

FULL DECISION

Appendix 3
WCC LSC 4: 28.10.2020

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

Thursday, 28 October 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Kerry Simpkin
Committee Officers: Cameron MacLean
Presenting Officer: Michelle Steward

APPLICATION FOR A NEW PREMISES LICENCE – NOMAD HOTEL, 28 BOW STREET, LONDON WC2E 7AW [20/07606/LIPN]

FULL DECISION

Premises

NoMad Hotel, 28 Bow Street, London WC2E 7AW

Applicant

Bow Street Hotel Limited

Cumulative Impact Area?

West End

Ward

St James

Proposed Licensable Activities and Hours

Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Performance of Live Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Playing Recorded Music (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Exhibition of a Film (Indoors)

In all areas except the NoMad Lounge, also known as Common Decency; Ground Floor Side Hustle; and external terrace area.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Performance of Dance (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours

Friday & Saturday: 10:00 hours to 03:00 hours

Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
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Playing of Recorded Music (Indoors)

NoMad Lounge, also known as Common Decency.

Monday to Thursday: 10:00 hours to 02:00 hours
 Friday & Saturday: 10:00 hours to 03:00 hours
 Sunday: 10:00 hours to 02:00 hours

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Exhibition of a Film (Indoors)

NoMad Lounge, also known as Common Decency

Monday to Thursday: 10:00 hours to 02:00 hours
 Friday & Saturday: 10:00 hours to 03:00 hours
 Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Performance of Dance (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours
Friday & Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Performance of Live Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours
Friday & Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Playing of Recorded Music (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours
Friday & Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Anything of a similar description to Live Music, Recorded Music or Performance of Dance (Indoors)

Ground Floor Side Hustle

Monday to Thursday: 10:00 hours to 23:30 hours
Friday & Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Exhibition of a Film (Indoors)

Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours
Friday & Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Residents

Monday to Sunday: 23:00 hours to 05:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-Residents in Ground Floor Side Hustle

Monday to Thursday: 23:00 hours to 23:30 hours
Friday & Saturday: 23:00 hours to 01:00 hours
Sunday: Not Applicable

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 23:00 hours to 00:00 hours

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in ground floor event space.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in NoMad Restaurant and Fireplace Room

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in Ground Floor Library.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in Ground Floor Museum.

Monday to Sunday: 23:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Late Night Refreshment (Indoors and Outdoors)

Non-residents in Basement NoMad Lounge (also known as Common Decency)

Monday to Thursday: 23:00 hours to 02:00 hours
Friday & Saturday: 23:00 hours to 03:00 hours
Sunday: 23:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (On and Off Sales)

Residents

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

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Side Hustle.

Monday to Thursday: 10:00 hours to 23:30 hours
Friday and Saturday: 10:00 hours to 01:00 hours
Sunday: 10:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- Sunday before Bank Holidays 10:00 hours to 00:00 hours
- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Event Space.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in NoMad Restaurant and Fireplace Room

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Library.

Monday to Sunday: 08:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in External Terrace Area

Monday to Sunday: 10:00 hours to 21:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Ground Floor Museum.

Monday to Sunday: 10:00 hours to 01:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)
- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Sale by Retail of Alcohol (Indoors and Outdoors)

Non-residents in Basement NoMad Lounge (also known as Common Decency)

Monday to Thursday: 10:00 hours to 02:00 hours

Friday and Saturday: 10:00 hours to 03:00 hours

Sunday: 10:00 hours to 02:00 hours

Seasonal variations/non-standard timings –

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (Condition 52)

- On the morning that Greenwich Mean Time changes to British Summertime one hour will be added to the terminal hour (Condition 53)

Hours Premises Are Open to the Public

Monday to Sunday: 00:00 hours to 00:00 hours [the premises trades as a hotel]

Note: The below hours are for all licensable activities unless stated otherwise. However, Late Night Refreshment (LNR) commences at 23:00 hours where applicable.

Museum: Ground Floor

Non-residents (ticket holders)

10:00 hours to 17:00 hours

Non-residents (attending events)

10:00 hours to 22:00 hours

Non-residents (invited by Management – maximum of 10 persons)

10:00 hours to 01:00 hours

Residents and Their Bona Fides Guests

10:00 hours to 01:00 hours

Ground Floor Side Hustle

Non-residents

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours
(conditioned that, if the premises after midnight they must be seated having a table meal and alcohol ancillary to meal)
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Residents and Their Bona Fides Guests

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 01:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

NoMad Lounge (also known as Common Decency)

[Exterior door on corner closed at midnight]

Residents and Their Bona Fides Guests

Unrestricted

Non-residents

Monday to Sunday: 10:00 hours to 01:00 hours (no new entries after 00:00 hours)

Nomad Restaurant and Fireplace Room

Residents and Their Bona Fides Guests

Unrestricted

Owners of Hotel and Bona Fides Guests

10:00 hours to 01:00 hours

Non-residents

10:00 hours to 01:00 hours (after 8 PM must be dining (MC 66))

Non-residents

Bar area: seated or at a table served by waiter/waitress service and alcohol starts from 8 AM, not 10 AM, for non-residents, but between 8 AM and 10 AM alcohol is with a meal (conditioned)

Event Space

Non-Residents (in general)

(Conditioned that, if in the premises after midnight, they must be seated, having table meal and alcohol ancillary to meal): core hours

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Non-residents (attending events)

Monday to Sunday: 10:00 hours to 01:00 hours but for those hours passed core hours it will be for seated persons having table meal and alcohol ancillary to meal.

Residents and Their Bona Fides Guests

Unrestricted

Exterior Area

Alcohol: Monday to Sunday – 10:00 hours to 21:00 hours (seated)

Library

Residents and Their Bona Fides Guests

Unrestricted

Non-Residents (in general and conditioned to have a table meal after 8 pm)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20 to 30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Non-Residents (attending an event)

- Monday to Thursday: 10:00 hours to 23:30 hours
- Friday and Saturday: 10:00 hours to 00:00 hours
- Sunday: 10:00 hours to 20:30 hours
- Sunday before bank holidays: 10:00 hours to 00:00 hours

Alcohol starts from 8 AM, not 10 AM for non-residents, but between 8 AM and 10 AM alcohol is served with a meal (conditioned)

Off Sales: cease at 23:00 hours (conditioned – sealed containers).

