

Licensing Sub-Committee Report

Item No:	
Date:	9 July 2020
Licensing Ref No:	20/03120/LIPN - New Premises Licence
Title of Report:	Odeon Luxe West End 38A Leicester Square London WC2H 7DX
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:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 March 2020		
Applicant:	Odeon Cinemas Limited		
Premises:	Odeon Luxe West End		
Premises address:	38A Leicester Square London WC2H 7DX	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	This is an application for a new premises licence which intends to operate as a cinema on the south side of Leicester Square.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	The application follows pre-application advice ref: 20/00055/PREAPM. A copy of this report can be found at Appendix 2 along with additional information provided by the applicant following the Licensing Authority representation.		

1-B Proposed licensable activities and hours							
Plays:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			N/A				

Films				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			N/A				

Live Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			N/A				

Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		N/A					

Performance of Dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		N/A					

Anything of a similar description to that falling within (e), (f) or (g)				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		N/A					

Late Night Refreshment				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 15 April 2020</i>)
Representative:	PC Adam Deweltz
Received:	23 March 2020
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>My concerns relate to the supply of alcohol 24 hours of the day. Given the location of the venue, Police would not want customers leaving the cinema late at night having consumed alcohol. This makes them vulnerable. I guess the question that needs to be asked is what is the necessity of screening movies throughout the night?</p> <p>I look forward to hearing from you soon.</p> <p>Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 15 April 2020.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	14 April 2020
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> <p>The hours sought for Licensable activities are beyond the 'Core Hours' as defined by the City Council's Licensing Policy. The premises is located in a Cumulative Impact Area.</p>	
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	15 April 2020
<p>I write in relation to the application submitted for a new premises licence for 38A Leicester Square, London, WC2H 7DX.</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 four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety 	

- Protection of children from harm

The application seeks the following:

- **Plays, Films, Live & Recorded Music, Performance of Dance, Anything of a similar description to e,f or g,**
Monday to Sunday 00:00 to 00:00
- **Late Night Refreshment**
Monday to Sunday 23:00 to 05:00
- **Supply of Alcohol On Premises**
Monday to Sunday 00:00 to 00:00
- **Opening Hours to Public**
Monday to Sunday 00:00 to 00:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PVC2.

At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the hours to be within Westminster's Core hours;

Supply of Alcohol On the Premises

Monday to Thursday 10:00 to 23:30

Friday to Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

Other Licensable activities

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday: 09:00 to 22:30

The Licensing Authority note that the applicant has proposed in the operating schedule to an area shaded green on the ground floor plans.

18. On the ground floor of the premises licensable activities in the area shaded green shall only be used for pre-booked functions.

The Licensing Authority has reviewed these plans and is unable to find this area and would like the applicant to provide further details and consider submitting a new plan to show where this area is situated. The Licensing Authority would also like further submissions into how these pre-booked events are managed, controlled and how often these will be happening. There is also no reference to the pre-booked events within condition 19 that has been proposed which entails contradicts each other.

It is also noted the applicant has proposed in the operating schedule condition 19 below.

19. No sale of intoxicating liquor shall be made except to:

- a) persons admitted to the premises by purchasing a ticket*
- b) employees and bona fide guests of Odeon Cinema Limited*
- c) persons for whom admittance payment has been made.*

The Licensing Authority would like further clarity on this condition.

Firstly, part b '*employees and bona fide guests of Odeon Cinema Limited*'. The Licensing Authority encourage the applicant to provide further submissions on how the bona fide guests

will be operated and controlled and is there a limit to the number of guests?

Secondly part c of the condition '*c) persons for whom admittance payment has been made*'. The Licensing Authority would like a further explanation as to what this part of the condition means and what is the admittance payment made and how long in advance does this need to be made.

The application and operating schedule currently falls within Westminster's PVC2 Policy. Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority looks forward to further information from the applicant, which the Licensing Authority will be able to fully access the policy implications of this application as it is, in part, unclear from the current operating schedule. The applicant may wish to consider withdrawing this application and re-submit to clarify some of the points above.

