

Licensing Sub-Committee Report

Item No:

Date:

20 October 2022

Licensing Ref No:

22/07446/LIPV - Premises Licence Variation

Title of Report:

Marylebone Theatre Ground Floor 35 Park Road London

Report of:

Director of Public Protection and Licensing

Wards involved:

Regents Park

NW16XT

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman

Senior Licensing Officer

Contact details

Telephone: 0207 641 6500

Email: kjackaman@westminster.gov.uk

1. Application									
1-A Applicant and premi	Applicant and premises								
Application Type:	Variation of a Premises Licence, Licensing Act 2003								
Application received date:	5 August 2022								
Applicant:	The Anthroposophical Asso	ciation							
Premises:	Marylebone Theatre								
Premises address:	Ground Floor 35 Park Road	Ward:	Regents Park						
	London	Cumulative	None						
	NW1 6XT	Impact Area:							
		Special Consideration Zone:	None						
Premises description:	The building acts as the bas		ophical						
	Association of the United Ki								
	membership to use in suppo								
Variation description:	The application seeks to:		•						
·	 vary the premises lice exhibition of Films. to alter the hours for 								
	day at 12.00. 3. to update the plans of	of the premises, the	e total area						
	covered by the revised plan Premises Licence.		· ·						
	4. to remove all the existing conditions. However, in a to support the application, the applicant is also presenting new set of conditions to demonstrate their commitment to promoting the Licensing Objectives.								
	The building contains a 212 therapy centre and a number rooms and smaller event sp. There is a café bar on the g.	er of meeting rooms aces.	s, conference						
	be served. Alcohol may also be served in other parts of the building, when the activity taking place requires it. The meeting spaces are available for hire for meetings, conferences, educational seminars, rehearsal rooms and the								
	top floor room also acts as a								
Premises licence history:	The premises have had the benefit of a premises licence since at least 2005. The current premises licence reference is 20/07564/LIPCH, a copy of which is attached as Appendix 2 of this report.								
	Please see Appendix 4 of th	ne report for a full li	cence history						
Applicant submissions:	The building contains a 212 therapy centre and a number rooms and smaller event sp	er of meeting rooms							
	There is a cafe bar on the g	round floor from wh	nere alcohol will						

	be served. Access to the cafe is through the main entrance to the premises.
	The cafe bar will also be used to service customers attending the theatre and other events.
	Alcohol may also be served in other parts of the building, when the activity taking place requires it. For example, when a small conference is taking place in one of the conference rooms on the upper floors, a glass of wine may be served as part of that activity.
	The meeting spaces are available for hire for meetings, conferences, educational seminars, rehearsal rooms and the top floor room also acts as a dance studio.
	The premises is used to facilitate a number of different styles of entertainment, activities and school/ community projects. These
	include theatre productions, dance performances, spoken word, films and live music.
Applicant amendments:	None

Applicant amendments:			None									
1-B	Curre	Current and proposed licensable activities, areas and hours										
Regula	Regulated Entertainment											
Perform	Performance of a play											
i ciioii	1 chomicino of a play											
	Current Proposed Licensable Area											
			urs	_	urs			-				
		Start:	End:	Start:	End:	Curre		Proposed:				
Monda		09:00	00:00	12:00	00:00		ent to first	Basement to third floor				
Tuesda	•	09:00	00:00	12:00	00:00	floor						
Wedne		09:00	00:00	12:00	00:00							
Thurso	lay	09:00	00:00	12:00	00:00							
Friday		09:00	00:00	12:00	00:00							
Saturd	-	09:00	00:00	12:00	00:00							
Sunday	y	14:00	00:00	12:00	00:00							
Seasor		Curr	ent:				Proposed:					
Variation		None	Э				No change					
	andard											
timings												
Exhibit	ion of f	films										
		Cur	rent	Prop	osed	Licens	sable Area					
			urs	-	urs		Alou					
		Start:	End:	Start:	End:	Curre	nt:	Proposed:				
Monda	У	N/A		12:00	23:30	Basen	nent to first	Basement to third floor				
Tuesda				12:00	23:30	floor						
Wedne				12:00	23:30							
Thurso				12:00	23:30	1						
Friday				12:00	23:30	1						
Saturd	ay			12:00	23:30	1						
Sunday				12:00	23:30	1						
Seasor		Curr	ent:			•	Proposed:					
Variation	ons/	None	9				No change					
Non-st	andard											
timings	S:											

