



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 6th July, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Angela Harvey (Chairman)  
Julia Alexander  
Murad Gassanly



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is by ticket, issued from the ground floor reception from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

#### Licensing Applications for Determination

#### 1. BOCCONCINO, 19 BERKELEY STREET, W1

(Pages 1 - 68)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Bocconcin o, 19 Berkeley Street, W1	Variation of a premises Licence	17/04528/LIPV

#### 2. MARBLE ARCH THEATRE, WESTERN TRAFFIC ISLAND, MARBLE ARCH, W1

(Pages 69 - 134)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Hyde Park Ward / not in cumulative	Marble Arch Theatre, Western	New Premises Licence	17/05472/LIPN

	impact area	Traffic Island, Marble Arch, W1		
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**3. CLUB STORM, 28A LEICESTER SQUARE, WC2**

**(Pages 135 - 194)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	Club Storm, 28A Leicester Square, WC2	New Premises Licence	17/04597/LIPN

**4. LONDON FILM MUSEUM, 45 WELLINGTON STREET, WC2**

**(Pages 195 - 214)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's Ward / West End Cumulative Impact Area	London Film Museum, 45 Wellington Street, WC2	Variation of Premises Licence	17/04163/LIPV

**Charlie Parker  
Chief Executive  
29 June 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 1

Item No:	
Date:	6 <sup>th</sup> July
Licensing Ref No:	17/04528/LIPV - Premises Licence Variation
Title of Report:	Bocconcino 19 Berkeley Street London W1J 8ED
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 April 2017		
<b>Applicant:</b>	Bocconcino Properties Limited		
<b>Premises:</b>	Bocconcino		
<b>Premises address:</b>	19 Berkeley Street London W1J 8ED	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises currently operates as a restaurant to the ground and lower ground floor.		
<b>Variation description:</b>	<p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>1. To extend the terminal hour for the Sale of Alcohol to 0230 Wednesday to Saturday (currently 00:30).</li> <li>2. To extend the terminal hour for the provision of Late Night Refreshment to 02:30 Wednesday to Saturday (currently 00:30).</li> <li>3. To ADD the following Regulated Entertainment 'indoors' at the premises 10:00 to 00:30 hours Monday and Tuesday, 10:00 to 02:30 hours Wednesday to Saturday, and 12:00 to 22:30 hours Sunday for the following licensable activities:               <ol style="list-style-type: none"> <li>a. Performance of Dance</li> <li>b. Performance of Live Music</li> <li>c. Playing of Recorded Music</li> <li>d. Anything of a similar description to Performance of Dance, Performance of Live Music or Playing of Recorded Music.</li> </ol> </li> <li>4. For the provision of the above Regulated Entertainment the following non-standard timing is requested:               <ol style="list-style-type: none"> <li>a. From the end of terminal hour on New Year's Eve to the start of permitted hours on New Year's Day.</li> </ol> </li> <li>5. To remove conditions 9, 10, 11, 12, 14, 22, 27 and 28 from the Premises Licence and replace them</li> </ol>		

	with proposed conditions to form part of the Operating Schedule.
<b>Premises licence history:</b>	The premises has been licensed since September 2013 and a copy of the current premises licence can be found at Appendix 6.
<b>Applicant submissions:</b>	Please see Appendix 2

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

**Regulated Entertainment**

**Performance of Dance (indoors)**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			10:00	00:30	No change.
Tuesday			10:00	00:30	
Wednesday			10:00	02:30	
Thursday			10:00	02:30	
Friday			10:00	02:30	
Saturday			10:00	02:30	
Sunday			12:00	22:30	
<b>Seasonal Variations / Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
				From end of terminal hour on New Years Eve to start of permitted hours on New Years Day.	

**Performance of live music (Indoors)**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			10:00	00:30	No change.
Tuesday			10:00	00:30	
Wednesday			10:00	02:30	
Thursday			10:00	02:30	
Friday			10:00	02:30	
Saturday			10:00	02:30	
Sunday			12:00	22:30	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
				From end of terminal hour on New Years Eve to start of permitted hours on New Years Day.	

Playing of Recorded Music (Indoors)					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			10:00	00:30	No change.
Tuesday			10:00	00:30	
Wednesday			10:00	02:30	
Thursday			10:00	02:30	
Friday			10:00	02:30	
Saturday			10:00	02:30	
Sunday			12:00	22:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
				From end of terminal hour on New Years Eve to start of permitted hours on New Years Day.	

Anything of a similar description (Indoors)					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday			10:00	00:30	No change.
Tuesday			10:00	00:30	
Wednesday			10:00	02:30	
Thursday			10:00	02:30	
Friday			10:00	02:30	
Saturday			10:00	02:30	
Sunday			12:00	22:30	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
				From end of terminal hour on New Years Eve to start of permitted hours on New Years Day.	



Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	23:00	00:30			No change.	
Tuesday	23:00	00:30				
Wednesday	23:00	00:30	23:00	02:30		
Thursday	23:00	00:30	23:00	02:30		
Friday	23:00	00:30	23:00	02:30		
Saturday	23:00	00:30	23:00	02:30		
Sunday	23:00	00:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		New Years Eve 23:00 to 05:00 on New years Day.			No change.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	10:00	00:30			No change.	
Tuesday	10:00	00:30				
Wednesday	10:00	00:30	10:00	02:30		
Thursday	10:00	00:30	10:00	02:30		
Friday	10:00	00:30	10:00	02:30		
Saturday	10:00	00:30	10:00	02:30		
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From end of terminal hour on New Years Eve to start of permitted hours on New Years Day			No change.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	10:00	00:30			No change.
Tuesday	10:00	00:30			
Wednesday	10:00	00:30	10:00	02:30	
Thursday	10:00	00:30	10:00	02:30	
Friday	10:00	00:30	10:00	02:30	
Saturday	10:00	00:30	10:00	02:30	
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
				From end of terminal hour on New Years Eve to start of permitted hours on New Years Day.	

1-C Layout alteration
No layout alterations are being applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><b><u>Condition 9</u></b></p> <p>The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:</p> <p>Ground Floor : 60 Lower Ground Floor: 67</p> <p>Subject to the total number at any one time not exceeding 127.</p>	<p><b><u>To be amended to:</u></b></p> <p>The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:</p> <p>Ground Floor 90 Lower Ground Floor 70</p> <p>Subject to the total number at any one time not exceeding 130</p>
<p><b><u>Condition 10</u></b></p> <p>A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police</p>	<p><b><u>To be amended to:</u></b></p> <p>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:</p>

<p>or an authorised officer of the City Council at all times whilst the premises is open.</p>	<ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received concerning crime and disorder</li> <li>(d) any incidents of disorder</li> <li>(e) all seizures of drugs or offensive weapons</li> <li>(f) any faults in the CCTV system, searching equipment or scanning equipment</li> <li>(g) any refusal of the sale of alcohol</li> <li>(h) any visit by a relevant authority or emergency service.</li> </ul>
<p><b><u>Condition 11</u></b></p> <p>The premises shall only operate as a restaurant :</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table,</li> <li>(ii) where the supply of alcohol is by waiter or waitress service only,</li> <li>(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</li> <li>(iv) which do not provide any take away service of food or drink for immediate consumption,</li> <li>(v) which do not provide any take away service of food or drink after 23.00, and</li> <li>(vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ul>	<p><b><u>To be amended to:</u></b></p> <p>The premises shall only operate as a restaurant</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table,</li> <li>(ii) where the supply of alcohol is by waiter or waitress service only,</li> <li>(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</li> <li>(iv) which do not provide any take away service of food or drink for immediate consumption,</li> <li>(v) which do not provide any take away service of food or drink after 23.00, and</li> <li>(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ul> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>

<p><b><u>Condition 12</u></b></p> <p>"Notwithstanding condition 11, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 15 persons dining at the premises"</p>	<p><b><u>To be amended to:</u></b></p> <p>Notwithstanding condition 11, until 0030 hours Monday to Saturday and 2230 hours Sunday, alcohol may be supplied and consumed prior to a meal in the designated bar area, by persons dining at the premises</p>	
<p><b><u>Condition 14</u></b></p> <p>All patrons will be met by a member of staff at the reception area (as marked on the plans) before being directed to seating in the relevant area of the premises</p>	<p><b><u>To be amended to:</u></b></p> <p>Until 0030 hours Monday to Saturday and 2230 hours Sunday, the supply of alcohol shall be by way of waiter/waitress service only, with the exception of the designated bar marked on the plans.</p>	
<p><b><u>Condition 22</u></b></p> <p>No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>	<p><b><u>To be amended to:</u></b></p> <p>No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>	
<p><b><u>Condition 27</u></b></p> <p>Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.</p>	<p><b><u>To be amended to:</u></b></p> <p>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.</p>	
<p><b><u>Condition 28</u></b></p> <p>The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.</p>	<p><b><u>To be amended to:</u></b></p> <p>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.</p>	
<p><b>Adult entertainment:</b></p>	<p><b>Current position:</b> Not applicable</p>	<p><b>Proposed position:</b> Not applicable</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Ms Nicola Curtis
<b>Received:</b>	19 <sup>th</sup> May 2017

The applicant is seeking the following variations:

6. To extend the terminal hour for the Sale of Alcohol 'on' the premises to 0230 Wednesday to Saturday.
7. To extend the terminal hour for the provision of Late Night Refreshment to 0230 Wednesday to Saturday.
8. To provide the following Regulated Entertainment 'indoors' at the premises 1000 to 0030 hours Monday and Tuesday, 1000 to 0230 hours Wednesday to Saturday, and 1200 to 2230 hours Sunday:
  - a. Performance of Dance
  - b. Performance of Live Music
  - c. Playing of Recorded Music
  - d. Anything of a similar description to Performance of Dance, Performance of Live Music or Playing of Recorded Music
9. For the provision of the above Regulated Entertainment the following non-standard timing is requested:
  - a. From the end of terminal hour on New Year's Eve to the start of permitted hours on New Year's Day.
10. To remove conditions 9, 10, 11, 12, 14, 22, 27 and 28 from the Premises Licence and replace them with conditions detailed in the Operating Schedule.

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

1. The extension of the terminal hour for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance in the area.
2. The extension of the terminal hour for the provision of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance in the area.
3. The provision of Regulated Entertainment at the premises, and the hours requested will have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety. The premises are not considered suitable for the purpose of regulated entertainment until they have been assessed in line with the Technical Standards for Places of Entertainment and

any associated noise breakout.

4. The non-standard timing requested for the Provision of Regulated Entertainment will have the likely effect of causing an increase in Public Nuisance in the area.
5. The removal of the conditions from the Licence will have the likely effect of an increase in Public Nuisance in the area.

The applicant has provided additional information and conditions with the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

The applicant did benefit from pre-application advice before making this application. This advice included the following observations and comments:

- The nature of the Regulated Entertainment will be live music, recorded music, a DJ and dancing.
- The proposal was to increase the capacity of the ground floor to 90 persons, but to maintain the overall capacity of the premises as no more than 127 persons. This application proposes the following capacities (through the removal and replacement of condition 9):
  - Ground Floor 90
  - Lower Ground Floor 70
  - Subject to the total number at any one time not exceeding 130.
- The applicant was advised to clarify whether the intention is to close and clear the ground floor (move people downstairs) after 0030 hours, or whether the ground floor is to be used for seating and consumption of alcohol.
- Although the premises are not located within a Cumulative Impact Area, the area has many residents. Such an application significantly changes the style of operation. The current licence restricts the premises to a restaurant operation. The addition of Regulated Entertainment and opening beyond 'core' hours may lead to the premises becoming a destination venue, resulting in more customers arriving in and departing from the vicinity late at night. Patrons from other licensed premises may migrate to the premises in order to take advantage of later hours. This is likely to have the effect of increasing the potential for noise, anti-social behaviour and public nuisance in the local area. Patrons would be leaving later, having had the opportunity to consume more alcohol.
- Introducing Regulated Entertainment requires the applicant to address Public Safety concerns. The operators of the premises need to ensure conformity from a District Surveyors technical standards viewpoint and subject to the relevant provisions of the Technical Standards for Places of Entertainment being followed where applicable.
- WCC records do not indicate that there have been any statutory or public nuisance complaints made against the premises since they have been operating.

- There is a mezzanine-style entrance at ground floor with direct visibility down to the lower ground floor. If Regulated Entertainment is to be provided at the premises the applicant should provide some form of acoustic lobby to prevent any noise breakout from the entrance door, and the plans should be updated to reflect such a structure.
- There is also potential for internal noise transmission to the buildings above/adjacent to the premises. Appendix 11 of the Statement of Licensing Policy requires as a minimum a statement demonstrating how the application will comply with noise criteria. My advice was to recommend the submission of a full noise report as detailed within Appendix 11 to include as a minimum an environmental noise impact assessment, an acoustic report, a sound insulation and sound reduction measures assessment and the planned management measures for control of noise.

**The granting of any variation of the 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>Representative:</b>	PC Toby Janes
<b>Received:</b>	26 <sup>th</sup> May 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.

The conditions offered within the application do address some of our concerns. However we have concerns that this application may cause further policing problems in an already demanding area.

<b>2-B Other Persons</b>			
<b>Name:</b>		Mr Peter Cooper	
<b>Address and/or Residents Association:</b>		Bloomsbury Property Services, 98 Gray's Inn Road, London	
<b>Status:</b>	Managing agents of residential apartments	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 <sup>th</sup> May 2017		
<p>We are managing agents of two apartments, 63 and 73 Berkeley House. The proposals are totally unacceptable on the grounds of increased noise and disturbance late at night and into the early hours. Turning the premises from a restaurant to nightclub and late night venue will cause our tenants great stress.</p> <p>This type of club/ late night spot will invariably attract smokers, hence pollution and the transport from the venue late at night will also add to noise and air pollution.</p>			
<b>Name:</b>		Mr Los Christina	
<b>Address and/or Residents Association:</b>		17 Berkeley Street London W1J8EA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 <sup>th</sup> May 2017		
<p>The furthering of the hours for sale of alcohol and the widening of the range of activities will increase the public nuisance in the area. Granting the licence will also increase the risks of crime and disorder emanating therefrom.</p>			
<b>Name:</b>		Mrs Helen Arjomandkhah	
<b>Address and/or Residents Association</b>		17 Berkeley Street, Flat 7, London	
<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	25 <sup>th</sup> May 2017		
<p>Bocconcino is only 2 doors away from us and also shares the back lightwell with our building. it is running as a restaurant at the moment but with this application it will be come a club/bar closing in the early ours of the morning.</p> <p>Berkeley street is already over run with clubs, bars and restaurants. The traffic of cars, stationary taxis with their engines running spewing out poisonous fumes and the extreme noise all of this, not to mention the noise from all the people visiting these places causes a great disturbance to our home lives during the evening/night.</p> <p>When I return to my home I always have to ask a group of smokers to remove themselves from my doorway before I can attempt to open my door. This is stressful and</p>			



intimidating. Also, as a non smoker it is very unpleasant to have to walk through their clouds of smoke to enter my own home. It is becoming almost intolerable. These are the problems on the outside thst filter inside but since Bocconcino also shares our lightwell I think the noise from the music will most definitely disturb all of the residents in our building.

<b>Name:</b>		Mr Ahmad Reza Salar Borournad	
<b>Address and/or Residents Association</b>		Number 10, Baerkeley Street, London	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 <sup>th</sup> May 2017		

I live at 10 Berkeley Street and am the managing agent of the building. I would like to object to this application due to the excessive number of similar establishment on Berkeley Street which have caused our life miserable over years. Berkeley Street is saturated and there is no more room for such applications.

<b>Name:</b>		Mr DIMITRIOS LOS	
<b>Address and/or Residents Association</b>		17 BERKELEY STR, LONDON, W1J8EA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 <sup>th</sup> May 2017		

We object to the further deterioration of the area.

<b>Name:</b>		Mr Ulrich Brandt-Pollmann	
<b>Address and/or Residents Association</b>		Flat 12, 17 Berkeley Street, London, W1J 8EA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 <sup>rd</sup> May 2017		

I live at 17 Berkeley street which is two doors down from these premises. I want to express my strongest objections to this requested changes to the current licence on grounds of prevention of public nuisance and prevention of crime and disorder.

I currently suffer from noise and nuisance from 10pm to early hours of the morning from current premises in the street in particular, Palm Beach Casino which is right across the street from Bocconcino and Charlie Berkeley which is at 15 Berkeley street. I therefore request the committee to reject this application.

<b>Name:</b>		Mrs Zohreh Ghanadian	
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<b>Address and/or Residents Association</b>		Flat 9, 17 Berkeley Street, London W1J 8EA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 <sup>rd</sup> May 2017		
<p>I'm the owner of Flat 9, 17 Berkeley Street. I strongly object to the application made by Bocconcino 19 Berkeley Street on grounds of prevention of public nuisance and prevention of crime and disorder.</p> <p>Berkeley Street is saturated with late night operators, and this will cause a lot of nuisance to the residents.</p>			
<b>Name:</b>		Mr Ron Whelan	
<b>Address and/or Residents Association</b>		29A Brook Street, London, W1K 4HE	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 <sup>rd</sup> May 2017		
<p>This premises Licence variation application, by extending both the hours for the serving of alcohol and the provision of music, would substantially add to the levels of stress for local residents who are already suffering from the activities of this establishment. Additionally, by extending the hours of late night activity in these premises, it increases the risks for an increase in late night anti-social behaviour in Berkeley Street.</p>			
<b>Name:</b>		Mrs Rittu Kumar	
<b>Address and/or Residents Association</b>		Flat 5, 17 Berkeley Street, Mayfair	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	26 <sup>th</sup> May 2017		
<p>I write to make an objection as Hawksford Fiduciaries in relation to the Application to premises license under s34 Licensing Act 2003 ref:17/04528/LIPV Bocconcino, 19 Berkeley Street, London, W1 J 8ED. We are the owner of Flat 5, 17 Berkeley Street so will be directly affected by these proposals.</p> <p>I write to object this application on the basis of an ever increasing nuisance we are seeing in this area from businesses being able to change their license and having a negative impact on the quiet enjoyment of the residents in the vicinity.</p> <p>We have in recent years seen an ever increasing issue with noise, anti-social behaviour and other such problems which arise due to the late night licensed premises in what is in fact a small area. The residents have not been consulted or made aware of this</p>			

application prior to it being made, which we feel is unacceptable given the currently issues we are already experiencing.

Adding another such business to this area is downgrading it and causing further discomfort to the residents of our property and the surrounding buildings. We are allowed quiet enjoyment of our home and the cumulative impact of licensed premises are already hindering this greatly. This application, if granted, would only increase the noise levels and anti-social behaviour in our neighbourhood, we do not want this to set a further precedent for our area, as we feel one has already been set which is having a huge negative impact.

We believe the application is misconceived by what its intentions are and how it is being labelled, this would effectively no longer be just a restaurant. We can only therefore draw assumptions that they plan to create a late night bar / club which would have an effect on public safety, be a public nuisance, and goes completely against the rights of the local resident to quiet enjoyment of their properties and feeling safe in the immediate home environment.

<b>Name:</b>		Jaleh Zand	
<b>Address and/or Residents Association</b>		Flat 9, 17 Berkeley Street, London W1J 8EA	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 <sup>rd</sup> May 2017		

I'm a resident of Flat 9, 17 Berkeley Street and and the Chairman of 17 Berkeley Street Residents Association. I strongly object to the application made by Bocconcino 19 Berkeley Street. The grounds for objection are prevention of public nuisance, prevention of crime and disorder, and public safety.

We currently experience extreme level of nuisance from current premises operating late at night in Berkeley Street and the street is totally saturated with late night operators. The current application seeks extension to the hours and change to conditions. This is a total change to the current operations, and such extended hours mean a transformation to a night club from a restaurant. This is totally unacceptable. This will mean more cars, more traffic, more drunken people early hours of the morning, when residents are sleep. 17, 18 and 20 Berkeley street are all residential properties with very close proximity to the premises. When they applied for their original licence few years ago, I attended the subcommittee. The applicant was very clear that they are only a restaurant and have no plans to operate as a club or a bar. This new application however contradicts that notion.

I strongly urge the committee to reject this application. Thank you for your consideration!

**Additional Comments:**

**Statement of Jaleh Zand, 17 Berkeley Street Residents Association**

1 Introduction

1.1 I made a representation on 23 May 2017 on behalf of 17 Berkeley Street Residents Association, objecting to the grant of an application to vary the premises licence for 19 Berkeley Street.

1.2 My representation was also made on my own behalf as a resident of Flat 9, 17 Berkeley Street, immediately adjacent to Bocconcino.

1.3 My representation referred to the 'saturation' of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this. Residents of Berkeley Street have been plagued in recent years by a huge increase in noise, nuisance, anti-social behaviour and other problems, caused by the number of late night licensed premises within a small area.

1.4 The licensing authority will be aware that this view is shared by others in the area. Indeed, a report has been produced by an independent consultant following a study of the evening and night time economy in parts of Mayfair and its impact on the statutory 'licensing objectives'. The document can be accessed here: [https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/mayfair\\_evening\\_and\\_night-time\\_economy\\_behaviour\\_study.pdf](https://www.westminster.gov.uk/sites/www.westminster.gov.uk/files/mayfair_evening_and_night-time_economy_behaviour_study.pdf)

1.5 The applicant should be aware of these issues, both as an existing late night operator in the area and as I made a number of these points at the hearing in 2013 when the premises licence for 19 Berkeley Street was granted.

1.6 This statement is written in support of my representation and is intended to assist the Licensing Sub-Committee and the parties by setting out in more detail why residents believe that the number of late night or drink-led premises in the area has given rise to a cumulative impact which is having such a disproportionate effect on residents, and why this application falls squarely within the scope of these concerns.

2 The application

2.1 The application states that the premises is a restaurant. The scope of the application and the terminal hour sought suggests that it is intended to create a

basement nightclub. In any event, my understanding is that the following licensable activities are sought:

- 2.1.1 Extension of the hours for the sale of alcohol to 1000 to 0230 Wednesday to Saturday.
- 2.1.2 Extension of the provision of late night refreshment to 2300 to 0230 Wednesday to Saturday.
- 2.1.3 Provision of the performance of dance 1000 to 0030 Monday & Tuesday, 1000 to 0230 Wednesday to Saturday and 1200 to 2230 Sunday.
- 2.1.4 Provision of the performance of live music 1000 to 0030 Monday & Tuesday, 1000 to 0230 Wednesday to Saturday and 1200 to 2230 Sunday.
- 2.1.5 Provision of the playing of recorded music 1000 to 0030 Monday & Tuesday, 1000 to 0230 Wednesday to Saturday and 1200 to 2230 Sunday.
- 2.1.6 Provision of anything of a similar description to performance of dance, performance of live music or playing of recorded music 1000 to 0030 Monday & Tuesday, 1000 to 0230 Wednesday to Saturday and 1200 to 2230 Sunday.
- 2.1.7 To amend the licence conditions – replace 9, 10, 11, 12, 14, 22, 27, 28 with new conditions in Operating Schedule.

2.2 The concerns residents have can be summarised as follows.

- 2.2.1 Sale of alcohol – the proposed terminal hour is very late, and well outside core hours. Indeed the current hours are beyond core hours. This will lead to more people on the streets worse the wear for drink at a late hour, which is likely to harm the licensing objectives.
- 2.2.2 Other licensable activities: regulated entertainment – the range of entertainment requested is not usual for a restaurant. It seems more akin to a hybrid restaurant/bar/club. This is type of premises which we have had many problems with in recent years. I refer Members to the report referred to at para 1.4 above.
- 2.2.3 Dispersal of customers will be a major issue at this late hour. It is more likely that residents will be woken up by the noise of revellers and vehicular traffic, both of which are already major problems on Berkeley Street.
- 2.2.4 The changes to the conditions have the effect of changing the operation of the premises. For instance, alcohol will no longer be required to be served

by waiter/ess service after current hours. Alcohol would no longer be ancillary to substantial table meals as required currently to the licence. This style of premises already exists on Berkeley Street and causes problems for residents. This is borne out by the report referred to at para 1.4 above.

2.2.5 The proposed activities, changes and terminal hour impacts on the likelihood of public nuisance and crime and disorder, as recognised by the Council's Statement of Licensing Policy (see below).

2.2.6 I am not clear why some of the conditions on the current licence are proposed to be deleted – for instance, the capacity limit in the designated bar area, and the removal of the requirement to provide customers with details of taxi services.

2.2.7 It is relevant, for reasons which can be expanded on at the hearing, that the applicant does not have planning permission for the hours they seek or the use they seek for the lower ground floor.

2.2.8 Residents are very clear that we are suffering from a 'cumulative impact' of licensed premises which is having a negative effect on the licensing objectives in the area. Residents have made these points to the licensing authority on many occasions and they were accepted on a recent application for 11 Berkeley Street, which was restricted to 'core hours'.

### 3 Context: Berkeley Street and its immediate vicinity

3.1 The number of licensed premises has increased markedly in recent years. This has led to a commensurate increase in nuisance caused to residents, and anti-social behaviour witnesses by residents. In my view this is a result of a) the increase in the number of licensed premises operating; b) the number of new licences granted; c) the late terminal hour of many of these premises; and d) the style of operation of many of these premises.

3.2 The table below sets out the licensed premises on Berkeley Street.

Premises	Premises type	Terminal hour	Capacity	Points to note
Palm Beach Casino, 30 Berkeley St	Casino	7am	840	-

Mayfair Bar, (part of the Mayfair Hotel) 17 Stratton Street*	Bar	1.30am	250	Licence reviewed by residents in 2014 on public nuisance grounds
Charlie Berkeley (formerly Funky Buddha), 15- 16 Berkeley Street	Nightclub	3am	220	Licence reviewed by police in 2015 and supported by residents
Nobu, 15 Berkeley Street	Restaurant	2am	460	-
Novikov, 50 Berkeley Street	Restaurant/bar/c lub	2am	520	-
Bocconcino, 19 Berkeley Street	Restaurant	12.30am	127	Started operating in 2015. Previously offices.
Café Pushkin, 20 Berkeley Street	Restaurant	Core Hours	125	New licence granted in 2013, not yet operating.
12 Hay Hill	Private Members Club with bar	Midnight Mon- Thurs, 1.30am Fri-Sat	250	Started operating in 2015.
Park Chinois, 17 Berkeley Street	Restaurant	2am	450	Started operating in 2015. Previously licensed but premises had not operated for some

				years.
Sexy Fish, 1-4 Berkeley Square	Restaurant	2am	220	Started operating in 2015. Was previously a Bank.
Fifty9, 59 Berkeley Square	Bar/club	3.30am	295	-
Raw and BBQ	Restaurant	'Core Hours'	175	Applied for 1am but were restricted to core hours.  Premises not yet operating. Previously offices.

\* Mayfair Bar entrance and exit is on Berkeley Street

#### 4 Comments on licensed premises in vicinity

4.1 This table does not include the numerous licences for Dover Street.

4.2 An analysis of the table clearly shows how the number of licensed premises operating and the total capacity has increased alarmingly in recent years.

4.3 Bocconcino, Cafe Pushkin, 12 Hay Hill, Park Chinois, Sexy Fish, Raw and BBQ and Riffifi have all either been granted an entirely new licence (i.e. for a premises with no previous licensed history) or have started operating again after lying empty, in the last couple of years. By my calculations, the grant of licences/licences coming back into use amounts to an increase of well over 1000 in licensed capacity, putting further strain on residents' ability to sleep.

4.4 A feature of licensed premises in the area is a style of operation which seems to be a restaurant/bar/lounge/nightclub hybrid. Yet another licensed premises operating in this style to a late terminal hour will undoubtedly exacerbate these problems.

4.5 The licence for Mayfair Hotel (specifically the public bar) and 'Charlie Berkeley' (formerly 'Funky Buddha') have been subject to licence reviews within the last 3



years.

## 5 Effect of the existing late night licensed premises and the more recent premises

5.1 Almost every number or every other number on the upper part of Berkeley Street is now a licensed late night operator. At the same time the upper part of Berkeley Street is very residential. On one side of the street is 10 Berkeley Street with 19 flats, 17 Berkeley Street with 12 flats, 18 Berkeley Street with 20 flats and Berkeley House has 42 flats and goes all the way through Hay Hill. On the other side in front of these residential buildings, is the Mayfair Hotel with 400 guest rooms, of which 100 face Berkeley Street. On the lower part of Berkeley Street there are plans to add additional residential units, which were previously offices. There is also the Holiday Inn London Mayfair with guest rooms facing Berkeley Street.

5.2 Below is a list of problems that the residents are currently facing from the cumulative impact of licensed premises. These problems have intensified hugely in recent years.

5.2.1 The residents have been experiencing shouting, screaming and other antisocial behaviour from the clients of these operators late at night to early hours of the morning.

5.2.2 There is vomit, dried urine outside our door steps and this has become more frequent with the increase in the number of operators

5.2.3 There is waste and garbage left on both sides of the street and the council seems unable to deal with the current load.

5.2.4 There is massive amount of traffic during the night, with double and triple parking on parts of the street. We experience cars honking, people showing off with their sport cars with loud engines creating very significant high decibel low frequency noise, which can't be tackled with any acoustic system, waking up the residents late at night.

5.2.5 The characteristics of our street have changed in the recent years and in general in south Mayfair. Car show rooms, and galleries leaving the area and being replaced by bar, restaurants, and clubs.

5.3 As a result of the recent saturation there has been an increase in crime in Berkeley Street and the area around. The Mayfair Hotel is now using a privately funded scheme to provide extra policing around their premises.

5.4 One of the most agonising problems for the residents is the extreme noise. The situation has worsened in the recent years. We believe that residents have been failed by the number of licences which have continued to be granted. We would like to further point out that at least as far as 5 years ago the problem of noise was not to this extreme extent.

5.5 In short, all current four licensing objective are failing at Berkeley street. We have been actively involved in trying to bring about positive change to Berkeley Street. We applied for a licence review for the Mayfair hotel in 2014. We have supported the police's review of 'Charlie Berkeley'. We were also involved in setting up the Berkeley Street Monitoring Group, which aims to promote good practice for licensed premises, chaired by Councillor Glanz.

## 6 Mayfair Evening and Night-time Economy Behaviour Study

6.1 A report was published in May 2017 by an independent consultant following a study of the evening and night time economy in parts of Mayfair and its impact on the statutory 'licensing objectives'. I understand that this study has been produced as part of the requirement for the Council to maintain and where appropriate review its Statement of Licensing Policy.

6.2 The report is available on the Council's website (see link at para 1.4). It identifies 24 licensed premises in the Berkeley Street area with advertised closing times of 1am or later. Should this variation be granted, this would increase to 25. The report identified 10 late-night premises which 'provide a bar/lounge/restaurant-type offer, typically with a mixture of bar counter or table-service and featuring dance floor areas and live-DJ entertainment. Several of these premises operate as de facto nightclubs with no, or minimal, food provision beyond 23:00 hrs.' (page 3). This precisely our concern with this application.

6.3 The report found that the issues reported by residents cannot be attributed to individual premises but are the result of the 'cumulative impact' of a large number of late night premises. My experience bears this out. Premises contribute both individually and collectively to the negative impact on the licensing objectives.

6.4 The report found that this 'hybrid' type of premises, operating as a restaurant throughout the evening but then morphing into a bar/lounge/club later in the evening is 'highly notable and impactful on the area'. We are extremely concerned that this application seeks to facilitate exactly this type of premises.

6.5 The report concludes that Berkeley Street is a 'prima facie' candidate for

designation as a 'cumulative impact area'.

## 7 Economic Impact of the change in nature of Berkeley Street

7.1 While we understand the arguments in favour of the night time economy, the balance has to be maintained. The night economy should not jeopardise the successful day economy that Mayfair enjoys.

7.2 We believe that such a massive number of late night operators so close to one another, are not in line with the character of this area. Mayfair has a very strong day time business economy. Both Berkeley Street and Berkeley Square are home to some of the most renowned hedge funds, trading companies, family offices, wealth managers, and consulting firms. These companies have chosen Mayfair due to its location but also the prestige that the area has historically offered. Mayfair is further known for galleries, car show rooms and art houses. In the light of the recent move by the biggest players in the financial industry from the City to Canary Wharf, the Council has to protect this area and prevent the flight of these smaller boutique firms based in the heart of London. Dirtier streets, piled with garbage, building materials and hard core detritus, urine and vomit are not conducive to attracting and maintaining legitimate business operations.

7.3 Many local residents are of the view that this part of Mayfair has reached a tipping-point. It is saturated with late night and drink-led premises, and residents suffer a range of noise nuisance and criminal behaviour well into the small hours. It is extremely difficult to pinpoint specific problems to specific premises, although clearly some have the potential to cause more nuisance than others. Because of this, it is difficult for residents to initiate effective reviews of licensed premises. This is precisely the sort of situation which makes a stress area necessary for Berkeley Street – the range of nuisance is so all-encompassing that it arises from the cumulative impact of all the premises taken together, as much as any individual problematic premises.

## 8 Statement of Licensing Policy 2016 ("the Policy")

8.1 The application engages a number of sections of the Policy.

8.2 The application is contrary to policies HRS1, RNT1, MD1 and PB1. The premises is clearly not a restaurant after current hours, which are themselves already beyond core hours.

8.3 I would like in particular to refer to policy PN1, regarding public nuisance. The

criteria for policy PN1 is stated to be: 'The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'

8.4 Para 2.2.11 states that: 'Playing of music can cause nuisance both through noise breakout transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the need for the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower.'

8.5 Para 2.2.12 states that: 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

## 9 Conclusion

9.1 The application is, with respect, misconceived. There is no detail in the application which explains the context of the application and what the purpose is. We must therefore assume that the purpose is to create a late night bar/club in the basement. There is a very unfortunate precedent for this type of premises in the area already.

9.2 Berkeley Street is not currently included within a designated Cumulative Impact Area (CIA). However, the s182 Guidance is clear that it is nevertheless open to residents to raise the issue of cumulative impact. Berkeley Street has all the characteristics of a CIA, a view confirmed by a recent report commissioned by the Council.

9.3 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (*R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)).

9.4 For the reasons given, we would ask that the application is refused.

9.5 I am not able to attend the hearing on 6 July. I will be represented by Richard Brown.

Thank you for taking the time to consider the content of this statement.

