

# Licensing Sub-Committee Report

Item No:	
Date:	5 October 2017
Licensing Ref No:	17/08676/LIPN - New Premises Licence
Title of Report:	The Other Palace 12 Palace Street London SW1E 5JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	2 August 2017		
<b>Applicant:</b>	Entertainment Theatres Limited		
<b>Premises:</b>	The Other Palace		
<b>Premises address:</b>	12 Palace Street London SW1E 5JA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	<p>The premises operate as a theatre situated over four floors with ancillary facilities for live and recorded music, and an ancillary restaurant and bar.</p> <p>The applicant has set out detail submissions below. It should be noted, however, that the application for this new licence does involve a notable change in the current terminal hour for the late night refreshment, the sale of alcohol and the closing time of the premises across all days of the week.</p> <p>In this regard, members of the Sub-committee should be aware of a previous decision made for a variation of the premises licence which can be found at Appendix 5 of the report. In addition this new application will allow the restaurant/hospitality space on the first floor to be drink led when used for cooperate or hospitality events and will allow customers to consume alcohol without a meal provided at least one of his or her companions is having a table meal.</p>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (17/00266/LIPDPS). This is attached at Appendix 4.		
<b>Applicant submissions:</b>	<p>The Premises has operated as a theatre for many years but opened its doors as "The Other Palace" in February 2017, as a home for musical theatre. Discovering, developing and reimagining musical theatre is at the heart of what The Other Palace is about, providing spaces to encourage and nurture the next generation of theatre-makers and musicals.</p> <p>The Premises already has the benefit of a current Premises Licence 17/00266/LIPDPS permitting licensable activities of all categories (except boxing and wrestling).</p> <p>The current application is essentially to obtain a new Premises Licence to:</p> <ol style="list-style-type: none"> <li>1. Update the licensing plans relating to the venue (as slight internal alterations are planned</li> </ol>		

	<p>for the Ground floor area only);</p> <p>2. To update the licensing conditions (so that they make better sense and are fit for purpose);</p> <p>3. To simplify the Licence to make it easier to understand for all concerned.</p> <p>4. To reduce the licensing hours relating to Regulated Entertainment (so these activities start at 10:00 earliest, not 08:00 as is currently authorised);</p> <p>5. To vary; simplify and overall, to reduce, the maximum hours for the sale of alcohol.</p> <p>The Premises comprises four levels – Basement level 1; Basement level 2; Ground level and First Floor restaurant. The main theatre space (Ground level – Auditorium) offers a programme of full productions, work in progress productions and festivals of new work. The only changes to the proposed licensed area to that covered by Licence 17/00266 relate to the ground floor – essentially the internal layout is being varied slightly.</p> <p>In the Basement levels 1 and 2, the studio theatre by day is available for composers, librettists, lyricists, directors and choreographers to discover and create new material. By night this area offers a diverse programme including cabaret, music, musical theatre and comedy.</p> <p>There is also a bar/events space/foyer on the Ground level, which as well as serving drinks and food, is also a space used (from time to time) for networking; musical; arts and other occasions/functions and events.</p> <p>On the first floor, there is a restaurant which also will operate from time to time as a (restricted access) corporate/private hospitality space.</p> <p>If a new Premises Licence is issued in the terms sought, Licence 17/00266/LIPDPS will be surrendered</p>
<b>Plans:</b>	Plans are available upon request to the Licensing Authority and will be available at the Licensing Sub-Committee.

### 1-B Current and proposed licensable activities, areas and hours

**Performance of live music, Performance of Dance, Exhibition of a Film, Indoor Sporting Event, Performance of Live Music, Playing of Recoded Music, Performance of a Play, Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	23:30	10:00	23:30	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor- the internal layout is being varied slightly, First Floor

<b>Tuesday</b>	08:00	23:30	10:00	23:30	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Wednesday</b>	08:00	23:30	10:00	23:30	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Thursday</b>	08:00	23:30	10:00	23:30	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Friday</b>	08:00	00:00	10:00	00:00	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Saturday</b>	08:00	00:00	10:00	00:00	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Sunday</b>	10:00	22:30	10:00	22:30	Basement 1 & 2 areas, Ground Floor, First Floor	Basement 1 & 2 areas, Ground Floor-the internal layout is being varied slightly, First Floor
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	10:00 to 23:00 on Bank Holidays				No Change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	00:00 First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor
<b>Tuesday</b>	23:00	00:00 (First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor,	Basement 1 & 2 areas, Ground	Ground floor, First Floor

				1 <sup>st</sup> Floor)	Floor, First Floor	
<b>Wednesday</b>	23:00	00:00 (First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor
<b>Thursday</b>	23:00	00:00 (First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor
<b>Friday</b>	23:00	00:00 (Main Auditorium, & Cabaret Theatre- Basement 1 & 2 areas, First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor
<b>Saturday</b>	23:00	00:00 (Main Auditorium, & Cabaret Theatre- Basement 1 & 2 areas, First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor
<b>Sunday</b>	23:00	00:00 (First Floor Restaurant) 23:30	23:00	01:00 (Ground Floor, 1 <sup>st</sup> Floor)	Basement 1 & 2 areas, Ground Floor, First Floor	Ground floor, First Floor

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	00:00 (First Floor, (Ground Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)) 23:30 (Ground	10:00	00:30	Basement 1 & 2 areas, Ground Floor, First Floor	No Change

		Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)				
<b>Tuesday</b>	08:00	00:00 (First floor, (Ground Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)) 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)	10:00	00:30	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Wednesday</b>	08:00	00:00 (First floor, (Ground Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)) 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre- Basement 1 & 2 areas)	10:00	00:30	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Thursday</b>	08:00	00:00 (First floor, (Ground Floor Bar, Main Auditorium & Cabaret	10:00	00:30	Basement 1 & 2 areas, Ground Floor, First Floor	No Change

		Theatre-Basement 1 & 2 areas)) 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre-Basement 1 & 2 areas))				
<b>Friday</b>	08:00	00:00 (First floor, (Ground Floor Bar, Main Auditorium & Cabaret Theatre-Basement 1 & 2 areas)) 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre-Basement 1 & 2 areas))	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Saturday</b>	08:00	00:00 (First floor, (Ground Floor Bar, Main Auditorium & Cabaret Theatre-Basement 1 & 2 areas))	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Sunday</b>	10:00	22:30 (Basement, Ground Floor, First floor)	10:00	22:30	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays			n/a		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	00:00	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	No Change
<b>Tuesday</b>	08:00	00:00	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	
<b>Wednesday</b>	08:00	00:00	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	
<b>Thursday</b>	08:00	00:00	10:00	01:00	Basement 1 & 2 areas, Ground Floor, First Floor	
<b>Friday</b>	08:00	00:00	10:00	01:30	Basement 1 & 2 areas, Ground Floor, First Floor	
<b>Saturday</b>	08:00	00:00	10:00	01:30	Basement 1 & 2 areas, Ground Floor, First Floor	
<b>Sunday</b>	10:00	22:30	10:00	23:00		

