months of 2023 alone a further four grassroots music venues have closed their doors forever in London.² For reasons explained below, the grant of this licence application will help to avoid The Piano Works becoming a sad addition to those statistics.

17. The promotion of a diverse cultural offering in Westminster that goes beyond simply vertical-drinking alcohol-led venues is an important objective within Westminster's Statement of Licensing Policy. For example at §A5:

A5. Westminster's licensed operators contribute significantly to enriching Westminster. Many licensed operators in Westminster play a pivotal role as cultural venues that are crucial in sustaining Westminster's visitor economy and offering a diversity of world class and cutting-edge cultural experiences. The council strongly believes that the Westminster should be accessible and inclusive for all; this includes those who live here, the many people who work here, and those who visit and support local businesses.

- 18. The Piano Works' continued existence serves this objective and so, the sub-committee may conclude, is worthy of support from the Council.
- 19. The venue attracts a peaceful, fun-loving, crowd of live music lovers (a number of whom live locally) who appreciate listening to high quality musicians in a friendly and smart atmosphere. Given the priority the operator of The Piano Works gives to <u>safeguarding</u> its customers, it is no coincidence that some <u>70%</u> of are women.
- 20. Unlike many late night venues or nightclubs in the West End that attract the usual 18-25 year age demographic who, statistics suggest, are more prone to getting into the sort of trouble that led to the West End Stress Area being introduced in the first place, most of The Piano Works' customers are older and aged between 25-35 (with a significant number much older).
- 21. In other words, The Piano Works provides: (a) a diverse cultural offering that is not easy to find elsewhere, and (b) a safe environment which attracts people unlikely to add to cumulative impact issues or cause trouble in the West End Stress Area after they depart.

² Data from : https://www.musicvenuetrust.com/

These factors are relevant to Westminster's Statement of Licensing Policy which states at §B4:

B4... It gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them. By doing this it furthers the licensing objectives of prevention of crime and disorder and public nuisance.

- 22. Since opening its doors in January 2018 the venue has welcomed over 1,000,000 customers through its doors (some 260,000 per year). Despite its popularity, there have been <u>no</u> significant incidents at the venue, or associated with its customers, raised as a concern by police over that period. For a venue of this size operating until the early hours of the morning just off Leicester Square that is a remarkable track record. It demonstrates that this venue is something out of the ordinary in the West End's late night economy. It does not attract or produce trouble-makers. It attracts people who wish to enjoy themselves and at the end of their night go home peacefully and a little happier. An increase in its capacity to permit more like-minded people through its doors is unlikely to add to cumulative impact issues.
- 23. The Piano Works also plays its full part in promoting diversity and mental health in London. It hosts and celebrates key cultural events and initiatives including Gay Pride, BAME in Hospitality and Performers in Mind. The premises has a 57% BAME employee ratio and actively promotes an "open to all" approach. The premises' motto is "In our House we are all equal". More details can be found online here: https://pianoworks.bar/in-our-house-we-are-all-equal-2/.
- 24. Whilst diversity, equality and culture are not licensing objectives in themselves, they do play a full part in Westminster's vision for London as set out in its Statement of Licensing Policy³ and so they are relevant factors for the sub-committee to consider when weighing this application in the balance. The following policy statements are apposite (with emphasis added):

³ Effective from October 2021

Equality & Inclusion in Licensed Venues

B28. Westminster City Council is committed to creating Vibrant Communities through our City for All vision. This includes <u>achieving equality and</u> <u>inclusion</u> in all that we do, to improve the quality of life and opportunities for all people who live, work and visit our city.

B29. We are already proud to be called home to our diverse resident population, as well as being host to the largest concentrated volume of venues in the UK, which means every day our cosmopolitan city has so much to offer. With the elaborate network of public transport connecting people into and around our city, you can find anything from a tremendous array of multi-cultural cuisines in cheap fast food eateries to world class dining experiences, charming local pubs to high end bars. You can shop and explore late into the night, be taken in by the intimate surroundings of shows, late night exhibitions, <u>live music venues</u>, and comedy clubs; or get involved in glitz and glamour of our West End theatre, international film premiers, casinos and nightclubs. What further enriches this inclusive offer, is that all of this is immersed in a backdrop of rich cultural history and situated amongst the eclectic mix of historical and modern architecture, and world-famous landmarks and attractions.