Jaleh Zand  
17 Berkeley Street

<b>Name:</b>		Daniel Colson	
<b>Address and/or Residents Association</b>		31 Berkeley House 15 Hay Hill London	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	26 <sup>th</sup> May 2017		

Briefly, I am writing to strenuously object to the above-mentioned Licence Application. My wife and I (and occasionally one or more of our children) live at 31 Berkeley House, 15 Hay Hill, London W1J 8NS where we have lived for more than ten years. As you know, during the past few years, several new bars, restaurants and night clubs have opened within 100-150 yards of where we live including Bocconcino Restaurant. All these new establishments have inevitably resulted in a large increase in traffic, noise, disruptions, etc, and have made living in Berkeley House almost intolerable.

Unfortunately, our flat overlooks the entrance to Bocconcino Restaurant in Berkeley Street as well as the "well" located at the rear of Berkeley House and the side of the building immediately next door in which Bocconcino is located. As a result, we are continually subjected to extremely loud noise and constant disruption caused by this restaurant. In particular, the restaurant uses the well directly below our flat to keep their rubbish bins which they fill late at night after the restaurant closes and again early in the morning. In addition, the restaurant staff uses this outdoor area as their gathering place to smoke, drink, talk/yell and party both late at night and very early in the morning; as a result, we are constantly unable to sleep because of all the noise coming from the restaurant. The unacceptable noise is already a serious public nuisance and the proposed extension of operating hours with live music, dancing, etc will obviously make matters significantly worse. We are already subjected to noise, disruption and worse caused by some of the restaurant's customers who regularly leave the restaurant having clearly consumed too much alcohol. We have, unfortunately, often witnessed fights in the street, yelling of obscenities and people urinating and vomiting on the steps and against

the walls of Berkeley House.

As police reports will show, we have experienced a very substantial increase in crimes and disorder in the past few years. Also, parking in this area is already next to impossible and extended hours will only bring even more people and traffic into the immediate area. If the Council is serious about supposedly encouraging people to live in this part of Mayfair, it needs to limit rather than extend the number of restaurants, bars and clubs and should certainly not consider extending the current hours for the sale of alcohol and the performance of live music, etc.

If you have any questions regarding this email or would like any additional information, please do not hesitate to contact the undersigned.

<b>Name:</b>		Cllr Glenys Roberts	
<b>Address and/or Residents Association</b>		Westminster City Council	
<b>Status:</b>	Ward Councillor	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	3 <sup>rd</sup> May 2017		

As ward councillor I oppose later hours for these premises on the grounds of prevention of public disorder and probable disturbance to sleep of the 300 residents who live in the street not to mention the hotels and the Ritz just opposite.

A study of Berkeley street has recently been completed showing it to be overly full of disorderly punters and it would not be sensible to add to this.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy RNT1 applies</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy HRS1 applies:</b>	(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.  (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.

## 4. Appendices

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

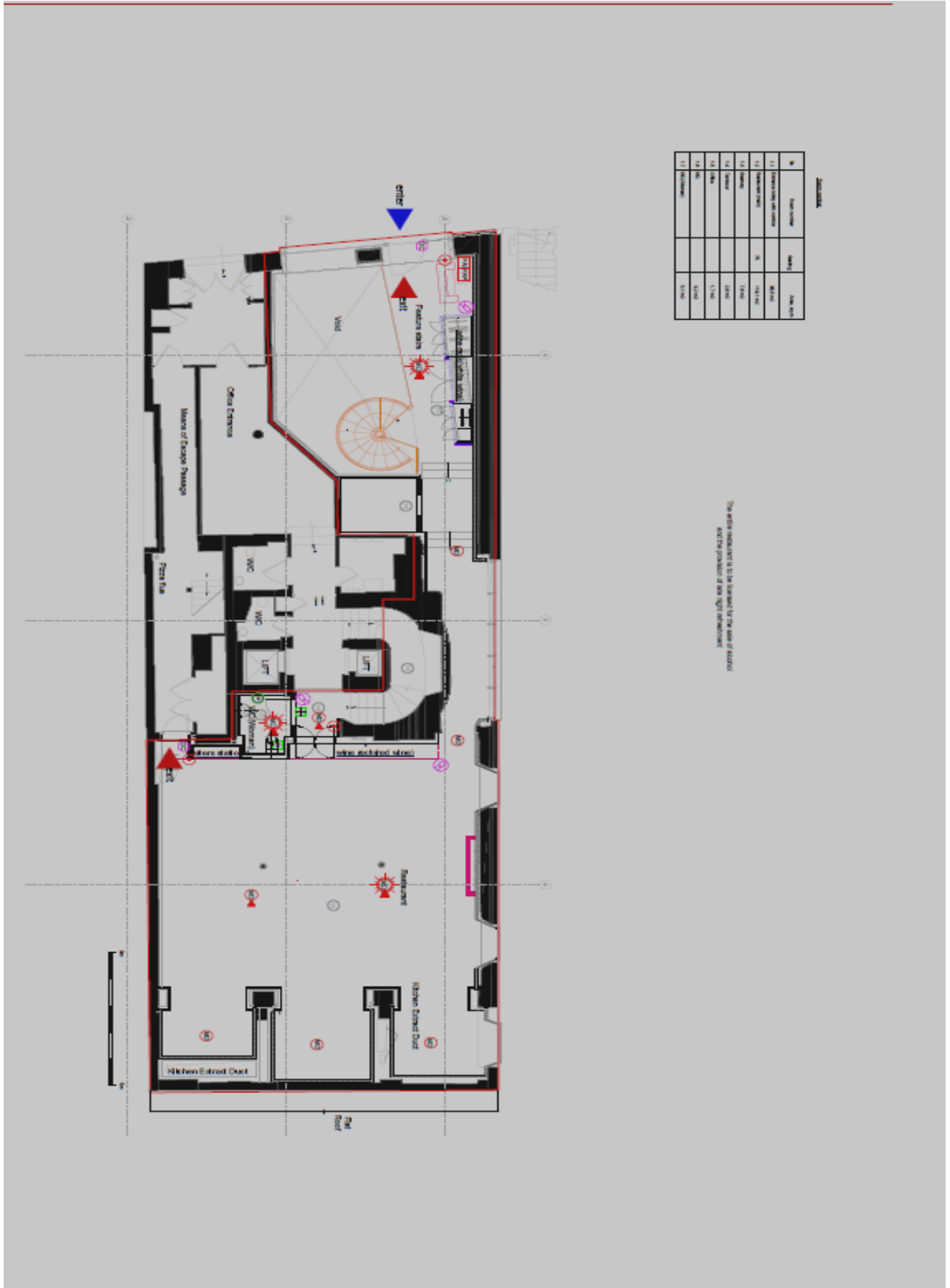
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**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>	Application Form	28 <sup>th</sup> April 2017
<b>5</b>	Representation - Environmental Health	19 <sup>th</sup> May 2017
<b>6</b>	Representation - Metropolitan Police Service	26 <sup>th</sup> May 2017
<b>7</b>	Representation - Cllr Glenys Roberts	3 <sup>rd</sup> May 2017
<b>8</b>	Representation - Daniel Colson	26 <sup>th</sup> May 2017
<b>9</b>	Representation - Jaleh Zand	23 <sup>rd</sup> May 2017
<b>10</b>	Representation - Rittu Kumar	26 <sup>th</sup> May 2017
<b>11</b>	Representation - Ron Whelan	23 <sup>rd</sup> May 2017
<b>12</b>	Representation - Zohreh Ghanadian	23 <sup>rd</sup> May 2017
<b>13</b>	Representation - Ulrich Brandt-Pollmann	23 <sup>rd</sup> May 2017
<b>14</b>	Representation - Dimitros Los	25 <sup>th</sup> May 2017
<b>15</b>	Representation - Ahmad Reza Salar Boroumnad	24 <sup>th</sup> May 2017
<b>16</b>	Representation - Helen Arjomandkhah	25 <sup>th</sup> May 2017
<b>17</b>	Representation - Los Christina	25 <sup>th</sup> May 2017
<b>18</b>	Representation - Peter Cooper	25 <sup>th</sup> May 2017

**Premises Plans**





The entire restaurant is to be licensed for the sale of alcohol and the provision of late night refreshment.

**Area schedule**

No	Description	Area No.	Area	Area No.	Area	Area No.	Area	Area No.
01	Bar	01	Bar	01	Bar	01	Bar	01
02	Bar	02	Bar	02	Bar	02	Bar	02
03	Bar	03	Bar	03	Bar	03	Bar	03
04	Bar	04	Bar	04	Bar	04	Bar	04
05	Bar	05	Bar	05	Bar	05	Bar	05
06	Bar	06	Bar	06	Bar	06	Bar	06
07	Bar	07	Bar	07	Bar	07	Bar	07
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20	Bar	20	Bar	20	Bar	20	Bar	20
21	Bar	21	Bar	21	Bar	21	Bar	21
22	Bar	22	Bar	22	Bar	22	Bar	22
23	Bar	23	Bar	23	Bar	23	Bar	23
24	Bar	24	Bar	24	Bar	24	Bar	24
25	Bar	25	Bar	25	Bar	25	Bar	25
26	Bar	26	Bar	26	Bar	26	Bar	26
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66	Bar	66	Bar	66	Bar	66	Bar	66
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69	Bar	69	Bar	69	Bar	69	Bar	69
70	Bar	70	Bar	70	Bar	70	Bar	70
71	Bar	71	Bar	71	Bar	71	Bar	71
72	Bar	72	Bar	72	Bar	72	Bar	72
73	Bar	73	Bar	73	Bar	73	Bar	73
74	Bar	74	Bar	74	Bar	74	Bar	74
75	Bar	75	Bar	75	Bar	75	Bar	75
76	Bar	76	Bar	76	Bar	76	Bar	76
77	Bar	77	Bar	77	Bar	77	Bar	77
78	Bar	78	Bar	78	Bar	78	Bar	78
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97	Bar	97	Bar	97	Bar	97	Bar	97
98	Bar	98	Bar	98	Bar	98	Bar	98
99	Bar	99	Bar	99	Bar	99	Bar	99
100	Bar	100	Bar	100	Bar	100	Bar	100



**Applicant Supporting Documents**



**Venta Acoustics**

**Report VA1751.170609.NIA**

**Bocconcino Restaurant, Mayfair**

Extended Licensing Noise Assessment

8 June 2017

**Bocconcino Properties Limited  
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Mayfair  
London  
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VA1751/SP1	Indicative Site Plan
VA1751/TH1 - TH4	Environmental Noise Time Histories
Appendix A	Acoustic Terminology
Appendix B	Acoustic Calculations
Appendix C	Sample Noise Complaint Sheet

## 1. Introduction

Bocconcino Restaurant, 19 Berkeley Street, Mayfair, is a licensed premises which currently operates between midday and midnight with low level background music played inside the restaurant.

It is proposed to extend the licensed operating hours of the premises to allow diners to remain in the restaurant after the kitchen has closed, with alcohol served and music played over a dance floor.

Bocconcino Properties Limited has appointed Venta Acoustics to undertake a noise survey and assessment of the likely impact of these proposals on nearby noise sensitive receptors.

An attended and automated survey has been undertaken to understand the local acoustic environment. Sound insulation testing of the existing building fabric has been undertaken. This has allowed appropriate limits to be set for music noise in the premises in keeping with the Westminster Licencing Policy Statement.

## 2. Site Description

Bocconcino Restaurant is located towards the northern end of Berkeley Street in a location known for its vibrant night life.

The shop front of the restaurant is frosted double glazing. Entrance to the restaurant is via a single door at ground level onto a landing which overlooks and is open on to the main double height restaurant area, located at lower ground floor level. There is an additional dining area to the rear of the restaurant at ground floor level. The lower ground floor level includes a bar, restaurant seating and open kitchen area.

To the rear of the premises is a lightwell. The restaurant does not have windows opening onto this area. To the north of the premises is a pathway. The premises has windows to the middle and rear of the façade overlooking this pathway.

Immediately across Berkeley Street is The Palm Beach Casino. Further along the street are numerous bars, restaurants and night clubs.

Directly above the premises are commercial offices with the office reception lobby to the south. To the north is an access passage to the rear of the building. The building is not believed to have immediate structural connections to residential dwellings.

The nearest noise sensitive receptors are expected to be residential dwellings on the upper floors of 20 Berkeley Street.

## 3. Proposed Operation

Bocconcino Restaurant is currently licensed serve alcohol during their operational hours of:

Monday – Saturday : 10:00 hours to 00:30 hours  
 Sunday : 12:00 hours to 22:30 hours

It is proposed to extend the operational hours of the restaurant and an application is being made to extend the licence to allow the sale of alcohol and provide regulated entertainment indoors, including playing music, during the following hours:

Monday & Tuesday : 10:00 hours to 00:30 hours  
 Wednesday – Saturday : 10:00 hours to 02:30 hours  
 Sunday : 12:00 hours to 22:30 hours

The intention is to allow customers who have already dined in the restaurant during the existing operational hours to remain in the premises to drink and dance after the kitchen has closed.

Patrons will not be admitted or re-admitted into the premises after midnight with the exception of patrons who leave temporarily to smoke immediately outside the premises. The smoking area will be limited to 7 persons at any one time.

After 00:30 hours alcohol sales and regulated entertainment will be limited to the lower ground floor area at the front of the building.

Music is not intended to be played at high levels and a limiter will be fitted to the sound system to control the music volume.

The premises will offer a capacity of no more than 130 people.

#### 4. Licensing Policy

City of Westminster have issued a Statement of Licensing Policy document which sets out how the Council promotes the licensing objectives of the Licensing Act 2003. One of these objectives is the prevention of public nuisance.

**Policy PN1 – Prevention of public nuisance** aims to prevent public nuisance by applying the following criteria and taking into account the following considerations, where relevant, in determining applications and reviews:

**Criteria:** *The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.*

**Considerations – Noise and vibration** - *Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether air borne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity.*

Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix 11.

Appendix 11 provides the following objective noise criteria for noise from music and activities inside premises:

*At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the  $L_{Aeq5 min}$ ) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest  $L_{A90, 15 min}$  and; where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:*

*At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level ( $L_{Aeq 5 min}$ ) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest  $L_{A90, 15 min}$  for each of the octave bands during the operating period*

## 5. Noise Surveys and Investigations

### 5.1 Attended Noise Survey

In order to observe the local acoustic environment during the proposed extended hours of operation, an attended noise survey was undertaken at 1.6m above street level on the pavement in front of Bocconcino Restaurant between 23:30 hours on Thursday 25<sup>th</sup> May 2017 and 02:30 hours on Friday 26<sup>th</sup> May 2017.

Measurements were made of noise levels at various times during this period, including continuous 5-minute samples of the  $L_{Aeq}$ ,  $L_{Amax}$ ,  $L_{A10}$  and  $L_{A90}$  sound pressure levels undertaken between 01:30 hours and 02:30 hours. The weather during the evening was dry and warm.

During the survey, attempts were made to measure the sound insulation performance of the shopfront using the restaurant’s existing in-house sound system. However, even at full volume the music in the restaurant was only just audible directly outside the premises with the door open and could not be measured accurately against the ambient noise level.

The following equipment was used during the survey:

Manufacturer	Model Type	Serial No	Calibration	
			Certificate No.	Date
NTi Class 1 Integrating SLM	XL2	A2A-11461-E0	42530-A2A-11461-E0	9/6/16
Larson Davis calibrator	CAL200	13069	42530-13069	9/6/16

**Table 5.1 – Equipment used for the attended survey**

The calibration of the sound level meter was verified before and after use with no significant calibration drift observed.

## 5.2 Survey Procedure & Equipment

In order to establish variations in the background noise levels at the site, a noise survey was carried out between Friday 26<sup>th</sup> May and Tuesday 30<sup>th</sup> May 2017 at first floor level, directly above Bocconcino Restaurant entrance, overlooking Berkeley Street at the location shown in site plan VA1751/SP1. Continuous 5-minute samples of the  $L_{Aeq}$ ,  $L_{Amax}$ ,  $L_{A10}$  and  $L_{A90}$  sound pressure levels were undertaken.

It is noted that Monday 29<sup>th</sup> May 2017 was a Bank Holiday and it is expected that lower than typical noise levels would result.

The weather during the survey period was generally dry with light winds. Rain showers were reported during the day on Monday 29<sup>th</sup> May. The background noise data is not considered to have been compromised by these conditions.

Measurements were made generally in accordance with ISO 1996 2:2007 *Acoustics - Description, measurement and assessment of environmental noise – Part 2: Determination of environmental noise levels*.

The following equipment was used in the course of the survey:

Manufacturer	Model Type	Serial No	Calibration	
			Certificate No.	Date
NTi Class 1 Integrating SLM	XL2	A2A-11586-E0	42530-A2A-11586-E0	9/6/16
Larson Davis calibrator	CAL200	13069	42530-13069	9/6/16

Table 5.2 – Equipment used for the automated survey

The calibration of the sound level meter was verified before and after use with no significant calibration drift observed.

A solid-state microphone MEMS was located in the pathway to the north of the restaurant to provide an indication of the noise levels here.

## 5.3 Sound Insulation Investigation

Venta Acoustics attended site on 30<sup>th</sup> May to undertake sound insulation investigations at the premises, focussing on noise break out through the front façade of the premises onto Berkeley Street.

High volume 'pink' noise was generated from two loudspeakers in the lower ground floor area, positioned so as to obtain a diffuse sound field within the space. A spatial average of the resulting one-third octave band noise levels was obtained within and directly outside the premises, with the entrance door open and then closed.

Background noise levels were measured on the road in lulls between traffic in order to correct the received noise measurements for the influence of the prevailing noise climate.

Noise breakout at the rear of the premises into the lightwell was also observed. The source noise was barely audible in the rear light well immediately adjacent to the windows.

The prevailing background noise was traffic on surrounding roads.

## 5.4 Results

### 5.4.1 Attended Noise Survey

The background noise levels measured during the attended survey were generally in the low 60dBs, with a minimum of  $L_{A90}$  60dB.

The ambient noise level was generally in the high 60dBs with an average of  $L_{Aeq}$  67dB.

Maximum noise levels, mostly due to vehicle revving and horns, were frequently in the high 80dBs, often approaching  $L_{Amax}$  90dB.

The noise climate is determined by vehicles on Berkeley Street with a lessor contribution from people on the pavements.

The street was busy throughout the evening with numerous taxis dropping off or picking up patrons from the casino across the road and a nightclub further down the street. Sports cars revving their engines was a common occurrence, creating high levels of low frequency noise.

Music was not continuously heard on the street, but was frequently present from music played in cars and occasionally from the casino as the doors to the outdoor smoking area were opened.

The atmosphere in the street was generally high spirited although few instances of shouting or raised voices were observed.

Observations suggest that the majority of people in the immediate area arrive and leave by car or taxi, being dropped off close to the establishment they are visiting. Relatively little foot traffic was observed, particularly on the Bocconcino Restaurant side of the road where a total of 65 pedestrians were counted between 01:30 house and 02:30 hours.

Discussions with a doorman of a nearby establishment indicated that the evening of the survey was quieter than usual, with the upcoming holy month of Ramadan suggested as a reason, which would suggest that this would be a robust and worst-case assessment of background noise levels.

### 5.4.2 Automated Noise Survey

The sound levels measured during the automated survey are shown as time-history plots on the attached charts VA1751/TH1-4.

The site is primarily affected by traffic noise on Berkeley Street.





The minimum background noise levels and ambient noise levels for the daytime, evening, night-time periods and the proposed new operating hours, as measured at the automated monitoring position were:

Monitoring Period	Minimum LA90	Average LAeq,5min
07:00 – 19:00 hours	48dB 07:00-07:05 28/05/17	70dB
19:00 – 23:00 hours	59dB 20:50-20:55 28/05/17	69dB
23:00 – 07:00 hours	54dB 03:55-04:00 30/05/17	68dB
Proposed Operational Hours	57dB 14:00-14:05 28/05/17	69dB

**Table 5.3 –Minimum background noise levels at measurement locations [dB ref. 20µPa]**

The background noise level during the proposed operating hours is generally slightly higher than the minimum values measured, typically being around 60dB or higher in the evenings.

Monday 29<sup>th</sup> May was a bank holiday and would not be considered a representative design case.

The acoustic character of the location is somewhat unusual in that the background noise level generally remains constant, or increases in level, in the early morning hours.

The minimum background levels recorded in the octave frequency bands were:

31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
59	60	54	54	53	52	47	39	28

**Table 5.4 – Minimum background octave band levels.**

Indicative measurements in the lightwell to the north of the premises indicate a minimum LA90 of 48dB during the proposed operational period. The background is determined by a combination of building services plant and road traffic noise.

### 5.4.3 Sound Insulation Investigation

Due to the high external noise levels and the intent of the investigation, the sound insulation tests measured the direct sound pressure level immediately outside the building shopfront resulting from internal diffuse noise levels.

With the door open a loss of approximately 14dB(A) from the down stairs restaurant area to a point immediately outside the door was measured. This increased to 31dB(A) with the closed door and the reading averaged across the entire shopfront. Measurements to the passageway to the north of the building where limited by the background noise level, with a reduction of at least 41dB(A) being measured. The actual noise reduction value is likely to be significantly higher.

The one-third octave band sound reduction levels of the front façade are presented in the following graph.

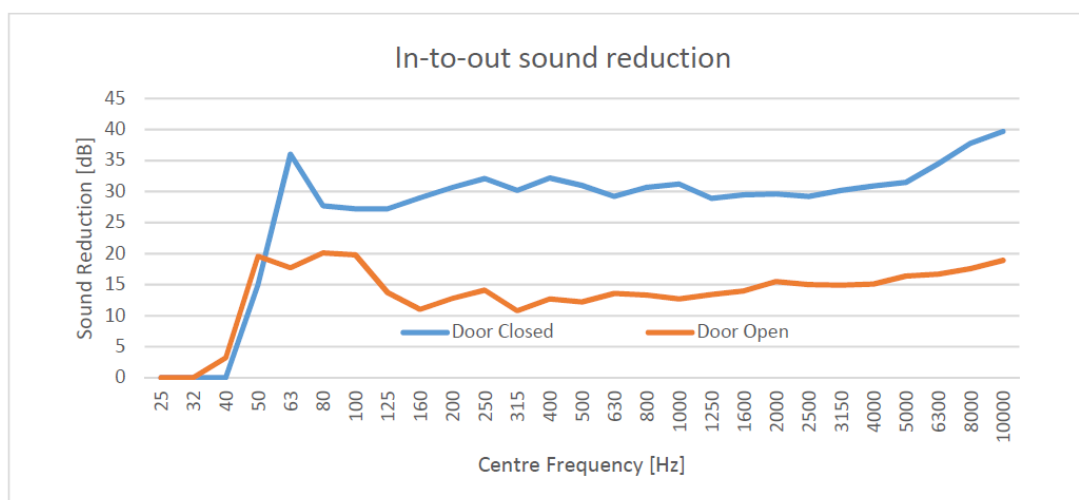


Figure 5.1 – Sound reduction performance of restaurant frontage

The sound reduction measurements at lower frequencies ( $\leq 63\text{Hz}$ ) were limited by the background traffic noise levels.

## 6. Music Noise Assessment

Tests with the current in-house music system confirmed that on maximum volume, music is barely audible directly outside the open entrance door. This would be considered highly unlikely to have any impact on the surroundings.

A more powerful music system is being considered for use during the extending operating hours. It is understood that the intent is to include a limiter on this system.

The entrance to the restaurant is via a single door. An internal noise limit has been set assuming this arrangement is retained. However, should higher internal noise levels be desired, a lobby door system should be considered. This minimise noise breakout as the entrance door is opened.

Based on the measurements undertaken, it is recommended that limiters are set to control the reverberant noise level in the down stairs restaurant area to the following levels:

Frequency (Hz)	31.5	63	125	250	500	1k	2k	4k	8k
No Lobby	82	97	90	86	87	89	86	79	70
With Lobby	83	101	94	97	98	100	94	88	82

Table 6.1 – Recommended Limits for internal music noise

These limits are based only on achieving the criteria at neighbouring noise sensitive premises, as set in the licencing policy document, and do not suggest appropriate noise levels for any other factor, such as suitability for entertainment or hearing preservation.

The above limits equate to approximately  $L_{Aeq,5min}$  93dB with the "no lobby" limit set and  $L_{Aeq,5min}$  102dB with the "with lobby" limit set. The "no lobby" limit is set against the council's criteria on the

assumption that the door is open for a total of no more than 1 minute during any 5-minute period. The second limit assumes that an effective lobby system is installed and that the measured sound reduction values of the shop front do not decrease while patrons arrive and leave.

With these limits, the following maximum  $L_{Aeq,5min}$  levels would be expected at the nearest noise sensitive receptor, being the apartments overlooking Berkeley Street at Berkeley House and 17 Berkeley Street, at a distance of at least 10m from the front of the premises.

Frequency (Hz)	31.5	63	125	250	500	1k	2k	4k	8k
No Lobby	43	51	49	46	44	43	37	30	18
With Lobby	51	61	45	45	44	43	38	30	19

**Table 6.2 – Calculated sound pressure levels at nearest noise sensitive receiver at maximum internal levels set by the limiter.**

N.B This is based on pink noise being at the set limits continuously over a 5-minute period. Variations in music would result in lower levels being realised at the assessment location.

In both cases, noise level expected outside the nearest noise sensitive receivers would be at least 10dB below the lowest measured background noise level during the operational period, with the individual octave bands at least 5dB below the minimum background noise levels in each of the corresponding octave bands.

The music would be expected to be effectively inaudible at the most affected noise sensitive receiver and would be considered to be compliant with the City of Westminster Licencing Policy criteria for noise.

In the lightwell to the north of the premises, background noise levels are approximately 10dB quieter than on the road facing façade. However, the sound reduction performance is at least 10dB greater than that on the front façade due to the windows not being directly exposed to the lower ground space where music is intended to be played. Therefore, a similarly low impact would be expected here.

As the building is not believed to have structural connections to nearby residential dwellings, transmission of vibration is not likely to impact neighbours.

## 7. Required Mitigation

From discussions with the management of Bocconcino Restaurant regarding the intended music levels within the premises, it is expected that a limiter on the music system set to the lower “no lobby” levels would provide acceptable music levels and no additional mitigation measures would be required.

These limited levels would allow music to be played at a level similar to that which would be expected in a lively bar, while achieving the Licensing Policy criteria for music noise at the neighbouring premises. Measurements and calculations indicate that an acoustic lobby would not be required for this level of music.

However, if higher noise levels are desired the limiter would be set to the higher level. This would be subject to installation of an acoustic lobby, or similar strategy, to prevent noise breakout while the entrance door is opened.

An example of an appropriate acoustic lobby would consist of a second door at a minimum of 2m inside the first door. Both doors would be on automatic closers to ensure the doors remain closed when not in use. A partition, such as glass shopfront, would be installed between the two doors, extending from the landing level to the ceiling to prevent sound flanking around the lobby. With such a lobby in place resistance to noise breakout through the doors would be expected to be equal to, or better than, that measured with the door closed.

In both scenarios, the low frequency “bass” levels would likely be limited to levels lower than would be expected in a dance club due to breakout through the main glass shopfront. Addition of a heavy secondary glazing system, or blanking off the shopfront with a masonry construction, would be explored in the unlikely event that higher levels of low frequency sound is desired.

## 8. Other Sources of Noise

Sources of noise other than music identified include patrons leaving at the end of the night and mechanical plant.

It is not proposed to extend the hours of the kitchen and so there would be no change to the hours of use of the kitchen extract system.

The presence of several, larger establishments in the locality already determines the road and pavement traffic levels, with frequent drop-offs and pick-ups by taxis and private cars immediately outside the premises. It is not expected that traffic due to patrons leaving Bocconcino Restaurant at the proposed later hours would have a significant effect on traffic noise.

During the attended survey patrons were observed leaving Bocconcino Restaurant at the end of the current operating period. All patrons departed in a quiet manner and their voices were not audible at distances beyond a few meters. It is accepted that the introduction of louder music may potentially lead to slightly louder conversations when patrons depart the premises.

Patrons smoking outside the front of the restaurant would be at a similar exposure to surrounding noise sensitive receivers as the larger smoking area of the adjacent casino which currently operates beyond 02:30 hours. Additionally, the high ambient and background noise levels on the street would suggest that even raised voices would have a low impact. The background noise levels at the proposed new closing time is generally similar to, or higher than, those at the existing closing time. However, should loud shouting occur immediately below noise sensitive windows, this may have an adverse impact and management of Bocconcino Restaurant should endeavour to promote considerate behaviour of patrons when leaving the premises.

The proposals would not be expected to have a significant impact on the existing acoustic character of the area.

## 9. Noise Management

### 9.1 Potential Noise Sources

Bocconcino Restaurant understand that the identification and recognition of potential causes of disturbance assists greatly in planning to avoid disturbances to our surroundings.

The following noise sources have been identified in relation to the proposed operation of Bocconcino Restaurant:

- Music noise from speakers used in the premises for music;
- Patrons talking when smoking outside Bocconcino Restaurant bar;
- Patrons leaving Bocconcino Restaurant throughout and at the end of the night, including taxis.

It is proposed to operate until 2:30 am. The potential for disturbance to neighbours at this time, and the responsibility of the restaurant to minimise it, is recognised.

### 9.2 Music – Setting Limits

It is proposed to operate a sound system with more powerful speakers than are currently installed. This system is to include a sound limiter. Initial internal sound pressure limits have been set based on existing constructions and external background noise levels. The limiter will be set against these levels, making an allowance for the absence of an acoustic lobby if required.

If necessary, management would welcome the opportunity to undertake a joint exercise with representatives of the City of Westminster to adjust the limiter against acceptable levels at the most affected noise sensitive receivers during the extended operating hours in order to confirm compliance with the criteria set in the Licencing Policy Document.

All amplified music is to be run through the in-house mixer to ensure the limiter controls noise output.

### 9.3 Entrance Lobby

Initial assessment has shown that an entrance lobby system would not be required for the intended music levels.

However, in the event that this arrangement leads to a nuisance, or higher internal noise levels are desired, the limiter will either be adjusted to a lower level or an appropriate acoustic lobby, or equivalent internal arrangement, will be implemented.

## 9.4 Management Controls

The responsibility for the management controls will be assumed by the manager. Other members of staff may assume the role in the future following suitable training.

A minimum of 1 SIA licensed door supervisor shall be on duty at the entrance from 1800 hours until 30 minutes after the premises closes when regulated entertainment is provided.

To minimise noise break-out from Bocconcino Restaurant, the external door to the premises will be kept closed at all times when music is playing, except when being used for access and egress, which will be enforced by staff.

A culture of neighbourly consideration will be encouraged amongst patrons through the use of signs and polite reminders from staff and door staff.

Bocconcino Restaurant may have no more than 7 patrons smoking outside on the pavement at any one time. Signs will be placed by the door reminding patrons of the amenity of neighbours to ensure they do not become raucous and encouraging non-smokers to return indoors. Door staff will be in place to monitor the area periodically to ensure patrons are not becoming overly loud. No music will be played outside of the building.

As entrance will not be permitted to patrons after midnight, and only for the purposes of dining before midnight, queueing would not be expected.

Patrons access and leave Bocconcino Restaurant on foot via Berkeley Street or via taxi. Signs will be installed reminding patrons of the amenity of neighbours. Door staff will be in place to encourage considerate behaviour. The nature of the locality, with frequent cab pickups for the surrounding venues, would mean that it is unlikely that stewarded access to taxis would be beneficial or feasible.

Both doors, which effectively form an acoustic lobby on the fire exit to the side passage, are to be kept closed except for immediate entrance and egress of staff. Staff will be instructed not to congregate in the side passage.

Deliveries and waste collection is to be controlled by management to minimise disturbances. Waste is to be kept inside the building until collection vehicles arrive. Collection is only to take place during permitted daytime hours.

## 9.5 Neighbour Relations

The management will endeavour to maintain a friendly, open and informative relationship with the nearby residents to allow concerns to be raised and addressed without hostility.

### 9.5.1 Complaints Procedure

A phone number and email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance. Clear instructions would be given to those likely to answer the phone on these procedures for handling complaints.

A complaint action procedure will be produced and made available to staff who will be instructed to follow it on receiving a complaint.

A timed and dated log will be kept in the office of all complaints, including actions taken and responses given. Other information recorded in the complaints log will include the approximate number of patrons and staff present at the time of the complaint, and any specific activities or conditions which were noteworthy at the time. A sample complaint log sheet is attached at Appendix C. Any other notes or email communications should be copied and a record kept in the complaint log folder.

All complaints will be addressed promptly, with a response/explanation as well as any future actions or improvements that can be implemented.

## 10. Conclusion

An attended and automated baseline noise survey has been undertaken by Venta Acoustics to establish the existing noise climate in the locality of Bocconcino Restaurant, 19 Berkeley Street, Mayfair in support of an application for extension to the licensed hours of operation and regulated entertainment to allow existing customers to remain in the premises to a later time.

The survey works included an assessment of the resistance of the current building to noise breakout. This has allowed appropriate internal noise limits to be set. Individual limits have been advised for options to retain the current entrance door and, if necessary, to introduce a new entrance lobby system.

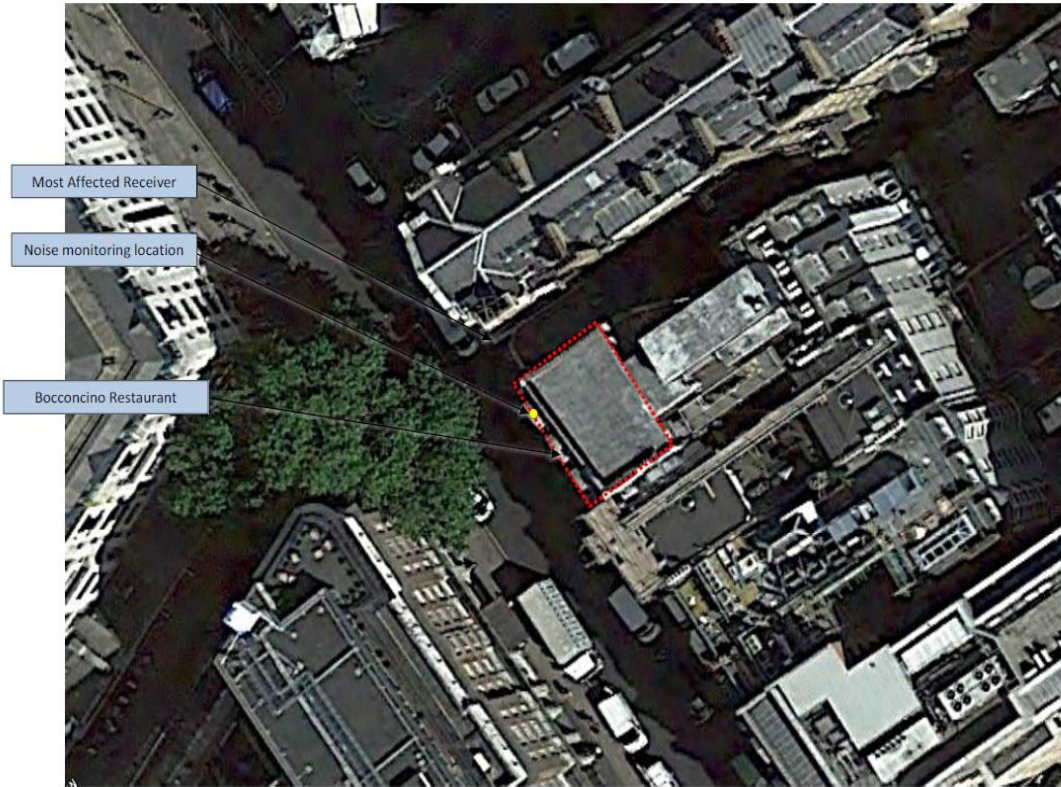
However, it has been shown that internal noise levels appropriate for the intended purpose would meet the Westminster Licencing Policy criteria for noise at surrounding receivers without the need for a lobby door.

