



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

27 April 2023

Licensing Ref No:

23/00731/LIPN - New Premises Licence

Title of Report:

The Piano Works - West End  
Sub-Basement, Basement Part And Ground Floor Part  
Clareville House  
47 Whitcomb Street  
London  
WC2H 7DH

Report of:

Director of Public Protection and Licensing

Wards involved:

St James's

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Jessica Donovan  
Senior Licensing Officer

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 February 2023		
<b>Applicant:</b>	TDC Ents Limited		
<b>Premises:</b>	The Piano Works - West End		
<b>Premises address:</b>	Sub-Basement, Basement Part And Ground Floor Part Clareville House 47 Whitcomb Street London WC2H 7DH	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises operates as a live music venue with a restaurant and bar.		
<b>Premises licence history:</b>	<p>The premises has had the benefit of a premises licence since 2014. The current premises licence (22/11676/LIPDPS) can be viewed at <b>Appendix 3</b> of this report along with the history at <b>Appendix 4</b>.</p> <p>This application replicates the same hours, licensable activities and conditions as 22/11676/LIPDPS save that the existing capacity of 400 persons is increased to 700 in the sub-basement. On the grant of this new licence in the terms applied for the existing licence will be surrendered.</p>		
<b>Applicant submissions:</b>	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> <li>• Applicant's written submissions</li> <li>• Presentation</li> <li>• Appendices</li> <li>• Support Letter from Kate Nicholls OBE of UK Hospitality</li> <li>• Support Letter from Sue Uings</li> <li>• Safe Occupancy Assessment</li> </ul> <p>A copy of the documents can be found at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Films:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>				<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>			

<b>Live Music:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

<b>Performance of dance:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

<b>Anything of a similar description to that falling within live music, recorded music and performance of dance:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	02:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	12:00
<b>End:</b>	01:30	01:30	02:30	03:30	03:30	03:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</p> <p>For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Angela Seaward
<b>Received:</b>	01 March 2023
<p>I write in relation to the application submitted for a new premises licence for The Piano Works - West End - Clareville House, 47 Whitcomb Street, London, WC2H 7DH.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul> <p>The Licensing Authority notes that the premises already benefits from premises licence 22/11676/LIPDPS and that the above application is made on the same terms and by the same licence holder, however there is an increase to the overall capacity from 400 to 700 excluding staff and performers. The applicant has chosen to apply for a new application rather than a variation application and have proposed to surrender the current licence if this application is granted.</p> <p>For the avoidance of doubt the application seeks the following:</p> <ul style="list-style-type: none"><li>• <b>Performance of Dance</b> Monday to Tuesday 10:00 to 01:00 Wednesday 10:00 to 02:00 Thursday to Saturday 10:00 to 03:00 Sunday 12:00 to 22:30  Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours.</li><li>• <b>Exhibition of Film</b> Monday to Tuesday 10:00 to 01:00 Wednesday 10:00 to 02:00 Thursday to Saturday 10:00 to 03:00 Sunday 12:00 to 22:30  Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours</li><li>• <b>Performance of live music</b> Monday to Tuesday 10:00 to 01:00 Wednesday 10:00 to 02:00 Thursday to Saturday 10:00 to 03:00 Sunday 12:00 to 22:30</li></ul>	

Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours

- **Anything of a Similar description**

Monday to Tuesday 10:00 to 01:00

Wednesday 10:00 to 02:00

Thursday to Saturday 10:00 to 03:00

Sunday 12:00 to 22:30

Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours

- **Late Night Refreshment**

Monday to Tuesday 23:00 to 01:00

Wednesday 23:00 to 02:00

Thursday to Saturday 23:00 to 03:00

Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours

- **Supply of Alcohol On and Off the Premises**

Monday to Tuesday 10:00 to 01:00

Wednesday 10:00 to 02:00

Thursday to Saturday 10:00 to 03:00

Sunday 12:00 to 22:30

Non-Standard Timings: On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours

- **Opening Hours to Public**

- Monday to Tuesday 09:00 to 01:30

- Wednesday 09:00 to 02:30

- Thursday to Saturday 09:00 to 03:30

- Sunday 12:00 to 00:00

**Capacity:** 700

The premises is located within the West End Cumulative Impact Zone and as such various policy points must be considered namely MD1, CD1, PS1, PN1, CH1 and including CIP1 and HRS1.

Policy CIP1 states;

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

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

The premises operate as a nightclub.

Policy MD1(b) States

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than: 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. The applicant will be required to demonstrate how the proposal of the increase in hours will truly be an exception to policy.

