

# Licensing Sub-Committee Report

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]		
<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] [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 depreccated.

<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 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 for 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

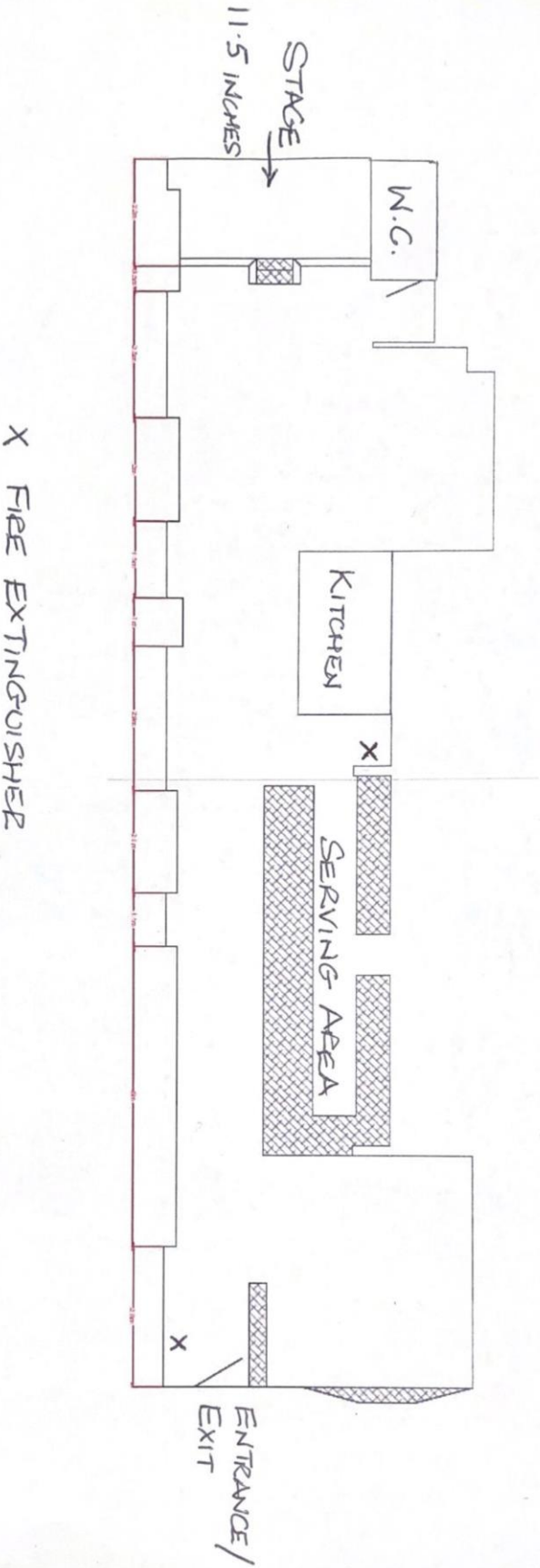
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Mediation correspondence
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity
<b>Report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





Applicant Letter to Interested Parties

We would like to let you know what our plans are for the future of The Theatre Café.

We are an independent, family owned organisation looking to continually improve our offering to our customers.

It has been an extremely testing time for everyone over the last year and we have suffered the café being closed more than open. It has been a struggle for us as a very small business but we hope to bounce back when the global crisis calms down.

One of these steps is to offer our customers the chance to purchase hot food and alcoholic drinks. We believe this offering will heighten our customers’ enjoyment of the theatrical vibe of the café. Its fair to say, our customers are primarily theatre-goers who are both courteous and respectful of our café and the surrounding environment.

We are aware that there is a concern that there will be an increase in people queuing; we don’t believe this will be an issue as the sole time we had an instance of this happening was on our opening night, which was a unique instance. We are also only opening core hours to be respectful to our neighbours and only offering non-vertical drinking (ie. Table drinking only).