Plus, New Year's Eve/British summertime non-standard timings.

Representations Received

- Environmental Health Service (David Nevitt)
- Licensing Authority (Angela Seaward)
- Covent Garden Community Association (David Kaner)
- Councillor Tim Mitchell
- Richard Brown (On behalf of a few residents living in Sheridan buildings and Beaumont Buildings and Martlett Court)
- Christopher Gardner

Summary of Objections

- Local residents noted the residential area with a community which has a sensitive demographic. Residents were concerned about the use of the hotel by non-residents and asked for these hours to be reduced. They were also concerned about dispersal and the impact this would have on local residents and that this would become a late-night destination venue.
- The three ward councillors expressed concerns with regards to the impact of public nuisance resulting from late night sale of alcohol, the servicing of the hotel and members of staff congregating outside of the hotel.

Summary of Application

The application was for a new premises licence for a hotel located within the Cumulative Impact Area. The hotel will provide 91 guestrooms and will house numerous associated facilities including restaurants, bar/lounge, café, private dining and meeting rooms and a small gym. The building comprises a full-service high-quality lifestyle hotel and a Police memorabilia museum.

SUBMISSIONS AND REASONS

Ms Michelle Steward, Senior Licensing Officer, stated this was an application by Bow Street Hotel Ltd ("the Applicant") for a new Premises licence for the NoMad Hotel, 28 Bow St, London WC2E 7AW.

Ms Steward summarised the application; listed the representations and objections received; informed the Sub Committee which parties making representations and/or objections were present; and noted that late submissions had been received and these were included in the Additional Information Pack sent to Members.

In addition, Ms Steward noted that the Applicant had submitted a revised list of proposed conditions which had been circulated to Members. In conclusion, Ms Steward stated that the Premises were in the West End Ward and within the West End Cumulative Impact Area (CIA).

Ms Lana Tricker, Solicitor (Lt Law), made the following submissions:

- (a) In 2016, the Applicant had acquired the site of the former Magistrates' Court and Police Station on Bow Street (a Grade 2 listed building). £140 million had been spent on developing the site into a 91-guestroom, luxury brand NoMad Hotel which would open in December of this year.

- (b) The existing Premises licences, a hotel licence, and a restaurant licence, were granted prior to the proposals for the current development and it was proposed to surrender the hotel licence. It was not within the Applicant's gift to surrender the restaurant licence. However, the revised proposals for the site made the restaurant licence inoperable.
- (c) The Applicant would not be relying on Covid-19 as an exceptional circumstance for the granting of the licence as the Applicant was seeking a permanent Premises licence. However, Covid-19 was having a significant impact on licensed Premises and was, therefore, a relevant consideration when considering licence applications within Cumulative Impact Areas (CIAs).
- (d) Regarding plans of the property, licensable activities authorised under the Premises licence would be ancillary to the operation of the Premises as a hotel, as stated in proposed Condition 10.

[At this stage in her presentation, Ms Tricker described the various plans attached at Appendix 2 of the report and the Revised Ground Floor Plan with Amended Smoking Areas on page 201 of the Additional Information Pack].

Outdoor Seating & Ground Floor Area

Outdoor Seating

- (e) Regarding the outdoor seating on Broad Court, which had been granted planning permission, it was proposed that this would be used between 8 AM and 9 PM by hotel guests only and that the tables and chairs would be removed by 9:30 PM each day. There was a proposed condition that service would be restricted to customers who were seated and would be by way of waiter/waitress service only.

Ground Floor Event Spaces

- (f) Regarding the event spaces on the ground floor, which had a 170-person capacity, these would be used primarily for pre-booked, sit-down dinners, but the Applicant also wished to be able to offer stand-up canapé events, as reflected in the proposed conditions.
- (g) It had been agreed with the Covent Garden Community Association (CGCA) not to use the door on the corner of Bow Street and Broad Court after 10 PM except in exceptional circumstances when entry would be supervised by SIA registered door supervisors, as set out in the proposed conditions.
- (h) Regarding use of the event spaces by Non-residents, it was proposed that this be restricted to Core Hours as set out in proposed Condition 59.

Library Space

- (i) This was a predominantly seated area and it was proposed that non-residents could use the area to have a meal and/or a drink. After 8 PM, non-residents would be required to have a table meal, as per Model Condition 66, and use of the Library by non-residents and for events would be restricted to Core Hours.

Police Museum

- (j) It had been a Planning requirement that there be a Police Museum, the entrance to which was from Martlett Court and which would be closed at 10 PM except in exceptional circumstances when a SIA registered door supervisor would be present. Any events in the Museum would end at 10 PM. Licensable activities

would include visitors to the Museum up until 5 PM; events in the Museum up to 10 PM; residents with up to 4 bona fide guests; and non-residents by invitation of the Hotel Management.

Ground Floor Side Hustle

- (k) The Ground Floor Side Hustle, the entrance to which was from Bow Street, would be food-led with a Mexico City theme. Seating, including barstools would be fixed and the capacity was for 75 persons. Licensable activities would be for Core Hours, Monday to Thursday; and to 1 AM on Fridays and Saturdays (with no entry/re-entry after midnight). Service would be either by way of waiter/waitress service or bar service.

Varying the opening hours for each space was to allow the gradual closure of each area within the Premises to assist in dispersal and to restrict the activities of non-residents.

[Ms Tricker then described the location of the reception and atrium area in relation to the event spaces].

