

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE (2)

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

**APPLICATION FOR A NEW PREMISES LICENCE – THE WINDMILL THEATRE
17-19 WINDMILL STREET LONDON W1D 7JZ – 20/10170/LIPN**

SUMMARY DECISION

Case Summary

This is an application for a new Premises Licence under the Licensing Act 2003 (“the Act”). The Premises propose to operate as a theatre with bar, restaurant and associated facilities. The Premises are in the West End Ward and are within the Cumulative Impact Area.

Applicant

Immerse London Limited

Summary Decision

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State’s Guidance (“Guidance”) and the Authority’s Statement of Licensing Policy (“SLP”).

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission for Plays (Indoors) Monday to Saturday: 09:00 to 05:00 hours Sunday: 14:00 to 03:00 hours.

Seasonal Variations: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day with an additional hour when British Summer time commences.

2. To grant permission for Films (Indoors) Monday to Saturday: 09:00 to 05:00 hours Sunday: 09:00 to 00:00 hours.

Seasonal Variations: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day with an additional hour when British Summer time commences.

3. To grant permission for Live Music (Indoors) Monday to Saturday: 09:00 to 05:00 hours.

Seasonal Variations: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day with an additional hour when British Summer time commences.

4. To grant permission for Recorded Music (Indoors) Monday to Sunday: 00:00 to 00:00 hours
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
5. To grant permission for Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
6. To grant permission for Anything of a Similar description to Live Music, recorded Music and Performance of Dance (Indoors) Monday to Saturday: 09:00 to 05:00 hours.
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
7. To grant permission for Late Night Refreshment (Indoors and Outdoors) Monday to Saturday: 23:00 to 05:00 hours.
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
8. To grant permission for Sale by Retail of Alcohol (On and Off Sales)
Monday to Saturday: 10:00 to 05:00 hours Sunday: 12:00 to 22:30 hours
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
9. To grant permission for the Hours Premises are open to the Public
Monday to Saturday: 09:00 to 05:30 hours Sunday: 09:00 to 03:00 hours
Seasonal Variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day with an additional hour when British Summer time commences.
10. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
11. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

12. Admission to the Premises shall be limited to the following:
 - Persons having booked tickets to a performance, prior to attending the Premises.

- No more than 15 guests of the proprietor, whose names have been recorded in a guest list, maintained at the Premises and available for inspection by any Police or Authorised Officer. The guest list is to contain the name, address and contact details of all guests.
 - Persons attending a private function which has been booked at least 24 hours in advance in writing (a list of whom shall be kept at reception for inspection by the relevant authority).
13. The capacity of the premises to be:
- i) Ground Floor and Mezzanine - 250 persons (excluding staff).
 - ii) Basement – 100 persons (excluding Staff)
- The above figures are subject to the following restrictions on the whole Premises
- iii) From 09:00am to 3.30am – 350 persons (excluding Staff)
 - iv) From 3.30am to 5.30am – 150 persons (excluding Staff)
14. The Premises shall develop and operate a Dispersal, Transport and Noise Strategy, a copy whereof shall be provided to the Licensing Authority.
15. A minimum of 4 SIA licensed Door Supervisors will be stationed on Great Windmill Street from midnight until 30 minutes after the Premises are closed and empty of patrons.
16. Designated Street Marshals and Noise Control Officers will be deployed on Great Windmill Street and neighbouring streets as identified from time to time, from midnight until 30 minutes after the Premises are closed and empty of patrons.
17. A chauffeur service shall be available to patrons. Patrons will be able to make a booking at the time of booking their tickets or at any time from their table/seat in the premises.
18. An attendant shall be on duty in the cloakroom the whole time it is in use.
19. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
20. 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.
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

22. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
23. 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 are 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 the Police or authorised officer throughout the entire 31-day period.
24. 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. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
26. A minimum of 14 days' notice shall be given to the Environmental Health Consultation Team and District Surveyor of any intention to use scenery on any stage area.
27. A member of security shall be at the side of the stage during the times of the performance.
28. WCs for the sole use of members of staff and performers shall be provided and the appropriate signage shall be applied.
29. Any scenery to be kept or used on the premises shall be constructed only from such materials as the council accepts for use on open stages and such scenery shall be restricted as necessary for the current performance and shall be used on stage only.
30. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons detailed in condition 9 above.
31. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
32. There shall be no payment made by or on behalf of the licensees to any person bringing customers to the premises.
33. The licensable activities authorised by the Licence and provided at the premises shall be ancillary to the main function of the premises as a performance venue.

For the purpose of this condition performance venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.
34. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
36. Before the premises opens, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
37. No licensable activities shall take place at the premises until premises licence 20/03225/LIVPM (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
38. After 2300 hours all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
39. The above requirement is subject to the following exceptions, namely that a maximum number of 15 guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
40. Notwithstanding condition 36 above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the Police and responsible authorities upon request.
41. All door supervisors will correctly display their SIA licence when on duty at the premises.
42. After 21:00 hours all SIA Door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
43. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum

requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the preceding 31-day period. BWV must be activated at an early stage during any incident involving conflict.

44. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors before being directed to the relevant area of the premises.
45. After 23:00 all patrons attempting to gain entry or re-entry will be subject to a search, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admission.
46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined in the Dispersal, Transport and Noise Management Strategy.
47. 47.No entry / Re-entry (excluding persons exiting to smoke) to the premises after 03:00 hours.
48. 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:
 - • all crimes reported to the venue
 - • all ejections of patrons
 - • any complaints received concerning crime and disorder
 - • any incidents of disorder
 - • all seizures of drugs or offensive weapons
 - • any faults in the CCTV system, searching equipment or scanning equipment
 - • any refusal of the sale of alcohol
 - • any visit by a relevant authority or emergency service.
49. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
 - The Police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of the Police.
 - All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the Police, unless otherwise notified by them.

- Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
50. 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.
 51. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
 52. The supply of alcohol shall be by waiter or waitress service only.
 53. On the Ground Floor and Mezzanine, the sale of alcohol shall cease at least 1 hour before the Ground Floor and Mezzanine closes.
 54. No licensable activities shall take place within the basement until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the Licence with a condition detailing the capacity so determined. Such capacity shall not exceed 100 persons excluding staff.
 55. No more than 15 persons shall be permitted in the smoking area at any one time until 03:30 hours, and no more than 5 persons thereafter.

This is a summary of the decision reached by the Licensing Sub-Committee.

The Fully reasoned decision will be sent out to all parties as soon as possible. The date for appealing the decision will not start until the full reasoned

Decision has been sent to the Parties.

Licensing Sub-Committee
18 March 2021