If you have any concerns or require further information, please feel free to email

[REDACTED] (Joe Davey, Managing Director) or [REDACTED] (Jake Malin, Theatre Café Manager)

## 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**

T. +44 (0) 20 7734 4507  
E. [info@heartoflondonbid.co.uk](mailto:info@heartoflondonbid.co.uk)

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

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

**From:**  
**Cc:**  
**Bcc:**



**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>; tmtchell@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

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

<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**

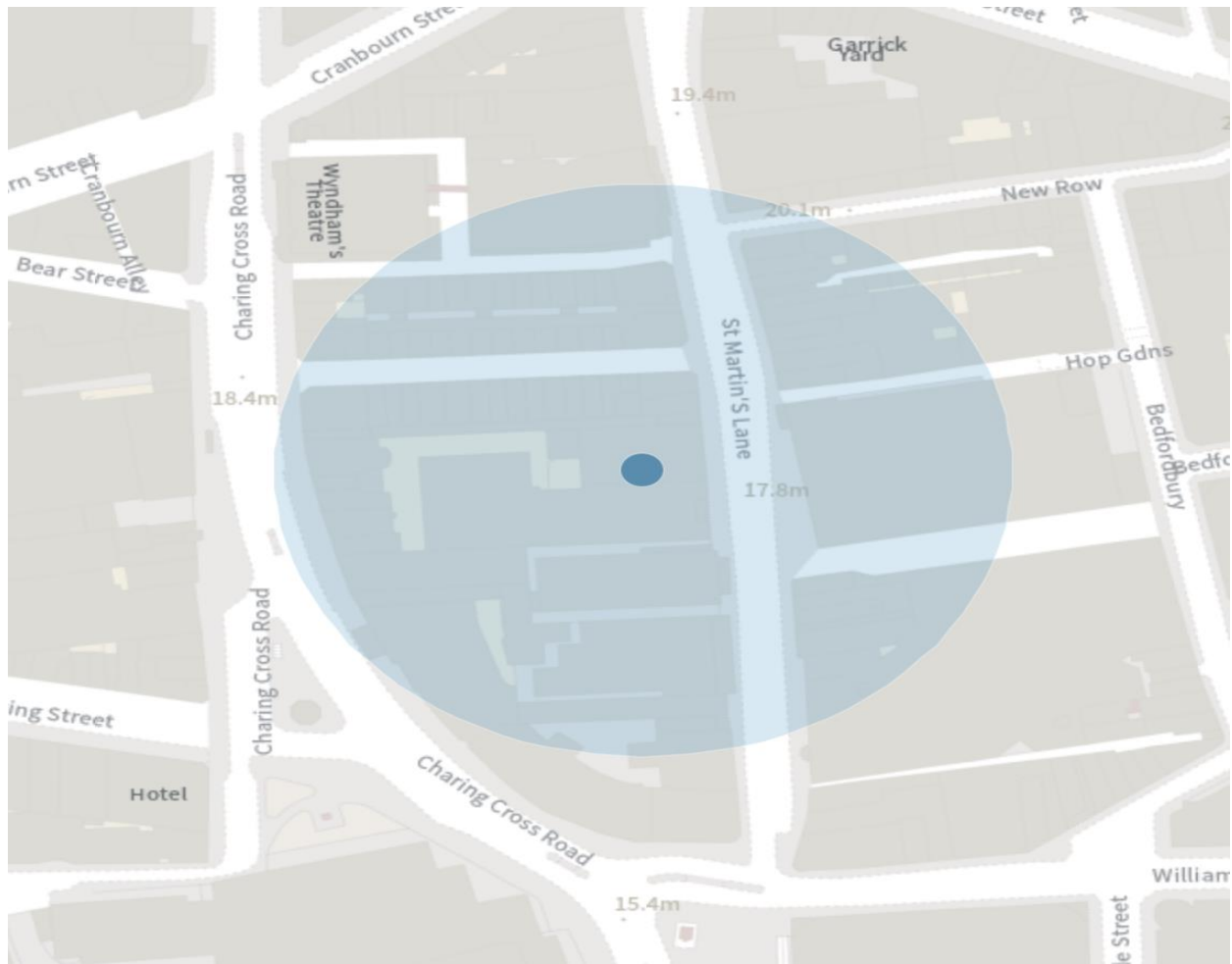
14. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as Theatre Café
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary 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 Fogg's 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