

Licensing Sub-Committee Report

28 th July 2016
16/05187/LIPN - New Premises Licence
Fitzrovia Chapel
2 Pearson Square
London
W1T 3BF
Director of Public Protection and Licensing
West End
City of Westminster Statement of Licensing Policy
None
Mr Darren O'Leary
Senior Licensing Officer
Corner Electioning Officer
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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 th May 2016		
Applicant:	The Fitzrovia Chapel Fou	ndation	
Premises:	Fitzrovia Chapel		
Premises address:	2 Pearson Square London	Ward:	West End
	W1T 3BF	Cumulative Impact Area:	None
Premises description:	The premises is a Chapel of the former Middlesex Hospital, which has recently been refurbished. It is run by the Fitzrovia Chapel Foundation for the benefit of the community, for cultural activities, as a performance venue, as well as being available for private hire.		
Premises licence history:	New Premises Licence Application.		
Applicant submissions:	None.		_

1-B Pr	1-B Proposed licensable activities and hours						
Plays, Films, Live Music, Recorded Music, Performance of dance and Anything of similar description to the fallings within (e), (f) or (g) (Above):					Indoors		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	End: 23:00 23:00 23:00			23:00	23:00	23:00	22:30
Seasonal variations/ Non- standard timings: Sundays before Bank Holidays: 10:00 - 23:00							

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non- standard timings:			ore Bank Ho	olidays: 10:0	00 - 23:00		

Hours premises are open to the public								
Day:	Mon	Tues	5	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30)	07:30	07:30	07:30	07:30	07:30
End:	23:30	23:30)	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non- standard timings: Adult Entertainment:				ndays befo	re Bank Ho	olidays: 07:3	30 - 23:30	

2. Representations

2-A Responsible Authorities				
Responsible	Metropolitan Police			
Authority:				
Representative:	PC Reaz Guerra			
Received:	15 th June 2016			

Application for a New Premises Licence – Fitzroy Chapel, 2 Pearson Square, London W1T 3BF

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

It is for this reason that we are objecting to the application.

Responsible	Environmental Health Department		
Authority:			
Representative:	Mr David Nevitt		
Received:	16 th June 2016		

The Fitzrovia Chapel, 2 Pearson Square, W1

I refer to the above application which seeks a Premises Licence to include the following Licensable activities:

Regulated Entertainment – *Plays, Films, live Music, Recorded Music, Dance, and anything of a Similar Nature* Monday to Saturday 1000hrs-2300hrs, Sunday 1000hrs-2230hrs (and to 2300hrs on Sundays before Bank Holidays);

The Supply of Alcohol 'On' and 'Off' the premises 1000hrs-2300hrs Monday to Saturday, and 1200hrs-2230hrs on Sunday (and 1000hrs-2300hrs on Sundays before bank Holidays).

The applicant has proposed Conditions which are under consideration.

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

2-B Other Persons	
Name:	Mrs Maggie Law
Address and/or Residents Association:	22 Selborne Road Southgate London N14 7DH
Received: 23 rd May 2016	

This beautiful tranquil chapel that provided a space for quiet contemplation and prayer for thousands of patients, relatives and medical staff of The Middlesex Hospital is not an appropriate place for drinking, dancing and the playing of loud music.

As a former nurse of the hospital I find it offensive that this is being considered and register my total opposition.

Name:		Mrs Iulu Zorkol
Address and/or Re Association:	esidents	1 Emerson Apartments Chadwell Lane London n8 7rf
Received:	26 th May 2016	

I object to the afore mentioned license requests for The Middlesex Hospital Chapel. It was a place of prayer worship and commemoration for many people over the years and it is unseemly that it future should be of music and dancing.

Name:		Mr Linus Rees
Address and/or Residents Association:		Fitzrovia Neighbourhood Association 39 Tottenham Street London W1T 4RX
Received:	15 th June 2016	

Many former staff, patients and visitors to The Middlesex Hospital have expressed dismay that The Middlesex Hospital Chapel (referred to as The Fitzrovia Chapel in this application) is to become an entertainment venue.

