

# Licensing Sub-Committee Report

Item No:	
Date:	9 May 2019
Licensing Ref No:	19/02049/LIPN - New Premises Licence
Title of Report:	Cavell House 2A Charing Cross Road London WC2H 0NN
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 February 2019		
<b>Applicant:</b>	Arboretum Lounge Ltd		
<b>Premises address:</b>	Cavell House 2A Charing Cross Road London WC2H 0NN	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application, the premises will operate as a refreshment and function area for employees working in the offices within the premises building. The premises will be accessible by employees and their guests; persons attending pre-booked and private functions; members of the Library Private Members Club situated at 112 St Martin's Lane, London which is owned by Arboretum Lounge Limited. There will be no access to general members of the public.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history is available.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Live Music</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Recorded Music</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	7 March 2019
<p>I write in relation to the application (19/02049/LIPN) submitted for a New Premises Licence for the following premises:</p> <p>Cavell House, 2A Charing Cross Road, London, WC2H 0NN</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul>	

This application seeks the following:

- Supply of Alcohol ('on' the premises):

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

- Provision of regulated entertainment (indoors):

Live Music

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

Playing of recorded Music

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

- Provision of Late Night Refreshments (indoors):

Monday to Thursday 23:00 – 00:00

Friday and Saturday 23:00 – 00:30

Sundays 23:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

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

The premises currently falls within policy points 2.4.10 and 2.4.11 of CIP1. The Licensing Authority require the applicant to demonstrate how the membership applications will operate. We invite additional information that addresses whether there will be a membership committee that considers applications or membership, and information as to how membership is approved.

Additionally, there is no information relating to the management of private events at the premises. Point 2.4.10 highlights that 'individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser'. We would propose that a limit on the number of private events might be offered to mitigate the effect of cumulative impact.

The Councils core hours policy as defined in HRS1 state the hours for the supply of alcohol on the premises and for the provision of other licensable activity, these are:

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

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30

For premises for the provision of other licensable activities:

Monday to Thursday: 09:00 to 23:30

Friday and Saturday: 09:00 to midnight

Sundays immediately prior to Bank Holidays: 09:00 to midnight

Other Sundays: Midday to 22:30

The application as it stands falls outside of these hours as the proposed terminal hours for the supply of alcohol are outside the core hours policy on each day and the terminal hours for other licensable activity are also later than the core hours policy. Therefore, we encourage the applicant to consider reducing the hours for licensable activity in line with the core hours policy.

The above, alongside with any exceptions to policy can be submitted by the applicant for consideration to demonstrate that the granting of this new licence in the West End Cumulative Impact Area will not add to cumulative impact.

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

Please accept this as a formal representation and I look forward to receiving any further submissions.

<b>Responsible Authority:</b>	Environmental Health Service
-------------------------------	------------------------------

<b>Representative:</b>	Anil Drayan
------------------------	-------------

<b>Received:</b>	15 March 2019
------------------	---------------

I refer to the application for a new Premises Licence for the above Premises which is located in the West End Cumulative Impact Area

The applicant has submitted plans of the premises showing the ground floor, drawing no. 185SK001, revision B, dated January 2019.

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 00.00 Monday to Thursday, 10:00 to 00:30 Friday and Saturday and 12:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

2. Provision of Late Night Refreshment 'Indoors' between 23:00 and 00.00 Monday to Thursday, 23:00 to 00:30 Friday and Saturday and 23:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

3. Provision of Live Music and Recorded Music 'Indoors' between 10:00 and 00.00 Monday to Thursday, 10:00 to 00:30 Friday and Saturday and 12:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol 'On' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

2. The hours requested for Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

3. The hours requested for and the Provision of Live Music and Recorded Music may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following further comments:

i. An extensive list of conditions has been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.

ii. It is unclear if the premises have already been constructed for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of any licensable activities

iii. Also, the premises food preparation/cooking facilities will need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or from the operation of any plant and machinery.

iv. The provision of sanitary accommodation for any proposed capacity must be in line with at least the minimum requirements as set out in British Standard 6465 in order to help with preventing an increase in Public Nuisance in the West End Cumulative Impact Area.

The applicant is therefore requested to contact the undersigned to discuss the above issues and to arrange a site visit after which Environmental Health may propose additional conditions for the proposed use. Please note any capacity for the premises shall be based on whichever gives the lower figure from an assessment for safety or from the sanitary accommodation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2019
I am writing as [REDACTED] [REDACTED]. [REDACTED] [REDACTED] which are the subject of this applications. I object to the licence application as I feel that it is highly likely to impact adversely on the promotion of the licensing objectives, particularly in respect of the 'prevention of public nuisance' objective. The Prevention of Public Nuisance — It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly [REDACTED]. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to [REDACTED] and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music move through buildings and adjacent spaces. Part of the adjoining wall also connects to the stair well of [REDACTED] and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. Additionally the Courtyard space at the back of the proposed Licensing property also backs onto	

so any noise transference into the courtyard will also impact the 1 St . That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in need to be opened for the comfort of the residential occupiers.