Please accept this as a formal representation.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<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>
Policy HRS1 applies	<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>For premises for the supply of alcohol for consumption on the premises:</p> <p>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>For premises for the supply of alcohol for consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
Policy PVC2	Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

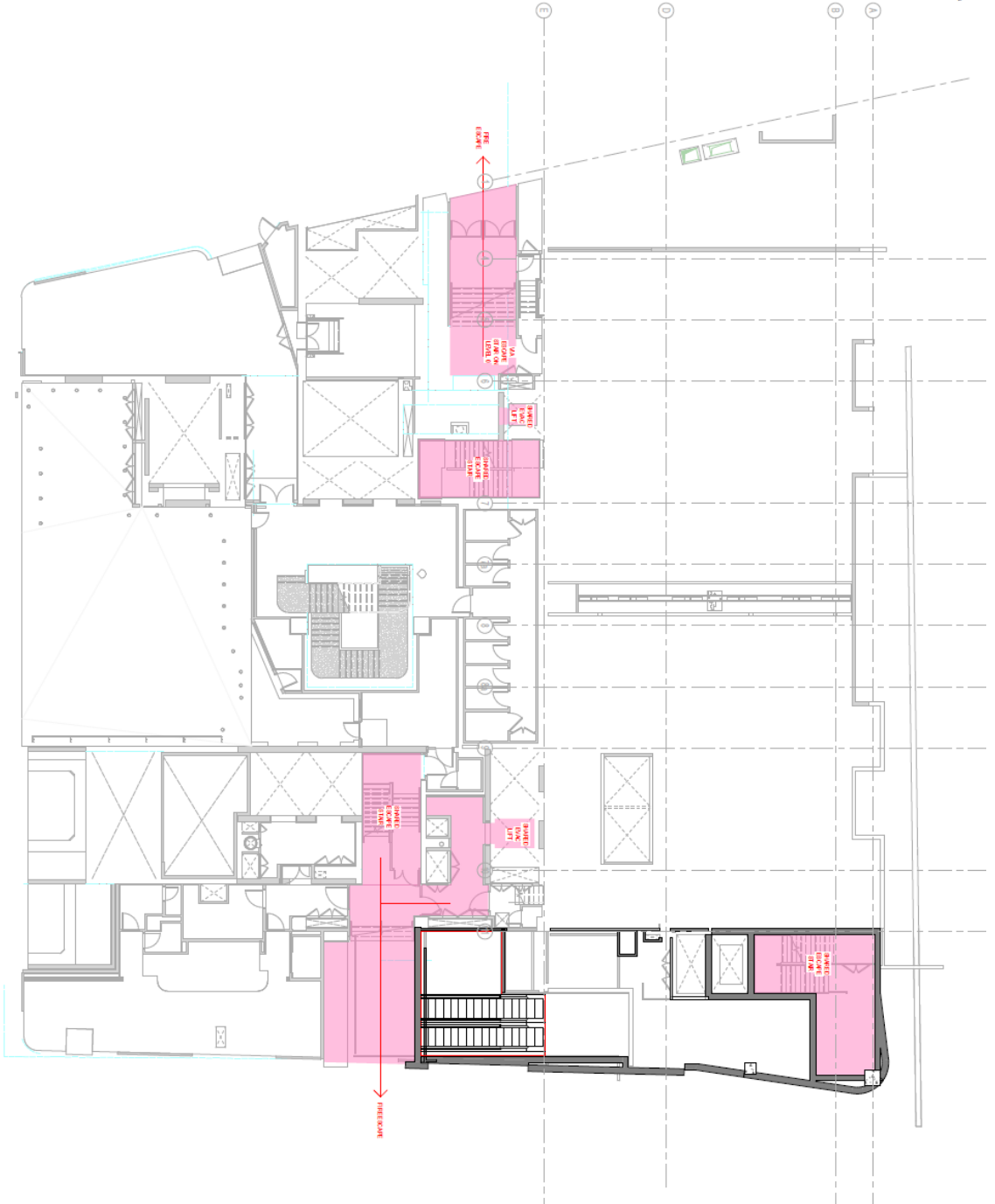
Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation <i>(Withdrawn 15 April 2020)</i>	23 March 2020
5	Environmental Health Service Representation	14 April 2020
6	Licensing Authority Representation	15 April 2020

1	DATE	DESCRIPTION
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		



PROJECT: [unreadable]
 DRAWING NO: [unreadable]
 DATE: [unreadable]

LEGEND

- Level of finish
- Level of floor
- Level of ceiling
- Level of floor
- Level of ceiling
- Level of floor
- Level of ceiling

FINISHES

- Acoustic tile
- Acoustic tile
- Acoustic tile
- Acoustic tile
- Acoustic tile
- Acoustic tile
- Acoustic tile

LEVELS

- Level of floor
- Level of ceiling
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LEVELS