This beautiful chapel still remains a special and sacred space because it provided a space for quiet contemplation and prayer for thousands of patients, relatives and medical staff of The Middlesex Hospital. As such it is not an appropriate place for drinking, dancing and the playing of loud music, and many find the prospect of this offensive.

However, we recognise the above comments are not within the four licensing objectives.

Our association nevertheless does also consider the proposals in this application to be a cause for concern with regard to the "prevention of public nuisance".

In this respect we are concerned about the numbers of people entering and leaving the premises and the noise nuisance caused by this and that this application represents an accumulation of licensed activities at Pearson Square (aka Fitzroy Place).

Firstly we are concerned about people arriving and leaving in the evenings after the hours of controlled parking in the area. Drivers frequently circulate the streets looking for a parking space and this causes pollution from noise and exhaust fumes.

We request that a condition is added to prevent any advertisement or advice encouraging on street parking outside the hours of control.

We welcome the applicants proposed conditions but would like to add the following:

Smokers should only be directed to the designated smoking area within Pearson Square.

Patrons be directed to enter and leave via Mortimer Street to prevent motor vehicles picking up and setting down in Riding House Street, Cleveland Street and Nassau Street. Reason: to preserve the residential amenity of these streets.

No deliveries to take place before 10am on a Sunday.

Name:		Mrs Georgina Connor
Address and/or Residents Association:		8 North Road Holsworthy EX22 6HB
Received:	9 th June 2016	

I understand my opinion may not fall into the category considered valid for objecting to the granting of an alcohol sales licence. However, as a nurse who trained at The Middlesex Hospital, I would like to express my dismay that what still remains to me a sacred space, and was used as such by patients and staff of The Middlesex, may be granted a licence to sell alcohol. It seems utterly inappropriate for such a building.

Name:		Mrs Janet Norton
Address and/or Residents Association:		47 Macklands Way Rainham ME87PF
Received:	24 th May 2016	

This chapel has been kept despite the demolition of the hospital. It is important to generations with an interest in the Middlesex Hospital. To grant a licence in this way surely defeats the whole rationale for its preservation.

Name:		Mrs Paula Meldrum
Address and/or Residents Association:		16 Mursley Road Swanbourne MK170SH
Received:	23 rd May 2016	

This was a chapel! It was a place of refuge after quite literally life and death situations. Have some respect.

Name:		Mrs Elaine Napier
Address and/or Ro Association:		Rye Flatt Hall ko Combs High Peak SK239UY
Received:	23 rd May 2016	

As a former employee of both The Middlesex Hospital and its Medical School, I am appalled and wish to object most strongly to the proposal to sell alcohol in the former Middlesex Hospital Chapel, a place of worship. It is completely inappropriate to do so, lacks respect and smacks only of an interest in financial gain. Please do not allow this application.

Name:		Mrs Margaret Ivelaw-Chapman	
Address and/or Re Association:	esidents	14 Cotsmoor Granville Road St Albans AL1 5BW	
Received:	28 th May 2016		

I really feel that you have gone too far in trying to turn this chapel in to a place of entertainment. I realise that you want to raise money for it's future upkeep but to sell alcohol and have dancing there is obscene.