In addition, it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building.

While the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above seems contradictory.

Additionally Clause 25 of the proposed conditions states that members guests must be accompanied by a member after a late specified hour. We do not understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked areas specifying the numbers of seats in each area and stipulating drinks can only be served by waiters to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas to prevent this becoming a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises.

It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road. Deliveries from the rear would need to be through the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23:00 and as early as 07:00 each day. With, in fact, the 07.00 collection actually needing the licence operator to place rubbish and bottles outside at 06.30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place.

We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. I understand that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone.

Finally there is also the issue of customers leaving the premises late at night into St Martins Place.

It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night.

To help control the position there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

<b>Name:</b>	████████████████████
<b>Address and/or Residents Association:</b>	████████████████████ ████████████████████ ██████████ ████████████████████ ████████████████████
<b>Received:</b>	5 March 2019

We are writing as ██████████ JL, we are ██████████  
████████████████████ for which the above application is made.

While we accept that background noise of a city centre nature comes with the location of our Flat we are objecting to the licence application as we feel that it is highly likely to impact adversely on the promotion of the licensing objectives in its current form. This representation is made chiefly in respect of the 'prevention of public nuisance' objective.

We note that the premises is described in the application as follows: 'The premises will operate as a refreshment and function area for persons working in offices within the premises building. The premises will be accessible by office workers and their guests; persons attending pre booked and private functions; and members of the premises licence holder's private members' club. There will be no access to general members of the public.' However, we are unsure how the provision of licensable activities to 'persons attending pre booked private functions' and to 'members of the premises licence holder's private members' club' is compatible with the stated purpose of the premises as 'a refreshment and function area for persons working in offices within the premises building', unless the private functions and membership of the private members club are restricted to the same category of persons.

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual Flat units contained therein. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████ Martin Place and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████ St Martins Place and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto 10 St Martins Place so any noise transference into the courtyard will also impact the 10 St Martin Place premises. That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in ██████ St Martins Place need to be opened for the comfort of the residential occupiers. We regularly experience a high level of noise interference in the residences from buskers and events in the Square because sound bounces off buildings and becomes amplified.

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects. As noted above, while the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above should be irrelevant. A final concern exists in this regard in that Clause 25 of the proposed applicants conditions states that members guests must be accompanied by a member after a late specified hour, we do not



understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiter/ess to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises. It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road, will such deliveries be made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23:00 and as early as 07:00 each day. With, in fact, the 07:00 collection actually needing the licence operator to place rubbish and bottles outside at 06:30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. The licensing authority will be aware that the Statement of Licensing Policy 2016 makes it clear that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone. We think this is sensible, and indeed would point out that the vague nature of 'private functions' strongly suggests that this part of the application, far from constituting an exception, would certainly add to cumulative impact.

Finally there is also the issue of customers leaving the premises late at night into the St Martins Place location. It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from ■ St Martins Place would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night. This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential 200 extra people who will also be leaving the newly licensed 6-8 St Martin's Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

We are very happy to discuss our above objections and concerns in advance of any scheduled licensing hearing. We do note from the WCC Licensing Register that the proposed hearing date is currently given as 12 April 2019. Please can we respectfully request that it not be listed on that date as we will be away on vacation and unable to attend that week.

**Correspondence from ■ dated 29 April 2019:**

In advance of the licensing hearing scheduled for 09/05/19 with respect to the above application I wanted to update you of the current position;

- 1) We have not received any contact from the applicants lawyer with respect to the matters/ objections/ clarifications/ issues we have raised with respect to the above license

application. As sated we will make ourselves available where possible for such discussions to take place

2) We have received the attached letter from the "Applicants premises" (**Appendix 4**) with respect to the licence application and have responded to that letter as per attached. There is comment that an earlier letter was sent to us dated 28th March but we did not receive that

3) The attached letter from the "Applicants premises" (**Appendix 4**) was, it appears, hand delivered to [REDACTED] with similar envelopes addressed to each of the Flats. I do not recall seeing any similar envelopes in the reception of the building earlier so suspect none of the residents have rec'd such letters

On the basis that we have had no meaningful contact from either the Applicant or their lawyers on this matter please can I request that the attached letters are provided to the licensing committee as part of their committee pack so that they can be taken into account in their deliberations.

While writing, and in line with my e mail of 13/04/19 to Michelle Steward, I would also like to reconfirm that we would like Richard Brown to attend as our representative and I and my wife will also want to be able to make relevant comments at the hearing. We will all want to be able to raise points to the committee, discuss matters with the committee and raise questions of the Applicant relevant to or connected with the objections and concerns we have raised with respect to the license application.