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	30 <sup>th</sup> August 2017
<p>I refer to the application for a new Premises Licence for the above premises. The premises does benefit from a premises licence 17/00266/LIPDPS.</p> <p>The applicant has submitted floor plans, ground floor drawing number 170705/LS/100 and dated 26/07/07/17, first floor - 17/02/A8004, basement level 1 - 17/02/A802 and basement level 2 – 17/02/A801.</p> <p>This representation is based on the plans and Operating Schedule submitted.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol for consumption ‘on’ the premises Monday to Thursday 10:00-00:30 hours, Friday and Saturday 10:00-01:00 hours and Sunday 10:00-22:30 hours.</li> </ol>	

2. To provide the following Regulated Entertainment indoors: Plays, Films, Indoor Sporting, Live Music, Recorded Music, Performance of Dance and anything of a similar description on Monday to Thursday 10:00-23:30 hours, Friday and Saturday 10:00-00:00 and Sunday 10:00-22:30 hours.

3. To allow Late Night Refreshment 'indoors' Monday-Saturday 23:00-01:00 hours.

I wish to make the following representations in relation to the above application:

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

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.**

<b>Responsible Authority:</b>	The Metropolitan Police Service ( <b>withdrawn</b> )
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	30 <sup>th</sup> August 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder, as there are insufficient conditions within the operating schedule.

The proposal to extend the sale of alcohol by one hour may impact on crime and disorder, particularly at closing time. That said the conditions proposed by you do address some of our concerns.

Police would like you to add the following condition to your operating schedule and amend your proposed conditions 8, 44, and 45 as shown in red below.

1. An incident log shall be kept at the premises, and made available on request to

an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any faults in the CCTV system (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

Update condition 7 (CCTV)

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

***The Police have withdrawn their representation as their proposed conditions have been agreed by the applicant.***

2-B Other Persons	
Received:	29 <sup>th</sup> August 2017
3:34 PM on 29 Aug 2017 I consider that the later hours applied for will give rise to a Public Nuisance in this primarily residential area.	
Received:	21 <sup>st</sup> August 2017
<p>I would like to object to the proposal for extending the opening hours and increasing the opportunities for the sale of alcohol which have been submitted in the above licensing application: <b>17/08676/LIPN</b> .</p> <p>My objection is made on the grounds of Prevention of Public Nuisance.</p> <p>I believe that the increased opening hours for which the theatre's management is applying are unreasonably late for what is still a strongly residential area and will cause a substantial nuisance to those living there. It will involve a licensing extension later than the core hours currently permitted.</p> <p>We note that the application also seeks permission for late night performances of dance and music (live and recorded) plus indoor sporting events until 23:30 from Mon to Thurs and until midnight on Fri and Sat, while on Sun a cut-off time of 22 30 is proposed. We are also aware that sporting events often attract a large and aometimes over-exuberant audience.</p> <p>If given the go-ahead, this application could have an adverse effect on the peace and quiet of our district. There will inevitably be noise as people leave the building after a late</p>	

meal and many of us are aware, from observing similar places, that closure of the premises does not automatically mean an instant cessation of noise, people and traffic. There is frequently a run-on period while people leave, say their good-byes and find their cars or other transport.

If patrons are attracted to the area by late-night refreshment, this is likely to put pressure on existing parking spaces, especially Respark spaces, as people planning to dine late are more likely to bring their cars. This area is currently known for its 'easy' parking, as Respark restrictions here currently terminate at 6.30 pm.

Many of us believe these factors could radically disturb the peace and tranquillity of the area.

I think we all hope that the newly launched theatre will succeed, but not at the cost of extra disruption to our quality of life. Some of us are worried about the breadth of the theatre's proposed activities. It is essentially a theatre which could make a valuable contribution to the Arts, but it also purports to be a dance centre, a sports venue and a bar and restaurant open to the general public.

It is the operation of some of these activities until the very end of the evening which could augment the potential nuisance factor.

This is normally a surprisingly quiet and peaceful enclave for Central London and after consulting some of my fellow residents, I know that they would like to keep it that way. I therefore hope the Licensing Committee will reject this application.

**Received:**

20<sup>th</sup> August 2017

We would like to object to the proposal 17/08676/LIPN on the grounds of PREVENTION OF PUBLIC NUISANCE.

The 2 establishments with licences at the end of our residential street already cause nuisance way beyond midnight on too many occasions. Please consult the Westminster Council noise reporting complaints line where our complaints about the Phoenix should be registered as a constant problem over the last 5 years .

I invite any of you in to hear from our flat actual conversations of people outside the Phoenix , not muffled : loud conversation ..they might as well be sitting in our lounge.

The theatre crowd also attract large numbers of coaches (who park on double yellow lines and keep their engines running breaking 2 laws and once again the council do nothing but I can guarantee if a resident did this a parking ticket would be issued. ) The sound of the coaches waiting til 2 am and then accelerating away is UNACCEPTABLE.

There should be restrictions in place for no outside drinking past 9.30pm as there are in other residential streets on London , why is this not already in place.?

The noise team take over 45 minutes to arrive after the complaint and often the nuisance has ceased but that usually means it's 12.15 am or later ..if this nuisance is extrapolated to a closing time of 1.30 am the noise will be until 3 am and presumably louder and more rowdy as the customers will have been drinking for 2 and a half extra hours ...ALSO

UNACCEPTABLE.

This is a residential area and the council should be trying to preserve people's quality of life and not just kowtowing to businesses ..there is plenty of other provision of food and entertainment in Victoria Street and the new Nova complex . There is no need for further late night provision .

When the theatre development was put to planning we told you at the planning meetings that this would happen , the gradual pushing at the licensing limits and you ASSURED us this

<b>Received:</b>	24 <sup>th</sup> August 2017
------------------	------------------------------

As a resident whose flat / bedroom is almost directly opposite 'The Other Palace' at 12 Palace Street, I would like to strongly object to the extended licensing hours proposed - i.e. until 01:00 Monday - Saturday.

The theatre which has applied for this extension is already very loud when the theatre goers leave the establishment - i.e. at 22:30 - 23-30. There is lots of shouting, outside drinkers, car door slamming and taxi engine running etc. Therefore, there is absolutely no need to extend the core hours until 1am in the morning ... in what is essentially a very quiet and residential area within SW1E. I therefore object on the grounds of prevention of public nuisance.

There is no reasonable justification for this extension. It will only bring further noise and disturbance to those who live by, such as the residents of Palace Street and Stafford Place. We already have a number of pubs and licensed premises in the area (which close late at the weekend) .. and, I fear that to extend the hours of this establishment, will make living here unbearable - as it will be so noisy, so late at night, within such a small enclosed area and 6 nights a week.

I strongly object and hope that the Licensing Committee will reject this application.