3. Policy & Guidance

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

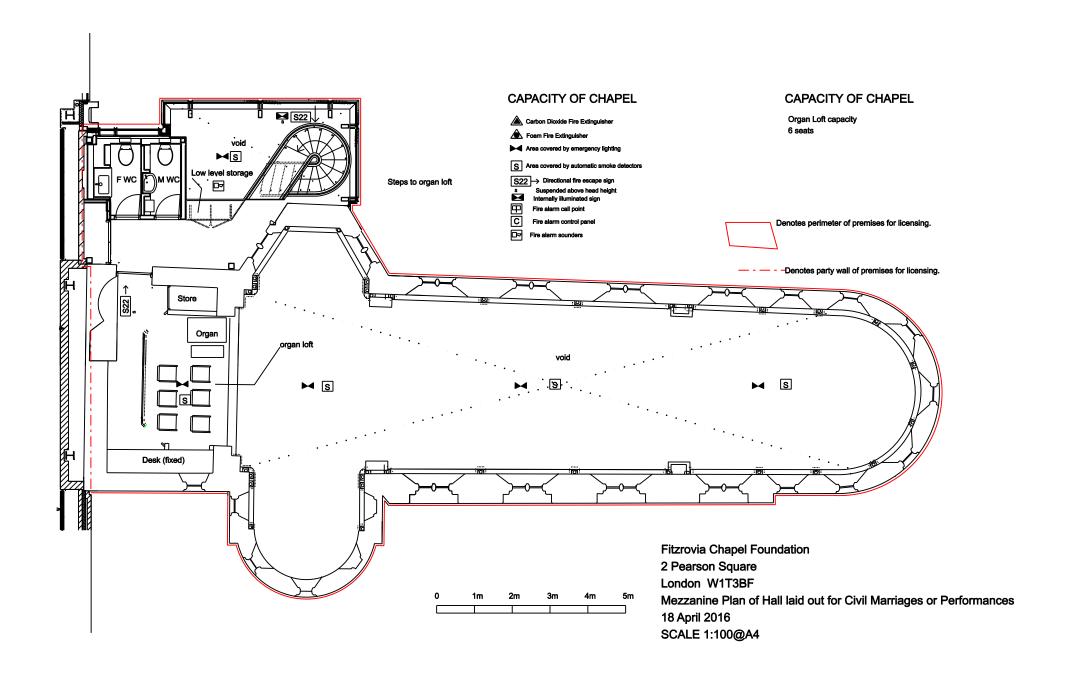
4. Appendices

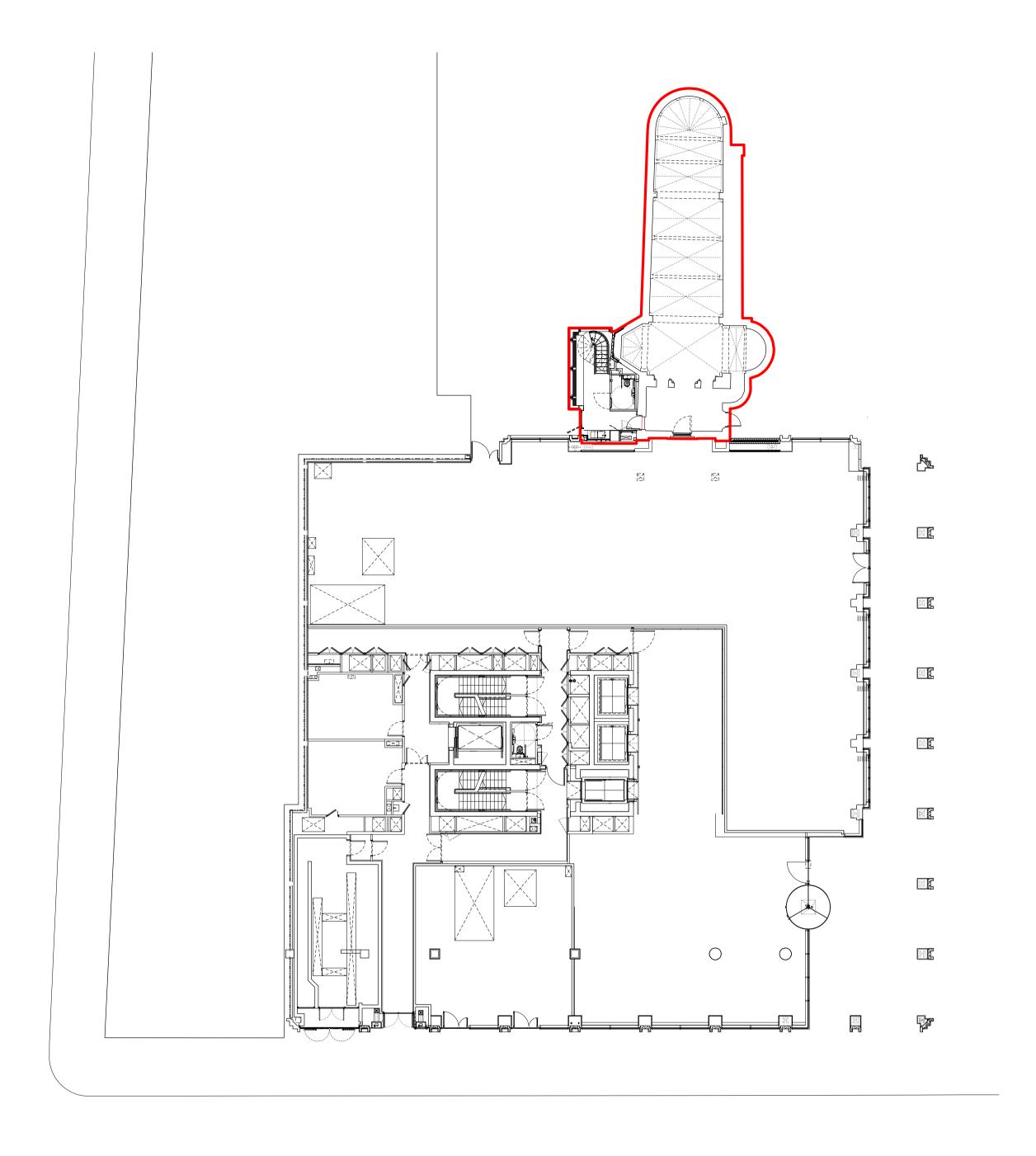
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Darren O'Leary	
	Senior Licensing Officer	
Contact:	Telephone: 02076417824	
	Email: doleary@westminster.gov.uk	