25. Alan Lorrimer, the vastly experienced founder of The Piano Works, together with Tristan Moffat its Operations Director, contribute to the community in which they operate. (CV's for both are within the Appendices). They lead charitable drives within the hospitality industry that last year, for example, raised £17,000 for Ukrainian charities.

The capacity limit and cumulative impact

26. Westminster City Council granted planning permission for the venue in 2017 with a maximum customer capacity of 800 persons⁴. A Safe Occupancy Assessment from March 2023 indicates a safe capacity of 725 persons.⁵ However, Piano Works currently operates under an inherited premises licence with a highly restrictive condition capping customer numbers at just 400 persons. This large venue is therefore <u>half-empty</u> even during peak periods.

⁴ Condition 14 on planning consent #16/10619/FULL.

⁵ The Safe Occupancy Assessment is within the served papers.

- 27. Even in the best of economic climates, this would be problematic. However, in an industry sector still reeling from the impact of the Covid lockdowns and accrued debts (the operators had to take out a £1 million Covid Business Interruption Loan to stay afloat), together with the current cost of living crisis and increased utility costs, the artificially restrictive cap on customer numbers at the venue is now economically unsustainable for the business.
- 28. By way of examples, local West End theatre producers, cinemas, business and charitable institutions often seek to book the venue for launch events for film and stage premieres, charitable events, fashion launches and so on. Most enquiries have to be turned down because the organisers require a capacity that can accommodate <u>600 plus</u> customers (and so a temporary event notice is impermissible⁶). The sub-committee is referred to the letter from Sue Uings, formerly Head of Marketing at Sir Cameron Mackintosh's theatre group, as confirmation. Whilst the venue can easily accommodate that number of people safely, the current premises licence prohibits it.
- 29. Therefore, because of the artificially low capacity limit, a great deal of custom needs to be turned away.
- 30. This experienced applicant recognises that, generally, increasing the capacity of a venue has the <u>potential</u> to add to cumulative impact issues. However the applicant does <u>not</u> agree that the grant of this particular application judged on its individual merits will have an <u>adverse</u> impact on the stress area due to the customer base it attracts (for which see above) and other factors considered below including the new Dispersal Policy and deployment of street marshals the applicant proposes is conditioned into the new licence.
- 31. Although some 85% of customers pre-book entry and reserve tables (and some 40% are repeat customers), given the popularity of the venue even on normal nights, large queues form outside. This is, in part, because once the current 400 capacity limit is reached, entry is on a strictly one-in/one-out basis. It must be better for the number of people waiting outside in queues to be <u>reduced</u> by permitting more people to enter into this safe, entertaining and feel-good venue rather than being left outside potentially adding to

⁶ A temporary event notice is limited to 499 persons.

cumulative impact. A condition designed to reduce queue numbers is proposed below.

- 32. Other customers left outside waiting are bound to give up or be deterred from attending in the first place if it is running to capacity and, experience has shown, they will simply <u>migrate</u> to nearby alcohol-led venues in the stress area. This migration of customers refused entry due to the capacity cap has the potential to increase cumulative impact more than if these people are allowed to enter the Piano Works. In this regard both the Council's Statement of Licensing Policy and the Secretary of State's section 182 Guidance recognise that different types of premises can have different impacts in a stress area. The Piano Works' customers have demonstrated over the years they are not "high-impact" not least because they do not spend their night in an alcohol-led venue. They are overwhelmingly there for the live music and food, not to get drunk.
- 33. Permitting a premises like The Piano Works that appeals to a customer-base who are <u>not</u> troublemakers to increase its capacity does not automatically mean adding to cumulative impact issues. Cumulative impact is <u>not</u> merely about numbers. It is about how those customers <u>behave</u> inside and outside the premises on arrival or departure. By way of (imperfect) analogy: 1,000 junior doctors and nurses peacefully protesting in Parliament Square are likely to have less of an adverse impact on the area than 100 football hooligans running amok. Given its exceptionally good track record since opening, there is a good evidence base from which to infer that its customers do not and will not add to cumulative impact issues even if the capacity of The Piano Works is increased.

The representations

No residential objections

34. It is notable that <u>not</u> a single resident or residential amenity group have objected to this application. Although unusual, this is not wholly surprising: a considerable number of local residents and people who work in the area are customers of The Piano Works. Its current operation does not adversely impact on residents who live in the area. A major driver for the introduction of Westminster's cumulative impact policy was to protect residents. The fact that none object to this application speaks volumes.