The Licensing Policy advises that in terms of capacities 'each incremental increase in capacity contributes in part to increasing the attraction of the area as a "honey pot" destination for night-life and to the cumulative problems created by such a high concentration of activity in the area. The applicant is required to demonstrate how this increased capacity will be managed and what policy they hold in place for dispersals.

The applicant is required to provide an exceptional circumstance as to why the application should be granted in contrary to the Westminster Licensing Policy, however it is noted that the applicant has provided no submissions to this effect.

Although the applicant has offered upon grant of this application to surrender 22/11676/LIPDPS, as conditioned within the operating schedule, the premises in which this application relates to is still located in the cumulative impact zone and any increase in capacity is likely to add to the cumulative stress in that area and therefore will need to demonstrate an exceptional circumstance as to why increase in capacity of another 300 customers should be granted.

It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed increase of capacity.

The Licensing Authority looks forward to receiving any further submissions from the applicant in due course.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	01 March 2023

I refer to the application for a New Premises Licence. The applicant has submitted floor plans of the premises.

This representation is based on the plans and the operating schedule submitted.

The applicant is seeking the following

1. To provide for the Regulated Entertainment of Films, Live Music, Recorded Music, Performances of Dance, Anything of Similar Description, indoors only, from Monday to Tuesday 10.00 to 01.00, Wednesday 10.00 to 02.00, Thursday to Saturday 10.00 to 03.00 and Sunday 12.00 to 22.30 hours. On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours. For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.
2. To provide for the Late Night Refreshment "Indoor" only from Monday to Tuesday 23.00 to 01.00, Wednesday 23.00 to 02.00 and Thursday to Saturday 23.00 to 03.00 hours. On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours. For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.
3. To provide for the Supply of Alcohol 'ON' the premises only from Monday to Tuesday 10.00 to 01.00, Wednesday 10.00 to 02.00, Thursday to Saturday 10.00 to 03.00 and Sunday 12.00 to 22.30 hours. On the morning of the beginning of the British Summer time the finish hour will be 04:00 hours. For the Sub Basement only: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following

day.

I wish to make the following representation

1. The Regulated Entertainment and the hours requested will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
2. The Late Night Refreshment and the hours requested will have the likely effect of causing an increase in Public Nuisance within the area.
3. The Supply of Alcohol and the hours requested will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The applicant has provided additional information within the application which is being considered. Additional conditions will be proposed to address the licensing objectives.

Should you wish to discuss the matter further please do not hesitate to contact me.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	27 February 2023

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a new premises licence application for **The Piano Works - West End, Clareville House, 47 Whitcomb Street, London WC2H 7DH.**

### **The Application**

1. The application seeks the following:
  - To replicate the same hours, licensable activities, and conditions as 22/11676/LIPDPS save that the existing capacity of 400 persons is increased to 700 in the sub-basement.
2. The current premises licence benefits from the following licensable activities and hours:

#### **Playing of Recorded Music,**

#### **Sale by Retail of Alcohol**

#### **Performance of Live Music**

#### **Performance of Dance**

Monday to Tuesday: 10:00 to 01:00

Thursday to Saturday: 10:00 to 03:00

Wednesday: 10:00 to 02:00

Sunday: 12:00 to 22:30

#### **Late Night Refreshment**

Monday to Tuesday: 23:00 to 01:00

Thursday to Saturday: 23:00 to 03:00

Wednesday: 23:00 to 02:00

### **The Police representation**

3. In respect of the proposed increase in capacity from 400 to 700, the Police submit that if



granted, this application would likely undermine the licensing objective ‘**the prevention of crime and disorder**’, as well as adversely effecting cumulative impact within the West End Cumulative Impact Zone.