Live music										
		Current Hours		Proposed Hours		Licensable Area				
	Start:	End:	Start:	End:	Currei	nt:	Proposed:			
Monday	09:00	00:00	No char	nge	Basem	ent to first	Basement to third floor			
Tuesday	09:00	00:00			floor					
Wednesday	09:00	00:00								
Thursday	09:00	00:00								
Friday	09:00	00:00								
Saturday	09:00	00:00								
Sunday	N	/A								
Seasonal	Curr	ent:				Proposed:				
variations/	None	Э	•	•		No change				
Non-standard										
timings:										

Recorded music									
		rent	-	Proposed		Licensable Area			
	Но	urs	Ho	urs					
	Start:	End:	Start:	End:	Curre	nt:	Proposed:		
Monday	09:00	00:00	No char	nge	Basen	nent to first	Basement to third floor		
Tuesday	09:00	00:00			floor				
Wednesday	09:00	00:00							
Thursday	09:00	00:00							
Friday	09:00	00:00							
Saturday	09:00	00:00							
Sunday	N.	/A							
Seasonal	Curr	ent:				Proposed:			
variations/	None	Э				No change			
Non-standard									
timings:									

Performance of dance										
		Current Hours		Proposed Hours		Licensable Area				
	Start:	End:	Start:	End:	Curre	nt:	Proposed:			
Monday	09:00	00:00	No cha	nge	Basen	nent to first	Basement to third floor			
Tuesday	09:00	00:00			floor					
Wednesday	09:00	00:00								
Thursday	09:00	00:00								
Friday	09:00	00:00								
Saturday	09:00	00:00								
Sunday	N.	/A								
Seasonal	Curr	ent:				Proposed:				
variations/	None	е				No change				
Non-standard timings:										

Anything of a similar description to live music, recorded music or performance of dance										
	Cur	rent	-	Proposed		Licensable Area				
	Но	urs	Ho	urs						
	Start:	End:	Start:	End:	Curre	nt:	Proposed:			
Monday	09:00	00:00	No char	nge	Basem	ent to first	Basement to third floor			
Tuesday	09:00	00:00			floor					
Wednesday	09:00	00:00								
Thursday	09:00	00:00								
Friday	09:00	00:00								
Saturday	09:00	00:00								
Sunday	N.	/A								
Seasonal	Curr	ent:				Proposed:				
variations/	None	Э	•	•		No change				
Non-standard										
timings:										

Sale by Retail of Alcohol								
On or off sale:	S		Curren	t :		Pro	posed:	
			N/A			On	only	
	Cur	rent	Prop	osed	Licens	sable Area		
	Но	urs	Но	urs				
	Start:	End:	Start:	End:	Currer	nt:	Proposed:	
Monday	N.	/A	11:30	23:00	Basem	ent to first	Basement to third floor	
Tuesday			11:30	23:00	floor			
Wednesday			11:30	23:00				
Thursday			11:30	23:00				
Friday			11:30	23:00				
Saturday			11:30	23:00				
Sunday			11:30	23:00				
Seasonal	Curr	ent:				Proposed		
variations/	N/A					None		
Non-standard timings:								

Hours premises are open to the public									
		Current Hours		Proposed Hours		Premises Area			
	Start:	End:	Start:	End:	Curre	nt:	Proposed:		
Monday	09:00	00:00	No char	nge	Basen	nent to first	Basement to third floor		
Tuesday	09:00	00:00		-	floor				
Wednesday	09:00	00:00							
Thursday	09:00	00:00							
Friday	09:00	00:00							
Saturday	09:00	00:00							
Sunday	09:00	00:00							
Seasonal	Curr	ent:				Proposed:			
variations/	N/A					None			
Non-standard timings:									

1-C Layout alteration

The applicant has submitted updated layout plans and is seeking to add the second and third floor to the licensable area.

A copy of the updated plans appear at appendix 1.