Please can I ask for notification of this objection and also flag that the WCC website's automated system for leaving comments is not working - which may have discouraged others from objecting (i.e. who will simply have given up).

<b>Received:</b>	11 <sup>th</sup> August 2017
------------------	------------------------------

12:46 PM on 11 Aug 2017 I strongly object to the extension of the licensing and restaurant hours at this theatre. This is now predominately a residential area and this extension would create even more disturbance later into the night time. The theatre is surrounded by very expensive apartments who do not deserve to be disturbed this late in the day. There is also an hotel closeby whose occupants could well be disturbed too. If this Licence is granted then other restaurants around could also be granted Licences. This must not happen. Residential areas like this MUST kept quiet after 11pm. Late hours also encourage people to come by car and therefore parking could increase.

Even more apartments are planned just over the road from the theatre which is even more reason not to extend the Licence.

**Received:**

30<sup>th</sup> August 2017

As local Residents of Palace Street, we wish to object to the above proposed change of planning application.

When the Westminster Theatre was originally updated, the planning that was applied for included late night entertainment, live music and a late refreshment licence. We local residents all objected and had many meetings with the relevant Councillors and the Theatre owners and the licence was subsequently granted but modified to take in our concerns i.e., worries about late night noise on exiting venue, increased traffic, footfall, litter and potential trouble from drunken revellers. Even with the modified licence, the Theatre became a success. So much so that it has now been bought by the current large commercial concern. Why, therefore, do the Council imagine that the concerns of the Residents have suddenly disappeared and you are considering an application to extend both scale of operation and length of hours after only granting the original licence in a modified form.

The Theatre as it is, whilst adding interest to our locality, has, in fact, caused quite a great deal of disturbance and inconvenience to Residents with the increased amount of people, noise, traffic and illegal parking. However, the style of entertainment and the curtailed drinking hours have allowed any potential problems with noise and drunkenness to be controlled.

With the the huge amount of tourists by day, the enormous amounts of building works allowed, the rebuilding of roads and the granting of so many planning applications for entertainment, restaurants and drinking establishments nearby etc, this area has become a nightmare to live in and our right to a quiet life has been seriously challenged. The granting of the above Licence will mean that any peace we may expect after midnight and the early hours, the only quiet time we ever enjoy, will be threatened. For these reasons we absolutely object to this new Licence Application.

**Received:**

11<sup>th</sup> August 2017

7:59 AM on 11 Aug 2017 We object to the application on the basis of noise disturbance. We live in Stafford Place and are disturbed every night by customers leaving The Phoenix Pub which is next to the Theatre. Unfortunately there are always customers who spend on average about 30 minutes being rowdy in close proximity of the pub after closing hours. This happens every night except Sunday, and sometimes Monday. It prevents us from going to sleep at the time we would like. It only requires a small group to create a disturbance and it seems alcohol plays a part in customers not reigning in their rowdiness. Having this kind of disturbance go on 30 minutes beyond last orders or closing time of the Theatre will make life impossible

**Received:**

15<sup>th</sup> August 2017

We write to make a representation objecting to the above application to vary the premises license for The Other Palace ("the premises") so as to extend the terminal hour for licensable activities beyond 'core hours' in most areas of the premises. The representation is based on the licensing objective of prevention of public nuisance. We believe that the likely effect of this application, if granted, would cause a disproportionate increase in public nuisance in the area.

## **Introduction**

We are residents of Flat 1002, 20 Palace Street, London SW1E 5BB, and so live in close proximity to the premises.

This is the sixth substantive Licensing Act 2003 application made for these premises since opening. The Licensing Committee has previously consistently determined that Core Hours should substantively prevail, with a minor exception for the restaurant. It is recognised that the ownership and name of the premises has changed since the last application, however, no other factors that have a meaningful impact on Licensing Objectives have. The circumstances in which the Licensing Committee rejected the previous applications to extend the hours of operation beyond Core Hours remain and there are no grounds to reconsider the prior determinations.

## **Prevention of public nuisance**

The premises has a large capacity. If the standalone bar (which now has direct access from the street) and other areas of the premises are permitted to operate beyond 'core hours', the likelihood of disturbance and noise from patrons departing the premises late at night is increased.

1. The premises is situated on Palace Street, which is a narrow street linking Victoria Street with Buckingham Palace Road. There are a significant number of residential dwellings in the location – Palace Street, (including the block in which we live) and those on Stafford Place, Catherine Place, Buckingham Place, Wilfred Street and Castle Lane.

In fact, since the premises opened the residential density in and around Palace Street has increased significantly and is set to further increase, attached is a plan showing the location of the various residential blocks in relation to the theatre. This throws into even sharper focus the effect of patrons leaving the premises after 'core hours'.

2. The planning permission was granted in 2003 when the area was significantly different (and less residential), and so this bears no relevance to the licensing application in terms of a justification, particularly as the current Licensing Policy of 2016 significantly post-dates the planning permission.

3. The hours applied for are outside 'core hours'. The City Council's Statement of Licensing Policy HRS1 where relevant states that 'Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:' It then goes on to list certain criteria, including:

- The demonstration of compliance with relevant criteria in policies CD1, PS and PN1 associated with the likelihood of the effect of the grant of a license for later or earlier hours on crime and disorder, public safety and public nuisance,
- Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.
- Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- The capacity of the premises.
- The type of use.

As well as the reference in HRS1 to Policy PN1, Policy PB1 states that 'Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. Policy PN1 is stated to particularly apply in areas of residential accommodation, and that 'stricter conditions' - which we take to include hours

- will be imposed on premises licenses in areas that have denser residential accommodation, and that one of the factors is to minimise and control noise from customers departing the premises.

4. When the applicant previously applied for the same hours of this application, residents sought shorter terminal hours considering the theatre's proximity to residential dwellings.

The Sub-Committee decided when granting the license in January 2012 that the appropriate balance lay at 'core hours', with slightly longer for the restaurant. As the premises have operated without undue problems since, it is fair to say that the balance has been effective. This is in keeping with the 'core hours' policy. Any changes to this, however small, risk upsetting this equilibrium. Additionally, the reason that the restaurant was given slightly longer hours was because the Sub-Committee considered that 'The staggering of the terminal hours would aid dispersal'. This would not apply should the hours for the bar and other areas also be extended to midnight.

5. There are a number of other licensed premises in the area, such as the Phoenix Public House immediately adjacent to the premises, the Cask and Glass a short distance away and the Colonies a little further but also having an impact on Palace Street. These premises already cause noise problems with drinking in the streets and extended dispersal of patrons long after closing time. Any change to the licensing hours to the Other Palace, that facilitates an increased period for alcohol sales would only exacerbate this problem and further late night activity at the theatre could encourage these venues to open even later (which they are licensed to do) to attract more custom.