#### **Statement of licensing policy**

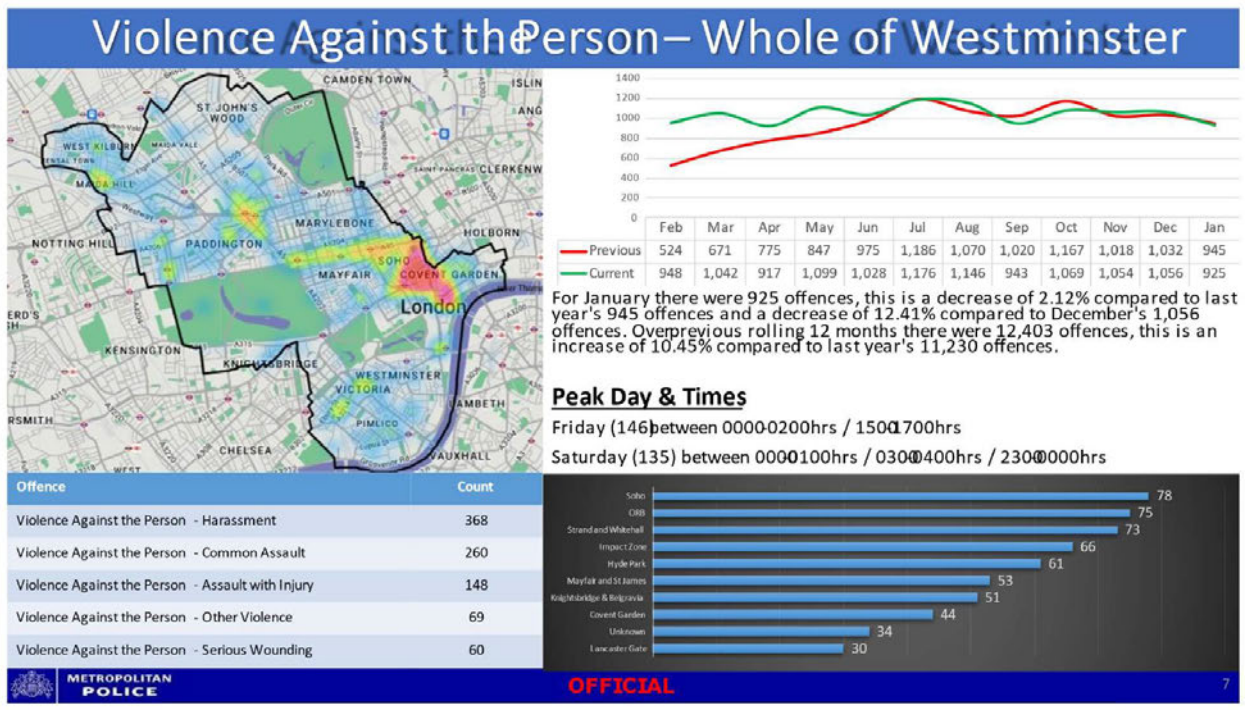
4. This premises falls within the Music and Dance premises Policy (“MD1”) and/or Public Houses and Bars Policy (“PB1”). The premises is located within the West End Cumulative Impact Zone (“CIZ”) and as such it is Licensing Authority’s policy to refuse applications within the CIZ for such premises. This policy is intended to be strict and will only be overridden in ***genuinely exceptional*** (*emphasis added*) circumstances<sup>1</sup>.
  5. In relation to a proposed increase in capacity, paragraph F79 within the MD1 policy states: *“The Licensing Authority does not consider a case to be exceptional because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in people within the area. The experience of the Licensing Authority is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument. Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area”*.
  6. The proposed increase in capacity could not be considered as being small as it is an increase of approximately 75%.
  7. Paragraph D16 of the SLP states *“The Licensing Authority’s policy, in relation to the West End Cumulative Impact Zone, **is directed at the global and cumulative effects of licences on the area as a whole** (emphasis added). Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for **genuinely exceptional reasons** (emphasis added)”*.
  8. It is the police’s submission that the underlying reasons for the having the policy is due
-

to the significant levels of crime, disorder and anti-social behaviour within the West End. Current levels of alcohol related assaults, sexual assaults and robberies are higher now than they were when the Cumulative Impact Assessment was undertaken in 2020. The peak times of these crimes are 00:00 to 5am Friday to Saturday (trading days). If the application were to be granted, the effect would be to increase the number of potentially intoxicated people in the West End at a time when crime levels are at a peak. Please see **appendix 1** for recent crime statistics for the West End.

- It should be noted that the application offers a significant number of conditions (consistent with those already attached to the current licence), which support the promotion of the licensing objectives. The premises is considered as being well run by the current operator and licence holder. The issues raised in this representation are not directed at the current operation but are aimed at the potential adverse impact on Cumulative Impact. For the licence to be granted, the applicant will need to satisfy the sub-committee that this application can be treated as an exception to policy. I would recommend that the applicant submits further evidence to support this.

**Appendix 1**

**West End crime statistics – January 2023**



# Robbery– Whole of Westminster

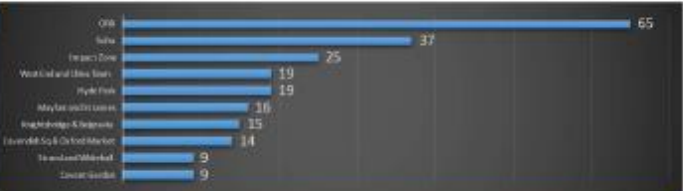


For January there were 300 offences, this is an increase of 33.93% compared to last year's 224 offences and a decrease of 15.49% compared to December's 355 offences. Over previous rolling 12 months there were 3,338 offences, this is an increase of 44.75% compared to last year's 2,306 offences.