1-D Conditions being varied, added or removed

The applicant is proposing to remove all existing conditions and replace with an update operating schedule as set out in appendix 4

Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representa	Representations						
2-A	Responsible Authorities							
Respoi Author		Environmental Health						
Representative:		Maxwell Koduah						
Received:		23 August 2022						

I refer to the variation application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

The applicant is seeking the following variations:

- 1. Extend the hours for the performance of a play indoors Monday to Sunday 12:00 00:00 hours (midnight)
- 2. To include the exhibition of films indoors Monday to Sunday 12:00 23:30 hours
- 3. To include the supply of alcohol for consumption on the premises Monday to Sunday 11:30 23:00 hours
- 4. Update the plans of the premises

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representation:

- 1. The hours requested to perform a play may have the likely effect of causing an increase in Public Nuisance Safety within the area
- 2. The hours requested to exhibit films may have the likely effect of causing an increase in Public Nuisance Safety within the area
- 3. The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant proposes to increase capacity at the premises from 264 (existing condition 5) to 320 (additional 56 persons). No justification or information was provided within the

application to support the proposed increase.

It is also noted that there is a proposal to update the plans of the premises with no information. The proposed capacity increase and plans update will form part of further discussion to be had on the premises during a visit to the premises.

The application refers to a smoking area that is to be provided with prominent signage. The designated smoking area has not been crossed referenced on the accompanying plans. This shall be discussed further.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Conditions to form part of the operating schedule have been proposed below to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions for further discussion during an agreed site visit.

The conditions that have now been agreed appear at appendix 4

2-B Other Per	-B Other Persons								
Name:									
Address and/or Res	sidents Association:								
Received:	12 August 2022								
about the noise disru where the music is ve	ptions to our neighbour	nsion of the run of the theatre. I am concerned hood. There are already some events on Sundaysing the day this is acceptable. However this is not							
Name:									
Address and/or Res	sidents Association:								
Received:	25 August 2022 (withdrawn 13 September 2022)								

Within the supporting documents article 20 under 'the Prevention of Public Nuisance' states that 'No noise generated by the premises... Shall emanate from the premises no vibration be transmitted through the structure' - this is most definitely not the case. Situated directly behind the property, our bedroom and washroom run against the back wall of this address. Performances in the auditorium are clearly audible within our property (particularly the bedroom/washroom) bass vibration from audio equipment is particularly disruptive especially during later hours, disrupting sleep and during day times whilst working from home.

We have on occasion had to visit the venue to ask them to turn music down after midnight, and when unable to get contact with anyone at the venue revisited the following day to speak with management. Any license variation which extends the period or potential for noise disruption is not supported.

Following clarification of the application the interested party withdrew their representation on 13 September 2022.

Name:		Mr Pasquale Marioni	
Address and/or Residents Association:		180 Gloucester Place First floor flat London NW16DS	
Received:	30 August 2022		

Playing music of any kind until 12.00 is absolutely out of the question.

Bedrooms back on to the building and currently are hugely disturbed when music is being played, normally weekends afternoon and evening. To extend the hours that music is being played is absolutely to be rejected.

Tenants need to get up and go to work and being hugely disturbed by music until midnight is bordering on the criminal. Under no circumstances should the playing of music go on beyond 21.00

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
- 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
- 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
- 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
- 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- 5. The proposed hours when any music, including incidental music, will be played.
- 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
- 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- 9. The capacity of the premises.
- 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and

sporting venues due to the nature of the operation.

- 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

Policy CCSOS1(A) applies

- A. Applications outside the End Cumulative Zones will generally be granted subject to:
- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
- 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space.
- 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area.
- 6. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.
- C. For the purposes of this policy the primary function of a cinema, cultural venue and live sporting premises is defined as:
- 1. Cinema For the exhibition of feature or shorts films to an audience.
- 2. Cultural Venues
- a. Theatres: for the performance of plays, dramatic or other entertainment performances to an audience.
- b. Performance Venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.
- c. Cultural Uses: for the exhibition of art (e.g. galleries), a museum, or historical building/site that is open for visitors to visit on payment.
- 3. Live sporting premises: the premises or the use to which the licence is intended for a. Live sporting events in the form of boxing and wrestling which takes place either inside or outside in the presence of an audience. b. Live sporting events that are licensable as they are being held within a building where the sport and audience are accommodated wholly or partly inside that building.

