



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 14th March, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Iman Less and Caroline Sargent

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. GRAND HOTEL BELLEVUE LONDON, 25-27 NORFOLK SQUARE, W2 1RX

WCC LICENSING SUB-COMMITTEE NO. 1 ("The Committee")

Thursday 14 March 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Caroline Sargent

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Kerry Simpkin
Committee Officer: Jonathan Deacon
Presenting Officer: Jessica Donovan

Others present: Mr Charles Denny (Innpacked Ltd, representing the Applicant), Mr Yannis Badakian (the proposed Designated Premises Supervisor), Mr Maxwell Koduah (Environmental Health), Mr Richard Brown, Licensing Advice Project (on behalf of Hyde Park Estate Association and South East Bayswater Residents' Association) and 1 local resident (on behalf of South East Bayswater Residents' Association).

Application for a New Premises in respect of Grand Hotel Bellevue London, 25-27 Norfolk Square, London, W2 1RX

Full Decision

Case Summary

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The premises intend to operate as a hotel.

This is a new premises licence application and therefore no premises licence history exists.

There is a resident count of 122.

Representations were received from the Environmental Health Service, the Hyde Park Estate Association and the South East Bayswater Residents association, raising concerns about the application initially being outside core hours, the potential to cause nuisance and recommending the imposition of further conditions.

Premises

Grand Hotel Bellevue London
25-27 Norfolk Square,
London, W2 1RX

Applicant

Paddington Hospitality Limited

Cumulative Impact Area

None

Special Consideration Zone

None

Ward

Hyde Park

Policy Considerations

Policies HRS1 and HOT1(A) apply.

Policy HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of

applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

4. Hotels

Monday to Thursday: 9am to 11:30pm.

Friday and Saturday: 9am to Midnight

Sunday: 9am to 10.30pm.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy HOT1(A):

A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.
5. The applicant has taken account of Policy SCZ1 if the premises are located within a designated zone.
6. The application and operation of the venue meeting the definition of a Hotel as per Clause C.

C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.

Submissions

1. The Presenting Officer, Ms Donovan, introduced the application.

2. Mr Denny, representing the Applicant, outlined the application. He confirmed that following discussions with the three parties who had submitted representations in response to the application, Environmental Health Service (EHS), Hyde Park Estate Association (HPEA) and South East Bayswater Residents' Association (SEBRA), the Applicant had reduced the proposed hours of the application so that they were in keeping with the Core Hours policy.
3. Mr Denny referred to a small bar on the ground floor of the Hotel which had a capacity of 25 people. This would cater mostly for residents but it was intended to be open for some non-residents as well. The downstairs basement would be primarily used for internal training but would also be available for pre-booked meetings for local businesses and occasional social gatherings. The capacity for the basement was 50 but Mr Denny commented that it was unlikely that the numbers would be close to the capacity in this area.
4. Mr Denny explained that recorded music had been applied for as whilst there would be no amplified music there would be speakers in the bar area playing music such as US jazz. He added it had been included in the application to be transparent and it was unlikely to be any more audible than background music.
5. In response to questions from the Sub-Committee, Mr Badakian stated that the bar would be visible from the street. However, access to the bar would be via the main entrance of the Hotel which would require customers to pass Reception in the first instance. There was no direct access to the bar from the street. Mr Denny clarified that the Applicant had agreed the condition that there would be no external advertising of the bar.
6. It was confirmed to Members of the Sub-Committee by Mr Denny that all meetings or events held in the basement would be pre-booked. The Grand Hotel Bellevue was a newly acquired hotel so it was not yet known what level of bookings there were likely to be in the basement. However, it was anticipated there would be one to two bookings a month.
7. The Sub-Committee heard from Mr Koduah, on behalf of EHS. He stated that he had now agreed the proposed conditions with the Applicant. This included that he was content that food (rather than substantial food) and non-intoxicating beverages, including drinking water, would be available in all parts of the premises where alcohol was sold or supplied for consumption on the premises.
8. Mr Koduah asked for clarification as to whether the Applicant was confirming that the sale of alcohol (on sales only) would cease half an hour before Core Hours to members of the public as it had been mentioned in communications between the Applicant and SEBRA and Mr Denny had referred in the hearing to providing up to half an hour for customers to consume their alcohol after sales ceased. Mr Denny replied that his client was content for on sales to cease at 23:00 Monday to Thursday, 23:30 Friday to Saturday and 22:00 on

Sunday and commented that because the Hotel would not be like a normal bar, there would not be a large number of people all leaving at closing time.

9. The Sub-Committee was addressed by Mr Brown, representing Hyde Park Estate Association (HPEA) and South East Bayswater Residents' Association (SEBRA). He stated that neither of the Amenity Societies objected to the application being granted. Further information had been sought on the application, in particular the use of the Hotel by the public. Discussions had taken place in respect of the proposed conditions.
10. Mr Brown had provided a written record of SEBRA's comments which had been included in the additional bundle of papers that had been forwarded to the Sub-Committee. He provided a further update at the hearing. The matters relating to when on sales to members of the public would cease and the Applicant having agreed conditions with EHS had been dealt with. SEBRA was requesting that the Council's Model Condition 57 which had been agreed between the Applicant and EHS included the words 'drinks or' so that it read 'Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them'.
11. Mr Brown noted that the Applicant was content to agree SEBRA's proposed condition that there would be no external advertising of alcohol being sold at the premises. He requested that a condition was attached to the premises licence requiring all functions in the basement to be pre-booked as Mr Denny had suggested was the intended approach. Mr Brown also queried whether there was a need for the Applicant to apply for recorded music if it was background in nature after 23:00 hours. SEBRA was also requesting a condition that 'Licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel'.
12. It was also requested by Mr Brown that consideration was given to potential conditions that entry to the bar for members of the public was via the main entrance rather than entering via the street and that there was a last entry time for members of the public in order that they did not migrate from local pubs in the area to a cocktail bar late at night.
13. The Sub-Committee also heard from the local resident on behalf of SEBRA. It was emphasised that whilst the Hotel would assist in providing an upgrade of the Norfolk Square area, there were some concerns who might migrate to the hotel bar, what would be the last entry time and what the basement would be used for. It was important that the basement area was not used for parties late at night with customers then making noise when leaving.
14. The Sub-Committee asked Mr Denny whether he was content to agree the points made by Mr Brown/SEBRA. He replied that he was content with the words 'drinks or' being added to Model Condition 57. He was also content to agree the three conditions that 'Licensable activities in the basement shall only be provided to persons attending a private, pre-booked event. A register of the private, pre-booked events held in the basement shall be kept at the Premises and made available on request to an authorised officer of the City Council or the Police', that 'The entrance to the bar shall only be through the