The surrounding area has an active night life with high levels of road traffic noise. Other sources of noise associated with Bocconcino Restaurant, including patrons smoking and leaving the premises, have been considered within this context and are not expected to cause a disturbance when effective management controls are in place. On balance, no significant change to the existing acoustic character of the area is anticipated.

A noise management plan has been proposed to minimise the impact of operation on the surrounding residents and a procedure for efficiently dealing with complaints has been suggested.

### Steven Liddell MIOA





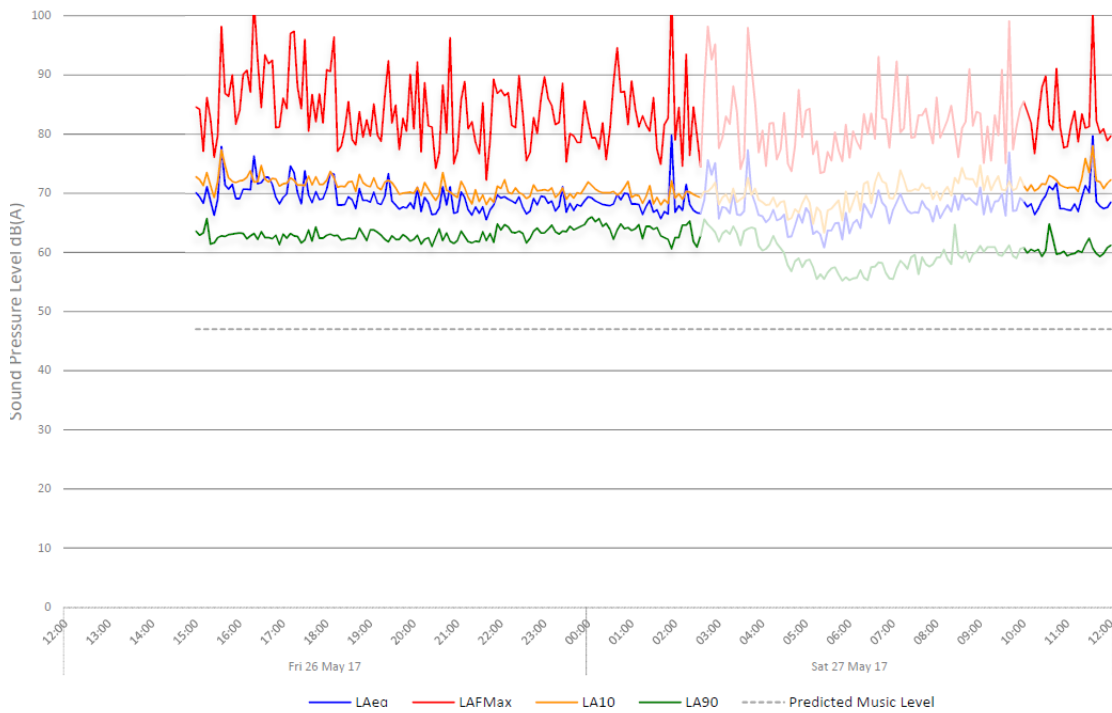
Indicative Site Plan

VA1751 Bocconcino Restaurant, Mayfair

Bocconcino, Mayfair  
Environmental Noise Time History: 1



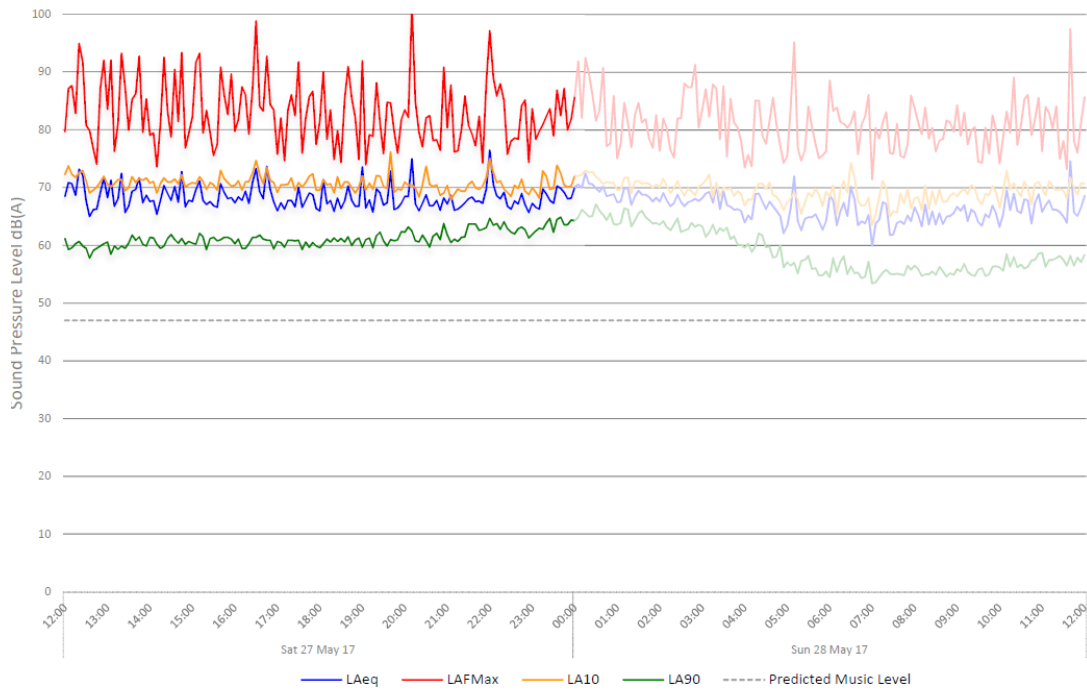
Figure VA1751/TH1



Bocconcino, Mayfair  
Environmental Noise Time History: 2



Figure VA1751/TH2



Bocconcino, Mayfair  
Environmental Noise Time History: 3



Figure VA1751/TH3

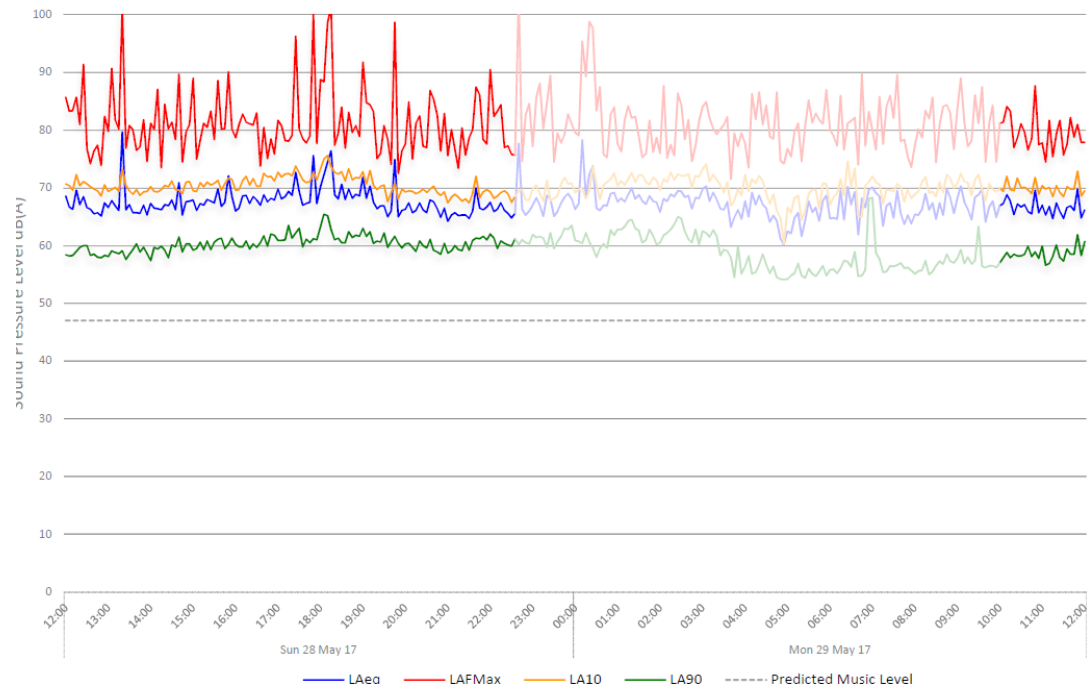
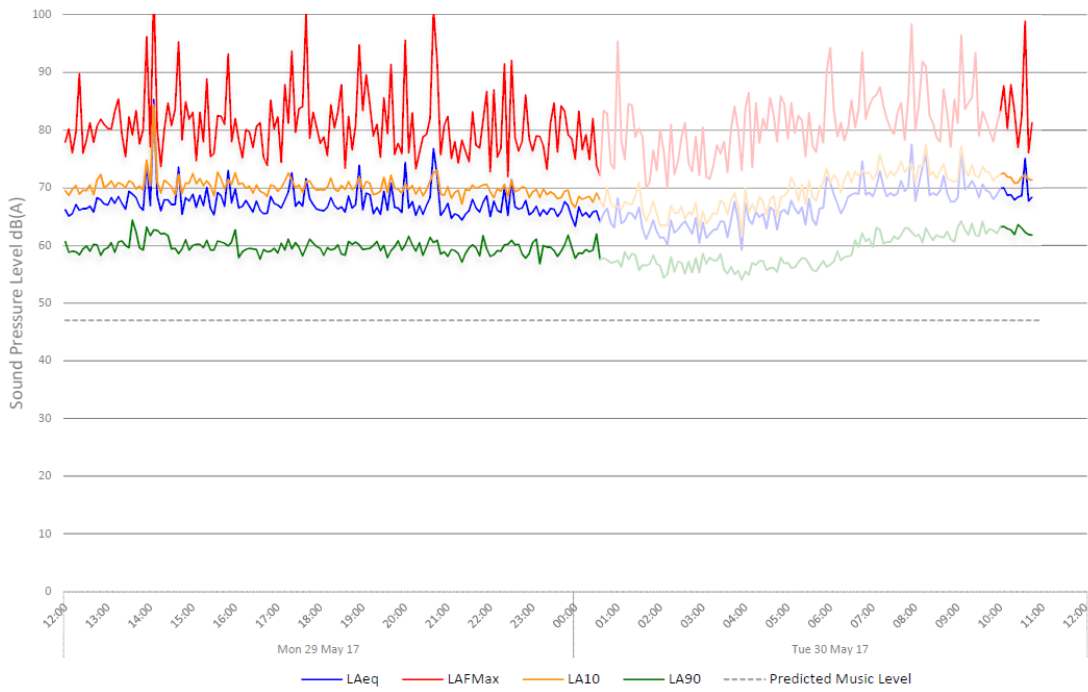


Figure VA1751/TH4



## 1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

<b>Sound</b>	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
<b>Noise</b>	Sound that is unwanted by or disturbing to the perceiver.
<b>Frequency</b>	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
<b>dB(A):</b>	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or $L_A$ .
<b><math>L_{eq}</math>:</b>	A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc). The concept of $L_{eq}$ (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because $L_{eq}$ is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
<b><math>L_{10}</math> &amp; <math>L_{90}</math>:</b>	Statistical $L_n$ indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, $L_{10}$ is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, $L_{90}$ is the typical minimum level and is often used to describe background noise. It is common practice to use the $L_{10}$ index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.
<b><math>L_{max}</math>:</b>	The maximum sound pressure level recorded over a given period. $L_{max}$ is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged $L_{eq}$ value.

## 1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000

### 1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial

### 1.4 Earth Bunds and Barriers - Effective Screen Height

When considering the reduction in sound level of a source provided by a barrier, it is necessary to establish the "effective screen height". For example if a tall barrier exists between a sound source and a listener, with the barrier close to the listener, the listener will perceive the sound as being louder if he climbs up a ladder (and is closer to the top of the barrier) than if he were standing at ground level. Equally if he sat on the ground the sound would seem quieter than if he were standing. This is explained by the fact that the "effective screen height" is changing with the three cases above. In general, the greater the effective screen height, the greater the perceived reduction in sound level.

Similarly, the attenuation provided by a barrier will be greater where it is aligned close to either the source or the listener than where the barrier is midway between the two.

## APPENDIX B

### VA1751 - Bocconcino, Mayfair

#### Music Noise Impact Assessment

##### No Entrance Lobby

	31.5Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Internal Music Level	82	97	90	86	87	89	86	79	70	<b>93</b>
In-to-out Sound Reduction	-12	-19	-14	-12	-13	-13	-15	-15	-18	
Door open 20% of time	-7	-7	-7	-7	-7	-7	-7	-7	-7	
Directivity (Hor.;Vert:1)	0	0	0	0	-3	-7	-7	-7	-7	
Rathe Distance Loss (10m)	-20	-20	-20	-20	-20	-20	-20	-20	-20	
<b>Level at receiver</b>	<b>43</b>	<b>51</b>	<b>49</b>	<b>46</b>	<b>44</b>	<b>43</b>	<b>37</b>	<b>30</b>	<b>18</b>	<b>47</b>

##### With Entrance Lobby

	31.5Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Internal Music Level	83	101	94	97	98	100	94	88	82	<b>102</b>
In-to-out Sound Reduction	-12	-20	-28	-31	-31	-30	-29	-31	-36	
Directivity (Hor:0,Vert:)	0	0	0	0	-3	-7	-7	-7	-7	
Rathe Distance Loss (10m)	-20	-20	-20	-20	-20	-20	-20	-20	-20	
<b>Level at receiver</b>	<b>51</b>	<b>61</b>	<b>45</b>	<b>45</b>	<b>44</b>	<b>43</b>	<b>38</b>	<b>30</b>	<b>19</b>	

## Appendix C

### Sample Noise Complaint Log Sheet

Date	Time	Staff Name	No. of Staff & Patrons	Complainant			Details			Response Details <sup>1</sup>
				Name	Address	Phone/email	Description <sup>1</sup>	Duration	Solution?	

<sup>1</sup> Attach noted and email correspondence as appropriate

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>07/03983/WCCMAP</b>	Application for a new premises Licence	Granted under delegated authority	Granted by Licensing Sub-Committee
<b>08/03313/LIPT</b>	Application to transfer of premises licence	18.07.2008	Granted under delegated authority
<b>08/03318/LIPV</b>	Application to vary a premises licence	05.06.2008	Granted in part by Licensing Sub-Committee
<b>13/05315/LIPN</b>	Application for a new premises licence	05.09.2013	Granted by Licensing Sub-Committee
<b>14/08667/LIPDPS</b>	Application to vary a premises licence to specify an individual as designated premises supervisor	30.10.2014	Granted under delegated authority
<b>15/06223/LIPT</b>	Application to transfer of premises licence	10.12.2015	Granted under delegated authority
<b>16/12512/LITENP</b>	Temporary Event Notice 31.12.2016 – 01.01.2017 (17:15pm-02:30am)	29.11.2016	Notice allowed
<b>17/01368/LIPVM</b>	Application for a minor variation to a premises licence	01.03.2017	Granted under delegated authority

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

9. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:

Ground Floor : 60  
Lower Ground Floor: 67

subject to the total number at any one time not exceeding 127.

### **The applicant proposes to amended condition 9 to:**

- 9. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:**

**Ground Floor 90  
Lower Ground Floor 70  
Subject to the total number at any one time not exceeding 130**

10. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

### **The applicant proposes to amended condition 10 to:**

- 10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:**
- (a) all crimes reported to the venue**
  - (b) all ejections of patrons**
  - (c) any complaints received concerning crime and disorder**
  - (d) any incidents of disorder**

- (e) *all seizures of drugs or offensive weapons*
- (f) *any faults in the CCTV system, searching equipment or scanning equipment*
- (g) *any refusal of the sale of alcohol*
- (h) *any visit by a relevant authority or emergency service.*

11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

**The applicant proposes to amended condition 11 to:**

11. *The premises shall only operate as a restaurant*
- (i) *in which customers are shown to their table,*
  - (ii) *where the supply of alcohol is by waiter or waitress service only,*
  - (iii) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
  - (iv) *which do not provide any take away service of food or drink for immediate consumption,*
  - (v) *which do not provide any take away service of food or drink after 23.00, and*
  - (vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

***Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.***

12. "Notwithstanding condition 11, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 15 persons dining at the premises"

**The applicant proposes to amended condition 12 to:**

12. ***Notwithstanding condition 11, until 0030 hours Monday to Saturday and 2230 hours Sunday, alcohol may be supplied and consumed prior to a meal in the designated bar area, by persons dining at the premises***
13. The supply of alcohol shall be by waiter or waitress service only, with the exception of the designated bar marked on the plans.

14. All patrons will be met by a member of staff at the reception area (as marked on the plans) before being directed to seating in the relevant area of the premises.

**The applicant proposes to amended condition 14 to:**

14. ***Until 0030 hours Monday to Saturday and 2230 hours Sunday, the supply of alcohol shall be by way of waiter/waitress service only, with the exception of the designated bar marked on the plans.***
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. There shall be no self-service from any wine display units.
17. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. No servicing to take place before 8am and after 11pm.
20. Refuse to be stored internally between 11pm and 8am and not to be put outside the premises at that time.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**The applicant proposes to amended condition 22 to:**

22. ***No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.***
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. There shall be no striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a sexual Entertainment Venue Licence.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry

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

26. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
27. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.

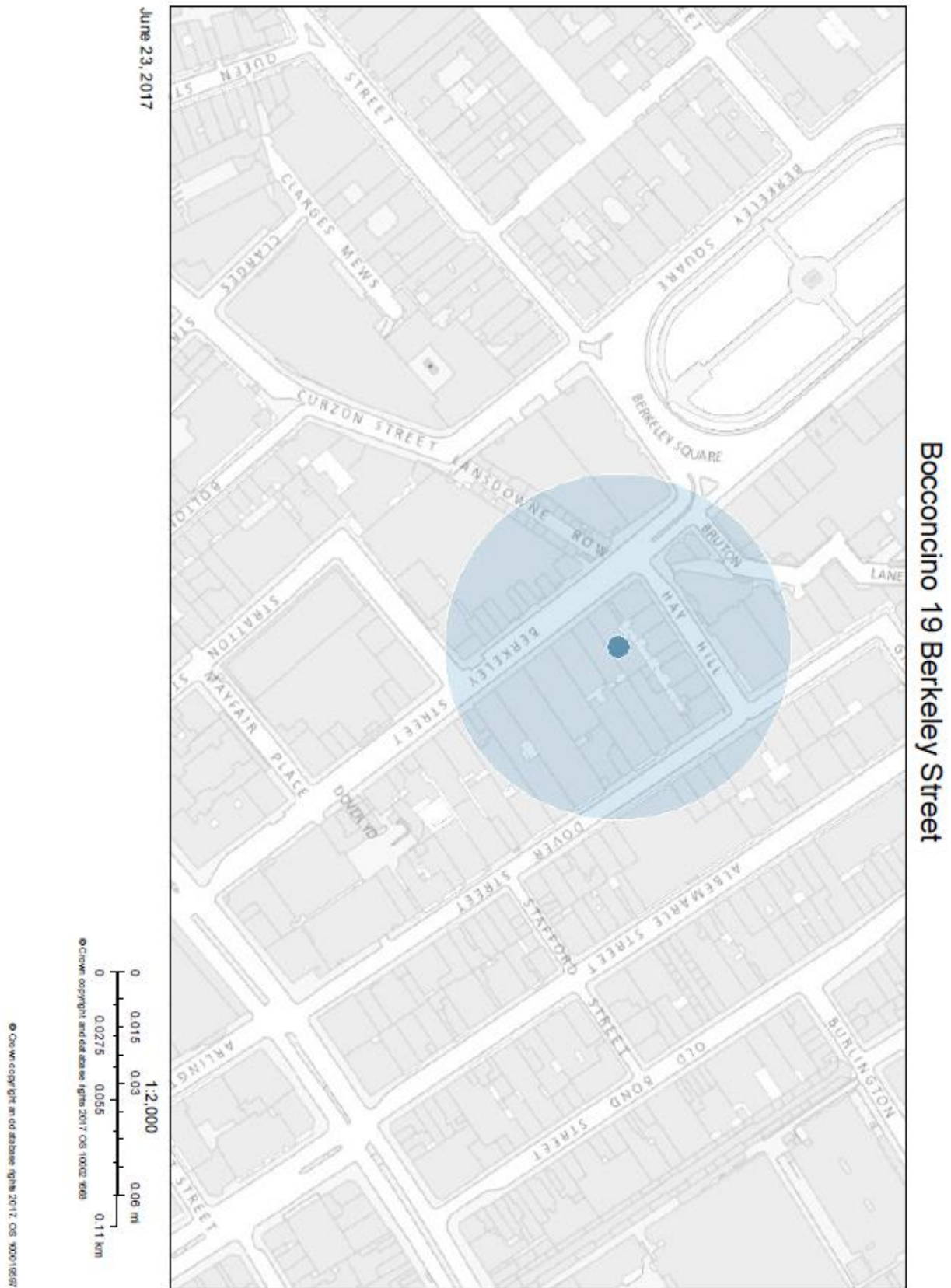
**The applicant proposes to amended condition 27 to:**

27. ***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.***
28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

**The applicant proposes to amended condition 28 to:**

28. ***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.***

Residential Map and List of Premises in the Vicinity



**Premises Licence - 15/06223/LIPT**Schedule 12  
Part AWARD: West End  
UPRN: 100023473543**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/06223/LIPT

Original Reference:

13/05315/LIPN

## Part 1 – Premises details

## Postal address of premises:

Bocconcino  
19 Berkeley Street  
London  
W1J 8ED

## Telephone Number:

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

Not applicable

## Licensable activities authorised by the licence:

Late Night Refreshment  
Sale by Retail of Alcohol

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

## Late Night Refreshment

Monday to Saturday: 23:00 to 00:30  
Non-standard Timings: NYE 23:00 to 05:00 on New Year's Day

## Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 22:30  
Non-standard Timings: From end of terminal hour on New Years Eve to start of permitted hours on New Years Day

## The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 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:

Bocconcino Properties Limited  
19 Berkeley Street  
London  
W1J 83D  
:

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

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

Name: Ms Federica Orsini

*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: LN/000013204  
Licensing Authority: London Borough Of Haringey

Date: \_\_\_\_\_ 10 December 2015 \_\_\_\_\_

This licence has been authorised by Miss Susan Patterson 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 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.
- (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.
- (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.
- (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.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

9. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed:  
  
Ground Floor : 60  
Lower Ground Floor: 67  
  
subject to the total number at any one time not exceeding 127.
10. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
12. "Notwithstanding condition 11, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 15 persons dining at the premises"
13. The supply of alcohol shall be by waiter or waitress service only, with the exception of the designated bar marked on the plans.
14. All patrons will be met by a member of staff at the reception area (as marked on the plans) before being directed to seating in the relevant area of the premises.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. There shall be no self-service from any wine display units.
17. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. No servicing to take place before 8am and after 11pm.
20. Refuse to be stored internally between 11pm and 8am and not to be put outside the premises at that time.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. There shall be no striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a sexual Entertainment Venue Licence.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
26. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
27. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.
28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

**Annex 4 – Plans**

Attached



Item No:	
Date:	6 July 2017
Licensing Ref No:	17/05472/LIPN - New Premises Licence
Title of Report:	Marble Arch Theatre Western Traffic Island Marble Arch London W1H 7DX
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
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: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 May 2017		
<b>Applicant:</b>	Underbelly Ltd		
<b>Premises:</b>	Marble Arch Theatre		
<b>Premises address:</b>	Western Traffic Island Marble Arch London W1H 7DX	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the application the premises will operate as a temporary theatre venue with ancillary bar facilities. The premises will operate for up to 6 days per week and for no more than 40 weeks in any one calendar year.		
<b>Premises licence history:</b>	The premises does not have a premises licence and there is no licensing history.		
<b>Applicant submissions:</b>	<p>Spiegeltent operating as a temporary theatre venue with ancillary bar facilities. The premises will operate for up to 6 days per week and for no more than 40 weeks in any one calendar year. See Appendix 2 for Operating Plan and further details.</p> <p>The applicant has considerable experience operating similar entertainment venues and other large scale events throughout the country; in London it has operated a Spiegeltent at the Southbank for a number of years and more recently at Leicester Square over Christmas. A comprehensive management plan and security management plan which covers, among other aspects, all of the licensing objectives</p>		

<b>1-B Proposed licensable activities and hours</b>							
<b>Performance of a play</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Exhibition of films</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Performance of live music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Playing of recorded music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Performances of dance</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Anything of a similar description</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	13:30	13:30	13:30	13:30	13:30	13:30	13:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				
<b>Adult Entertainment:</b>			Not applicable.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police Service
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	25 <sup>th</sup> May 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>I am in the process of liaising with other relevant police departments involved in this application. Once I have discussed their requirements to ensure the safety of the public attending this venue I will be in touch with police conditions for your client to consider.</p>	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Ms Sally Thomas
<b>Received:</b>	15 <sup>th</sup> June 2017
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This is for a maximum of 40 weeks per calendar year.</p> <p>The applicant has submitted a layout plan, drawing number SK-003 and dated 11/05/17 and an evacuation plan, drawing number SK-012 and dated 03/05/17.</p> <p>This representation is based on the plans and Operating Schedule submitted. Pre-application advice was provided by myself with reference number 17/03355/PREAPM.</p> <p>The applicant is seeking the following licensable activities within the Spiegel tent:</p> <ol style="list-style-type: none"> <li>1. The Supply of Alcohol for consumption 'on' the premises Monday to Saturday 13:30-23:00 hours and Sunday 13:30-22:30 hours.</li> <li>2. To provide the following Regulated Entertainment indoors: Plays, Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description on Monday to Saturday 13:30-23:00 hours and Sunday 13:30-22:30 hours.</li> <li>3. To allow the above provisions from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> </ol> <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The Supply of Alcohol may have the likely effect of causing an increase in Public</li> </ol>	

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 seasonal variations 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 Licensing Authority
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<b>Representative:</b>	David Sycamore
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<b>Received:</b>	15 <sup>th</sup> June 2017
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I write in relation to the application submitted for a new Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

We are concerned that this premises could impact on the area which is an extremely busy area for many parts of the year such as Winter Wonderland, summer music events as well as being located in an area of high footfall. Our primary concerns is how many of the 40 weeks of the year the premises will be open and operated. In relation to theatres, and other performance venues outside the Cumulative Impact Areas - Policy PVC1 states that applications will generally be granted, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1. At the moment we believe, whilst the premises is outside the cumulative impact area, it is none the less an extremely busy area with a unique set of circumstances to be considered. We are concerned that the large capacity will have an impact on the licensing objectives, particularly when the events finished and the public leave the area and could head into the CIA.

With regards to recent events in London, we would expect to see some additional conditions that may be dealt with more appropriately by the Police, such as a search policy when people arrive at the premises and how queues and dispersal might be managed pre and post entry.

Please accept this as a formal representation and we would expect to see additional information with regards to our concerns listed above. A proposed event management plan may address our concerns or give us a steer as to the type of provision that will be made, aside from the conditions offered.

<b>2-B Other Persons</b>	
<b>Name:</b>	John Zamit
<b>Address and/or Residents Association:</b>	South East Bayswater Resident's Association 2, Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	16 <sup>th</sup> June 2017
<p>South East Bayswater Residents' Association (SEBRA) object to this application</p> <p>We cannot open WCC link this evening to see proposed conditions or other information supplied on operation of theatre - assume comprehensive management plan</p> <p>Our main concern is on security -is there CCTV proposed both inside and outside?</p> <p>Is there sufficient qualified supervision on persons entering &amp; exiting Marble Arch Theatre (especially in these present times of 'high security alert').</p> <p>We also have concern as to sufficient toilet provision for large capacity (especially as no public toilets in vicinity).</p> <p>We trust no alcohol allowed to be taken outside premises</p> <p>What is provision for 'smoking' area and trust sufficient measures in place to deal with litter left outside theatre by picnics etc.</p> <p>Assume measures in place to ensure no 'under age' drinking.</p> <p>May not be a problem but we do have concerns over public access to Marble Arch, especially on north side on busy crossing over to Oxford Street.</p> <p>We assume application hours etc conform (or less than) with WCC planning permission consent.</p> <p>We note on council licensing report down as in Hyde Park Ward – we thought proposed temporary theatre stands in Knightsbridge Ward but maybe wrong.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(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.  (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.
Policy PVC1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</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

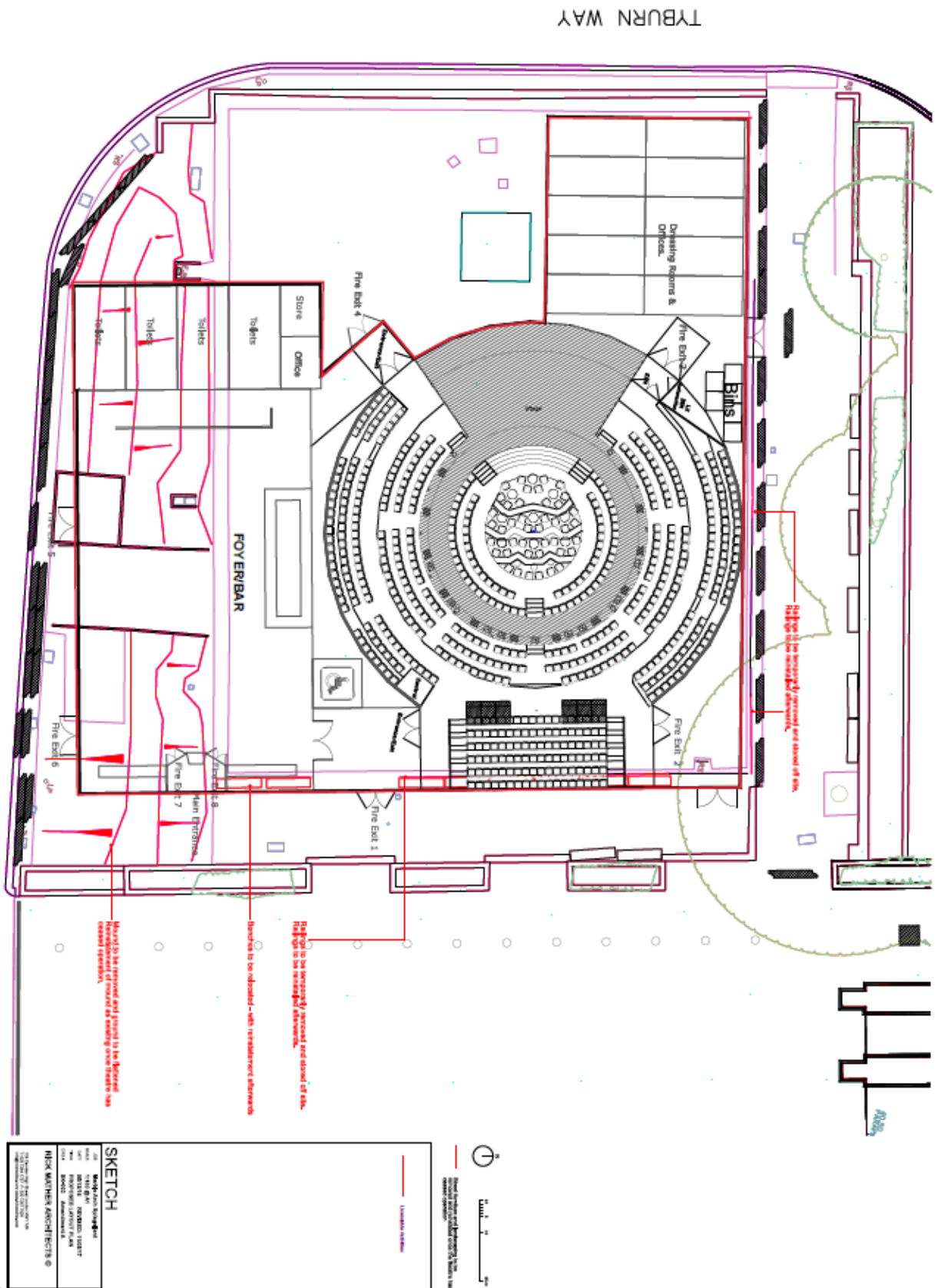


**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

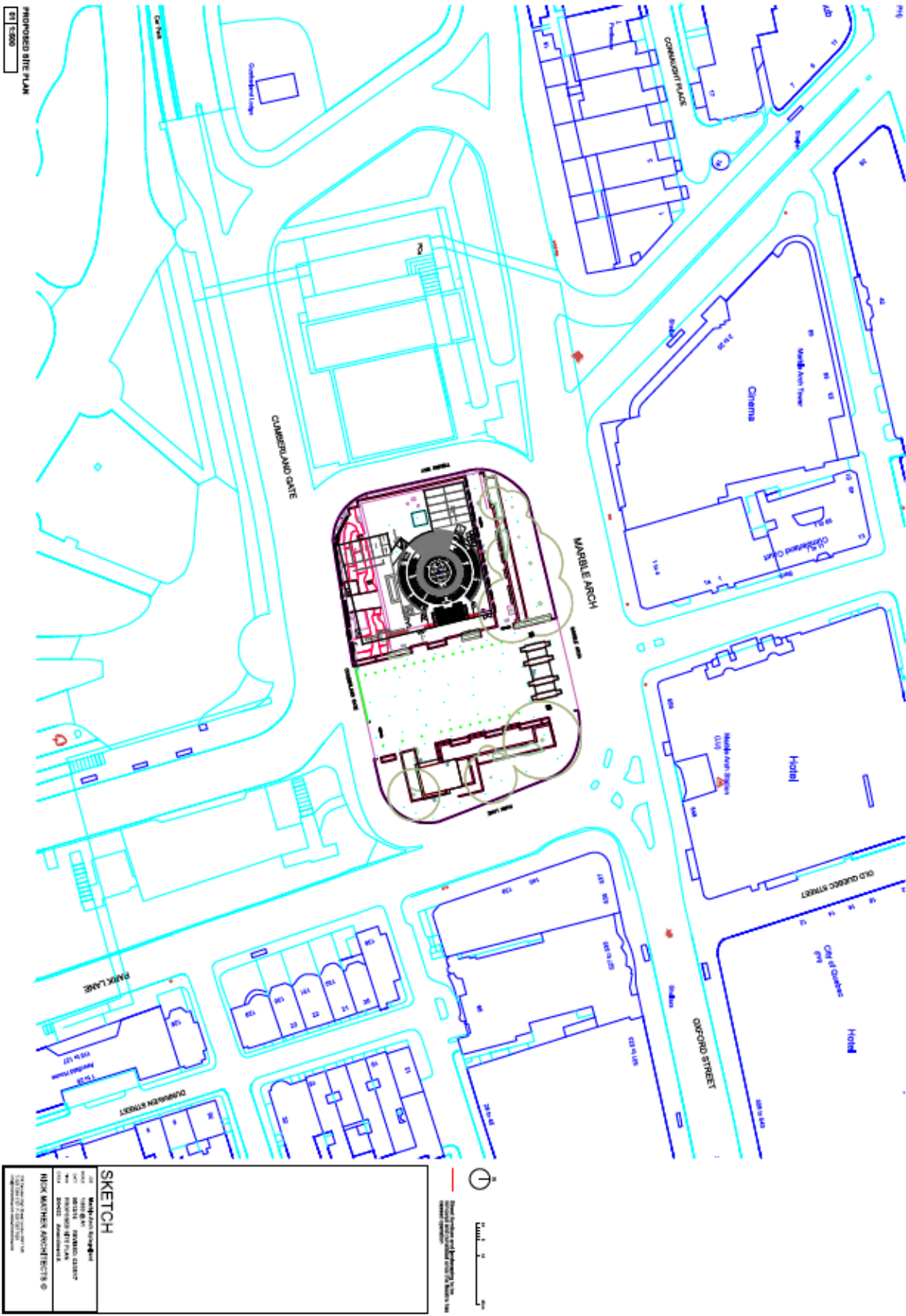
**Background Documents – Local Government (Access to Information) Act 1972**