- Level of floor
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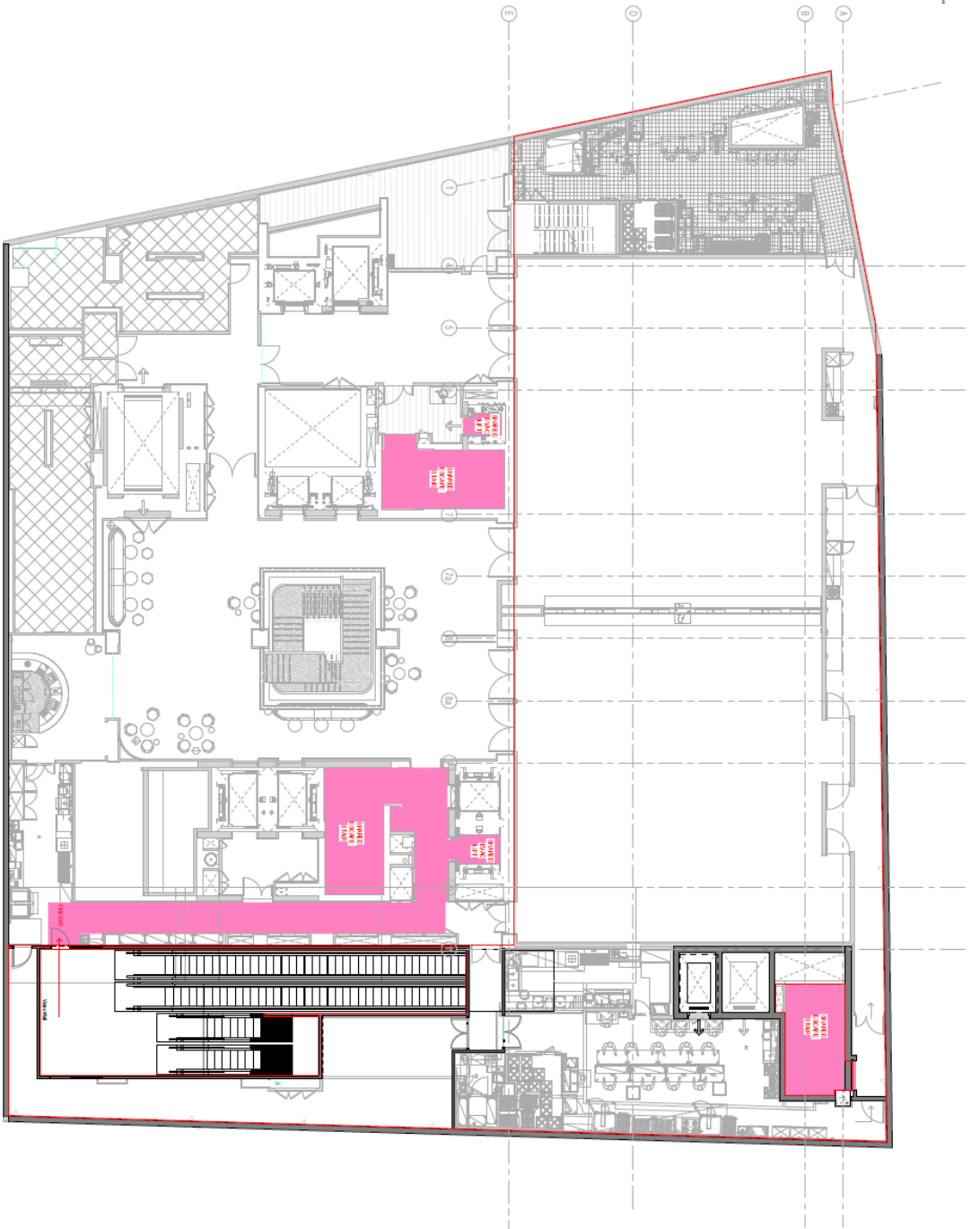
LEVELS

- Level of floor
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- Level of ceiling
- Level of floor
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eliswilliams
 ARCHITECTS

OPTION: WEB LINK
 Level LG, Lifting Plan
 24/05/16/03
 DATE: 24/05/16
 DWG NO: EWA-A-16703

DATE: 10/15/2014
 PROJECT: 2465 - 16705
 SHEET: 16705-04 - MECHANICAL PLAN



LEGEND

NOTES:
 1. ROOMS AND AREAS TO BE REMOVED ARE INDICATED BY HATCHING.