Basement Area

Fireplace Room and NoMad Restaurant

- (l) This was a restaurant space where it was proposed that events could take place by way of Temporary Event Notices (TENs). As this was an atrium space, it had been acoustically treated to prevent any noise nuisance to residents. Licensable activities included table meals; pre-booked events until 8 PM; and use by residents and their guests until 1 AM. To address concerns by the Covent Garden Community Association (CGCA), Model Condition 66 had been reflected in proposed Condition 78.

[Ms Tricker then described the proposed operation of the holding bar].

NoMad Lounge

- (m) It was proposed that the NoMad Lounge would operate to 2 AM, seven days a week and a door supervisor would be present from 10 PM. Access to the lounge would be via the main hotel. The supply of alcohol would be by waiter/waitress service or bar service. There would be no vertical drinking in the seated areas of the lounge, with an exception for occasional stand-up, canapé events. The area would not be sublet, and the Hotel Events Team would manage events in this space. It had been agreed that the Bow Street entrance would only be used after 10 PM and not after midnight.

Conditions

- (n) It was noted that the proposed conditions had taken into consideration the Council's policies and concerns by residents. After agreement with Mr Kaner of the CGCA, it had been agreed that last entry to the NoMad Lounge would be in accordance with Core Hours, and not midnight.
- (o) Within the proposed conditions, there were a few exceptions to Council policy and the Sub Committee was requested to consider the proposed hours within the context of the operation of the Premises as a whole.
- (p) Each area would have a designated manager who would be trained on the relevant conditions to ensure compliance with the conditions.

- (q) A draft Dispersal Policy was included as part of the proposed operation of the Premises and reflected in the proposed conditions. The policy would be updated, in consultation with residents, as necessary.
- (r) The smoking areas were as far away as possible from residents and would be managed by hotel staff.
- (s) A Service and Waste Management Plan [Appendix 3 of the report] had been agreed and reflected in the proposed conditions.
- (t) The use of the Hotel's bars and restaurants by non-residents would be governed by proposed Condition 42: "The restaurants and bars shall not be used by non-residents of the hotel except between hours of 07:00 and 01:00 hours, unless a non-resident is a bona fide guest of a resident of the hotel".
- (u) The application included Regulated Entertainment throughout the Premises but would primarily be confined to the event spaces. As the hotel had been acoustically treated, such events would not disturb residents as there would be no sound from these events outside the building.
- (v) Proposed Condition 11 restricted the sale of alcohol between 08:00 hours and 10:00 hours, Monday to Sunday, to persons, other than hotel residents and up to 4 of their bona fide guests, who were seated and taking a table meal.
- (w) Off sales were in accordance with the Council's model conditions and incorporated into proposed Condition 32.
- (x) There was extensive exterior CCTV provision covering the Premises and, at the request of residents, lighting had been provided round the perimeter of the building.

Mr Stuart Adolph, the Senior Vice President of the Sydell Group on behalf of the Applicant, detailed the consultations that had taken place with residents' groups, including a well-attended public meeting to consider the revised Planning proposals in 2016/17. In addition, newsletters had been circulated to residents updating them on progress of the project, including the Premises licence application. Furthermore, consultation had taken place on public realm and highways matters in relation to Section 106 funding.

Ms Kate Hart, General Manager of the NoMad Hotel, stated that the Applicant was in the business of "selling sleep" with very expensive guestrooms at the front of the hotel. Therefore, it was in her interest to ensure that guests were quiet when they left the Premises. Consequently, she shared the concerns of residents about noise and possible disturbance.

Questions by Members

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

- (a) Regarding the dispersal of patrons from the NoMad Lounge late at night, it was noted that customers would include residents and non-residents and that there were strict conditions proposed for entry to, and exit from, the Premises by non-residents.
- (b) There would be a maître d' at the entrance to each area who would be responsible for finding a place for, and seating, customers. In so doing, they would determine which customers were hotel residents and which were not.

- (c) An example of an exceptional circumstance in which the Hotel may wish to use the entrance to the event spaces after 10 PM might be if there was a wedding party in “The Magistrates’ Court” and another smaller group in the Fielding Room, the smaller group might be asked to exit by this route rather than encroach upon the bar area in “The Magistrates’ Court”. However, it was anticipated that it would be unusual for more than one area to be booked for an event at any one time and, should that be the case, arrangements would be made in accordance with the dispersal policy to avoid the requirement to use the event spaces entrance after 10 PM.
- (d) Areas that non-residents could access after Core Hours included –
- The Museum, for guests of the Hotel Management until no later than 1 AM;
 - Ground Floor Side Hustle on Fridays and Saturdays where the sale of alcohol would be ancillary to a table meal after 10 PM;
 - The NoMad Lounge which would be open to non-residents until 1 AM [it was now proposed that, on Fridays and Saturdays, the NoMad Lounge close at 2 AM and not 3 AM];
 - The NoMad Restaurant and Fireplace Room until 1 AM subject to Model Condition 66 in which the sale of alcohol would be ancillary to a main meal from 8 PM.
- (e) The only smoking areas would be on Bow Street.

Mr Richard Brown, Citizens Advice, Licensing Advice Project, made the following submissions on behalf of a few residents living in Sheridan buildings and Beaumont Buildings and Martlett Court:

- (a) As a former Magistrates’ Court and Police Station located in a highly residential area, in its current incarnation the Premises was of a wholly different nature.
- (b) The map on Page 149 identified the residential areas within the vicinity of the NoMad Hotel. The diversity of the residential population, which included families, young persons, some very elderly persons and key workers, made this a community with a sensitive demographic.
- (c) As a hotel with ancillary facilities offering a diverse range of entertainment for residents, guests of residents and non-residents it was the use of the hotel by non-residents i.e., members of the public, that caused concern. Residents broadly concurred with the approach proposed by the Covent Garden Community Association (CGCA) which would be to restrict the time members of the public could use the Hotel’s facilities to that of core hours or, if dining, to 1 AM in accordance with the Council’s Model Licence Condition 66. In addition, bona fide guests of residents, of which there could be up to four guests per resident, should also be restricted to a 1 AM to avoid the potential for nuisance to residents when guests dispersed.
- (d) Regarding dispersal, residents wished to know how this would operate in practice and not add to the existing problems of taxis and chauffeurs using the residential areas when picking up and setting down at the Royal Opera House.

