



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday, 11th March 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Jim Glen (Chairman)  
Heather Acton  
Aziz Toki

If you require further information, please contact Cameron MacLean, Temporary Senior Committee and Governance Officer.

**Email:** [cmaclean@westminster.gov.uk](mailto:cmaclean@westminster.gov.uk)  
**Tel:** **07814 998 037**  
**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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. 10 AM: LSC (3) SIXES, 170 GREAT PORTLAND ST, W1W 5QB (Pages 5 - 60)

Ward CIA*	Site Name & Address	Application Type	Licensing Reference No.
Marylebone High Street  N/A	Sixes 170 Great Portland Street London W1W 5Q	New Premises Licence, Licensing Act 2003	20/11485/LIPN

\*Cumulative Impact Area

#### 2. 1:30 PM: LSE (3) THEATRE CAFE, 99 ST MARTIN'S LANE WC2N 4AZ (Pages 61 - 98)

Ward CIA*	Site Name & Address	Application Type	Licensing Reference No.
St James's  N/A	Theatre Café Basement to Ground Floor 99 St Martin's Lane London WC2N 4AZ	New Premises Licence	20/11553/LIPN

\*Cumulative Impact Area

**Stuart Love**  
**Chief Executive**  
**03 March 2021**

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

**POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

**GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

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## 1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

## 2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

## 3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

## 4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk) no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

## **5. Procedure**

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - (a) The applicant
  - (b) Responsible authorities
  - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
  - (a) Responsible authorities
  - (b) Other persons
  - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

**Dated: 14 January 2021**

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# Licensing Sub-Committee Report

## Agenda Item 1.

Item No:	
Date:	11 March 2021
Licensing Ref No:	20/11485/LIPN - New Premises Licence
Title of Report:	Sixes 170 Great Portland Street London W1W 5QB
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@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>		8 December 2020	
<b>Applicant:</b>		Sixes Cricket Limited	
<b>Premises:</b>		Sixes	
<b>Premises address:</b>		170 Great Portland Street London W1W 5QB	<b>Ward:</b> Marylebone High Street
			<b>Cumulative Impact Area:</b> None
			<b>Special Consideration Zone:</b> None
<b>Premises description:</b>		This is an application for a new premises licence which intends to operate as a cricket themed restaurant and bar.	
<b>Premises licence history:</b>		<p>The premises have had the benefit of two premises licences, Licence number 18/03468/LIPDPS which lapsed in May 2020 and Licence number 19/06887/LIPVM which was granted in 2019 and is still currently in place.</p> <p>The application follows Pre-application advice. The report can be found at <b>Appendix 2</b>.</p>	
<b>Applicant submissions:</b>		<p>The applicant has provided the following documents which can be viewed at <b>Appendix 2</b> of the report:</p> <ul style="list-style-type: none"> <li>• A general description of the premises</li> <li>• A copy of the mediation email that was sent to all interested parties</li> <li>• Email containing links to the website for Sixes in Fulham and a Youtube clip about Sixes</li> <li>• Overview of the building</li> <li>• Pre-application advice report</li> </ul>	
<b>Applicant amendments:</b>		<p>During consultation the applicant amended the hours for the sale by retail of alcohol from 10:00-23:30 to 10:00-23:00 Monday to Thursday and the opening hours from 07:00-00:30 to 07:00-23:30 Monday to Thursday.</p> <p>The applicant also amended the opening hours on Sundays to 07:00-22:30.</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	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On days preceding a Bank Holidays until Midnight.</p>					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	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. On days preceding a Bank Holidays until Midnight.					

<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>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:30	00:30	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. On days preceding a Bank Holidays until 0030 the following morning.					

## 2. Representations

<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 04 January 2021</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	22 December 2020

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

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I do have some concerns in relation to the unhatched area on the plan. You have stated that 'alcohol may be consumed in the bar area and experiential area to the front of the left hand side of the premises by people who are not necessarily eating nor taking part in the experience.' Essentially that part of the venue would be a bar selling alcohol until midnight on a Friday and Saturday, which is open for anyone to walk in and use.

In relation to that area has there been any consideration for:

- An SIA door supervisor? (to also assist with dispersal and your proposed conditions 8 & 9 (Under The prevention of public nuisance)
- Non-vertical drinking?

Would it be possible to perhaps visit the venue to get an idea of how things will work? Unfortunately due to annual leave, the only availability I have is between Monday 4<sup>th</sup> Jan – Thursday 7<sup>th</sup> Jan.

I look forward to hearing from you.

<b>Following discussions with the applicant and Environmental Health, The Metropolitan Police Service decided to withdraw their representation on 4<sup>th</sup> January 2021.</b>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	04 January 2021
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours and Friday &amp; Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. Sunday before a Bank Holiday 12.00 to 00.00 hours.</li> <li>2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours and Friday &amp; Saturday between 23.00 and 00.00 hours. New Year's Eve to New Year's Day. Sunday before a Bank Holiday 23.00 to 00.00 hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</li> <li>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 area.</li> </ol> <p>The applicant has provided additional information with the application following pre-application advice which is being addressed.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		
<p>This is a large premises and doesn't lend itself to becoming a bar. There are already quite a few bars and pubs in the area and Great Portland Street is not in the correct location for one. There are many block of flats around and the noise and disturbance do not fit in with a residential area.</p> <p><b>Following the mediation email provided by the applicant, the interested party decided to withdraw their representation on 27 January 2021.</b></p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		
<p>As much as we as [REDACTED] would love to have this space occupied by a useful addition to our neighbourhood, (an indoor food market, a whole Foods for instance, even a Library?.) a Cricket Bar seems completely out of context and will be loud and unruly. This space is the anchor for Great Portland Street and will set the mood for the whole street, which before Lockdown was evolving into an interesting street filled with unique and interesting offerings... A Cricket Bar feels like it should be located in Piccadilly Circus. Please, I beg you, think holistically about this application.</p> <p><b>On 27<sup>th</sup> January the interested party provided a response to the mediation email:</b></p> <p>I still object because it is not in keeping with the neighbourhood and taking up a prime location on the street which Should be useful to the residents and local businesses. As I stated before... before the pandemic Great Portland Street was finding its feet. Why not a street food market? It might be lively, but it is fun and diverse. Lots of birthday parties? Surely this concept should either be in Piccadilly.... a short tube ride from the cricket ground... or somewhere in Finchley? Lords Cricket ground itself? It just seems misconceived... I understand that something is better than nothing, but I feel like you are sealing the future fate of the street. It should be for local residents and businesses... not tourists from Lords.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	03 January 2021		
<p>I am extremely disturbed to hear of this proposed business being allowed to operate at 170 Great Portland St. It is completely out of kilter with the businesses already on G.P St and surrounding area. In the vicinity there a number of residential buildings who have previously had to put up with noise from the Starbucks across the road - and that used to close early evening !. The space concerned is a very large one so I assume it would be designed to accommodate large numbers who in turn would be likely to hang around outside during and after the palace closed at night.</p> <p>I would be happy to discuss this further bit this is not a business suitable to the area, or one that would appeal to those living in the surrounding area. At the very least, more information is needed , especially regarding the management - who they are and where they have /are operating.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 January 2021		
<p>I refer to the above application for a new premises license for 170 Great Portland Street, London W1W 5QB. I gather that a cricket themed restaurant is seeking to take over the site and want to have a license for the sale and consumption of alcohol on and off the premises.</p> <p>While I would be glad to see some use being made of the empty premises, I am concerned that there is not a "free for all" outside the premises with patrons smoking and drinking with abandonment. I would propose that only core hours for the sale of alcohol are granted rather than the extended ones being suggested. Diagonally opposite 170 Great Portland Street is a [REDACTED]</p> <p>The area is a quiet one of an evening and resident's peaceful occupation of their premises should not be disturbed as groups come to play simulated cricket and drink. The applicant does not appear to have a great deal of experience in having licensed premises and having looked at their hours of operation at their other London site in Fulham the premises close at 10.00 pm from Monday to Saturday and 8 pm on a Sunday, see below-</p> <p><b>OPENING TIMES</b>  Monday - Friday  10am - 10pm  Saturday  10am - 10pm  Sunday  10am - 8pm  -  Sixes Cricket Club  18 Farm Lane  London  SW6 1PP</p> <p>I am aware that the Westminster licensing hours may differ to Fulham, but nevertheless anything more than core hours being agreed would be uncalled for in an untried and untested situation.</p> <p>The suggestion is that the site could accommodate 240 which is extraordinarily high, and it is not clear how many outside tables are intended which would affect the level of noise suffered by residential neighbours.</p> <p>In short when licensing these premises please give due regard to the above comments made on behalf of [REDACTED]</p> <p><b>On 3<sup>rd</sup> February the interested party provided a response to the mediation email:</b></p> <p>Thank you for the email below which I have considered and comment as below.</p> <ol style="list-style-type: none"> <li>1. Very helpful that the applicant is willing to engage with us and to be flexible.</li> <li>2. Pleased to learn that they will work to reduce the hours for the outside table and chairs.</li> </ol>			

3. Still concerned about the large numbers that the venue is planning to accommodate and how quietly customers will disperse at the latter part of the evening.
4. As there will be a new license granted, we do need to agree on closing times, particularly during the weekends.
5. Agree a video meeting would be helpful but this would need to be in the early evening.

Looking forward to hearing from you further.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		

This application involves a change in the style and nature of operation and, potentially, clientele from brasserie/fine dining/foodhall (previous Villandry/Aqua licences) to a cricket-themed eating and drinking venue. The site is in a historic building, which has been a central amenity point for locals for a long time.

The site lies in a prominent neighbourhood location and on a major thoroughfare with high passing footfall. It lies in front of a pedestrian crossing and near a number of resident blocks, medical facilities and schools.

The operator's performance is not yet known in Westminster. We have also unfortunately been unable to evaluate its track record elsewhere.

The proposed activity presents a change in amenity. The capacity of the venue is high (240 in the planning application). Given the number of seats in the plan, a capacity of 240 customers suggests that many patrons will be standing. Thus, this is a different proposition to what existed previously.

Given the high capacity of the venue, it is not clear if patrons will be able to leave the premises without causing disruption. Given this, we propose that only core hours for licensable activities and opening are granted at this stage. We also suggest that off-sale of alcohol should cease at 2200 hours in line with the license of 2019 and all on-sales of alcohol be permitted until a half an hour before closing times. This will reduce the risk of disturbances and facilitate orderly dispersals at closing time.

We have concerns about off sales drinking and patron groups on the pavement outside the premises. The wording: 'After 21.00 hours patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.' should be revised to read 'Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.'

Further clarification from the operator would also be helpful regarding:

- how many patrons will be seated and/or standing inside or outside the venue
- whether alcohol consumed outside (hatched area on plan) should be accompanied by a meal or at least be seated
- how many outside tables and chairs are intended to be in the designated outside area
- how the outside space will be managed with smokers entering and leaving the premises
- if the outside area will be cordoned off from passing footfall
- whether the venue will sell take-out food alongside off-sales

**On 3<sup>rd</sup> February the interested party provided a response to the mediation email:**

We really appreciate the flexibility being shown by the applicant and do hope that we can agree on a mutually acceptable arrangement. In particular the reduction in hours when tables and chairs will be used outdoors is most welcome

Our concern is that with the potentially very large numbers that can be accommodated on the premises there will be considerable noise nuisance at closing time from clients leaving both on foot and motor transport. We understand that this is a new licence so believe that it should be framed by the current Westminster licencing setup and in particular Policy HRS1. This states that Core Hours (the hours within which premises are open for business) end at 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sundays except before a Bank Holiday. We accept that it is unreasonable for us to demand earlier closing times but do request these hours. As it happens the recent adjustments made to the application align us on Mondays to Thursdays so the only point of disagreement is the closing time during weekends.

We agree that a video meeting to discuss any open matters would be helpful. Please let us know when this can be arranged.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 January 2021		

I write as [REDACTED] regarding my concerns pertaining to the potential change of use to the former Villandry site, at 170 Great Portland Street.

REF: 20/11485/LIPN | Premises Licence - New | Pending Decision | 170 Great Portland Street London W1W 5QB

The application referenced above involves a change of use from a brasserie to a sports themed eating and drinking venue. Given the proposed high capacity of the venue, there is potential for a great deal of disturbance to local residents on Great Portland Street and the surrounding area.

There would certainly be a need for orderly closing and dispersals. Would there be security in place to prevent patrons drinking and smoking outside on the street and how would this be managed? I would be interested to know more information regarding the proposed outside space and its management. High levels of disturbance each evening are definitely a cause for concern to those [REDACTED] residing in the area.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		

THIS REPRESENTATION is made by the Marylebone Association, which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.

We are writing on behalf of the local community OBJECTING to the application by Sixes Cricket Limited: 20/11485/LIPN.



IT IS SUBMITTED that as currently worded the application would likely lead to public nuisance in contravention of Policy PN1. Our objection rests on two aspects of the application namely opening hours and the use of tables and chairs outside the premises.

Great Portland Street is an interesting thoroughfare and is the border between Marylebone and Fitzrovia. As is usual in this part of Westminster there is a great mixture of residential and commercial on the street and there are a number of restaurants and pubs along its length, although with a greater concentration at the southern end nearer Oxford Street. At the northern end the street runs off the busy Euston Road but south of Devonshire Street the road is one-way southbound and is not influenced by the bustle. Right opposite 170 is the junction to Weymouth Street which is heavily residential and with a mansion block on the corner directly in front of the premises.

We note that the application is for opening hours from 7:00am closing at 00:30am six days a week and 23:30 on Sundays. This is outside Core Hours as per Policy HRS1. We note that the nearest pub to the north (The Masons Arms 58 Devonshire Street) closes at 23:30 Sunday to Thursday and midnight Friday and Saturday. The nearest pub to the south (Horse & Groom 128 Great Portland) closes 23:30 Monday to Saturday and 23:00 Sunday. We see no good reason why the applicant needs to be open beyond Core Hours. We would also suggest that it is good policy to cease serving alcohol 30 minutes before closing time.