**Correspondence received from the legal representative, Richard Brown acting for [REDACTED] d [REDACTED] dated 1 May 2019:**

As you know, I am representing [REDACTED] at the hearing on 9th May. I may also be representing others – I shall of course let you know in due course.

[REDACTED] made a number of points and proposals in his representation, but is still somewhat in the dark about the specifics of the application, particularly the nature of the private club and private functions, and whether there will be vertical drinking bar(s) on the premises. It is therefore difficult for [REDACTED] to make any meaningful proposals to reflect the concerns he raised in his representation.

[REDACTED] has however pulled together a number of conditions taken from points made in his representation. I thought it would be helpful to send these in prior to the hearing, although clearly some of these conditions may be otiose depending on any clarifications or amended conditions which may be received from the applicant. Equally, additional conditions may be necessary.

1. 'The premises shall operate as a refreshment and function area for persons working in offices within the premises building.'

2. 'Licensable activities shall only be provided to persons working in the offices located in the premises building and their bona fide guests with a maximum of 4 guests per adult office worker and such guests must be accompanied by the adult office worker at all times.'

NB Mr Ward may be prepared to consider the applicant's proposals for other categories of person to make use of the premises for licensable activities, but would obviously needed to be provided with more information as to the applicant's intentions in this regard.

3. 'A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing

sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.'

4. '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.'

5. 'The courtyard area as shown on the licence plan shall not be used by members of the public.'

6. There shall be no access through the courtyard from 2A Charing Cross Road and 112 St Martins Lane.' (Mr Ward point out that the application states the premises is adjacent to 112 St Martins Lane. That is not correct, [REDACTED] is positioned between the two buildings and would be adversely impacted by any movement between the two premises named in the application).

7. All windows and external doors shall be kept closed after [ ] hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.'

8. 'All guests of a club member must be accompanied by the club member at all times.'

9. 'The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [ ] persons'. [REDACTED] points out that there should be strict control on the number of vertical spaces which should be restricted in capacity. Any areas where vertical drinking is permitted should be clearly identified on the proposed plan so that it can be clearly seen that this is not a vertical drinking venue.

10. 'Sale of alcohol shall be by waiter/waitress service only to persons seated'

11. 'No deliveries to the premises shall take place between 2100 and 08.00 on the following day.'

12. 'No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.'

13. 'Patrons shall be off the premises by 11.30pm Monday-Thursday, midnight Friday and Saturday, and 10.30pm Sunday.'

14. 'After 18.30, patrons shall only enter and leave the premises via the door marked [ ]' (For the avoidance of doubt, this proposal is for this to be the door furthest away from 10 St Martin's Place).

Additional points which [REDACTED] would like to make are:

- The location of the kitchens from which food will be provided to patrons should be clearly identified on the license application plan. Food should not be delivered to 2A Charing Cross Road from the related premises 112 St Martins lane.

- The location of service deliveries and the storage of and clearance of litter and bottles needs to be specified so that the potential impact on the residential property [REDACTED] can be considered.

- If the Licensing Sub-Committee is minded to permit a later terminal hour than 'core hours', there should be a last entry time to the premises.

- There should be no bright lights or illuminations either outside of the premises or visible outside the premises.

**The correspondence was forwarded to the applicant for their response on the 2 May 2019.**

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████ ██████████
<b>Received:</b>	18 March 2019

Re Application for the granting of a Premises Licence at Cavell House, 2A, Charing Cross Road London by Arboretum Lounge Ltd . Application Reference Number 19/02049/LIPN.

I am writing as the owner and on behalf of the occupants of ██████████. Our names are ██████████

While we accept that background noise of a city centre nature comes with the ██████████ we are objecting to the license application under the following area of the licensing act:

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual flat units contained therein.  
Noise Transfer

The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████████ and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the base level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████████ and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premise also abuts up directly to the residential Units which could easily lead to direct noise transfer or vibrations into those residential Units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto ██████████ place so any noise transference into the courtyard will also impact the ██████████. That risk will increase in the summer months when doors and windows of the Licensed Premises could be opened and the windows in ██████████ need to be opened for the comfort of the residential occupiers, since that is the only cooling available.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiters to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed license for the premises. As the premises is part of the Cumulative Impact Area we do not understand why the license application seeks for hours outside of core hours. There have recently been other applications approved in the recent area, so this cumulative impact needs to be assessed in great detail before, not after it causes issue to the local residents.

Type of Licence

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Is it that of the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary there to or is this intended to be an entertainment venue with vertical drinking as a key purpose. The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects

Deliveries

How will the delivery of provisions and services will take place to the premises?

The front of the building backs onto the very busy Charing Cross road, will such deliveries be

made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place?