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	Appendi	Appendices		
Append	ix 1	Premises plans		
Append	ix 2	Applicant supporting documents		
Append	ix 3	Premises history		
Append	ix 4	Proposed conditions		
Append	ix 5	Residential map and list of premises in the vicinity		

Report author:	Kevin Jackaman
	Senior Licensing Officer
Contact:	Telephone: 0207 641 6500
	Email: kjackaman@westminster.gov.uk
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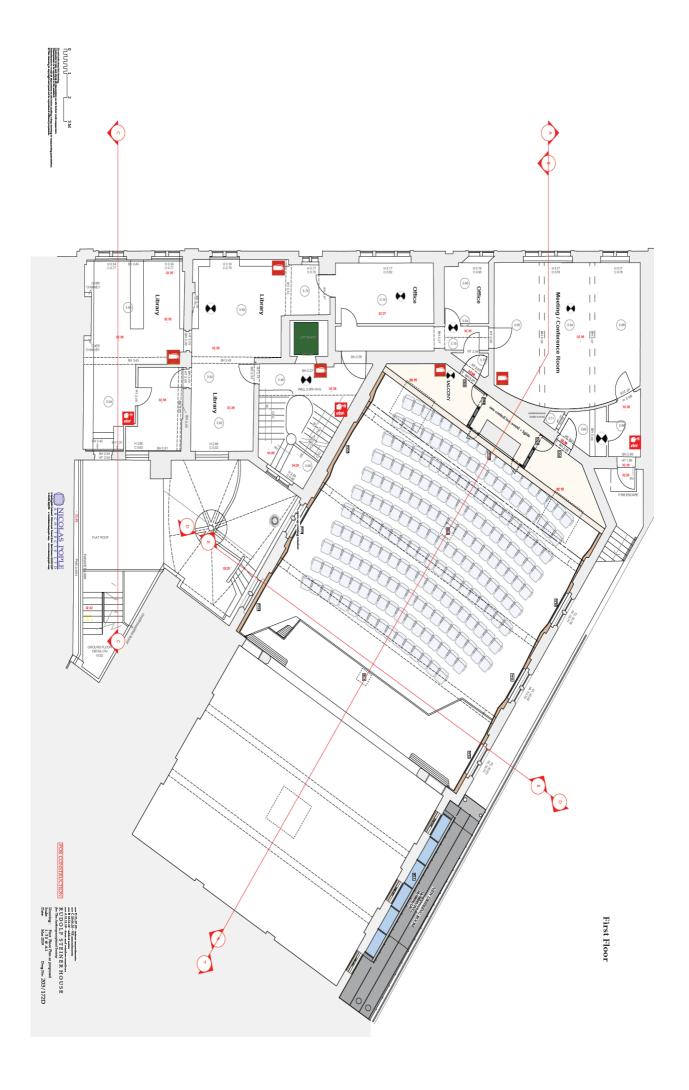
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

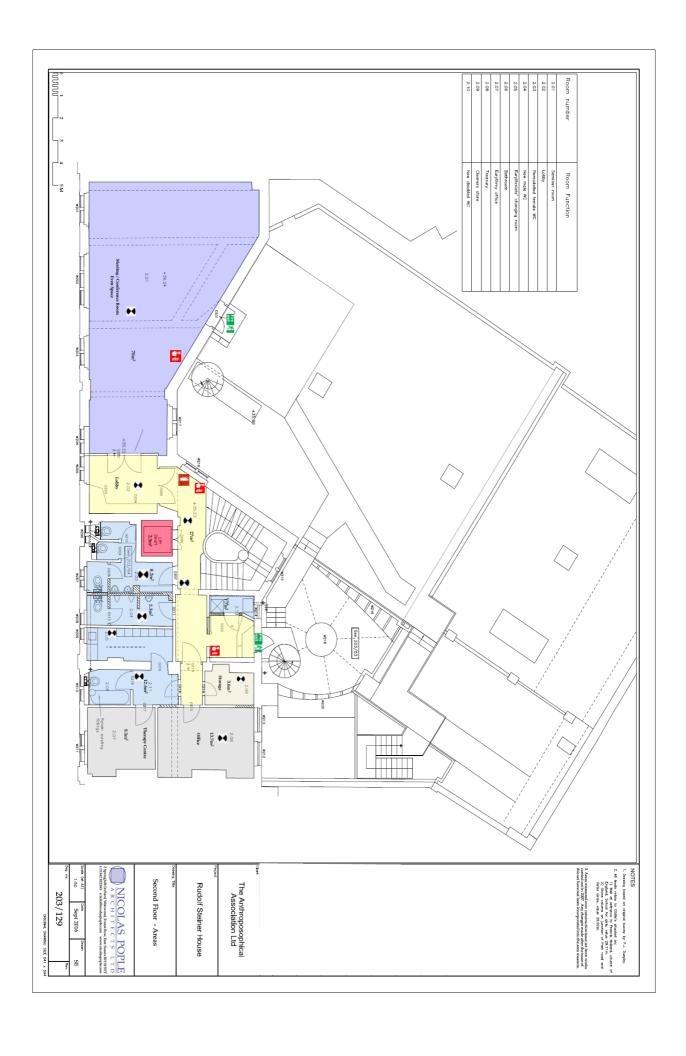
Background Documents – Local Government (Access to Information) Act 1972				
1	Licensing Act 2003	N/A		
_				
2	City of Westminster Statement of Licensing Policy	October 2021		
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018		
4	Environmental Health representation	23 August 2022		
5	Interested party representation (1)	12 August 2022		
6	Interested Party representation (2)	25 August 2022 (withdrawn 13 September 2022)		
7	Interested party representation (3)	30 August 2022		