We are concerned about the arrangements outside the premises in Great Portland Street. We are pleased that the applicant understands the need for controlling clients that have left the premises temporarily, but we are unhappy about the lateness of the hours proposed. Condition d8 prohibits taking drinks outside after 21:00. We agree that 21:00 is a sensible time to limit alcohol but if tables and chairs remain usable then there will always be a temptation for clients to flout the conditions. Consequently, we would recommend that conditions d6 and d8 are amended as follows whilst leaving d9 unchanged:

Condition d6. The outside tables and chairs shall be removed or rendered unusable after 21.00 hours.

Condition d8. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Condition d9. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.

We believe that this application, if granted as currently applied for, would be contrary to PN1: The Prevention of Public Nuisance.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		

[REDACTED] seeking a licence.

1. I object to the planned application for extended opening hours. Standard Westminster opening hours would be supported on the basis of strict supervision of external eating and drinking on any outside tables. The company applying for the licence appears to be operating

10.00 to 22.00 on Mondays to Saturdays and from 1000-2000 hours on Sunday at its other London location. There is no obvious reason why this should be different in this case.

2. The maximum number of customers of 240 is a source of potential noise pollution particularly with loud music escaping when doors are opened. I am unable to locate exact details for external dining proposals but the movement of 240 in and out of a relatively small door in itself is a source of noise before considering the issue of external dining. Other local operators eg Starbucks and Caravan have closely managed external noise, cleanliness and serving alcohol since they have been granted permission for external service; the same standards should be applied if the application is successful.

3. A successful business will add value to the area and will be welcomed if it operates in a professional manner sympathetic to the mainly residential area around it.

I would ask please that these points are noted when the application is considered.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 January 2021		

On behalf of many of [REDACTED]  
[REDACTED] I should like to voice some concerns with regard to the licence proposed for 170 Great Portland Street.

I am concerned by the potential for disturbance, noise and antisocial behaviour which might result from the granting of this licence, in its current state.

170 Great Portland Street lies at the axis with Weymouth Street, an entirely residential street. The application cites a capacity of 240 for the premises. This is a significant number of patrons, many of whom will be eating, drinking, coming and going and I believe that there is a pressing need for orderly and timely closing.

Will the venue sell takeaway food and, if so, how will this be regulated and with what restrictions?

I am additionally concerned by patrons eating, drinking and smoking outside the premises. May I request whether strict management protocols have been articulated with regard to this. For example, how many outside tables and chairs are intended in the outside area and how will this area be managed?

I note that, under the current application, alcohol can be served until 12:30am. I am concerned that this is far too late for a residential area and I would like to request that any licence be restricted to usual hours. I believe that, in the case of most off-licences and supermarkets this is 22:00 and, in the case of pubs, this is 23:00.

I would additionally like to request that the sale of alcohol cease 30 minutes before closing to allow for a more orderly and gradual dispersal of patrons.

Please do not hesitate to contact me, if I can clarify anything.

Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 07 January 2021. This application for was applied for on 08 December 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 11 March 2021.

**3. Policy & Guidance**

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

<b>Policy HSR1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and</li> </ol>
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	<p>sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ul style="list-style-type: none"> <li>• Restaurants</li> </ul> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <ul style="list-style-type: none"> <li>• Bars</li> </ul> <p>Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am.  Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RTN1 (A) applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core</li> </ol>

	<p>Hours Policy HRS1.</p> <p>3. The applicant has taken account of the Special Consideration Zones</p> <p>Policy SCZ1 if the premises are located within a designated zone.</p> <p>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <p>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</p> <p>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
<p><b>Policy PB1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</p> <p>3. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated</p>

	<p>zone.</p> <p>4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</p> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</li> <li>2. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

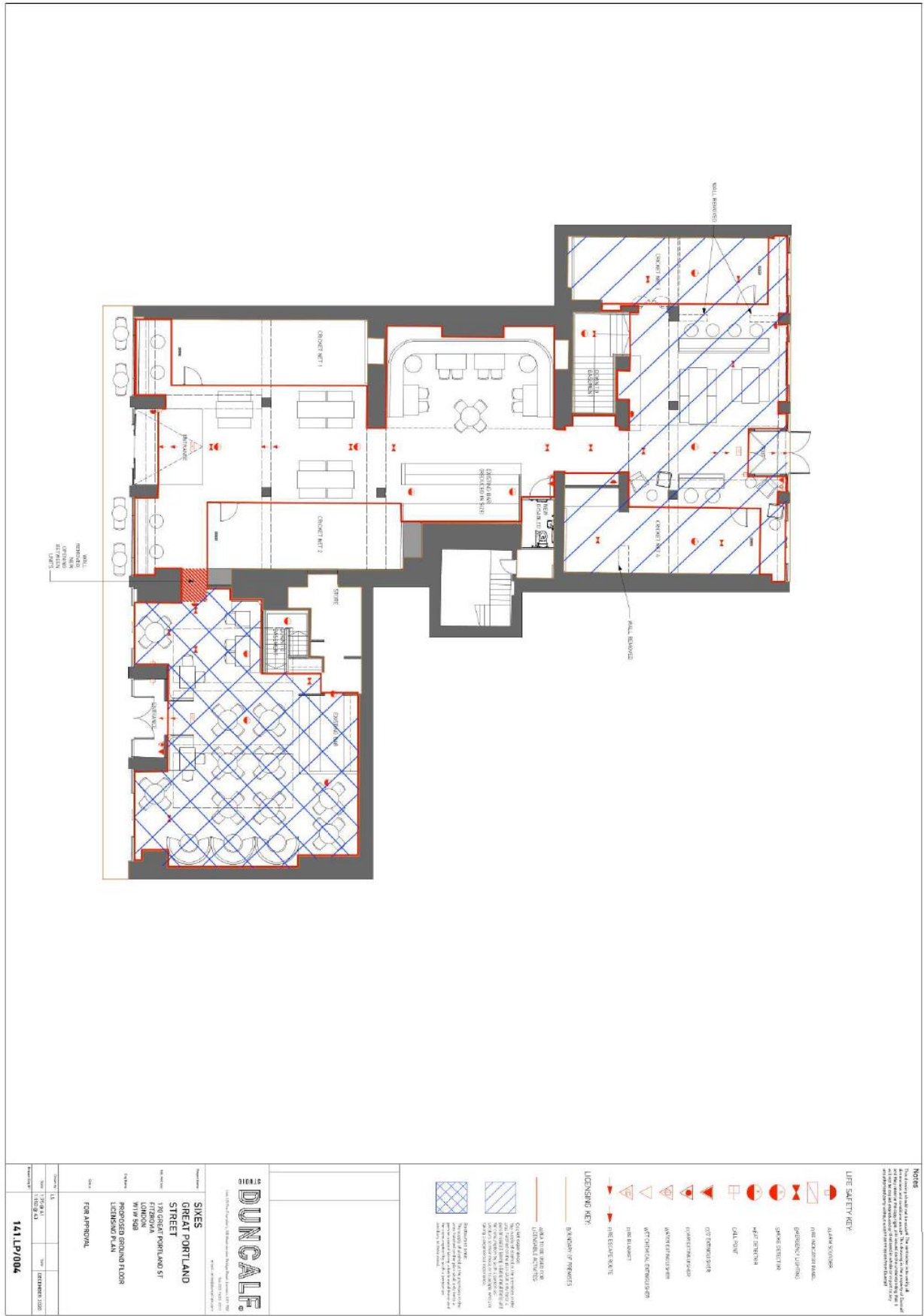
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing premises licence
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

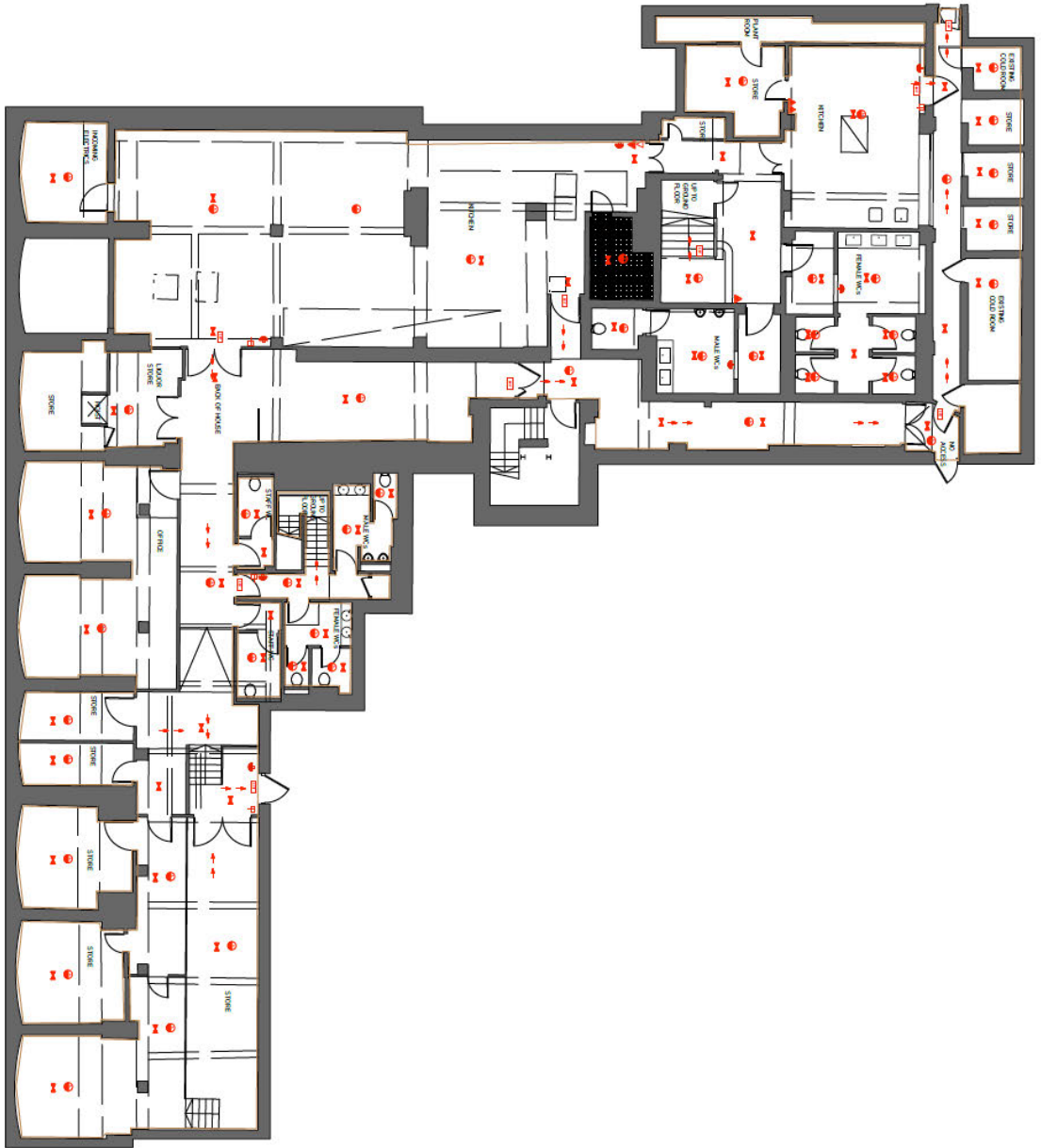
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **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	07 January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service ( <i>Withdrawn 04 January 2021</i> )	22 December 2020
<b>5</b>	Environmental Health Service	04 January 2021
<b>6</b>	Interested Party 1 ( <i>Withdrawn 27 January 2021</i> )	04 January 2021
<b>7</b>	Interested Party 2	04 January 2021
<b>8</b>	Interested Party 3	03 January 2021
<b>9</b>	Interested Party 4	03 January 2021
<b>10</b>	Interested Party 5	04 January 2021
<b>11</b>	Interested Party 6	05 January 2021
<b>12</b>	Interested Party 7	04 January 2021
<b>13</b>	Interested Party 8	04 January 2021
<b>14</b>	Interested Party 9	04 January 2021







**NOTES:** Issuance of this license is based on the information provided in this permit application. The licensee is responsible for maintaining compliance with all applicable codes and regulations. Any changes to the information provided in this application must be submitted to the authority having jurisdiction for approval.

**LIFE SAFETY KEY:**

- ALARM SOUNDS
- HEMISPHERICAL PANEL
- SHOWER ENCLOSURE
- SHOWER ENCLOSURE
- HEAT OR BEHOLD
- CALL POINT
- EXIT SIGN/EXIT
- ROOM DIMENSIONS
- WALL OF GLASS
- WET CHANGING ROOMS
- FIRE ALARMS
- FIRE EXITS
- FIRE EXITS

**LICENSING KEY:**

- BOUNDARY OF PREMISES

**DUNCALF**  
18000 N. DUNCALF BLVD. SUITE 1000 PORTLAND, OR 97228 TEL: 503.281.2000 FAX: 503.281.2001 WWW.DUNCALF.COM

**SIXES  
 GREAT PORTLAND STREET  
 1700 GREAT PORTLAND ST  
 PORTLAND, OR 97228  
 PROPOSED BASEMENT  
 LICENSING PLAN  
 FOR APPROVAL**

DATE	FILED AT	DATE	COMMISSION NO.
11/10/10			

**14.1LP/005**

**General Description of the premises**

The premises have previously been licensed and there is an existing Premises Licence in place; Premise Licence Number 19/02649/LIPN, which has never been utilised by the Premise Licence Holder after it, did not agree a tenancy with the Landlord.

The premises to the left hand side as you look at the building at Great Portland Street will operate as a "Sixes Cricket Simulator". This is a cricket simulator, which the Premise Licence Holder has acquired exclusivity to use from Batfast, a global leader in this sector. This will be the second cricket simulator in London after the opening of Sixes, 18 Farm Lane, Fulham, SW6 1PP by the same operator. The experience is suitable for all ages and abilities and will be available throughout the day and evening. The concept of the premises will be focused on cricket and the area to the right hand side of the premises as you look at it from Great Portland Street will be a cricket themed restaurant where alcohol will only be sold with a table meal as identified by the cross hatched area on the layout plan accompanying the application.

In the area to the left hand side of the premises as you look at it from Great Portland Street alcohol will only be sold to those who will be having a table meal or taking part in the experience to the rear of that side of the premises as identified by the hatched area on the layout plan accompanying the application.

There will also be two cricket nets in the rear and front parts on the left hand side of the premises as you look at it from Great Portland Street and a bar area which will also be cricket themed. Alcohol may be consumed in the bar area and experiential area to the front of the left hand side of the premises by people who are not necessarily eating nor taking part in the experience.