main entrance to the hotel' and 'Licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel'. The Applicant was also content to withdraw the aspect of the application relating to recorded music.

15. In response to a question from the Sub-Committee, the Applicant agreed that the wording of the proposed CCTV conditions was amended so that they were in keeping with Model Conditions 01 and 02. The Applicant also agreed to removing the words 'as needed' from the end of a condition that 'All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed'.

Reasons and Conclusion

16. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
17. The Sub-Committee noted that following the amendments made to the application (in particular relating to the reduction in the hours applied for) there was no opposition to the application being granted but that further conditions were requested in order to promote the licensing objectives. The Sub-Committee was grateful to the Applicant for indicating that it agreed to the imposition of the further conditions suggested by EHS, HEPA and SEBRA, and the Sub-Committee agreed that the proposed conditions were necessary, proportionate and would promote the licensing objectives. The Sub-Committee considered that the conditions would ensure that the provision of licensable activities would be ancillary to the main function of the premises as a hotel and that the hotel's bar would not create additional public nuisance in the area. The application therefore accorded with policies HRS1 and HOT1(A).
18. The Sub-Committee did not consider it necessary or proportionate to impose a last entry condition for a premises of this type, namely a hotel. The other conditions agreed to were robust and would promote the licensing objectives. Further, the Sub-Committee agreed with the amendment proposed by EHS and decided that it was appropriate and proportionate for a premises of this type for 'Substantial food' to be amended to 'Food'.
19. Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore decided, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:
 1. To grant permission for **Late Night Refreshment** Monday to Thursday 23:00 to 23:30, Friday to Saturday 23:00 to 00:00, Sunday N/A
 2. To grant permission for **Sale by Retail of Alcohol (On Sales)** Monday to Thursday 09:00 to 23:00, Friday to Saturday 09:00 to 23:30, Sunday 09:00 to 22:00, Sundays immediately prior to a bank holiday: 09:00 to 23:30. For the

sale of alcohol to guests for consumption in hotel/guest rooms only: Monday to Sunday 00:00 to 00:00.

3. To grant permission for **the Opening Hours of the Premises** Monday to Sunday 00:00 to 00:00.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
6. 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
7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when guests (excluding residents) 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
9. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
10. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times, and electrical safety checks completed in accordance with prevailing legislation.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following days.
14. No deliveries to the premises shall take place between 21:00 and 07:00 hours on the following day.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. All children (ie under 18s) entering the premises must be accompanied by a responsible adult.
17. All staff shall be trained in their responsibilities under the Licensing Act 2003 and in regards to the terms and conditions of this licence. Such training should include the prevention of sales of alcohol to underage persons and the Challenge 25 scheme in operation at the premises.
18. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. 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.
20. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
21. 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.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
23. 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.

24. 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.
25. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.
27. 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.
28. 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.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. 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.
31. There will be no external advertisement of alcohol being sold at the premises.
32. Licensable activities authorised by this licence and provided at the Premises shall be ancillary to the main function of the Premises as a hotel.
33. The entrance to the bar shall only be through the main entrance to the hotel.
34. Licensable activities in the basement shall only be provided to persons attending a private, pre-booked event. A register of the private, pre-booked events held in the basement shall be kept at the Premises and made available on request to an authorised officer of the City Council or the Police.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
14 March 2024**

2. **KNIGHTSBRIDGE SKY GARDEN, 12 KNIGHTSBRIDGE GREEN, SW1X 7QL**

WCC LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 14 March 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Caroline Sargent

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Kerry Simpkin
Committee Officer: Jonathan Deacon
Presenting Officer: Jessica Donovan

Others present: Mr Paul Harris (Counsel, representing the Applicant) and Mr Wan Lung Au Yeung (Director, Applicant Company).

Application for a New Premises in respect of Knightsbridge Sky Garden, 12 Knightsbridge Green, London, SW1X 7QL

Full Decision

Case Summary

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The premises intend to operate as a restaurant.

This premises previously benefited from a premises licence (15/05688/LIPVM) which was granted in May 2015. The Premises Licence lapsed in September 2018.

There is a resident count of 100.

Representations were originally received from two local residents raising concerns about the licensing objectives of the prevention of crime and disorder, public safety and public nuisance due to noise being caused by the existing premises in Knightsbridge Green.

Premises

Knightsbridge Sky Garden,
12 Knightsbridge Green,
London, SW1X 7QL

Applicant

Knightsbridge Sky Garden Ltd

Cumulative Impact Area

None

Special Consideration Zone

None

Ward

Knightsbridge & Belgravia

Policy Considerations

Policies HRS1 and RNT1 apply.

Policy HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.

11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

Restaurants

Monday to Thursday: 9am to 11:30pm.

Friday and Saturday: 9am to Midnight

Sunday: 9am to 10.30pm.

2. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy RNT1

A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

Submissions

The Legal Advisor, Mr Feeney, advised the Applicant that the Sub-Committee had not accepted additional papers that the Applicant had sought to submit at the hearing. The reason for this was that the two residents who had provided written representations were not present at the hearing and would not have had the opportunity to respond to the additional papers.