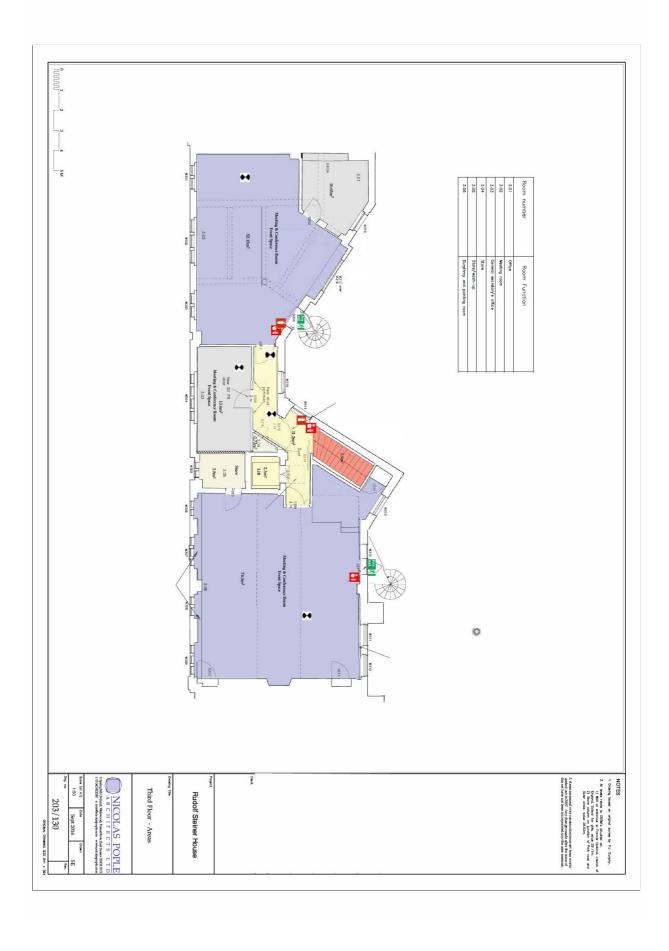
Premises Plans Appendix 1













Schedule 12 Part A

WARD: Bryanston And **Dorset Square** UPRN: 999000089909

Premises licence

Regulation 33, 34

Premises licence number:

07/01394/WCCMAP

Part 1 - Premises details

Postal address of premises:

Rudolf Steiner Bookshop Ground Floor 35 Park Road London NW16XT

Telephone Number: 0207 723 4400

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- Performance of a Play
- Performance of Live Music
- Playing of Recorded Music
- Performance of Dance
- Anything of a similar description to Live Music, Recorded Music or Performance of Dance
- Provision of facilities for Dancing
- Provision of facilities for making Music
- Provision of facilities for entertainment of a similar description to making music or dancing

The times the licence authorises the carrying out of licensable activities:

Regulated Entertainment:

- Performance of a Play: Monday to Saturday 09:00 to 00:00
- Performance of a Play: Sunday 14:00 to 00:00
- Performance of Live Music: Monday to Saturday 09:00 to 00:00
- Playing of Recorded Music: Monday to Saturday 09:00 to 00:00 Performance of Dance: Monday to Saturday 09:00 to 00:00
- Anything of a similar description to Live Music, Recorded Music or Performance of Dance: Monday to Saturday 09:00 to 00:00
- Provision of facilities for Dancing: Monday to Saturday 09:00 to 00:00
- Provision of facilities for making Music: Monday to Saturday 09:00 to 00:00
- Provision of facilities for entertainment of a similar description to making music or dancing: Monday to Saturday 09:00 to 00:00

The opening hours of the premises:

Monday to Sunday - 09:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Ms Gillian Brand The Mount Fairclough Lane WADHURST Sussex TN5 6PT

Registered number of holder, for example company number, charity number (where applicable)

209494

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name:

T.A.J. Goodfellow

Address:

Rudolf Steiner House, 35 Park Road, London, NW1 6XT

Phone:

0207 723 4400

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number:

Not Supplied Licensing Authority: Not Supplied

Date:

Signed:

Director of Legal & Administrative Services

Annex 1 - Mandatory conditions

None

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to regulated entertainment

- This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm to midnight on every day of the week

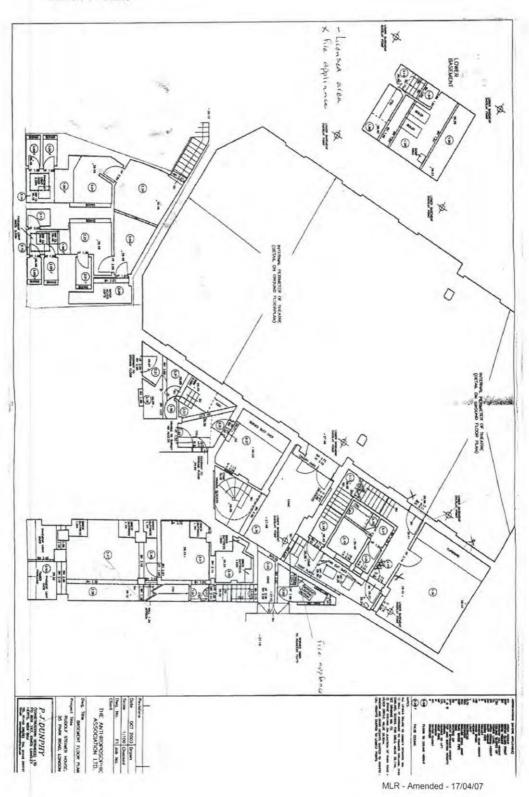
Plays:

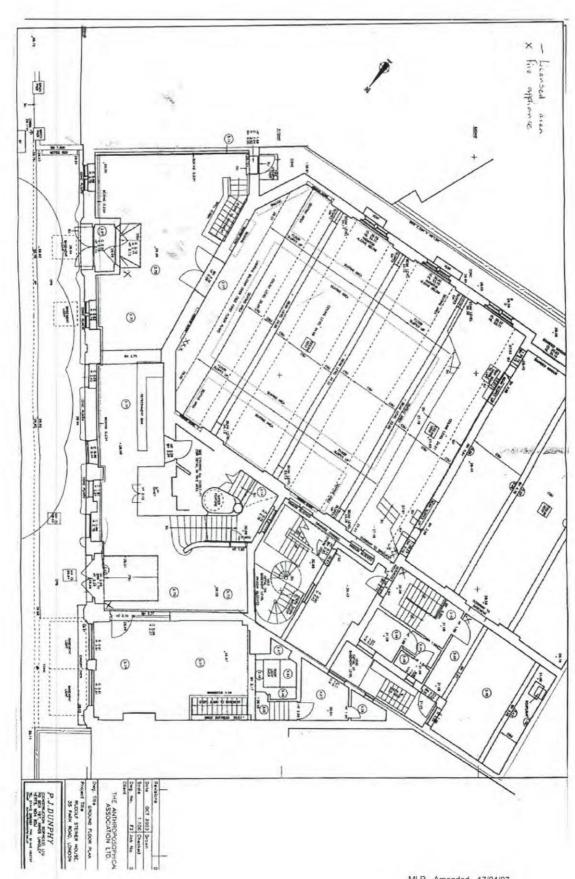
- The public shall not be admitted to the gallery.
- 4. Any scenery to be kept or used on the premises shall be constructed from such materials as the Council accepts for use on open stages except that not more than 1,500 sq. ft. (138 square metres) of non durable flame-proofed scenery may be used on the stage only.
- The number of persons accommodated at any one time (excluding staff) shall not exceed 264..
- Except with the consent of the Council in writing and subject to any conditions which
 may be attached to any such consent, explosive or highly flammable substances shall
 not be brought on to or used at the premises.
- 8. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.