## **Conclusion**

Residents wish to see the Other Palace thrive as a theatre. But this should not be disproportionate to the interests of residents. The premises has a license to core hours at the moment (slightly longer for the restaurant), with a myriad of potential uses and income streams which do not necessitate an extension to its license.

Residents concerns are with the intent to enhance ancillary facilities with extended hours for alcohol sales. The Licensing Committee has already considered the hours applied for on several occasions and an effective balance determined with a license granted to core hours (slightly longer for the restaurant). Any change to this balance would be detrimental to the immediate local residential community, which has and is set to significantly increase in the life-time of the Other Palace.

We would ask that the Licensing Committee reject this application outright as it did on the prior occasion application was made and we look forward to being kept up to date on the progress of the application, and we confirm that we intend to attend the hearing when it takes place.

### Palace Street & Environs Residential Proximity to The Other Palace Theatre & Bars



**Received:** 11<sup>th</sup> August 2017

I am Chairman of Stafford Mansions Residents Association. I am writing to express my strongest objection to the above application.

We had many discussions when the theatre was about to open regarding licensing/opening hours. We were assured that, despite our fears, the hours would NOT be extended. At the moment, we already suffer from noise and rubbish from theatre-goers and restaurant and bar customers; we also suffer from loss of parking and traffic bottle-necking in Palace Street.

If the hours were extended, the problem would be exacerbated to an intolerable degree: it would be further attack on the peace and quiet of our district. Late hours would attract more people for late-night refreshment. This is likely to add to the traffic in the area and pressure on our already diminished parking spaces (thanks to the construction of 1 Palace Street).

It strikes me as totally unreasonable that a restaurant/bar literally 50 yards from a large residential block and a residential street (Stafford Place) stay open beyond 11pm.

**Received:** 11<sup>th</sup> August 2017

I object to this application which will disturb the peace and quiet of what is a mainly residential district. There will inevitably be noise as people leave the building late at night as more people will be attracted to the area by late-night refreshment. It is likely to add to additional traffic in the area and pressure on existing parking spaces, as people planning to dine late are more likely to bring their cars.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy COMB1 applies:	<p>(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&amp;PB2, FFP1 &amp; FFP2, MD1 &amp; MD2.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PVC1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1

### 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Copy of Existing Licence
<b>Appendix 5</b>	Copy of Licensing Sub-Committee Decision <i>Thursday 31<sup>st</sup> October 2013 for Variation Application The St James Theatre, 12 Palace Street, SW1</i>

<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	The Application Form	
<b>5</b>	Representation- The Environmental Health Service	30 <sup>th</sup> August 2017
<b>6</b>	Representation- The Metropolitan Police Service (withdrawn)	30 <sup>th</sup> August 2017
<b>7</b>	Representation- Resident	11 <sup>th</sup> August 2017
<b>8</b>	Representation- Resident	21 <sup>st</sup> August 2017
<b>9</b>	Representation- Resident	20 <sup>th</sup> August 2017
<b>10</b>	Representation- Resident	24 <sup>th</sup> August 2017
<b>11</b>	Representation- Resident	11 <sup>th</sup> August 2017
<b>12</b>	Representation- Resident	30 <sup>th</sup> August 2017
<b>13</b>	Representation- Resident	29 <sup>th</sup> August 2017
<b>14</b>	Representation- Resident	15 <sup>th</sup> August 2017
<b>15</b>	Representation- Resident	11 <sup>th</sup> August 2017
<b>16</b>	Representation- Resident	11 <sup>th</sup> August 2017

**Suggested Revised Conditions for The Other Palace**  
**(Updating Annex 3 conditions 11 to 57)**

**September 8<sup>th</sup> version (following input from the Police)**

Whole premises

1. The licensable activities authorised by this licence are subject to the main function of the premises continuing to be that of a Theatre.
2. There shall be no sales of alcohol for consumption off the premises.
3. All entrance doors shall be kept closed, when Regulated Entertainment is taking place and in any event after 2100 hours, except for immediate access and egress of persons.
4. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises are properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
5. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
6. Loudspeakers shall not be located outside the premises building.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any faults in the CCTV system (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.
8. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of 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. Recordings shall be made available immediately upon the request of Police or authorised council officer throughout the preceding 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of

delay when requested.

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. Clear legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
12. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
13. A direct telephone number for the 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.
14. A proof of age scheme, such as Challenge 25, shall be operated at the premises.  
The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.
15. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.  
  
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
16. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
18. 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.
19. 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.
20. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
23. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
24. A minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
25. On an open stage and elsewhere in the premises any permanently installed scenery should normally be made from the following:
- o Non-combustible material; or
  - o Inherently flame-retarded fabric; or
  - o Durably-treated flame retarded fabric; or
  - o Timber, hardboard or plywood treated by a process of impregnation which meets Class 1 (BS 476-7) or Class-s3.d2 (BS EN 13501-1) surface spread flame; or Timber framing of minimum 22mm nominal thickness; or
  - o Medium-density fibreboard (MDF), plywood, chipboard not less than 18mm in thickness; or
  - o Plastics material subject to special consideration by appropriate Responsible Authority, being the Fire Authority; or
  - o Other materials acceptable to the appropriate Responsible Authority, being the Fire Authority.
26. All materials used in finishing and furnishing the premises should, as far as it reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.
- a. All fabrics, curtains, drapes and similar features should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or functionrooms, should be non-combustible.
27. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- o Any emergency lighting battery or system
  - o Any electrical installation
  - o Any emergency warning system o Ceiling.
28. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.
- o Dry ice and cryogenic fog
  - o Smoke machines and fog generators
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly inflammable substances
  - o Real flame
  - o Strobe lighting.

Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

29. The sale and supply of alcohol shall be ancillary to the premises' primary use as a theatre.

**Specific conditions relating to the areas identified:**

**Main Auditorium**

30. Any alcohol sold will be contained in non-glass containers.
31. The number of persons permitted in the main theatre shall not exceed 314.

**Restaurant/Hospitality Space – First Floor**

32. Subject to condition 35, the supply of alcohol in this area shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
33. The supply of alcohol shall be waiter or waitress service only.
34. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours where alcohol is sold or supplied for consumption on the premises.
35. Condition 32 will not apply where:
  - a. A person, seated with a companion, is not partaking a meal but his/her companion is, or
  - b. At corporate or private hospitality events (e.g. a viewing of an art exhibition) from time to time.
36. The number of persons permitted in this area at any one time shall not exceed 62.

**Cabaret Theatre, Basement 1 & 2:**

37. The supply of alcohol in this area shall be ancillary to the regulated entertainment taking place there save for interval drinks for persons attending performances/events in the main auditorium.
38. Admittance to this area shall be to persons who have purchased a ticket for theatrical productions or music or comedy nights or who are attending a pre-booked corporate/private event, or persons who have purchased a ticket for a performance in the main auditorium and the supply of alcohol shall be ancillary to the premises primary use as a theatre.
39. The number of persons permitted in this area at any one time shall not exceed 126.
40. The number of persons permitted on the Cabaret Theatre balcony at any

one time shall not exceed 18 seated and 7 standing in the rear standing platform. An updated plan shall be provided reflecting the fixed seating within the balcony area.