<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>	Application Form	22 <sup>nd</sup> May 2017
<b>5</b>	The Metropolitan Police Service Rep	25 <sup>th</sup> May 2017
<b>6</b>	The Environmental Health Service Rep	15 <sup>th</sup> June 2017
<b>7</b>	The Licensing Authority Rep	15 <sup>th</sup> June 2017
<b>8</b>	John Zamit (SEBRA) Rep	16 <sup>th</sup> June 2017

**Premises Plan**







PROPOSED SITE PLAN  
 01/10/2000

**SKETCH**

Client: [illegible]  
 Architect: [illegible]  
 Date: [illegible]

**NICK MATHER ARCHITECTS ©**

100, [illegible] [illegible]  
 [illegible] [illegible] [illegible]  
 [illegible] [illegible] [illegible]

**Applicant Submissions**

Thomas & Thomas  
Partners LLP

**Application for Premises Licence**

**Marble Arch Theatre, Western Traffic Island, Marble Arch, London W1**

**APPLICATION SUMMARY****Proposed Hours**

Sale of Alcohol	Monday – Saturday : 13:30 – 23:00 Sunday : 13:30 – 22:30
Regulated Entertainment:	Monday – Saturday : 13:30 – 23:00 Sunday : 13:30 – 22:30
Opening Hours	Monday – Saturday: 12:00 – 23:30 Sunday : 23:00

**Proposed Conditions**

1. Licensable activities shall be restricted to a maximum of 40 weeks per calendar year.
2. At least (1) SIA licensed door supervisor shall be on duty at each entrance of the premises at all times when it is open for business.
3. The Premises Licence Holder shall comply with all reasonable requirements of Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster City Council, the London Fire and Emergency Planning Authority and the Metropolitan Police Service.
4. Unless otherwise agreed, no later than 28 days prior to the event the Premises Licence holder must ensure an Event Management Plan is presented to the parties listed in the above conditions for their comments. The Event Management Plan shall include, as a minimum:
  - a) Emergency and Evacuation procedures;
  - b) Crowd management and stewarding arrangements;
  - c) A detailed plan showing site layout and emergency egress points;
  - d) A detailed plan showing CCTV locations installed by the Premises License Holder;
  - e) Risk Assessments
  - f) A schedule detailing types and locations of emergency equipment
  - g) Sanitary accommodation
5. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
6. No alcohol shall be taken outside of the boundary of the licensable area.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
9. In relation to the sale of alcohol, a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Thomas & Thomas Partners LLP, 38a Monmouth Street, London WC2H 9EP  
020 7042 0410 [www.tandtp.com](http://www.tandtp.com) [info@tandtp.com](mailto:info@tandtp.com)

10. The age of the audience members to the Spiegel tent shall be appropriate to the performance.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any refusal of the sale of alcohol
  - g) any formal visit by a relevant authority or emergency service.
14. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days' prior notice being given to the licensing authority where consent has not previously been given.
  - h) dry ice and cryogenic fog
  - i) smoke machines and fog generators
  - j) pyrotechnics including fireworks
  - k) firearms
  - l) lasers
  - m) explosives and highly flammable substances.
  - n) real flame.
  - o) strobe lighting.
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. Licensable activities at events in the Spiegel tent shall only be provided to persons who are ticket holders for that event.
17. The number of persons accommodated in the Spiegel tent (excluding staff and performers) shall not exceed 650 (TBC).

18. The licence holder shall ensure that any queuing for the Spiegeltent performances shall take place within the licensed area.
19. 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.
20. 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.
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
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 safety signs or emergency equipment.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
25. The certificates listed below shall be submitted to the licensing authority upon written request:
  - a) Any permanent or temporary emergency lighting battery or system
  - b) Any permanent or temporary electrical installation
  - c) Any permanent or temporary emergency warning system
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
27. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
28. 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. No fumes, steam or odours shall be emitted from the licensed area so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
30. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed event.
31. A minimum of 28 days prior to the event a Noise Management Plan to promote the prevention of public nuisance shall be provided to Westminster City Council's Environmental Health Consultation Team for approval. The Noise Management Plan shall state the maximum permitted music noise level applicable at the nearest noise sensitive premises. Once approved in writing it shall be implemented by the Premises Licence Holder.
32. Residential properties and the relevant amenity group(s) in the immediate vicinity of Leicester Square will be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the

Event advising them of the times of the Event and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.

33. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the Gardens.
34. Electrical generators, where used, must be:
  - a) Suitably located clear of buildings, marquees and structures, and free from flammable materials;
  - b) Enclosed to prevent unauthorised access;
  - c) Able to provide power for the duration of the event;
  - d) Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.
35. The minimum number of toilet accommodation shall include:
  - a. Women's Cubicles (16)
  - b. Men's Cubicles (2)
  - c. Urinals (7)
36. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and firefighting equipment.
37. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.
38. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
39. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
40. The Premises Licence Holder must maintain a regular safety patrol at all times when the public are present in the licensed area to check for and guard against possible emergency hazards. The area underneath any stage and fixed seating areas is to be kept clear of flammable materials.
41. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
42. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and firefighting equipment provided.



43. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

19/05/2017

Thomas & Thomas Partners LLP



**Marble Arch Theatre**  
**OPERATIONAL MANAGEMENT PLAN**

**18/5/2017**  
**Version 5**  
**Last edited by Sarah Fleming**

## 1 Site Summary

1.1. The site comprises of:

- A Spiegeltent which will seat 608 people in fixed seating for theatrical performances (please note this capacity may increase or decrease according to the design of the show in the Spiegeltent).
- A Foyer
- Box Office within the foyer
- Bar within the foyer
- Dressing Rooms
- Bin Store
- Site Store
- Bar Store
- Dimmer Store
- Site Office
- First Aid Room

1.2. Please see Appendix A for Site Plans

## 2 Opening Times and Dates

2.1. Installation commences from 29<sup>th</sup> July 2017.

2.2. Performances run for 30 weeks from 29 August 2017 to 25 March 2018.

2.3. The opening hours of the venue for 2017 will be:

Day	Opening – Closing Time
Monday	18:30 – 23:00 (Closed on Mondays from 27 <sup>th</sup> November)
Tuesday	18:30 – 23:00
Wednesday	13:30 – 23:00
Thursday	18:30 – 23:00
Friday	18:30 – 23:00
Saturday	13:30 – 23:00
Sunday	13:30 – 23:00 (Closed on Sundays until 27 <sup>th</sup> November)

The Underbelly duty manager may decide to close the Site earlier at his/her discretion.

2.4. Programming.

There will be a maximum of 8 performances of a production in any given week. The length of the performance will be between 2 and 2.5 hours including an interval.

The proposed start times for each performance are as follows:

28<sup>th</sup> August 2017 – 26<sup>th</sup> November 2017

Monday – Tuesday 19:45, Thursday 14:30 & 19:45, Thursday - Friday 19:45, Saturday 14:30 & 19:45.

Except 13<sup>th</sup> September when the matinee is on a Wednesday.

27<sup>th</sup> November 2017 onwards

Tuesday 19:45, Thursday 14:30 & 19:45, Thursday - Friday 19:45, Saturday 14:30 & 19:45, Sunday 14:30

These times may be subject to change.

This is a ticketed event and only those with tickets for a performance will be allowed inside the theatre.



## 2.5. Provision of Food and Drink

### Supply of Alcohol and Refreshment - Spiegeltent Bar

Day	Time
Monday	18:30 – 23:00
Tuesday	18:30 – 23:00
Wednesday	13:30 – 23:00
Thursday	18:30 – 23:00
Friday	18:30 – 23:00
Saturday	13:30 – 23:00
Sunday	13:30 – 22:30

Last orders will be given 30 minutes prior to closing time and the last drink will be ordered 15 minutes prior to closing time.

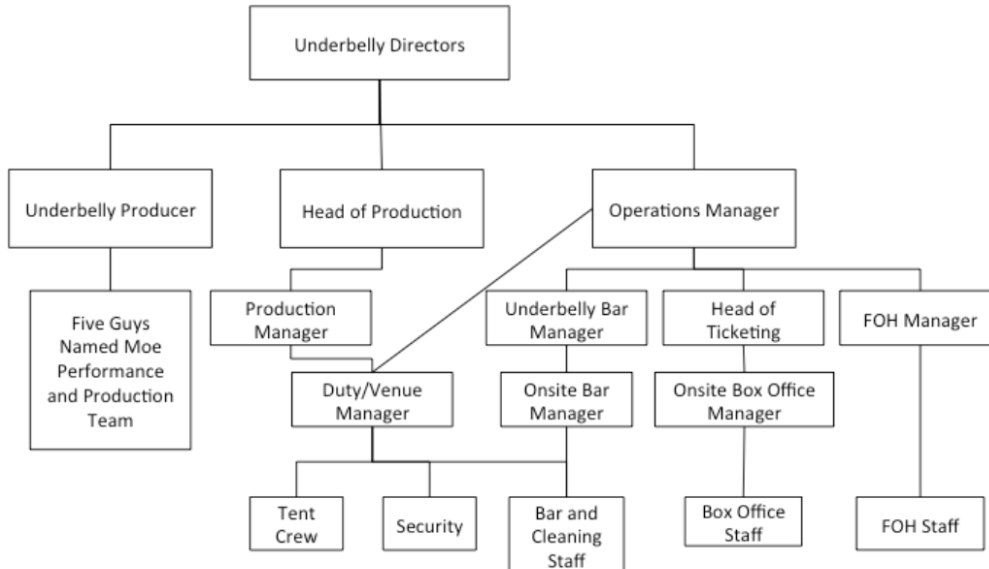
- 2.6. Out of hours, there will be a minimum of 1 security guard on site always. There is a site phone which is held by either the duty manager or over night security always.

## 3 The Producers

- 3.1. Underbelly is a live entertainment and event production company based in London. Underbelly already work with partners including Westminster City Council, City of Edinburgh Council, Mayor of London and Greater London Authority, Richmond Council, Southbank Centre and the University of Edinburgh to produce and manage high quality, large scale events in sensitive city centre locations. These events include Leicester Square Christmas, West End Live, Underbelly at the Edinburgh Festival Fringe, Pride in London, Udderbelly Festival and London Wonderground on the Southbank, Edinburgh's Christmas & Hogmanay and Udderbelly Festival in Hong Kong. In 2016, Underbelly sold over 1.4 million tickets and welcomed over 5 million people to the events and festivals that it operated.

## 4 Management Structure

- 4.1. Underbelly will have day-to-day responsibility for the operation of the Site and the Event.
- 4.2. Underbelly's main point of contact is the Operations Manager (Sarah Fleming). She will have overall responsibility for the Site and will delegate to the Venue Manager. The Operations Manager will ensure that all operational, security and safety management processes are incorporated into the Event and are followed by all staff and sub-contractors.
- 4.3. One of Underbelly's full time production managers (James Oakley) will oversee the get-in and get-out of the Event, day-to-day health and safety and line management of the Site management team.
- 4.4. The Site management team consists of two Venue/Duty Managers.
- 4.5. Underbelly's health and safety consultants, Sygma Safety will manage the get-in and get-out of the Event.
- 4.6. Underbelly's Head of Bars (Bertie Woodhead) will be the Designated Premises Supervisor and will have day-to-day responsibility for the management of the bar operation.
- 4.7. Underbelly's Head of Ticketing (Andrew Ladd) will have day-to-day responsibility for the management of the box office and customer service operation.
- 4.8. Underbelly will also have our own front of house team. They will be fully trained in Underbelly procedures.
- 4.9. There is a separate production team within Underbelly for the production of *Five Guys Named Moe* reporting to the Underbelly directors.



## 5 Staffing Levels

5.1. The basic staffing structure for the Event for all staff other than security will be as follows, subject to capacities and additional events:

Staff	No.	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Venue/duty manager	1 or 2	-	18.30-00:00	18.30-00:00	12.30-00:00	18.30-00:00	18.30-00:00	12.30-00:00
Front of House Manager	1	-	18.30-00:00	18.30-00:00	12.30-00:00	18.30-00:00	18.30-00:00	12.30-00:00
Front of House Team	4 – 6	-	18.30-00:00	18.30-00:00	12.30-00:00	18.30-00:00	18.30-00:00	12.30-00:00
Bar Manager	1	-	18.30-00:00	18.30-00:00	12.30-00:00	18.30-00:00	18.30-00:00	12.30-00:00
Bar Staff and Cleaning Team	Variable	-	18.30-00:00	18.30-00:00	12.30-00:00	18.30-00:00	18.30-00:00	12.30-00:00

## 6 Staff Training

6.1. A handbook and site induction will be made available to all staff and bar staff, and they will receive additional training including:

- Command structure.
- Emergency protocols & evacuation procedures.
- Fire equipment training (as necessary).

- Procedures for checking ID.
- Procedures for liaising with security.
- Procedures for opening and closing the Site.
- Any other training to accommodate conditions given by police, licensing and other authorities.
- Health and safety in the workplace training and outline obligations.

## 7 Stakeholder Engagement

- 7.1. Underbelly is committed to engaging with communities and businesses affected by our events. Drop-in meetings will be held for Underbelly to explain the project to local businesses and residents.
- 7.2. The in-house by the operations department will manage Stakeholder engagement and will plan, coordinate and deliver engagement activity for each event in our portfolio. The Operations Manager will have the primary relationship with residents, businesses and stakeholders.
- 7.3. Key stakeholders at the organisation level are shown in Table 1. Together they are responsible for planning the programme of events that Underbelly undertakes. They also take on roles in the initial and detailed planning and operation of individual events.

Table 1. Organisation Level Stakeholders

Role	Description	Needs/Expectations
Underbelly Directors	Responsible for overall decision making within the company including all strategy and long-term planning and decision making about projects and events.	<ul style="list-style-type: none"> <li>- Overall company sustainability.</li> <li>- Upholding and expanding Underbelly's reputation for high quality event management and production.</li> <li>- Ability to continue managing existing events and expand event management portfolio.</li> <li>- Increased productivity.</li> <li>- Compliance with all regulations and legal requirements (including health &amp; safety).</li> </ul>
Head of Production	Oversight over planning of production element of all events and detailed planning and implementation of production elements at specific events.	<ul style="list-style-type: none"> <li>- Health &amp; safety performance.</li> <li>- Sustainable management of project costs and budgets.</li> <li>- Knowledge and compliance with regulations and legal requirements particularly with respect to noise, structures and licencing.</li> <li>- Compliance of contractors and suppliers.</li> </ul>
Operations Manager	Responsible for overall planning and implementation of operational aspects for all events including; networking, staffing, security, first aid, waste.	<ul style="list-style-type: none"> <li>- Health &amp; safety performance.</li> <li>- Environmental performance.</li> <li>- Knowledge and compliance with regulations and legal requirements particularly with respect to staffing, waste, licencing and security.</li> </ul>
Project Manager	Responsible for planning and implementation of all aspects for the event including liaising with all stakeholders.	<ul style="list-style-type: none"> <li>- Health &amp; safety performance.</li> <li>- Environmental performance.</li> <li>- Knowledge and compliance with regulations and legal requirements particularly with respect to staffing, waste, licencing and security.</li> <li>- Compliance of contractors and suppliers.</li> </ul>
Production Manager(s)	Responsible for detailed planning and implementation of production elements at specific events.	<ul style="list-style-type: none"> <li>- Health &amp; safety performance.</li> <li>- Knowledge and compliance with regulations and legal requirements particularly with respect to noise, structures and licencing.</li> <li>- Compliance of contractors and suppliers.</li> </ul>
Head of Marketing	Responsible for planning and provision of all marketing, print and signage for events	<ul style="list-style-type: none"> <li>- Compliance of contractors, suppliers and other associated companies (e.g. print suppliers, marketing companies).</li> </ul>
Head of Ticketing	Responsible for planning and provision of ticketing and box office services	
Head of Bars and Catering	Responsible for planning and provision of bar and catering services	
Executive Producers	<i>Responsible for all aspects of the production and performance of Five Guys Named Moe.</i>	

- 7.4. Table 2 contains the relevant stakeholders for Marble Arch Theatre as defined by Underbelly. Stakeholders are:

Table 2. Marble Arch Theatre Stakeholders

Role	Description	Needs/Expectations
Event Manager – Underbelly Ltd	Responsible for planning and/or managing the event on behalf of the event owner. Responsible for overall management of the event including management of the budget. For Marble Arch Theatre, this role will be undertaken by Underbelly.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> <li>- Sustainable management of the event budget.</li> <li>- Attendee and community approval of the Event.</li> </ul>
Event Owner – Underbelly Ltd	Responsible for the high-level vision for the event. Responsible for approval of the event concept and budget. For Marble Arch Theatre, this role will be undertaken by Underbelly.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> <li>- An economically sustainable event.</li> <li>- Requirement for the event to be managed in compliance with ISO 20121 – when applicable.</li> </ul>
Event Producer – Underbelly Ltd	Responsible for producing the event on behalf of the event manager or event owner. For Marble Arch Theatre, this role will be undertaken by Underbelly.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> <li>- Often sustainable management of aspects of the event budget on behalf of the event manager/owner.</li> </ul>
Contractors	Contracted by event manager to provide specific service.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> <li>- Safe and comfortable working conditions.</li> <li>- Clear and consistent processes and procedures under which to work onsite.</li> </ul>
Suppliers	Contracted by event manager to provide specific goods and supplies.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements</li> <li>- Sustainable transport costs (minimum costs)</li> </ul>
Staff	Underbelly staff including both full-time and contract staff.	<ul style="list-style-type: none"> <li>- Clear and consistent processes and procedures under which to work.</li> <li>- Safe and comfortable working conditions.</li> </ul>
Health and Safety Manager	Contracted by event manager/owner to manage health and safety onsite. Include ensuring compliance with all applicable legislation. For Marble Arch Theatre, this role will be undertaken by Sygma Safety.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> <li>- Clear and consistent processes, procedures and documentations for working onsite.</li> </ul>
Event Participants/ Performers	People participating in the event, including performers, producers.	<ul style="list-style-type: none"> <li>- Safe and comfortable working conditions.</li> <li>- Successful event.</li> </ul>
Traders	People trading at the event. A full list of traders can be found in the Event Management Plan.	<ul style="list-style-type: none"> <li>- Safe and comfortable working conditions.</li> <li>- Successful event.</li> </ul>
Attendees	People attending the event.	<ul style="list-style-type: none"> <li>- Safe and comfortable event.</li> <li>- High quality event.</li> </ul>
Regulatory Bodies	Regulatory bodies with authority over one of more aspect of the event, including Westminster Council.	<ul style="list-style-type: none"> <li>- Compliance with all regulations and legal requirements.</li> </ul>
Community	The community in general near the event, who may be affected by the event in any way.	<ul style="list-style-type: none"> <li>- Event that provides benefits to the community.</li> <li>- No lasting damage/effects to the environment at the event site or elsewhere.</li> <li>- Minimal disruption to day-to-day community activities.</li> </ul>

7.5. All stakeholders will also have access to Underbelly's dedicated sustainability email address ([sustainability@underbelly.co.uk](mailto:sustainability@underbelly.co.uk)) and an online form to provide feedback. Information from both these channels can then be utilised in post event and periodic reviews.

7.6. Table 3. Engagement to be undertaken with key stakeholders

Stakeholder	Engagement techniques
Ongoing Underbelly Staff	<ul style="list-style-type: none"> <li>- Everyone provided with copy of the Event sustainability policy and sustainability management system.</li> <li>- Everyone invited to be part of review process.</li> <li>- Input to risk assessments as required.</li> </ul>
Event Manager	<ul style="list-style-type: none"> <li>- Regular meetings.</li> </ul>
Event Owner	<ul style="list-style-type: none"> <li>- Regular meetings.</li> <li>- Provision of Event sustainability policy as part of Event Management Plan.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>- Commitment to sustainability and relevant sustainability objectives and risks identified in contractor documentation.</li> <li>- Selection process considers sustainability credentials.</li> </ul>
Suppliers	<ul style="list-style-type: none"> <li>- Commitment to sustainability and relevant sustainability objectives and risks identified in contractor documentation.</li> <li>- Selection process considers sustainability credentials.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>- Compliance with sustainability policy and objectives a key requirement in staff contracts.</li> <li>- All staff provided with staff handbook including key sections of sustainability policy, actions and objectives.</li> </ul>

	- Staff briefings.
Health and Safety Manager – Sygma Safety	- Provided with event sustainability policy, objectives and risks. - Part of key event team asked to contribute to event risks. - Invited to be part of review process.
Event Participants/ Performers	- Provided with key sections of the policy and objectives affecting their work onsite. - Invited to provide feedback and suggestions on any aspects of the sustainability of the Event.
Traders – full list available in Event Management Plan	- Provided with key sections of the policy and objectives affecting their work onsite. - Compliance with sustainability objectives a key part of their contract. - Invited to provide feedback and suggestions on any aspects of the sustainability of the Event.
Attendees	- Can provide feedback on any aspects of the Event to staff or stewards or via email or phone, this can include comments or feedback on sustainability of Event when applicable.
Regulatory Bodies	- As required by regulations and legislation.
Community	- Community briefings. - Underbelly will send out a letter to residents and businesses which will outline the Event. - The letter will also provide a site phone number and email address to local community, local authorities and others likely to be affected so that they can contact event operation staff with any concerns. - Post-event surveys to gather feedback.

## 8 Access

- 8.1. Public access to and through the Marble Arch will be maintained and used by the Event. There are 3 pedestrian crossings and a subway through to the Marble Arch island.
- 8.2. The newly installed safer cycle crossing and links will be unaffected by the development, both during build and strike periods and within operational and delivery hours.
- 8.3. A banksman will escort all vehicles accessing the site.
- 8.4. The nearest National Rail station is Paddington (a 20-minute walk/1.2 miles).
- 8.5. The nearest London Underground station is Marble Arch (Central Line, a 1 minute walk/0.1 mile) or Bond Street (Central and Jubilee, a 10-minute walk/0.5 miles).
- 8.6. The following bus routes all stop a short walking distance from Marble Arch Theatre. Bus Stop K: 7, 10, 73, 98, 137,390, N7, N73, N98, N137, N207. Bus Stop L: 6, 23, 94, 159, Bus Stop O: 6, 7, 23, 98, N7 and N98. Bus Stop P: 30, 94, 113, 159, 274, 390, N207. For a map of all bus routes please see <https://tfl.gov.uk/bus/stop/490G00144L/marble-arch-station>.
- 8.7. The nearest Santander Cycle Hire docking stations are located at Green Street, Old Quebec Street, and Park Lane.
- 8.8. Blue Badge Parking bays are available in Green Street, North Row, North Audley Street, Portman Square, George Street, Portman Mews South, Upper Berkeley Street, Great Cumberland Place, Wood's Mews, and Upper Berkeley Street. The conditions of use for the Blue Badge Scheme in Westminster, Kensington and Chelsea, and Camden (south of Euston Road), differ from parking concessions for disabled motorists in the rest of the country. <https://www.westminster.gov.uk/disabled-parking>
- 8.9. The site has a PTAL of 6b, demonstrating its excellent public transport accessibility. It is anticipated that most visitors will arrive by public transport.
- 8.10. The scheme will provide level access in accordance with Part M of the building regulations.
- 8.11. Staff are trained to give advice to customers on the best options for transport from the Event.
- 8.12. When running in conjunction with events in Hyde Park Underbelly would accommodate the agreed LSAG arrangements and work with the Event organisers in terms of public safety in this location, including working with the Hyde Park events and placing additional stewarding on the pedestrian crossings if required by the additional impact on those crossings from the Event's audience.

## 9 Pedestrian Management Plan

- 9.1. Public access to and through the Marble Arch will be maintained and used by the Event. There are 3 pedestrian crossings and a subway through to the Marble Arch island.
- 9.2. With up to 608 people arriving for performances in the Theatre, there will be little impact on the footfall in and around the Marble Arch Traffic Island.





- 9.3. When running in conjunction with events in Hyde Park Underbelly would accommodate the agreed LSAG arrangements and work with the Event organisers in terms of public safety in this location, including working with the Hyde Park events and placing additional stewarding on the pedestrian crossings if required by the additional impact on those crossings from the Event's audience.
- 9.4. A banksman will escort all vehicles accessing the site.

## 10 Amenity and Dispersal

- 10.1. This proposal seeks to create a theatrical attraction. The hours of operation are restricted and the Event will be managed to ensure it will not have a detrimental impact on the amenity of adjoining premises or residents. There will be a security operation in place always.
- 10.2. The scale of the Event will mean that visitor numbers will be maintained so as not to impact on local amenities in terms of either noise or other disturbance.
- 10.3. Transport
- The Event location is fortunate in that has many options for public transport including taxi ranks, many bus routes, and the London Underground. Underbelly will place signage outlining the various transport options available to get home safely.
  - Local taxi numbers will be available at the bar for customers enquiring, in addition to being printed on the leaflets that are distributed to patrons as they leave the site. In addition to handing out leaflets, all staff will be trained to give verbal advice to customers on the best options for transport from the Event.
- 10.4. Staffing
- During the last half hour of service at the bar, the service points are reduced and some staff are reallocated to collect glasses and cleaning duties across the Site. This assists customer departure and reduces potential for people to carry plastic cups or other litter out of the Venue.
- 10.5. Music and Lighting
- At the end of trading, background music will be turned off. Lighting and music levels will be reduced to encourage the gradual dispersal of customers during the 20 minutes from last orders being called.
- 10.6. Minimising Noise on Exit
- Signs will be placed at the exit asking customers to leave the Event quietly and without causing a disturbance. Signs will also be placed around the Event to encourage audiences and other customers to be constantly aware of and considerate to the residents.
- 10.7. Bottles and plastic glasses
- Well-placed and well-lit signage will make it clear that customers will not be allowed to leave the premises with drinks. This policy is supported with vigilant security staff at the exits searching customers where necessary. Bins are also provided at the exits for use by customers.
- 10.8. Litter
- Staff will perform a rubbish patrol following closure. This patrol will pick up bottles, flyers, food wrapping etc. in the immediate vicinity of the premises. As well as clearing rubbish, the patrol acts as another set of eyes and ears identifying potential disorder. Their activity, particularly sweeping the pavement, will also encourage customers to vacate the area outside the premises.
- 10.9. Site security and door staff
- All security and door staff will have an appropriate SIA licence and be fully trained. Security staff will be on duty until the site closes.
  - The security staff will play a key role in the implementation of dispersal:

- encouraging customers to drink-up and progress to the exit throughout the latter part of drinking up time;
- drawing attention of exiting customers to the notices on the exits and asking them to be considerate;
- ensuring the removal of all plastic glasses and bottles from departing customers;
- dispensing maps providing information about local transportation and taxi numbers;
- actively encouraging customers not to congregate outside the Event (this is to prevent customers becoming victims of crime in the immediate area and having confidence to head towards transport hubs), and;
- directing customers to the nearest taxi ranks or other transportation away from the area.

#### 10.10. Communications with Residents

- Prior to the Event, Underbelly will write to nearby residents and businesses and inform them about the Event, including the programme of events.
- Residents and businesses will also be informed of a mobile number and a landline by which residents can communicate with the venue/duty manager with respect to noise and any other concerns with the operation of the Site.

## 11 Waste, Cleaning and Maintenance

11.1. Waste will be separated where possible for recycling.

11.2. Trade waste bins will be kept in a dedicated enclosure within the Site and emptied twice weekly. They will be accessed directly from our enclosure by our contractor Veolia, who currently service this site on behalf of Westminster Council.

11.3. There will be a dedicated cleaning team ensuring toilets are clean and well presented.

11.4. We will ensure that site and surrounding area is kept litter free.

11.5. There will be enforced disposal of any alcoholic drinks as people leave the Event, reducing any waste that might have been irresponsibly discarded.

11.6. Although the event is temporary, most equipment and materials utilised are either hired in (and sent back to the supplier to be hired to others) or stored for our reuse in future projects. Underbelly has two warehouses, one in London, one in Edinburgh, equipment is stored in whichever warehouse reduces haulage cost and impact to the environment. What little waste that is left is removed in skips.

## 12 Noise Management

12.1. Underbelly will manage noise from the event in accordance with the acoustic report to minimise impact on residents and businesses.

## 13 Alcohol Management and Licensing Objectives.

13.1. Underbelly will operate and manage the bar operation.

13.2. The bar will only be accessed by ticket holders.

13.3. There will be no seating provided externally.

13.4. There will be a full bar, including spirits, in the Spiegel tent foyer.

13.5. Qualifications and training

- All staff involved in the sale or service of alcohol will be trained prior to beginning work and a record of the training will be kept by the bar office for inspection.

13.6. Key points of the Underbelly alcohol management plan are:

### Compliance with Licensing Objectives



- Underbelly operates a challenge 25 policy. This means anyone who looks 25 or under will be asked for ID. Only recognised identification will be accepted. Clear signage will be on every bar.
- All staff will undertake a minimum 2 hours licensing and responsible alcohol service training.
- Alcohol sold from the bars will be for consumption on Site only. Security staff will be at all gates to prevent people leaving with open alcoholic drinks.
- Drinks will be served in plastic or paper cups, with the only omission being in the Spiegeltent where a bottle of wine will be served with four plastic glasses.
- No happy hours or time limited price promotions will be run.
- No quantity based price promotions will be run.
- Beer will be available in 1/2 pint and, maximum, 1 pint vessels only.
- Wine will be available in 125 ml measures.
- All ABVs and prices will be clearly displayed.
- Free drinking water will be readily available.
- SIA security staff will be onsite at all operational hours.
- Signs will be placed at all entrances and exits requesting all customers to leave quietly and to be aware of neighbours when customers are on Site.
- There will be no tolerance to any criminal behaviour and if any crimes occur then the police will be contacted immediately.
- Customers who are intoxicated will be refused service at the bar and a refusal book will be kept on Site.
- Last orders will be called 30 minutes prior to the closing of the bar, with last service 15 minutes prior to closing time.
- Capacities are controlled through ticketing.

#### **Preventing Crime and Disorder**

- Underbelly will employ a suitable number of SIA qualified security for the size and demographic of expected audience. Fully trained security staff will patrol and control access to the site and be on duty 24 hours per day. Security personnel will hold door supervisor licences and will be SIA registered. All security staff will be required to sign in and out when coming onto site and to show their SIA badge prior to starting work to enable checking on the SIA website. Regular meetings will be held with the contracted security company to ensure maintenance of high standards.
- Security and management will be able to communicate over radio.
- Residents and business will be distributed a phone number for a phone held by our site management and which will be monitored 24 hours a day.
- Entrances and exits to/from the venue will be monitored always during operational hours.
- Entrance to the performances in the Spiegeltent will be by ticket only.
- Signs will be placed at all entrances and exits requesting all customers to leave quietly and to be aware of neighbours when customers are on Site.
- All draught and bottled products will be served in plastic glasses except bottles of wine, which will be served with four plastic glasses.
- No money to be left in the box office or in any concessions overnight.
- Any suspicious behaviour will be monitored and dealt with in a suitable manner.
- Staff will be trained in the relevant legislation applying to the sale of alcohol.
- There will be no tolerance to any criminal behaviour and if any crimes occur then the police will be contacted immediately.
- The opening hours will be strictly followed.
- No happy hours or time limited price promotions will be run.
- No quantity based price promotions will be run.
- Beer will be available in 1/2 pint and, maximum, 1 pint vessels only.
- Wine will be available in 125 ml measures.
- All ABVs and prices will be clearly displayed.
- Customers who are intoxicated will be refused service at the bar and a refusal book will be kept on Site.
- Last orders will be called 30 minutes prior to the closing of the bar.

- All staff that work on the event will be over 18 years old.
- Young persons will not be allowed access to any shows that contain any unsuitable content. All shows with any content that is unsuitable for young persons will have warnings to people who are booking tickets.
- Some performances will contain ancillary material of an adult nature.
- Appropriate age restrictions will be:
  - imposed;
  - advertised on all related marketing material;
  - made clear at the point of sale of tickets; and
  - enforced at the point of entry to the Spiegeltent.