Police

- 35. The Metropolitan Police's representation is solely on policy grounds. The police fairly accept in their representation:
 - a. 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;
 - b. The premises is considered as being <u>well-run</u> by the current operator and licence holder;
 - c. The issues raised in their representation are <u>not</u> directed at the current operation but are aimed at the <u>potential</u> (not actual) adverse impact on cumulative impact;
 - d. For the licence to be granted, the applicant will need to satisfy the sub-committee that this application can be treated as an exception. Police recommend the applicant submits further evidence to support this.
- 36. In further communications with the police following the consultation period, when the additional conditions (outlined below) were offered, on 16 March 2023 Pc Tom Stewart indicated in an email to legal representatives for the applicant that "the police do indeed welcome these proposals" but "they do not mitigate our concerns entirely". Ultimately, Pc Stewart correctly observed, it will be a matter for the sub-committee to decide if the proposed conditions allow the application to be treated as an exception to policy. The applicant agrees. Reference to crime statistics are unlikely to assist the sub-committee's assessment given that there is no evidence The Piano Works' operation contributes to them in any significant (or insignificant) way.

Environmental Health

- 37. The environmental health representation is also based solely on policy grounds.
- 38. Ms Bolton indicates in her representation that "the applicant has provided additional information within the application which is being considered. Additional conditions will be proposed to address the licensing objectives". The applicant's additional conditions (for which see below) were served on Ms Bolton on 14 March 2023. At the time of writing we understand those are still being considered and a site visit is due to take place on 20 April 2023.

Licensing

- 39. The licensing department's representation is, once again, solely based on policy grounds.
- 40. Ms Lynch suggests that the licence holder seek to demonstrate how the increased capacity will be managed and what policy they hold in place for dispersals.
- 41. In later communications with Ms Lynch, on 22 March 2023 the licence holder offered this information in response to her reasonable queries as to how the reduction in capacity from 700 back to 400 persons from 1am would be managed:
 - a. The SingEasy space (which is part of but separate from the main room) is closed at midnight. This has a 100 capacity and the people will be directed to leave the whole premises on at midnight.
 - b. Arrival times and dispersal will be staggered through the evening. This can be achieved by the booking system and the overwhelming number of customers pre-book tables (some 85%). In addition, if required, the premises can operate a maximum sitting length at certain table.
 - c. From 23:00 the premises will start enforcing capacity management planning to ensure capacity was reduced to 400 by 01:00 and deny entry after 01:00.

- d. The licence holder is a highly experienced operator who knows its business and so is able to ensure the reduced capacity condition is complied with.
- 42. The licence holder also confirmed the venue features live music every evening and offers a new conditions to this effect (see below).

General

43. All the responsible authorities appear to accept that The Piano Works is not a problem premises is well-run, its customers are not trouble-makers and the venue does not discernibly undermine the licensing objectives by its operation in the stress area. Ultimately, it is for the sub-committee to determine if an exception to policy is made out on the individual circumstances of this premises and the individual merits of this application. The applicant respectfully agrees with this approach.

Additional conditions and concessions

- 44. The applicant suggests that a number of significant additional measures and conditions that do <u>not</u> appear on the existing premises licence can be usefully added to the new premises licence if granted. All these conditions will help to counteract the increased capacity, mitigate any potential for cumulative impact issues and promote the licensing objectives.
- 45. The <u>additional</u> measures and conditions now proposed in light of the three representations are as follows:
 - a. The capacity of the premises shall be no more than <u>400</u> persons (excluding staff) <u>after 1am.</u>

<u>Comment</u>. Therefore there will be <u>no</u> increase in capacity after 1am.

b. The increased capacity of <u>700</u> customers <u>before 1am</u> shall only apply when the venue operates as a venue where <u>live music</u> is played.

<u>Comment</u>. This measure will ensure the premises continues to operate as a live music venue if this application is granted and so help to future-proof the new licence and prevent the venue morphing (under hypothetical future operators) into a more problematic traditional alcohol-led nightclub style of premises.

c. <u>No entry or re-entry after 1am</u> save for persons who have temporarily left the premises (e.g. to smoke).

<u>Comment</u>. This will prevent customers migrating from other venues to The Piano Works in the early hours of the morning to extend their night or have a last drink. The applicant does <u>not</u> wish to attract people looking for an "after-party". There is currently no last entry condition on the existing licence, the grant of this application will introduce one for the first time.

d. There shall be a minimum of <u>350 seats laid out at tables</u> whilst licensable activities are taking place.