- ROOM FOOTPRINT
- MUSIC ROOM
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED

MECHANICAL PLAN

- 16705-04-01
- 16705-04-02
- 16705-04-03
- 16705-04-04
- 16705-04-05
- 16705-04-06

MECHANICAL PLAN

- ROOM FOOTPRINT
- MUSIC ROOM
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED

MECHANICAL PLAN

- ROOM FOOTPRINT
- MUSIC ROOM
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED

MECHANICAL PLAN

- ROOM FOOTPRINT
- MUSIC ROOM
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED

MECHANICAL PLAN

- ROOM FOOTPRINT
- MUSIC ROOM
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED
- ROOMS TO BE REMOVED

Pre-Application Advice report



City of Westminster

Office Name: Dave Nevitt
 Designation: EHO
 Date: 05.02.2020
 Contact number: 020 7641 3188
 Email: dnevitt@westminster.gov.uk
 Uniform Reference: 19/17147/PREAPM

Trading name of business and Address: ODEON CINEMAS: MARBLE ARCH & LEICESTER SQUARE		
Reference Number if Applicable: 19/17147/PREAPM		
Licence: N/A	Applicant: Suzanne Davies < sd@cliftondavies.com >	Cumulative Impact Area: WEST END & EDGWARE ROAD
Type of Business: CINEMAS		
<p><u>PROPOSED:</u></p> <p><i>2 new cinemas</i></p> <p><u>EH COMMENTS & ADVICE:</u></p> <p>Both sites are located in Cumulative Impact Areas and applications for Premises Licences will therefore be subject to the following Policy as set out in the City Council’s Licensing Policy:</p> <p><i>‘Theatres, cinemas, other performance venues, and qualifying clubs in the Cumulative Impact Areas Policy - PVC2</i> <i>Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.’</i></p> <p><u>2.5.33 of the Policy states:</u></p> <p><i>‘Bars are a normal feature of performances venues but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities’</i></p> <p><u>2.5.36 of the Policy states:</u></p>		

'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. The substitution of these types of uses in the Cumulative Impact Areas in place of pubs, bars and alcohol led music and dance venues will be likely to promote the licensing objectives.'

The applicant would like to apply for hours for Licensable activities that are significantly in excess of the Core Hours as defined in the Licensing Policy. As an operator, the applicant has experience in operating their cinemas beyond the Core Hours and has done so without complaint or cause for concern. The Odeon Cinema at 24-27 Leicester Square operates under Licence ref:19/11008/LIPVM which includes the following Conditions:

14. The primary use of the premises shall remain as a cinema otherwise the licence shall cease to have effect.

18. No sale of intoxicating liquor shall be made except to:

- (a) persons admitted to the premises by purchasing a ticket, or*
- (b) employees and bona fide guests of Odeon Cinemas Limited, or*
- (c) persons for whose admittance payment has been made.*

19. No unaccompanied children under the age of 12 years to be admitted to film performances commencing after 20:00 hours.

20. No unaccompanied children under the age of 15 to be admitted to film performances commencing after 22:00.

Annex 3 – Conditions attached after a hearing by the licensing authority:

25. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Sunday from 09:00 to 00:00*
- (b) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).*

26. Performance of Plays shall take place in the main auditorium only and plays ancillary to films elsewhere from 00:00 to 23:59.

27. On not more than 12 occasions per year films may be exhibited between the hours of 03:00 and 09:00 hours. On those occasions at least ten working days notice shall be given to the City Council's Environmental Health Consultation Team and the Borough Police Licensing Unit.

28. On the 12 occasions when films are exhibited between the hours of 03:00 and 09:00 hours Late Night Refreshment may be provided from 03:00 to 05:00 hours.

I recommend that the applicant includes a number of suitable conditions in the

Operating Schedule from the WCC list of 'Model Conditions' in order to show how the premises will operate in a way that does not add to cumulative impact. The applicant should include conditions along the lines of those set out above. Such conditions need not be identical to those attached to 19/11008/LIPVM but should clearly boundary and define how the licensable activities are provided beyond the Core Hours.

The application will need to be adjudicated at a Hearing of the Licensing Sub-Committee and it is likely that the Ctee will wish to be satisfied that the premises can be operated late at night without adding to Cumulative Impact. The Responsible Authorities or Committee may wish to suggest alternative wording to the above Conditions.