We have had a pre application meeting with Alan Lynagh and Ian Watson on 4th November 2020 as a result of which the proposed conditions have been put forward and indicative capacities for areas where alcohol may be sold without a meal or those taking part in the experience were provided to the applicant.

We have been advised that the potential safe capacity that could have been accommodated under the Premises Licence, which is in existence, for the area cross-hatched on the plan attached to the existing Premises Licence, which could operate as a bar until 2300 was approximately 200 people. The number of people who could be accommodated in the areas, which are not shaded on the plans deposited with this application, would be approximately 160.

## **Mediation email from applicant to interested parties**

Dear Objector,

We have seen a copy of your representation, and we hope you don't mind us asking the Licensing Authority to send you this email which explains what our client is proposing at 170 Great Portland Street.

### **The Proposal – underlined**

As one looks at the building to the left hand side, it is proposed that there will be a “Sixes Cricket simulator” at both the front and the back of the building. This is a cricket simulator which the applicant for the Premises Licence has acquired exclusivity to use from Batfast, a global leader in virtual experiences. There will be two nets at the front, and two at the back, with a bar in between the two.

This will be the second cricket simulator in London after the applicant opened its first Sixes at 18 Farm Lane, Fulham, SW6 1PP (a pub previously known as the Lazy Fox).

A link to the website for Sixes, at Fulham is attached below:

[www.sixescricket.com](http://www.sixescricket.com)

The experience is suitable for all ages and abilities, and will be provided both throughout the day and the evening,

Also attached below is a link to a short YouTube video on the experience itself:

<https://www.youtube.com/watch?v=UenzrRJ1rDE>

As a consequence of what is planned in terms of the experience, the concept and design of the premises will be focused upon cricket, and the area to the right hand side of the premises as you look at it from Great Portland Street will be a cricket themed restaurant, where alcohol will only be sold with a table meal.

Coming back to the left hand side of the building as you look at it, alcohol will only be sold in the area to the rear of the premises as you look at it to the left hand side, to those people who are having a table meal there or, more likely, who are taking part in the experience.

To assist, we are attaching a copy of the plan which accompanied the application, and the conditions offered in the application.

The area which is shown cross hatched to the right hand side is the restaurant area where alcohol will only be served with a meal, and the area hatched to left hand side rear of the premises is the area where alcohol will only be sold with a meal or to those persons taking part in the experience.

### **Existing Premises Licence**

These premises currently have the benefit of an existing Premises Licence, Premises Licence number 19/02649/LIPN, a copy of which is attached to this email.

A meeting was held with Westminster City Council prior to issuing the application, so that conditions could be agreed and put forward by the officers from Westminster City Council.

We have been advised that the areas to the middle and front of the left hand side of 170 Great Portland Street, as you look at them, could accommodate up to 160 people as a maximum, but

in all likelihood it would be less than that, with the layout and the two cricket nets in the front portion, being the areas where people may be able to have a drink without necessarily having a meal or taking part in the experience. Under the existing licence which is in place, in the front area to the left hand side of the building which could operate as a bar until 23:00, could have accommodated up to 200 people in that area we were advised by Westminster City Council.

We hope that the above gives you some background to what is proposed.

Turning to specific issues which have been raised:

#### Location

Our client has specifically chosen this location because of the ease in which Lords can be reached, and its proximity to Lords Cricket Ground.

Our client has also run Mac & Wild, 65 Great Titchfield Street, Fitzrovia, W1W 7PS successfully for 6 years, and so knows the area, the demographics and the potential clientele very well.

#### The number of people who can be accommodated

The maximum safe capacity will be agreed with Westminster City Council before the premises open, but we would anticipate it would be no more than 240 on the left hand side, and with the existing tables and chairs layout in the restaurant, no more than 80 to the right hand side of the premises as you look at it.

#### The applicant for the Premises Licence

The application is made by Sixes Cricket Limited, but this is a further venture which is run by the same people who are behind the Mac & Wild operation at 65 Great Titchfield Street, Fitzrovia, W1W 7PS and Mac & Wild and Smoky Barrels at 9a at Devonshire Square, EC2M 4YM.

#### Hours for the sale of alcohol and opening

The application has been for the sale of alcohol for core hours of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 Sunday, with opening from 07:00 to 00:30 Monday to Saturday and 07:00 to 23:00 Sunday, which are the opening hours which are on the existing Premises Licence, and so mirror those hours.

Our client is happy to modify those hours to work with yourselves to the sale of alcohol ceasing at 23:00 Monday to Thursday, closing at 23:30, Friday and Saturday alcohol sales ending at midnight, closing at 00:30 (as per the current licence) and Sundays sale of alcohol at 22:30, closing at 23:00 (as per the current Premises Licence).

Our client would like to open the premises from 07:00, but alcohol sales will only start from 10:00 Monday to Saturday, and midday on Sundays. It is important that they can open earlier, because people will want to take part on the cricket experience without necessarily having a drink.

#### The outside area to the premises

My client is proposing to have a maximum of 8 tables and 32 chairs outside, with the sale of alcohol only being by way of waiter / waitress service to those tables, and only people who are sat down at tables being allowed to consume alcohol.

As has been suggested by those making representations, our client is happy to bring those tables and chairs in at 22:00. The application had included a condition that the tables and chairs would be brought in by 23:00, but our client is happy to modify that to 22:00, after which time the

only people who will be allowed outside will be those who may wish to go outside to smoke, and they will not be allowed to take drinks or glass containers out with them, see later.

#### The hours at Sixes, Fulham

The hours at Sixes, Fulham were restricted to 22:00, as has been indicated in at least one representation, because at that time the premises were subject to a curfew under the COVID Regulations.

However, the premises at Fulham are in fact licensed to sell alcohol until midnight Monday to Saturday, closing 30 minutes thereafter, and 23:30 on a Sunday, again closing 30 minutes thereafter. That site is likely to stay open later than this one because of the permission which currently exists on the Premises Licence.

#### Drinking up time

It is the proposal that there would be a 30 minute drinking up time to allow orderly dispersal.

#### Off-sales of alcohol

There will be no sale of alcohol for consumption off the premises, other than by way of waiter / waitress to those people who are sat on the tables and chairs outside, and even then only until those tables and chairs are brought in at 22:00.

We are happy to amend the application so that no person would be permitted to leave the premises with any glassware, as opposed to it only being after 21:00 because, as explained earlier, any person sat outside will be served alcohol by way of waiter or waitresses.

We would therefore propose to amend condition 3 under "Prevention of Crime and Disorder" so that sales of alcohol for consumption off the premises will only be to persons seated in the designated area to the front of the premises, and by way of waiter / waitress service. This condition will now read as follows:

"All sales of alcohol for consumption off the premises shall only be to persons seated at the designated external seating area to the front of the premises on Great Portland Street within the area marked in green on the plan accompanying the application. External tables and chairs may be subject to being appropriately authorised for the use of tables and chairs on the highway".

Condition 4 will be amended to read as follows:

"There shall be no sales of alcohol for consumption off the premises other than as outlined above in condition 3".

Condition 6 under the heading "Prevention of Public Nuisance" will be amended as follows:

"The outside tables and chairs shall be removed or rendered unusable after 22:00".

Condition 8 under the heading "Prevention of Public Nuisance" will be reworded as follows:

"No customers will be permitted to leave and re-enter the premises, for example to smoke who have drinks or glass containers with them".

#### The use of the outside area

We have dealt with this above, and confirm that the number of tables and chairs in the area shown on the plan will be a maximum of 8 tables and 32 chairs, which will not be used after 22:00 and the area will be cordoned off from the pavement.

The playing of music

There is no application to play either live or recorded music and, therefore, this will not be a prominent feature of trade.

Takeaway food

Takeaway food will only be provided by way of a delivery service.

Condition 6 under the heading "Prevention of Crime and Disorder" will be amended as follows:

The only sale of hot food or hot drink for consumption off the premises after 23:00 will be by way of delivery to someone's home or business".

Our client and ourselves would be more than happy to discuss these proposals further with you by way of a Zoom or a Teams call, and if you could indicate to us within the next 3 or 4 days whether you would be willing to take part in such a call, we would need you to provide your email address to us so that we can then invite you to a Zoom or Teams call, but this may help if you could actually meet the proposed applicant and operator face to face so to speak.

We look forward to hearing from you.

Yours sincerely

Jonathan

**From:** Jonathan Smith  
**To:** Donovan, Jessica: WCC  
**Cc:** Angie Gardner  
**Subject:** 20/11485/LIPN-Sixes, 170 Great Portland Street, London, W1W 5QB  
**Date:** 02 March 2021 10:19:21  
**Attachments:** Sixes GPS Overview.pdf  
Pre App 170 Gt Portland St W1 2020.doc

Jessica,

In preparation for the hearing, I am attaching the following which we may want to rely upon next week:

1. Link to the website for Sixes in Fulham - <https://www.sixescricket.com>;
2. Link to a YouTube clip about Sixes - <https://www.youtube.com/watch?v=UenztRJ1rDE>;
3. Overview of the building (effectively an aerial shot with the roof lifted off);
4. Pre-application Consultation Report.

Could you please confirm that you will be able to share items 1 and 2 above, since they are links to a website and a YouTube clip.

Yours sincerely

**Jonathan**

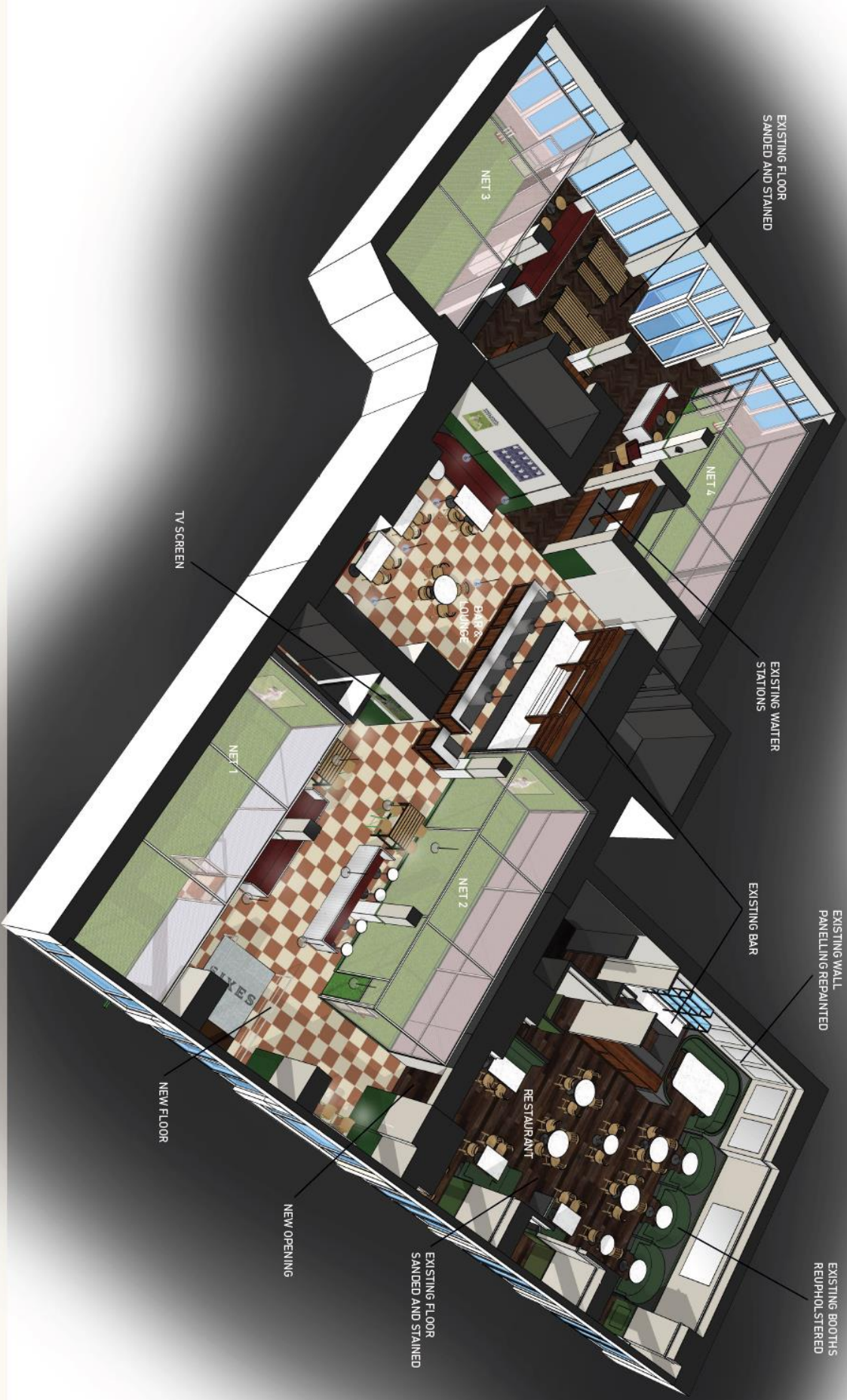
Jonathan Smith |Partner

**Poppleston Allen**

E:J.Smith@popall.co.uk | T:0115 9487 404 |M:07768 845 695 |W:www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

# OVERVIEW





Trading name of business and Address:  170 Great Portland Street, W1W 5QB  Reference Number if Applicable: 20/09479/PREAPM		
Licence: Yes 19/06887/LIPVM	Applicant/Solicitor: Jonathan Smith Poppleston Allen	CIA Area: No
Existing Type of Business: Bar/Restaurant  Current Licensed Areas: Ground Floor and Basement.  Current Activities: Late Night Refreshment and Sale by Retail of Alcohol.  Current Alcohol Hours: Monday to Thursday 10.00 to 23.30 hours Friday and Saturday 10.00 to 00.00 hours and Sunday 12.00 to 22.30 hours.		
<p><b>Pre application advice purpose:</b> To assess the premises with regard to a new or variation application being made to address a change of layout and conditions. The hours for licensable activities will remain the same.</p> <p><b>Background to application:</b> The premises are not currently trading due to the operating company going into liquidation. A premises licence was previously held 18/03468/LIPDPS which was not transferred by the administrators and therefore lapsed. A new premises licence was granted in 2019 19/02649/LIPN but the premises have never traded this licence. A proposed operator will seek to transfer this licence and trade as a sports related venue with a restaurant and bar.</p> <p><b>Issues discussed and actions taken:</b></p> <p>Meeting carried out by Ian Watson (Environmental Health – EH) and Alan Lynagh (District Surveyor – DS) to fully assess the premises in relation to Public Safety and Prevention of Public Nuisance. Outline plans looked at of the proposed arrangements. The findings are detailed below.</p> <p><b><u>District Surveyor Comments</u></b></p> <p><b>Means of Escape (Historic)</b></p> <p>The current layout has three exit routes as detailed below:</p> <ul style="list-style-type: none"> <li>• Main front exit 1500mm (capacity of 300)</li> </ul>		

- Front alternative exit 1400mm (280)
- Rear alternative exit 1700mm (340)

Discounting the largest exit the current 'Villandry' capacity is 580 persons.