#### Bar - Ground Floor

41. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours where intoxicating liquor is sold or supplied.
42. Subject to conditions 43 and 44, the number of persons permitted in the Bar at any one time shall not exceed 100.
43. On those days when both the Main Auditorium and Cabaret Theatre Basement 1 & 2 areas are operating the maximum capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) shall be 312 for a period of one hour immediately before the performance/event in the Main Auditorium; during any interval, and for 90 minutes post performance/event, and condition 42 above shall not apply.
44. On those days when the Main Auditorium is in use for performances and the Cabaret Theatre is not in use, the overall capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) and Cabaret Theatre Basement 1 & 2 areas shall not exceed 312 for a period of one hour immediately before the performance/event in the Main Auditorium and during any interval and for 90 minutes post performance/event, and condition 42 above shall not apply.
45. Patrons of the theatre shall not be permitted to smoke in the immediate vicinity of the entrance in Palace Place.

#### **New conditions:**

46. A 'Last entry' condition to apply Mondays to Saturdays with no new customers entering the Premises after 23:30.
47. SIA licensed staff to operate on the entrances to the Premises from 18:00 for evening events/performances and at 14:00 for afternoon matinee performances.

## Premises History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>11/11832/LIPN</b>	Application for a new premises licence	26.01.2012	Granted by Licensing Sub-Committee
<b>12/06939/LIPVM</b>	Application for a Minor Variation to 1. Remove staff WC adjacent to band room in basement 2 2. Remove 'servery' room in basement 2 to become 'Broadcasting Suite' 3. Construct 'Control area' in basement 2 Cabaret space in place of fixed seating. 4. Convert through urinal in male public WC on ground floor to 4 x individual urinals.	28.08.2012	Granted under delegated authority
<b>12/07148/LIPV</b>	Variation Application to vary the existing premises licence as so to: 1. To amend condition 49 to add 'save for interval drinks for persons attending performances in the main auditorium'. 2. To amend condition 50 to add 'persons who have purchased a ticket for a performance in the main auditorium'. 3. To amend condition 54 as so to permit up to 300 persons in the ground floor bar area from one hour before a performance until one hour after a performance in the main auditorium. There is to be no changes to	18.10.2012	Granted by Licensing Sub-Committee with modified conditions

	current licensable activities or timings.		
<b>12/07548/LIPV</b>	Variation Application to Remove condition 14 from the premises licence which currently prohibits direct access to the bar from the street, so as to permit access to the bar from Palace Place.	18.10.2012	Granted by Licensing Sub-Committee with modified conditions
<b>12/08212/LIPDPS</b>	Application to vary the Designated Premises Supervisor	28.09.2012	Granted under delegated authority
<b>12/08691/LIPDPS</b>	Application to vary the Designated Premises Supervisor	23.10.2012	Granted under delegated authority
<b>12/11179/LIPDPS</b>	Application to vary the Designated Premises Supervisor	31.12.2012	Granted under delegated authority
<b>13/01337/LIPVM</b>	Application for a Minor Variation to allow 24 seats to be placed on stage to create a "Theatre in the round". This would be done using seats removed from existing rows, as such capacity would be unaffected. Seats would be fixed and all access, egress and escape routes would be maintained and clearly marked.	19.03.2013	Granted under delegated authority
<b>13/06700/LIPDPS</b>	Application to vary the Designated Premises Supervisor	29.10.2013	Granted under delegated authority
<b>17/00261/LIPVM</b>	Application for a Minor Variation for Internal minor amendments to the ground floor and first floor will result in a change to the existing floor plans, therefore we are submitting up-to-date plans with this application. There is a new raised stage on the ground floor (bar area) and on the first floor, there is a	20.02.2017	Granted under delegated authority

	new open kitchen counter to allow guests to view the chefs. Additional layout changes to the control room (ground floor) and basement. Up-to-date plans attached. In addition, the name of the theatre will be changing to The Other Palace and corresponding signage has been approved by Westminster City Council (16/09631/ADV).		
<b>17/00266/LIPDPS</b>	Application to vary the Designated Premises Supervisor	16.03.2017	Granted under delegated authority

#### Temporary Event Notices

<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Temporary Event Notice	21.11.2013	Notice Allowed
Temporary Event Notice	06.01.2014	Notice Allowed
Temporary Event Notice	14.04.2014	Notice Allowed
Temporary Event Notice	06.01.2015	Notice Allowed
Temporary Event Notice	08.07.2015	Notice Allowed

There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

### **Conditions consistent with the operating schedule**

11. The licensable activities authorised by this licence are subject to the main function of the premises continuing to be that of a Theatre.
12. There shall be no sales of alcohol for consumption off the premises.
13. All entrance doors shall be kept closed, when Regulated Entertainment is taking place and in any event after 2100 hours, except for immediate access and egress of persons.
14. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises are properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
15. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
16. Loudspeakers shall not be located outside the premises building.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any faults in the CCTV system (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.
18. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of 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. Recordings shall be made available immediately upon the request of Police or authorised council officer throughout the preceding 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Clear legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
22. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. A direct telephone number for the 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.
24. A proof of age scheme, such as Challenge 25, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.
25. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

26. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
28. 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.
29. 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.
30. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. A minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
35. On an open stage and elsewhere in the premises any permanently installed scenery should normally be made from the following:
  - o Non-combustible material; or
  - o Inherently flame-retarded fabric; or
  - o Durably-treated flame retarded fabric; or
  - o Timber, hardboard or plywood treated by a process of impregnation which meets Class 1 (BS 476-7) or Class-s3.d2 (BS EN 13501-1) surface spread flame; or Timber framing of minimum 22mm nominal thickness; or
  - o Medium-density fibreboard (MDF), plywood, chipboard not less than 18mm in thickness; or
  - o Plastics material subject to special consideration by appropriate Responsible Authority, being the Fire Authority; or
  - o Other materials acceptable to the appropriate Responsible Authority, being the Fire Authority.
36. All materials used in finishing and furnishing the premises should, as far as it reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.
37. All fabrics, curtains, drapes and similar features should 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, should be non-combustible.
38. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - o Any emergency lighting battery or system
  - o Any electrical installation
  - o Any emergency warning system o Ceiling.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.
  - o Dry ice and cryogenic fog
  - o Smoke machines and fog generators o
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly inflammable substances o
  - o Real flame
  - o Strobe lighting.
40. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary

for the prevention of crime).

41. The sale and supply of alcohol shall be ancillary to the premises' primary use as a theatre.

**Specific conditions relating to the areas identified:**

**Main Auditorium**

42. Any alcohol sold will be contained in non-glass containers.
43. The number of persons permitted in the main theatre shall not exceed 314.