The Presenting Officer, Ms Donovan, introduced the application. She confirmed that additional papers had been accepted on behalf of the Applicant prior to the day of the hearing which had been circulated to all parties.

Mr Harris, representing the Applicant, commented that the papers submitted that morning did not impinge on the objections made by the residents. It had related to Mr Au Yeung being a fit and proper person to manage the restaurant. Mr Harris mentioned that he had experience as a restaurant manager since 2007.

Mr Harris outlined the application. The application was for a restaurant in premises where a restaurant had been located for some time. The previous premises licence had lapsed in 2018 but a restaurant had continued to operate at 12 Knightsbridge Green until recently without licensable activities having been sought. The premises were currently unoccupied.

Mr Harris addressed the two residents' objections and remarked that it was unfair that they were objecting to further premises operating in the area given that there had been a restaurant at 12 Knightsbridge Green for a long time. It was intended that Knightsbridge Sky Garden would fit in with the character of the neighbourhood and not attract undesirable elements. Alcohol would only be served ancillary to substantial meals and music played at the premises would be background in nature. He added that another licensed restaurant being present was not a valid reason to refuse the application.

Mr Harris disputed that the residents would be disturbed by the operation of the premises on the basis that they lived behind the premises and the bar on the ground floor was closer to the front entrance. There was an Italian restaurant which was immediately above Knightsbridge Sky Garden and Mr Harris expressed the view that the impact from the part ground floor part basement new restaurant which was further away from the residents was likely to be minimal. Mr Harris referred to the conditions that the Applicant had agreed, including that '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'

The Sub-Committee asked the Applicant about the smoking area, which had been raised as a concern in an objector's written representation. Mr Au Yeung replied that the smoking area would be at the front of the premises in the vicinity of the entrance and would be a shared area with the Italian restaurant.

Mr Au Yeung, in response to questions from the Sub-Committee, also explained that the capacity of the ground floor and basement was 30 customers on both floors or 60 in total. There was a bar on both floors with limited seating (two seats) available for waiting prior to a meal on the ground floor and no seats at the bar in the basement. There were two rooms available for restaurant and private hire but it was only possible for one to be used at any one time and the capacity was 10 people for each private hire room. Events would not be held there. There would be no tables and chairs available for use outside the Premises. The only outside use would be by smokers. Customers would be able to book online for the restaurant but there would also be some walk-ins. Mr Au Yeung added that there would not be any queues with numbers being strictly controlled. Last orders would be at 22:45 hours.

Mr Harris brought to the Sub-Committee's attention that the Applicant had applied for recorded music between the hours of Monday to Saturday 12:00 to 23:30 and

Sunday 12:00 to 23:00. It was noted that the application form had included this licensable activity but it had not been included in the report. Mr Harris confirmed that his client was content to agree the Council's noise limiter Model Condition 11, including that the 'limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses'.

It was also confirmed by Mr Harris that his client was content to agree the Council's dispersal policy Model Condition 99 that 'A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council'.

The Sub-Committee asked the Applicant whether the proposed Condition 9 was required that 'The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening or both, for the accommodation of persons frequenting the premises' when there was also a proposed Condition 21 that 'The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal'.

Mr Harris, in his summing up, re-iterated that Mr Au Yeung had relevant experience as a restaurant manager since 2007.

Reasons and Conclusion

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee decided to grant the application. In reaching this decision, the Sub-Committee placed great weight on the fact that no responsible authorities had objected to the application and the fact that the model condition imposed would ensure that the premises operated as a restaurant. The Sub-Committee considered that the application would promote the licensing objectives and was in accordance with policies HRS1 and RNT1.

The Sub-Committee had due regard to the objections submitted and was aware that there was noise nuisance in the area around Knightsbridge Garden. However, the Sub-Committee considered that the conditions proposed and agreed by the applicant would address these concerns. In particular, the noise limiter condition would ensure that music did not cause a nuisance and the dispersal policy condition would ensure that dispersal of customers did not create additional noise nuisance. Finally, a condition prohibiting the use of tables and chairs would prevent noise from customers outside the Premises disturbing residents.

Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore decided, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for **Late Night Refreshment** Monday to Saturday 23:00 to 23:30, Sunday N/A
2. To grant permission for **Sale by Retail of Alcohol (On Sales)** Monday to Saturday 12:00 to 23:30, Sunday 12:00 to 23:00
3. To grant permission for **Recorded Music** Monday to Saturday 12:00 to 23:30, Sunday 12:00 to 23:00
4. To grant permission for **the Opening Hours of the Premises** Monday to Saturday 12:00 to 23:30, Sunday 12:00 to 23:00
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
7. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
9. 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
10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. 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.
13. No collections of waste or recycling materials (including bottles_ from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
14. No deliveries to the premises shall take place between 22:00 and 08:00 hours the following day.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
17. 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.
18. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means- a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

19. There shall be no sale of hot food or hot drink for consumption off the premises after 23.00 hours.
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 is open for licensable activities and during all times when customers remain on the

premises and will include the external area immediately outside the premises entrance. 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 noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - (a) The limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - (d) No alteration or modification to any existing sound system(s) should be effected without prior knowledge of the Environmental Health Consultation Team, and
 - (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
22. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
23. There shall be no tables and chairs available for use outside the Premises.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
14 March 2024**

3. BOOM BATTLE BAR, 70-88 OXFORD STREET, W1D 1BP

WCC LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 14 March 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Caroline Sargent

Officer Support Legal Advisor: Michael Feeney
 Policy Officer: Kerry Simpkin
 Committee Officer: Jonathan Deacon
 Presenting Officer: Jessica Donovan

Others present: Mr Philip Kolvin KC (Counsel, representing the Applicant), Mr Marcus Lavell (Keystone Law, on behalf of the Applicant), Mr Steven Hazon (Operations Director), Mr Adrian Studd (Expert Witness, on behalf of the Applicant), Mr Kevin Jackaman (Licensing Authority) and Ms Sally Fabbriatore (Environmental Health).

