

Licensing Sub-Committee Report

Item No:	
Date:	6 th July 2017
	47/04400/LIDY D
Licensing Ref No:	17/04163/LIPV - Premises Licence Variation
Title of Report:	London Film Museum
	45 Wellington Street
	London
	WC2E 7BN
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
5 "	
Policy context:	City of Westminster Statement of Licensing Policy
-	TAL
Financial summary:	None
5	A 4: 11 : 11 1
Report Author:	Miss Heidi Lawrance
	Senior Licensing Officer
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1. Application

1-A Applicant and premises							
Application Type:	Variation of a Premises L	icence, Licensing	Act 2003				
Application received date:	21 April 2017						
Applicant:	London Film Museum (Co	ovent Garden) Ltd					
Premises:	London Film Museum						
Premises address:	45 Wellington Street London	Ward:	St James's				
	WC2E 7BN	Cumulative Impact Area:	West End				
Premises description:	The premises is currently	operating as a mu	iseum.				
Variation description:	To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan attached to the current licence.						
Premises licence history:	The premises has been licensed since April 2012.						
Applicant submissions:	The London Film Museu part of their museum of "Bond in Motion". The value-booked events	peration. The cur	rent display is				

1-B Current and proposed licensable activities, areas and hours										
Regulated E	Regulated Entertainment									
	Exhibition of films / Performance of Dance / Live Music / Recorded Music / Performance of a Play									
	Current Proposed Licensable Area									
	Но	urs	Ho	urs						
	Start:	End:	Start:	End:	Current:	Proposed:				
Monday	09:00	00:30	09:00	02:00						
Tuesday	09:00	00:30	09:00	02:00	Please see plan	To extend the hours				
Wednesday	09:00	00:30	09:00	02:00	at appendix 1	for licensable activities				
Thursday	09:00	00:30	09:00	02:00		to 02:00 in the area				
Friday	09:00	00:30	09:00	02:00		currently hatched				
Saturday	09:00	00:30	09:00	02:00		black on the plan				
Sunday	12:00	22:00	12:00	22:00						

Seasonal	Current:	Proposed:
variations/		
Non-standard	From the end of permitted hours	From the end of permitted hours
timings	on New Year's Eve to the beginning of permitted hours on New Year's Day.	on New Year's Eve to the beginning of permitted hours on New Year's Day. On Sundays before bank holidays 12:00 - 02:00

Anything of a Similar Description									
		rent urs	•	osed urs	Licen	censable Area			
	Start:	1	Start:	End:	Curre	nt:	Proposed:		
Monday	09:00	23:00	09:00	02:00					
Tuesday	09:00	23:00	09:00	02:00	Please	e see plan	To extend the hours		
Wednesday	09:00	23:00	09:00	02:00	at app	endix 1	for licensable activities		
Thursday	09:00	23:00	09:00	02:00			to 02:00 in the area		
Friday	09:00	23:00	09:00	02:00			currently hatched		
Saturday	09:00	23:00	09:00	02:00			black on the plan		
Sunday	12:00	22:00	12:00	22:00					
Seasonal	Curi	rent:				Proposed	:		
	variations/ Non-standard From the end of permitted hou		o the	on New beginning New Year	ys before bank holidays				

Late night refreshment									
Indoors, outdoors or both			Current :			Proposed:			
	·			3		Indo	oors		
	Current			osed	Licensable A	Area			
	Но	urs	Но	urs					
	Start:	End:	Start:	End:	Current:		Proposed:		
Monday	23:00	00:30	23:00	02:00					
Tuesday	23:00	00:30	23:00	02:00	Please see plan at appendix 1		To extend the hours		
Wednesday	23:00	00:30	23:00	02:00			for licensable activities		
Thursday	23:00	00:30	23:00	02:00			to 02:00 in the area		
Friday	23:00	00:30	23:00	02:00			currently hatched		
Saturday	23:00	00:30	23:00	02:00			black on the plan		
Sunday	-								

Seasonal	Current:	Proposed:
variations/		
Non-standard	From the end of permitted hours	From the end of permitted hours
timings:	on New Year's Eve to the beginning of permitted hours on New Year's Day.	on New Year's Eve to the beginning of permitted hours on New Year's Day. On Sundays before bank holidays 12:00 - 02:00