<u>Comment</u>: This ensures the premises has at least half its customers seated at tables and so it cannot morph into a wholly vertical drinking establishment. This measure is supported by Westminster's Statement of Licensing Policy at D17 which states: "*The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact. This can be by introducing fixed seating and conditions to provide a minimum number of seats at all times and limiting sales to be by waiter or waitress service only. This measure is also unlikely to be considered as an exception to policy alone*".

e. No more than <u>60 persons</u> are permitted to remain in the <u>queue</u> outside the premises after midnight.

<u>*Comment*</u>. This reduction in the much larger queues often witnessed outside the premises in the early hours of the morning is made possible by the increased capacity limit applied for.

f. The premises shall operate in accordance with a <u>dispersal policy</u> drawn up in consultation with the licensing authority and police.

Comment. This will help to ensure a safe and orderly dispersal from the premises. (A draft Outdoor Area Management and Dispersal Policy is within the Appendices).

g. The premises shall deploy a minimum of <u>2 street marshals</u> on a Friday and Saturday from 23:59hrs until 30 minutes after the premises closes to the public to patrol the vicinity around the premises. At all other times street marshals shall be deployed on a risk assessed basis.

<u>Comment</u>. This important condition directly assists in addressing issues relating to cumulative impact caused by customers arriving or dispersing from the venue. It will have a beneficial effect on the wider cumulative impact area and help to manage crowds beyond those who have attended The Piano Works.

 h. On Fridays and Saturdays the ratio of <u>SIA security</u> staff to customers shall be increased to 1:50 (unless the police agree in writing to a different number for a particular event).

<u>Comment</u>: this doubles the existing SIA requirement of 1:100 and is double the industry standard. More SIA means better control of people inside the venue and in the immediate vicinity outside and helps to safeguard the venue's customers.

i. On <u>Sundays</u> the closing hour is reduced from the current midnight to 11pm.

Comment. For many Sunday remains a special day and this reduces the impact of the operation of Sundays.

Conclusion

- 46. For all the reasons outlined above, the highly experienced applicant suggests that the increased capacity can properly be granted as an exception to policy. There are significant measures being proposed that will counteract the impact of more people being allowed to enter. The Piano Works has demonstrated over the past five years that it is not a problem premises, that its customers are well-behaved and do not contribute to crime and disorder or nuisance issues in the West End.
- 47. The Piano Works makes a positive contribution to London's West End and the live music sector in the UK. The sub-committee may feel that it is deserving of the Council's support. The grant of this application will help to secure its future for the benefit of the applicant but more importantly to live music lovers in London, the UK and from abroad.
- 48. The sub-committee is respectfully invited to grant this application.

GARY GRANT Barrister

Francis Taylor Building Inner Temple www.ftbchambers.co.uk

17 April 2023







Westminster City Council's Licensing Policy vision statement states:

"WE WANT TO MAKE SURE THAT WESTMINSTER CONTINUES TO OFFER A WIDE CHOICE OF HIGH QUALITY AND WELL MANAGED ENTERTAINMENT AND CULTURAL VENUES WITHIN A SAFE, ORDERLY AND ATTRACTIVE ENVIRONMENT; VALUED BY THOSE WHO LIVE HERE, WORK HERE AND COME TO VISIT." Westminster City Council Cultural Strategy 2021-2025: "WE WANT TO CELEBRATE AND PROMOTE CULTURE, ITS CREATIVE EXPRESSION THROUGH THE ARTS, AND ITS BENEFITS ACROSS OUR CITY."

"THERE ARE MORE THAN 130 MAJOR ESTABLISHMENTS INCLUDING EIGHT HISTORICAL BUILDINGS, 56 THEATRES, FIVE CONCERT HALLS, THREE OTHER MUSIC VENUES, 13 COMEDY CLUBS, 15 CINEMAS, 24 MUSEUMS AND 16 ART GALLERIES"

Executive Summary

Alan Lorrimer the Founder and Managing Director along with Operations Director Tristan Moffat understand the sensitivities associated with operating late night premises as they've successfully operated The Piano Works West End for seven years without any complaints from neighbours or statutory bodies. This is also true for our Farringdon venue which opened 8 years ago.

We are hereby applying for consent to increase our capacity from 400 to 700.