Application for a Variation of a Premises Licence in respect of Boom Battle Bar, 70-88 Oxford Street, London, W1D 1BP

Full Decision

Case Summary

This is an application for a Variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The premises operates as a competitive socialising venue. The variation seeks to extend the terminal hour for all Licensable Activities, save for live music, to 02:00 on Thursdays-Saturdays and to add further conditions.

There is a resident count of 170.

Representations were received from the Licensing Authority and the Environmental Health Service on the basis that the Premises is located within the West End Cumulative Impact Zone.

Premises

Boom Battle Bar,
70-88 Oxford Street,
London, W1D 1BP

Applicant

BBB Thirteen Ltd

Cumulative Impact Area

West End

Special Consideration Zone

None

Ward

West End

Policy Considerations

Policies CIP1, HRS1 and COMB1 apply.

Policy CIP1

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.

3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy COMB1(B)

- B. Applications inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.
 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

Submissions

The Presenting Officer, Ms Donovan, introduced the application.

Mr Kolvin, representing the Applicant, described his client as one of the pioneers in the United Kingdom of 'Competitive Socialising'. This involved for customers an evening of active leisure in a spacious, safe and supervised environment and was not alcohol led. He added that the clientele was disproportionately female, older and relatively affluent.

Mr Kolvin stated that 70-88 Oxford Street was the Applicant's flagship premises. It had been open for fifteen months with 350,000 customers having been through the doors during this time. There had been 85% gaming reservations and alcohol was responsible for less than a third of the income. There were twenty gaming zones in the basement area. He commented that the nature of the business was consistent with Westminster Council's strategy for Oxford Street, to diversify land use and promote a leisure and cultural offer alongside retail. He expressed the view that it was also in keeping with the thrust of the Council's licensing policy, which encouraged a change of composition of the Night Time Economy and being less dominated by alcohol led premises.

Mr Kolvin referred to specific conditions on the existing licence which prevented the premises being alcohol led. These included the main function of the premises being a Competitive Socialising Venue and that there had to be a minimum of 15 competitive socialising areas available for public use when licensable activities are provided.

In relation to the licensing objectives, Mr Kolvin mentioned that there had been no issues raised, including cases of crime being very low. There had been no noise complaints. He made the point that it helped also that Oxford Street was not a particularly residential area and there were excellent public transport links. As set out in Mr Hazon's statement in the additional papers, intoxication was not an issue

as the operations team received training to identify any problems and only permit responsible sales of alcohol. Overall, Mr Kolvin described the premises as an excellent example of diversification set out in the Council's policy and that it supported the wider regeneration of Oxford Street.

Mr Kolvin explained the rationale for the application to extend the terminal hour for all current licensable activities, save for the performance of live music, to 02:00 on Thursday to Saturday only. The Applicant was finding that customers wanted to stay later at the premises towards the end of the week. He emphasised that it was not the aim for new customers to arrive after the premises' current terminal hours. A proposed last entry condition was therefore being offered at the time of the current terminal hours.

The Sub-Committee was advised by Mr Kolvin that nine Temporary Event Notices (TENs) had been operated in the run up to Christmas 2023 for the hours sought in the current application. Mr Studd, Independent Licensing Consultant, had been employed by the Applicant to conduct observations of the premises and the vicinity over two nights on Wednesday 13 December 2023 and Friday 15 December 2023 with a TEN being in operation on the 15th until 02:00 hours. Mr Kolvin stated that Mr Studd, in his written account of his observations, had been impressed how the product, the layout, the management and the clientele combined to promote the licensing objectives. Mr Studd had concluded that subject to the adoption of further measures, the extended hours would not impact negatively on the licensing objectives.

Mr Studd's suggested measures had resulted in specific conditions being proposed by the Applicant. Mr Kolvin stated that these related to door supervision, a last entry time, regular inspections of the toilets including to avoid drug misuse, better viewing of CCTV and that the sale of alcohol would cease at 01:30 hours on Friday, Saturday and Sunday mornings. There would be a wind down policy after 01:30 hours which was designed to allow for a gradual dispersal.

Mr Kolvin clarified that the premises would deploy SIA door supervisors from 10:00 until 30 minutes after close of business, at a ratio of 1 door supervisor per 100 customers on Thursdays, Fridays and Saturdays. The Applicant had also agreed Environmental Health's proposed dispersal condition, Model Condition 99 that 'A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council'.

Mr Kolvin mentioned that there had been no representations objecting to the application from residents or the Metropolitan Police. The Licensing Authority and the Environmental Health Service had made representations on policy grounds. This he suggested was an endorsement of the Applicant's track record.

In policy terms, Mr Kolvin stated in discussions with Council officers it had been apparent that COMB1 was applicable for a Combined Use premises. There was no presumption against the application and the application would need to be considered

on its merits. It was for the Applicant to demonstrate that the application would not add to cumulative impact. Mr Kolvin referred to his thirteen points in his written 'Skeleton Argument' as to why the application did not add to cumulative impact. These included a number of points that he had made during the hearing, including the proposed conditions offered, not being a vertical drinking establishment, no nuisance complaints, negligible crime, low level of walk-in trade and proximity to late night transport options.

In response to questions from the Sub-Committee, Mr Kolvin provided the information that the capacity of the premises was 600, including staff. However, it was more likely to reach 400 on a Saturday night. In relation to SIA door staff, there were currently four employed on Thursdays and Fridays and five on a Saturday. It was being suggested that a minimum level was provided of a ratio of 1 SIA to 100 customers.