## 14 Security and Crowd Management

14.1. There will be adequate levels of SIA security on the site always. This will be 24 hours a day from the beginning of the build to the last day of breakdown.

14.2. Shows in the Spiegeltent will be ticketed to manage and ensure capacity within the venues.

14.3. Security Deployment Plan for Operation Hours:

Location Description	Function and Duties
Entrance	<ul style="list-style-type: none"> <li>• Constant manning of gate</li> <li>• Control and direction of members of the public entering and leaving the site</li> <li>• Observation for and recognition of potential suspect packages. Report any findings to the supervisor, venue/duty manager or police officer.</li> <li>• Bag search where necessary</li> <li>• Provide information and directions to the public</li> <li>• Deter/prevent any drunk person entering the venue</li> <li>• Deter/prevent anyone removing alcohol from the venue</li> <li>• Ensure there are no unaccompanied children after 2100 hours. Unrestricted access for young persons (16/17 year olds).</li> <li>• Observe any children in the venue and ensure they do not consume alcohol</li> <li>• Encouraging customers to drink-up and progress to the exit throughout the latter part of drinking up time;</li> <li>• Drawing attention of exiting customers to the notices on the exits and asking them to be considerate;</li> <li>• Ensuring the removal of all plastic glasses and bottles from departing customers;</li> <li>• Actively encouraging customers not to congregate outside the Event; and</li> <li>• Directing customers to the nearest taxi ranks or other transportation away the area.</li> </ul>
Spiegeltent/Floating Position	<ul style="list-style-type: none"> <li>• Patrol whole site and provide support where needed</li> <li>• Observation for and recognition of potential suspect packages. Report any findings to the supervisor, venue/duty manager or police officer.</li> <li>• Bag search where necessary</li> <li>• Observation for the prevention of over crowding</li> <li>• Provide information and directions to the public</li> <li>• Deter/prevent any drunk person entering the venue</li> <li>• Deter/prevent anyone removing alcohol from the venue, unless from authorised supplier in sealed container</li> <li>• Ensure there are no unaccompanied children after 2100 hours. Unrestricted access for young persons (16/17 year olds).</li> <li>• Observe any children in the venue and ensure they do not consume alcohol</li> <li>• Encouraging customers to drink-up and progress to the exit throughout the latter part of drinking up time;</li> <li>• Drawing attention of exiting customers to the notices on the exits and asking them to be considerate;</li> <li>• Ensuring the removal of all plastic glasses and bottles from departing customers;</li> <li>• Actively encouraging customers not to congregate outside the Event; and</li> <li>• Directing customers to the nearest taxi ranks or other transportation away the area.</li> </ul>

14.4. Draft Security Schedule: There will be 1 SIA security at the venue 24 hours per day. There will be a 2<sup>nd</sup> SIA Security at Peak Times.

## 15 Medical

15.1. There will a qualified first aider onsite during all operational hours.

15.2. Each incident will be logged and the necessary paperwork will be filed out. This paperwork consists of an accident report book, an accident log which will be seen by the venue/duty manager at the end of the day

- Signage will be placed around the Venue asking people to ensure all personal property should be looked after and with them always. Staff will ensure all unattended bags are reported to the site management immediately.

#### **Securing Public Safety**

- Comprehensive Risk Assessments will be undertaken.
- A comprehensive counter terrorism plan will be made and reviewed by CT police.
- Security and staff will be able to communicate over radio.
- Residents and business will be sent a phone number and an email address to contact site management and which will be monitored 24 hours a day.
- There will be adequate medical provision during operational hours. Any injuries that do occur will be recorded in an accident book and emailed to h&s@underbelly.co.uk to ensure that all relevant parties are informed of accidents or incidents.
- Should there be the need to evacuate the site or request emergency service assistance, this will be immediately communicated to affected surrounding neighbours.
- Consultation will take place with all relevant authorities.
- All draught and bottled products will be served in plastic glasses except bottles of wine, which will be served with four plastic glasses.
- There will be appropriate levels of staffing, including security and another stewarding staff. All staff will receive relevant training.
- All security staff will be SIA registered and their badges will be regularly checked on the SIA website.
- The Site will be accessible for the disabled and accessible toilet facilities will be provided.
- There will be full compliance with all relevant health and safety legislation.
- The Licensee will ensure that all venues are fit for purpose and safe to work in. All relevant PPE will be worn when building/taking down venues.
- Staff will be trained when performing tasks that have a certain amount of risk, i.e. a member of staff will be trained to use a ladder before using one.
- Capacities will be carefully monitored and managed.
- All staff will be trained in the evacuation procedure.
- All staff will be trained in the use of fire extinguishers.

#### **Preventing Public Nuisance**

- It is not anticipated that any of the events will cause any problems or public nuisance.
- A comprehensive Noise Management Plan will be in place.
- At every exit, customers are asked to leave quietly.
- Waste will be stored and disposed of to avoid causing public nuisance.
- Throughout the day each site will have designated cleaners who will ensure to keep the site clear of rubbish.
- Litter will be collected on Site and customers requested not to take packaging off site but to dispose of it in bins provided. Bins will be provided at entrances and exits.
- No happy hours or time limited price promotions will be run.
- No quantity based price promotions will be run.
- Beer will be available in 1/2 pint and 1 pint vessels only.
- There is a detailed dispersal policy.

#### **Protecting Children from Harm**

- The Event will operate a strict challenge 25 policy and anyone who looks under 25 will be asked for identification. The only forms of acceptable identification will be a driving licence or passport. Clear signage will be on every bar.
- Staff will be trained in, and fully aware of, the law relating to sales of alcohol to those under the age of 18.
- Security and stewards will be able to communicate over radio.
- A detailed lost/found children and vulnerable adult policy will be in place.

- All staff that work on the event will be over 18 years old.
- Young persons will not be allowed access to any shows that contain any unsuitable content. All shows with any content that is unsuitable for young persons will have warnings to people who are booking tickets.
- Some performances will contain ancillary material of an adult nature.
- Appropriate age restrictions will be:
  - imposed;
  - advertised on all related marketing material;
  - made clear at the point of sale of tickets; and
  - enforced at the point of entry to the Spiegeltent.

## 14 Security and Crowd Management

14.1. There will be adequate levels of SIA security on the site always. This will be 24 hours a day from the beginning of the build to the last day of breakdown.

14.2. Shows in the Spiegeltent will be ticketed to manage and ensure capacity within the venues.

14.3. Security Deployment Plan for Operation Hours:

Location Description	Function and Duties
Entrance	<ul style="list-style-type: none"> <li>• Constant manning of gate</li> <li>• Control and direction of members of the public entering and leaving the site</li> <li>• Observation for and recognition of potential suspect packages. Report any findings to the supervisor, venue/duty manager or police officer.</li> <li>• Bag search where necessary</li> <li>• Provide information and directions to the public</li> <li>• Deter/prevent any drunk person entering the venue</li> <li>• Deter/prevent anyone removing alcohol from the venue</li> <li>• Ensure there are no unaccompanied children after 2100 hours. Unrestricted access for young persons (16/17 year olds).</li> <li>• Observe any children in the venue and ensure they do not consume alcohol</li> <li>• Encouraging customers to drink-up and progress to the exit throughout the latter part of drinking up time;</li> <li>• Drawing attention of exiting customers to the notices on the exits and asking them to be considerate;</li> <li>• Ensuring the removal of all plastic glasses and bottles from departing customers;</li> <li>• Actively encouraging customers not to congregate outside the Event; and</li> <li>• Directing customers to the nearest taxi ranks or other transportation away the area.</li> </ul>
Spiegeltent/Floating Position	<ul style="list-style-type: none"> <li>• Patrol whole site and provide support where needed</li> <li>• Observation for and recognition of potential suspect packages. Report any findings to the supervisor, venue/duty manager or police officer.</li> <li>• Bag search where necessary</li> <li>• Observation for the prevention of over crowding</li> <li>• Provide information and directions to the public</li> <li>• Deter/prevent any drunk person entering the venue</li> <li>• Deter/prevent anyone removing alcohol from the venue, unless from authorised supplier in sealed container</li> <li>• Ensure there are no unaccompanied children after 2100 hours. Unrestricted access for young persons (16/17 year olds).</li> <li>• Observe any children in the venue and ensure they do not consume alcohol</li> <li>• Encouraging customers to drink-up and progress to the exit throughout the latter part of drinking up time;</li> <li>• Drawing attention of exiting customers to the notices on the exits and asking them to be considerate;</li> <li>• Ensuring the removal of all plastic glasses and bottles from departing customers;</li> <li>• Actively encouraging customers not to congregate outside the Event; and</li> <li>• Directing customers to the nearest taxi ranks or other transportation away the area.</li> </ul>

14.4. Draft Security Schedule: There will be 1 SIA security at the venue 24 hours per day. There will be a 2<sup>nd</sup> SIA Security at Peak Times.

## 15 Medical

15.1. There will a qualified first aider onsite during all operational hours.

15.2. Each incident will be logged and the necessary paperwork will be filed out. This paperwork consists of an accident report book, an accident log which will be seen by the venue/duty manager at the end of the day



to spot any abnormal trends, a casualty form will be filled out in the event of an ambulance being called. Anything more than a minor plaster injury should be reported daily to [h&s@underbelly.co.uk](mailto:h&s@underbelly.co.uk)

15.3. Serious injuries may be reportable to RIDDOR. In this case the venue/duty manager along with the operations manager will fill in a F2508 form. This will be sent to Westminster Council Environmental Health Officers and the HSE as soon as possible. Internal investigations and a full incident report will be carried out by the venue/duty manager and the production manager.

## 16 Power & Lighting

16.1. Power will be from mains power.

16.2. The system will be installed, inspected and tested in line with BS7909.

16.3. We will be installing some additional decorative lighting which will include festoon and localised flood lights. In the event of power failure across the Event, the permanent concourse lighting will remain powered.

16.4. For more information on Lighting see the External Luminescence Plan.

## 17 Sanitation and Welfare

17.1. There will be temporary toilets installed at the Site with a minimum of:

- 1 accessible gender neutral toilet with baby changing facilities
- 16 female cubicles
- 2 male cubicles
- 7 urinals
- 4 male washbasins and 9 female washbasins
- Additional provision provided back of house for staff and performers.

This is based on recommended amounts from British Standard 6465.

## 18 Deliveries

18.1. Deliveries will only be permitted between the hours of 07:00 and 10:00. All deliveries will be coordinated and cleared through the Underbelly venue/duty manager and production manager.

18.2. All deliveries will be in accordance with the rules as set out in the Delivery and Servicing Plan.

## 19 Smoking Area

19.1. The area for smokers will be at the front of the theatre. If drinks are taken outside these should be in non-glass vessels. The area will be contained and numbers will be limited for post show smoking.

## 20 Box Office Ticketing

20.1. Ticketing will be provided in-house by Underbelly. There will be a ticketing system in the Spiegelent foyer that will be for collections and sales prior to the performance each day. It is forecast that most tickets will be purchased in advance with a small amount being sold on the day.

## 21 Customer Service and Complaints

21.1. Underbelly prides itself on the quality of its festivals and events and our relationship with our customers and audiences. Underbelly believes that customers make an event and therefore actively engages with audiences throughout the event lifecycle.

21.2. Prior to the event, Underbelly will write to nearby residents and inform them about the event, including giving them a programme and schedule of events.



- 21.3. Residents will be given the mobile number and email address for our venue/duty manager. Residents can communicate with the venue/duty manager in respect of noise and any other concerns with the operation of the event. Our venue/duty manager will be required to carry this mobile phone always.
- 21.4. Feedback can take two forms - either directly from a customer via email, or by completing an Underbelly customer comment and feedback form, which is then transposed into an email and forwarded on to a dedicated feedback email address. All email enquiries to this address are checked twice daily during office hours and all complaints are logged in a central database. From the database, our customer service or administration teams can respond with either an automatic message for general enquiries, or manually for a more in-depth, detailed response, depending on the nature of the comment. Where feedback is unable to be answered by the first-line response, team members can mark the enquiry for the attention of a more senior member of staff, or another department member. This process is automated and will immediately notify the member of staff that they have a new message to respond to. Underbelly will aim to respond to all enquiries within 48 hours through this process, although urgent emails will be acted on immediately. Where necessary, an investigation will take place. Depending on the outcome of the investigation, new procedures may be put in place. The customer is always contacted as soon as possible and kept informed at all stages.

## 22 Lost Property

- 22.1. Underbelly will operate a lost/found property facility. Any lost property will be taken to the box office and/or handed in to a member of Underbelly staff. The box office will keep a log of any lost property that is handed in. All valuables, wallets and passports will be kept in the box office and will be kept until the end of the season.
- 22.2. Any lost property queries over the phone or in person will be logged with contact details. The log will be kept online in the cloud, so enquires coming from various sources can be registered.
- 22.3. Underbelly will clearly advertise the contact details for lost/found property enquiries on the website as well as at the exit of the venue. All staff will be fully briefed as to the lost/found property process and will be able to assist patrons in locating their lost/found items.
- 22.4. Any passports will be taken to the local police station at the end of the Event. All other lost/found items will be retained by Underbelly for a period of two weeks after the event. A member of Underbelly's customer service team will proactively attempt to reunite lost/found items with their owner during this period. Any remaining items that are not personally identifiable documents (i.e. driving licences, bank cards etc.) will be taken to a local charity shop.

## 23 Accreditation and Passes

- 23.1. With a diverse mix of contractors, public, performers and production staff on Site, robust accreditation arrangements are vital to ensure a safe and secure Site.
- 23.2. During the construction phase, all staff will be issued with temporary wristbands, in line with CDM 2015. These wristbands will be issued to each staff member when signing in at the site reception each day.
- 23.3. During the operational period the following passes will be issued:

Level	Who
Access All Areas	Underbelly senior staff
Artist	Performers and production only staff
Underbelly staff (licenced)	Underbelly bar staff with PLH training
Underbelly staff	Underbelly staff

## 24 Security Staffing

- 24.1. There will be 24 hour SIA security staff. One always, with additional support during performance times.

## 25 CCTV





25.1. Underbelly shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.

## 26 Policing

26.1. Underbelly is working closely with and acknowledges the support of The London Metropolitan Police and the Counter Terrorism Police Department.

## 27 Suspect Packages

27.1. A suspect package should be reported immediately to Security and Site Management via the radio on Security will then carry out any necessary action. Please see section 31 for Underbelly's Security Advice.

27.2. See section 26 for the Emergency Management Plan.

## 28 Bomb Threats

28.1. Should a threat be received the Venue/Duty Manager will convene an emergency management meeting to decide on the best response involving the police as appropriate.

28.2. Any threat including an improvised explosive device (IED) should be reported immediately to Security via the radio. Security will then clear the area and notify the Site Manager who will phone the police.

28.3. Staff are instructed to use hand-held radios or mobile phones away from the immediate vicinity of a suspect item, remaining out of line of sight and behind hard cover.

28.4. Venue/Duty Management must be informed immediately of any fires within the area. Fire and Rescue Service will be immediately informed. Security and Front of House Staff will commence immediate evacuation of the immediate area affected by the fire. The Site Manager will coordinate all security.

28.5. See section 27 for the Emergency Management Plan.

## 29 Emergency Management Plan

29.1. The aim of the emergency management plan is to ensure that the safety of those attending the Event is maintained always, as far as is reasonably practicable, by providing a set of roles, responsibilities and procedures to ensure a coordinated response to any minor emergencies or major incidents resulting from both on and off-site hazards, whilst keeping disruption to a minimum.

29.2. The objective of this plan is:

- To ensure a swift, effective and coordinated response to both minor emergencies and major incidents, by the emergency services, Local Authority and event organisers.
- To identify key positions throughout the area, required during the response phase.

29.3. **Chain of Command:**

- Venue/Duty Manager
- Front of House Manager

- Security

#### 29.4. Risk Factors and Potential Hazards

The main risks within the event have been assessed as:

- Crowd disorder
- Serious fire
- Adverse weather conditions – particularly extreme cold, wind or rain
- Bomb threat
- Structural collapse
- External factors impacting on the event

#### 29.5. Contingency Arrangements

Contingency Arrangements have been devised to allow a coordinated and effective response to unscheduled occurrences, which impinge on the safe running of the Event. Three categories of occurrence, each requiring a specific response reflecting their severity, have been identified and are defined below.

#### 29.6. Incidents

An Incident is defined as – *“a routine occurrence that impacts upon the safe running of the Event but does not require external resources; these incidents can be resolved utilising existing resources without disrupting any other services”*.

#### 29.7. Emergencies

An Emergency Situation is defined as – *“an occurrence that poses a threat of serious injury, loss of life or a breakdown in public order and may disrupt the operation of some or all parts of the site”* For example a small bin fire. These emergencies can be dealt with utilising on-site resources, or may require the assistance of one of the emergency services, but without surrendering control of the site.

#### 29.8. Major Incidents

A Major Incident is defined as *“any emergency that requires the implementation of special arrangements by one or more of the Emergency Services, the NHS or the Local Authority for:*

- *The initial treatment, rescue and transport of a large number of casualties;*
- *The involvement either directly or indirectly of large numbers of people;*
- *The handling of a large number of enquiries likely to be generated both from the public and the news media, usually to the police;*
- *The need for the large scale combined resources of two or more of the Emergency Services;*
- *The mobilisation and organisation of the Emergency Services and supporting organisations e.g. Local Authority, to cater for the threat of death, serious injury or homelessness to a large number of people”*.

**Should a Major Incident be called that is beyond the scope of this Event Manual, Event Organisers will support the Emergency Services with all the resources at their disposal.**

On occurrence of an Incident the site manager will manage the response of Stewards and Officials through normal radio links. An Incident will require a localised response, which should not require general broadcast.

#### 29.9. Bomb Threats

The venue/duty manager must be informed immediately of any potential bomb threats and will inform the police.

If the warning is a verbal or written message, the venue/duty manager must write down the information and pass it on to the Police straight away. The evacuation procedure may be invoked after this point, but the venue/duty manager should coordinate actions with the Police officer in charge on arrival at the site; it may be that it is better to continue with the event without unduly panicking and worrying customers while a search is carried out. Staff and Security should also be aware of the possibility of secondary devices when deciding routes



for evacuation, etc.

#### 29.10. **Handover Procedure**

If an emergency procedure occurs that requires the response of the emergency services, the site manager will meet the emergency services at the site office. The site manager will brief the appointed key personnel from the emergency services and will then hand control over the coordination of the response to the appointed key personnel to put in to action their incident response. The site manager will support the emergency services with all the resources at their disposal

#### 29.11. **Muster Point**

For all staff and customers, the muster point will be on the concourse outside Marble Arch.

#### 29.12. **Event Control**

Event control will be in the site office.

All safety documentation and the Event Manual will be held at the site office either electronically or in paper form.

Event control will be responsible for coordinating security, medical, FOH and technical teams during performances and for directing commencement of the event by technical performers under the direction of the Duty/Venue Manager

#### 29.13. **Identifying and Communicating Incidents**

In the event of an emergency, the following identification and communication procedures will occur:

- Clearly identifiable front of house staff (wearing event accreditation and Hi-Viz jackets) posted at key locations and patrolling the event footprint, will identify emergency situations.
- The stewards, through their communications system, will report this immediately to the Duty Manager
- Notifications made by event personnel, will be made with the understanding that the public may overhear radio messages.
- Notifications made by members of the public will be routed via front of house staff to the duty manager.
- When notifying the duty manager of an emergency, state exact location and nature of the incident that has occurred.
- On receipt of a notification, the duty manager will report this to the necessary emergency services as appropriate who will then follow procedure as outlined in this manual and evaluate the information and decide on the most appropriate course of action, to ensure an effective emergency response.

#### 29.14. **Show Stop Procedure**

All staff will be informed of the show stop procedure. Event Control will contact the Front of House Manager, Security and Technical Performers. The performance will be stopped immediately and an announcement will be made over the PA system. From this point, the show stop can either be escalated to a partial / full site evacuation, or withdrawn and the event allowed to continue.

#### 29.15. **Emergency Evacuation Procedures**

See section 32 for the Evacuation Procedure.

#### 29.16. **Fire**

Duty Management must be informed immediately of any fires within the event footprint. Fire and Rescue



Service will be immediately informed via the site office phone of the emergency via the 999 system, stating exact location of the fire.

The staff deployed in that area, having notified the duty manager, will immediately commence evacuation of the immediate area affected by the fire. All security will be coordinated by the Duty Manager via event control.

The Duty Manager will:

- Evaluate all information being received
- Advise all relevant agencies
- Identify the extent of the area to be evacuated
- Identify routes by which evacuation should take place
- Identify approach routes to the incident for all emergency services vehicles

Instructions will be passed to the relevant staff as per the Emergency Evacuation Procedures outlined in section 32.

Fire extinguishers will be made available throughout the site and distributed as per the Fire Safety Plan, a copy of which is available as a separate document on request or from the Site office.

All fire extinguisher points will be clearly marked.

#### 29.17. Communications

Communications are vital in the response to a major incident and therefore must be robust, flexible and sufficient to maintain a constant link between all responding agencies.

In the event of a major incident occurring, each service/agency will retain their own communications systems with their nominated Incident Officers at the Event Control Point.

## 30 Health and Safety and Risk Assessments

30.1. Underbelly is committed to ensuring the safe operation of the Site.

30.2. Underbelly not only adheres to health and safety laws and legislations, but embraces the spirit of the acts.

30.3. The staff handbook will provide all employees with clear guidelines on how to implement the Underbelly health and safety policy and will ensure that everyone shares responsibility for safety at work.

30.4. Prior to the start of the setup of the Event, a full set of risk assessments and method statements will be carried out and produced.

30.5. All contractors and subcontractors will provide Underbelly with risk assessments and method statements. They will also be provided with information in their information pack to positively promote the key messages of this paperwork to their staff.

30.6. Underbelly utilises the following policies and documents as reference for health and safety best practice:

- Health and Safety at Work Act 1974
- The Regulatory Reform (Fire Safety) Order 2005
- HSE Managing Crowds Safely
- Event Safety (Purple) Guide
- The Four Licensing Objectives as per the Licensing Act 2003
- Cabinet Office Guidance on Crowd Safety.

30.7. All health and safety at Marble Arch Theatre will be the responsibility of the Underbelly production manager and venue/duty manager, working with Sygma Health & Safety. All risk assessments and method statements will be assessed and administered by Underbelly and Sygma Health & Safety in accordance with health and safety legislation and good working practice.



- 30.8. During the get-in and get-out periods, the Site will only be accessible by personnel who have read and signed the Site safety memo in accordance with the Site rules. All staff, contractors and visitors during these periods must adhere to these rules or leave the Site with immediate effect.
- 30.9. During the operational period, all staff and contractors must adhere to the Site health and safety plan as outlined in the operations plan and staff handbook. Any disregard for this plan will be dealt with on a case-by-case basis. The Site management team will produce a daily site report with reference to all activities on Site and any incidents/accidents that need to be reported.

## 31 Daily Risk Assessing

- 31.1. It is the responsibility of all key positions on site (i.e. venue/duty manager, production manager, company manager, security, bar manager, box office manager etc.) to be constantly looking for any potential risks and hazards during the Event.



## 32 Duty Manager Report

### Duty Manager Report – Marble Arch Theatre

Date: / /2017

DUTY MANAGER	DAY	EVENING
NAME:		

VENUE OPEN TIME	VENUE CLOSE TIME

SAFETY & SECURITY	
Security Full Names	
Fire Escapes Checked?	

	OPEN	CLOSE	COMMENTS
Box Office			
Bar			

	Timings	Attendance	Notes
Matinee Performance	House Open: Act 1 FOH Clearance: Interval Start: Act 2 FOH Clearance: Finish:	Tickets Issued; Attendance Inc. Comps: Comps in Attendance:	
Evening Performance	House Open: Act 1 FOH Clearance: Interval Start: Act 2 FOH Clearance: Finish:	Tickets Issued; Attendance Inc. Comps: Comps in Attendance:	

REPORT ON SERVICES AND ISSUES CONCERNING SITE	
WEATHER	
SITE POWER	
WATER	
BOX OFFICE	
SECURITY	
QUEUING	
FIRST AID	
BAR	
TOILETS	
WASTE SERVICES	
CLEANING	
OTHER	

ATTACHMENTS

UNCONTROLLED IF PRINTED

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Detail any additional incident reports or other information that should be attached to this report.

### 33 Incident and Near Miss Report

A copy of this should be sent alongside the duty manager report and to h&s@underbelly.co.uk

#### UNDERBELLY INCIDENT REPORT

**(Delete as appropriate)**

Time of incident:

Location of incident:

Name of affected party:

Age of affected party:

Contact details:

Nature of incident:

Witnesses:

Staff who assisted:

Weather:

Details of incident:

Paramedics: \_\_\_\_\_

Treatment given:

Fire Brigade:

Police:

Crime Reference Number:

Any other details:

Report prepared at: \_\_\_\_\_ **TIME** \_\_\_\_\_ **DATE**

Following the incident using contemporaneous notes taken by:

**FIRST NAME** \_\_\_\_\_ **LAST NAME**

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## 34 Underbelly Security Advice

The following document is supplied to all staff and contractors:

### Underbelly Security Advice

Our advice, wherever possible, is to follow the Run Hide Tell guidance until the police arrive on the scene. The guidance recommends RUN, if you can, if you can't run, HIDE and then, when you can, TELL the police what's happening so they can get help there quickly to stop the threat. Also, tell others of the threat so they don't approach danger. However, if someone is in immediate danger and their life is being threatened we would never criticise their actions if instinct takes over and they feel the need to fight back.

RUN	HIDE	TELL
<ul style="list-style-type: none"><li>• If there is a safe route run, if not hide.</li><li>• Insist others go with you</li><li>• Don't let them slow you down</li><li>• Leave belongings behind</li></ul>	<ul style="list-style-type: none"><li>• If you can't run, hide</li><li>• Find cover from gunfire</li><li>• Be aware of your exits</li><li>• Try not to get trapped</li><li>• Lock yourself in a room if you can</li><li>• Move away from the door</li><li>• Be very quiet, silence your phone</li><li>• Barricade yourself in</li></ul>	<ul style="list-style-type: none"><li>• Dial 999 when you are safe</li><li>• Give your location</li><li>• Give the direction the attacker is moving</li><li>• Describe the attacker</li><li>• Give any further information</li><li>• Can you safely stop others from entering the area?</li></ul>

Please also watch these videos to help prepare you.

<https://www.gov.uk/government/publications/stay-safe-film>

<https://www.youtube.com/watch?v=GTFNYtkf6m8> or go to you tube and search for Personnel security - Eyes Wide Open.

During the build/derig and the events, if you see anything suspicious or out of character from anyone within or close to the event arenas, or spot any equipment or baggage/luggage/rucksacks etc. left anywhere during the build/derig or at the event that cannot be accounted for, please report it to your primary Event contact immediately either by radio or in person.

**You are our eyes and ears!  
Don't be afraid to report it!**

#### ACTING ON SUSPICIOUS BEHAVIOUR

Please be mindful of the following information and ensure this is passed on to any staff or volunteers you are responsible for;

**SAFETY:** Think about your own and the public's safety.

**SEE:** What's happening and where is it happening?

**TELL:** Contact event management, the event control by radio or the Police Immediately. Tell them what's happening and where it's happening.

**Use hand-held radios or mobile phones away from the immediate vicinity (approx. 15m) of a suspect item, remaining out of line of sight and behind hard cover.**

**ACT:** Stay safe, observe what's happening without placing yourself in danger and (if safe to do so) update the Police.

**If you find a suspicious package;**

Do not touch it

Move away to a safe distance

Contact Event Control (during the event), event management or primary contact (during build and breakdown) or if not available the police directly.

Prevent others from approaching

#### UNATTENDED ITEM

An unattended item can be characterised as follows:

'An object without a discernible owner but which is, in other respects, typical of what might be found legitimately at that location.'

Unattended items should be reported to event control, however please do not treat as suspicious automatically. Hundreds of bags etc. are left unattended in London daily and do not pose any threat.

#### SUSPICIOUS ITEM

H - Has the item been hidden?

O - Is the item obviously suspicious?

T - Is the item typical (or more likely) not typical of the environment?

**Key Information you should collect for Event Control and Police: WHAT, WHERE, WHEN, WHY, WHO**

**TO REPORT, CONTACT THE EVENT CONTROL, SITE MANAGEMENT OR PRIMARY EVENT CONTACT OR POLICE DIRECTLY**

**Police – 101 or 999**

**Confidential Anti-Terrorist Hotline - 0800 789 321**

UNCONTROLLED IF PRINTED

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## 35 Evacuation Plan and Emergency Procedures

### Fire Evacuation – Marble Arch Theatre, London

#### Evacuation Procedure

Action on discovering a fire/suspect package/event of an evacuation:

On Underbelly Site		In a Surrounding Building/Sites
Discovering a fire/suspect package/event of an evacuation:	<p>On discovering a fire on Site, the Venue/duty manager will be called by radio and one of the following actions will be taken:</p> <ul style="list-style-type: none"> <li>- If the fire is the size of a waste paper basket or less, and there are no other surrounding circumstances to suggest that the fire may spread unusually quickly, the fire will be extinguished by trained staff. After the event this will be reported by way of a written report to Underbelly management so that appropriate action can be taken to avoid a repeat of the incident.</li> <li>- If the fire is larger or looks as though it is going to spread quickly, the Venue/duty manager will immediately order an evacuation of the Site and then call the fire brigade. The Venue/duty manager will then call security and Site management so that a controlled evacuation of the surrounding buildings/Site can be undertaken, steering people away from the fire area.</li> </ul>	<p>On discovering a fire in a surrounding building, we request that security or Venue/duty manager inform our Venue/duty manager immediately so that an evacuation of the Site and venue can be undertaken.</p>

#### Call to Emergency Services and Site Security and Duty Management:

As detailed above, the Venue/duty manager will call the emergency services immediately. The Venue/duty manager will then call security and Site management to inform them of the problem.

#### Method of Evacuation:

If the Venue/duty manager issues the instruction for evacuation, the Underbelly front of house staff and bar staff will, having had training on the routes and assembly points, initiate the evacuation of the Site.

The assembly point that patrons will be directed to is outside on the concourse in front of Marble Arch.

The Venue/duty manager will control the evacuations in conjunction with the venue staff.

All staff will be briefed and trained on the emergency exits. From the venue manager's assessment, they will allocate staff to create pathways and direction to emergency exits. They will assist patrons with accessibility needs.

#### Training and Monitoring

All front of house and bar staff will be trained in evacuation procedures. The Venue/duty manager will control the evacuations. Evacuation procedures will be reassessed as the flow of people is monitored. This document will be updated as necessary.

#### Line of Command

Any member of front of house, technical or bar staff should inform the Venue/duty manager in the case of a suspect



package, fire or any other threat. In the case that the Venue/duty manager is not available, the front of house manager will take control. Where neither the front of house manager nor any other management are present the member of staff should proceed with the evacuation where necessary and call the emergency services.



**Marble Arch Evacuation Procedure**

<b>Evacuation</b>
<p>1. In the event of a fire the Venue/duty manager will make an announcement. You will be aware of the decision to evacuate by the Venue/duty manager who will make the following announcement over the radio:</p> <p style="padding-left: 40px;">“Attention all staff: Mr Sands is in the ...(location). Prepare to evacuate.</p> <p>2. At this point staff should move to positions, open any door, ensure that exit routes are completely clear and be ready to evacuate people.</p> <p>3. The company manager will make an announcement on stage saying: “Ladies and gentlemen there is a need to evacuate the tent. Please leave following the instructions of our staff.”</p> <p>4. At the conclusion of this announcement, in a loud, clear voice staff should begin shouting “This way-out Ladies and gentlemen.”</p> <p>5. Staff should continue to shout this and encourage people to move swiftly but calmly out of the tent until it is clear.</p> <p>6. Staff should ensure they are moving away from the tent and into the <b>assembly point – on the concourse in front of Marble Arch.</b></p> <p>7. No staff or member of the public should be readmitted into the Site until it is checked and confirmed safe by a fire officer.</p>
<b>Staff positions/individual duties – Spiegeltent</b>
<p><b>Production manager/front of house manager (if neither are available, then the company manager)</b> Initiate announcements from the microphone at the tech desk, to evacuate the Spiegeltent and then direct customers to the nearest exit, if clear, from the middle of the stage.</p>
<p><b>Usher 1 &amp; 2</b> Ensuring front doors are clear and open, Usher 1 standing inside, Usher 2 standing outside. Physically and vocally directing people towards the front exit of the Site, assisting patrons with accessibility needs.</p>
<p><b>Usher 3</b> Ensure stage right back fire door of the Spiegel is clear and open, physically and vocally directing people towards the front exit of the site, assisting patrons with accessibility needs.</p>
<p><b>Stage Manager</b> Enters from backstage to the middle of the stage to physically and vocally encourage and direct patrons towards the front exit.</p>
<p><b>Technician 1</b> On standby at the end of the aisle by the stage, encouraging and directing people safely towards the exit.</p>
<p><b>Technician 2</b> To attend back stage area and dressing room to ensure they are clear of performers, patrons and hazards.</p>

## Underbelly's Marble Arch Theatre

### Fire Risk Assessment Document

Location: **Marble Arch, London**

*Areas covered by Risk Assessment:*

**Section A.** Risk Assessment Related to the outbreak of Fire in Marble Arch Theatre

**Section B.** Risk Assessment Related to Control of Fire in Marble Arch Theatre, Temporary Infrastructure, Surrounding Buildings, and the Evacuation of Personnel

*Overall assessment of risk:*

**Section A.** The risk of outbreak of fire in Marble Arch Theatre, based on information provided by contractors and specialists, as well as experience of previous sites, is ranked as low.

**Section B.** The risks related to control of Fire in Marble Arch Theatre, Temporary Infrastructure, Surrounding Buildings and the evacuation of Personnel, based on the advice received from specialists and subsequent layouts and controls put in place, must be ranked as low.

Signed..... Sarah Fleming – Operations Manager, Underbelly Ltd.

Date: .....



**Evaluation of Risk**

The Set-up we have planned for Marble Arch Theatre, before any control measures are put in place, has a risk ranked as medium. This risk is reduced to Low with the control measures that we have put in place, and the management plan in place.

The risk, to property and personnel both within the site and surrounding buildings, is ranked as Low after the control measure and evacuation procedures are put in place.