**Restaurant/Hospitality Space – First Floor**

44. Subject to condition 47, the supply of alcohol in this area shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
45. The supply of alcohol shall be waiter or waitress service only.
46. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours where alcohol is sold or supplied for consumption on the premises.
47. Condition 44 will not apply where:
  - a. A person, seated with a companion, is not partaking a meal but his/her companion is, or
  - b. At corporate or private hospitality events (e.g. a viewing of an art exhibition) from time to time.
48. The number of persons permitted in this area at any one time shall not exceed 62.

**Cabaret Theatre, Basement 1 & 2:**

49. The supply of alcohol in this area shall be ancillary to the regulated entertainment taking place there save for interval drinks for persons attending performances/events in the main auditorium.
50. Admittance to this area shall be to persons who have purchased a ticket for theatrical productions or music or comedy nights or who are attending a pre-booked corporate/private event, or persons who have purchased a ticket for a performance in the main auditorium and the supply of alcohol shall be ancillary to the premises primary use as a theatre.
51. The number of persons permitted in this area at any one time shall not exceed 126.
52. The number of persons permitted on the Cabaret Theatre balcony at any one time shall not exceed 18 seated and 7 standing in the rear standing platform. An updated plan shall be provided reflecting the fixed seating within the balcony area.

## **Bar - Ground Floor**

53. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours where intoxicating liquor is sold or supplied.
54. Subject to conditions 55 and 56, the number of persons permitted in the Bar at any one time shall not exceed 100.
55. On those days when both the Main Auditorium and Cabaret Theatre Basement 1 & 2 areas are operating the maximum capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) shall be 312 for a period of one hour immediately before the performance/event in the Main Auditorium; during any interval, and for 90 minutes post performance/event, and condition 54 above shall not apply.
56. On those days when the Main Auditorium is in use for performances and the Cabaret Theatre is not in use, the overall capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) and Cabaret Theatre Basement 1 & 2 areas shall not exceed 312 for a period of one hour immediately before the performance/event in the Main Auditorium and during any interval and for 90 minutes post performance/event, and condition 54 above shall not apply.
57. Patrons of the theatre shall not be permitted to smoke in the immediate vicinity of the entrance in Palace Place.

### **New conditions:**

58. A 'Last entry' condition to apply Mondays to Saturdays with no new customers entering the Premises after 23:30.
59. SIA licensed staff to operate on the entrances to the Premises from 18:00 for evening events/performances and at 14:00 for afternoon matinee performances.

## **Conditions proposed by the Police**

60. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any faults in the CCTV system (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.
  
61. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.



## City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033615616

Premises licence

Regulation 33, 34

Premises licence number:

17/00266/LIPDPS

Original Reference:

11/11832/LIPN

### Part 1 – Premises details

Postal address of premises:

The Other Palace  
12 Palace Street  
London  
SW1E 5JA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
Provision of facilities for making Music  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

#### Performance of Dance

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

#### Exhibition of a Film

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

<b>Provision of facilities for making Music</b>	
Monday to Thursday:	08:00 to 23:30 (Floor space on Ground Floor only)
Friday to Saturday:	08:00 to 00:00 (Floor space on Ground Floor only)
Sunday:	10:00 to 22:30 (Floor space on Ground Floor only)
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Indoor Sporting Event</b>	
Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Performance of Live Music</b>	
Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Playing of Recorded Music</b>	
Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b>	
Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Performance of a Play</b>	
Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:00 (First Floor Restaurant)
Monday to Thursday:	23:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Friday to Saturday:	23:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	08:00 to 00:00 (First Floor Restaurant)
Monday to Thursday:	08:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Friday to Saturday:	08:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Sunday:	10:00 to 22:30 (Basement, Ground & First Floors)
Non-standard Timings:	Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays

<b>The opening hours of the premises:</b>	
Monday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Entertainment Theatres Limited  
65 Drury Lane  
London  
WC2B 5SP

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

07635832

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

**Name:** Darren Peter Atkins

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**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:** 05/00565/LAPER  
**Licensing Authority:** London Borough of Newham

**Date:** 16 March 2017

**This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

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

None

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

#### **Whole premises**

11. The licensable activities authorised by this licence are subject to the main function of the premises continuing to be that of a Theatre.
12. There shall be no sales of alcohol for consumption off the premises.
13. All entrance doors shall be kept closed, when regulated entertainment is taking place and in any event after 2100 hours, except for immediate access and egress of persons.
14. Save for access from Palace Place to the ground floor bar from 10:00 hours until 22:00 hours, there shall be no direct access from the street to any bar.
15. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises are properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
16. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
17. Loudspeakers shall not be located outside the premises building.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised council officer throughout the preceding 31 day period.
19. 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 to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
22. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. A direct telephone number for the 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.
24. A proof of age scheme, such as Challenge 21, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.

25. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

26. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
28. 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.
29. 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.
30. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. A minimum of 7 working days notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
35. On an open stage and elsewhere in the premises any permanently installed scenery should normally be made from the following:
- o Non-combustible material; or
  - o Inherently flame-retarded fabric; or
  - o Durably-treated flame regarded fabric; or
  - o Timber, hardboard or plywood treated by a process of impregnation which meets Class 1 (BS 476-7) or Class-s3.d2 (BS EN 13501-1) surface spread flame; or Timber framing of minimum 22mm nominal thickness; or
  - o Medium-density fibreboard (MDF), plywood, chipboard not less than 18mm in thickness; or
  - o Plastics material subject to special consideration by appropriate Responsible Authority, being the Fire Authority; or
  - o Other materials acceptable to the appropriate Responsible Authority, being the Fire Authority.
36. All materials used in finishing and furnishing the premises should, as far as it reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.
37. All fabrics, curtains, drapes and similar features should 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, should be non-combustible.

38. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- o Any emergency lighting battery or system
  - o Any electrical installation
  - o Any emergency warning system
  - o Ceiling.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.
- o Dry ice and cryogenic fog
  - o Smoke machines and fog generators
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly inflammable substances
  - o Real flame
  - o Strobe lighting.
40. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
41. The sale and supply of alcohol shall be ancillary to the premises' primary use as a theatre.
42. Between 08:00 hours and 10:00 hours Monday to Saturday, alcohol must be ancillary to a table meal.

#### **Main Auditorium**

43. Any alcohol sold will be contained in non glass containers.
44. The number of persons permitted in the main theatre shall not exceed 314.

#### **Restaurant - 1st Floor**

45. The supply of alcohol in the Restaurant shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
46. The supply of alcohol shall be waiter or waitress service only.
47. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
48. The number of persons permitted in the Restaurant at any one time shall not exceed 62.

#### **Cabaret Theatre, Basement 1 & 2**

49. The supply of alcohol in the Cabaret Theatre shall be ancillary to the regulated entertainment taking place there save for interval drinks for persons attending performances in the main auditorium.