In response to Mr Brown’s submissions, Ms Tricker provided the following information.

- (a) The number of non-resident guests was in accordance with the Council's Model Condition 88 and, as had previously been mentioned, hotel staff would be aware of who were guests and who were residents.
- (b) The Applicant was aware of the residential nature of the area and had spent years consulting with residents on servicing, outside activities and Planning consents.
- (c) In accordance with the proposed dispersal policy, staff would be trained on managing the dispersal of guests. In addition, security staff would supervise guests leaving the Premises and, in so doing, directing persons towards transport on Bow Street and away from the Hotel and residential areas.
- (d) Several conditions had been proposed to prevent noise nuisance and the Hotel management were willing to liaise with residents and amend the dispersal policy as necessary, as well as arranging for quarterly meetings with residents to address any issues or complaints.

Mr Adolf confirmed that the Applicant also tried to engage with the local community wherever its hotels were located and Sydell London Ltd had been a Member of the CGCA since 2017. He stated that residents were regularly updated by way of newsletters and it was hoped that, when the Premises opened, the Operations Team would continue to be involved in the CGCA's activities.

Ms Angela Seaward, Senior Licensing Officer, made the following submissions on behalf of the Licensing Authority:

- (a) The Council's HOT1 policy stated that, when considering granting a hotel Premises licences "The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from street will be likely to raise similar concerns to pubs and bars". As the Premises were within a Cumulative Impact Area (CIA) it would be the Council's policy to refuse the application.
- (b) Council Policy PB2 stated that the grant of new licences for pubs and bars in the CIA should be limited to exceptional circumstances. Accordingly, the areas that fell to be considered within the policy were The Side Hustle Bar, NoMad Lounge, Museum, and exterior terrace. A relevant consideration for the Sub Committee was the proposed conditions governing those areas where the sale of alcohol would not be ancillary to a meal.

[It was confirmed that sale of alcohol to non-residents in The Side Hustle Bar was ancillary to a meal after Core Hours].

- (c) There were unpaid fees in respect of the existing restaurant licence. Therefore, the licence was currently suspended and could only be resurrected upon payment of the fees and upon approval to a variation of the licence in accordance with the new configuration of the Premises.

Mr David Nevitt, on behalf of Environmental Health Service, made the following submissions:

- (a) The key areas for consideration by the Sub Committee were –
 - The areas which were open to public use, including The Side Hustle Bar which could be accessed from Bow Street without having to go through the Hotel.

- Areas for pre-booked events such as wedding receptions, parties and functions permitted under a Temporary Event Notice (TEN) involving members of the public possibly leaving the Premises late at night.
 - Late-night dispersal and the effect of the pedestrianised areas around the hotel where there was no traffic noise to mask sounds in those areas.
 - Ancillary operational activities such as refuse disposal and deliveries.
- (b) In making its representations, the EHS proposed that it was appropriate for the Sub Committee to consider –
- The appropriateness of what the Applicant was applying for and the proposed conditions and hours; and
 - To ensure that all the concerns of residents had been addressed.

Mr David Kaner, on behalf of the Covent Garden Community Association ('CGCA'), made the following submissions:

- (a) Many residents had been frustrated by the fact that they only learned about the Premises licence application when they were notified by the CGCA.
- (b) There had been discussions with the Hotel management about the proposed conditions and agreement had been reached on many of the conditions.
- (c) The main concern for residents was the sale of alcohol after core hours to members of the public and guests of Hotel residents that was not ancillary to a meal. The areas where this could take place included the basement bar and the NoMad Lounge.
- (d) To address these concerns, it was proposed that the Sub Committee consider restricting access to the basement bar from Martlett Court, and the operation of the bar after core hours in relation to the sale of alcohol to members of the public and guests of residents and the opening hours.

In response, Ms Tricker confirmed that the basement bar would be open until 2 AM for bona fide guests of residents and that the use of the entrance/exit on Martlett Court would be supervised in accordance with the dispersal policy. Accordingly, the Applicant was confident that Hotel's operation would not add to the cumulative of impact in the area or cause disturbance to residents.

In response to Member's questions, Ms Tricker provided the following information –

- (a) The exceptional use of entrances and exits after 10 PM would be for emergency use only. Entry to the basement bar using the Martlett Court entrance would be until midnight, but there would be no exit using the Martlett Court entrance/exit after 10 PM. In addition, proposed Condition 41 stated: "any doors on Crown Court shall only be used as an emergency escape and staff and any patrons shall not be permitted to use them at any time except in the case of emergency".
- (b) Regarding staff breaks and smoking, this was covered by proposed Condition 23 which read: "Staff will not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court", and that there were disciplinary provisions in place should staff breach this condition.

Mr Christopher Gardner, a local resident, made the following points in his representations:

- (a) The Premises had never previously operated as licenced Premises. Therefore, the Sub Committee was being asked to rely upon assurances, predictions, and projections by the Applicant.
- (b) Should the Applicant's predictions and projections be incorrect, this could impinge significantly upon residents in this highly residential area. Accordingly, he would ask the Sub Committee to be cautious in its approach to the application regarding dispersal and the potential for noise nuisance.
- (c) If the Premises operated in a way that did not impinge upon residents, then it would be open to the Applicant to apply to vary the hours and conditions approved by the Sub Committee.
- (d) Residents were concerned that this might become a late-night destination for drinkers and as the Hotel's CCTV would not be monitored, it would only be in response to complaints by residents that steps might be taken by the Hotel management to address any public nuisance concerns.