### Peak Day & Times

Saturday (65) between 0000600hrs / 1500300hrs  
 Sunday (45) between 00000600hrs / 1400600hrs

Offence	Count
Robbery – Personal Property	278
Robbery – Business Property	22



# Violence Against the Person West End

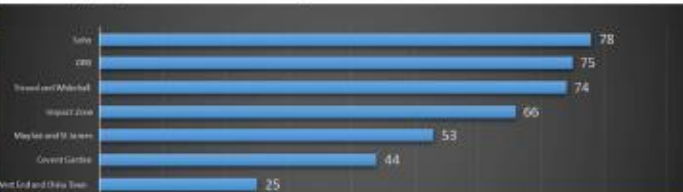


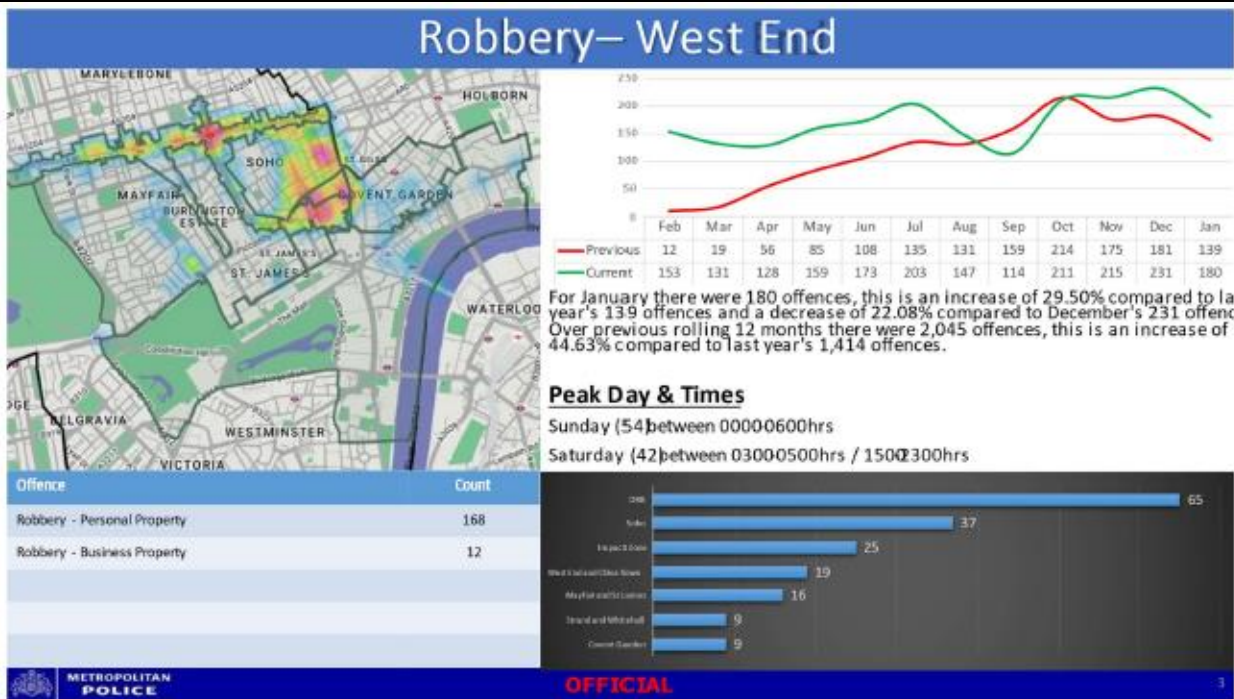
For January there were 415 offences, this is an increase of 4.01% compared to last year's 399 offences and a decrease of 19.42% compared to December's 515 offences. Over previous rolling 12 months there were 5,383 offences, this is an increase of 25.95% compared to last year's 4,274 offences.

### Peak Day & Times

Sunday (90) between 00000500hrs / 1800000hrs  
 Saturday (78) between 00000400hrs / 2100000hrs

Offence	Count
Violence Against the Person - Common Assault	144
Violence Against the Person - Harassment	127
Violence Against the Person - Assault with Injury	70
Violence Against the Person - Other Violence	35
Violence Against the Person - Serious Wounding	34





Further submissions received from the Metropolitan Police on 13 April 2023

**Appendix 2** - Crime statistics in relation to *day and time committed* within the West End. Inclusive of Violence against the person, Sexual assault and Robbery between March 2022 and March 2023.