Annex 2 – Conditions consistent with the operating Schedule
None
MLR - Amended - 22/04/07

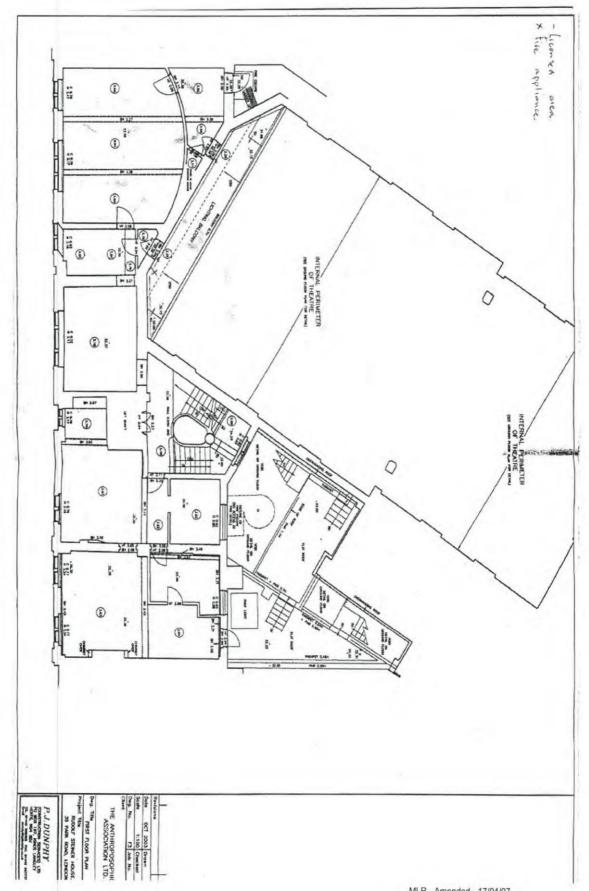
Annex 3 – Conditions attached after a hearing by the licensing authority None
MLR - Amended - 22/04/07

Annex 4 - Plans





MLR - Amended - 17/04/07





Schedule 12 Part B

Premises licence summary

WARD: Bryanston And Dorset Square UPRN: 999000089909

Regulation 33, 34

Premises	licence	num	her:

07/01394/WCCMAP

Part 1 - Premises details

Postal address of premises:

Rudolf Steiner Bookshop Ground Floor 35 Park Road London NW1 6XT

Telephone Number: 0207 723 4400

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Regulated Entertainment:

- Performance of a Play
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- Anything of a similar description to Live Music, Recorded Music or Performance of Dance
- Provision of facilities for Dancing
- Provision of facilities for making Music
- Provision of facilities for entertainment of a similar description to making music or dancing

The times the licence authorises the carrying out of licensable activities:

Regulated Entertainment:

- Performance of a Play: Monday to Saturday 09:00 to 00:00
- Performance of a Play: Sunday 14:00 to 00:00
- Performance of Live Music: Monday to Saturday 09:00 to 00:00
- Playing of Recorded Music: Monday to Saturday 09:00 to 00:00
- Performance of Dance: Monday to Saturday 09:00 to 00:00
- Anything of a similar description to Live Music, Recorded Music or Performance of Dance: Monday to Saturday 09:00 to 00:00
- Provision of facilities for Dancing: Monday to Saturday 09:00 to 00:00
- Provision of facilities for making Music: Monday to Saturday 09:00 to 00:00
- Provision of facilities for entertainment of a similar description to making music or dancing: Monday to Saturday 09:00 to 00:00