In response, Ms Tricker noted that proposed Condition 25 detailed the implementation and operation of a dispersal and outdoor management policy and that would be kept under review. In addition, staff would be trained on the implementation and operation of the policy. Furthermore, any breach of the conditions could give rise to criminal liability and a review of the Premises licence. Given the very significant investment in this property, the Hotel management would ensure that staff complied with and enforced the Premises licence conditions.

Councillor Tim Mitchell, Ward Councillor for St James's Ward, stated he was representing the three local Ward Councillors in their support of the various representations made by residents. The residential areas affected by the application included the Martlett Court Estate (Fletcher Buildings, Beaumont Buildings and Sheridan Buildings), Crown Court and Broad Court which,

when taken together, comprised a densely residential part of Covent Garden largely hidden from visitors to the area.

The local Ward Councillor's concerns included –

- (a) The potential impact of public nuisance as a result of the of the sale of alcohol late at night from those parts of the Hotel which were open to members of the public and guests of residents;
- (b) The servicing of the Hotel; and
- (c) Members of staff congregating outside the Premises.

The existing Premises licence application was restricted to core hours. The present application went beyond core hours and, if granted, the licence would pass to any future owners of the Premises. Councillor Mitchell stated that the proposed conditions were welcomed, noting that the Hotel would make a positive contribution to the area.

In response, Ms Tricker confirmed that proposed Conditions 36 to 40 covered servicing of the Hotel, including waste management and deliveries.

[It was noted that the Service Delivery Plan, which was subject to Planning approval, was more restrictive than the proposed Premises licence conditions. The reason being

that the Service Delivery Plan could be amended without applying for a variation to the Premises licence but only to the extent of the hours permitted in the proposed licensing conditions. Both the Service Delivery Plan and the proposed conditions were acceptable to the CGCA].

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits. The Sub-Committee were mindful that this application for a premises licence for a hotel was located within the Cumulative Impact Area. The hotel will house numerous associated facilities including restaurants, bar/lounge, café, private dining and meeting rooms and a small gym. The building comprises a full-service high-quality lifestyle hotel and a Police memorabilia museum.

The Sub-Committee were grateful to all parties for their detailed representations. They were mindful that the premises have a number of residential premises around it, and the introduction of a hotel with associated facilities had given rise to concerns about the impact this may have on local residents. Whilst some residents appeared to not have been made aware of the application for the premises licence, the Sub Committee noted that the applicant had undertaken detailed consultation with residents' groups. The Sub Committee considered that this was a positive and proactive approach by the applicant and was evidenced by the detailed conditions suggested by the applicant, which not only sought to secure compliance with the Council's Policy, insofar as possible, but also had taken into account concerns by residents. One such example was the agreement made by the applicant with CGCA not to use door on corner of Bow Street and Broad Court after 10 pm. Similarly, the Sub Committee considered that the Dispersal policy and Service and Waste Management Plan provided by the applicant would promote the licensing objectives and protect the interests of local residents.

Furthermore, as noted during the course of the hearing, although there were a number of facilities proposed along with the hotel, the hotel was in the business of "selling sleep". Accordingly, it was in the interests of the hotel to maintain quiet. The Sub Committee considered that this, taken together with the detailed conditions and management plans put forward by the applicant, would ensure that the licensing objectives were promoted.

The Sub Committee were mindful that whilst most of the hours proposed were in accordance with the Council's core hours, there were some exceptions. In accordance with Policy HRS1, the Sub Committee had to consider applications outside core hours on their merits. In this instance, the Sub Committee concluded that the merits of this application were such that longer hours could be granted where applied for. In reaching this conclusion, the Sub Committee were mindful of the limitations placed on these uses – for example, noting that the sale of alcohol in the basement bar until 2am was limited to bona fide guests of the hotel and that this was still subject to the dispersal policy and agreement not to use entrances and exits aside from in exceptional circumstances, that there were strict conditions with regards to entering (last entry being in accordance with the core hours in any event) and exiting the NoMad Lounge and that outdoor seating was limited to use by hotel guests only.

With regards to the Council's hotel policy, Policy HOT1, the Sub Committee were mindful that it stated that, when considering granting a hotel Premises Licence "The extent and location of provision of bar facilities will be taken into account. Hotel bars

that are directly or easily reached from street will be likely to raise similar concerns to pubs and bars". Given the Sub Committee's conclusion that the licence would promote the licensing objectives with the conditions attached, the Sub Committee consider that Policy HOT1 is complied with.

The Sub Committee were mindful that the premises are located within a cumulative impact area. Although Policy CIP1(i) directs that applications in CIA's should be refused for, inter alia, premises offering facilities for music and dancing other than applications to vary hours, there can be exceptions from policy (there is no definition of what can constitute an exemption). For other applications, Policy CIP1(ii) directs that applications must demonstrate that they will not add to the cumulative impact. In this instance, the Sub Committee concluded that the application would not add to the cumulative impact given the strict and detailed conditions. Furthermore, the Sub-Committee were of the view that there were exceptional circumstances to depart from Policy CIP1(i) insofar as they concluded that these premises were in an iconic location with a unique offering.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

Ground Floor – Formal Event Space

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sunday immediately prior to a bank holiday 10:00 to 00:00 (condition 57(a)).
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 01:00 (condition 57(b) and (e))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 57(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment (indoors and outdoors)

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; (condition 57(a))
- Non-Residents (Private or pre-booked function): Monday to Sunday 23:00 to 01:00 (condition 57(b) and (e)).
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (condition 57(b) and (e))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Broad Court - Exterior Area

Sale of Alcohol (on and off):

Monday to Sunday: 10:00 to 21:00 (conditions 61 and 65)

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Ground Floor - Library

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sundays before bank holidays: 10:00 to 00:00 (condition 66(a) and (c)).
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 01:00 (condition 66(d) and (f))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 66(d))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Sale of Alcohol:

- Non-Residents (General) – Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday: 08:00 to 22:30; Sundays before bank holidays: 08:00 to 00:00 (condition 66(b) and (c))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 08:00 to 01:00 (condition 66(d) and (f))
- Residents and their bona fide guests: Monday to Sunday 08:00 to 01:00 (conditions 11, 66(b) and (c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment (indoors and outdoors)