The applicant should also include Conditions detailing the SIA provision at each site (MC05 & 06)

Other helpful Conditions would include: MC01 & MC02, MC13, MC21, MC37, MC47, MC48, MC49, MC50, MC57, MC72-MC78.

The proposed cinema in the West End CIA is located at Basement level with a main entrance/reception and small foyer at GF level. The film screening and food and drink areas are to be located entirely at BMT level. Access to licensable activities at the premises is only via the GF entrance.

The Marble Arch site, however, will have much more of a shop front with a café on the GF and clearly visible to passers-by. Whilst the applicant may seek longer hours for licensable activities in relation to the other floors I recommend that the application limits the licensable activities on the GF to the 'Core Hours' as defined in the City Council's Licensing Policy so that it is not likely to be used as a 'fast food' premises in it's own right.

The applicant is advised to submit a suitably detailed set of plans so that the Public Safety implications of use of the premises by patrons can be fully assessed. This should include information about Means of Escape (e.g. widths of doors, passageways, and staircase, fire separation and protection of escape routes, emergency lighting).

Based on the plans already seen the District Surveyor makes the following Comments:

District Surveyor Comments

Means of Escape - General

- With regard to the Leicester Sq Venue it appears there are two core staircases providing exit provision from the basement. We would recommend that the widths to these stairs are in line with the Technical Standards for Places of Entertainment. If a different approach is taken we would ask for full details of occupancy calculations for

further comment. Both stairs should be lobbied from all risk areas to ensure that a storey exit only needs to be discounted and not the whole staircase.

- With regard to the screen exits at Leicester Sq we would request clearer plans showing the dedicated routes from each screen and their prescribed widths. We can then comment fully on the capacities proposed.
- With regard to the Marble Arch Venue it is slightly unclear from the current plans provided just how many protected staircase there are serving the premises. It appears there may be three in addition to the main entrance/exit stair. We would recommend that the widths to these stairs are in line with the Technical Standards for Places of Entertainment. If a different approach is taken we would ask for full details of occupancy calculations for further comment. The stair enclosures should be lobbied from all risk areas to ensure that a storey exit only needs to be discounted and not the whole staircase, unless this is justified in a fire strategy document.
- For both venues there will need to be a method statement in place with regard to disabled access and egress. It appears there are dedicated refuge areas in the Marble Arch scheme but non shown on plan for the Leicester Sq venue. We would ask that the method statements for each venue clearly highlight the strategy for disabled ingress and egress with the required amount of evacuation chairs provided to suitably exit the venues in the required time. It is the venues responsibility to evacuate disabled patrons and this cannot be passed onto the fire brigade therefore the method statement should also detail staff training and appropriate roles and responsibilities in any evacuation.
- With regard to the new seat layouts in the auditoriums proposed across both venues we would request scale plans asap so we can assess and advise. Key things to consider would be appropriate numbers of seats in each row and appropriate seatway widths. We would refer to the requirements of the Technical Standards for Places of Entertainment as detailed below in Table 1.

Table 1 – *Maximum number of seats in a row*

Recommended maximum number of seats in a row		
Seatway width mm	Maximum number of seats in a row	
	Gangway on one side only	Gangway on both sides
300 to 324	7	14
325 to 349	8	16
350 to 374	9	18
375 to 399	10	20
400 to 424	11	22
425 to 449	Not more than 12 seats if escape only possible in one direction	24
450 to 474		26
475 to 499		28
500 or more		Limited by travel distance

Notes:

1. No seatway should be less than 300mm wide
2. A seatway in front of a block of seating should be regarded as a gangway if it exceeds 900mm in width – see Recommendation C2.28 of Technical Standards for Places of Entertainment (Tech Standards)
3. Seatways at the front of balconies should not exceed 530mm in width if a barrier of less than 1100mm high is provided – see section D2 of Tech Standards.
4. This table does not apply to seating in boxes

- With regard to the proposed foyer/bar/dining areas at both venues it is recommended that full details of the layout for this area are submitted so we can assess and respond fully. These areas will be multi-functional and the appropriate number of exit routes will need to be provided for the capacities proposed for the spaces in their own right and the floor space capacities should be calculated based on the proposed uses. See Floor Factor table 2 below for example guidance also on calculating appropriate floor space figures.