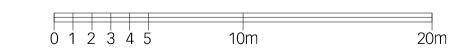
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

background papers please contact the report author.				
Background Documents – Local Government (Access to Information) Act 1972				
1	Licensing Act 2003	N/A		
2	City of Westminster Statement of Licensing Policy	7 th January 2016		
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015		
4	Application Form	19 th May 2016		
5	Representation – Environmental Health	16 th June 2016		
6	Representation – Metropolitan Police	15 th June 2016		
7	Representation – Mrs Maggie Law	23 rd may 2016		
8	Representation – Mrs Iulu Zorkol	26 th May 2016		
9	Representation – Mr Linus Rees	15 th June 2016		
10	Representation – Mrs Georgina Connor	9 th June 2016		
11	Representation – Mrs Janet Norton	24 th may 2016		
12	Representation – Mrs Paula Meldrum	23 rd May 2016		
13	Representation – Mrs Elaine Napier	23 rd May 2016		
14	Representation – Mrs Margaret Ivelaw-Chapman	28 th May 2016		

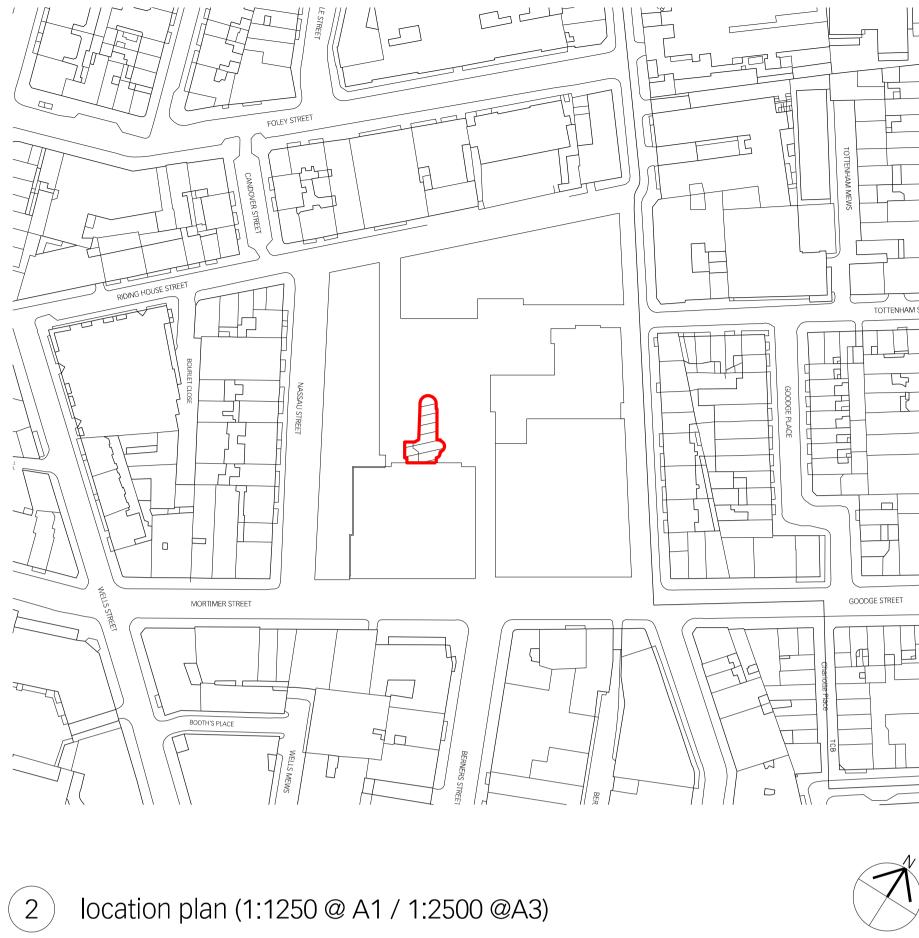


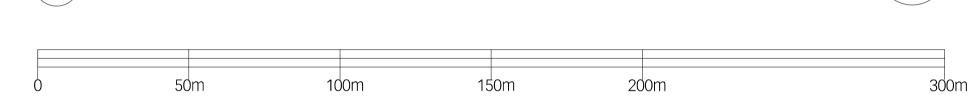


1 demise plan (1:200 @ A1 / 1:400 @A3)









architect

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FITZROY PLACE		chapel ground floor conveyance plan			
exemplar	Sir Robert M^CALPINE	var	var	AC	11.1
job no:	status	drawing no:			rev

rev date by chk revisions

- 05.11.14 AC BG First Issue

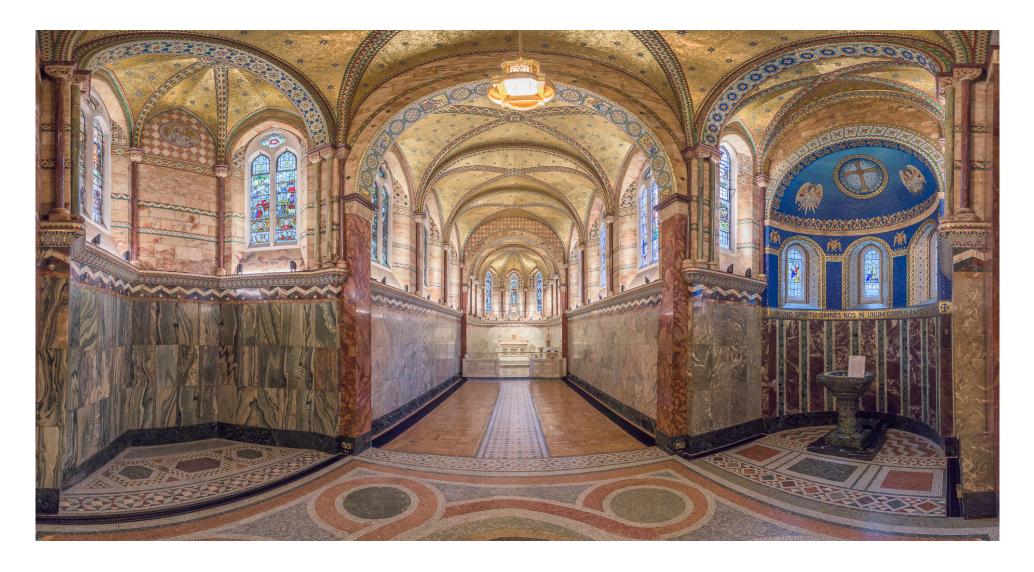
key plan

notes

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CONSTRUCTION LDS - G - CHAP - LS - 9071 -

Licensing



Premises licence

Under section 17 of the Licensing Act 2003

We are now applying for the necessary permissions and licences to host civil marriages, performances and films. And, as part of the premises licence, we are also applying for a licence to sell alcohol.