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30, Friday and Saturday: 23:00 to 00:00; Sunday immediately before a bank holiday 23:00 to 00:00 (condition 66(a) and (c))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (condition 66(d) and (f))

- Residents and their bona fide guests: Monday to Sunday 23:00 to 01:00 (condition 66(e))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Ground Floor – Police Museum and Event Cells

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film, and The Sale of Alcohol (on and off the premises only):

- Non-Residents (ticket holders): Monday to Sunday 10:00 to 17:00 (condition 69(a))
- Non-Residents (Private or pre-booked function): Monday to Sunday 10:00 to 22:00 (condition 69(b) and (f))
- Non-Residents (invited by the owner or management of the hotel – maximum of 10): Monday to Sunday 10:00 to 01:00 (condition 69(c) and (e))
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 69(d))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52)

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment:

- Non-Residents – Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; Sundays before bank holidays 23:00 to 00:00 (condition 69(a)).
- Non-Residents (invited by the owner or management of the hotel – maximum of 10): Monday to Sunday 23:00 to 01:00 (condition 69(c) and (e)).
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (condition 69(d)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Ground Floor - Side Hustle

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film, and The Sale of Alcohol (on and off the premises only):

Non-Residents – Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays before bank holidays 10:00 to 00:00 (condition 76(a))

- Residents and their bona fide guests: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 01:00; Sunday 10:00 to 22:30; Sunday before bank

Holidays: 10:00 to 00:00 (condition 76(b))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53)

Late Night Refreshment:

- Non-Residents – Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00; Sundays before bank holidays 23:00 to 00:00 (condition 76(a)).
- Residents and their bona fide guests: Monday to Thursday: 10:00 to 23:30, Friday and Saturday: 23:00 to 01:00, Sunday immediately prior to a bank Holiday: 23:00 to 01:00 (condition 76(b)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Basement - NoMad Restaurant and Fireplace Room

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents (General): Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays immediately prior to a bank holiday 10:00 to 00:00 (condition 77(a))
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 10:00 to 01:00 (condition 77(c)):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (condition 77(d))
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (condition 77(e))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Sale of alcohol:

- Non-Residents (General): Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday midday to 22:30; Sundays immediately prior to a bank holidays midday to 00:00 (conditions 11, 77(b), 78 and 79)
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 10:00 to 01:00 (conditions 77(c), 78 and 79):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (conditions 77(d), 78 and 79)
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (conditions 77(e), 78 and 79)

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment (indoors and outdoors):

- Non-Residents (General): Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00 and Sundays immediately prior to a bank Holiday: 23:00 to 00:00 (conditions 77(a), 78 and 79)
- Non-Residents (invited by the owner or management of the hotel): Monday to Sunday 23:00 to 01:00 (conditions 77(c), 78 and 79):
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (conditions 77(d), 78 and 79)
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 01:00 (conditions 77(e), 78 and 79).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Basement - NoMad Lounge (also known as Common Decency)

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30; Sundays before bank holidays 10:00 to 00:00 (condition 83(a))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 10:00 to 01:00 (condition 83(b)).
- Residents and their bona fide guests – Monday to Sunday 10:00 to 01:00 (condition 83(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Late Night Refreshment: (indoors and outdoors)

- Non-Residents Monday to Thursday: 23:00 to 23:30; Friday to Saturday: 23:00 to 00:00 and Sundays immediately prior to a bank Holiday: 23:00 to 00:00 (condition 83(a))
- Non-Residents (Private or pre-booked functions): Monday to Sunday 23:00 to 01:00 (condition 83(b)).
- Residents and their bona fide guests Monday to Sunday: 23:00 to 01:00 (condition 83(c))

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52)

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

All Other Areas (excluding those listed above and Basement Floors 2 and 3)

Performance of Dance, Performance of Live Music, Playing of Recorded Music, Anything of A Similar Description to Live Music, Recorded Music or Performance of Dance, Exhibition of A Film and The Sale of Alcohol:

- Non-Residents: Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday 10:00 to 22:30 and Sundays immediately prior to a bank Holiday: 10:00 to 00:00 (condition 83(a)).
- Residents and their bona fide guests: Monday to Sunday 10:00 to 01:00 (condition 83(c))

From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Sale of alcohol:

- Non-Residents: Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday midday to 22:30 and Sundays immediately prior to a bank Holiday: midday to 00:00 (condition 83(b)).
- Residents and their bona fide guests: Monday to Sunday: 00:00 to 00:00 (condition 83(e)).

Late Night Refreshment (indoors and outdoors)

- Non-Residents: Monday to Thursday: 23:00 to 23:30, Friday and Saturday: 23:00 to 00:00; Sunday immediately before a bank holiday 23:00 to 00:00 (condition 83(a))
- Residents and their bona fide guests: Monday to Sunday: 23:00 to 05:00 (condition 83(c)).

From 23:00 on New Year's Eve to 05:00 on New Year's Day (condition 52).

The terminal hour will be extended by an additional hour when British summer time commences (condition 53).