If this all takes place through the courtyard there will be a series risk of major noise transference and disturbance when this takes place as late as 2300 and as early as 0700 each day. With, in fact, the 0700 collection actually needing the license operator to place rubbish and bottles outside at 0630 in the morning.

It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this license application is linked to the license obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

#### Exits and Entrances

There is also the issue of customers leaving the premises late at night into the St Martins Place location.

It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit.

To best limit the risk of noise disturbance to the residential block the door furthest from 10 St Martins Place would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night.

This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential 200 extra people who will also be leaving the newly licensed 6-8 St Martina Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the proposed applicants conditions.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] P [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 March 2019

i write as [REDACTED], which is a private residence.

I wish to object to the granting of a premises licence at Cavell House, 2A Charing Cross Road, London on the basis that it will add to noise levels and commercial disturbance generally in the area and because my flat has an adjacent party wall to that of the applicant

[REDACTED] is a residential property. The area has been aggressively commercialised in recent years by Westminster City Council. Both the private properties and public spaces like the Cavell monument Piazza and Trafalgar Square itself have become increasing sources of noise and disturbance at anti-social hours. Most recently at the st martins place hotel now under construction will add to the general discomfort of residents.

I echo the points of detail made by [REDACTED] in their own objection.

<b>Name:</b>	[REDACTED]
--------------	------------

**Address and/or Residents Association:**

██████████  
 ██████████ P ██████████  
 ██████████  
 ██████████

**Received:**

11 March 2019

We are writing as ██████████ of ██████████, we are ██████████. We ██████████ the Premises for which the above application is made. ██████████ ██████████ Premises.

While we accept that background noise of a city centre nature comes with the location of our Flat we are objecting to the licence application as we feel that it is highly likely to impact adversely on the promotion of the licensing objectives in its current form. This representation is made chiefly in respect of the 'prevention of public nuisance' objective.

We note that the premises is described in the application as follows: 'The premises will operate as a refreshment and function area for persons working in offices within the premises building. The premises will be accessible by office workers and their guests; persons attending pre booked and private functions; and members of the premises licence holder's private members' club. There will be no access to general members of the public.' However, we are unsure how the provision of licensable activities to 'persons attending pre booked private functions' and to 'members of the premises licence holder's private members' club' is compatible with the stated purpose of the premises as 'a refreshment and function area for persons working in offices within the premises building', unless the private functions and membership of the private members club are restricted to the same category of persons.

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual Flat units contained therein. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████████ and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████████ and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto ██████████ so any noise transference into the courtyard will also impact the ██████████ That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in ██████████ need to be opened for the comfort of the residential occupiers. We regularly experience a high level of noise interference in the residences from buskers and events in the Square because sound bounces off buildings and becomes amplified.

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects. As noted above, while the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above should be irrelevant. A final concern exists in this regard in that Clause 25 of the proposed applicants conditions states that members guests must be accompanied by a member after a late specified hour, we do not understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiter/ess to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises. It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road, will such deliveries be made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23;00 and as early as 07;00 each day. With, in fact, the 07;00 collection actually needing the licence operator to place rubbish and bottles outside at 06;30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. The licensing authority will be aware that the Statement of Licensing Policy 2016 makes it clear that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone. We think this is sensible, and indeed would point out that the vague nature of 'private functions' strongly suggests that this part of the application, far from constituting an exception, would certainly add to cumulative impact.

Finally there is also the issue of customers leaving the premises late at night into the St Martins Place location. It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from [REDACTED] would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night. This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential

200 extra people who will also be leaving the newly licensed 6-8 St Martin's Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

We are very happy to discuss our above objections and concerns in advance of any scheduled licensing hearing.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	17 March 2019

As the [REDACTED], I am writing to object to the above licensing application. I live in the building next to the Premises for which the

application is made.

This application concerns me a great deal because it could impact my quality of life severely. I am particularly concerned about high noise levels stated in the application for two reasons:

Firstly, [REDACTED]. Out of all the residents in [REDACTED] would be worst affected from any noise in the adjoining building.

Secondly, my personal circumstances mean that I would be impacted severely. I work long hours at my job and have to arrive at work early each morning. This means that I need to go to bed very early in order to get the normal amount of sleep. The provision of 'Live & recorded music' next door till late at night would make this impossible.

There is an additional issue of customers leaving the venue late at night or indeed smoking throughout the evening on the street. Our building has inadequate ventilation systems such that opening windows become absolutely necessary during hot weather in the summer. The combination of noise and smoke would constitute a significant nuisance to residents, particularly me occupying my first floor flat.

An equally important point I wish to make is that this licensing change is not in keeping with the area. Firstly, the Edith Cavell War Memorial is situated at the centre of St Martins Place. One could argue that it would be disrespectful to have a late night entertainment venue in such a place and would attract significant public criticism.