The basement means of escape would also be acceptable for a dedicated capacity in excess of 200 persons at this level if the basement is to be used for public accommodation.

### Floor Space Factors (Proposed Use Sixes)

The table below details the maximum achievable capacity based on the proposed layout and allowing for the maximum use of these areas:

Area	Overall Public area M <sup>2</sup> (approx)	Capacity At 0.3M <sup>2</sup> per person (live music/ bar)	Capacity at 0.5 At 0.5M <sup>2</sup> per person (cocktail/ dancing)	Banquette style seating at 0.45m per person	Loose Seating/Nets	Max operational capacity
Main Gaming Area	350	14 ÷ 0.3 = 46	70 ÷ 0.5 = 140	30 ÷ 0.45 = 66	54	306
Main Dining Area	120	N/A	85 ÷ 0.5 = 170	12.4 ÷ 0.45 = 26	N/A	196

**NB: If any of the available floor space as detailed in this strategy is reduced then the recommended figures will need to be recalculated and this will need to be reflected within this strategy**

This will allow for a maximum capacity overall of 502, which is under the limitations based on means of escape so deemed adequate. If the plans change this figure will need to be reassessed.

### Additional District Surveyor's Comments

- All fire doors protecting exit routes should be provided with intumescent strips and smoke seals and comply with the relevant provisions of Table B1 of Approved Document B.
- Every escape route (other than those in ordinary use) should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.
- Suitable primary and secondary lighting should be provided throughout and this should include the net game areas
- A cause and effect for the fire alarm system should be produced for consideration and this should include suitable cut offs of the music and other entertainment systems.

- A suitable risk assessment will need to be provided for consideration covering the proposed cricket activity at the premises and the mitigation of the risks to public/staff.

### **General Fire/Public Safety Considerations**

We would recommend the proposed fire/public strategy for the building licence considers the points detailed below:

- Level of fire alarm detection to be considered and it is recommended that system is in line with BS 5839 Part 1 2002 Category L2 protection to allow maximum flexibility with capacity calculations.
- All protected exit routes to be provided with 30 minutes fire separation to other parts of the premises. The existing areas of penetration to other floors should be appropriately fire stopped/rated.
- All Fire doors protecting escape routes will be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of Approved Document B.
- Every escape route (other than those in ordinary use) will be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.
- Full details of the emergency lighting scheme should be provided and we would expect the system to be in line with BS5266.
- Lighting to all public areas should be under management control.

### **Disabled Evacuation**

The operator will need to set out a method statement covering the disabled evacuation for the premises and the use of any evacuation chairs as required.

We have detailed below some advisory notes on disabled evacuation from the RRO guidance to assist as it may be possible to use certain lifts in an emergency under management control.

Below are a number of paragraphs lifted from guidance documents, which may be useful for consideration when establishing a robust Disabled Evacuation Plan.

#### **BS 8300 - 8.3.4 Lifts for emergency evacuation**

Lifts that are provided to evacuate disabled people in an emergency, whether fire-fighting lifts or evacuation lifts, should conform to the relevant recommendations in BS 9999.

NOTE 1: Lifts can be used to assist in the evacuation of disabled building users if they are encased within a fire-protected shaft and have their own independent electrical supply, control panel and other features described in BS 9999.

NOTE 2: Lifts not designed for evacuation can be used for evacuation in certain circumstances,

provided a fire risk assessment has evaluated that the lift is able to function as an evacuation lift (see BS 9999).

NOTE 3: Guidance on fire safety risk assessments for a variety of building types is available from the Department for Communities and Local Government.

NOTE 4: BS 9999 refers to BS EN 81-72 for fire-fighting lifts.

### **HM Government Fire Risk Assessment-Theatres, Cinemas and similar premises document**

If disabled people are going to be in your premises then you must also provide a safe means for them to leave if there is a fire. You and your staff should be aware that disabled people may not react, or can react differently, to a fire warning or a fire. You should give similar consideration to others with special needs such as parents with young children or the elderly.

Where staged alarms are being used, disabled people should be alerted on the first stage to give them the maximum time to escape or move to a refuge, and to implement evacuation procedures involving your staff. If you have well-protected refuges and appropriate management procedures, you may wish to delay the evacuation of non-ambulant people from certain areas until after the able bodied have left since the total evacuation time may be reduced if the disabled people are likely to impede the speed of the able bodied evacuees.

A refuge is a place of reasonable safety in which disabled people can wait either for an evacuation lift or for assistance up or down stairs. Disabled people should not be left alone in a refuge area whilst waiting for assistance with evacuation from the building. Depending on the design and fire resistance of other elements, a refuge could be a lobby, corridor, part of a public area or stairway, or an open space such as a balcony or similar place, which is sufficiently protected (or remote) from any fire risk and provided with its own means of escape and a means of communication.

Normal lifts may be considered suitable for fire evacuation purposes, subject to an adequate fire risk assessment and development of a suitable fire safety strategy by a competent person.

Enough escape routes should always be available for use by disabled people. This does not mean that every exit will need to be adapted. Staff should be aware of routes suitable for disabled people so that they can direct and help people accordingly.

### **General points for Consideration**

#### **Doors**

To clarify the width of a doorway on the means of escape routes is the clear width measured between the leaves (or, if a single door, the leaf and the frame or doorstep) of the doors when open at right angles to the frame. Door hardware may be ignored if the door opens more than 90 degrees to the frame. Doorways should be not less than 2060mm high except that the height may be reduced to 1960mm in existing buildings. Curtains or drapes should never be hung across doors or escape routes within any of the licensable areas as this could impede any evacuation.

#### **Double Swing Doors and Doors Across Corridors**

Double swing doors, doors across corridors and doors that may cause an obstruction should be fitted

with safety glass vision panels with zones of visibility between 500mm and 1500mm from the floor. Fire resisting safety glass panels should be fitted in fire doors to the same level of fire resistance as the door itself.

### **Thresholds**

No door should open immediately over or onto a step. A single step on the line of a doorway is not acceptable. A landing at least as wide as the door and at least as long as the width of the door plus 400mm, should be provided between the door and the first step of any stair.

There should be no upstand or threshold bar across any doorway or escape route, other than a chamfered weather bar or threshold seal for sound insulation protruding a maximum of 6mm and arranged so as not to cause a trip hazard.

### **Door fastenings**

All exit doors should be free from fastenings when public, entertainers or staff are present or have fastenings that may be readily opened in emergency without using both hands or a key to open the door.

Note 1: This does not preclude the use of a key to open the door from the outside.

Note 2: Any removable devices, such as locks, bolts, chains or padlocks, used to improve security must be removed before the premises are occupied. A door alarm system is preferable to removable security devices where possible.

Where there may be more than 60 people, any fastenings on doors should be panic bolts or panic latches operated by push bars complying with *BS EN 1125*.

If a room holds less than 60 people, push pads or lever handles complying with *BS EN 179* are acceptable. The use of latches operated by lever handles should be avoided in public areas. Round knobs should not be used as they could be difficult to operate.

Any door furniture should be fitted between 800mm and 1200mm above floor level and should provide visual contrast with the surface of the doors. To avoid confusion push plates should usually be fitted for pushing doors and handles to pull doors.

### **Lighting**

The premises should have an adequate supply of both normal and emergency and each system should be sufficient to enable the public, performers and staff to see their way to move around the premises safely and to escape from the premises.

Adequate emergency lighting in addition to sufficient normal lighting should be provided so that all parts of the premises including toilets and internal and external exit routes leading to the street are illuminated. All emergency lighting should comply with BS 5266: Parts, 1, 7 & 8.

Both supplies of lighting should be independently capable of providing the recommended minimum illuminance. However, whilst both normal and emergency supplies are functioning properly, either or both supplies may operate at a reduced level so long as the minimum recommended illuminance is provided. In the event of the failure of either supply the remaining supply should be automatically

restored to full illuminance.

The lighting and emergency lighting circuits should not normally be switched off by the operation of any RCD. The lighting should be operated by an automatic switching system or remain on when the public are present. Light switches should preferably not be installed in public areas such as the event space but if so installed should be key-operated or otherwise protected from unauthorised operation.

Maintained emergency lighting (that is operating whenever the premises are occupied) should be installed where the normal lighting may be dimmed. Where non-maintained emergency lighting is installed, it should come into operation on the failure of the local normal lighting circuit forming part of the normal lighting.

Lighting fittings should be fixed at least 2100mm above floor level or pitch line of stairs. Suspended fittings, other than small lamp pendants, should be provided with suitable means of suspension independent of the electric cable. Heavy fittings should be rigidly fixed or be provided with two non-combustible independent means of suspension.

### **Communication**

Adequate communication is needed throughout the premises. Where noise levels are loud communications systems such as a public address system may be needed especially in emergency as there are emergencies where the fire system does not suffice. Consideration should be given to the type and style of operation proposed and the type of entertainment available as this will help inform any decisions made regarding communication systems. In some circumstances a duty manager, equipped with two-way communication with designated members of staff is sufficient.

### **Exit Signage**

All exit routes should be suitably signed and particular attention is drawn to the need for signage throughout the large floor spaces and to the external terrace exit route.

### **Protected Exit Routes**

All protected exit routes should be provided with 30 minutes fire separation to other parts of the premises or as detailed in the Fire Strategy.

All Fire doors protecting escape routes should be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.

Every escape route (other than those in ordinary use) should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4

In addition, the normal works condition and plans change condition should be attached to the application.

The above list is not exhaustive but details some of the key considerations for the proposed use of the space. It is also advised that a final clearance inspection should take place prior to any use under the licence.

### **Licensing Policy:**

The premises are not located within any recognised cumulative impact area therefore subject to

conditions addressing the licensing objectives applications will generally be granted, policy PB1 and RNT1. Although the premises will operate as a themed entertainment led operation.

The proposed hours/activities of operation are not changing.

The premises are located on the ground and basement floors with a small outside area to both streets that can be used with tables and chairs. It was advised that the Bolsover Street entrance/exit will only be used as an emergency exit. Any tables and chairs will only utilise the Great Portland Street side, this should address any concerns of noise or nuisance from residents in Bolsover Street.

It is advisable to include any outside area under the ownership/lease of the premises within the boundary of the premises (red line) when the licensing plans are submitted.

The existing licence currently conditions areas within the premises that must operate as a restaurant at all times and after 23.00 hours as a restaurant in a different area. There is a proposal to vary/remove these areas/conditions and still maintain a restaurant use.

It would be advisable to calculate the current capacity of the hatched and cross-hatched areas and compare this capacity to the proposed restaurant area.

The proposed activity of indoor cricket along with the current hours would not generally attract a representation from Environmental Health unless residents had concerns that needed further consideration/conditions.

### **Public Toilet Provision**

The current layout shows two sets of public toilets located within the basement. Whilst the premises licence did not have a stated capacity this provision would have supported an overall capacity of approximately 600 persons.

Separate staff toilets should be provided.

It is advised that the operating capacity of the proposed use will be substantially smaller than that currently permitted.

### **Licensing Position:**

There will be no change to the current hours or activities just a change of conditions to reflect the proposed use and re-model the layout to move the restaurant area. The licensable hours on the premises licence are core hours and therefore the use of a bar area for either people participating in the cricket activity or for general use by the public who may wish to view the cricket memorabilia would not cause us a concern.

With the proposal that two of the cricket areas would be on the Bolsover Street side the entrance/exit on this side would only be for emergency use. This would enable the premises to better supervise their clientele who either have pre-booked a cricket area, the restaurant or want general use of the bar.

The conditions proposed are

- 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.
- A waiter/waitress service shall be provided to all licensed areas.
- The supply of alcohol at the premises in the area hatched on the plan shall only be to a

person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

- 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 or proof of age card with the PASS Hologram.
- 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.
- 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 premise 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.
- All sales of alcohol for consumption off the premises shall either be in sealed containers, or to persons seated at the designated external seating area. External tables and chairs may be subject to being appropriately authorised for the use of tables and chairs on the highway.
- There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
- 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.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- The outside tables and chairs shall be removed or rendered unusable after 23.00 hours.
- 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.
- After 21.00 hours patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- The premises licence holder shall ensure that any patrons drinking and/or smoking outside



the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.

- After 21.00 hours all customers shall only be permitted to enter or leave the premises via Great Portland Street except in an emergency.
- 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
- There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 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.
- 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.
- No deliveries to the premises shall take place between 17.00 and 08.00 hours on the following day.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 17.00 and 08.00 hours on the following day.

- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 08.00 hours on the following day.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
- No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. Such capacity shall not exceed 580 persons.
- Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

#### Considerations

To reduce concerns from residents in Bolsover Street it may be advisable to propose/support conditions that do not allow any activity associated with the premises on Bolsover Street. This may also restrict the use of the entrance/exit door leading to Bolsover Street to emergency use only.

If the premises proposes any delivery service the following condition may be considered.

- Delivery drivers will be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles.

If concerns are raised by other parties, then consideration can be had for a minimum number of seats to be provided to minimise vertical drinking. A smoking area could be considered if raised by residents. Doors to be maintained closed on the Bolsover St side of the building at all times except for immediate access/egress and the tables and chairs on this side not used.

#### Conclusions

The location of the premises within a mix of commercial and residential properties can give rise to nuisance if not appropriately conditioned and addressed by the operator. Consideration should also be given to limiting the use of the external area to persons seated with a last hour of no later than 23.00 hours.