50. Admittance to the Cabaret Theatre shall be to persons that have purchased a ticket for theatrical productions or music or comedy nights or for a pre-booked ticketed event, or persons who have purchased a ticket for a performance in the main auditorium and the supply of alcohol shall be ancillary to the premises primary use as a theatre.
51. The number of persons permitted in the Cabaret Theatre at any one time shall not exceed 126.
52. The number of persons permitted on the Cabaret Theatre balcony at any one time shall not exceed 18 seated and 7 standing in the rear standing platform. An updated plan shall be provided reflecting the fixed seating within the balcony area.

#### **Bar - Ground Floor**

53. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
54. The number of persons permitted in the Bar at any one time shall not exceed 100 ( 45 seated, 55 standing)
55. On those days when both the Main Auditorium and Cabaret Theatre Basement 1 & 2 areas are operating the maximum capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) shall be 312 for a period of one hour immediately before the performance in the Main Auditorium and during any interval and condition 54 above shall not apply. .
56. On those days when the Main Auditorium is in use for performances and the Cabaret Theatre is not in use, the overall capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) and Cabaret Theatre Basement 1 & 2 areas shall not exceed 312 for a period of one hour immediately before the performance in the Main Auditorium and during any interval and condition 54 above shall not apply.
57. Patrons of the theatre shall not be permitted to smoke in the immediate vicinity of the entrance in Palace Place.

#### **Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 010033615616**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

17/00266/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

The Other Palace  
Theatre  
12 Palace Street  
London  
SW1E 5JA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Provision of facilities for making Music  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Exhibition of a Film**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Provision of facilities for making Music**

Monday to Thursday:	08:00 to 23:30 (Floor space on Ground Floor only)
Friday to Saturday:	08:00 to 00:00 (Floor space on Ground Floor only)
Sunday:	10:00 to 22:30 (Floor space on Ground Floor only)
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Indoor Sporting Event**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Performance of Live Music**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Playing of Recorded Music**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Performance of a Play**

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30
Non-standard Timings:	10:00 to 23:00 on Bank Holidays

**Late Night Refreshment**

Monday to Saturday:	23:00 to 00:00 (First Floor Restaurant)
Monday to Thursday:	23:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Friday to Saturday:	23:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)

**Sale by Retail of Alcohol**

Monday to Saturday:	08:00 to 00:00 (First Floor Restaurant)
Monday to Thursday:	08:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Friday to Saturday:	08:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement 1 & 2 areas)
Sunday:	10:00 to 22:30 (Basement, Ground & First Floors)
Non-standard Timings:	Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays

**The opening hours of the premises:**

Monday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30

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

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**

Entertainment Theatres Limited  
65 Drury Lane  
London  
WC2B 5SP

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

07635832

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Darren Peter Atkins

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 16 March 2017

**This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.**

**LICENSING SUB-COMMITTEE No.2**

*Thursday 31<sup>st</sup> October 2013*

Membership: Councillor Alan Bradley (Chairman), Councillor Andrew Havery and Councillor Patricia McAllister

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Metropolitan Police, Ward Councillor and 8 local residents

Present: Mr Craig Baylis (Solicitor, representing the Applicant), Mr Mark Brown (General Manager), Mr Ian Watson (Environmental Health), PC Jim Sollars (Metropolitan Police), Councillor Tim Mitchell (Member for St James's Ward), Mr Richard Brown (Citizens Advice Bureau Licensing Advice Project – on behalf of Nigel Howard, local resident), Ms Mary Regnier-Leigh and Mr A Freeman (local residents).

<b>The St James Theatre, 12 Palace Street, SW1</b>	
<b>13/06702/LIPV</b>	
<b>1.</b>	<b>Regulated Entertainment: (Indoors)</b>
	<p>Performance of a Play Performance of Dance Exhibition of a Film Indoor Sporting Event Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded Music or Performance of Dance</p> <p>To extend the terminal hours on Monday to Thursday from 23:30 to 00:00 and Sunday from 22:30 to 23:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application. In reaching their decision, Members took into account the decision making of a previous Sub-Committee on 26 January 2012 in respect of the premises which had led to the hours that the Applicant was now seeking to extend. As Councillor Mitchell, Mr Brown and local residents stated in their representations at the current hearing, the Sub-</p>

Committee in January 2012 had sought to balance the needs of the local community and the business itself. This had included the Sub-Committee granting the midnight terminal hour for the licensable activities as applied for on Monday to Saturday in relation to the restaurant on the first floor with 62 covers and granting the terminal hour aspect of core hours for the Ground Floor Bar, Main Auditorium and Cabaret Theatre – Basement 1 & 2 areas. The staggering of the terminal hours was intended to aid dispersal. The Sub-Committee had also granted core hours on Sundays for all areas.

The Sub-Committee did not accept Mr Baylis' point at the hearing on 31 October 2013 that the fact that there had been no noise complaints and no crime and disorder apart from two thefts since the hearing in January 2012 demonstrated a track record that should result in licensable activities being extended beyond the Council's Core Hours policy, including the sale of alcohol in the Ground Floor Bar. It also did not warrant permitting everyone within the Theatre (including those at the bar as well as theatregoers and customers in the restaurant) to disperse at midnight Monday to Thursday and 23:00 hours on Sunday which was likely to adversely affect local residents in a highly residential area.