**Combined (Violence against the person, Sexual assault and Robbery)**

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon	3	3	3	4	3	10	4	6	10	12	9	12	13	13	20	15	20	31	15	24	13	9	6	3	261
Tue	1	2	2	5	11	13	6	2	10	5	9	6	16	14	21	28	27	27	42	35	29	8	4	6	329
Wed	4	1	2	3	6	1	2	6	3	6	8	16	21	17	15	21	29	44	36	42	35	15	2	4	339
Thu	3	4	9	1	5	3	3	10	9	13	14	15	26	17	19	42	46	70	63	51	39	25	9	3	499
Fri	7	6	6	6	9	9	8	10	13	11	21	16	22	32	46	29	74	91	84	103	79	44	10	7	743
Sat	9	6	2	4	11	8	4	9	16	14	25	30	22	34	49	62	82	98	103	101	77	48	19	5	838
Sun	7	2	3	8	2	3	6	8	13	9	13	17	17	20	27	29	26	29	30	10	24	6	5	4	318
<b>Total</b>	34	24	27	31	47	47	33	51	74	70	99	112	137	147	197	226	304	390	373	366	296	155	55	32	<b>3,327</b>

**Violence against the person - March 2022 and March 2023**

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon	1	3	3	3	2	8	3	4	10	11	3	10	8	9	13	7	13	20	9	12	4	6	5	2	169
Tue	1	1	2	5	8	12	4	1	9	3	7	4	9	10	14	23	15	19	32	21	21	6	4	6	237
Wed	4	1	2	3	6	1	2	5	1	4	7	13	12	12	10	12	17	29	18	19	17	11	2	2	210
Thu	3	4	7	1	4	3	2	7	7	8	10	10	18	12	12	30	30	44	34	27	19	15	6	1	314
Fri	4	3	5	3	7	8	5	7	9	9	17	13	14	16	32	23	41	61	35	53	43	25	5	5	443
Sat	8	3	1	2	7	5	3	7	8	11	16	20	13	21	30	39	48	71	63	53	51	29	11	1	521
Sun	4	1	2	4	2	1	3	5	8	6	6	11	14	14	22	21	20	20	21	7	14	4	2	3	215
<b>Total</b>	25	16	22	21	36	38	22	36	52	52	66	81	88	94	133	155	184	264	212	192	169	96	35	20	<b>2,109</b>



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs</li> </ol>

and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.

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

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

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

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

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

1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. **Cinemas, Cultural Venues and Live Sporting Premises:**  
Monday to Sunday: 9am to 12am

3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

6. **Pubs and bars, Fast Food and Music and Dance venues:**  
Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.

7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

8. **Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

9. **Sexual Entertainment Venues and Sex Cinemas:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

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

	<p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy MD1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>3. The application and operation of the venue continuing to meet the definition of a music and dance premises in Clause D.</li> </ol> <p>D. For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:</p> <ol style="list-style-type: none"> <li>1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers.</li> <li>2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance.</li> <li>3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment. <ol style="list-style-type: none"> <li>a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.</li> <li>b. De-regulated entertainment (as set out in the glossary will not be subject to this policy).</li> </ol> </li> </ol>