The proposed hours of core hours should not raise any concerns with residents provided some

assurance is given concerning the use of the Bolsover Street entrance and paving area. Whilst no overall ancillary condition has been proposed in relation to the premises operating as Sixes it may be advisable to have conditions requiring some pre-booking, seating in the bar area as well as a dedicated restaurant.

The operating capacity will be a reduction on the maximum capacity that the premises could safely accommodate, and this will be determined on final inspection.

The proposed conditions address both public safety and prevention of public nuisance and amount to a greater level of control than the current conditions. Conditions have also been proposed to address police concerns.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

**Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.**



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

Schedule 12  
Part A

**WARD: Marylebone  
High Street  
UPRN: 100023466659**

**Premises licence**

Regulation 33, 34

**Premises licence  
number:**

19/02649/LIPN

**Original Reference:**

19/06887/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

170 Great Portland Street  
London  
W1W 5QB

**Telephone Number:** Not supplied

**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 Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00  
  
Sale by Retail of Alcohol  
Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

**The opening hours of the premises:**

Monday to Saturday: 07:00 to 00:30  
Sunday: 07:00 to 23:00

**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:**

Aqua Brit Ltd  
30 Argyll Street  
London  
W1F 7EB

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

08123726

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

**Name:** To be Confirmed

**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: To be confirmed  
Licensing Authority: To be confirmed

**Date:** 16 January 2020

**This licence has been authorised by Michelle Steward 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.

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**

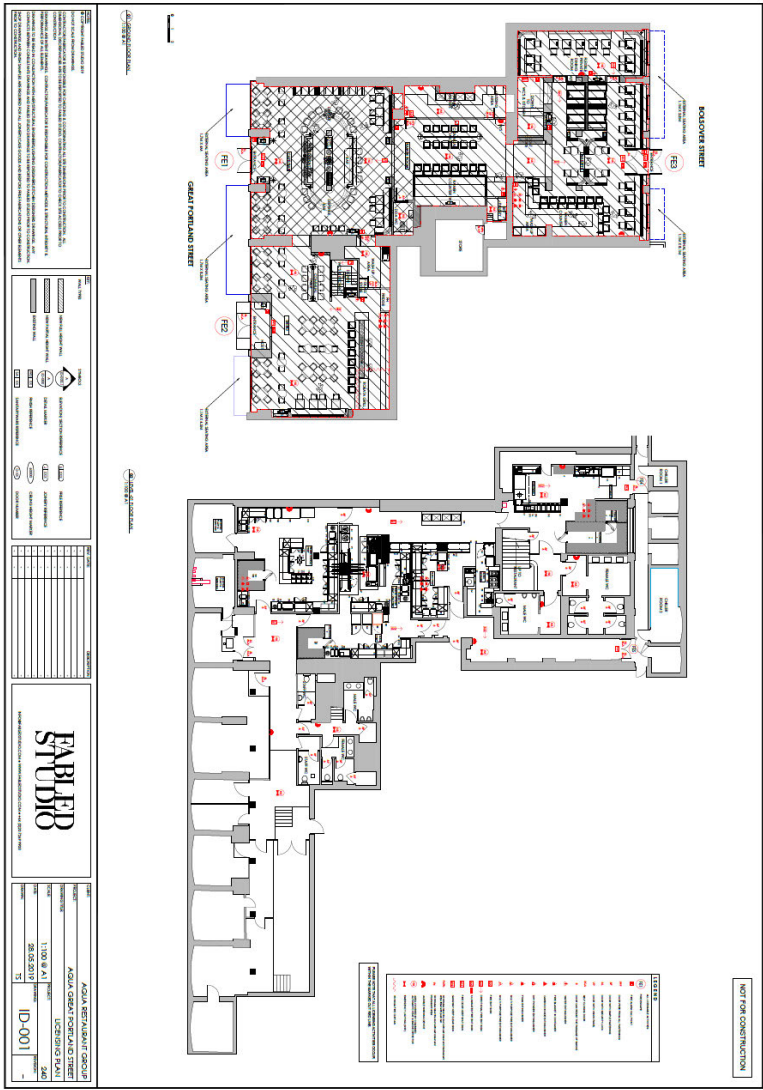
None

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

9. 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.
10. All sales of alcohol for consumption off the premises shall either be in sealed containers, or to persons seated at the designated external seating area(s) subject to them being appropriately authorised for the use of tables and chairs on the highway.
11. There shall be no sales of alcohol for consumption off the premises after 22:00.
12. 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.
13. 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. 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.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 17.00 and 08.00 on the following day.
17. No deliveries to the premises shall take place between 17.00 and 08.00 on the following day.
18. 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.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 08.00 hours on the following day.
21. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

22. 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.
23. 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.
24. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
26. All outside tables and chairs shall be rendered unusable or removed by 22:00 each day.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
28. After 22:30 customers shall only be permitted to enter or leave the premises via Great Portland Street.
29. Delivery drivers will be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licensed premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles.
30. The supply of alcohol at the premises in the areas hatched on the plan shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
31. From 23.00, the supply of alcohol at the premises in the area cross hatched on the plan shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Annex 4 – Plans





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

Schedule 12  
Part B

Premises licence  
summary

WARD: Marylebone  
High Street  
UPRN: 100023466659

Regulation 33, 34

Premises licence  
number:

19/02649/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

170 Great Portland Street  
London  
W1W 5QB

**Telephone Number:** Not supplied

**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 Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 23:00 – 00:00

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 12:00 – 00:00

**The opening hours of the premises:**

Monday to Saturday: 07:00 to 00:30

Sunday: 07:00 to 23:00

**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.

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

Aqua Brit Ltd  
30 Argyll Street  
London  
W1F 7EB

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

08123726

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

Name: To be confirmed

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

Restricted

**Date:** 16 January 2020

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

**Premises History****Appendix 4**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10970/LIPC	Conversion Application	06.10.2005	Granted Under Delegated Authority
06/06438/LIPV	Variation application	04.09.2006	Granted Under Delegated Authority
07/06774/LIPDPS	Application to Vary the Designated Premises Supervisor	23.08.2007	Granted Under Delegated Authority
06/09617/WCCMAP	Master Licence	23.08.2007	Granted Under Delegated Authority
08/05981/LIPDPS	Application to Vary the Designated Premises Supervisor	06.08.2008	Granted Under Delegated Authority
11/07026/LIPDPS	Application to Vary the Designated Premises Supervisor	27.07.2011	Granted Under Delegated Authority
12/11191/LIPVM	Minor Variation application	10.01.2013	Refused
13/00691/LIPVM	Minor Variation application	27.02.2013	Granted Under Delegated Authority
13/07116/LIPDPS	Application to Vary the Designated Premises Supervisor	15.10.2013	Granted Under Delegated Authority
17/03011/LIPDPS	Application to Vary the Designated Premises Supervisor	29.06.2017	Granted Under Delegated Authority
18/03468/LIPDPS	Application to Vary the Designated Premises Supervisor	18.05.2018 (Lapsed 11.05.2020)	Granted Under Delegated Authority
19/02649/LIPN	New premises licence application	02.05.2019	Granted by Licensing Sub-Committee
19/06887/LIPVM	Minor Variation application	26.06.2019	Granted Under Delegated Authority
20/09479/PREAPM	Pre-Application Advice	23.11.2020	

**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.

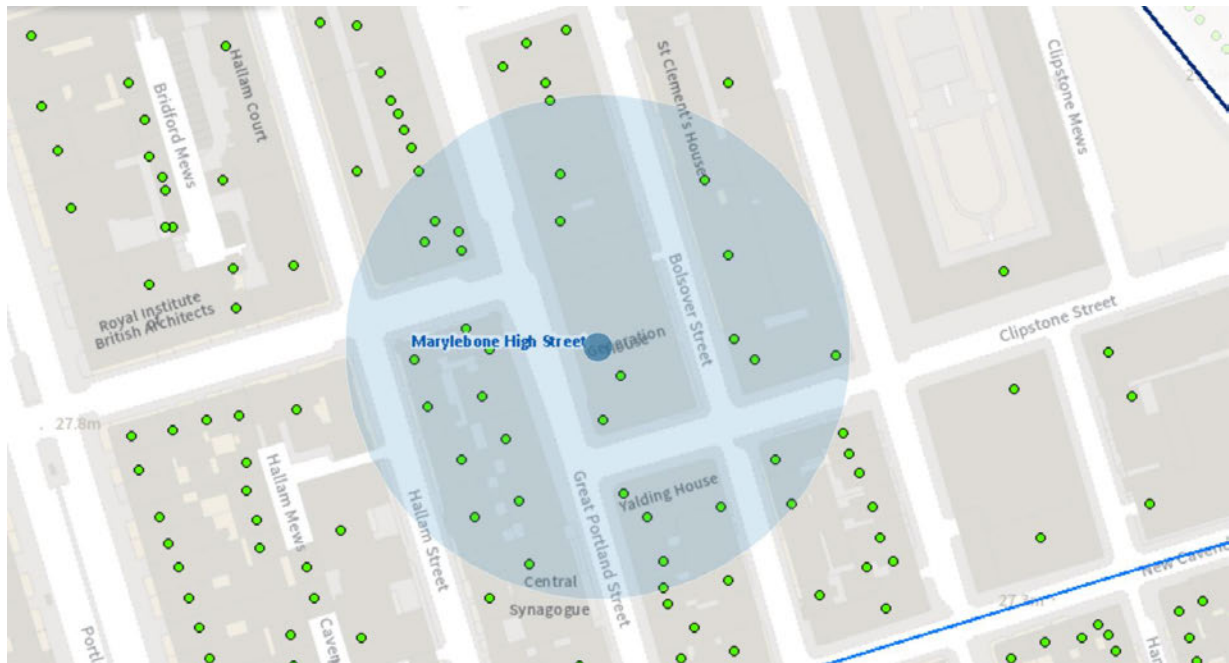
- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic 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. Hatched area (cricket experience area)
  - a. The supply of alcohol at the premises in the area hatched on the plan shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, or to people who are taking part in an experiential experience.
10. Cross Hatched area (restaurant area)
  - b. The supply of alcohol at the premises in the area cross hatched on the plan shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. 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.
12. 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 premise 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.
13. All sales of alcohol for consumption off the premises shall only be to persons seated at the designated external seating area to the front of the premises on Great Portland Street within the area marked in green on the plan accompanying the application. External tables and chairs may be subject to being appropriately authorised for the use of tables and chairs on the highway”.
14. There shall be no sales of alcohol for consumption off the premises other than as outlined above in condition 3.
15. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
16. The only sale of hot food or hot drink for consumption off the premises after 23:00 will be by way of delivery to someone’s home or business”.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

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. 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.
21. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
22. The doors to the rear of the premises leading onto Bolsover Street will not be used by members of the public to access or exit the premises except in the event of an emergency.
23. 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.
24. A waiter/waitress service shall be provided to all licensed areas.
25. 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.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. The outside tables and chairs shall be removed or rendered unusable after 22:00.
28. 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.
29. No customers will be permitted to leave and re-enter the premises, for example to smoke who have drinks or glass containers with them.
30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
31. No deliveries to the premises shall take place between 17.00 and 08.00 hours on the following day.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place between 17.00 and 08.00 hours on the following day.
33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 17.00 hours and 08.00 hours on the following day.
34. 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.

35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
36. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
37. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. Such capacity shall not exceed 580 persons.
38. 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 or proof of age card with the PASS Hologram.



Resident Count: 37

<b>Licensed premises within 75 Metres of 170 Great Portland Street, London, W1W 5QB</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/11168/PREAPM	Not Recorded	170 Great Portland Street London W1W 5QB	Not Recorded	
19/06887/LIPVM	Not Recorded	170 Great Portland Street London W1W 5QB	Restaurant	Monday; 07:00 - 00:30   Tuesday; 07:00 - 00:30   Wednesday; 07:00 - 00:30   Thursday; 07:00 - 00:30   Friday; 07:00 - 00:30   Saturday; 07:00 - 00:30   Sunday; 07:00 - 23:00
18/03255/LIPT	Nicolas	157 Great Portland Street London W1W 6QR	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

19/12891/LIPVM	Caravan	Yalding House 152 - 156 Great Portland Street London W1W 6QA	Restaurant	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
18/05567/LIPT	The Grange Fitzrovia Hotel	20-28 Bolsover Street London W1W 5NB	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
15/02920/LIPDPS	Bolsover Street Youth Hostel	104-108 Bolsover Street London W1W 5LP	Clubhouse	Monday to Sunday; 00:00 - 00:00
16/04952/LIPDPS	Clipstone Restaurant	Basement Rear And Ground Floor West Bolsover House 5-6 Clipstone Street London W1W 6BB	Restaurant	Friday to Saturday; 07:00 - 00:00   Sunday to Thursday; 07:00 - 23:00
17/07671/LIPDPS	The Lucky Pig	Basement Bolsover House 5-6 Clipstone Street London W1W 6BB	Wine bar	Monday to Wednesday; 10:00 - 00:00   Thursday; 10:00 - 01:30   Friday to Saturday; 10:00 - 03:30   Sunday; 12:00 - 23:00
20/01515/LIPDPS	Nandos	190 Great Portland Street London W1W 5QZ	Restaurant	Monday to Saturday; 11:00 - 23:30   Sunday; 11:00 - 22:30   New Year's Eve; 11:00 - 02:30