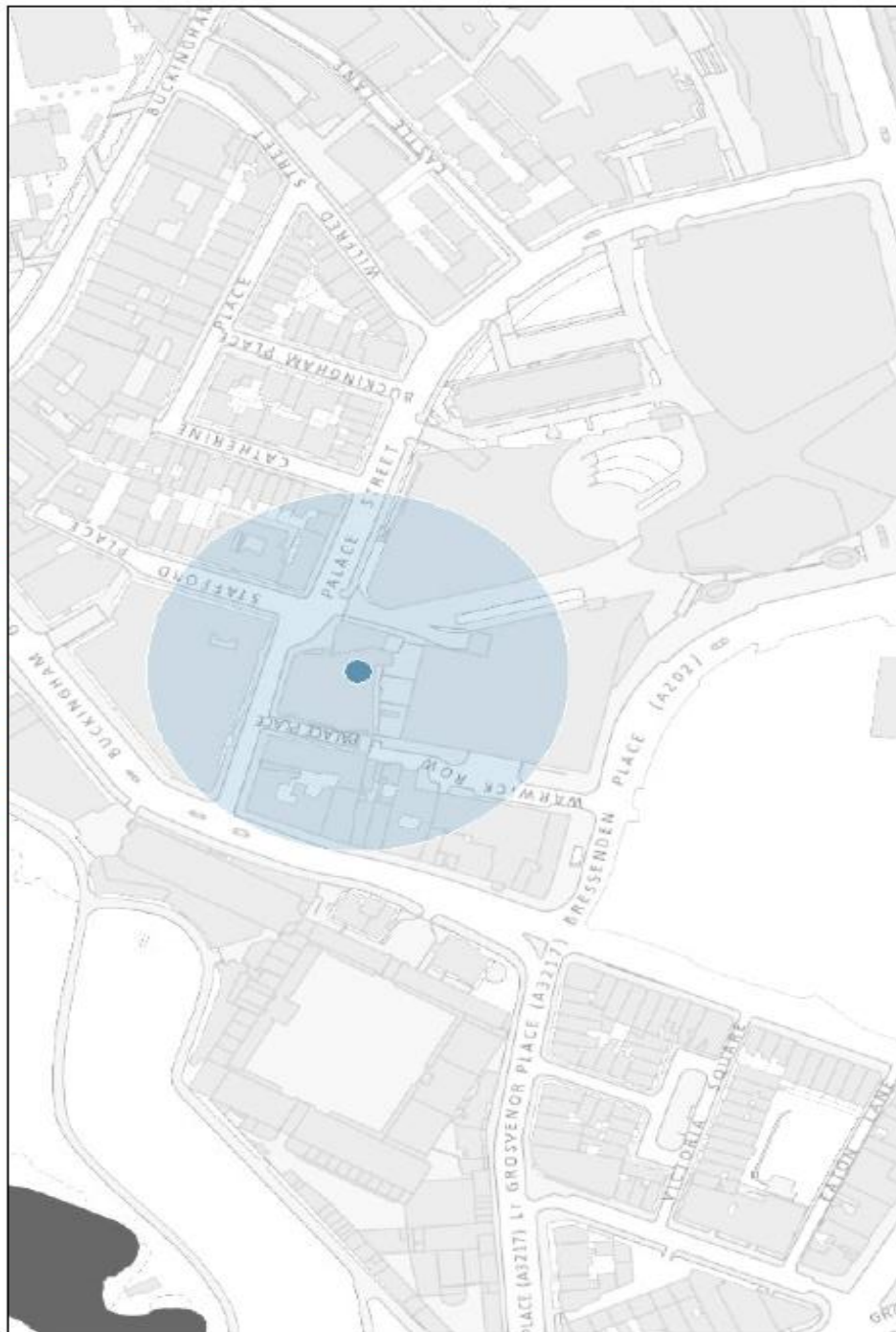
The Applicant was seeking the flexibility of later performances including comedy and jazz in the studio/cabaret areas and sought later hours for licensable activities that were in keeping with this, having concerns that people would then move on to The Phoenix after the performances, particularly on Sundays when the terminal hour was 22:30. As Mr Watson for Environmental Health advised there was a concern that longer hours would lead to public nuisance with the Applicant seeking to have more alcohol sales after performances at The St James Theatre. Mr Watson added that there was no restriction on alcohol sold during performances. It was a heavily residential area and the drinking of alcohol in the main bar that was not ancillary to food could potentially lead to public nuisance. Councillor Mitchell referred to the potential for public nuisance later at night from customers dispersing from St James Theatre than in the early evening. The area was already highly residential and there were planning applications pending that were likely to result in hundreds more residents in the vicinity. Mr Brown added that matters to take into consideration included the high proportion of residential property within 75m of the premises (66% of all uses), the lesser availability of public transport after core hours, the large capacity of the premises and that there was no restriction on alcohol only being available to theatregoers.

The local residents in their representations, Mr Freeman and Ms Regnier-Leigh at the hearing and Mr Howard in his written representation emphasised that just because there had not been complaints to the Council's Noise Team, it did not mean that there had not been a certain amount of nuisance from people leaving within the existing hours the premises had operated. If residents heard noise at a later hour it would cause more nuisance. Mr Howard had written of nuisance from people leaving, cars being slammed and rubbish being left in the area and produced accompanying photographs. However, Mr Baylis did make the point that Mr Howard had referred to people leaving at 01:00 hours when the premises closed at midnight.

	<p>The Sub-Committee explored two aspects in particular with residents during the hearing. The Chairman asked those objecting to the application why it was that some residents did believe there was currently nuisance being caused and why others believed that nuisance was not currently being caused but would do so if the application was granted. Councillor Mitchell commented that some of the properties in Stafford Mansions were in close proximity to the Theatre and therefore adversely affected whilst others were further down Stafford Place and were not currently impacted to the same extent. There were two other licensed premises in the area which had standard hours and did not trade until later in the evening. The Sub-Committee also asked residents what their view would be if after 19:00 hours the use of the bar and the restaurant were restricted to theatregoers. Mr Freeman responded that this would still result in a greater dispersal of people onto the street at a later hour. Ms Regnier-Leigh added that there would still be 90% who were theatregoers leaving at a later hour.</p> <p>Members noted Mr Baylis' comment that the Theatre was not commercially viable without income from the bar and restaurant but considered that the previous Sub-Committee in January 2012 had been flexible towards the Applicant. Not only had the restaurant been permitted to open until midnight where alcohol was ancillary to a substantial table meal but the sale of alcohol granted until core hours had not been restricted to theatregoers. As Mr Brown stated during the hearing whilst all concerned wanted the Theatre to be a success, the viability of the Theatre should not come at the expense of local residents.</p> <p>The Metropolitan Police had maintained their representation on the grounds that alcohol was being applied for beyond core hours. PC Sollars confirmed that there had not been a record of crime and disorder at the premises and he did not believe that the application would lead to an increase in crime and disorder.</p> <p>There was no policy presumption against the application that had been made but the area in the immediate vicinity of the theatre complex is highly residential and a significant number of local residents had actually objected. Some were complaining about existing problems whilst others were concerned about problems that might be caused if the variations sought were granted. The Sub-Committee agreed with the sentiments expressed by a number of residents to the effect that that the decision taken on 26 January 2012 had achieved the right balance and there was a real risk that the equilibrium would be upset if any extension of the hours for licensable activities was granted.</p>
<b>2.</b>	<b>Late Night Refreshment:</b>
	To extend the terminal hour on Monday to Thursday from 23:30 to 00:00 in the Ground Floor Bar, Main Auditorium & Cabaret Theatre - Basement areas 1 & 2.
	Amendments to application advised at hearing:

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Sale of Alcohol:</b>
	To extend the terminal hour on Monday to Thursday from 23:30 to 00:00 in the Ground Floor Bar, Main Auditorium & Cabaret Theatre – Basement areas 1 & 2 and Sunday from 22:30 to 23:00 in the Basement, Ground & First Floors.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application (see reasons for decision in Section 1).</p>
<b>4.</b>	<b>Opening Hours:</b>
	To extend the terminal hour on Sunday from 22:30 to 23:00.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application (see reasons for decision in Section 1).</p>

The Other Palace 12 Palace Street



September 13, 2017

1:2,000  
0 0.015 0.03 0.05 m  
0 0.0275 0.055 0.11 km  
© Crown copyright and database rights 2017. OS 100019597

© Crown copyright and database rights 2017. OS 100019597