**Section A: Risk Assessment Related to the outbreak of Fire in Marble Arch Theatre**

Event Start Date (Inc. build): TBC

Event End Date (Inc. break): TBC

Signed.....(Operations Manager) Date:

.....

Assessment of risk: **Low**

The priority of Remedial action is shown on the under noted, individually, point-by-point after **Control Measures**.

**NB. Individual point(s) ranked medium after Control Measures require priority for monitoring purposes**

Activity	Hazards	Groups at Risk	Control Measures	Risk
<ul style="list-style-type: none"> <li>Risk of Outbreak of Fire in Marble Arch Theatre.</li> </ul>	<ul style="list-style-type: none"> <li>Electrical Fires</li> </ul>	<ul style="list-style-type: none"> <li>Event Staff</li> <li>Security Staff</li> <li>Public</li> <li>Performers</li> <li>Staff in Surrounding Buildings</li> </ul>	<ul style="list-style-type: none"> <li>The power for the venue comes more than one supply. Each has been incorporated into an overall temporary power distribution plan.</li> <li>A power distribution design is undertaken to ensure suitable end user protection and guarantee there is no possibility of over loading.</li> <li>All electrical equipment and cabling are hired from reputable suppliers, and all equipment holds a valid PAT testing certificate. Equipment is visually inspected prior to installation</li> </ul>	<ul style="list-style-type: none"> <li>Low</li> <li>Low</li> <li>Low</li> </ul>

			<ul style="list-style-type: none"> <li>and again during the installation.</li> <li>Cabling will be mechanically protected (taped or covered - cable ramp) as appropriate to avoid any damage and therefore potential risk of fire or electrocution</li> <li>The electrical installation will be undertaken in line with BS7909:2011</li> </ul>	<ul style="list-style-type: none"> <li>Low</li> <li>Low</li> </ul>
	<ul style="list-style-type: none"> <li>Naked Flames on Site</li> </ul>	<ul style="list-style-type: none"> <li>Event Staff</li> <li>Security Staff</li> <li>Public</li> <li>Performers</li> <li>Staff in Surrounding Buildings and their Children</li> </ul>	<ul style="list-style-type: none"> <li>No street performers, (e.g. fire breathers) are permitted to enter the site and perform. This is enforced by Security staff.</li> <li>Electric patio heaters may be used on site but will be closely monitored by staff and only used when crowd numbers allow – to be determined by the site manager</li> </ul>	<ul style="list-style-type: none"> <li>Low</li> <li>Med</li> </ul>
	<ul style="list-style-type: none"> <li>Smoking on Site</li> </ul>	<ul style="list-style-type: none"> <li>Event Staff</li> <li>Security Staff</li> <li>Public</li> <li>Performers</li> </ul>	<ul style="list-style-type: none"> <li>Smoking is only permitted within the Designated Smoking Areas. These areas are public FOH locations and a designated staff smoking area. Smoking shall not be allowed in other areas.</li> <li>In the public FOH area plenty of ashtrays, and cigarette buckets are provided. They are emptied and cleaned regularly to avoid rubbish building up in them, which could be a source of a fire.</li> <li>The materials FOH are flame proof or Class 1. See materials in site below.</li> <li>The Staff smoking area is a controlled area with cigarette buckets and ashtrays.</li> </ul>	<ul style="list-style-type: none"> <li>Low</li> <li>Low</li> <li>Low</li> <li>Low</li> </ul>
	<ul style="list-style-type: none"> <li>Fire on Stage</li> </ul>	<ul style="list-style-type: none"> <li>Event Staff</li> <li>Security Staff</li> <li>Public</li> <li>Performer</li> </ul>	<ul style="list-style-type: none"> <li>Limited aspects of performances contain naked flame onstage</li> <li>Only trained performers and staff will be allowed to handle naked flames and equipment</li> <li>Flames are limited to stage areas and will not be taken in to the audience areas</li> <li>Staff will be clearly briefed about timing of fire within</li> </ul>	<ul style="list-style-type: none"> <li>Med</li> <li>Low</li> <li>Low</li> <li>Low</li> </ul>

			shows and during any act containing fire Front of House and Technical staff will be on guard and ready with fire blankets and other equipment.	
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**General Information**

Materials used on site:

- All Fabric materials, for example table clothes etc., are durably flame retardant.
- All timber constructions have framing made from timber with half hour fire protection.
- All materials used for cladding of timber constructions are treated with a flame protection product.
- No materials without inherent flame fire protection, or treatment with a flame protection product, shall be used on site.

These materials mean that the risk of fire outbreak or spread is low.

Fire Prevention:

- **FIRE EXTINGUISHERS.** There will be water/foam and CO2 extinguishers placed around the site as necessary.
- There will also be fire blankets in the dressing rooms and behind the bar.
- All staff will be trained in the use of fire extinguishers and will all be fully briefed on the fire procedures for the site.

Evacuation Routes:

- All evacuation Routes will be suitably signed and illuminated to ensure a safe easy exit from Marble Arch Theatre.

**SECTION B - Risk Assessment Related to Control of Fire in Marble Arch Theatre and Surrounding Buildings and the Evacuation of Personnel**

Event Start Date (Inc. build): TBC

Event End Date (Inc. break): TBC



<i>Signed</i> .....(Operations ..... Assessment of risk: <b>Low</b>	<i>Manager</i>	<i>Date:</i>
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The Marble Arch Theatre is on an island with plenty of wide-open spaces around. There is no real risk to surrounding buildings. There are good evacuation routes from Marble Arch Theatre into open areas beyond:

Location of any temporary structure in Marble Arch Theatre:

All Structures in Marble Arch Theatre are mainly located with plenty of space around them to allow for a free flow of people.

Fire Exits: The main exit route is through the front entrance. There is also exits all around the venue to allow for additional egress.

Risk Assessment prepared by:  
Underbelly Ltd. 4<sup>th</sup> Floor, 36-38 Hatton Gardens, London EC1N 8EB  
If you have any queries or questions, please contact:  
Tel: 07968279889 Email: sarah@underbelly.co.uk



## 37 Protecting children from harm

37.1. This section explains how the Event aims to carry out its duties relating to the protection of children and vulnerable adults from harm.

37.2. Under 16s

- All stewards and security staff will be briefed to be extra vigilant with regards to any under-16s in the venue. The Event is likely to attract a younger audience and the security team should help to ensure that there is a safe environment for all in our venue.

37.3. Facilities for young adults aged 16 and 17

- Welfare services
  - All facilities that are mentioned throughout the Event Management Plan are available to young adults aged 16 and 17.
  - It is recognised that they are potentially a more vulnerable group than the over 18s as they may be more prone to encountering difficulties such as being separated from their friends, missing transport home and losing items.
- Film projection certification
  - Whilst it is not anticipated that any films will be shown as part of the Event, any films that are shown on site will have a U certificate, or will be exempt from classification.

37.4. The goal of the lost/found children and vulnerable adult's policy is to reunite each lost/found child or vulnerable adult with its parent(s), guardian(s) or personal assistant. On Site, there shall be links to medical provision and possible local police as well as other onsite services and facilities.

37.5. DBS/CRB checks

- Because of the nature of the work, the staff that run the lost children service and other child friendly areas on Site are not exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 and are not therefore entitled to withhold information about any convictions including those which for other purposes are "spent" under the provisions of the act and they must disclose any convictions when applying for the position. The security contractor will ensure suitable checked staff are available.
- There shall be both male and female welfare staff that will have been subject to the appropriate checks as outlined above to ensure that there is the ability to look after lost children by welfare staff of the same sex. The lost/found children policy shall also extend to looking after the parents/guardians and siblings of lost/found children.

37.6. Staff practices

- Staff shall be trained in the potential problems relating to inappropriate handling or touching of children and vulnerable adults and staff shall be conversant with procedures for discipline and dealing with uncooperative children or their parents. Practices that threaten, frighten or humiliate children or vulnerable adults shall not be used under any circumstances.

37.7. Procedure to be followed by Underbelly staff and contractors on Site.

This procedure covers:

- Location of lost/found child and vulnerable adult meeting points.
- Safety points.
- If a child/vulnerable adult is found but missing their guardian.
- If someone reports that a child/vulnerable adult in their care is missing.
- Contact numbers.
- Schedule A – lost/found child and vulnerable adult incident report.

i. Location of lost/found child and vulnerable adult meeting points

- First Aid Room.

#### ii. Safety points

- For your own safety and theirs, always:
  - Remain in a public area with the child/vulnerable adult until the guardian is located.
  - Escort the child/vulnerable adult to the welfare and information area within the Site.
  - Entrust the child/vulnerable adult to welfare staff.
  - Keep physical contact to a minimum. Do not engage in contact that could be misconstrued as inappropriate.
  - Do not restrain unless to prevent physical injury to yourself, other visitors, property or to prevent a criminal offence.
  - Do not accompany a child or vulnerable adult to a public toilet unless necessary and accompanied by another member of staff.
  - Do not announce the lost/found child or vulnerable adult to the public.
  - Ensure that the child/vulnerable adult is not left in the presence of only one member of staff.

#### iii. If a child/vulnerable adult is found but missing their guardian

- **Obtain as many details as possible:**
  - Get down to their level.
  - Explain who you are.
  - Ask their name.
  - Ask the name of their guardian and if they have any contact details for them.
  - Physical description of their guardian (clothing/colour of hair/identifiable features).
  - Reassure them that their guardian will be found.
- **Attempt to locate:**
  - The guardian in the immediate vicinity. Ask around for the **guardian by name**. Do not announce to the public that a child/vulnerable adult has been found.
  - **Radio or contact** Control for a “badged” steward to meet you and head towards the welfare area. Staff to say, “A found child/vulnerable adult has been located on Site”. Your call will be logged.
  - If a child/vulnerable adult is reluctant to come with you, explain that you are going to look for their guardian, but try to keep them in sight whilst doing so.
  - If necessary, call for help and stay with the child/vulnerable adult until they have been reunited with someone that the child/vulnerable adult recognises and is willing to be with.
- **On arrival at the welfare area**
  - Ensure someone takes responsibility for the child/vulnerable adult.
  - Provide details of the child/vulnerable adult/guardian.
  - Time of incident.
  - Where you found the child/vulnerable adult.
  - The lost child/vulnerable adult form must be filled out.
  - Before returning to your duties, inform the Venue/duty manager that you have handed the child/vulnerable adult over.
- **The welfare steward will then**
  - **Inform Venue/duty manager** of lost/found child/vulnerable adult incident. The Venue/duty manager may make an announcement for the guardian to contact them or a member of staff. Under no circumstances should it be announced that a child/vulnerable adult has been found.
  - **Conduct** an extensive search to locate the guardian including mobilising external patrol guards.
  - **Call the police** to report the lost/found child/vulnerable adult incident.
  - **Continue to reassure** them that their guardian will be found.

- Welfare staff are responsible for the child/vulnerable adult until their guardian is located and will remain at the welfare area in the Site. The Underbelly Venue/duty manager should complete the lost/found child and vulnerable adult incident report (Schedule 1) and hand a copy of the form to Underbelly management who will ensure they are dealt with properly.
- Any lost/found child and vulnerable adult incident report should not be left on display for data protection purposes.
- If you are approached by a guardian, then establish the identity of the guardian before releasing the child/vulnerable adult into their care. Ensure the child/vulnerable adult and guardian know each other by asking questions and establish the guardian's identity e.g. bus pass, credit card.
- The bottom section of the lost/found child and vulnerable adult incident report should be signed by the person collecting the child/vulnerable adult. If you are not sure about handing the child/vulnerable adult over, contact Control who will liaise with the police.
- Once a child/vulnerable adult has been reunited with their parent or guardian, all agencies that have been involved shall be informed.

iv. If someone reports that a child/vulnerable adult in his or her care is missing

- **Obtain as many details as possible**
  - Ask their name.
  - Ask the name of the child/vulnerable adult.
  - Physical description of the child (clothing/colour of hair/identifiable features).
  - Ask age of child/vulnerable adult.
  - Full contact details of family/home/school.
  - Ask where the child/vulnerable adult was last seen, what they were doing e.g. taking parting in an event/activity.
  - Reassure them that their child/vulnerable adult will be found.
- **Attempt to locate** the child/vulnerable adult in the immediate vicinity. Ask around for the **child/vulnerable adult by name.**
- **Radio or contact** Venue/duty manager to say, "A missing child/vulnerable adult has been located on Site" and ask them to come to the meeting point on Site.
- **On arrival of Venue/duty manager** provide:
  - Details of the child/vulnerable adult's guardian.
  - Time of incident.
  - Where the child/vulnerable adult was last seen.
- **Venue/duty manager will then:**
  - **Inform all staff** of lost/found child/vulnerable adult incident.
  - **Escort** the guardian to the Site office.
  - **Conduct** an extensive search to locate the child/vulnerable adult.
  - **Call the police** to report the lost/found child/vulnerable adult incident.
  - **Continue to reassure** them that their child/vulnerable adult will be found.

The Venue/duty manager should complete the lost/found child and vulnerable adult incident report (Schedule 1) and hand it to Underbelly management for their records.

- **Major incident plan and associated arrangement – procedures for children/vulnerable adults:**
  - For all children/vulnerable adults the emergency procedures are the same as for an adult and are as details in the major incident plan and associated arrangements. It is assumed that the child shall be accompanied by their parent or guardian. If this is not the case, then they shall be treated per the lost/found children/vulnerable adult policy outlined above.





LOST/FOUND CHILD AND VULNERABLE ADULT INCIDENT REPORT

Date and time of incident	
Location of incident	
Incident reported by	
Police called (Y/N)	
Name of child/vulnerable adult	
Name of guardian	
Contact details of guardian	
Type of identification provided by guardian (e.g. credit card)	
Time child/vulnerable adult/guardian reunited	



## 38 Ecology and Reinstatement

38.1. All reasonable measures will be taken to minimise ecological damage. This includes damage to surrounding trees and existing foliage. Protective Material will be laid on all turf to ensure minimum damage to grass.

38.2. Underbelly will ensure the de-installation period is as short as practicably possible, to allow for reinstatement of grass.

## 39 Sustainability Policy

39.1. Underbelly is a UK-based live entertainment company that runs several festivals and events across the country.

Underbelly understands that the events that it manages have environmental, social and economic impacts. It is therefore committed to the development, implementation and continual improvement of a sustainable event management system to minimise any negative impacts of its operations.

Underbelly's approach is to embed sustainable management principles across all events for which it is responsible.

Underbelly's sustainable event management principles are:

- Integrity & Ethical Behaviour: To act ethically and with integrity in our event operations with regard for the law and without bias, including in our dealings with our employees, customers, suppliers and towards society and the environment.
- Inclusivity & Accessibility: To produce high quality events which are inclusive and accessible to people of all ages, backgrounds and abilities.
- Environmental Performance: To minimise the impact of events on the environment.
- Collaboration & Transparency: To collaborate and build relationships with stakeholders and the public and to ensure that all stakeholders have access to all relevant information about event operations.
- Legality: To meet and exceed all applicable legal and regulatory requirements in all activities.
- Stewardship: To show leadership and best practice in sustainable event management.

Underbelly is committed to continuous improvement and will monitor its performance against agreed sustainability objectives.

**Premises History**

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.

- (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.

- (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.
- (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. Licensable activities shall be restricted to a maximum of 40 weeks per calendar year.
- 12. At least (1) SIA licensed door supervisor shall be on duty at each entrance of the premises at all times when it is open for business.
- 13. The Premises Licence Holder shall comply with all reasonable requirements of Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster City Council, the London Fire and Emergency Planning Authority and the Metropolitan Police Service.
- 14. Unless otherwise agreed, no later than 28 days prior to the event the Premises Licence holder must ensure an Event Management Plan is presented to the parties listed in the above conditions for their comments. The Event Management Plan shall include, as a minimum:
  - Emergency and Evacuation procedures;
  - Crowd management and stewarding arrangements;
  - A detailed plan showing site layout and emergency egress points;
  - A detailed plan showing CCTV locations installed by the Premises License Holder;
  - Risk Assessments
  - A schedule detailing types and locations of emergency equipment
  - Sanitary accommodation
- 15. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
- 16. No alcohol shall be taken outside of the boundary of the licensable area.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. In relation to the sale of alcohol, a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. The age of the audience members to the Spiegeltent shall be appropriate to the performance.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any refusal of the sale of alcohol
  - g) any formal visit by a relevant authority or emergency service.
24. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days' prior notice being given to the licensing authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms

- lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
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. Licensable activities at events in the Spiegeltent shall only be provided to persons who are ticket holders for that event.
  27. The number of persons accommodated in the Spiegeltent (excluding staff and performers) shall not exceed **650 (TBC)**.
  28. The licence holder shall ensure that any queuing for the Spiegeltent performances shall take place within the licensed area.
  29. 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.
  30. 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.
  31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
  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 safety signs or emergency equipment.
  34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non- combustible.
  35. The certificates listed below shall be submitted to the licensing authority upon written request:
    - a) Any permanent or temporary emergency lighting battery or system
    - b) Any permanent or temporary electrical installation
    - c) Any permanent or temporary emergency warning system

36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
37. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
38. 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).
39. No fumes, steam or odours shall be emitted from the licensed area so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
40. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed event.
41. A minimum of 28 days prior to the event a Noise Management Plan to promote the prevention of public nuisance shall be provided to Westminster City Council's Environmental Health Consultation Team for approval. The Noise Management Plan shall state the maximum permitted music noise level applicable at the nearest noise sensitive premises. Once approved in writing it shall be implemented by the Premises Licence Holder.
42. Residential properties and the relevant amenity group(s) in the immediate vicinity of Leicester Square will be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the
43. Event advising them of the times of the Event and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.
44. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the Gardens.
45. Electrical generators, where used, must be:
  - Suitably located clear of buildings, marquees and structures, and free from flammable materials;
  - Enclosed to prevent unauthorised access;
  - Able to provide power for the duration of the event;
  - Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.

46. The minimum number of toilet accommodation shall include:
  - a) Women's Cubicles (16)
  - b) Men's Cubicles (2)
  - c) Urinals (7)
47. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and firefighting equipment.
48. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.
49. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
50. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
51. The Premises Licence Holder must maintain a regular safety patrol at all times when the public are present in the licensed area to check for and guard against possible emergency hazards. The area underneath any stage and fixed seating areas is to be kept clear of flammable materials.
52. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
53. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and firefighting equipment provided.
54. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable

requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

**Conditions proposed by the Environmental Health**

55. There shall be at least one personal licence holder on site during operational hours. Details of the personal licence holder (including name and contact number) shall be displayed in a prominent position on site.
54. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
55. Licensable activities shall be restricted to a maximum of 40 weeks only operating between (month) and (month) in any calendar year where this licence is in effect.







Item No:	
Date:	6 <sup>th</sup> July 2017
Licensing Ref No:	17/04597/LIPN - New Premises Licence
Title of Report:	Club Storm 28A Leicester Square London WC2H 7LE
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 Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@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>	3 May 2017		
<b>Applicant:</b>	West End Property Company Limited		
<b>Premises:</b>	Club Storm		
<b>Premises address:</b>	28A Leicester Square London WC2H 7LE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is currently operating as a Bar and Nightclub.		
<b>Premises licence history:</b>	The premises is currently licensed (11/07005/LIPDPS) and has had the benefit of a premises licence since September 2005.		
<b>Applicant submissions:</b>	<p><b><u>Informative:</u></b> This is not intended as a condition. Application to transfer the existing premises licence (11/07005/LIPDPS) has been refused by the Council as the former tenants, who hold that licence, refused to give their consent to the transfer.</p> <p>The landlord's only option is therefore to apply for a new premises licence. This licence is being applied for upon the same terms as the current licence however, following consultant with Environmental Health and the Metropolitan Police Service, provision for off-sales of alcohol is being restricted; the conditions are being updated in line with the model conditions and additional conditions are being offered regarding door supervisors and use of body cameras.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	03:30	03:30	03:30	05:00	05:00	05:00	02:00
<b>Seasonal variations/ Non-standard timings:</b>				Sunday before Bank Holidays the permitted hours shall be extended until 02:30 hours the following morning.			

	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve - from end of permitted hours to 05:00 on New Year's Day.</p>
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Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	00:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours on the following morning.</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve- from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>					

Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	06:00	06:00	06:00	02:00
<b>Seasonal variations/ Non-standard timings:</b>		<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		Unrestricted					

Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	06:00	06:00	06:00	02:00

<b>Seasonal variations/ Non-standard timings:</b>	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>
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<b>Anything of a similar description:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	06:00	06:00	06:00	02:00

<b>Seasonal variations/ Non-standard timings:</b>	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to making a profit to be unrestricted.</p>
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<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:30	03:30	03:30	06:00	06:00	06:00	02:00
<b>Seasonal variations/ Non-standard timings:</b>	<p>British Summertime- an additional hour to standard timings on the commencement of British Summertime.</p> <p>New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>						
<b>Adult Entertainment:</b>	Not applicable.						

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	25 <sup>th</sup> May 2017
<p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p>	

The applicant has submitted a floor plan of the premises dated April 2017.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' the premises Monday to Saturday 10.00 to 03.00 hours and Sunday between 12.00 to 00.30 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Wednesday 23.00 to 03.30 hours, Thursday to Saturday 23.00 and 05.00 hours and Sunday 23.00 to 02.00 hours.
3. To provide regulated entertainment 'indoors' comprising
  - Live Music
  - Recorded Music (Unrestricted)
  - Performance of Dance
  - Anything of a similar description to Live Music, Recorded Music and Performance of DanceMonday to Wednesday between 09.00 and 03.00 hours, Thursday to Saturday 09.00 to 06.00 hours and Sunday between 09.00 to 02.00 hours.
4. On New Year's Eve to provide regulated entertainment, late night refreshment and Supply of Alcohol from the end of authorised hours to commencement of authorised hours on New Year's Day.
5. Sundays before a Bank Holiday Monday to 02.30 hours for late night refreshment and 02.00 hours for Supply of Alcohol.
6. An additional hour when summer time begins for regulated entertainment, late night refreshment and supply of alcohol.
7. Private entertainment of dancing, music and other entertainment unrestricted.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
2. The hours requested to permit the provision Of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.
4. The hours requested to permit regulated entertainment, late night refreshment and supply of alcohol for New Year's Eve to New Year's Day will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
5. The hours requested to permit late night refreshment and supply of alcohol for Sunday's before a Bank Holiday Monday will have the likely effect of causing an increase in Public Nuisance within the West End CI Area
6. The hours requested to permit regulated entertainment, late night refreshment and supply of alcohol on the morning on which summer time begins will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
7. The hours requested to permit private entertainment will have the likely effect of

causing an increase in Public Nuisance within the West End CI Area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The applicant has provided additional information and conditions with the application which are being assessed.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	31 <sup>st</sup> May 2017

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The application currently exceeds the Westminster Council Statement of Licensing Policy core hours and as such must demonstrate an exemption to policy to be granted. The premises is situated in the cumulative impact area as defined in our policy and therefore must demonstrate how they will not add to the cumulative impact. We understand this application is to replace a current premises licence which could not be transferred, but there is no mention in relation to this circumstance as being an exemption to our policy. We do however support the applicants request to remove the provisions off the sale of alcohol off the premises.

The application is currently contrary to policies HRS1, CIP1, PB1 and MD2 and further information needs to be provided to address these parts of the policy.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	31 <sup>st</sup> May 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. The venue is situated within the heart of Leicester Square which is part Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.

The conditions proposed in the application are acceptable to us in the main, however



after consideration since we met police require the following changes/additional conditions:

- A minimum of 2 SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

- Amendment of the second part of the CCTV condition: A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.

- At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing

- After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.

- Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff

- All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request

- For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

- After 21:00, or as agreed with the Police in writing (and a copy of any agreement

to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.

We request a reduction in hours. Monday to Saturday night trading to close at 03.00hrs with a last entry time of 02.00hrs

Sunday night trading to close at 02.00hrs with a last entry time of midnight.

**Police additional comments:**

I have conducted crime stats on what was 'Storm' from June 2015 until it closed last summer. I found within this period of time (12 months approx.):

Common Assault X 5  
Actual Bodily Harm X 7  
Grievous Bodily Harm X 5  
Public Order Act Offences X 2  
Assault on police X 2  
Serious Sexual Offences X 1

A total of 22 violent offences directly linked to the premises.

Had the venue not closed police would have instigated Review proceedings against this venue. I would like this information included for Committee next week please. My reasons are that police would support an appropriate alternative venue at this location and not the crime generator that was there before.

### 3. Policy & Guidance

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

**Policy CIA1 applies**

(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the

	Cumulative Impact Areas.
<b>Policy HRS1 applies:</b>	(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.  (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.
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy MD2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Premises Licence – 11/07005/LIPDPS

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@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	March 2015

	the Licensing Act 2003	
4	Application Form	3 <sup>rd</sup> May 2017
5	Representation – Environmental Health	25 <sup>th</sup> May 2017
6	Representation – Licensing Authority	31 <sup>st</sup> May 2017
7	Representation – MET Police	31 <sup>st</sup> May 2017

Appendix 1

**Premises Plans**



## Applicant Supporting Documents

### Proposed Conditions

1. Alcohol for consumption off the premises shall be permitted prior to 23:00 hours but shall be restricted to:
  - (a) Customers who have purchased wine as part of a table meal and who wish to take unfinished bottles home with them; and
  - (b) Alcohol in a sealed vessel supplied ancillary to a take-away meal.
2. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
3. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
6. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
7. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
8. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
9. After the terminal hour for the sale of alcohol then 30 minutes drinking up time shall be permitted.
10. 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.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 12 & 13. Door staff numbers, requirement to wear hi-vis and use of body cameras to be agreed with the Police.
14. An incident log shall be kept at the premises, and made available on request to an authorised session and will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder .
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
15. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter / waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- (b) Notwithstanding (a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises, reception, glass drinking vessels may be used for private or pre-booked events within the **(specified area)**.
16. 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.
17. After 23:00 hours, all customers entering the premises will have their 10 scanned on entry, save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without 10 being scanned and records, and that a legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
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 emergency exit doors shall be available at all material times without the use of 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 safety signs or emergency equipment.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military 10 card.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.



Following further discussions with the Metropolitan Police and the applicant, the following additional conditions are also proposed:

### **Additional Conditions**

1. After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
2. All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.
3. Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.
4. From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.
5. Amendment of the second part of the CCTV condition (no. 11 on page 10 of application):  
  
A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the

premises. Such policy to be documented having regard to police advice and shall be made available upon request.

7. a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
- b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
- c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.
- d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.

#### **Polycarbonate Drinking Vessels** -

Proposed amendment to conditions 15 (a) & (b) on page 11 of the application which is currently not agreed but which I shall address the committee upon:

- By 23:00 hours, there should be no consumption of drinks (excluding hot drinks) from vessels other than polycarbonate vessels. This conditions shall not apply to the serving and consumption of wine, sparkling wine, spirits or champagne bottles with a minimum size of 70cl and champagne flutes supplied by waiter/waitress service to tables. Staff shall clear all empty wine, spirit and champagne bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

Judgments

**QBD, ADMINISTRATIVE COURT**

CO/1975/2010

Neutral Citation Number: [2011] EWHC 1045 (Admin)

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Monday, 11 April 2011

**Before:**

**MR JUSTICE CRANSTON**

**Between:**

**THE QUEEN ON THE APPLICATION OF A3D2 LIMITED (t/a NOVUS LEISURE)**

**Claimant**

**v**

**(1) WESTMINSTER MAGISTRATES' COURT**

**(2) WESTMINSTER CITY COUNCIL**

**Defendants**

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(Official Shorthand Writers to the Court)

**Mr G Gouriet QC and Mr A Booth** (instructed by Walker Morris) appeared on behalf of the **Claimant**

**Mr David Matthias QC** (instructed by Westminster City Council, Legal Department) appeared on behalf of the **2nd Defendant**

**J U D G M E N T**

(As Approved by the Court)

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MR JUSTICE CRANSTON:

Introduction

1. This is a judicial review of a decision of District Judge Roscoe sitting at the Westminster Magistrates' Court in December 2009. The judge dismissed an appeal by the claimant against the refusal by Westminster City Council ("the Council") to grant an application for a premises licence under the Licensing Act 2003 in respect of premises situated at 4- 6 Glasshouse Street, London.
2. The case raises a general issue about when courts should answer questions posed to them by the parties. There is also the specific issue about the value to be attached to a premises licence under the Li-

censing Act 2003 covering premises which are closed and about to be demolished when that licence is surrendered as part of an application for a new premises licence elsewhere.

The licence application and its refusal

3. The claimant is A3D2 Limited, trading as Novus Leisure ("Novus"). It has two premises licences at 4 - 6 Glasshouse Street, which runs between Regent Street and Piccadilly in central London. These licences are for two nightclubs called Jewel Piccadilly ("Jewel") and the Velvet Rooms ("Velvet"). The licences permit the sale of alcohol until 1am Monday to Saturday and 12.30am on Sunday; regulated entertainment, including music and dancing until 1am Monday to Saturday, 12.30 on Sunday; and the provision of late night refreshment until between 1am and 1.30am, varying across the week.

4. In April 2008 Novus also acquired premises at a different nearby location, 72 Regent Street, for the Cheers Bar and Grill ("Cheers"). That address in Regent Street is within the site of the famous Cafe Royal. The premises licence for Cheers permitted licensable activities until 3am. Cheers closed permanently on 1 January 2009 and the Cafe Royal building was demolished in mid- 2009. Since the closure of Cheers, Novus has continued to pay a fee of some £350 per annum for the continuation of the licence.

5. On 6 January 2009 Novus applied for a premises licence under the Licensing Act 2003 to use 4- 6 Glasshouse Street, from the basement to the fifth floor, as a single nightclub to be known as Jewel Piccadilly. In the relevant form, Novus proposed to surrender the three existing licences, including that for Cheers, if granted a new premises licence for the Glasshouse Street premises. The application was for longer hours than permitted under the licences for Jewel and Velvet, including permission to sell alcohol until 3am seven days a week, for regulated entertainment, including the provision of facilities for music and dancing, until 3am seven days a week, and to provide late night refreshment until 3.30am seven days a week. At this point the demolition of the Cafe Royal building had not yet occurred.

6. The Novus application provoked a number of representations from the Metropolitan Police, Westminster's Environmental Health Department, and two local residents' associations, all opposed to its grant. Consequently, Westminster's Licensing Sub- Committee considered the application on 21 May 2009. The sub- committee was chaired by Councillor Bradley, with Councillor Evans and Councillor Marshall as the other members. For Novus it was said that the surrender of the three licences, if the application was granted on the terms sought, would reduce the overall capacity of licensed premises significantly; the number of people in the area would fall; and the total length of time licensable activities were permitted would also be substantially cut, since the Cheers licence would end. The application did not seek to remove the 600 person 3am capacity of the Cheers licence somewhere else, but merely to utilise the extra two hours that Cheers had in Glasshouse Street. The new licences would effectively reduce licensable activities in a "Stress Area".

7. The Sub- Committee considered the matter in the ordinary way, and at the end of the hearing Councillor Bradley announced that the application would be refused. First, he said, the Committee rejected the argument that there was a finite and ideal level of cumulative activity in the area so that a reduction in one part should be made good in another. It was possible to argue that stress in this area was such that any reduction ought to be accepted. Secondly, explained Councillor Bradley, Cheers was a hole in the ground, the Cafe Royal building being demolished, to be replaced by a six star hotel, which would no doubt have licensed premises as part of its activities. So it was not necessarily the case that Cheers would be replaced elsewhere, and not on its own site. Finally, said councillor Bradley, the impact on nuisance and local residents was greater at Glasshouse Street. Having a 3am licence there was different from having the one which existed at the Cafe Royal address.

8. Novus appealed. In anticipation of the appeal, various materials were prepared, including two statements by Inspector Neil Acheson, of the Metropolitan Police. In these statements, the Inspector said that Cheers had been a problematic venue for his unit. That was due to the high number of thefts and violent incidents associated with the premises. By contrast, he said, on a visit to Velvet there were no signs of drunkenness, unruly behaviour or underage drinking. On the whole, the clientele were good natured, in their mid 20s to late 30s and wearing smart casual attire. From his observations at Jewel, he was satisfied that it was a comparatively well-run establishment, and at that time catered for a customer base who used it as a "destination venue". However, Inspector Acheson was fearful that should the premises be granted later hours until 3am, the type of clientele would change, since it would then have the potential to become a premises where people would visit after previously attending other bars and clubs in the locality. In his experience this type of venue generated problems since many of the customers would have consumed alcohol before entering, and were consequently more likely to become involved in crime and disorder.

#### The judge's decision

9. Novus's appeal was listed before District Judge Roscoe at the City of Westminster Magistrates' Court for four days between 14 and 16 December 2009. By that date, although the Cheers licence was extant, the club was closed and the premises demolished. At the hearing Novus was represented by Mr Andrew Woods, a solicitor; Westminster by Mr Matthias QC. At the very outset of the hearing, the judge said that she had read the papers and skeleton arguments, and wanted to raise an issue about her decision in the Billionaire case, referred to in those papers. That was a case where an applicant said that it would surrender a premises licence for a club called Paper, if granted a new premises licence for a club called Billionaire. In the Billionaire case, Westminster accepted that planning permission had been granted for the new premises, but submitted that the surrender of the licence for Paper held little weight, since the building was due to be re-developed and Paper was due to close down in the foreseeable future.

10. The judge said that, in the Billionaire case, there had already been many days of hearing and she was not prepared for it to be delayed further. Her responsibility was to deal with the position at the time of the appeal, and at that time Paper was still operational:

"In my view, a court should consider such a case at the time of the hearing. That does not mean that the court cannot consider future matters. There can be exceptions to anything, for example if they guarantee that there will not be a new premises licence on that site and give it whatever weight appropriate. But in this case the premises licence for Cheers Bar and Grill is offered for surrender, but that licence has no effect because there is no premises for it to operate."

11. The judge then continued that, in her view, the surrender of the Cheers licence would have no effect under the Licensing Act 2003 or on cumulative impact. Therefore, in considering the hearing, that would be the basis on which she would view the licence. It would be considering any effect in the increase in permitted hours at Glasshouse Street. That was her preliminary view at that stage, having read the papers.

12. Mr Woods replied that that was not very helpful, but it was kind of the judge to raise the matter at that stage. It would have been unlikely that his clients would have made an application to Westminster without the Cheers licence. It seemed a bit pointless to go through with the hearing if that was the judge's view. He did not know whether it would be appropriate for him to make submissions.