Sale by Retail of Alcohol								
On or off sal	On or off sales			nt :		F	Pro	posed:
			Both			E	3oth	٦
		rent	•	osed	Licen	sable Ar	rea	
		urs		urs				
	Start:	End:	Start:	End:	Curre	nt:		Proposed:
Monday	10:00	00:30	10:00	02:00				
Tuesday	10:00	00:30	10:00	02:00	1	e see pla	an	To extend the hours
Wednesday	10:00	00:30	10:00	02:00	at appendix 1			for licensable activities
Thursday	10:00	00:30	10:00	02:00				to 02:00 in the area
Friday	10:00	00:30	10:00	02:00				currently hatched
Saturday	10:00	00:30	10:00	02:00				black on the plan
Sunday	12:00	22:00	12:00	22:00				
Seasonal	Curi	rent:				Propos	sed	:
variations/								
Non-standar	d Fror	n the e	nd of pe	ermitted	hours	From the	he	end of permitted hours
timings:	on	New	Year's Eve to the			on New Year's Eve to the		Year's Eve to the
	beginning		of permitted hours on			beginning of permitted hours or		of permitted hours on
	New	/ Year's	Day.			New Year's Day.		s Day.
								ys before bank holidays
						12:00 -	02:	:00

Hours premises are open to the public									
	Current Hours		Proposed Hours		Premi	ses Area			
			_		Curre		Drangadi		
	Start:	End:	Start:	End:	Curre	nt:	Proposed:		
Monday	09:00	23:00	09:00	02:30					
Tuesday	09:00	23:00	09:00	02:30	Please	e see plan	To extend the hours		
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Seasonal	Seasonal Current:					Proposed	:		
variations/									
Non-standar	d Fror	n the e	nd of pe	ermitted	hours	From the	end of permitted hours		

timings:	beginning of permitted hours on	on New Year's Eve to the beginning of permitted hours on
	New Year's Day.	New Year's Day. On Sundays before bank holidays 12:00 - 02:30

1-C	Layout alteration
None a	pplied for.

1-D Conditions being varied, added or removed						
Condition Proposed variation						
None suggested.		None applied for.				
Adult entertainment:	Current posit	ion:	Proposed position:			
	Not applicable)	Not applicable			

2. Representations

2-A Responsible Authorities			
Responsible	Metropolitan police Service		
Authority:			
Representative:	PC Michael Day		
Received:	2 nd May 2017		

I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area.

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

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

The application is currently seeking hours which will go well beyond the Core Hours Policy and is located in the already busy West End Cumulative Impact areas as defined by Westminster Statement of Licensing Policy 2016. The applicant seeks to increase the hours permitted for all licensable activities including the sale of alcohol in a defined hatched area. Policy PVC2 states 'Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas' we would therefore expect to see additional conditioning to address the cumulative impact that would occur. (HRS1 and CIP1, PB2 and PVC2)

No proposed conditions have been submitted with the application and we are concerned that the current licence conditions do not address the substantial increase in hours which could affect how the 3 licensing objective listed above are upheld. Private events are limited to 150 events per year so could effectively run every weekend all year around. To assist us in assessing the application and likely impact, as per condition 25 on the licence we request the 2016/2017 booking records.

Please accept this as a formally objection to the variation application.

3. Policy & Guidance

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

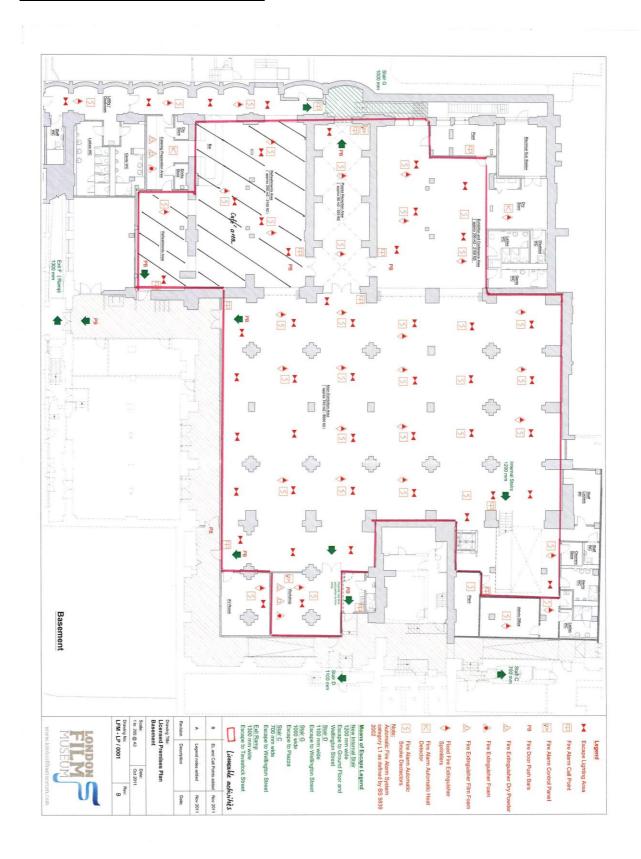
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
	(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