Mr Kolvin was asked by the Sub-Committee about the potential for customers being able to drink alcohol for longer if they remained on the premises until later on Thursdays to Saturdays. It was noted that there had been an incident where a customer had struck another customer with a glass. Mr Kolvin responded that in the event the customers remained to play the games on offer the margin for the Applicant was 100%. In the event customers stayed on to consume alcohol the margin for the Applicant once duty, VAT etc was paid for was under 50%. The margin was also negligible for the provision of food. It was in the Applicant's interest for customers to have four people around a shuttle board. There was also an incentive not to have intoxicated customers and customers' participation in the games such as the axe throw could be halted if it was suspected a customer was intoxicated. Mr Kolvin added that, as stated by Mr Studd, if customers were allowed to stay it was more likely that they would go home afterwards rather than move on to a bar. Mr Studd had observed that when leaving the premises, most had made their way to the stations and other public transport nearby while a small number crossed Oxford Street and headed into Soho. He had not seen any heading into the Fitzrovia area.

Mr Kolvin clarified that it was possible for customers to stay after completing their game. However, it was intended that if the terminal hours were extended Thursday to Saturday more games would be booked to later hours. Mr Hazon explained that the aim was for people to play three or games an evening. It was estimated that 350 people could play games at one time in the premises and around 50 to 75 people could eat or drink at the same time. Between 5% and 10% came to the premises just to have a drink.

Mr Kolvin offered a condition based on the fact that Mr Hazon had informed the Sub-Committee that the number of people permitted in the premises at any one time (including staff) would not exceed 425 persons.

Mr Hazon also stated, in response to a question from the Sub-Committee, that another reason for the application was that the extended terminal hours Thursday to Saturday would enable people to leave over a period of time. Mr Studd commented that he had observed people leaving over a period of time.

The Applicant was also asked, in relation to 65% of customers being female, about steps being taken to protect women. Mr Kolvin referred to the low density of people in relation to the size of the basement which made it easier for security to walk through. If any customers were drunk it could be more easily monitored. There were also staff champions. The vulnerability policy had also been updated.

In relation to queuing, Mr Hazon spoke about the reception desk on the ground floor where customers were met by security staff on initial entry and meeting the operations team at the bottom of the stairs. In order to prevent queuing, it was possible to check people in on the games.

The Sub-Committee heard from Mr Jackaman on behalf of the Licensing Authority. He confirmed that the representation had been maintained due to location in the CIZ and the hours being sought being outside Core Hours. Having carried out site visits and reviewing the application, it was recommended that the policy that was most appropriate for it to be considered under was COMB1. Applications for Combined Use premises were determined on their merits, subject to the Applicant demonstrating the proposals would not add to cumulative impact. Mr Jackaman expressed some concerns regarding the 02:00 terminal hour Thursday to Saturday, that there was a large capacity and that some customers could stay and consume alcohol. However, he welcomed the conditions being offered by the Applicant and took the view that it was a more diverse type of premises and not drink led.

The Sub-Committee was addressed by Ms Fabbriatore on behalf of Environmental Health Service. She had also maintained her representation based on the location of the premises and the proposed terminal hour Thursday to Saturday. She advised that whilst the venue was in the basement, the entrance was on the ground floor and could accommodate an influx of customers. They were greeted downstairs and there was a welcome desk where customers were signed in and shown to the gaming area.

Ms Fabbriatore was satisfied that Boom Battle Bar was a gaming venue. It had seats accommodating eating and drinking. It would be very difficult to have large groups of people vertical drinking given the level of seating and the gaming zones provided. She was also content with the conditions proposed from a public safety point of view. There was an onus on the Applicant for customers not to be inebriated given the nature of the games. Ms Fabbriatore stated that her main consideration from a public nuisance point of view was the extension of the operation time and dispersal from the premises. She confirmed that there had been no noise complaints relating to the premises or instances of noise breakout. Entertainment was limited to the basement and the Applicant was not proposing to extend the hours for live music.

Ms Fabbriatore welcomed that the Applicant had agreed the Council's Model Condition 99 relating to providing a dispersal policy and also the last entry condition being offered at the time of the current terminal hours.

In response to questions from the Sub-Committee, Mr Kolvin offered to tighten up the existing Condition 11 on the licence and agreed the update that 'The provision of licensable activities shall be ancillary to the main function of the premises as a Competitive Socialising Venue'. Mr Kolvin stated that his client had found that

Thursdays were sometimes significantly quieter than Fridays and Saturdays. The Applicant was content to agree a condition setting out a ratio of one door supervisor to 100 customers. Mr Kolvin did state there was a preference on the part of the Applicant not to be required to have a minimum of 3 SIA door supervisors on Thursdays as well as Fridays and Saturdays but it was for the Sub-Committee to decide.

In his summing up, Mr Kolvin emphasised that the Applicant was not seeking to expand beyond the current functional capacity of 425. The dispersal Model Condition had been agreed and the sale of alcohol would continue to be ancillary to the Competitive Socialising Venue. The bar was not highly visible and the lobby area was capable of dealing with queues. Available seating for up to 250 customers was important in CIZ areas, as set out in Sections B5, D17 and D19 of the Council's Statement of Licensing Policy.

Reasons and Conclusion

The Sub-Committee has determined an application for variation of a Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee noted that the application was to be considered on its merits and that it was for the applicant to demonstrate that the application would not add to cumulative impact. The Sub-Committee considered overall that the nature of the premises (not being alcohol-led and diversifying the nighttime economy), the robust conditions proposed, the last entry time condition, the provision of SIA and the dispersal policy offered by the applicant would ensure that the application did not add to cumulative impact. The Sub-Committee accepted the applicant's position that the application was designed to ensure that customers stayed for longer in the premises rather than attracting new customers later at night; the last entry time condition would ensure that this happened in practice.

The Sub-Committee also considered that as per the applicant's evidence most customers would leave the Premises after finishing their games via the transport links on Oxford Street and would not increase cumulative impact within Soho.

The Sub-Committee also placed weight on the good track record of the applicant, and the lack of complaints from local residents.

The Sub-Committee noted that the Licensing Authority and Environmental Health Services had maintained their representations due to the location of the premises but did not suggest any further conditions or measures that would promote the licensing objectives. The Sub-Committee placed great weight on the fact that the Police had not objected to the application within the West End CIZ.