#### 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. Appendices

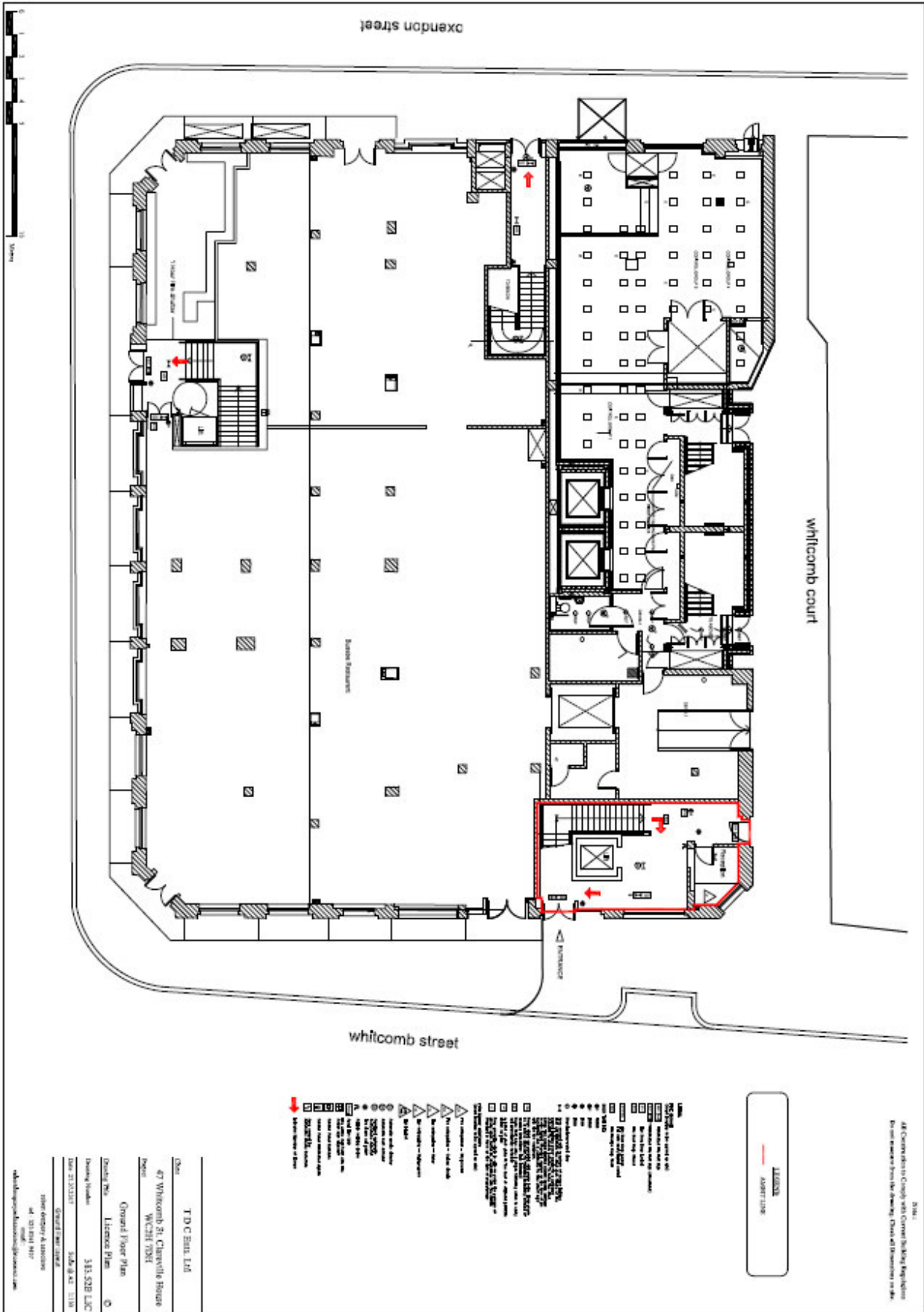
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing premises licence 22/11676/LIPDPS
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

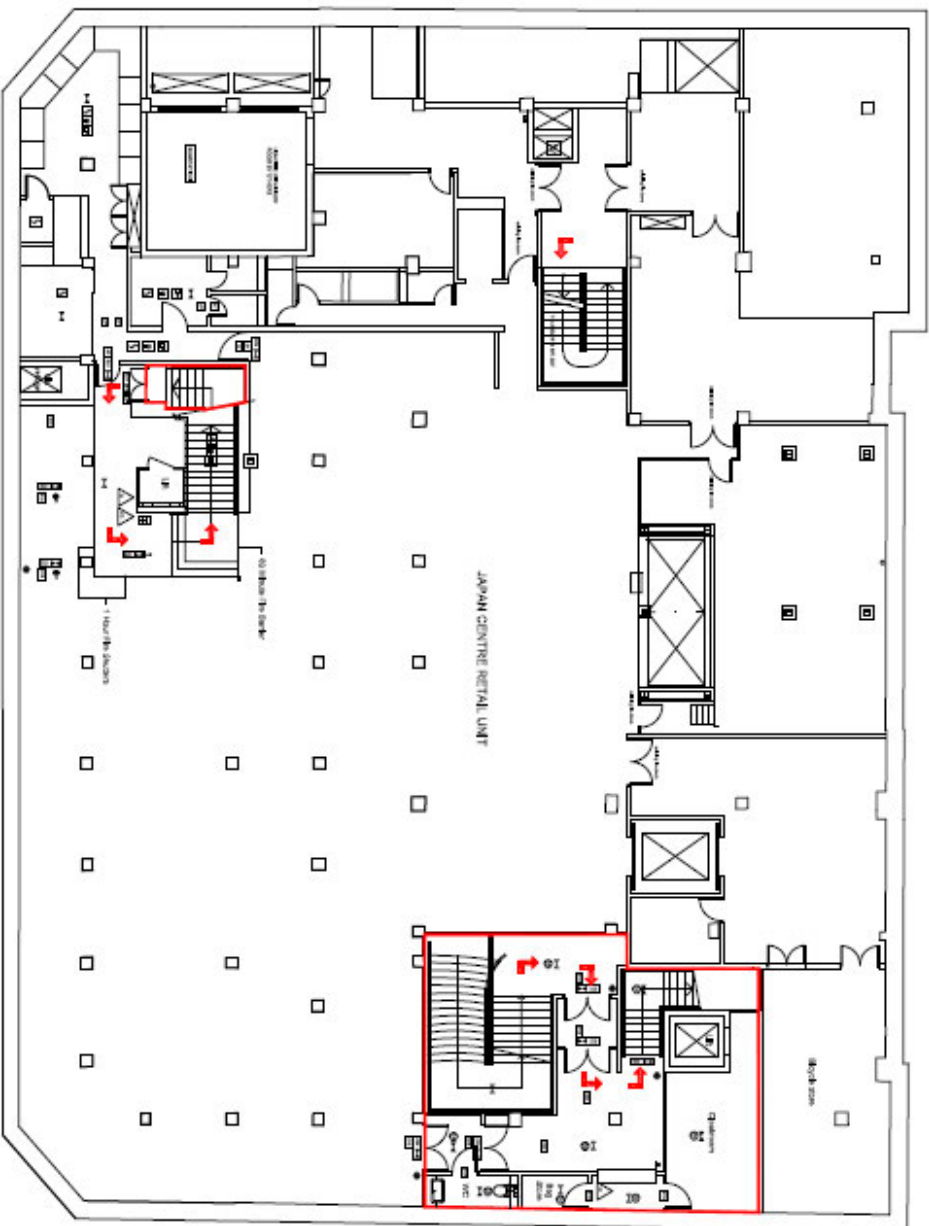
<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	The Licensing Authority representation	01 March 2023
<b>5</b>	Environmental Health Service representation	01 March 2023
<b>6</b>	Metropolitan Police Service representation	27 February 2023