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Item No:	
Date:	11 March 2021
Licensing Ref No:	20/11553/LIPN - New Premises Licence
Title of Report:	Theatre Cafe Basement to Ground Floor 99 St Martin's Lane London WC2N 4AZ
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>						
<b>1-A</b>	<b>Applicant and premises</b>						
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003						
<b>Application received date:</b>	9 December 2020						
<b>Applicant:</b>	The Theatre Cafe Ltd						
<b>Premises:</b>	Theatre Café						
<b>Premises address:</b>	Basement to Ground Floor 99 St Martin's Lane London WC2N 4AZ	<b>Ward:</b>		St James's			
		<b>Cumulative Impact Area:</b>		West End			
		<b>Special Consideration Zone:</b>		N/A			
<b>Premises description:</b>	According to the application form the premises intend to trade as a theatre themed cafe						
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history however the premises have had the benefit of temporary event notices as set out at appendix 4						
<b>Applicant submissions:</b>	<p>The award winning Theatre Cafe caters for London Theatre attendees of all ages with theatrical memorabilia adorning the walls and regular live performances for the stars of the West End and Broadway.</p> <p>The cafe originally opened at 66 Shaftesbury Avenue but recently moved to larger premises at 99 St Martin's Lane in 2019 due to increased demand.</p> <p>Currently the cafe opens 10.00 to 20.00 Monday to Friday and 10.00 to 19.00 Saturday and Sunday. We are seeking to add the sale of alcohol, live entertainment (both from midday) and pre-recorded to our offering and increase its opening hours until 23.00 Monday to Saturday and 22.30 Sunday.</p> <p>The proprietor, Mr Joe Davey, owns London Theatre Bookings which operates several ticket outlets in the area and 2020 celebrated its 50th anniversary. The company is an active member of STAR and the Heart of London Business Alliance, with the two businesses complementing each other.</p>						
<b>Applicant amendments:</b>	None						

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>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>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>				None			

<b>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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<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>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None					

<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>	10:00	10:00	10:0	10:00	10:00	10:000	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	17 December 2020

I refer to the application for a new Premises Licence number for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking the following licensable activities:

1. Performance of live music "indoors" Monday to Saturday 12:00 to 23:00 hours and Sunday 10:00 to 22:30 hours
2. Playing of recorded music "indoors" Monday to Saturday 10:00 to 23:00 hours and Sunday 12:00 to 22:30 hours
3. Supply of alcohol for consumption on the premises Monday to Saturday 12:00 to 23:00 hours and Sunday 12:00 to 22:30 hours

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

1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
2. The hours requested to play recorded music may have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
3. The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Further discussion will be had on the number of toilets available to customers and an agreement around a suitable capacity for the premises.  
 As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area  
 Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	6 January 2021

I write in relation to the application submitted for a New Premises Licence for the following premises:  
**20/11553/LIPN: Basement to Ground Floor, 99 St Martin's Lane, London WC2N 4AZ**  
 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
- Protection of Children from harm

This application seeks the following licensable activities:

1. Performance of live music "indoors"  
 Monday to Saturday 12:00 to 23:00 hours  
 Sunday 10:00 to 22:30 hours
2. Playing of recorded music "indoors"  
 Monday to Saturday 10:00 to 23:00 hours  
 Sunday 12:00 to 22:30 hours
3. Supply of alcohol for consumption on the premises  
 Monday to Saturday 12:00 to 23:00 hours  
 Sunday 12:00 to 22:30 hours

The premises is located within the West End Cumulative Impact area therefore a number of policy points must be considered using the Councils Statement of Licencing Policy which came into effect January 2021.  
 The council receives applications for a range of premises wishing to sell alcohol which are neither pubs and bars, or restaurants, as defined in the policy. These premises may be cafes, with a significant food offer but without a requirement that alcohol is ancillary to food, delicatessens, with an existing retail and off licence provision, or premises with other retail or

service uses which may not involve the provision of food at all. In some cases the proposal will be for a small bar area within the premises but operated separately from other activities within it. In other cases the sale of alcohol will be throughout the premises and integral to other activities.'

We note the application states the "The sale of alcohol will be ancillary of hot (warmed up) and cold snacks as well as tea, coffee and soft drinks" and that "the sale of alcohol will never be the core business". However, currently the application does not restrict the operation of the premises as a restaurant therefore this application may be considered within policy PB1 or COMB1.

To enable accurate consideration the Licensing Authority request the applicant submit further information such as an operating schedule on the nature of the core business. Furthermore we invite the applicant to demonstrate how they address any concerns raised by local residents and neighbours such as noise and an increase in the number of people present on the premises.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information

Please accept this as a formal representation and I look forward to receiving any further submissions which demonstrate that the granting of this new licence in the West End will not add to cumulative impact in the cumulative impact area.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Cheryl Boon
<b>Received:</b>	17 December 2020 <b>(withdrawn on 6 January 2021)</b>

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.

The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will send you a list of proposed Police conditions to alleviate my concerns

**Following agreement of additional conditions the Metropolitan Police Service withdrew their representation on 6 January 2021**

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 January 2021		

I wish to object to this application on grounds of prevention of public nuisance. Queueing outside the premises is likely to get worse if the Theatre Café is permitted to open later or sell alcohol.

I would be very grateful if this application was stopped as the street nuisance would be an overload on a already busy night scene street.

I hope you can understand.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 January 2021		

Introduction

I write to make a 'relevant representation' under Licensing Act 2003 in respect of the above application.

My representation is made on the basis that the likely impact of the application, if granted, will be to harm the licensing objectives, particularly 'prevention of public nuisance'.

*The cafe originally opened at 66 Shaftesbury Avenue but recently moved to larger premises at 99 St Martin's Lane in 2019.*

The application seeks:

- Sale of alcohol for consumption on the premises - midday to 11pm Mon-Sat, midday to 10.30pm Sun
- Live music midday to 11pm Mon-Sat, midday to 10.30pm Sun 'Short performances from casts/performers of West End Musicals. Typically an event lasting no longer than an hour (non-continuous) where the live music supports a meet and greet/Q and A session.'
- Recorded music 10am to 11pm Mon-Sat, 10-10.30pm Sun
- Opening hours midday to 11pm Mon-Sat, midday to 10.30pm Sun

My view is that the grant of a premises licence would not promote the licensing objectives.

Background

I live at [REDACTED]. The application premises is at No 99, which is in fact *in the same building as* [REDACTED].

This proximity has already given rise to a number of issues.

I have been based here since the old Covent Garden market was in existence. Long-standing residents have co-existed with the long-established businesses (including licensed premises) and arts, for many years. In particular, I support the local community, arts and theatre.

In more recent years, there have been problems with newer businesses, including licensed premises and in particular with a new hotel and noisy pub directly opposite Talbot House and Burleigh Mansions - now permanently closed.

These premises used to be a Starbucks Cafe. Whilst there was a minor issue with the proximity of the premises, at least this was not exacerbated by a permission to play loud music or a permission to sell alcohol, or by queuing outside. In fact, the "issue" concerned an unlicensed bench left outside Starbucks overnight (which attracted nuisance and safety issues), was very quickly and amicably resolved by senior management (who were unaware this was a residential neighbourhood) and willingly **withdrew the application**.

In contrast, staff at this Cafe have continued leaving the unlicensed benches outside - *which remain a serious late night nuisance*. Their response has been: "...business comes first - if you don't like it, you should not be living in this area...." and rudely told me to leave their premises!

Similarly when I complained about our entrance being blocked by the long queues (also litter and loud music), no notice was taken. Other residents have reported noise disturbances.

#### Reasons for objection

A significant part of my concern is that there has been a distinct lack of community consultation on the part of the applicant.

There are reports the previous premises at 66 Shaftesbury Avenue had similar issues with long queues on the pavement. However, the area was mainly shops and restaurants - *not highly residential*.

In 2019/20, there was untold noise from building works in the basement for a year. Post-opening, I have had several distinctly unhelpful interactions with staff. On occasions when I have spoken to management, they appear to be quite inexperienced and young.

On one occasion, staff from the premises had congregated in the hallway of our block. I raised the issue of the prolonged building works from the basement as an 'ice-breaker' and an opportunity for lines of communication to be opened. The response was "we're having a break here, because we were bored downstairs...". No apology was forthcoming.

On another occasion, when I spoke to an employee about loud music emanating from the premises, this simply continued. This betrays an unfortunate lack of appreciation of the nature of the area as highly residential and that there are a number of large residential blocks in the very near vicinity.

This type of operation would seem more suited to Leicester Square and the several ticket outlets the owner runs, rather than the entirely different character and ethos of theatres and cafes of St Martin's Lane.

This is in contrast to ENO who handle the issue of building works and co-existing with the residential community responsibly.

There have also been long queues of young people, outside the premises in front of our entrance and Burleigh Mansions - possibly via some form of social network advertising. I feel that this will inevitably get worse, should they open later and/or sell alcohol. The "new normal" is now the use of "zoom" for all institutions/businesses, "social distancing" with tables and chairs on the tarmaced road. It does not look like changing in the foreseeable future.

I therefore object to the application on the basis that the likely effect will be to harm the licensing objectives, particularly '*prevention of public nuisance*', and in fact irrelevant to the present lockdowns situation.

The current situation with lockdowns and restrictions means that it is very difficult to accurately assess the potential impact of the application on the promotion of the licensing objectives. The theatres are closed, as are (at the time of writing) licensed premises.

I support the arts and theatres, but I do not see what this premises 'brings to the table' in that regard.

Indeed, granting the application would be to disadvantage long-established premises in the area, who work with more restrictive, but co-operatively responsible, constraints.

I strongly feel that the application should be withdrawn, or refused, if not withdrawn.

I am sympathetic to the plight of businesses due to lockdowns, but there are issues with this premises which need to be addressed, in their *present* operation.

Should the application proceed, I am in any event against it on its merits.

The hours sought for sale of alcohol and the terms of the application mean that it is contrary to

the relevant policies in the City Council's Statement of Licensing Policy, particularly CIP1; PB2; and PN1.

Policy CIP1 mandates that an application for a premises which falls within certain other policies in the West End CIA will be refused, except in genuinely exceptional circumstances.

As the premises does not operate or intend to operate as a restaurant, as it falls within the 'pubs and bars' policy, PB2 - and there are already too many respectable "struggling" ones at present. This also states that an application will be refused, except in genuinely exceptional circumstances.

There are no genuinely exceptional circumstances evident from the application documentation. Policy PN1 includes considerations such as whether queuing and noise emanation will cause a nuisance. From experience with the premises operation, this has been an issue already.

Conclusion

For the above reasons, the application should be withdrawn. The local community has in the past suffered enormously from *new operators* who did not respect the proximity of pre-existing, long term local residents.

If the application proceeds, it should be refused as it is contrary to the City Council's Statement of Licensing Policy 2016 and will fail to promote the licensing objectives. The application is for yet another premises selling alcohol and playing loud music (which has already been a problem), without any identifiable benefit for the immediate area.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Support
<b>Received:</b>	18 December 2020		

I have known Mr Davey the applicant for more than 10 years and seen first hand how he has contributed to the local area, not only in terms of the businesses he runs and jobs created, but his positivity and ideas.

Mr Davey I know has worked in the Leicester Square area since a young man, alongside his father who was a very well respected ticket agent here. The family's support for its environs is well known. I applaud Mr Davey's ambition to add to the offer of the Theatre Cafe by serving alcohol. His clientele are theatre lovers, and as such would create no trouble or noise. Indeed, they add to the eclecticism and vibrancy of St Martin's Lane.

The street needs more activity, especially at this difficult trading time, and as a local resident and someone who works locally, I wholeheartedly support his licence application. I know the premises would be well run and benefit its locale.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 January 2021		



I object because the Theatre Cafe has previously demonstrated a total lack of concern for residents on several occasions. The worst examples are two days where they staged & filmed live musical performances on the roof of a neighbouring building, which were extremely loud (both the performances & the electrical equipment) & went on for hours. I was not given any notice of these extensive disruptions (but to be clear, the egregiously loud & lengthy nature of these performances means they should never have taken place at all). Second, there have been multiple occasions where noisy construction work has taken place past Westminster Council's allowed hours for this work. On one occasion this was on a Sunday, when no work is allowed at all. I went to the Theatre Cafe on this occasion & asked about this & the person doing the work told me he hadn't even checked the allowed hours before carrying out this work. This clearly shows a complete lack of consideration of local residents. Finally, under normal circumstances (i.e. not in lockdown), the Theatre Cafe already plays loud music with the door open.

For these reasons, I have no faith that the Theatre Cafe will show consideration for residents with these new activities. I am especially concerned about the performances of live music as these caused such a problem before when taking place on the roof. I'm also concerned about the recorded music & alcohol given that the hours applied for are quite late (especially Sun).

Unfortunately, the Theatre Cafe has shown that it doesn't comply with rules set by Westminster Council & that it is not considerate of local residents. Despite the (very minimal) nuisance procedures outlined in the application, I do not trust that the Theatre Cafe will show any consideration for residents or effectively manage noise issues if this application succeeds, given that it does not do so at present.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 January 2021		

I wish to object to this application on the grounds of public nuisance. Queueing outside the premises is likely to get worse if the Theatre Cafe is permitted to open later or to sell alcohol.

[REDACTED] and over the last several months I have had many incidents of theatre cast doing live streams for Netflix. Having several people dancing to West End theatre musicals is not ideal especially when it is being repeated over and over again as they want to get the best shot in the camera for Netflix.

More recently on a Saturday night the floors in the cafe were being sanded commercially all day long until after 8pm I made a complaint via email to the landlord and asked them to take action or I would. It then stopped soon after 9pm but this then carried on into the following Sunday up to 10am until myself and another neighbour could not take the noise anymore and we both went to shut it down at the same time. We did not know the other was going but when I was there, other neighbours were there complaining.

Complaints have been sent to Gascoyne Holdings Ltd and I have recordings of all the noise nuisance incidents (many) which have been going on.

There was also a private party one night that I recorded and the vibration from all dancing on my ceiling above the bed was so bad it cracked the plaster in the ceiling which had to be repaired. There was alcohol being consumed and the part went on until early hours of the morning.

Whilst we complained about the sanding of the floors on Sunday morning at 10am the other neighbour told me this was the last straw for her as a rock band had been playing live in the rooftop of Burlington Mansions next to Talbot House and this was right next to their flat.

All of this is going on without giving any prior notice or requests to residents and this has to now stop.

This is supposed to be a cafe, not a nightclub, pub or live theatre venue for west end theatre cast to broadcast to Netflix right above someone's bedroom.

I would appreciate it if you take this objection very seriously as I was considering leaving my flat due to this but now I have decided to stay as I will not be driven out like this.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	5 January 2021		

The Theatre Cafe already causes a great deal of unreasonable disturbance to the area.

Over the Summer they were responsible for multiple extremely loud and repetitive live performances on the roof of Burleigh Mansions (Burleigh Mansions is essentially the same building as the Theatre Cafe). They lasted most of the working day and were far longer than the 'hour' mentioned in this application. No information was passed on to people living above the Theatre Cafe regarding this.