And secondly, does Westminster Council really want such a venue directly opposite the National Portrait Gallery? It is one of the best galleries in the world and it would be terrible if visitors were put off from visiting because of licensing changes made over the road. The council should be making efforts to increase the cultural attractiveness of the area, not to degrade it. The borough has plenty of late night entertainment venues and does not need another one in an area so unsuitable for it. There are far more suitable uses for 2A Charing Cross Road that are more in keeping with the existing area.

And for that reason, I would also object to any bright lights attached to or outside the building as referred to in the applicant's conditions.

I am very happy to discuss my objections and concerns in advance of any scheduled licensing hearing.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	15 March 2019

I object to granting of a licence at the above property

I have studied the proposal and have concluded it will be detrimental to the quality of life for all [REDACTED]. This proposed development is next to a building full of residential flats.

The proposed hours for licensable activities particularly at the weekend, could be a case of great public nuisance. The occupants of [REDACTED] place enter the building through a main door next to one of the proposed entrances to the Arboretum development. Apart from the noise, there is the possibility of "members" standing outside smoking and chatting, possibly intoxicated, on a very busy public thoroughfare, next to the building entrance and directly opposite the pedestrian crossing leading to the National Portrait Gallery.

This is not a side street, it fronts onto one of the busiest tourist areas in the world, with a constant pedestrian flow until late night/early morning. This should be considered.

The nature of the membership, and the conditions attached, lead me to believe this could be a Trojan Horse allowing an expansion of activities at a later date. I would draw your attention to proposed conditions 10d, 19 and 29. The possibility in the last part of the sentence in condition 19 should be removed altogether.

Arboretum Lounge Ltd was incorporated on 25 January 2019. One of the two directors is responsible for establishing and running "The Library" at 112 St Martins Lane. This is a literary/singing venue with accommodation. The proposed development at 2a Charing Cross



Road is of a completely different type and, despite the membership restrictions, appears to be more an entertainment club, with all of the possibilities that brings.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<p><b>Policy HRS1 applies</b></p>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<p><b>Policy CIP1 applies</b></p>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p><b>Policy PB1 applies</b></p>	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

#### 4. Equality Implications

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

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

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

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Additional Submission from Mr Stephen Ward
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

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

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

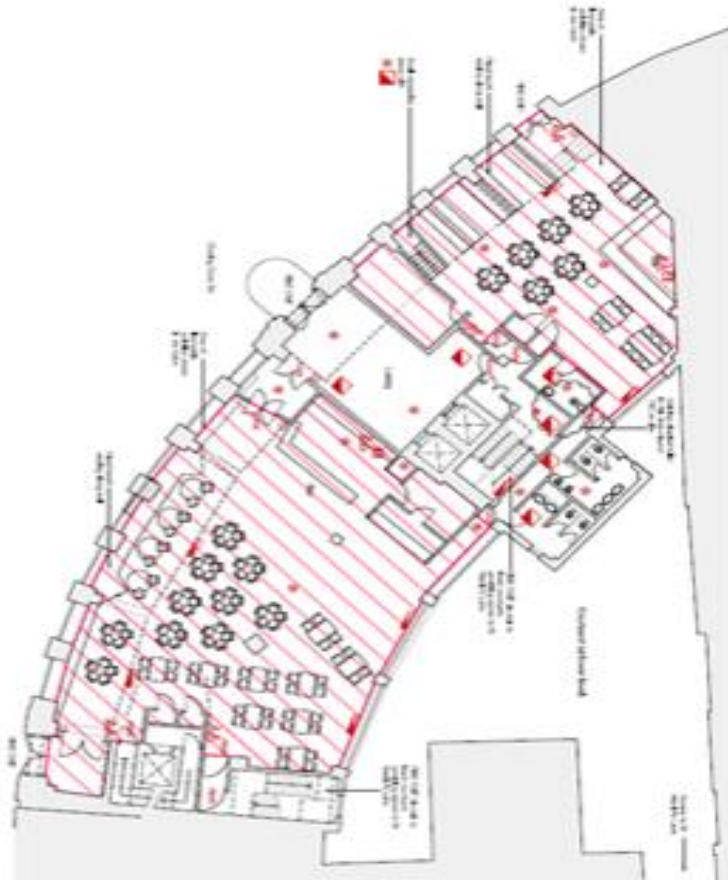
**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority Representation	7 March 2019
<b>5</b>	Environmental Health Representation	15 March 2019
<b>6</b>	Public Representation 1	18 March 2019
<b>7</b>	Public Representation 2	5 March 2019
<b>8</b>	Public Representation 3	18 March 2019
<b>9</b>	Public Representation 4	18 March 2019
<b>10</b>	Public Representation 5	11 March 2019
<b>11</b>	Public Representation 6	15 March 2019
<b>12</b>	Public Representation 7	17 March 2019