We have had meetings with Westminster's District Surveyor and Environmental Health Officer and they confirm that the premises is suitable for the increased capacity. We have spoken to Police licensing, who confirm we are a well run premises, and their objection is purely on policy grounds. The applicants have demonstrated that over the past 5 years they have upheld the four licensing objectives and will diligently continue to do so.

The reasons we are requesting consent are namely:

- The premises are large and are able to comfortably accommodate the extra numbers.
- The existing 2017 planning consent (16/10619/FULL) allows a 800 customer capacity.
- There are very few large late night venues this close to Leicester Sq. and none featuring world class live music.
- The restricted capacity also leads to larger queues outside the premises.
- Being in the heart of theatreland and adjacent to the country's premier cinemas, we are regularly receiving requests from theatre producers and film distributors to hold events that we have to refuse because the organisers typically wish to invite 600+ guests.

Theatre opening night after parties Film premiere after parties Cast change over parties End of theatre run and film end wrap parties

We offer a much needed addition to the UK's prime entertainment centre going someway to replacing the live music venues we have lost such as The Marquee, The Astoria, The Twelve Bar Club, Roadhouse, Borderline, Gaz's Rocking Blues, The Rock Garden, The Blue Posts, Pizza on the Park.

The applicants appreciate the responsibility that comes with holding a late premises licence and they demonstrably understand their obligations in promoting the licensing objectives. They have set out in this brochure the measures they intend to adopt in order to address any areas of concern. They do believe that they go the extra mile in their operational standards evidenced by the absence of complaints. In addition to live music and dancing, substantial food has always been available, and the strategy for the business has always been to place heavy emphasis on the promotion of food when guests book their tables in advance rather than focussing on alcohol. Moreover, the business has operated with pre-booked levels of over 85% with a loyal customer base.

The applicants have proven to provide a high quality and well managed entertainment and cultural venue within a safe, orderly and attractive environment, valued by those who live here, work here and come to visit.

The following organisations have supported The Piano Works and their endorsements are contained herein:Arts Council England, Heart of London Business Alliance, Music Venue Trust, UK Hospitality (UKH), Night Time Industries Association (NTIA) and Songwriting Academy.

TDC

WE CALL OUR COMPANIES TDC BECAUSE THEY ARE THE THREE CORNERSTONES OF OUR COMPANY CULTURE

- T = Target Market
- 25 35 year old, female, university educated,

D = Differentiation

Our concept is unique. We provide London's only non-stop live music with audience requested repertoire

C = Consistency

We provide high quality food, music, service and drinks each and every day

RESERVATIONS

85% of our sales are pre-booked

40% of guests are repeat customers.

Guests are able to reserve tables in advance for dinner and brunch and card details are taken.

For the minority of guests who chose not to book in advance, an entrance fee of £15 is charged on weekends from 8pm.

MUSIC

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The Piano Works are the only non-stop live music venues playing audience requests in the UK.

Each night a six-piece band consisting of two planists, a drummer, a guitarist, a bassist and horn player takes to the stage to perform any song the audience asks for.

We employ over 90 musicians, allowing them to receive regular work and income up to seven nights a week.

MENUS





FISH PIE F.D.C.M

poached scottish salmon, king prawn, smoked haddock & saffron white sauce, mash, panko breadcrumbs & vegetables

CHICKEN SUPREME N,D

red hazelnut pesto, lentil & spirach salad with crushed new potatoes

VEGAN CAESAR SALAD VE,S

vegan chicken, bacon, parmesan & caesar dressing served in a tortilla basket

- SIDES

FRIES VE 3.5 | CREAMY MASH V.D.GF 5 | GARLIC CRUSHED NEW POTATOES VE.GF 4.5 SEASONAL VEGETABLES VE.OF 4.5 | MIXED \$ALAD VE.OF 3.5



V - VEGELARIAN I VE - VESAN I GF - GLUTEN FREE I N - CONTAINS NUTS I F - FISH I D - DAIRY 8 - Soyeean I Se - Sesane I G - Srustagean I M - Molluscs I * - Option available on Riquest

for head and utility measures and outplement boots to its balan off the prevision to struggittation to the prevision for adding control syngroums we don't previse its second structures and the second structure and the second struct



DRINK AWARE - THERE IS A 50ML MINIMUM OF SPIRITS AND LIQUEURS IN OUR COCKTAILS

WINE



Our wines are laid out by style with lighter-bodied wines at the top