13. The judge responded that the Billionaire case had been raised by Mr Woods in support of his client's application before the Licensing Sub-Committee, and in the papers she had received for the current hearing. She had hoped that her comments at that stage would be helpful. She then asked Mr Woods whether he wanted to take instructions. Mr Woods agreed that he did, and after a short adjournment, he addressed the judge on the value of the Cheers licence. In particular, he said that there was Westminster's contention

that where premises are re-developed or change their use, the intention of the policy was to reduce the number of the premises within the Stress Area through natural wastage.

14. The judge then said that all she was saying was that one looked at the premises as they existed at the time. She was not saying that in every single case there was no value to such a surrendered licence:

"There can be an effect on the picture as a whole by the non-operation of one premises that can affect the view of the situation as a whole. What I am saying is that I have some difficulties in seeing that by surrendering this licence there will be 600 people less coming into the West End Stress Area and therefore there has been a reduction because of the fact of those 600 people not coming into the West End to go to Cheers."

15. Mr Woods responded that the practical effect of the judge's view was that each licence was lost. He took the judge to the Guidance. The dialogue between Mr Woods and the judge continued. At one point the judge said that she did not think there was any reason why Mr Woods could not argue the circumstances of a particular case. The judge was not saying that he would not succeed or that he would be unsuccessful. It was a matter of fact and degree. It can be better to have premises moving, but if it was moving out of a residential area and into a quiet area, one was entitled to raise that fact.

16. Mr Woods then outlined two issues he wanted the judge to address: the general issue of cumulative impact zones and whether natural wastage meant that a licence was lost to the operation; and what was the effect of a non-operating licence. The judge said that she could understand the questions he had raised. It was whether a licence in these circumstances had any value. She thought that this may well be of interest and importance, but she would like some agreement between the parties as to the questions she was being asked to answer.

17. She then adjourned for the questions to be drafted by the parties. The hearing resumed. Before answering the questions, the judge asked what would happen when she answered them. Did she then hear evidence and proceed to the end of the hearing? Mr Woods replied that he would be happy to be guided by the judge and by Mr Matthias QC. Mr Woods' initial view was that if the judge was against Novus on that point, there did not seem to be much point in continuing with the appeal. It may be that the judge would then be asked to state a case.

18. The judge asked what Mr Woods was saying: that if her answers to those questions were not what Novus wanted to hear, the appeal would be abandoned? Mr Woods said that he was not sure whether the judge would dismiss the appeal or whether Mr Woods would withdraw it.

19. The judge handed down written answers to the two questions on the afternoon of the first day of the hearing. There then followed discussions as to the meaning of question 2, as a result of which the judge adjourned the appeal to the following morning. On the following morning, the judge varied her answer to question 2. Mr Woods then said that, having considered the points which had been canvassed the previous day, and the judge now having answered those two questions, he almost needed to ask one further question which was specific to the case of those instructing him "and I therefore need to ask you for a ruling on a third question on this particular case".

20. He handed a copy of the question to the clerk. The judge said that it was difficult because that was the answer to the hearing as a whole "which I have not had and I would want because I know this can go further, and I would want a little time to make sure the answer I give is in the appropriate terms". Mr Woods confirmed that in all probability the matter would be appealed. Mr Matthias QC then suggested a slight change of wording to question 3.

21. Mr Woods said that the principle of the appeal was the surrender of the Cheers hours. The judge asked whether Mr Woods was content for her to answer question 3. He replied that if she maintained her approach, in his view that was dismissing the appeal because she could not find exceptional circumstances. The judge then enquired again whether both parties were content for her to answer question 3. Mr Woods replied that he could see no alternative. After an adjournment, the judge answered question 3. After doing so, the judge asked whether she had answered the question. She added that she was not sure that she could answer it in global terms. Here, in the particular application, it was not capable of being an exceptional circumstance because it was a non-operating licence. She had to rule on what was before her in that case. In her view a single fact was unlikely to be an exceptional circumstance. It was very different for a court to say that it could never be an exceptional circumstance, but Cheers was a non-operating licence, and in the circumstances she could only say what she had said without hearing the evidence, "I am quite happy to say this non-operational licence cannot amount to exceptional circumstances".

22. Subsequent to the hearing, the judge incorporated her answers to the three questions in a formal decision. Question 1 was as follows:

"Is it lawful for a Cumulative Impact Policy to operate so as to reduce the number of premises licences when premises licences become unable to continue to operate because of redevelopment, loss of property interest or any other similar matter?"

The judge answered "yes". She said that a premises licence was indefinite in duration unless otherwise stated, thus it could be surrendered as part of an application for different premises, and the licensing authority would have to take the surrender into account. However, section 17(3) of the Licensing Act 2003 provided that an application for a premises licence had to be accompanied by a plan of the premises to which the application related. That being the case, it would be difficult for a holder of a premises licence to show that premises are operating in accordance with the premises licence if there had been redevelopment which substantially changed the premises.

23. That did not terminate the licence itself, she added, and the operator could apply to vary it, or argue that the surrender of the licence was an exceptional circumstance. A licensing authority could, as a result, allow an exception to their policy, as Westminster had provided for in section 2.4.5 of the Statement of Licensing Policy. Given the way in which the statute was drafted, the judge said that she had no doubt that a premises licence was not transferable between premises. A surrender of one licence was a circumstance to be considered by a licensing authority when deciding whether or not to grant a new premises licence.

24. Question 2 was in the following terms:

"If a premises licence has been issued by a Local Authority under the Licensing Act 2003 and the Premises Licence Holder becomes unable to operate the licence at those premises are the benefits of that licence (occupancy levels and licensable activities) lost?"

The judge answered "yes". However, she explained that did not prevent the loss of those occupancy levels or indeed licensable activities being raised in any application for a new premises licence or application to vary an existing premises licence. It could be part or all of an exceptional circumstance as a result of what a licensing authority should grant on such an application.

25. Then there was question 3:

"The application for a new licence at Jewel, Glasshouse Street (which in practice would extend the terminal hour from 1.00am Monday to Saturday to 3.00am Monday to Saturday) which is made on the basis that the



premises licence dated 27 April 2009 at Cheers, 72 Regent Street (which includes an occupancy level of 600 at 114.5 licensable hours) will be surrendered is not capable of itself of being exceptional circumstances under 2.4.5 Westminster City Council Licensing Policy because the Cheers licence can no longer operate at 72 Regent Street due to redevelopment and the premises are no longer operating."

In her view, and regardless of any Statement of Licensing Policy, the judge said that a simple surrender of a premises licence could not be an exception to any Statement of Licensing Policy unless it promoted the licensing objectives set out in the legislation. Accordingly, any tribunal had to consider any application in the round, and the question it had to answer was: did the application promote the licensing objectives? Single factors were unlikely ever to comply with that requirement. A Statement of Licensing Policy was only ever a guide. A simple surrender of a licensing premises was not of itself a guarantee that exceptional circumstances existed which would entitle a deviation from a licensing authority Statement of Licensing Policy.

26. In paragraphs 2 and 3 of her answer to question 3, the judge said this:

"In this case, the Licensing Authority argue that despite the de facto closure of licensed premises on the Cafe Royal site, the area is still subject to cumulative stress, and the Council's policy relating to cumulative stress is still valid and necessary. The licence offered in surrender here is for the premises that used to operate under the name of Cheers which closed on 1 January 2009. The building which it operated is demolished. There are witness statements relating to other objections to the application made by the appellant.

In these particular circumstances, the surrender of the premises licence at Cheers is not capable of itself of being an exceptional circumstance under paragraph 2.4.5 of the Respondent's Statement of Licensing Policy sufficient to require this application to be granted."

She therefore dismissed the appeal:

#### Legal framework and policy

27. Licensable activities are set out in section 1 of the Licensing Act 2003. These are the sale by retail of alcohol, the supply of alcohol in a club, the provision of regulated entertainment and the provision of late night refreshments (section 1(1)). Section 4 of the Act provides that a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives. Those objectives are listed in section 4(2) as the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

28. Under section 11, "premises licence" is defined as a licence granted in respect of any premises which authorised the premises to be used for one or more licensable activities. Section 17 deals with applications for a premises licence. Under section 17(3)(b), an application for a premises licence must be accompanied by a plan of the premises to which the application relates in the prescribed form. An application made in accordance with the requirements of section 17, and advertised in accordance with that section, must be considered by the licensing authority in accordance with section 18. As far as is relevant, that section provides as follows:

"(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to--

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the authority must--

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are--

(a) to grant the licence subject to--

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

29. Under section 24(1), a premises licence has to be in the prescribed form. Regulations under that sub-section must, in particular, provide for the licence to include a plan of the premises to which the licence relates. Section 26 provides that the duration of a premises licence is until it is revoked or, if granted for a limited period, that period expires. Licences can be surrendered pursuant to section 28 of the Act. Within 28 days of a licence lapsing through surrender, section 50 enables persons to apply for its transfer to them so that, in effect, it is reinstated.

30. Sections 34 to 36 of the Act concern applications to vary premises licences. Section 36(6)(b) provides that a licence may not be varied under section 35 so as to vary substantially the premises to which it relates.

31. The Act provides for policy and guidance to assist its application. Section 5(1) demands that each licensing authority must, in respect of each three-year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. Section 182 provides for the Secretary of State to issue guidance to the licensing authorities on the discharge of their functions under the Act. In carrying out its licensing functions, section 4(3) obliges a licensing authority to have regard to its licensing statement under section 5 and any guidance issued by the Secretary of State under section 182. On appeal, a Magistrates' Court must have regard to the licensing authority's published statement: R (Westminster City Council) v Middlesex Crown Court and Chorion Plc [2002] EWHC 1104 (Admin).

32. As to the machinery of the Act, section 3 constitutes Councils as licensing authorities, and section 6 obliges each licensing authority to establish a licensing committee of at least ten members. The licensing committee may arrange for the discharge of its functions of determining an application for a premises licence by a sub-committee (section 10(4)). Appeals against decisions of licensing authorities are to the Magistrates' Court on questions of both law and fact (section 181 and Schedule 5).

33. In *R(Hope and Glory Public House Limited) v City of Westminster* [2011] EWCA Civ 31; [2011] 175 JPL 77, the Court of Appeal held that a Magistrates' Court should only allow an appeal if persuaded that the licensing authority is wrong. In delivering the judgment of the court, Toulson LJ said that it made good sense that a licensee bore the burden on appeal of persuading the Magistrates' Court that the licensing committee should have exercised its discretion differently, rather than the court being required to exercise that discretion afresh (paragraphs 47- 49).

#### Guidance and policy

34. The Secretary of State has issued guidance under section 182 of the Licensing Act 2003. Chapter 13 of the Guidance requires that there should be an evidential basis for the decision to include a special policy within a licensing authority's Statement of Licensing Policy. For example, a local authority may be satisfied as to the cumulative impact of crime or anti-social behaviour, or as to the concentration of noise disturbance. Paragraph 13.29 of the Guidance provides that the effect of adopting a special policy is to create a rebuttable presumption. Applications for a new premises licence, or club premises certificates or variations which are likely to add to the existing cumulative impact will normally be refused following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

35. The Guidance states in paragraph 13.34 that a special policy should never be absolute. Statements of Licensing Policy should always allow for the circumstances of each application to be considered properly, and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. If a licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives, and that necessary conditions would be ineffective in preventing the problems involved.

36. Pursuant to section 5 of the Act, Westminster has adopted a Statement of Licensing Policy. The 2008 version of the statement was current when the application in this case came before its Licensing Sub-Committee and went on appeal to the judge. Paragraph 2.3.2 of the statement states that it is the intention generally to grant licences or variations to licences where the hours proposed are within the core hours. The core hours are 10am to 11.30am Mondays to Thursdays inclusive; 10am to midnight on Fridays and Saturdays; and midday to 10.30pm on Sundays. Paragraph 2.3.2 continues that it is not the policy to refuse applications for hours longer than the core hours. Where a proposal is made to operate outside those core hours, each application will be considered on its merits against the criteria set out.

37. The statement also contains the so-called "Stress Policy". It identifies three Stress Areas, including the West End Stress Area, which includes the premises at issue in this case. The policy explains that the Stress Areas amount to less than 6 per cent of the total area of the City of Westminster, although they contain 36 per cent of the licensed premises, including 64 per cent of the nightclubs, 35 per cent of the pubs and pub restaurants, and 49 per cent of the restaurants:

"2.4.1 These areas have been identified as under stress because the cumulative effect of the concentration of late night and drink led entertainment premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses."

38. The reference to cumulative impact in this passage echoes the Guidance issued by the Secretary of State, in which the cumulative impact of licensed premises on the promotion of the licensing objectives is stated to be a proper matter for a licensing authority to consider (paragraph 13.24).

39. Paragraph 2.4.2 of the Statement of Licensing Policy then sets out the Stress Area Policy: that within the Stress Areas, licensing applications should be refused in respect of pubs and bars, takeaway hot food and drink establishments, and establishments providing facilities for music and dancing, other than applications to vary the hours of such premises within the core hours. The rationale is because the problems in the Stress Areas are generally later at night than during the core hours.

40. The statement then continues that the Stress Area Policy will not be applied inflexibly and that the individual circumstances of each application will always be considered. However, it is "intended to be strict, and will only be overridden in genuinely exceptional circumstances" (paragraph 2.4.2).

41. At paragraph 2.4.3 the statement says that it is not possible to give a full list of examples of when Westminster will treat an application as an exception. However, in considering whether a particular case is exceptional, it will consider the reasons underlying the Stress Area Special Policy on Cumulative Impact.

42. The statement explains at paragraph 2.4.5 that the Stress Areas Policy is directed at the global and cumulative effects of licences on the areas as a whole, and that a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Examples of the type of proposal which might constitute an exception are set out in that paragraph, although it is stated that any list of such examples cannot be definitive. One example given is of a proposal to transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives.

43. Paragraph 2.4.12 and Appendix 14 set out the reasons for the Stress Area Policy. Reference is made to Westminster considering it necessary to propose special policies on cumulative impact "which aim to limit growth of licensed premises in certain areas".

#### Issue 1. Posing questions to a court

44. In attractive and cogent submissions on behalf of Novus, Mr Gouriet QC contended, first, that the judge should not have answered the three questions posed to her before hearing evidence. The matter was unsuitable for determination in the abstract, apart from the substantial body of evidence in the case. No rational decision could be made otherwise than on the evidence as a whole, which the judge did not consider. The decision to dismiss the appeal was predicated on the rulings on a preliminary issue, adverse to Novus, which should not and could not rationally have been made at that stage in the proceedings. The decision to dismiss the appeal was therefore unlawful.

45. To the obvious retort that Novus's solicitor, Mr Woods, agreed, even instigated the judge's approach, Mr Gouriet QC submitted that Mr Woods was on the back foot from the outset, fighting for the life of his client's case. The judge should never have permitted what happened. Following her preliminary view, a momentum built up which meant that the central issue of whether rejection of the application was necessary to the licensing objectives were never addressed. Only after all the evidence was considered, including what had happened with other licensed premises in the period between the Cheers closure and the hearing, could it be said that Westminster's Statement of Licensing Policy applied at all. But the judge made a preliminary ruling that the non-operational licence, since Cheers had closed, could not amount to exceptional circumstances within the framework of the policy. The judge should not have placed Mr Woods in a position where she answered questions in the abstract without the evidence being explored. These were not questions which the judge should have contemplated answering. It was a matter of overall impression, said Mr

Gouriet, but it was preposterous to suggest that Mr Woods had initiated the procedure, as a result of which his client's case was dismissed before being properly considered.

46. In my view, this aspect of Novus's case is without any factual or legal foundation. At the outset of the hearing, having pre-read the papers and the skeleton arguments of the parties, the judge gave a reasoned explanation of what she called a preliminary view regarding one aspect of Novus's case, namely, the significance of its offer to surrender the premises licence for the Cheers premises, which by that time had been demolished. She distinguished what she had held in the Billionaire case from the situation in the appeal before her. By no stretch of the imagination could it be suggested that it was wrong for the judge to do this. It is not uncommon for judges to share with the parties a preliminary view of the case, having read the papers. That form of openness promotes the Overriding Objective of the Civil Procedure Rules of dealing with cases justly, in particular by saving expense, dealing with cases proportionately, and allotting to them the appropriate share of the court's resources. So long as a judge has not closed his or her mind to a matter, it is also consistent with dealing with a case fairly, for it enables the parties to present their cases to the best effect.

47. As outlined earlier in the judgment, the dialogue between Mr Woods and the judge continued, with the judge underlining that it was a preliminary view. Mr Woods opined that his client was unlikely to have brought the case if the Cheers licence had no significance. The judge did not invite argument from the parties on the point, but Mr Woods asked the question whether it would be appropriate for him to make submissions. The judge did not answer that question, but gave Mr Woods the opportunity to take instructions, which he did, and he then asked whether he could address the judge on the value of the Cheers licence. Mr Woods then made submissions, and having done so, it was Mr Woods who inquired of the judge whether she would rule on what became questions 1 and 2.

48. As I read the detailed note of the hearing, in no sense did the judge invite Mr Woods to ask for the rulings on these questions. Certainly Westminster took no initiative in that regard. As described earlier, the judge specifically asked about the consequences of her answering the questions adversely to Novus's interests. Would Novus abandon the appeal? Mr Woods replied that he was not sure whether the appeal should be withdrawn or dismissed. The first two questions were answered.

49. On the second day Mr Woods almost immediately said that he needed to ask for a ruling on a third question on the particular case. The judge's response on seeing the question was to say that it was difficult because it was an answer to the hearing as a whole, which she had not had. Mr Woods made it clear to the judge that the principle of the case was the surrender of the Cheers hours. If she adhered to her preliminary view regarding the significance of the surrender of the premises licence of Cheers, he effectively had no case. Having confirmed that Mr Woods was content for her to answer the third question, she did so.

50. This brief reiteration of what happened at the hearing makes clear that it was at the instigation of Novus, not the judge, that the questions were posed and answered. In no way can it be suggested that Novus was forced into the course which the judge adopted. The judge had expressed a preliminary view on one aspect of the case, but that in no sense precluded Mr Woods from advancing Novus's appeal, although it might have identified features which would not be considered strong points.

51. It cannot be said to be an error of law for a judge to agree to rule on a question where a party, particularly a legally represented party, asks the judge to do so. That is subject to this caveat: the common law method is intensely empirical. It proceeds by the accretion of cases decided in particular factual contexts. It eschews addressing issues in the abstract, or rendering advisory opinions. It avoids pronouncing on matters where there is no dispute to be resolved. That is no doubt because common law courts see their role as primarily resolvers of disputes, rather than as law-making bodies. There are also concerns about the difficulties which might arise should they answer abstract questions. One side of the coin is whether the

parties will have the incentive fully to explore the issues; the other is whether the court itself can do the issues full justice, without having some idea how they might play out in the real world.

52. In this case the judge was not answering questions in the abstract. Novus obviously considered that if the judge was against it regarding the significance of its offer to surrender the Cheers licence, its appeal was bound to fail. Mr Woods, acting on behalf of Novus, seemed plainly of the view that there were no other features of the appeal which offered any prospect of it succeeding. That was the derivation of the three questions posed to the judge, and why he suggested that the judge might dismiss his client's appeal if she decided the Cheers' point against him.

#### Issue 2: The judge's answers

53. Novus's pleaded objection is to the answer the judge gave to question 3. Although in the course of his oral submissions Mr Gouriet QC expressed disquiet about the questions as a whole being asked, no particular passage was identified in the answers to question 1 and 2 as being defective. Nor, in my view, could they be.

54. As to the answer to question 3, the focus of Mr Gouriet QC's attack was on the second and third paragraphs. There the judge concluded that, in the particular circumstances, the surrender of the premises licence at Cheers was not capable of itself of being an exceptional circumstance under Westminster's Statement of Licensing Policy to require the application to be granted. The particular circumstances the judge identified were that the area was suffering from cumulative stress, Westminster's Stress Area Policies were applicable, the Cheers licence offered in surrender was in respect of premises that had been closed for a year, the building in which Cheers operated had been demolished, and the statements of witnesses objecting to the application were in the court's papers.

55. In Mr Gouriet QC's submission, that catalogue of particular circumstances amounted to little, if anything, more than a closure of the premises for a year and their demolition. In fact he contended there was an error of fact in that the Cheers premises had not been demolished at the time of the application in February, the demolition occurring later in the year. In his submission, the judge's selection of particular circumstances fell far short of the matters which axiomatically it was necessary to consider to make a rational determination as to the weight to be given to the proposed surrender of the Cheers licence. There were two bundles of evidence and documents lodged on behalf of Novus consisting of some 300 pages.

56. Nowhere in the answer to question 3, Mr Gouriet QC contended, was there any mention of a matter informing the judge's finding that surrender of the Cheers licence, of itself, could not amount to exceptional circumstances within Westminster's policy. In Mr Gouriet QC's submission the judge lost sight of the statutory test set out in section 18 of the Act, namely, whether it was necessary to reject the application for a new licence in order to promote the licensing objectives. The weight to be given to the proposed surrender of the Cheers licence and its impact on the proposed licensing objectives could only rationally be assessed in the context of a host of other material considerations. Novus's proposal involved a reduction in the number of licences. Whether or not that reduction had been counterbalanced by other grounds, or was otherwise of no assistance because of what had occurred, and the lapse of time since the Cheers licence had traded, was dependent on the evidence as a whole.

57. In my judgment, there is no reviewable flaw in the judge's analysis of the issues presented to her in question 3. Under sections 18(3) and (4) of the Licensing Act 2003, the test in considering whether to grant or refuse an application for a premises licence is whether it is necessary in order to promote the licensing objectives. Westminster's licensing policy is the background under section 4(3) against which individual licensing decisions should be made, applying that statutory test. Westminster has adopted a policy of refusing applications for new public houses and bars in the so-called Stress Areas - where it is considered

there is already a saturation of such establishments, the cumulative impact of which has led to problems of crime, disorder and public nuisance - other than for a variation of hours within the prescribed core hours. The policy recognises exceptional cases, although it makes clear that a case is most unlikely to be considered exceptional unless it is directed at the underlying reasons for having the policy.

58. In this case, Novus's application for a new premises licence at 4- 6 Glasshouse Street clearly fell foul of the Stress Areas Policy because the later hours sought were outside core hours and related to the sale of alcohol and the provision of facilities for music and dancing. Since the application attracted relevant representations from the Metropolitan Police, Westminster's Environmental Health Department and two local Residents' Associations, a hearing had to be convened to consider the application. It fell to Novus to seek to persuade the licensing sub- committee that its application should be granted as an exception to the Stress Areas Policy. It sought to do this, *inter alia*, by adducing the Cheers's licence and arguing that its surrender, along with that of the two existing premises licence at 4- 6 Glasshouse Street, constituted an exception for the reasons already outlined. The Licensing Sub- Committee rejected the application. Before me, no objection was taken to the manner in which it approached the application. It is difficult to see how there could be.

59. There was then the appeal to the judge. She was posed question 3 in the form described. It was framed in terms of Westminster's statement of licensing policy, with reference to the facts of the case. The question was whether the surrender of the premises licence for Cheers was capable of itself of being an exceptional circumstance, under paragraph 2.4.5 of Westminster's policy, in relation to the application in respect of the Glasshouse Street premises. Far from being wrong, the judge's answer is, in my view, self-evidently correct. The application for the Glasshouse Street premises was to extend the hours during which alcohol could be sold and music and dancing provided to 3am, seven days a week. Since the premises were located in the West End Stress Area, the policy indicated that the application be refused unless the case could be considered exceptional.

The Cheers licence was extant, but the application was for premises elsewhere. Crucially the Cheers premises were closed and, at the time of the application, earmarked for demolition. The judge sensibly concluded that the surrender of a redundant premises licence relating to such premises, premises which by the time of the hearing were demolished as planned, could not of itself be capable of rendering the application with respect to the Glasshouse Street premises exceptional in policy terms.

60. None of this is inconsistent with the legislation. The Licensing Act 2003 establishes a clear link between a premises licence and the particular premises to which it relates. When premises close because they are to be demolished, the premises licence is effectively a dead letter. The licence may be extant because the holder continues to pay the fee, but the licence is of no practical use because the premises to which it relates cannot be used.

In my view, the surrender of a premises licence in these circumstances cannot, under the Act, promote the licensing objectives with regard to an application for a new premises licence in respect of other premises situated elsewhere. In my judgment, the judge's answer to question 3 was faultless.

61. I dismiss the claim.

62. MR MATTHIAS: My Lord, we are obliged. There is an application for costs. I would ask you to undertake a summary assessment, if you would be prepared to do so. Can I pass up - -

63. MR JUSTICE CRANSTON: Has Mr Booth seen that?

64. MR MATTHIAS: Yes, my Lord, schedules of costs were exchanged on Friday.

65. MR JUSTICE CRANSTON: Mr Booth, what do you say about it?

66. MR BOOTH: My Lord, obviously I cannot resist the principle of costs on this. My learned friend did exchange with my solicitors on Friday this schedule, or a schedule that looked very like this one. I took instructions this morning that we were happy with the quantum on the schedule as provided. However, there are two additions, I am instructed, on this new schedule which you have before you. The first of those is the final entry above counsel's fees, attendance at hearing 11 April. I do not see how I can resist that. That does not seem unreasonable. As regards my learned friend's fees, and I do hesitate to take any point on this, but, in my submission, with the greatest of respect to my learned friend, it was not necessary for Queen's Counsel to attend this hearing.

67. MR JUSTICE CRANSTON: That takes out £1,000. I think I said that there was no need for you to attend.

68. MR MATTHIAS: My Lord, you did.

69. MR JUSTICE CRANSTON: I can appreciate why you might, but I think we might take that out.

70. MR MATTHIAS: There would have been a fee for anyone who did attend, of course.

71. MR JUSTICE CRANSTON: I was assuming your solicitor might attend. She appears to be very competent.

72. MR MATTHIAS: She is.

73. MR JUSTICE CRANSTON: What would the fee be if someone did attend?

74. MR MATTHIAS: If it were a junior, I apprehend it would be half of that.

75. MR JUSTICE CRANSTON: £500. Anything else?

76. MR MATTHIAS: Is that the entirety of the sum bar £500?

77. MR JUSTICE CRANSTON: Yes.

78. MR MATTHIAS: We are very obliged.

79. MR JUSTICE CRANSTON: Mr Booth?

80. MR BOOTH: My Lord, there is an application for permission to appeal your decision. The first basis on which I would seek leave from your Lordship to appeal is that, on the defendant's own case, the District Judge determined the matter having regard to what we would say is an irrelevant consideration, or alternatively she determined it on an erroneous factual premise, namely that at the relevant date the premises had been demolished, whereas the evidence, such as it was before the court, was not only that the premises had not been demolished at the date of the application, but they had not in fact been demolished at the date



of the licensing sub- committee hearing, the evidence being that demolition took place in July, whereas that hearing took place in May 2009.

81. MR JUSTICE CRANSTON: Did you tell me July? You certainly told me that they had not been demolished in February.

82. MR BOOTH: My Lord, it was July. My learned friend and leading counsel, Mr Gouriet - -

83. MR JUSTICE CRANSTON: I must say I took a note, I know. So that is the first point, yes.

84. MR BOOTH: That is the first point. Secondly, my Lord, we would point to what we say is the unequivocal statement by the District Judge in the transcript to the effect that this non- operational licence cannot amount to exceptional circumstances. We would say that that finding simply was not open to the District Judge given that she had not heard the evidence in the case. I appreciate that is going to the substance of your Lordship's judgment. But, in my submission, with respect that finding was not open to the District Judge.

85. MR JUSTICE CRANSTON: Yes, thank you for those submissions, but I think you will have to go elsewhere.

86. MR BOOTH: I am grateful.

87. MR JUSTICE CRANSTON: Thank you very much.

88. MR MATTHIAS: Just for the avoidance of doubt, the figure for the summary assessment is £24,909.30.

89. MR JUSTICE CRANSTON: Yes. Thank you.

90. MR MATTHIAS: We are very grateful.

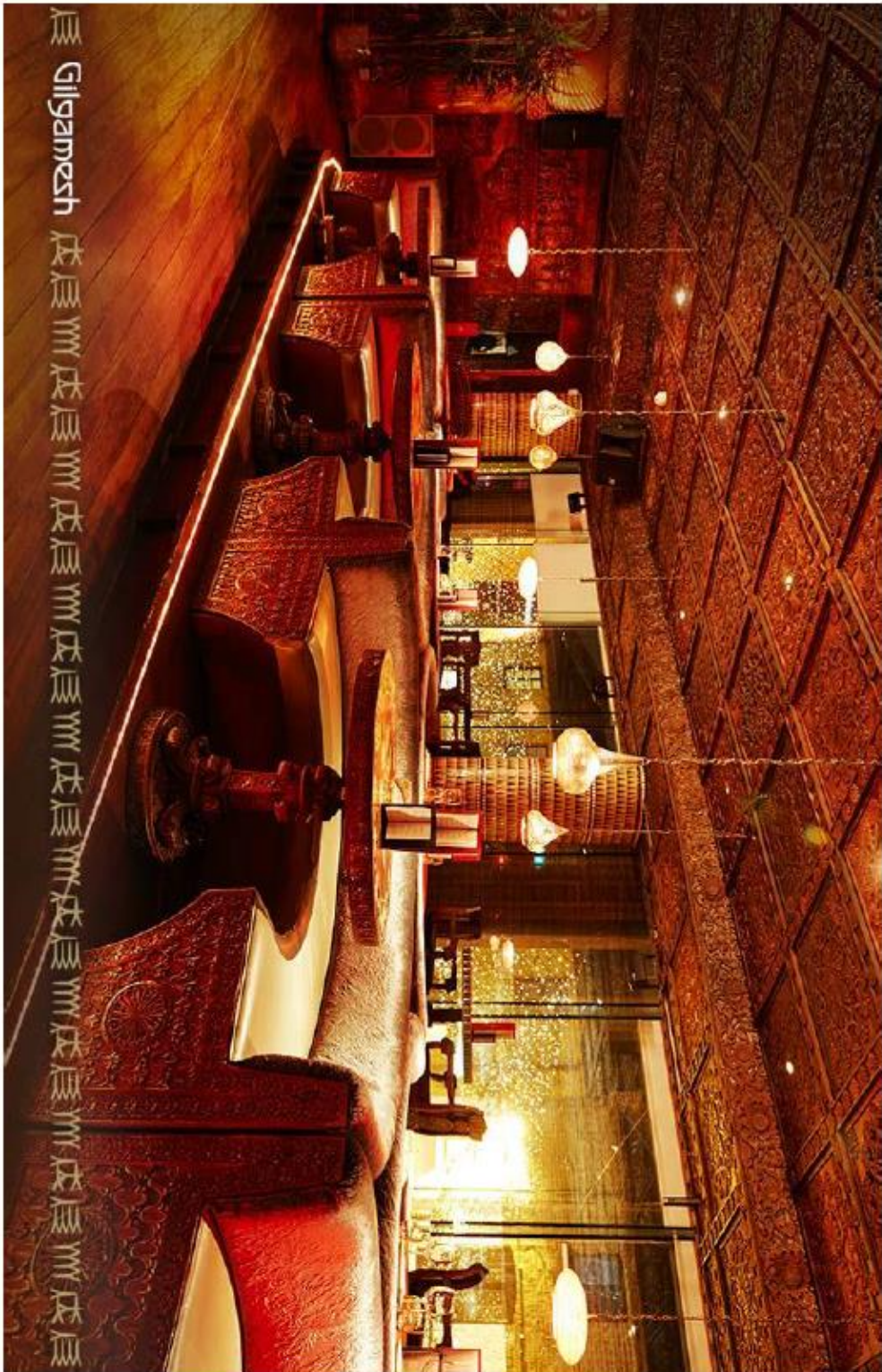


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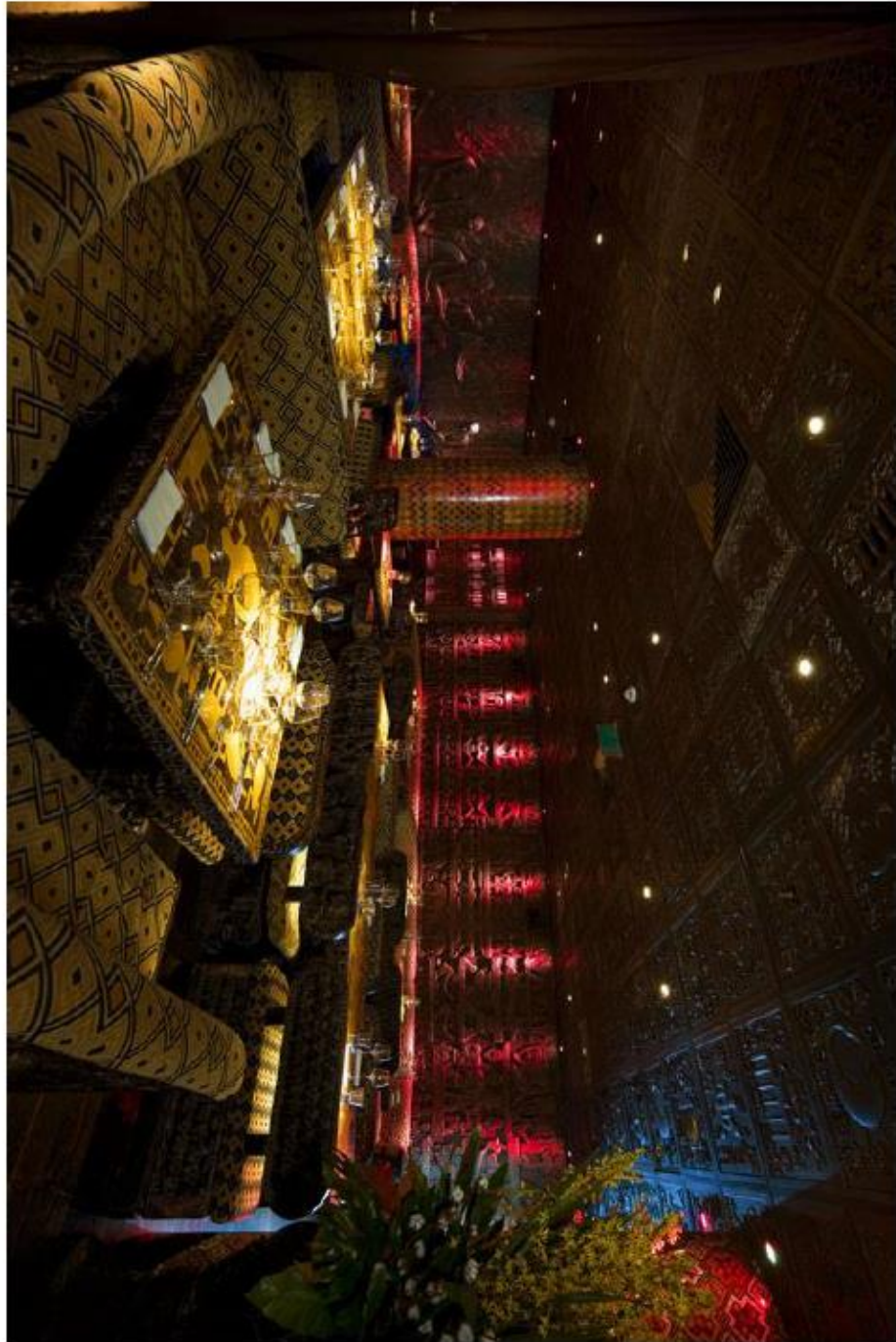