The opening hours of the premises: Monday to Sunday - 09:00 to 00:00 Where the licence authorises supplies of alcohol, whether these are on and/or off supplies: N/A Name and (registered) address of holder of premises licence: Ms Gillian Brand The Mount Fairclough Lane WADHURST Sussex TN5 6PT Registered number of holder, for example company number, charity number (where applicable) 209494 Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: T.A.J. Goodfellow Name: State whether access to the premises by children is restricted or prohibited: Restricted Date:

Director of Legal & Administrative Services

Signed:

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02840/LIPC	Conversion	12.06.2005	Granted under delegated authority
07/01394/WCCMAP	Master licence	12.06.2005	Granted under delegated authority

There is no appeal history

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

- 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;
 - 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+(DxV)

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 film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

- 11. Appropriate induction training shall be undertaken with all relevant staff who do not hold a Personal Licence to cover appropriate subjects for their role including:
 - a. The responsible sale of alcohol.
 - b. The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
 - c. The responsibility to refuse the sale of alcohol to any person who is drunk.
 - d. Fire safety & emergency evacuation procedures

All training shall be recorded and training records made available on request to an authorised officer of the Licensing Authority or the Police.

- 12. Recording Practices An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning any of the Licensing Objectives
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment.
- 13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 14. 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.
- 15. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs shall be adopted and enforced.
- 16. The Premises Licence holder shall risk assess any event taking place at the premises which involves Licensable Activities, to identify the requirements for door supervisors:
 - Where a requirement for door supervisor is identified a minimum of one SIA Registered Door Supervisor per 100 customers or part thereof shall be employed.
 - b. Where a requirement for door supervisor is identified, a register of door supervisors employed shall be maintained. This register shall record their name, SIA Door Supervisor Licence number, contact details and be signed by the Door Supervisor as well as an authorised member of the premises management team.
- 17. Fire Safety -A fire risk assessment shall be conducted and regularly reviewed. In- line with the Fire Risk Assessment:

- a. An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.
- b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
- c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
- d. All emergency exits are marked on the premises plan.
- 18. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 320 persons.
- 19. Adequate & suitable first aid boxes shall be maintained and signage to identify their location and the location of first aiders shall be displayed.
- 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.
- 14. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 15. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 16. 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.
- 17. No commercial waste shall be left on the street, all waste shall be stored in the commercial bins provided, prior to collection
- 18. Glass set aside for recycling shall not be emptied from one receptacle into another in any external area of the premises between the hours of 22.00 and 09.00 on any day
- 19. The area immediately outside the premises shall be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared
- 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. Telephone contact details for the premises shall be made publicly available on the company's website and made readily available marketing materials. Telephone contact details for the premises shall be provided to residents and the Responsible Authorities on request.

- 22. No amplification system or speakers shall be used in the external areas of the premises.
- 23. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by suitably trained member of staff, so as to ensure that there is no public nuisance or obstruction to the public highway.
- 24. Smoking Area An ashtray shall be affixed to the wall outside and staff shall be trained to clear any litter generated by smokers on a regular basis.
- 25. 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.
- 26. Alcoholic drinks shall not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.
- 27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 28. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and / or an authorised officer of Westminster City Council.
- 29. 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.
- 30. 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.

Conditions proposed by Environmental Health and agreed by the applicant so as to form part of the operating schedule

- 31. All external doors and those windows in rooms where any regulated entertainment or amplified music is taking place, shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
- 32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
- 33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 06.30 hours on the following day
- 34. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22.00 and 07.00 hours on the following day
- 35. No deliveries to the premises shall take place between 22.00 and 08.00 hours on the following day
- 36. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
- 37. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building

- 38. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
- 39. 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.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

35 Park Road, London

Regent s) Park

Regent s

Resident count: 212

Ward Boundaries

Licensed premises within 75m of 35 Park Road, London, NW1					
Licence Number	Trading Name	Address	Premises Type	Time Period	
07/00863/WCCMAP	Mumtaz Restaurant	Ground Floor 4-10 Park Road London NW1 4SH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30	
21/13071/LIPDPS	Co-operative Food	18-22 Park Road London NW1 4SH	Food store (large)	Monday to Sunday; 07:00 - 23:00	