**M JONES ARCHITECT**  
 1000 10th Street, Suite 100  
 Denver, CO 80202  
 Phone: 303.733.1111  
 Fax: 303.733.1112  
 www.mjarchitect.com

**Owner: The Board**  
 1000 10th Street, Suite 100  
 Denver, CO 80202  
 Phone: 303.733.1111  
 Fax: 303.733.1112  
 www.mjarchitect.com



**Legend**  
 1000 10th Street, Suite 100  
 Denver, CO 80202  
 Phone: 303.733.1111  
 Fax: 303.733.1112  
 www.mjarchitect.com

Room	Number	Area	Volume
RECEPTION	101	100	1000
OFFICE	102	100	1000
CONFERENCE	103	100	1000
RESTROOM	104	100	1000
STAIR	105	100	1000
ELEVATOR	106	100	1000
MEETING ROOM	107	100	1000
TRAINING ROOM	108	100	1000
COURTYARD	109	100	1000
LANDSCAPE	110	100	1000
PARKING	111	100	1000
DRIVEWAY	112	100	1000
GARAGE	113	100	1000
MECHANICAL	114	100	1000
ELECTRICAL	115	100	1000
PLUMBING	116	100	1000
HVAC	117	100	1000
FIRE	118	100	1000
SECURITY	119	100	1000
CCTV	120	100	1000
ACCESS CONTROL	121	100	1000
PHOTOGRAPHY	122	100	1000
VIDEO	123	100	1000
AUDIO	124	100	1000
LIGHTING	125	100	1000
SOUND	126	100	1000
TELEVISION	127	100	1000
COMPUTER	128	100	1000
NETWORK	129	100	1000
SERVER	130	100	1000
STORAGE	131	100	1000
BACKUP	132	100	1000
RECOVERY	133	100	1000
DISASTER	134	100	1000
BUSINESS	135	100	1000
CONTINUITY	136	100	1000
PLAN	137	100	1000
POLICY	138	100	1000
PROCEDURE	139	100	1000
MANUAL	140	100	1000
GUIDE	141	100	1000
BOOK	142	100	1000
PAMPHLET	143	100	1000
BROCHURE	144	100	1000
LETTER	145	100	1000
MEMO	146	100	1000
NOTE	147	100	1000
CARD	148	100	1000
SLIP	149	100	1000
TAG	150	100	1000
LABEL	151	100	1000
MARKER	152	100	1000
PEN	153	100	1000
PENCIL	154	100	1000
ERASER	155	100	1000
SHARPENER	156	100	1000
SCISSORS	157	100	1000
GLUE	158	100	1000
STAPLER	159	100	1000
HOLE PUNCH	160	100	1000
RULER	161	100	1000
PROTRACTOR	162	100	1000
COMPASS	163	100	1000
SQUARE	164	100	1000
LEVEL	165	100	1000
BUBBLE LEVEL	166	100	1000
TAPES	167	100	1000
SCREWS	168	100	1000
NAILS	169	100	1000
BRACKETS	170	100	1000
KEYS	171	100	1000
LOCKS	172	100	1000
DOORS	173	100	1000
WINDOWS	174	100	1000
ROOFING	175	100	1000
SHEATHING	176	100	1000
INSULATION	177	100	1000
DRAINAGE	178	100	1000
SEWER	179	100	1000
WATER	180	100	1000
GAS	181	100	1000
ELECTRICITY	182	100	1000
TELEPHONE	183	100	1000
CABLE	184	100	1000
INTERNET	185	100	1000
WIRELESS	186	100	1000
MOBILE	187	100	1000
SATELLITE	188	100	1000
GPS	189	100	1000
NAVIGATION	190	100	1000
COMMUNICATIONS	191	100	1000
TRANSPORTATION	192	100	1000
TRAVEL	193	100	1000
HOTELS	194	100	1000
RESTAURANTS	195	100	1000
RENTAL	196	100	1000
CARS	197	100	1000
TRUCKS	198	100	1000
BUSES	199	100	1000
TRAINS	200	100	1000
PLANES	201	100	1000
SHIPS	202	100	1000
BOATS	203	100	1000
YACHTS	204	100	1000

**Notes**  
 1000 10th Street, Suite 100  
 Denver, CO 80202  
 Phone: 303.733.1111  
 Fax: 303.733.1112  
 www.mjarchitect.com

## **Applicant Supporting Documents**

## **Appendix 2**

There are no supporting documents from the applicant.

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

Further Submissions from Mr Stephen Ward

Correspondence from Premises to [REDACTED]



2A Charing Cross road  
WC2H 0HF

24th April 2019

**Application for a Premises Licence – ARBORETUM Cavell House**

Dear [REDACTED]

I refer further to my letter dated 28 March 2019.