The Sub-Committee therefore decided to grant the application with the proposed conditions. However, the Sub-Committee considered it appropriate to impose the same minimum SIA conditions for Thursdays as for Fridays and Saturdays. The application sought to extend the terminal hour on Thursday to 02:00, and given that the applicant's own evidence was that they employed four SIA on Thursdays this condition was not considered disproportionate.

Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore decided, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives to grant the application as follows:

1. To grant permission for **Exhibition of films** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
2. To grant permission for **Performance of live music** Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
3. To grant permission for **Performance of dance** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
4. To grant permission for **Indoor Sporting Event** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
5. To grant permission for **Playing of Recorded Music** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
6. To grant permission for **Anything of a similar description to Live Music, Recorded Music or Performance of Dance** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.

7. To grant permission for **Performance of a Play** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
8. To grant permission for **Late Night Refreshment** Monday to Wednesday 23:00 to 23:30, Thursday to Saturday 23:00 to 02:00, Sunday N/A. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On the morning of BST, all hours are to be extended by 1 hour.
9. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
10. To grant permission for **the Opening Hours of the Premises** Monday to Wednesday 10:00 to 23:30, Thursday to Saturday 10:00 to 02:00, Sunday 12:00 to 22:30. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sundays immediately prior to a bank holiday: 10:00 to 00:00. On the morning of BST, all hours are to be extended by 1 hour.
11. That the Licence is subject to any relevant mandatory conditions.
12. That condition 11 is amended to read as follows: 'The provision of licensable activities shall be ancillary to the main function of the premises as a Competitive Socialising Venue.'
13. That condition 16 is amended to read as follows: 'The number of persons permitted in the premises at any one time (including staff) shall not exceed 425 persons from 23:30-02:00 on Thursdays and from 00:00-02:00 on Fridays and Saturdays. At all other times the number of persons permitted in the premises at any one time (including staff) shall not exceed 600 persons.'
14. That condition 47 is removed.
15. That condition 50 of the current Premises Licence is amended to read as follows: 'Within three months of starting work at the Premises, all front of house staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training or similar by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded and made available for inspection by the Responsible Authorities upon request.'
16. That the Licence is subject to the following conditions imposed by the Committee in addition to the conditions on the current Premises Licence,

which are considered appropriate and proportionate to promote the licensing objectives.

17. On Thursdays, Fridays and Saturdays, the Premises shall deploy SIA Door Supervisors from 10:00 until 30 minutes after close of business, at a ratio of 1 door supervisor per 100 customers. This ratio is to be regularly risk assessed, with additional SIA Door Supervisors being deployed if appropriate.
18. After 18:00 on Thursdays, Fridays and Saturdays, the Premises shall deploy a minimum of 3 SIA Door Supervisors regardless of customer attendance numbers.
19. There shall be no new entry to the Premises by customers after 23:30 on Thursdays and after 00:00 on Fridays and Saturdays.
20. By 1 July 2024, all customer toilets must meet 'design out crime' standard by removing flat surfaces and opportunity for drug misuse.
21. There must be regular inspections by staff of the customer toilets when the premises is in operation.
22. The Premises CCTV system is to have a remote viewing function, that will enable staff at reception, around the Premises, and in the Premise Licence Holder's head office to be viewed.
23. All bar and waitress service is to cease by 01:30 on Friday, Saturday and Sunday mornings.
24. The Premises is to operate a wind-down period from 01:30 on Friday, Saturday and Sunday mornings, where no new games are commenced, and music volume is to be reduced over a 30 minute period to encourage a gradual and controlled dispersal of customers.
25. A copy of the Premises' dispersal policy shall be made readily available at the Premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
14 March 2024**

4. PRINCE OF WALES THEATRE, 31 COVENTRY STREET, W1D 6AS

WCC LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 14 March 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Caroline Sargent

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Kerry Simpkin
Committee Officer: Jonathan Deacon
Presenting Officer: Jessica Donovan

Others present: Mr Alun Thomas (Agent, Thomas & Thomas, representing the Applicant), Mr Chris Glover (Head of Operations, Delfont Mackintosh Theatres Ltd), Mr Graham McAlpine (General Manager, Delfont Mackintosh Theatres Ltd), Mr Kevin Jackaman (Licensing Authority), Ms Sally Fabbricatore (Environmental Health Service) and PC Dave Morgan (Metropolitan Police).

Application for a Variation of a Premises Licence in respect of Prince of Wales Theatre, 31 Coventry Street, London, W1D 6AS

Full Decision

Case Summary

This is an application for a Variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The premises is a West End theatre. The application (as amended) proposes to extend the permitted hours for all licensable activities on Thursday-Saturdays until 01:00 in the basement.

There is a resident count of 59.

Representations were received from the Licensing Authority, Environmental Health Service and Metropolitan Police on the basis that the Premises is located within the West End Cumulative Impact Zone.

Premises

Prince of Wales Theatre,
31 Coventry Street,
London, W1D 6AS

Applicant

The Prince Of Wales Theatre Limited

Cumulative Impact Area

West End

Special Consideration Zone

None

Ward

St James's

Policy Considerations

Policies CIP1, HRS1 and CCSOS1 apply.

Policy CIP1

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy HRS1

A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.

3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
Cultural Venue: Monday to Sunday 9am to Midnight

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy CCSOS1

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space.
6. The sale by retail of alcohol and/or late night refreshment after 11pm is limited to customers, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue, live sporting premises or outdoor space.

C. For the purposes of this policy a cultural venue is defined as:

- a. Theatres: For the performance of plays, dramatic, or other entertainment performances to an audience.
- b. Performance venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performance venues.

Submissions

The Presenting Officer, Ms Donovan, introduced the application.

Mr Thomas, representing the Applicant, outlined the application. He confirmed that the application related to the basement only of the premises, the Delfont Room. The application was to extend the permitted hours for all existing licensable activities (save for recorded music which was unrestricted) to 01:00 Thursday to Saturday only.