The hours when we can open together with the uses to which the chapel can be put are prescribed in detail in the planning permission and in our 125 year lease with the owners.

Use

Planning class D, non-residential institutions and 'any other use which promotes or enhances the social, environmental or economic wellbeing of the community'.

All activities have to take place within the chapel building. The exterior of the building, Fitzroy Place, is not within the demise of the chapel.

Capacity

We have been advised, during a preliminary informal inspection, that numbers will be restricted to 80 people theatre style and 120 cocktail style.

Hours of opening

Restricted to 7.30am to 11.30 pm on Mondays to Sundays, Bank and Public Holidays. The event itself must end not later than 11pm.

The premises cannot be used for an event comprising more than 15 people before 10am.

Noise levels

Noise levels inside the building must not exceed 80dB measured as a 15 minute sample LAeq

Alcohol

Any sale of alcohol will be for consumption on the premises only.

Supervision

All events will be supervised by a member of staff or trained volunteer (responsible person)

The admission of children to any film will be in accordance with the films classification.

Civil Marriages and Partnerships
This will be subject to the same
requirements and restrictions as the
Premises Licence.

Uses for which we propose to seek permission are:

- Performance of dance
- Exhibition of a film
- Provision of facilities for making music
- Performance of live music
- Playing of recorded music
- Provision of facilities for entertainment of a similar description to making music or dancing
- Anything of a similar description to live music, recorded music, or performance of dance
- Performance of a play
- Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
- Sale by retail of alcohol
- Provision of late night refreshments

Uses



Please use the consultation form to tell us what you would like to see happening in the chapel.

USES THAT MIGHT BE APPROPRIATE

Performances of the spoken word, chamber music, dance and musical recitals. max 80 audience, including a few restricted view seats.

Open for quiet contemplation

Discussion groups with audience

Presentations and film shows

Cocktail parties max 120

Secular ceremonies; baby naming, birthday and anniversary events, celebrations of honours, prize-givings and memorials

Occasional religious ceremonies, carol services, oratorios of any faith.

Daytime meetings, lunches, dinners - approx. 30

Marriages - we are applying for a wedding licence in order to be able to perform civil marriages and partnerships.

USES THAT MIGHT NOT BE APPROPRIATE

Sports, painting, or play of any kind

The room is not acoustically soundproofed from the outside, so very noisy or amplified music is not appropriate.

Catering facilities are minimal - so complicated hot food service is not appropriate.

Disco's and dancing (but performance of dance or ballet may be appropriate)

In keeping with the multi-faith traditions of a hospital chapel we are in the process of applying for a licence so that civil marriages and civil partnerships may be conducted here. Because of the law surrounding civil marriages, we are unable to host regular religious services at present.

Late night (after 11.30pm)

Early moring (before 10.00am, access will be restricted to 15 persons)

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

- 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
- 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
- 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

P = D+(DxV)

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.