Please do not hesitate to contact me if you have any feedback following our launch event earlier this month and/or would like to discuss our application further.

Thank you for your consideration of this letter. I hope to meet you soon.



Arboretum  
2A Charing Cross Road  
London  
WC2H 0HF

Flat 41  
10 St Martin's Place  
London  
WC2N 4JL  
26/04/2014

Licensing Application: 19/02049/LIPN

Dear Sirs/Madam,

Thank you for your letter attached. We have not received a letter from you dated 28th March 2014 and we did not receive notification of your Land event and as such did not attend that.

Please can you <sup>resend</sup> ~~resend~~ your letter dated 28th March 2014 without delay to the above address and also to Chalfont House, Chalfont Road, Prestbury SK10 4PT.

Please can you also at the same time send through any proposals you may have made in response to our objections to your application or details of conditions you intend to attach to your application. To expedite matters further please send the letter of 28/03/14 together with any proposals/conditions you are looking to make to [REDACTED] (my work email) and [REDACTED]

(my Home email)

We would very much like to discuss your licensing application. You can also contact me on [REDACTED]

Yours faithfully

[REDACTED]

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

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

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

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## Conditions consistent with the operating schedule

10. Licensable activities may only be provided to:
  - a) Persons working in the offices located in the premises building and their bona fide guests with a maximum of 4 guests per adult office worker;
  - b) Members of the private club operating at the premises and their bona fide guests (not exceeding 4 guests per member) who have paid a minimum annual admission fee of at £250. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges' of membership without an interval of at least 48 hours between their nomination or application for membership and their admission. A list of names and addresses of members of the club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guest introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council;
  - (c) Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
  - (d) Artistes or persons employed on the premises.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A Challenge 21 or Challenge 25 scheme shall be operated at the premises 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.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regarding crime disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.
22. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
23. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. After 23.30 Monday to Thursday; 00.00 Friday and Saturday; and 22.30 Sunday the number of club member's guests permitted entry to the Premises shall be limited to 3 per club member (save for persons leaving temporarily to smoke).
25. After 23.30 Monday to Thursday; 00.00 Friday and Saturday; and 22.30 Sunday all guests of a club member must be accompanied by the club member.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [TBC] persons.

#### **Environmental Health proposed condition 27**

27. **The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [TBC – but it shall not be more than 300] persons.**
28. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers

- explosives and highly flammable substances. - real flame.
- strobe lighting.

29. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
31. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
32. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
33. 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.
34. 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.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
40. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- a) Any permanent or temporary emergency lighting battery or system
  - b) Any permanent or temporary electrical installation
  - c) Any permanent or temporary emergency warning system

42. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
43. The entrance lobby will have a manned concierge whenever licensable activities are taking place.
44. 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.

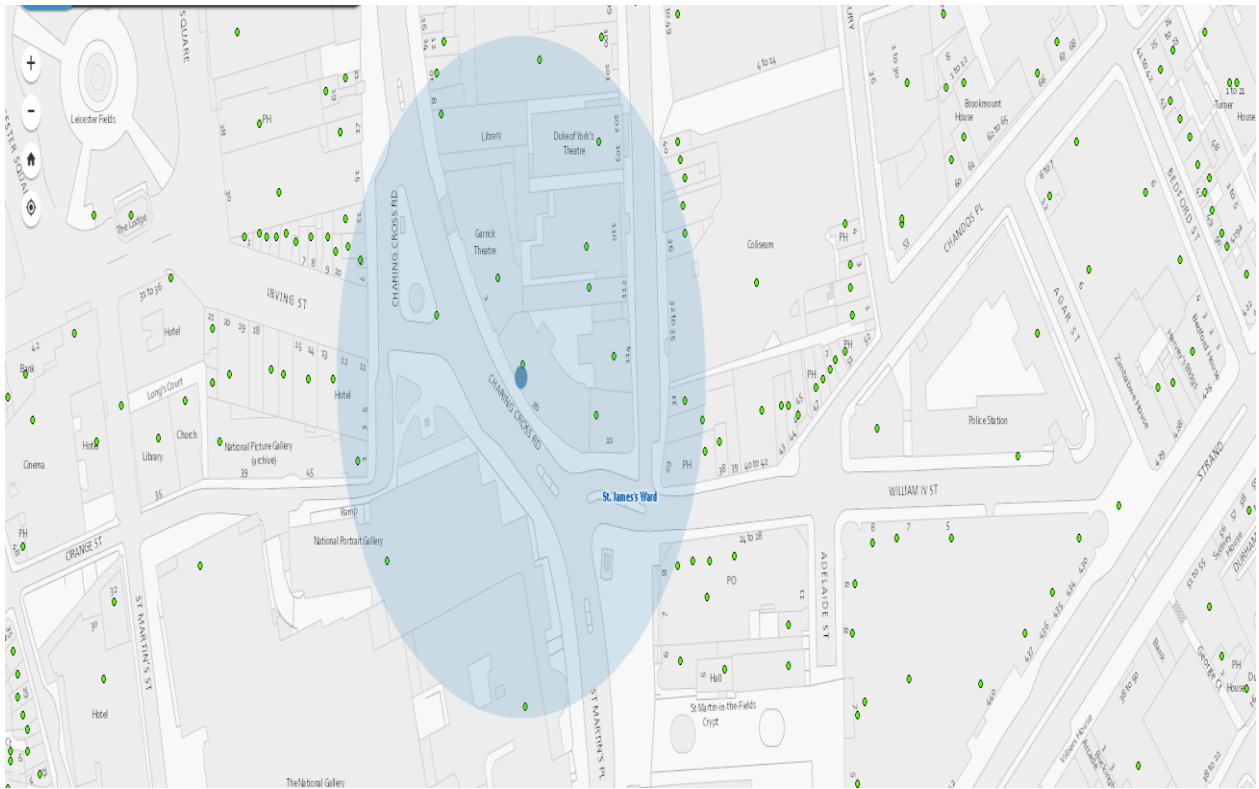
#### **Conditions proposed by the Environmental Health**