Mr Thomas stated that the Prince of Wales Theatre was a cultural venue and that the application submitted by his client should be considered under Policy CCSOS1, the Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy, in the Council's Statement of Licensing Policy, where there was no presumption of refusal. He referred to a previous application to extend the terminal hour until 01:00 in the basement having been refused by the Licensing Sub-Committee in September 2014. However, he expressed the view that this had been due to different policies

having been applied to the application at that time. The September 2014 application had also included Sundays until 01:00 hours.

Mr Thomas referred to Section F8 of the Council's Statement of Licensing Policy that 'the council welcomes the vital contribution that cinemas, cultural venues and live sporting premises make in providing the diverse culture and entertainment that attracts people of all ages into Westminster and maintains its status as a world class city. The council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities'. He stated that whilst the terminal hour was beyond the Council's Core Hours policy on Thursday to Saturday that this should be considered on its merits in line with Section E9 of the Statement of Licensing Policy. Section E9 also set out that 'The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity'.

Mr Thomas explained that he did not believe the application would add to cumulative impact. One stated reason for this was that the area was predominantly commercial with a limited number of residential dwellings in the area. Another was that the hours of use for the premises were not being extended as recorded music could already be played twenty four hours a day. There would be no new admission after the existing terminal hour of midnight. Mr Thomas also referred to Section D4 of the Statement of Licensing Policy that 'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses' and that the Theatre was not a drink led premises. Cultural venues made the West End more diverse and encouraged a different dynamic and behaviour. The Theatre was a destination premises and there was no reason for customers to move on to drink led premises. He also mentioned that the Theatre was yards from Piccadilly Circus and Leicester Square tube stations and that there were no representations from local residents/Interested Parties.

Members of the Sub-Committee were advised by Mr Thomas that the Theatre had a live music offering that it wished to schedule in the event that the additional hour was granted on Thursdays to Saturdays. This had been trialled under Temporary Event Notices prior to COVID. Mr Glover explained that there was a gap in the market for quality musical theatre cabaret and it was intended that this would be taken forward in partnership with the charity 'Acting for Others'. Mr Glover added that when cabaret was not taking place, it would be musical theatre led.

Mr Thomas also referred to the conditions being proposed, which specifically related to the additional hour sought in the Delfont Room on Thursday to Saturday. These included that 'the sale of alcohol in the basement shall be ancillary to the venue's primary function as a cultural venue (theatre)'. It was also being proposed that in the basement for the additional hour sought on Thursday to Saturday the supply of alcohol would be ancillary to live music taking place there and where people had purchased a ticket for a theatrical or live music performance. The capacity at this time in the basement would not exceed 220, excluding staff and there would be no direct access from the street to the basement. The Applicant was willing to agree to

provide a dispersal policy regarding the customers' dispersal from the basement area and have this included as a condition on the premises licence.

The Sub-Committee asked a number of questions regarding the operation of the premises. They were advised by Mr Thomas, Mr McAlpine and Mr Glover that it was intended that performances in the basement would be mostly pre-booked but the Applicant was seeking some customers being able to buy a ticket on the day. The basement would continue to be operated by Delfont Mackintosh Theatres Ltd and not hired out. The vast majority of patrons would be seated in the basement. Waiter/waitress service was available there although customers were also able to go to the bar and take a drink back to their seat. It was possible to drink at the bar but the main purpose was for customers to drink at their seats. The cabaret show in the Delfont Room was likely to start around 23:00 hours and be approximately an hour and a half in duration maximum.

The Sub-Committee was also advised that the show in the Delfont Room would be a separate ticketed event from what was being held in the main Theatre Auditorium, which concluded at approximately 22:00 hours. The Delfont Room was currently used for pre-drinks and interval drinks but was not generally used after the show. It was confirmed that the Applicant wished to hold a few private, pre-booked events in the basement in the period between 23:00 and 01:00 which were not open to the public and would in some cases involve live music and some which would not. Mr Thomas offered to limit the number of these events to 50 a year. These were described as not being vertical drinking events and offering some entertainment even if they did not involve a full show.

The Sub-Committee heard from Mr Jackaman on behalf of the Licensing Authority. Mr Jackaman stated that the relevant policy for the application was CCSOS1, the Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy. There was therefore no presumption to refuse the application. However, it had to be considered in conjunction with Policies CIP1 and HRS1 relation to Cumulative Impact and Hours. The application was to be considered on its merits, subject to the Applicant demonstrating that the application would not add to cumulative impact. Mr Jackaman also queried whether it would be more applicable for the reference to a 'theatre' in the proposed condition that 'the sale of alcohol in the basement shall be ancillary to the venue's primary function as a cultural venue' to be replaced with 'performance venue' for enforcement purposes as entertainment was likely to be music or musical theatre at the later hour.

The Sub-Committee was addressed by Ms Fabbricatore on behalf of Environmental Health Service (EHS). She stated that her representation had been maintained due to the location of the premises in the Cumulative Impact Zone (CIZ) and the proposed hours. Proposed conditions had been included in the additional bundle of papers. There were no public safety concerns and with regard to public nuisance, no complaints had been received in relation to the Theatre as a whole and there was not deemed to be any potential for noise breakout from the basement. It was welcomed that the Applicant was offering Model Condition 99 that 'A copy of the premises' dispersal policy shall be made readily available at the premises for

inspection by a police officer and/or an authorised officer of Westminster City Council' due to the later dispersal at 01:00 hours.

Ms Fabbricatore also recommended that the reference to a 'theatre' in the proposed condition that 'the sale of alcohol in the basement shall be ancillary to the venue's primary function as a cultural venue was replaced with 'performance venue' and that the wording of the Applicant's proposed condition relating to no noise emanating from the premises was updated to Model Condition 12 that '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'.