Opening Hours

Monday to Sunday: 00:00 to 00:00

The Licence is subject to any relevant mandatory conditions

DECISION

Application **GRANTED** subject to the following additional conditions in addition to the Mandatory Conditions applicable to this type of application

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

Whole Premises

10. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

11. The Sale and supply of alcohol between the hours of 08:00 and 10:00 Monday to Sunday where permitted shall be limited to persons seated taking a table meal except for hotel residents and up to 4 of their bona fide guests.
12. There will be no self-service of alcohol except in the guest bedrooms.
13. No licensable activities shall be provided on levels B2 and B3.
14. There shall be waiter/waitress service available throughout the entire premises with the exception of hotel bedrooms.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
16. 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.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
22. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to designated smoking areas on the ground floor and supervised by staff after 22:00. All designated smoking areas shall be monitored by CCTV. Smokers shall be limited to 15 persons at any one time in each of the designated smoking areas.
23. Staff shall not be permitted to smoke in the immediate vicinity of the building nor to take their breaks on Broad Court, Martlett Court or Crown Court.
24. 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.
25. The licence holder shall implement a dispersal and outdoor management policy. This policy shall deal with, as a minimum, the entry and entrance of patrons and staff to the Hotel, the management of smoking areas and the duty of staff and security to ensure the prevention of public nuisance is being upheld. This policy shall be made available to local residents and responsible authorities upon request. All necessary staff, including security shall be trained on the contents and implementation of the dispersal policy and records of training shall be retained by the licence holder. The dispersal policy shall be reviewed regularly, at least annually, or whenever a complaint is received (whichever is the earlier) and thereafter amended if needed to respond to such complaint.
26. There shall be no payment made by or on behalf of the licence holder to any persons bringing customers to the premises directly off the street.
27. All windows and external doors in public areas shall be kept closed after (22:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
28. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
29. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
30. Other than in hotel bedrooms 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.
31. 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 the consumption on the premises.
32. There shall be no takeaway food or alcohol permitted after 23:00. Any off sales, with the exception of off sales in the exterior seating area shall be in sealed containers.

33. Prior to any event being taken at the premises a risk assessment for that event shall be undertaken which will address as a minimum entrance and dispersal of patrons, provision and service of alcohol and the monitoring of consumption of alcohol and whether the provision of SIA shall be required. This risk assessment shall be retained at the premises for a minimum of 31 days after the event takes place.
34. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
35. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
36. The servicing and waste management plan lodged with an approved by the planning department, and as agreed with local residents, shall be complied with.
37. No service deliveries to or collections from the premises shall take place between 20:00 hours and 07:00 hours on the following day.
38. No service deliveries are to be made to the premises other than to the service delivery point marked on plan.
39. All waste shall be stored internally prior to collection.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times and no collections shall take place prior to 10 a.m.
41. Any doors on Crown Court shall only be used as an emergency escape and staff and any patrons shall not be permitted to use them at any time, except in the case of emergency.
42. The restaurants and bars shall not be used by non-residents of the hotel except between the hours of 07:00 and 01:00, unless a non-resident is a bona fide guest of a resident of the hotel.
43. 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.
 - (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
44. 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.
 45. 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.
 46. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
 47. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
 48. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 49. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
 50. 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.
 51. 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.
 52. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
 53. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
 54. 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.
 55. The licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyors Association – technical

Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.

56. No licensable activities shall take place at the premises until premises licence 14/11325/LIPN (or such other number subsequently issued for the premises) has been surrendered.

Ground Floor Formal Event Space (as hatched on the plans)

57. The provision of licensable activities shall be restricted to:
- (a) Non-residents in which customers are shown to their table, there is waiter-waitress table service, using non disposable crockery, and where alcohol shall not be sold or supplied, otherwise than for consumption by person who are seated in the premises and bona fide taking substantial table meals there, and provided always the consumption of alcohol by such person is ancillary to taking such meals, Monday to Thursday 10:00 to 23:30, Friday and Saturday:10:00 to midnight, Sundays: Midday to 22:30 and Sundays immediately prior to Bank Holiday: Midday to Midnight other;.
 - (b) Non-Residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00 or
 - (c) Residents and up to 4 of their bona fide guests from 10:00 to 01:00 Monday to Sunday.
 - (d) In respect of (b) after 23:30 Monday to Thursday, midnight Friday to Saturday and Sundays immediately prior to a bank holiday, 22:30 Sunday licensable activities shall only be provided where there is waiter/waitress table service, using non disposable crockery, and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
 - (e) A register of all private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request.
58. The number of persons permitted in the Ground Floor Event Space excluding staff shall not exceed:
- DeVeil Dining Room - 16
 - Fielding Dining Room - 50
 - Magistrates Ballroom - 120
- at any one time (to be determined by Environmental Health Service).
59. The events entrance (on the corner of Bow Street and Broad Court) shall not be used after 22:00 and guests shall use the main Hotel entrance on Bow Street. If it is required to be used after 22:00 it shall be manned by SIA door supervisors who will use their best endeavours to ensure that customer leave via Bow Street and not via Broad Court in order to prevent a nuisance by way of noise.

Ground Floor Exterior Terrace Area on Broad Court

60. There shall be no Regulated Entertainment provided to the exterior terrace area
61. The exterior terrace area shall be rendered unusable after 21:00
62. All tables and chairs shall be removed from the outside area by 21.30 each day.
63. There shall be no loudspeakers permitted in the exterior terrace area
64. The number of persons permitted in the external terrace area excluding staff shall not exceed [30] persons (subject to the issue of a tables and chairs licence) at any one time.
65. The sale and supply of alcohol for consumption shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, to residents and their bona fide guests who shall be seated.

Ground Floor Library

66. The provision of licensable activities shall be restricted to:
 - (a) Non-residents (regulated entertainment and late-night refreshment) from Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday: 10:00 to 22:30; Sundays before bank holidays: 10:00 to 00:00
 - (b) Non-residents (sale of alcohol) Monday to Thursday: 08:00 to 23:30; Friday to Saturday: 08:00 to 00:00; Sunday: 08:00 to 22:30; Sundays before bank holidays: 08:00 to 00:00, subject to condition 11.
 - (c) In respect of (a) and (b) after 20:00 non-residents shall be limited to taking a table meal in which customers are shown to their table, there is waiter/waitress table service, using non disposable crockery and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals; or
 - (d) Non-residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00; or
 - (e) Residents and up to 4 of their bona fide guests, Monday to Sunday from 10:00 to 01:00.
 - (f) (f) A register of such events to be kept for 31 days and made available for inspection by the responsible authorities on request.
67. The supply of alcohol shall only be by waiter/waitress service or bar counter service and only to persons seated.
68. The number of persons permitted in the Ground Floor Library excluding staff shall not exceed [40] persons at any one time (to be determined by Environmental Health Service).