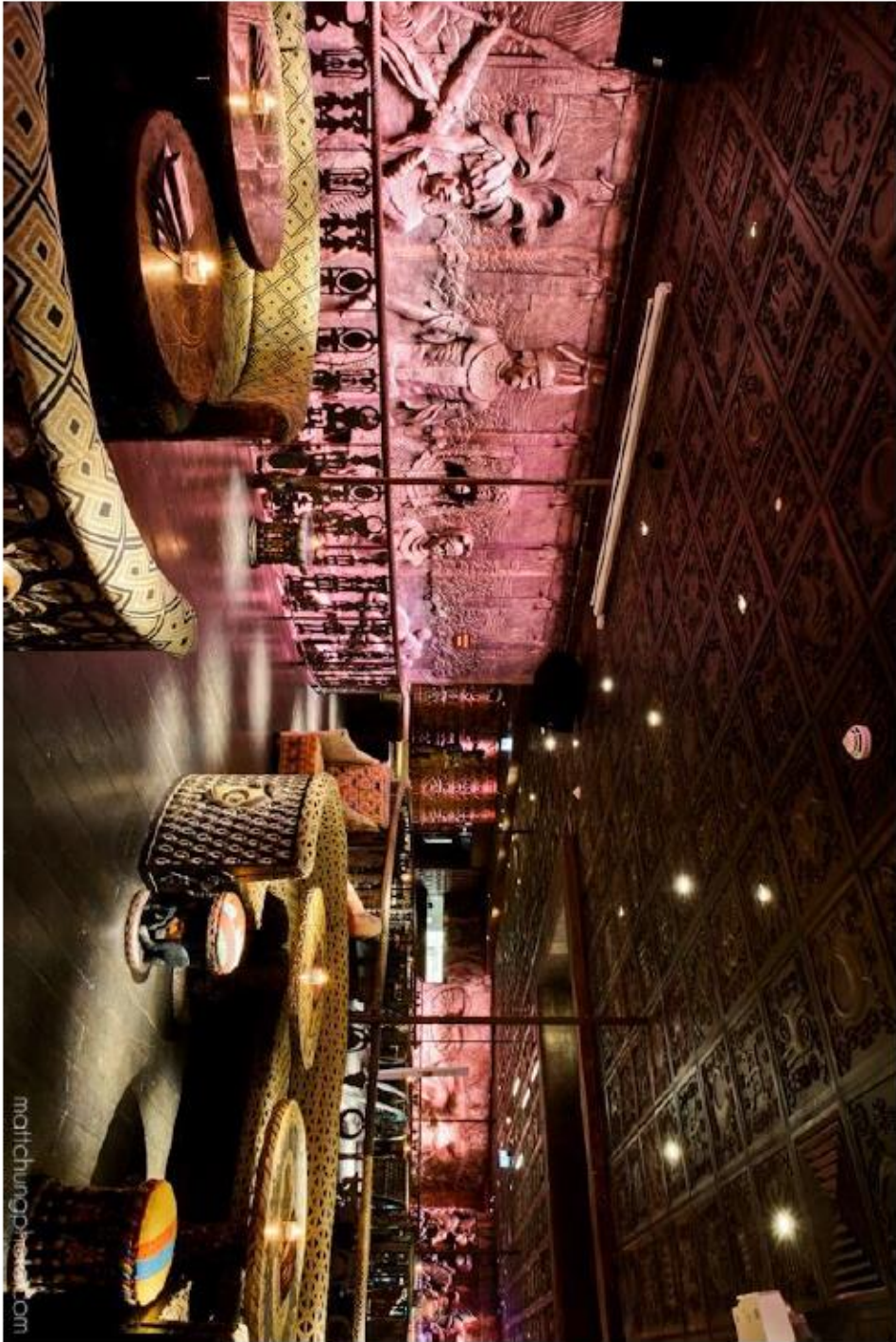
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**Premises History - 11/07005/LIPDPS**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/03612/WCCMAP	New Premises Application	18.09.2005	Granted
09/08905/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2010	Invalid Application
10/04128/LIPDPS	Application to Vary the Designated Premises Supervisor	08.10.2010	Granted Under Delegated Authority
10/10495/LIPDPS	Application to Vary the Designated Premises Supervisor	18.02.2011	Granted Under Delegated Authority
11/07005/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2011	Granted Under Delegated Authority
14/02814/LIPV	Variation Application	19.06.2014	Refused by Licensing Sub Committee
17/03858/LIPT	Transfer Application	13.04.2017	Invalid Application

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/06446/LITENP	Temporary Event Notice	25.07.2016	Notice Granted
16/06441/LITENP	Temporary Event Notice	27.06.2016	Notice Granted
16/06391/LITENP	Temporary Event Notice	29.06.2016	Notice Granted



16/06268/LITENP	Temporary Event Notice	05.07.2016	Notice Granted
16/04266/LITENP	Temporary Event Notice	09.05.2016	Notice Granted
16/03805/LITENP	Temporary Event Notice	21.04.2016	Notice Granted
16/03801/LITENP	Temporary Event Notice	21.04.2016	Notice Granted
16/02905/LITENP	Temporary Event Notice	24.03.2016	Notice Granted
16/02897/LITENP	Temporary Event Notice	12.04.2016	Notice Granted
16/02886/LITENP	Temporary Event Notice	11.04.2016	Notice Granted
16/02878/LITENP	Temporary Event Notice	12.04.2016	Notice Granted
16/01987/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/01985/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/01983/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/00188/LITENP	Temporary Event Notice	20.01.2016	Notice Granted

**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.

## Conditions consistent with the operating schedule

9. Alcohol for consumption off the premises shall be permitted prior to 23:00 hours but shall be restricted to:
  - (a) Customers who have purchased wine as part of a table meal and who wish to take unfinished bottles home with them; and
  - (b) Alcohol in a sealed vessel supplied ancillary to a take-away meal.
10. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
16. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
17. After the terminal hour for the sale of alcohol then 30 minutes drinking up time shall be permitted.
18. 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.
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. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 20 & 21. Door staff numbers, requirement to wear hi-vis and use of body cameras to be agreed with the Police.
22. An incident log shall be kept at the premises, and made available on request to an authorised session and will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
23. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter / waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- (b) Notwithstanding (a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises, reception, glass drinking vessels may be used for private or pre-booked events within the **(specified area)**.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. After 23:00 hours, all customers entering the premises will have their 10 scanned on entry, save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without 10 being scanned and records, and that a legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
26. 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.
27. 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.
28. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.

29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
33. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military 10 card.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
38. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

### **Conditions proposed by the Police**

39. A minimum of 2 SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

### **Applicant proposes:**

From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be

deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.

40. Amendment of the second part of the CCTV condition:

A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**Applicant proposes:**

***Amendment of the second part of the CCTV condition***

***A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.***

41. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.
42. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing
43. After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.
44. Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff
45. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request



46. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

**Applicant proposes:**

***Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.***

47. After 21:00, or as agreed with the Police in writing (and a copy of any agreement to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

**Applicant proposes:**

***After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.***

48. All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.

**Applicant proposes:**

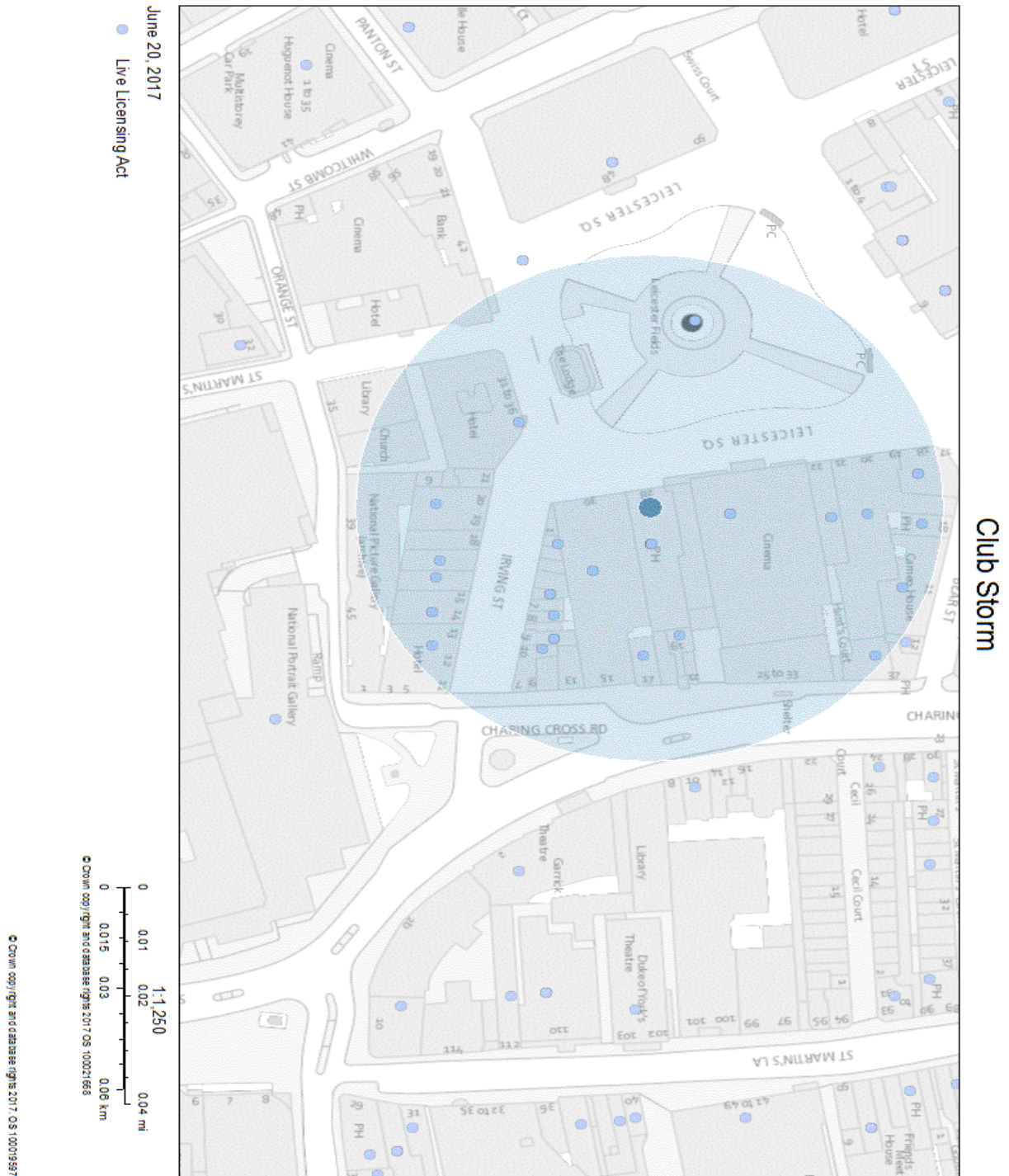
***All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central***

***Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.***

**Further additional conditions:**

49. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the premises. Such policy to be documented having regard to police advice and shall be made available upon request.
50.
  - a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
  - b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
  - c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.
  - d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.

**Residential Map and List of Premises in the Vicinity**



Resident Count: 24

**Premises Licence – 11/07005/LIPDPS****City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part AWARD: St James's  
UPRN: 100023431689

Premises licence

Regulation 33, 34

Premises licence number:

11/07005/LIPDPS

Original Reference:

05/06235/LIPCV

**Part 1 – Premises details****Postal address of premises:**Club Storm  
28A Leicester Square  
London  
WC2H 7LE**Telephone Number:** 020 7839 2633**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:****Performance of Dance**Monday to Wednesday: 09:00 to 03:00  
Thursday to Saturday: 09:00 to 06:00  
Sunday: 09:00 to 02:00**Performance of Live Music**Monday to Wednesday: 09:00 to 03:00  
Thursday to Saturday: 09:00 to 06:00  
Sunday: 09:00 to 02:00**Playing of Recorded Music**

Unrestricted

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**Monday to Wednesday: 09:00 to 03:00  
Thursday to Saturday: 09:00 to 06:00  
Sunday: 09:00 to 02:00

**Late Night Refreshment**

Monday to Wednesday:	23:00 to 03:30
Thursday to Saturday:	23:00 to 05:00
Sunday:	23:00 to 02:00
Sundays before Bank Holidays:	23:00 to 02:30

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30
Sundays before Bank Holidays:	12:00 to 02:00

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Wednesday:	09:00 to 03:30
Thursday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 02:00
Sundays before Bank Holidays:	09:00 to 02:30

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Tom Bradley  
28A Leicester Square  
London  
WC2H 7LE  
Mobile Phone Number : 07711 089898

Mr Ian Martin  
28A Leicester Square  
London  
WC2H 7LE  
Mobile Phone Number : 07711 089898

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

N/A

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

**Name:** Mr Paul Di Libero

*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:** PA0918

**Licensing Authority:** Royal Borough Of Kingston Upon Thames

**Date:** 5 August 2014

**Signed:** pp  
Operational Director - Premises Management

#### Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
  - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

8. (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.
9. 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (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.
12. 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.

13. 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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

14. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
15. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
16. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Wednesday to 3am on the day following from 11pm on each of the days Thursday to Saturday to 6am on the day following and from 11pm on Sundays until 2am on the day following.
17. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
18. The entertainment provided at the premises shall be of the following type: Disco.
19. The licence holder shall ensure that the persons named below, being previous licensees, take no part directly or indirectly in the running, management or conduct of the premises save, in respect of Mr Kenneth Edwards and Mrs Victoria Edwards, for such involvement as they may have in their capacity as head-lessees of the premises: Mr Kenneth EDWARDS, Mr Stephen EDWARDS, Mr Vincent EDWARDS, Mrs Victoria EDWARDS, Ms Lisa-Marie EDWARDS.
20. The number of persons accommodated at any one time in the premises shall not exceed 235 (excluding staff).
21. 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.
22. On any evening where the premises or part of the premises are open for music, dancing or entertainment and a Section 77 Special Hours Certificate is in operation,

Intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to: a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday and Saturday. Not to be credited against consumables. b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police; or c) Guests of the proprietor of Club Koo/Leisure (West End) Limited (bona fide entertained and specially invited prior to admission) a full list of whom individually named, shall be kept at the reception available for inspection by the police; d) Artistes and persons employed at the premises; e) Persons attending a private function at the premises.

23. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
24. No striptease, no nudity and all persons on the premises to be decently attired.
25. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
26. The Licensees shall ensure that the persons named below take no part directly or indirectly in the running, management or conduct of the premises save, in respect of Mr Kenneth Edwards and Mrs Victoria Edwards, for such involvement as that may have in their capacity as head-lessees of the premises;
27. The Licence holders: Mr Lee Daniel Wells, Mr Ian George Martin and Mr Thomas Joseph Bradley shall ensure that the persons named below, being previous Licensees, take no part directly or indirectly in the running. Mr Kenneth EDWARDS Mr Stephen EDWARDS Mr Vincent EDWARDS Ms Victoria EDWARDS Ms Lisa-Marie EDWARDS.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

**Permitted Hours for Sale of Alcohol**

28. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that-
  - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-
  - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall extend until 02.00 on the morning following, except that-
  - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.

- (iii) the terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hour for the sale of alcohol mentioned above in d (i) and (ii)
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 29. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
- 30. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

32. 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 the date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer through the preceding 31 day period.
33. A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer, with copies of recent CCTV images or data with the absolute minimum of delay when requested.
34. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
35. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) All crimes reported to the venue
  - (b) All ejections of patrons
  - (c) Any complaints received concerning crime and disorder
  - (d) Any incidents of disorder
  - (e) All seizures of drugs or offensive weapons
  - (f) Any faults in the CCTV system or searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service
36. All drinking vessels used in the venue shall be polycarbonate. All beer in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables.
37. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
38. After 23.00, Monday to Sunday, all customers entering the premises will have their ID scanned on entry save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and Police, for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
33. 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.

**Annex 4 – Plans**

Attached



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 4

Item No:	
Date:	6 <sup>th</sup> July 2017
Licensing Ref No:	17/04163/LIPV - Premises Licence Variation
Title of Report:	London Film Museum 45 Wellington Street London WC2E 7BN
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 Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 April 2017		
<b>Applicant:</b>	London Film Museum (Covent Garden) Ltd		
<b>Premises:</b>	London Film Museum		
<b>Premises address:</b>	45 Wellington Street London WC2E 7BN	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is currently operating as a museum.		
<b>Variation description:</b>	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan attached to the current licence.		
<b>Premises licence history:</b>	The premises has been licensed since April 2012.		
<b>Applicant submissions:</b>	The London Film Museum hosts events as an ancillary part of their museum operation. The current display is "Bond in Motion". The variation is for selected private and pre-booked events		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films / Performance of Dance / Live Music / Recorded Music / Performance of a Play						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	00:30	09:00	02:00	Please see plan at appendix 1	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan
<b>Tuesday</b>	09:00	00:30	09:00	02:00		
<b>Wednesday</b>	09:00	00:30	09:00	02:00		
<b>Thursday</b>	09:00	00:30	09:00	02:00		
<b>Friday</b>	09:00	00:30	09:00	02:00		
<b>Saturday</b>	09:00	00:30	09:00	02:00		
<b>Sunday</b>	12:00	22:00	12:00	22:00		



<b>Seasonal variations/ Non-standard timings</b>	<b>Current:</b>	<b>Proposed:</b>
	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.  On Sundays before bank holidays 12:00 - 02:00

**Anything of a Similar Description**

	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	23:00	09:00	02:00	Please see plan at appendix 1	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan
<b>Tuesday</b>	09:00	23:00	09:00	02:00		
<b>Wednesday</b>	09:00	23:00	09:00	02:00		
<b>Thursday</b>	09:00	23:00	09:00	02:00		
<b>Friday</b>	09:00	23:00	09:00	02:00		
<b>Saturday</b>	09:00	23:00	09:00	02:00		
<b>Sunday</b>	12:00	22:00	12:00	22:00		

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.  On Sundays before bank holidays 12:00 - 02:00

**Late night refreshment**

<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Indoors			Indoors	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	00:30	23:00	02:00	Please see plan at appendix 1	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan
<b>Tuesday</b>	23:00	00:30	23:00	02:00		
<b>Wednesday</b>	23:00	00:30	23:00	02:00		
<b>Thursday</b>	23:00	00:30	23:00	02:00		
<b>Friday</b>	23:00	00:30	23:00	02:00		
<b>Saturday</b>	23:00	00:30	23:00	02:00		
<b>Sunday</b>						

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.  On Sundays before bank holidays 12:00 - 02:00

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:30	10:00	02:00	Please see plan at appendix 1	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan
<b>Tuesday</b>	10:00	00:30	10:00	02:00		
<b>Wednesday</b>	10:00	00:30	10:00	02:00		
<b>Thursday</b>	10:00	00:30	10:00	02:00		
<b>Friday</b>	10:00	00:30	10:00	02:00		
<b>Saturday</b>	10:00	00:30	10:00	02:00		
<b>Sunday</b>	12:00	22:00	12:00	22:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.				From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.  On Sundays before bank holidays 12:00 - 02:00	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	23:00	09:00	02:30	Please see plan at appendix 1	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan
<b>Tuesday</b>	09:00	23:00	09:00	02:30		
<b>Wednesday</b>	09:00	23:00	09:00	02:30		
<b>Thursday</b>	09:00	23:00	09:00	02:30		
<b>Friday</b>	09:00	23:00	09:00	02:30		
<b>Saturday</b>	09:00	23:00	09:00	02:30		
<b>Sunday</b>	09:00	22:30	09:00	22:30		
<b>Seasonal variations/ Non-standard</b>	<b>Current:</b>				<b>Proposed:</b>	
	From the end of permitted hours				From the end of permitted hours	

<b>timings:</b>	on New Year's Eve to the beginning of permitted hours on New Year's Day.	on New Year's Eve to the beginning of permitted hours on New Year's Day.  On Sundays before bank holidays 12:00 - 02:30
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<b>1-C Layout alteration</b>
None applied for.

<b>1-D Conditions being varied, added or removed</b>		
<b>Condition</b>	<b>Proposed variation</b>	
None suggested.	None applied for.	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	Not applicable

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Metropolitan police Service
<b>Representative:</b>	PC Michael Day
<b>Received:</b>	2 <sup>nd</sup> May 2017
<p>I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated within the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area.</p>	

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	19 <sup>th</sup> May 2017

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The application is currently seeking hours which will go well beyond the Core Hours Policy and is located in the already busy West End Cumulative Impact areas as defined by Westminster Statement of Licensing Policy 2016. The applicant seeks to increase the hours permitted for all licensable activities including the sale of alcohol in a defined hatched area. Policy PVC2 states 'Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas' we would therefore expect to see additional conditioning to address the cumulative impact that would occur. (HRS1 and CIP1, PB2 and PVC2)

No proposed conditions have been submitted with the application and we are concerned that the current licence conditions do not address the substantial increase in hours which could affect how the 3 licensing objective listed above are upheld. Private events are limited to 150 events per year so could effectively run every weekend all year around. To assist us in assessing the application and likely impact, as per condition 25 on the licence we request the 2016/2017 booking records.

Please accept this as a formally objection to the variation application.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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>

<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy CIA1 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

#### 4. Appendices

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

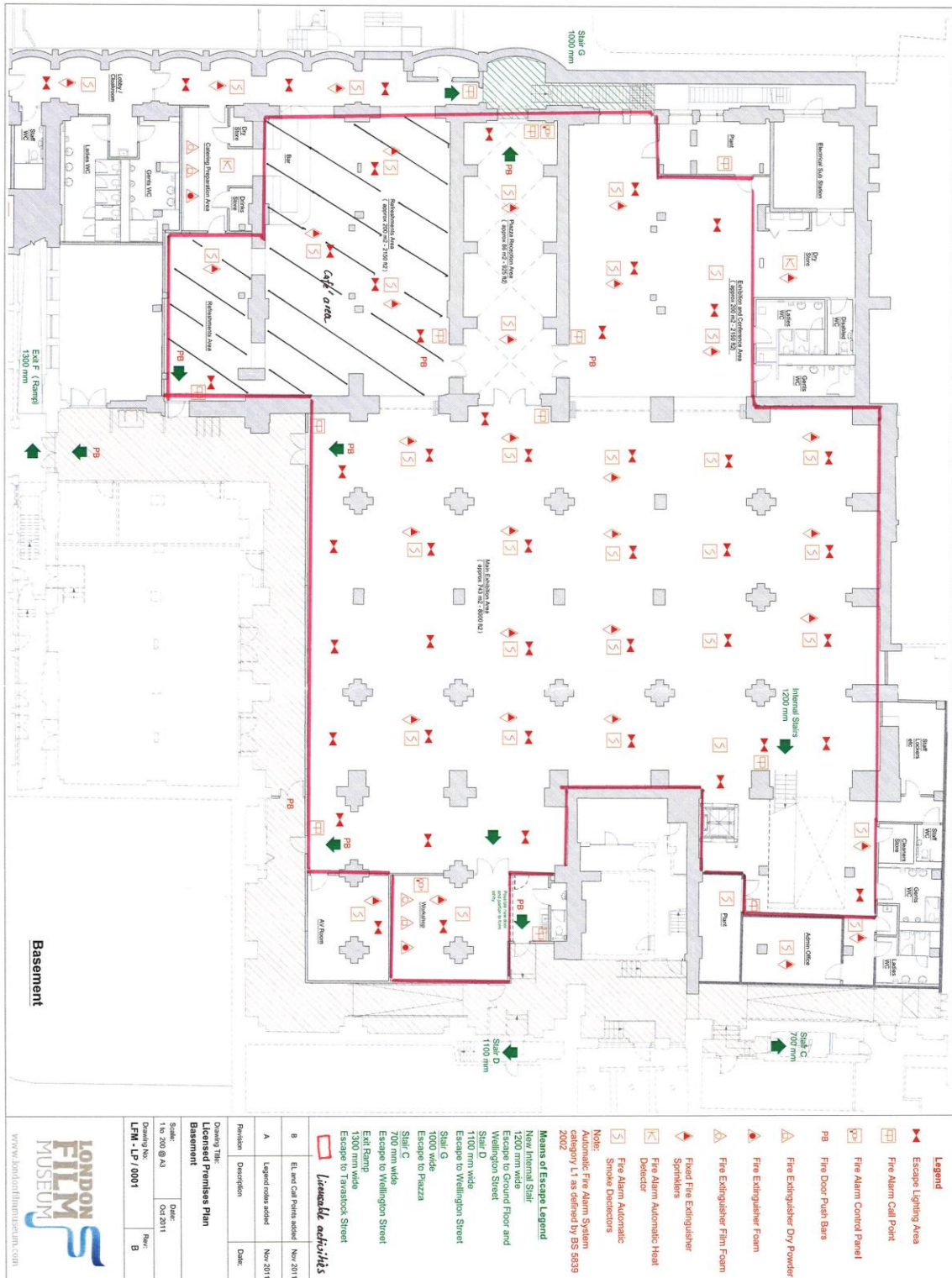
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**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>	Application Form	21 <sup>st</sup> April 2017
<b>5</b>	Representation – MET Police	2 <sup>nd</sup> May 2017
<b>6</b>	Representation – Licensing Authority	19 <sup>th</sup> May 2017

**Premises Plans – Proposed**



Revision	Description	Date
A	Legend notes added	Nov 2011
B	EL and Call Points added	Nov 2011

<b>Legend</b> Escape Lighting Area Fire Alarm Call Point Fire Alarm Control Panel Fire Alarm Control Panel Fire Door Push Bars Fire Extinguisher Dry Powder Fire Extinguisher Foam Fire Extinguisher Film Foam Fire Extinguisher Fixed Fire Extinguisher Fire Alarm Automatic Heat Detector Fire Alarm Automatic Smoke Detector Fire Alarm Automatic Smoke Detectors Fire Alarm Automatic Smoke Detectors Note: Automatic Fire Alarm System category L1 as defined by BS 5839 2002	
<b>Means of Escape Legend</b> Main Internal Stair 1200 mm wide Escape to Ground Floor and Wellington Street Stair D 1100 mm wide Escape to Wellington Street Stair G 1000 mm wide Escape to Piazza Stair C 700 mm wide Escape to Wellington Street Exit Ramp 1500 mm wide Escape to Finsbury Street Exit Ramp 1500 mm wide Escape to Finsbury Street Note: <i>Unusable activities</i>	

Drawing Title: <b>Basement</b> Licensed Premises Plan Basement	
Scale:	Date:
1:50 @ A3	Oct 2011
Drawing No:	Rev:
LFM-LP/0001	B





**Applicant Supporting Documents**

None Submitted.



**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
12/00191/LIPN	Application for a new premises licence	17.04.2012	Granted by Licensing Sub-Committee
13/04403/LIPV	<p>Application to vary the premises licence:</p> <p>1. Extend the terminal hour of all existing licensable activities on Monday to Saturday from 23:00 to 00:30, no change to existing Sunday timings.</p> <p>2. To incorporate the licensable activity of Late Night Refreshment, Monday to Saturday 23:00 to 00:30.</p>	12.09.2013	Granted by Licensing Sub-Committee

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

- 11. The provision of licensable activities shall be ancillary to the premises' main use as a museum/exhibition space.
- 12. The supply of alcohol at the premises shall only be :
  - a. to a person seated taking a table meal in the café area hatched black on the plan, and for consumption by such a person as ancillary to their meal;
  - b. persons attending a private or pre-booked function or conference,
  - c. artistes and staff.
- 13. There shall be no self-service of alcohol in the café area.
- 14. There shall be no supply of draught beer.
- 15. No beer or cider above 5.5% ABV is to be sold from the premises.
- 16. Food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs to local residents and leave the area quietly.

18. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
19. There shall be no tables and chairs placed outside the premises.
20. 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 officer throughout the preceding 31 day period.
21. 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 authorised council officer recent data or footage with the absolute minimum of delay when requested.
22. At least 1 SIA licensed door supervisors shall be on duty at the Wellington Street entrance of the premises after 20:00 hours. A SIA registered door supervisor to supervise the smoking area outside of the Piazza entrance after 20:00.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
24. All entrance doors and windows to be kept closed after 9pm except for immediate access and egress of persons.
25. On occasions when the premises is being used for private pre-booked corporate hire events, a register detailing the timing of the booking detailing the booking, numbers attending the event, the contact details of the event organisers are to be recorded, such bookings where alcohol is sold after 20:00 hours are to be limited to 150 days in a calendar year. The premises management will record the details of such events in a log with a record of the event such log to be readily available to the Police or an authorised Council Officer.
26. A Notice giving seven days written notice of all private pre-booked functions shall be displayed at the Wellington Street entrance in a conspicuous position.

27. The pavement from the building line to the kerb edge immediately outside the premises including gutter/channel at its junction with the kerb edge shall be swept and/or washed every day that the premises are open after the end of the activities.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
30. No deliveries to the premises shall take place between 23.00 and 08.00.
31. There shall be no cinema style seating at the premises unless otherwise agreed with the Westminster Environmental Health Consultation Team.
32. 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.

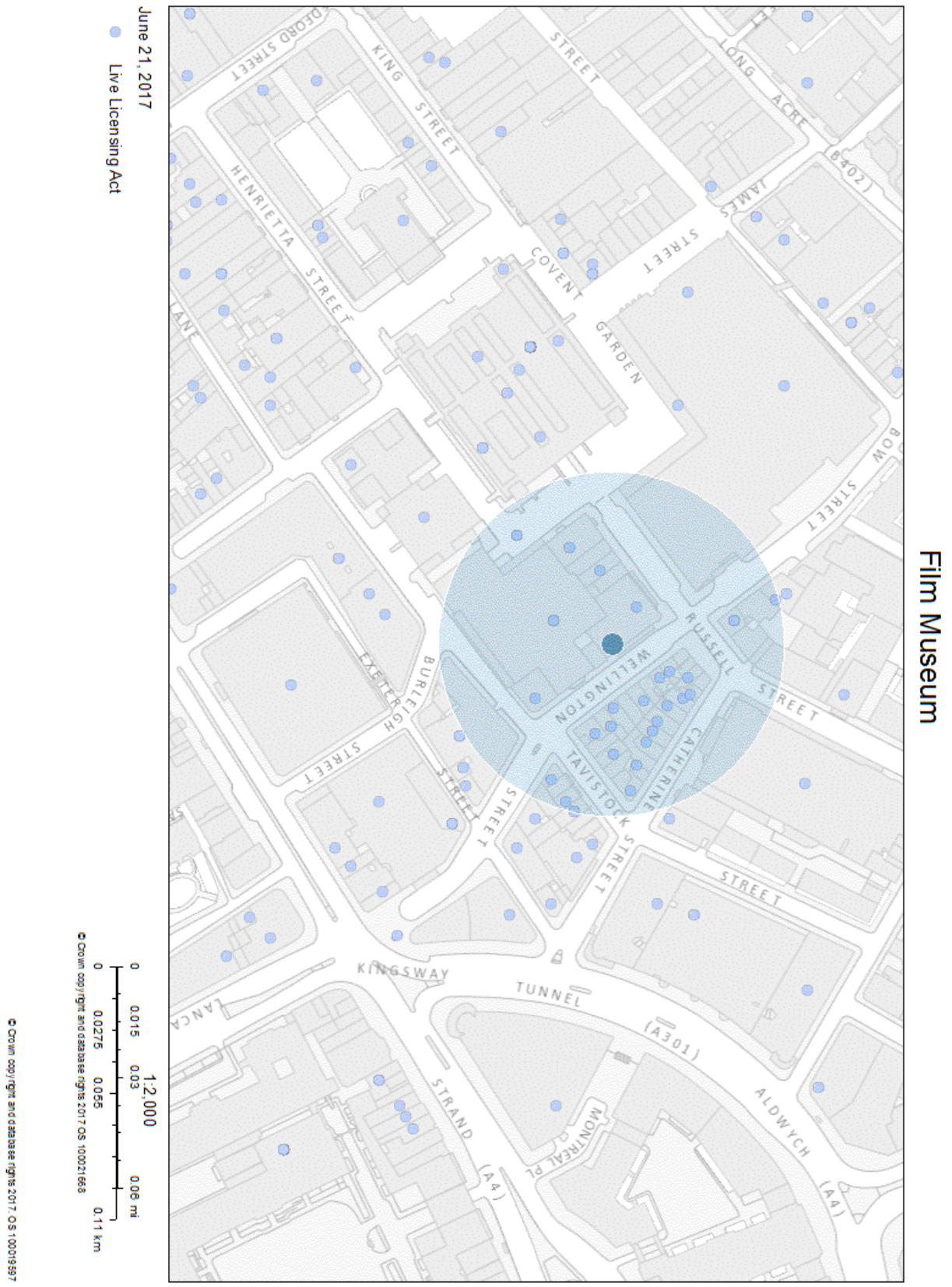
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - 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 flammable substances.
  - o real flame.
  - o strobe lighting.
34. There shall be no striptease or nudity and all persons shall be decently attired at all times.
35. The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons.
36. The supply of alcohol shall be by waiter or waitress only.
37. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

38. Plant and machinery apart from refrigeration shall not operate after 23:00 hours or before 08:00.
39. The ground floor on Wellington Street must not be used for any regulated entertainment or any supply of alcohol.
40. After 21:00 all patrons and staff (except for the purposes of setting the alarm) shall egress via the Piazza exit.
41. Licensable activities shall be permitted from the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.



**Residential Map and List of Premises in the Vicinity**



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