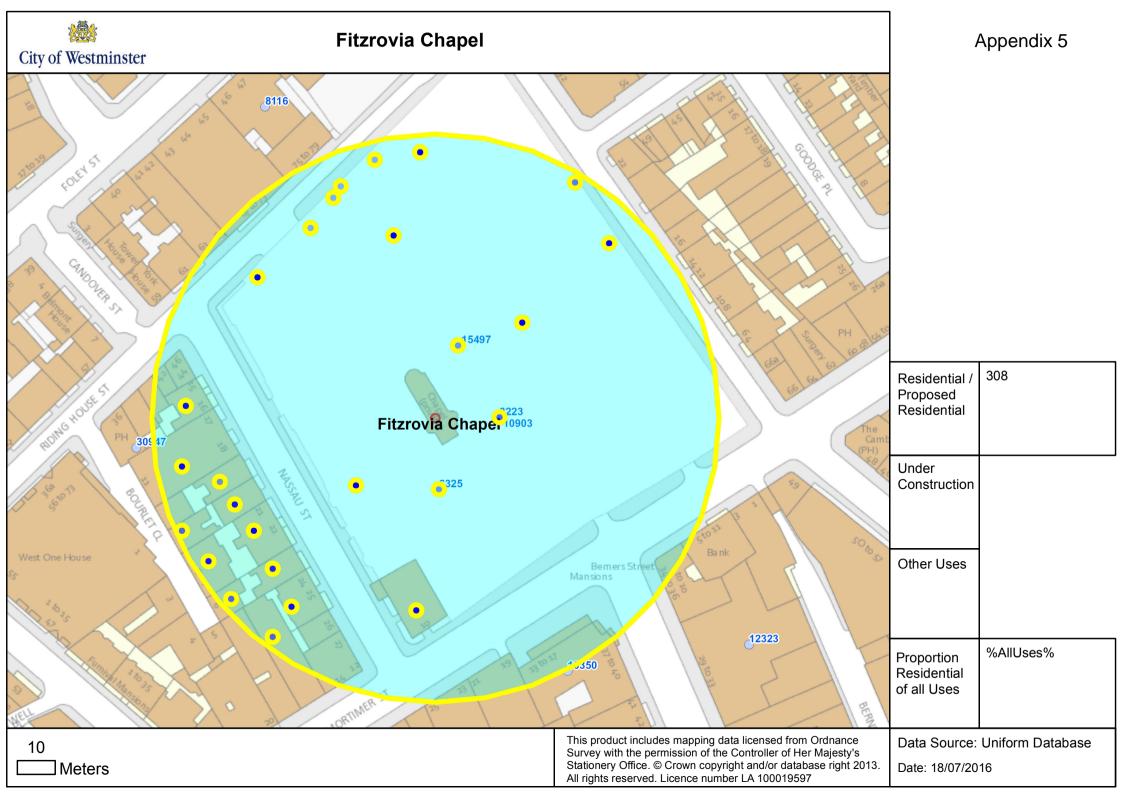
Conditions consistent with the operating schedule

- 9. The authorised person on duty will know where the CCTV cameras are located and how to contact the operators. This is will form part of the induction process for all paid and unpaid staff.
- 10. This premises 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.
- 11. The staff member will know who has access to the images via the on site security office of the Estate management. Any requests for CCTV images, either through viewing or footage recording will comply with the Data Protection Act.
- 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. All windows and external doors 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.
- 14. Whilst open for licensable activities 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. 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.
- 16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
- 17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (X) persons.
- 18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
- 19. 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.
- 20. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
- 21. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building to encourage and secure access for community uses to the premises through liaison between the local community, the landlord and the tenant; to publicise and market facilities at the premises for community uses; and to ensure the future maintenance and upkeep of the premises.

Conditions proposed by the police and agreed by the applicant

22. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

- 23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received 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.



	Premises within 75 metres of: Fitzrovia Chapel, 2 Pearson Chapel, London, W1T 3BF				
p/n	Name of Premises	Premises Address	Licensed Hours		
3223	The Provider	Development Site At The Percy And Founders Off Mortimer Street London W1T 3BF	Monday to Saturday 07:00 - 22:00 Sunday 08:00 - 21:00		
-15497	The Fitzroy Place Residential 'Club' Lounge	Pearson Square	Monday to Sunday 09:00 - 00:00		
6325	The Percy And Founders	1 Pearson Square W1T 3BF	Monday to Saturday 07:30 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 23:00		
-10903	The Larder	Development Site At The Percy And Founders Off Mortimer Street London W1T 3BF	Monday to Saturday 07:00 - 22:00 Sunday 08:00 - 21:00		