These performances blocked the fire escapes for Burleigh Mansions and Talbot House (The fire escape for Talbot House is a stairway to the roof of Burleigh Mansions). This is obviously both extremely dangerous and selfish.

The Theatre Cafe plays loud music which disturbs people living above the premises already.

Clearly this demonstrates that the Theatre Cafe do as they feel regardless of the people they 'share' the buildings with.

These building are poorly insulated and wholly inappropriate for what will amount to yet another late night live music venue serving alcohol.

It is not in keeping with character of the building which many of us enjoy and do not wish to see unreasonably deprecated.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	3 January 2021		

Dear Kayrn

Thank you for your email and planning information.

My address is [REDACTED] which over looks St Martins Lane and I wish to clarify my objections according to your categories

- (a) the prevention of crime and disorder by drunks and disorderly noise from customers and the others preying on residents for income
  - (b) public safety from disease by groups of irresponsible inebriants
  - (c) the prevention of public nuisance to families elderly and workers who live in the area.
- Best regards for 2021  
[REDACTED]

On Mon, 11 Jan 2021, 12:36 Abbott, Karyn: WCC, <kabbott@westminster.gov.uk> wrote:

Dear [REDACTED]

Thank you for your email. Please can you provide your address.

Also please can you elaborate on your representation as it is very minimal. Please can you submit this to me by tomorrow 11th January 2021.

The four licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Many Thanks

Karyn Abbott  
Senior Licensing Officer

Dear WCC planning and licensing

I object to the above application for sale of alcohol and extended hours which is likely to be detrimental to health and welfare of public, residents and theatres.

Given covid19 these alcohol based activities should be viewed as high risk now and in the future

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
[REDACTED]	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	2 January 2021		

I wish to object to this application on grounds of prevention of public nuisance.

Over the years I have both worked in the Covent Garden-Theatreland area and enjoyed its amenities with friends, including many from outside London. The area has a special charm which is worth preserving.

I have become aware that the Theatre Café, 99 St Martin's Lane, has submitted a licensing application.

There has in the past been queueing outside the venue due to the volume of customers. Things will get worse if they open later than currently permitted, or should they be permitted to sell alcohol. Management have already shown scant consideration for those who enjoy the locality

by permitting the nuisance of loud music to be played from the premises.

I am making the reasonable assumption that the COVID restrictions will not last indefinitely and more normal patterns of demand will return; indeed this must be a key factor in the submission of a licensing application.

3.

**Policy & Guidance**

Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application was applied for on 9 December 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 14 January 2021

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

**Policy HRS1 applies**

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

	<p>measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
<p><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</li> </ol>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

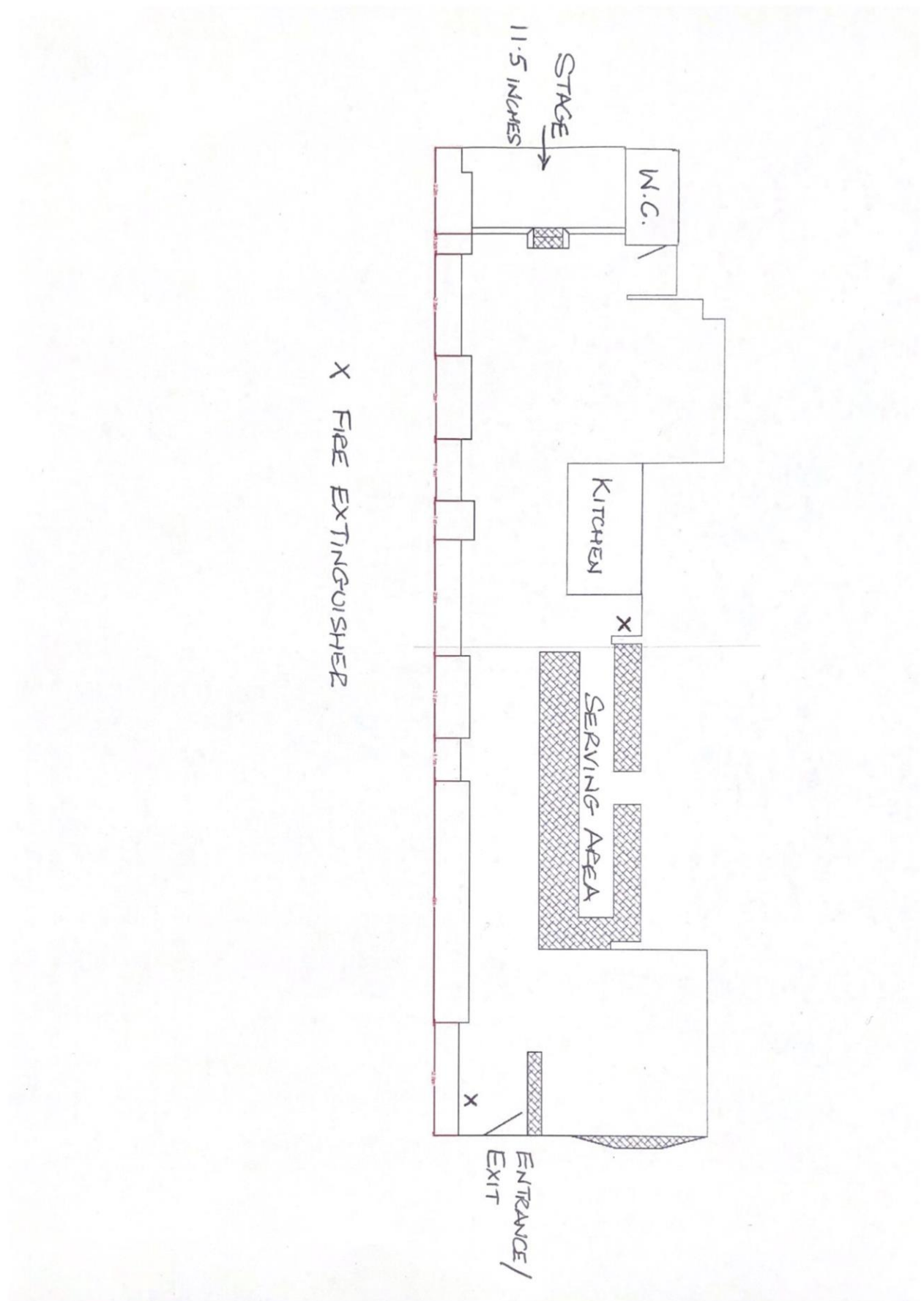
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Mediation correspondence
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity
<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@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 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service Representation	17 December 2020
<b>5</b>	Licensing Authority Representation	6 January 2020
<b>6</b>	Metropolitan Police Service Representation <b>(withdrawn 6 January 2021)</b>	17 December 2020
<b>7</b>	Interested Party Representation (1)	6 January 2021

<b>8</b>	Interested Party Representation (2)	6 January 2021
<b>9</b>	Interested Party Representation (3)	18 December 2020
<b>10</b>	Interested Party Representation (4)	6 January 2021
<b>11</b>	Interested Party Representation (5)	6 January 2021
<b>12</b>	Interested Party Representation (6)	5 January 2021
<b>13</b>	Interested Party Representation (7)	3 January 2021
<b>14</b>	Interested Party Representation (8)	2 January 2021







## Letter of support

Licensing Team,  
Westminster City Council,  
15<sup>th</sup> Floor West,  
64 Victoria Street,  
London SW1P 6QP

Heart of  
**LONDON**  
Business Alliance

18 December 2020

To the Licensing Team,

**RE: 20/I 1553/LIPN - Application for a New Premises Licence**

Heart of London Business Alliance serves as the voice for 500 businesses and 100 property owners in the Piccadilly & St James's, Leicester Square and St. Martin's areas. Our purpose is to support the commercial wellbeing of the businesses and organisations we represent, and ensure our areas remain integral to London's West End offer as a place for people to visit, live, trade and work.

We represent the most mature night-time economy area in London where over 400 million visits are made to the West End every year, with some of the world's best entertainment, culture and hospitality, generating over £11 billion in sales.

We strive for the West End to have the most varied and high-quality evening and night-time economy (ENTE) for visitors, workers and residents.

We continue to promote a responsible night-time economy. Crime and anti-social behaviour (ASB) associated with the ENTE have seen a long downward trend and we need to be positive about the opportunities and benefits that this brings. In fact, strong partnership work and industry standards have made huge progress in this regard.

The evening and night-time economy is continuing to undergo change. There is an obvious move away from the traditional vertical drinking culture, to one that encompasses a more cultural feel. By allowing **The Theatre Café, 99 St. Martin's Lane, London WC2N 4AZ** to have a Premises Licence only encourages the cultural approach to the ENTE and the move away from the traditional vertical drinking culture. This type of offer, which is heavily based on the theatre scene, offers customers an alternative one that is very different than the choice there currently is in the area. We do not anticipate any adverse impact should the application for a new premises licence be granted, since the closing times will be 23:00 Monday to Saturday and 22:30 on Sunday. This complements other licensed premises in the St. Martin's Lane area and will therefore not add any stresses to the area and will promote the licensing objectives.

The Theatre Café have also agreed to participate in the Best Bar None scheme, introduced to raise the standards of the businesses operating in the evening and night time economy, as well as attend our Pub Watch meetings to share intelligence, work with the Police and Council and be an active part of the community. In their previous location, they also participated in the Safer West End Radio-link scheme. A radio will be provided to them, to have direct access to the Heart of London's on-street security team. Additionally, the owner, Joe Davey, has been a passionate member of Heart of London, and has been engaged in our work for over 10 years. He has a driven commitment to making the area a better place, which reflects in the quality of the offering The Theatre Café has had since its inception.

We are grateful for the opportunity to submit this submission in support of our Business member and are happy to provide any further assistance if required.

Yours sincerely,



Director of Company Operations - Heart of London Business Alliance

**SHAPING A  
WORLD-CLASS  
WEST END**

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Heart of London Business Alliance  
Empire House, 175 Piccadilly  
London, W1J 9EN

[www.heartoflondonbid.london](http://www.heartoflondonbid.london)

**From:** [REDACTED]  
**Cc:** [REDACTED]  
**Bcc:** [REDACTED]  
**Subject:** 20/11553/LIPN - 99 St Martin's Lane  
**Date:** 03 February 2021 10:00:54  
**Attachments:** [image003.png](#)  
[Cafe Letter1.docx](#)

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Dear All

The applicant Joe Davey from the Theatre Café, 99 St Martins lane has written the attached letter plus he has agreed to the below conditions with the Police and Environmental Health. These conditions will be placed on the licence if it is granted.

### Conditions agreed with Environmental Health

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as Theatre Café
2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their food/snacks/drinks
3. 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.
4. The external door shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
8. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity so determined has

replaced this condition on the Licence.

9. 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
10. A Challenge 21 or 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
11. 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
12. 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
13. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

**Conditions agreed with Police and they have withdrawn their Representation.**

1. 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.
2. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.

4. 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.

5. 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

6. 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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

7. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.

8. 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. There shall be no self-service of Alcohol.

10. The supply of alcohol for consumption on the premises shall only be to a person seated.

Please advise if these have addressed your concerns with the application and you will be willing to withdraw your representation. Please can you advise me by **Friday 5<sup>th</sup> February 2021**.

Many Thanks

Karyn Abbott  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department

Westminster City Council  
15<sup>th</sup> Floor  
64 Victoria Street  
London SW1E 6QP

Mobile 07866 019698

**From:** [Jackaman, Kevin: WCC](#)  
**Subject:** FW: 20/11553/LIPN - 99 St Martin's Lane  
**Date:** 26 February 2021 09:07:16

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**From:** [REDACTED]  
**Sent:** 05 February 2021 15:49  
**To:** Abbott, Karyn: WCC <kabbott@westminster.gov.uk>  
**Cc:** Koduah, Maxwell: WCC <mkoduah@westminster.gov.uk>; Haq, Roxsana: WCC <rhaq@westminster.gov.uk>  
**Subject:** Re: 20/11553/LIPN - 99 St Martin's Lane

Hello,

No, I do not wish to withdraw my representation. Unfortunately, I don't see anything in your message or the applicant's letter that addresses the concerns I set out in my representation. My major concern is that the applicant has, several times before, not complied with rules set by Westminster Council, and caused a noise nuisance for residents. As outlined in my representation, there are multiple times this has happened:

- On two occasions, the Theatre Cafe staged & filmed live musical performances on the roof of a neighbouring building, which were extremely loud (both the performances & the electrical equipment) & went on for hours. I was not given any notice of these extensive disruptions (but to be clear, the egregiously loud & lengthy nature of these performances means they should never have taken place at all).
- On multiple occasions, the Theatre Cafe undertook noisy construction work which took place past Westminster Council's allowed hours for this work. On one occasion this was on a Sunday, when no work is allowed at all. I went to the Theatre Cafe on this occasion & asked about this & the person doing the work told me he hadn't even checked the allowed hours before carrying out this work.

The applicant in his letter refers to the fact that this year has been extremely difficult for everyone, but he doesn't acknowledge that he has contributed to the difficulties for local residents staying at home during the pandemic. For instance, I was working from home on both days that the Theatre Cafe staged very loud live performances on the roof and they were extremely disruptive to my work, for hours.

I can't understand why Westminster Council is considering granting the applicant's requests when he has already broken the rules several times and demonstrated a lack of consideration for local residents by doing so. The rules and conditions listed in your message are essentially meaningless to me because the applicant has already broken the rules previously on multiple occasions, so I can't trust that he'll abide by any rules and conditions now given his past behaviour.

Please feel free to get in touch if you have any questions about my concerns or the applicant's previous behaviour and failure to comply with Westminster Council's regulations.

Thank you,

[REDACTED]

**From:** [Jackaman, Kevin: WCC](#)  
**Subject:** FW: Licensing Application No 20/11553/LIPN - 99 St Martin's Lane  
**Date:** 26 February 2021 09:08:08  
**Attachments:** [Cafe Letter1.docx](#)

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**From:** [REDACTED]  
**Sent:** 05 February 2021 18:48  
**To:** Karyn: WCC <kabbott@westminster.gov.uk>; licensing@westminster.gov.uk; Richard Brown <licensing@westminstercab.org.uk>; tmitchell@westminster.gov.uk; Nickie <nickie.aiken.mp@parliament.uk>  
**Subject:** Licensing Application No 20/11553/LIPN - 99 St Martin's Lane

Much as I am deeply concerned during these unprecedented "lockdown periods", about the state of humanity, be it residents, businesses, or visitors, it seems to me "business as usual" is no longer "the norm", for any of us.