**LEGEND**  
 - ADVERT SIGN

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**Client**  
 T D C Retail Ltd  
 47 Whitworth St, Chorlton House  
 Wigan WN1 1BN

**Designer**  
 383,514 Ltd  
 204, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**Contractor**  
 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100

**Scale**  
 1:100



BEFORE THE CITY OF WESTMINSTER'S  
LICENSING SUB-COMMITTEE



47 Whitcomb Street, London WC2H 7DH

APPLICANT'S SUBMISSIONS

*For Hearing: 27 April 2023*

Summary of the application

1. This is a simple but important application to increase the maximum capacity of The Piano Works (West End) from 400 to 700 customers (before 1am only) by way of a new premises licence application. If granted, the new licence will replace the existing one which will then be surrendered. The operating hours and licensable activities are unchanged from before. The existing extensive suite of conditions on the current licence are replicated but with significant additions now proposed. The sustainability of The Piano Works as a viable business turns on the sub-committee's determination today.
2. Given the premises lies within the West End Stress Area, the applicant recognises that it must establish this application merits being treated as an exception to Westminster's cumulative impact policy. That policy is not absolute. The sub-committee will, as always, consider this application on its individual circumstances and merits. In summary, the applicant contends that:
  - a. A number of additional measures and conditions now being proposed go well beyond those on the existing licence. These conditions focus on the reasons for the cumulative impact policy and are likely to mitigate and counteract the potential impact of permitting more customers into the premises;

and,

- b. The Piano Works is such a unique and worthy ornament to London's West End and the UK's live music culture, and its customer base demonstrably so unproblematic, that an exception to policy is justified on the very special circumstances of this venue.

3. These submissions will deal with the following matters:

- a. The Piano Works as a licensed premises, its contribution to live music in the UK, and the reasons for this application;
- b. The capacity limit and its impact;
- c. The policy-based representations from the responsible authorities (there are no representations from residents or resident groups);
- d. The additional measures and conditions being proposed and why these serve to mitigate and counteract any potential impact on the licensing objectives and cumulative impact issues. (The additional conditions proposed are set out below);
- e. Conclusion.

4. Ultimately, the sub-committee will wish to weigh up the pros and cons of granting this application. The applicant hopes and believes that given the particular circumstances of this venue and these proposals the pros deserve to win out.

## The Piano Works, its positive contribution and reasons for this application

5. The Piano Works is an extraordinary and nationally acclaimed live music venue in the heart of London's West End. Together with its smaller sister venue in Farringdon, it provides a unique offering in the UK: non-stop live music played in response to audience requests. Each night a six-piece band of musicians of the highest calibre takes the stage to perform any song a member of the audience asks for. Within the venue, and adjacent to the main basement stage arena, is an intimate "SingEasy", where customers dine whilst their multi-talented waiters and waitresses pause service to perform audience requested songs from stage musicals and Disney movies.
6. A Presentation slide-deck has been served detailing the nature of the premises, its operators, its plaudits and supporters. This is supported by a number of Appendices. The sub-committee is respectfully referred to these documents in full.
7. The venue is one of the largest employers of live musicians in the country with over 90 musicians on its books (a number of whom have made supporting statements in relation to this venue as set out within the Presentation). It employs over 150 people including musicians, waiting and bar staff, chefs, security, managers and back of house. Performers include many actors, stage performers, and grassroots musicians who are "between jobs" and rely on their employment at The Piano Works for their livelihoods or to supplement their incomes so that they can continue to ply the profession of their dreams. The lives of both Londoners and tourists benefit from their talents.
8. A video giving an insight into nights at The Piano Works, performers explaining what the venue means to them and their professional development, and customer experiences is viewable here: <https://www.youtube.com/watch?v=sXu6VHUdMnA> . (Given the time limitations in the hearing Members are invited to pre-view this 4 minute clip).
9. In addition to the music, and importantly, the venue is substantially food-led with most (but not all) of its customers purchasing alcoholic drinks together with substantial high-quality food served at tables by waiters/waitresses. (Menus are within the Presentation and Appendices).
10. Whilst questionable claims are often made that this or that national initiative will lead to a "world-beating" offering, it is perhaps less controversial to state that London and the UK