Police Museum and Event Cells

69. The provision of licensable activities shall be restricted to:

- (a) Non-residents for the museum, holding a valid ticket for the day and time of visit, between 10:00 to 17:00.
 - (b) Non-residents attending a private or pre-booked function and booked at least 24 hours in advance, Monday to Sunday 10:00 to 22:00
 - (c) Non-residents, who have been invited by hotel management who have dined on the same day at the Hotel Monday to Sunday 10:00 to 01:00.
 - (d) Residents and up to 4 of their bona fide guests; Monday to Sunday 10:00 to 01:00;
 - (e) The number of hotel management invited non-residents as referred to in (c) shall be limited to a maximum of 10 persons and their names shall be kept within a register for 31 days which will be made available for inspection upon the request of a responsible authority.
 - (f) A register of private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request
70. The number of persons permitted in the Police Museum and Event Cells excluding staff shall not exceed [60] persons at any one time (to be determined by Environmental Health Service).
71. When the Museum entrance on Martlett Court is required to be used after 22:00 in any event except in case of an emergency it will be manned by a minimum of 1 SIA door supervisor.

Ground Floor Side Hustle

72. The number of persons permitted in the Ground Floor Side Hustle excluding staff shall not exceed [75] persons at any one time.
73. There shall be a minimum of 44 seats provided at all times.
74. The supply of alcohol shall only be by waiter/waitress service or bar counter service.
75. No new entry/re-entry of patrons (excluding persons exiting to smoke) after 23:30 hours Fridays and Saturdays.
76. The provision of licensable activities shall be restricted to:
- (a) Non-residents; Monday to Thursday 10:00 to 23:30, Friday and Saturday from 10:00 to midnight, Sundays Midday to 22:30 and Sundays immediately prior to Bank Holiday: Midday to Midnight.;
 - (b) Residents and up to 4 of their bona fide guests: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 01:00; Sunday 10:00 to 22:30; Sunday immediately prior to a bank Holiday: 10:00 to 00:00

NoMad Restaurant and Fireplace Room

77. The provision of licensable activities shall be restricted to:
- (a) Non-residents (regulated entertainment and late-night refreshment): Monday to Thursday 10:00 to 23:30, Friday and Saturday: 10:00 to 00:00, Sunday: 10:00 to 22:30 and Sundays immediately prior to a bank Holiday: 10:00 to 00:00, subject to condition 78.

- (b) Non-residents (sale of alcohol) Monday to Thursday 08:00 to 23:30, Friday and Saturday: 08:00 to 00:00, Sunday: midday to 22:30 and Sundays immediately prior to a bank Holiday: midday to midnight, subject to condition 11 and 78.
 - (c) Non-residents invited by the hotel owner or management Monday to Sunday 10:00 to 01:00
 - (d) Non-Residents attending a private or pre-booked function organised and booked at least 24 hours in advance, Monday to Sunday 10:00 to 01:00.
 - (e) Residents and up to 4 of their bona fide guests; 10:00 to 01:00
 - (f) The number of hotel owner or management invited non-residents as referred to in (c) shall be limited to a maximum of 20 persons after 20:00 and their names shall be kept within a register for 31 days which will be made available for inspection upon the request of a responsible authority.
 - (g) A register of private or pre-booked functions and persons attending shall be kept for 31 days and made available for inspection by the responsible authorities on request.
78. After 20:00, the provision of licensable activities for non-residents, excluding those attending a private pre-booked function or are invited by the owner or management of the hotel shall be restricted to the operation of a restaurant:
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption
 - (v) which do not provide any takeaway service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
79. Subject to condition 77 and 78 the provision of licensable activities shall be restricted to:
- (a) Persons taking a seated table meal; or
 - (b) Persons waiting to be seated for their booking or for their party to assemble, and
 - (c) the supply and consumption of alcohol in the bar area (designated on the plan), shall be limited to waiter/waitress service to persons seated or at a table.

80. The number of persons permitted in the NoMad Restaurant and Fireplace Room excluding staff shall not exceed [350] persons at any one time.

Basement NoMad Lounge (also known as Common Decency)

81. Any patrons entering the Basement NoMad Lounge (also known as Common Decency) shall be greeted by a member of staff at a reception desk.

82. The supply of alcohol shall only be by waiter/waitress service or bar counter service.

83. The provision of licensable activities shall be restricted to:

(a) Non-residents: Monday to Thursday: 10:00 to 23:30; Friday to Saturday: 10:00 to 00:00; Sunday 10:00 to 22:30 and Sundays immediately prior to a bank holiday: 10:00 to 00:00.

(b) Non-residents attending a private or pre-booked function organised and booked at least 24 hours in advance: Monday to Sunday 10:00 to 01:00.

(c) Residents and up to 4 of their bona fide guests: Monday to Sunday 10:00 to 01:00.

(d) A register of private or pre-booked functions, as referred to in (b) shall be kept for 31 days and made available for inspection by the responsible authorities on request

84. With the exception of private or pre-booked functions, the retail sale of alcohol in the area hatched grey in the NoMad Lounge (also known as Common Decency) shall be to seated patrons.

85. The number of persons permitted in the basement NoMad Lounge (also known as Common Decency) excluding staff shall not exceed [150] persons at any one time.

86. The Basement NoMad Lounge (also known as Common Decency) shall not be sublet and will be operated by the premises licence holder.

87. When the entrance (on the corner of Bow Street and Martlett Court) is used after 22:00 it will be manned by a minimum of 1 SIA door supervisor.

88. The entrance (on the corner of Bow Street and Martlett Court) shall be used for entrance only after 22:00 and not used at all after midnight. After 22:00 all guests shall be asked to leave Common Decency via the main hotel entrance on Bow Street.

If problems are experienced, then an application for a review of the Premises licence can be made.

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

**The Licensing Sub-Committee
28 October 2020**