Hence, I am not sure what to make of these "*new conditions, in case the licence is granted*" that arrived as an email yesterday, *with a requirement to respond: Deadline today.*  
I have not met this licensing approach before, and would have expected some representation from residents, *who are affected by this situation.*

I have also not been able to get hold of Karen Abbott, the licensing officer; Richard Brown the CAB licensing advice solicitor; or anyone from the CGCA to investigate further.  
I have left messages, and awaiting a response.

I am confused as to:

1. whether this new cafe is, (like it's highly successful predecessor Starbucks "flagship cafe"), now during "lockdown" - without even finding out if it is initially successful as a cafe (after "lockdown" conditions are removed), - applying, in advance, to change status and become a licensed Restaurant, and therefore applying to serve alcohol with "table service and meals" eg: like Cotes across the road or other well established Restaurants/pubs on this street (who are also adversely affected by "lockdown").

and/or,

2. applying to become a "*live performances/recorded music/alcohol Restaurant/Club* - perhaps later a "Night Club" - *that will inevitably become like what used to be the new "Brief Encounter pub" and then became the "Bungalow8 Club" - directly across the road, from Talbot House on St Martins Lane.*

WCC will be aware that both these establishments were permanently shut down, following numerous complaints from the surrounding HIGHLY residential neighbourhood - for YEARS! before any action was taken.

Furthermore, If the long queues around the blocks, have not been discussed and will be the same or more than when the Arts Theatre Cafe was on Shaftesbury Avenue, then this is unacceptable on this also residential Street, and should not be allowed, as a precedent.

I would like to add that Mr. Joe Davey did make an effort to personally speak with me in the hallway of our building regarding "residential concerns". However, I've noticed the "*nuisance benches*" outside our front entrance, which he assured me would be taken inside the cafe at

night, have continued to remain, as a night nuisance, outside!

For eg: one evening I also observed people he said were no longer employed by the Cafe sitting on the benches, with take aways, which led me to wonder if they may still be employed at the Cafe.

Two other ancillary points of concern:

- As security is rather lax in our building and needs to be tightened, the door to the Cafe basement (*as was the case with Starbucks - separate entrance at Street level*) should not have access to *Talbot House hallway and residential area, for obvious reasons*.

- It should also not be the case that residents who have previously been happy co-existing with the Starbucks cafe, should now be expected to "put up" or "move out" of our homes.. I believe that this is happening.

Hence I am not withdrawing my objection, mainly connected with previous concerns I feel have not been adequately addressed.

The police, who you say have apparently withdrawn their objections, will have no idea whatsoever of what we residents have to contend with, when so-called new cafes/pubs/restaurants change the ethos of this long established residential/social business environment.

Sincerely,



Sent with [ProtonMail](#) Secure Email.

----- Original Message -----



**From:** [Jackaman, Kevin: WCC](#)  
**Subject:** FW: 20/11553/LIPN - 99 St Martin's Lane  
**Date:** 26 February 2021 09:09:42

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**From:** [REDACTED]  
**Sent:** 08 February 2021 15:49  
**To:** Abbott, Karyn: WCC <kabbott@westminster.gov.uk>  
**Subject:** Re: 20/11553/LIPN - 99 St Martin's Lane

Hi Karyn.

Did you get my response? Just another thing to add regarding the club idea. The landlord would not allow this as it would be detrimental to the street and to the tenants of their building. So this is definitely not on our radar. Also with the issue of the benches I will permanently remove them now and we will no longer be using them outside our premises. Let me know if you need anything more?

Kind regards

Joe

Joe Davey  
Managing Director  
London Theatre Bookings  
The Theatre Cafe

**From:** [Jackaman, Kevin: WCC](#)  
**Subject:** FW: Licensing Application No 20/11553/LIPN - 99 St Martin's Lane  
**Date:** 26 February 2021 09:10:34

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**From:** [REDACTED]  
**Sent:** 08 February 2021 13:28  
**To:** Abbott, Karyn: WCC <kabbott@westminster.gov.uk>  
**Subject:** Re: Licensing Application No 20/11553/LIPN - 99 St Martin's Lane

Hi Karyn.

I didn't think [REDACTED] would withdraw because she's very passionate about her views and I will always respect those views. Just a couple of points I would like to add. Our intentions are to keep it as a cafe and we have no intentions to turn it into a restaurant. We don't have the space for a kitchen. We also have no intentions to turn it into a nightclub or vertical drinking bar. With our application we have made sure it's sit down with table service so this would be impossible to turn it into a club. [REDACTED] keeps on mentioning the queues but like I mentioned before that queue was for our grand opening and we were lucky enough that we had a lot of people interested in the new venture. Moving forward we would not have any queues like this because if we are only allowed a certain amount of people in the venue with our licence condition. We would not expect people standing outside waiting for a free table. The staff member she thought she saw outside our premises who she had a problem with now lives in Devon and in Lockdown so I think she made a mistake there. I will always be nice and courteous to [REDACTED] because as a neighbour we want to get on with everyone. If there's anything else you need from me please let me know?

Kind regards

Joe

Joe Davey  
Managing Director  
London Theatre Bookings  
The Theatre Cafe

<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
19/12581/LITENN	21.12.2019	Sale of alcohol – 19:00 to 23:00	Event permitted
20/00108/LITENP	26.01.2020	Sale of alcohol and regulated entertainment – 19:30 to 23:59	Event permitted
20/01601/LITENN	23.02.2020	Sale of alcohol and regulated entertainment – 19:00 to 23:59	Event permitted

## **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. The premises will not operate drinks promotions.

10. All staff will receive training on emergency procedures, licence conditions/legislation and general safety precautions
11. All glasses, bottles and rubbish will be cleared from public areas on a regular basis.
12. All safety certificates and inspection reports will be kept on site and available for viewing.
13. No music or speech will be played through external speakers.

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

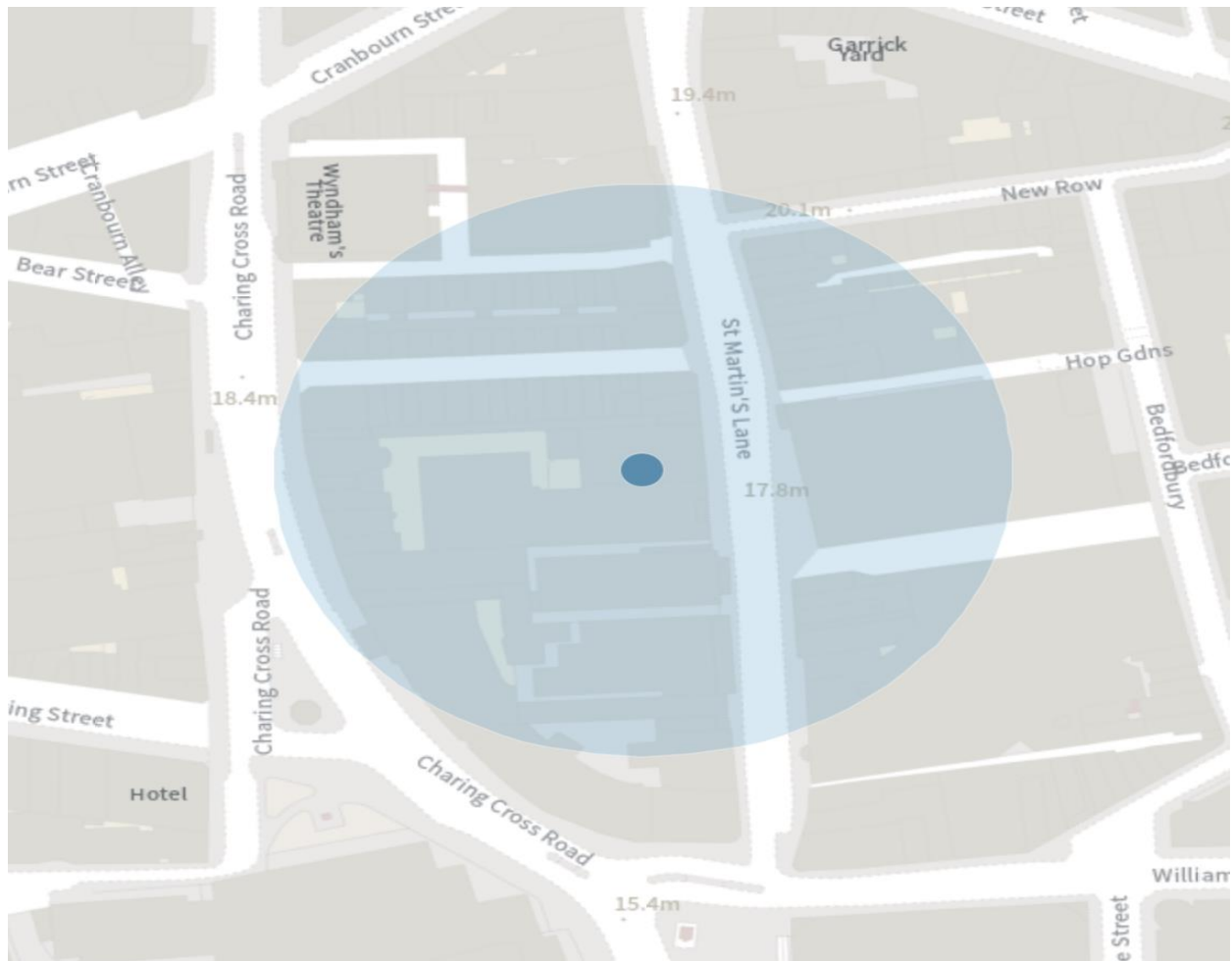
14. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as Theatre Café
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their food/snacks/drinks
16. 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.
17. The external door shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
21. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity so determined has replaced this condition on the Licence.
22. 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
23. A Challenge 21 or 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
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. 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

26. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

**Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule**

27. 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.
28. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
29. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
30. 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.
31. 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
32. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
32. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
33. 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.
34. There shall be no self-service of Alcohol.
35. The supply of alcohol for consumption on the premises shall only be to a person seated.





Resident Count:161

Licensed premises within 75 m of Basement to Ground Floor, 99 St Martin's Lane, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/13767/LIPV	Duke Of Yorks Theatre	Duke Of York's Theatre 103 - 104 St Martin's Lane London WC2N 4BG	Theatre	Monday; 09:00 - 00:00   Tuesday; 09:00 - 00:00   Wednesday; 09:00 - 00:00   Thursday; 09:00 - 00:00   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 00:00

19/16019/LIPDPS	Chipotle Mexican Grill	92-93 St Martin's Lane London WC2N 4AP	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
20/02257/LIPCH	St Martins Lane Hotel	Ground Floor 42 - 49 St Martin's Lane London WC2N 4ER	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
20/01056/LIPDPS	The Salisbury Public House	The Salisbury Public House 90 St Martin's Lane London WC2N 4AP	Public house or pub restaurant	Thursday; 07:00 - 00:30   Sunday; 07:00 - 22:30   Sunday; 07:00 - 23:30   Monday to Wednesday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Friday to Saturday; 07:00 - 01:00
15/00994/LIPDPS	Cafe St Martins	40 St Martin's Lane London WC2N 4ER	Shop	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/05363/LIPCH	The Real Greek	54 St Martin's Lane London WC2N 4EA	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
15/02806/LIPN	La Roche Cafe	39 St Martin's Lane London WC2N 4ER	Cafe	Monday to Sunday; 08:00 - 23:00

20/10155/LIPDPS	Cote	Ground Floor 51 St Martin's Lane London WC2N 4EA	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/11698/LIPDPS	Hub By Premier Inn	110 St Martin's Lane London WC2N 4BA	Hotel, 3 star or under	Sunday; 06:00 - 23:00   Monday to Thursday; 06:00 - 23:30   Monday to Sunday; 00:00 - 00:00   Friday to Saturday; 06:00 - 00:30
16/09313/LIPDPS	San Carlo Fumo	Basement And Ground Floor 37 St Martin's Lane London WC2N 4ER	Restaurant	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00   New Year's Eve; 07:00 - 06:59
20/08974/LIPDPS	J Sheekey	28-32 St Martin's Court London WC2N 4AL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
18/11225/LIPCH	Pepe Restaurant	57 St Martin's Lane London WC2N 4EA	Restaurant	Sunday; 11:00 - 22:30   Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 01:00   Sundays before Bank Holidays; 11:00 - 00:00
16/03143/LIPDPS	Pepe Restaurant	57 St Martin's Lane London WC2N 4EA	Restaurant	Sunday; 11:00 - 22:30   Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 01:00   Sundays before Bank Holidays; 11:00 - 00:00

20/09191/LIPN	The Library	112 St Martin's Lane London WC2N 4BD	Club or institution	Sunday; 12:00 - 23:30   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30
20/01083/LIPDPS	The Garrick Arms	8-10 Charing Cross Road London WC2H 0HG	Public house or pub restaurant	Sunday; 08:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sundays before Bank Holidays; 08:00 - 00:00
20/04235/LIPN	Mr Fogg's	58 St Martin's Lane London WC2N 4EA	Not Recorded	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:30
19/07667/LIPDPS	Mr Foggs Tavern	58 St Martin's Lane London WC2N 4EA	Public house or pub restaurant	Sunday; 12:00 - 00:00   Sunday; 12:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
18/11671/LIPDPS	Round Table Public House	26-27 St Martin's Court London WC2N 4AL	Public house or pub restaurant	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 23:30

20/09445/LIPVM	Garrick Theatre	2 Charing Cross Road London WC2H 0HH	Theatre	Monday to Sunday; 09:00 - 00:00
17/02033/LIPVM	Noel Coward Theatre	Noel Coward Theatre 85- 89 St Martin's Lane London WC2N 4AU	Theatre	Monday to Sunday; 09:00 - 01:00
20/09249/LIPT	Byron	24 Charing Cross Road London WC2H 0HX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/03513/LIPN	Not Recorded	Basement And Ground Floor Part 59 St Martin's Lane London WC2N 4JS	Shop	Monday to Sunday; 07:30 - 20:00

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