be able to make a booking at the time of booking their tickets or at any time from their table/seat in the premises.

18. An attendant shall be on duty in the cloakroom the whole time it is in use.

19. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
22. 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.
23. 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.
24. 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 the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
26. A minimum of 14 days' notice shall be given to the Environmental Health Consultation Team and District Surveyor of any intention to use scenery on any stage area.
27. A member of security shall be at the side of the stage during the times of the performance.
28. WCs for the sole use of members of staff and performers shall be provided and the appropriate signage shall be applied.
29. Any scenery to be kept or used on the premises shall be constructed only from such materials as the council accepts for use on open stages and such scenery shall be restricted as necessary for the current performance and shall be used on stage only.
30. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons detailed in condition 12 above.
31. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

32. There shall be no payment made by or on behalf of the licensees to any person bringing customers to the premises.
33. The licensable activities authorised by the Licence and provided at the premises shall be ancillary to the main function of the premises as a performance venue.
For the purpose of this condition performance venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.
34. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
36. Before the premises opens, 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.
37. No licensable activities shall take place at the premises until premises licence 20/03225/LIVPM (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
38. After 2300 hours all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the Local Authority upon request.
39. The above requirement is subject to the following exceptions, namely that a maximum number of **15** guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the Licensing Authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) Where there are appropriate reasons for a guest not to be able to

produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

40. Notwithstanding condition 39 above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event and will be retained for 31 days after the event for inspection by the Police and responsible authorities upon request.
41. All door supervisors will correctly display their SIA licence when on duty at the premises.
42. After 21:00 hours all SIA Door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
43. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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 preceding 31-day period. BWV must be activated at an early stage during any incident involving conflict.
44. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors before being directed to the relevant area of the premises.
45. After 23:00 hours all patrons attempting to gain entry or re-entry will be subject to a search, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admission.
46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined in the Dispersal, Transport and Noise Management Strategy.
47. There shall be no entry / re-entry (excluding persons exiting to smoke) to the premises after 03:00 hours.
48. 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:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder

- any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system, searching equipment or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
49. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
- The Police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of the Police.
 - All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the Police, unless otherwise notified by them.
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
50. 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.
51. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
52. The supply of alcohol shall be by waiter or waitress service only.
52. On the Ground Floor and Mezzanine, the sale of alcohol shall cease at least 1 hour before the Ground Floor and Mezzanine closes.
54. No licensable activities shall take place within the basement 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. Such capacity shall not exceed 100 persons excluding staff.
55. No more than 15 persons shall be permitted in the smoking area at any one time until 03:30 hours, and no more than 5 persons thereafter.

This is the Full Decision reached by the Licensing Sub-committee.

This Decision takes immediate effect.

CHAIRMAN: _____

DATE _____

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2 ("THE COMMITTEE")

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

Application for a Variation of Premises Licence – Bellaria Restaurant Basement and Ground Floor 71 Great Titchfield Street London W1W 6 RB (20/11567/LIPV)

SUMMARY DECISION

Case Summary

This is an application for a variation of a premises licence under the Licensing Act 2003 ("the Act"). The Premises are a restaurant situated in the West End Ward, but not within the Cumulative Impact Area or the Special Consideration Zone.

Applicant

Mr. Nimet Oner

Summary Decision

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") and the Authority's Statement of Licensing Policy ("SLP").

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission to extend the hours the premises are open to the public, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
2. To grant permission to add Live Music operation Thursday to Saturday 10:00 to 00:30 hours.
3. To grant permission to change and extend the hours of Recorded Music, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
4. To grant permission to change and extend the hours of Late-Night Refreshment, Monday to Wednesday 23:00 to 23:30; Thursday to Saturday 23:00 to 00:30 hours.
5. To grant permission to change and extend the Sale of Alcohol on the Premises, Monday to Wednesday 10:00 to 23:00; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 22:30.
6. 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

7. 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.
8. 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.
9. 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.
10. 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
11. On Thursday, Friday and Saturday after 23:00hrs until 00:30 hours the following day. The premises shall only operate as 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)(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.
12. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
 13. On Thursday, Friday and Saturday, entry to the venue after 21:00 hours will be by prior reservation only and the last entry will be at 2300 hours.
 14. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 15. On Thursday, Friday and Saturday, a minimum of one (1) SIA licensed door supervisor shall be on duty at the premises from 21:00 hours until 30 minutes after licensing hours.
 16. Live entertainment shall cease at midnight.
 17. Save for in any permitted external area, 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.
 18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 21. Regulated Entertainment (live music/recorded music after 2300 hours) will only take place in the Basement
 22. There will be a designated smoking area and the number of smokers permitted at any one time will be limited to 6 persons.
 23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
 24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 25. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

This is a summary of the decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent out to all parties as soon as possible.

The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

Licensing Sub-Committee
8 March 2021

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WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE (2)

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

APPLICATION FOR A NEW PREMISES LICENCE – THE WINDMILL THEATRE 17-19 WINDMILL STREET LONDON W1D 7JZ – 20/10170/LIPN

SUMMARY DECISION

Case Summary

This is an application for a new Premises Licence under the Licensing Act 2003 (“the Act”). The Premises propose to operate as a theatre with bar, restaurant and associated facilities. The Premises are in the West End Ward and are within the Cumulative Impact Area.

Applicant

Immerse London Limited

Summary Decision

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State’s Guidance (“Guidance”) and the Authority’s Statement of Licensing Policy (“SLP”).

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission for Plays (Indoors) Monday to Saturday: 09:00 to 05:00 hours Sunday: 14:00 to 03:00 hours.

Seasonal Variations: 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.