Table 2 – Floor space factors example

Area	Overall available public area M ² (approx)	Capacity at 0.5 M ² per person (club/dancing)	Banquette style seating at 0.45m per person	Capacity at 1.0 M ² per person (dining)	Max operational capacity
Foyer Bar	150 (eg)	$80 \div 0.5 = 160$	$20 \div 0.45 = 44$	$50 \div 1 = 50$	254

NB: Any additional infrastructure introduced that imposes upon the available floor space as detailed in the plans above should be measured and the appropriate corresponding number taken off the maximum capacity

General Fire/Public Safety Considerations for both venues to support any application

- Confirmation of the viewing angles proposed should be provided. The maximum viewing angle for cinema screens should generally be 35 degrees between the top of the screen and a line taken from the eye parallel to the seat (eye taken as 1065mm above floor and 150mm in front of backrest). Where this is not possible we would need justification and recommend that children do not occupy affected seats as they are most susceptible to neck strain.
- Gangways in the screens should be generally 1100mm wide except where they are intended for use by not more than 60 people, which may be not less than 900mm. If they are to be used by people with impaired mobility however they should be at least 1000mm in all cases.

- Handrails should be provided on walls adjacent to stepped or sloping gangways. Handrails should be provided on both sides of any stepped gangway where the rake exceeds 1 in 2 (25 degrees above the horizontal). These should clearly be discontinuous across the end of each row of seats to allow access to the gangway. It is suggested that in general handrails are considered on both sides to assist the frail and infirm.
- Means of escape from the premises should be based on a simultaneous evacuation upon activation of the fire detection and alarm system. It is not clear what the specification of the alarm system is but it is recommended that an L1/2 standard alarm would be suitable and the provision of a voice alarm would assist given the proposed capacities.
- All protected exit routes to be provided with 30 minutes fire separation to other parts of the premises.
- All Fire doors protecting escape routes will be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.
- Every escape route (other than those in ordinary use) will be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4

In general terms the proposals appear adequate but would expect to see copies of fire strategies if produced and fire risk assessments when appropriate so we can assess and give further feedback.

It should be ensured the following condition is attached also to support any special effects use at the two premises:

The following special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises.

- a. dry ice and cryogenic fog;
- b. smoke machines and fog generators;
- c. pyrotechnics including fireworks;
- d. firearms;
- e. lasers;
- f. explosives and highly flammable substances;
- g. real flame;
- h. strobe lighting.

In addition the following normal works condition should be attached to both applications and the following plans condition:

- Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority by way of variation.

THE MATTER MAY NEED TO BE ADJUDICATED AT A HEARING OF THE LICENSING SUB CTEE AND THE APPLICATION WILL BE DETERMINED ON ITS MERITS IN RELATION TO THE CITY COUNCIL'S LICENSING POLICY. IT WILL BE FOR THE APPLICANT TO SHOW HOW THE LICENSING OBJECTIVES WILL BE PROMOTED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Applicant's response to Licensing Authority's representation

From: [REDACTED]

To: Abbott, Karyn: WCC; Donovan, Jessica: WCC; Licensing: WCC

Subject: Odeon Luxe West End - Premises licence application

Date: 27 April 2020 11:58:45

Dear Karyn

I write with reference to your email of 15th April in connection with the application for a new premises licence for the proposed Odeon Luxe West End ("OWE"), 38A Leicester Square. I have now had the opportunity to discuss the contents with my client and I have set out the responses below.

Proposed hours

The applicant proposes a 24 hour offer at the cinema located in the heart of the West End. The cinema is located primarily in an underground site sharing the block with the adjacent new hotel. For the avoidance of doubt it is not intended that the cinema will operate to the maximum hours each day of the week. The applicant seeks maximum flexibility given the nature of the entertainment provided.

As will be appreciated, the times that films are presented will vary depending on the film which is being shown. However, the nature of film offers has significantly changed in a challenging business environment. By way of example, popular films that enjoy a substantial fan base are released "one minute past midnight" so that fans can enjoy their favourite movies as soon as possible on the day of release. A second example is that when a blockbuster is released eg James Bond, Star Wars etc, there is extremely high demand for tickets and as such cinemas will hold round the clock, consecutive screenings of the film.

Accordingly, applying for the core hours for licensable activities would not assist the applicant in being able to provide the full offer that it would like to be able to for guests. Whilst for the majority of the time films would not be shown on a "rolling" or "one minute after midnight" basis, there are many occasions during the year when such flexibility is required.

Plans

I have arranged for an amended plan to be produced with a clearer indication of the area shaded green on the ground floor of the premises which I will forward under separate cover for your assistance.