45. A suitable and sufficient Event Management Plan shall be drawn up by a competent person for each event which must be made available on request to the Responsible Authorities. This should be kept for at least one year and must contain information and assessments, as a minimum, on the following aspects where relevant:
  - i. Details of responsible persons including at least one person with management responsibilities of the licence holder
  - ii. Stewarding and Emergency Evacuation Plan
  - iv. Use of Special Effects
  - iv. Noise Management Plan including arrival and dispersal arrangements
  - v. Maximum capacity and provision of sanitary accommodation
46. A noise limiter must be fitted to the musical amplification system in the Drill Hall set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

#### **Conditions proposed by the Police**

None





Resident Count: 17

Licensed Premises within 75 metres of Cavell House, 2a Charing Cross Road, London, WC2H 0NN					
Licence Number	Trading Name	Address	Premises Type	Time Period	Application Type
15/08053/LIPVM	Garrick Theatre	2 Charing Cross Road London WC2H 0HH	Theatre	Monday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00	Premises Licence - Variation - Minor
18/11762/LIPDPS	Prezzo	Ground 10 St Martin's Place London WC2N 4JL	Wine bar	Monday to Saturday; 09:00 - 02:30   Sunday; 09:00 - 23:00	Premises Licence - Change of DPS

15/09567/LIPT	The Library	112 St Martin's Lane London WC2N 4BD	Club or institution	Monday to Thursday; 10:00 - 00:00   Monday to Sunday; 00:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:30   Sundays before Bank Holidays; 12:00 - 00:30	Premises Licence - Transfer
18/10067/LIPDPS	Hub By Premier Inn	110 St Martin's Lane London WC2N 4BA	Hotel, 3 star or under	Monday to Thursday; 06:00 - 23:30   Monday to Sunday; 00:00 - 00:00   Friday to Saturday; 06:00 - 00:30   Sunday; 06:00 - 23:00	Premises Licence - Change of DPS
18/06381/LIPV	Duke Of Yorks Theatre	Duke Of York's Theatre 103 - 104 St Martin's Lane London WC2N 4BG	Theatre	Monday to Sunday; 09:00 - 00:00	Premises Licence - Variation
11/08058/LIPDPS	Notes Music And Coffee	31 St Martin's Lane London WC2N 4ER	Cafe	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30	Premises Licence - Change of DPS
19/00668/LIPDPS	National Portrait Gallery	National Portrait Gallery 2 St Martin's Place London WC2H 0HE	Museums & Art Galleries	Monday to Sunday; 08:00 - 01:00	Premises Licence - Change of DPS

18/15530/LIPDPS	The National Gallery	Concession 3 Trafalgar Square London WC2N 5DN	Museums & Art Galleries	Monday; 00:00 - Tuesday; 00:00 - Wednesday; 00:00 - Thursday; 00:00 - Friday; 00:00 - Saturday; 00:00 - Sunday; 00:00 -	Premises Licence - Change of DPS
17/04868/LIPDPS	Trafalgar Square	Concession 3 Trafalgar Square London WC2N 5DN	Park / Open Space	Monday to Sunday; 00:00 - 00:00	Premises Licence - Change of DPS
18/05907/LIPDPS	Bancone	39 William IV Street London WC2N 4DD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00	Premises Licence - Change of DPS
16/12993/LIPN	Not Recorded	30 St Martin's Lane London WC2N 4ER	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00	Premises Licence - New