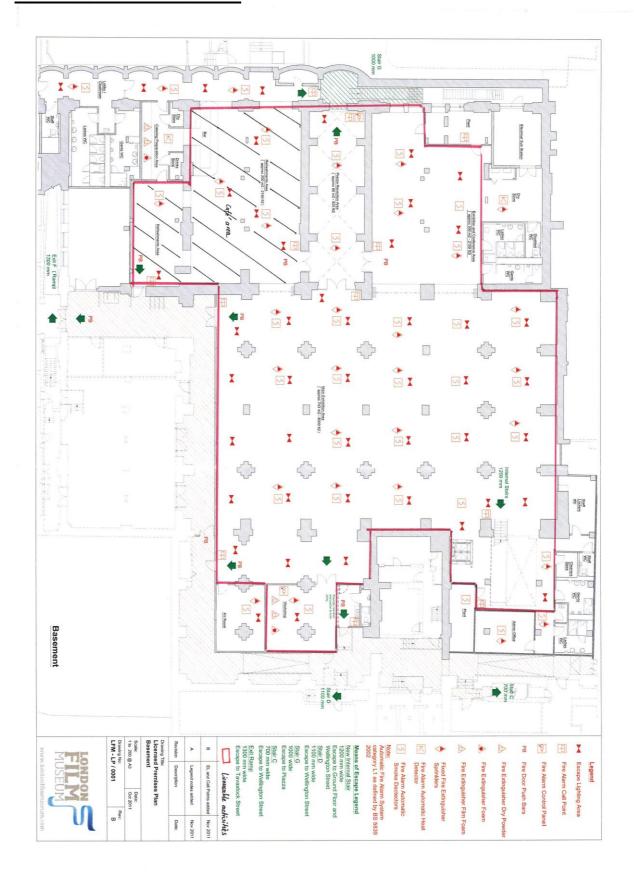
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance
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	Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author. Background Documents – Local Government (Access to Information) Act 1972 1 N/A Licensing Act 2003 7th January 2016 City of Westminster Statement of Licensing 2 Policy Amended Guidance issued under section 182 of March 2015 3 the Licensing Act 2003 21st April 2017 **Application Form** 4 2nd May 2017 Representation – MET Police 19th May 2017 Representation – Licensing Authority 6



Premises Plans - Current



Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/00191/LIPN	Application for a new premises licence	17.04.2012	Granted by Licensing Sub- Committee
13/04403/LIPV	Application to vary the premises licence: 1. Extend the terminal hour of all existing licensable activities on Monday to Saturday from 23:00 to 00:30, no change to existing Sunday timings. 2. To incorporate the licensable activity of Late Night Refreshment, Monday to Saturday 23:00 to 00:30.	12.09.2013	Granted by Licensing Sub- Committee

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

P = D+(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 subparagraph 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.
- Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
- All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 11. The provision of licensable activities shall be ancillary to the premises' main use as a museum/exhibition space.
- 12. The supply of alcohol at the premises shall only be :
 - a. to a person seated taking a table meal in the café area hatched black on the plan, and for consumption by such a person as ancillary to their meal;
 - b. persons attending a private or pre-booked function or conference,
 - c. artistes and staff.
- 13. There shall be no self-service of alcohol in the café area.
- 14. There shall be no supply of draught beer.
- 15. No beer or cider above 5.5% ABV is to be sold from the premises.
- 16. Food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs to local residents and leave the area quietly.

- 18. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
- 19. There shall be no tables and chairs placed outside the premises.
- 20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 22. At least 1 SIA licensed door supervisors shall be on duty at the Wellington Street entrance of the premises after 20:00 hours. A SIA registered door supervisor to supervise the smoking area outside of the Piazza entrance after 20:00.
- 23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 24. All entrance doors and windows to be kept closed after 9pm except for immediate access and egress of persons.
- 25. On occasions when the premises is being used for private pre-booked corporate hire events, a register detailing the timing of the booking detailing the booking, numbers attending the event, the contact details of the event organisers are to be recorded, such bookings where alcohol is sold after 20:00 hours are to be limited to 150 days in a calendar year. The premises management will record the details of such events in a log with a record of the event such log to be readily available to the Police or an authorised Council Officer.
- 26. A Notice giving seven days written notice of all private pre-booked functions shall be displayed at the Wellington Street entrance in a conspicuous position.

- 27. The pavement from the building line to the kerb edge immediately outside the premises including gutter/channel at its junction with the kerb edge shall be swept and/or washed every day that the premises are open after the end of the activities.
- 28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
- 30. No deliveries to the premises shall take place between 23.00 and 08.00.
- 31. There shall be no cinema style seating at the premises unless otherwise agreed with the Westminster Environmental Health Consultation Team.
- 32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
 - NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
- 33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
- 34. There shall be no striptease or nudity and all persons shall be decently attired at all times.
- 35. The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons.
- 36. The supply of alcohol shall be by waiter or waitress only.
- 37. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

- 38. Plant and machinery apart from refrigeration shall not operate after 23:00 hours or before 08:00.
- 39. The ground floor on Wellington Street must not be used for any regulated entertainment or any supply of alcohol.
- 40. After 21:00 all patrons and staff (except for the purposes of setting the alarm) shall egress via the Piazza exit.
- 41. Licensable activities shall be permitted from the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