PC Morgan on behalf of the Metropolitan Police advised that he maintained his representation in relation to the Prevention of Crime and Disorder licensing objective and the proposed hours being beyond Core Hours. He stated that he had no criticism of the venue. However, it was located in one of the busiest areas in the CIZ. Any retention of people within the CIZ was of concern to the Police. There was a greater risk the longer the hours applied for and the longer people consumed alcohol. PC Morgan acknowledged that the venue was not a nightclub where patrons might become drunk. A particular issue was dispersal and whilst the Theatre was near to tube stations, there would be up to 220 leaving the venue, adding to cumulative impact in the CIZ and potentially people being victims of crime.

PC Morgan welcomed the conditions proposed by the Applicant, including two SIA registered door supervisors being provided for the additional hour on Thursday to Saturday nights. He also referred to the Applicant having agreed that a Challenge 25 proof of age scheme would be operated in the basement during this period and requested that this was attached to the premises licence. He requested that the Applicant was required to provide the dispersal policy and that waiter/waitress service was available. Mr Thomas clarified that there would be significant difficulties similar to the Theatre Auditorium if all sales were by waiter/waitress with drinks having to be brought to people's seats.

Mr Thomas agreed to all references to the Delfont Room being replaced with the basement in the proposed conditions and that the reference to a 'theatre' in the proposed condition that 'the sale of alcohol in the basement shall be ancillary to the venue's primary function as a cultural venue was replaced with 'performance venue'.

In his summing up, Mr Thomas stated that the demographic of the people who attended the theatre was a different crowd from those who went to a drinking premises in the West End. The Statement of Licensing Policy had set out that the Council wished to encourage a varied offer of entertainment and cultural activity. The premises would remain a theatre. He expressed the view that there would be no addition to cumulative impact. The application had been amended to an additional hour in the basement on Thursday to Saturday only.

Reasons and Conclusion

The Sub-Committee has determined an application for variation of a Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee noted that the application fell to be considered under policy CCSOS1 and that there was no presumption to refuse. The Sub-Committee also noted (as highlighted by the Applicant) that there was support for cultural venues within the Statement of Licensing Policy.

Overall the Sub-Committee considered that the application, together with the proposed conditions, would not add to cumulative impact and would promote the licensing objectives. The application was relatively modest in requesting an extra hour for the provision of live entertainment in the basement, and the proposed conditions (particularly the provision of SIA and a dispersal policy) would assist in ensuring that patrons attending the premises did not cause nuisance upon leaving.

However, in order to ensure that the provision of licensable activities was ancillary to the live entertainment being offered, the Sub-Committee considered it appropriate and proportionate not to allow the provision of licensable activities for pre-booked events where no live entertainment was being provided. The Applicant stated that the private, pre-booked events would (if granted) form a small part of the offering, so it was considered proportionate to remove this aspect of the application. The Applicant would have the opportunity to apply for TENs as needed if it wished to hold private, pre-booked events in the basement on a few occasions each year.

Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore decided, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives to grant the application as follows:

1. To grant permission for **Exhibition of films** Sunday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
2. To grant permission for **Performance of Dance** Sunday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
3. To grant permission for **Performance of Live Music** Sunday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.

4. To grant permission for **Performance of Recorded Music** Monday to Sunday 00:00 to 00:00. No change to the seasonal variations and non-standard timings on the current Premises Licence.
5. To grant permission for **Performance of a Play** Monday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00, Sunday 14:00 to 00:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
6. To grant permission for **Anything of a similar description to Live Music, Recorded Music or Performance of Dance** Sunday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
7. To grant permission for **Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Monday to Sunday 00:00 to 00:00. No change to the seasonal variations and non-standard timings on the current Premises Licence.
8. To grant permission for **Late Night Refreshment** Sunday to Wednesday 23:00 to 00:00, Thursday to Saturday 23:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
9. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Wednesday 10:00 to 00:00, Thursday to Saturday 10:00 to 01:00, Sunday 12:00 to 00:00. The hours beyond 00:00 Thursday to Saturday and beyond 22:30 Sunday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
10. To grant permission for **the Opening Hours of the Premises** Sunday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00. The hours beyond 00:00 Thursday to Saturday are applicable to the basement only. No change to the seasonal variations and non-standard timings on the current Premises Licence.
11. That the Licence is subject to any relevant mandatory conditions.
12. That the Licence is subject to the following conditions imposed by the Committee in addition to the conditions on the current Premises Licence, which are considered appropriate and proportionate to promote the licensing objectives.

13. Between 00:00 and 01:00, the provision of licensable activities in the basement shall be ancillary to the basement's primary function after 00:00 as a performance/live music venue.
14. Between 00:00 and 01:00, the use of the basement will only be in conjunction with the existing theatre use of the Prince of Wales Theatre.
15. Between 00:00 and 01:00 licensable activities may only be provided in the basement where the supply of alcohol is ancillary to live music taking place there and where persons have purchased a ticket for a theatrical or live music performance.
16. Between 00:00 and 01:00 whilst the Premises is open for licensable activities, two SIA registered door supervisors will be provided until the Premises close.
17. Between 00:00 and 01:00, the number of persons at any one time in the basement shall not exceed 220, excluding staff.
18. Between 00:00 and 01:00, there shall be no direct access from the street to the basement.
19. Between 00:00 and 01:00, there shall be no admission or re-admission to the basement (save for persons temporarily leaving the Premises, e.g. to smoke).
20. Between 00:00 and 01:00, all external doors and windows shall be kept closed save for the immediate access and egress of persons.
21. Between 00:00 and 01:00, 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.
22. Between 00:00 and 01:00, drinks shall not be taken outside of the premises.
23. Between 00:00 and 01:00, a Challenge 25 proof of age scheme shall be operated in the basement where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
24. Between 00:00 and 01:00, waiter/waitress service shall be available in the basement.
25. A copy of the premises' dispersal policy covering dispersal from the basement on Thursdays-Saturdays shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.
The Licensing Sub-Committee
14 March 2024**

The Meeting ended at 1.46 pm

CHAIRMAN: _____

DATE _____