2. To grant permission for Films (Indoors) Monday to Saturday: 09:00 to 05:00 hours Sunday: 09:00 to 00:00 hours.

Seasonal Variations: 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.

3. To grant permission for Live Music (Indoors) Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: 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.

4. To grant permission for Recorded Music (Indoors) Monday to Sunday: 00:00 to 00:00 hours
 Seasonal Variations: 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.
5. To grant permission for Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours
 Seasonal Variations: 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.
6. To grant permission for Anything of a Similar description to Live Music, recorded Music and Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours.
 Seasonal Variations: 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.
7. To grant permission for Late Night Refreshment (Indoors and Outdoors) Monday to Saturday: 23:00 to 05:00 hours.
 Seasonal Variations: 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.
8. To grant permission for Sale by Retail of Alcohol (On and Off Sales)
 Monday to Saturday: 10:00 to 05:00 hours Sunday: 12:00 to 22:30 hours
 Seasonal Variations: 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.
9. To grant permission for the Hours Premises are open to the Public
 Monday to Saturday: 09:00 to 05:30 hours Sunday: 09:00 to 03:00 hours
 Seasonal Variations: 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.
10. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
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. Admission to the Premises shall be limited to the following:
 - Persons having booked tickets to a performance, prior to attending the Premises.

- No more than 15 guests of the proprietor, whose names have been recorded in a guest list, maintained at the Premises and available for inspection by any Police or Authorised Officer. The guest list is to contain the name, address and contact details of all guests.
 - Persons attending a private function which has been booked at least 24 hours in advance in writing (a list of whom shall be kept at reception for inspection by the relevant authority).
13. The capacity of the premises to be:
- i) Ground Floor and Mezzanine - 250 persons (excluding staff).
 - ii) Basement – 100 persons (excluding Staff)
The above figures are subject to the following restrictions on the whole Premises
 - iii) From 09:00am to 3.30am – 350 persons (excluding Staff)
 - iv) From 3.30am to 5.30am – 150 persons (excluding Staff)
14. The Premises shall develop and operate a Dispersal, Transport and Noise Strategy, a copy whereof shall be provided to the Licensing Authority.
15. A minimum of 4 SIA licensed Door Supervisors will be stationed on Great Windmill Street from midnight until 30 minutes after the Premises are closed and empty of patrons.
16. Designated Street Marshals and Noise Control Officers will be deployed on Great Windmill Street and neighbouring streets as identified from time to time, from midnight until 30 minutes after the Premises are closed and empty of patrons.
17. A chauffeur service shall be available to patrons. Patrons will be able to make a booking at the time of booking their tickets or at any time from their table/seat in the premises.
18. An attendant shall be on duty in the cloakroom the whole time it is in use.
19. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

22. 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.
23. 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.
24. 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 the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
26. A minimum of 14 days' notice shall be given to the Environmental Health Consultation Team and District Surveyor of any intention to use scenery on any stage area.
27. A member of security shall be at the side of the stage during the times of the performance.
28. WCs for the sole use of members of staff and performers shall be provided and the appropriate signage shall be applied.
29. Any scenery to be kept or used on the premises shall be constructed only from such materials as the council accepts for use on open stages and such scenery shall be restricted as necessary for the current performance and shall be used on stage only.
30. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons detailed in condition 9 above.
31. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
32. There shall be no payment made by or on behalf of the licensees to any person bringing customers to the premises.
33. The licensable activities authorised by the Licence and provided at the premises shall be ancillary to the main function of the premises as a performance venue.

For the purpose of this condition performance venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.
34. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
36. Before the premises opens, 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.
37. No licensable activities shall take place at the premises until premises licence 20/03225/LIVPM (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
38. After 2300 hours all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
39. The above requirement is subject to the following exceptions, namely that a maximum number of 15 guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
40. Notwithstanding condition 36 above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the Police and responsible authorities upon request.
41. All door supervisors will correctly display their SIA licence when on duty at the premises.
42. After 21:00 hours all SIA Door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
43. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum

requirements of the Westminster Police Licensing Team. 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 preceding 31-day period. BWV must be activated at an early stage during any incident involving conflict.

44. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors before being directed to the relevant area of the premises.
45. After 23:00 all patrons attempting to gain entry or re-entry will be subject to a search, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admission.
46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined in the Dispersal, Transport and Noise Management Strategy.
47. 47.No entry / Re-entry (excluding persons exiting to smoke) to the premises after 03:00 hours.
48. 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:
 - • all crimes reported to the venue
 - • all ejections of patrons
 - • any complaints received concerning crime and disorder
 - • any incidents of disorder
 - • all seizures of drugs or offensive weapons
 - • any faults in the CCTV system, searching equipment or scanning equipment
 - • any refusal of the sale of alcohol
 - • any visit by a relevant authority or emergency service.
49. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
 - The Police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of the Police.
 - All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the Police, unless otherwise notified by then.

- Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
50. 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.
 51. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
 52. The supply of alcohol shall be by waiter or waitress service only.
 53. On the Ground Floor and Mezzanine, the sale of alcohol shall cease at least 1 hour before the Ground Floor and Mezzanine closes.
 54. No licensable activities shall take place within the basement 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. Such capacity shall not exceed 100 persons excluding staff.
 55. No more than 15 persons shall be permitted in the smoking area at any one time until 03:30 hours, and no more than 5 persons thereafter.

This is a summary of the decision reached by the Licensing Sub-Committee.

The Fully reasoned decision will be sent out to all parties as soon as possible. The date for appealing the decision will not start until the full reasoned

Decision has been sent to the Parties.

Licensing Sub-Committee
18 March 2021

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