The ground floor will primarily be used for guests to be able to collect or purchase tickets prior to going into the lower floor where the screens will be situated. The remaining area on the ground floor is to be used as a meeting/conference space and may be hired out as such. Food or drinks which will be supplied will be part of a hire package arrangement and will fall under the reference in condition 19 c) to "persons for whom admittance payment has been made."

Condition 19

Condition 19 currently operates as a condition on the premises licence for Odeon Leicester Square which assists operationally to ensure members of the public cannot purchase alcohol without purchasing a ticket or without falling into one of the other categories included in the condition. Given that issues do not arise for the police or any other of the Authorities at that venue in part due to this condition, it was felt prudent to include the same as part of this application.

The inclusion of condition 19 (b) anticipates employees of Odeon attending the cinema who have the benefit of a concession directly from Odeon Cinemas Limited for them and their guest to enjoy a film without payment (albeit that they also fall within category 19 (a)). Staff must produce their valid film card for identification purposes and they will then be issued with a ticket. Tickets cannot be purchased in advance, they can only be obtained on the day of viewing. The tickets issued have a barcode for staff indication purpose which indicates the category of person attending ie an employee of Odeon or a guest of an employee. An employee is limited to inviting 12 guests over a three month period. Such concessions are not usually taken up in large numbers and mostly comprise couples or family members. The numbers involved make up a very small element of attendance and therefore do not impact the capacity at the venue to any great extent. The overall numbers permitted would obviously be determined by the capacity of the premises.

The condition also anticipates a situation where senior management may wish to provide corporate hospitality at the venue in the form of hosting a meeting or private screening to a handful of guests. This would happen on an extremely infrequent basis and identification of those attending would be required by Duty Management before attendance would be permitted. The inclusion of condition 19 (c) anticipates a situation where a couple attend the cinema together and one has bought the tickets and the other would like to buy a drink for them both ie admittance has been paid for on behalf of the latter by the former (the latter does not comply with condition a) because they have not purchased a ticket but they have had one purchased on their behalf.)

Please note Condition 19 has now been superseded by the agreed Condition 37.

Cumulative impact

The premises intend to operate as a cinema which is a form of entertainment recognised by Westminster City Council's ("WCC") Licensing Policy as a form of entertainment which is unlikely to adversely effect cumulative impact. According to Paragraph 2.5.36 " 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". This is reflected in this application by the withdrawal of the representation to the application by the police and based on the actual experience of the Odeon Cinema already located in Leicester Square and which is not a source of concern to the police or to any of the other responsible authorities.

A cinema used to be located on this site again which did not pose any difficulties for the Authorities. The capacity proposed for this site is 245 which is a significantly reduced capacity than the number permitted at the cinema previously located on this site which was 1332. In addition following the closure and extensive refurbishment of the OLS, those premises re-opened with a reduction in capacity of approximately 1000 due to the improved facilities available to guests.

Whilst it is recognised that the applicant seeks hours beyond those of core hours it is contended that the provision of a cinema is a form of entertainment which would not add to cumulative impact despite this and indeed the nature of the offer, as opposed to a public house or bar etc being located in the heart of Leicester Square is such that it is likely to promote the licensing objectives as recognised by WCC's licensing policy at Paragraph 2.5.36 "The situation of these types of uses in the Cumulative Impact Areas in place of pubs, bars and alcohol led music and dance venues will be likely to promote the licensing objectives." Such form of entertainment encourages families and all age groups into the heart of Leicester Square which, like theatres, assists with minimising the impact of alcohol led venues.

The premises are not alcohol led, the provision of alcohol is an ancillary service for guest of the cinema, in the same way that it is at the theatre. Only those who have purchased a ticket and

other limited categories of person may purchase alcohol. On average guests purchase one or two alcoholic drinks and substantial food is available at all times. The principal purpose for resorting to the premises is to watch a film and not to drink such as is the case for a destination venue like a pub. Disturbance due to guests being inebriated would not be tolerated by the applicant and staff are trained extensively to ensure such does not happen. Importantly too, other guests also would not tolerate such behaviour as it would disturb enjoyment of the film, so it is essential that the film experience is not interrupted and staff are accordingly extremely vigilant to maintain the applicant's reputation as a provider of top quality film entertainment.

Additionally, as noted earlier, a small area on the ground floor of the premises will be used for the collection and purchase of tickets and for conference/meeting facilities. The bar servery will be located in the lower levels of the building and will therefore not be visible to members of the public passing the premises which again distinguishes the premises from other venues. I trust that this has addressed the issues raised in your email but should you have any further queries please do not hesitate to contact me.