genuinely does enjoy a “world-beating” reputation for live and grassroots music.

11. As the testimonials included in the Presentation and supporting documents attest, The Piano Works significantly contributes to that reputation. Supporters of this venue include the Arts Council of England, UK Hospitality, the Mayor of London’s Night Czar Amy Lamé, the Night Time Industries Association, the Music Venue Trust, the Songwriting Academy, Heart of London Business Alliance, charities, musicians and local residents.
12. The Piano Works was one of the limited number of arts and cultural venues given a financial lifeline during the Covid lockdowns by the Arts Council of England from their Culture Recovery Fund. In their “Cultural Significance Statement” in 2021 the Arts Council assessed The Piano Works as follows:

*“Piano Works has local and regional significance. It is one of London’s most popular grass roots music venues. It’s a music offer that allows the audience to interact and choose their favourite songs to be performed by 8 musicians... it is one of the biggest employers of independent Musicians in London (85 throughout the year) spending up to £500,000 pa for musicians’ wages. Their programme provides an important cultural offer in London and England, creating a bespoke experience at every performance. It’s one of London’s 94 [Grassroots Music Venues] and plays an important role in contributing to employment within the creative communities.*

*The organisation has demonstrated that they lead the way in driving innovation in their art-form. Their unique artist and audience interaction provides an alternative music offering to audiences and creative employment opportunities to musicians. The organisation has demonstrated that they have a leading role in driving innovation in their art form, due to the unique artists and audience interaction, providing an alternative music offer to audiences and creative employment opportunities. They employ 164 people, 74 management and staff, with a core team of 5 experts in musical direction, sound engineering, lighting, hosting and programming. The Piano Works have stated that they are a key launch-pad for many careers and over 500 musicians have performed there.”*

13. Michael Kill, the CEO of the Night Time Industries Association has stated:

*“Piano Works have showcased the amazing talent of London’s world class musicians and artists, providing Londoners and visitors with a unique non-stop late night live music experience. Their much needed West End venue situated*



*in the heart of theatreland is one of the very few remaining live music venues remaining in Westminster. Over the course of the last 4 years we have lost so many, and with the current economic crisis we are very likely to lose many more. It is vitally important that we support this business and others like it, so they remain an important part of the cultural tapestry of the Capital.”*

14. Amy Lame, the Mayor of London’s Night Time Czar, offers this view:

*“I would like to highlight the vital importance of businesses such as The Piano Works to London’s economy and cultural landscape before setting out what the Mayor is doing to protect grassroots music venues, pubs and clubs in London”*

15. Kate Nicholls OBE, the CEO of UK Hospitality, has provided a letter dated 14 March 2023 in support of today’s application which is within the submitted papers. She outlines the important initiatives the operators of The Piano Works spearheaded during the Covid lockdowns to support the hospitality industry in London and nationally and live musicians in particular. She states:

*“The Piano Works provides a much-needed music venue in the heart of London’s Theatreland showcasing the amazing talent that London’s musicians can provide to Londoners and visitors alike. We have lost so many live music venues in London that the remaining ones need all the support they can get... The Piano Works is valuable not only to central London’s diverse night-time economy but also to secure London’s place amongst the best live music cities in the world.”*

Ms Nicholls concludes:

*“I hope the above demonstrates our belief that as a business playing a key role in building a modern and vibrant London night-time environment, The Piano Works deserves support from the Council for their application. Put simply, it is a venue that is good for London and good for the UK.”*

16. However, as some of these testimonials indicate, The Piano Works forms part of a rapidly declining live music sector. The Mayor of London and The Music Venue Trust have estimated that since 2007 London has lost some 35% of its live music venues<sup>1</sup>. As of 2019 there were 94 grassroots music venues in London. Despite live music taskforces being established to stop the decline, since 2022 eight have closed in London. In the first four

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<sup>1</sup> <https://www.london.gov.uk/programmes-strategies/arts-and-culture/music/saving-londons-music-venues>