Kind regards
Suzanne Davies
Director
Clifton Davies Consultancy Limited

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Premises History

Appendix 3

There is no licence or appeal history for the premises.

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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions consistent with the operating schedule

10. 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 entire 31 day period.
11. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (X) persons.
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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
18. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association — Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
19. 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.
20. 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.

21. 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.
22. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
23. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
24. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
25. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
26. 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.
27. On the ground floor of the premises licensable activities in the area shaded green shall only be used for pre-booked functions.
28. Licensable activities permitted under this licence shall be ancillary to the main specified function of the premises as a cinema.
29. The primary use of the premises shall remain as a cinema otherwise the licence shall cease to have effect.
30. Substantial food and non-intoxicating beverages, including water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises when alcohol is available for sale.
31. There shall be no sales of food or hot drink for consumption off the premises after 22.00.
32. There shall be no off sales of alcohol.
33. No drinks shall be served in glass containers at any time. Notwithstanding this requirement, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.
34. The premises licence holder shall operate a radio scheme at the premises
35. No unaccompanied children under the age of 12 years to be admitted to film performances commencing after 20.00 hours
36. No unaccompanied children under the age of 15 years to be admitted to film performances commencing after 22.00 hours

Conditions proposed by the Licensing Authority and agreed with the applicant so as to form part of the operating schedule.

37. The sale of alcohol shall only be to:

- (a) Persons who have purchased or who have been given a ticket to view the showing of a screened event or performance at the premises on that day or who are attending a private, pre-booked event to which members of the public are not admitted. A register of persons attending a private, pre-booked event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
- (b) Employees & bona fide guests of Odeon Cinemas Limited.

Conditions proposed by the Licensing Authority

38. On not more than 12 occasions per year films may be exhibited between the hours of 03:00 and 09:00 hours. On those occasions at least ten working days notice shall be given to the City Council's Environmental Health Consultation Team and the Borough Police Licensing Unit.

Conditions proposed by the Police and agreed with the applicant so as to form part of the operating schedule

39. The SIA security requirement will be risk assessed and signed off by a senior member of the management on a weekly basis or as necessary. A written record will be kept and shall be provided to the Responsible Authorities upon request.

Conditions proposed by Environmental Health

None



Resident Count: 58

Licensed premises within 75 Metres of 38A Leicester Square, London, WC2H 7DX				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/08044/LIPN	Leicester Square Gardens	Leicester Square London WC2H 7LE	Theatre	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 23:00
19/07574/LIPDPS	Leicester Square Area	Leicester Square London WC2H 7LE	Park / Open Space	Monday to Sunday; 00:00 - 00:00
14/07329/LIPDPS	Salt N Pepper Grill	32 Orange Street London WC2H 7HQ	Restaurant	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00
19/04516/LIPDPS	Odeon Cinema	11-18 Panton Street London SW1Y 4DP	Cinema	Monday to Sunday; 09:00 - 08:00
19/16490/LIPDPS	Thistle Trafalgar Square, The Royal Trafalgar	Royal Trafalgar Thistle Hotel Whitcomb Street London WC2H 7HG	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/13424/LIPDPS	All Bar One	Concession Communications House 48 Leicester Square London WC2H 7LT	Wine bar	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
18/13972/LIPRW	TWG Tea	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank

				Holidays; 12:00 - 00:00
16/10259/LIPVM	McDonald's	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Monday to Sunday; 05:00 - 03:00
20/00932/LIPDPS	Busaba	32 - 34 Panton Street London SW1Y 4EA	Night clubs and discos	Friday to Saturday; 10:00 - 01:00 Sunday to Thursday; 10:00 - 00:30
18/09120/LIPDPS	Radisson Hampshire Hotel	31-36 Leicester Square London WC2H 7LH	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
18/09315/LIPN	Studio 88 (Shadow Licence)	Sub-Basement, Basement Part And Ground Floor Part Clareville House 47 Whitcomb Street London WC2H 7DH	Miscellaneous	Monday to Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00
19/16475/LIPCHT	The Piano Works - West End	Clareville House 47 Whitcomb Street London WC2H 7DH	Night clubs and discos	Monday to Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 02:30 Sunday; 12:00 - 00:00
15/05963/LIPDPS	8 Till Late	23 Whitcomb Street London WC2H 7HA	Shop	Monday to Friday; 07:00 - 23:00 Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:00