

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.3  
("The Committee")

Thursday, 11 March 2021

**Membership:** Councillor Jim Glen (Chairman), Councillor Heather Acton and Councillor Aziz Toki

**APPLICATION FOR A NEW PREMISES LICENCE – THEATRE CAFÉ,  
BASEMENT TO GROUND FLOOR, 99 ST MARTIN'S LANE, LONDON WC2N 4AZ**

**SUMMARY DECISION**

**Case Summary**

This is an application for a new Premises Licence under the Licensing Act 2003 ("the Act"). The Premises intend to trade as a theatre themed café. The Premises are in the St. James's Ward and are within the Cumulative Impact Area.

**Applicant**

The Theatre Café 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 Live Music (Indoors)

Monday to Saturday: 12:00 to 23:00 hours  
Sunday: 12:00 to 22:30 hours  
Seasonal Variations: None

2. To grant permission for Recorded Music (Indoors)

Monday to Saturday: 10:00 to 23:00 hours  
Sunday: 10:00 to 22:30 hours  
Seasonal Variations: None

3. To grant permission for Sale by Retail of Alcohol (On Sales)

Monday to Saturday: 12:00 to 23:30 hours  
Sunday: 12:00 to 22:30 hours  
Seasonal Variations: None

4. To grant permission for the Hours the Premises are open to the Public:

Monday to Saturday: 10:00 to 23:00 hours

Sunday: 10:00 to 22:30 hours  
Seasonal Variations: None

5. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
6. 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**

7. The premises will not operate drinks promotions.
8. All staff will receive training on emergency procedures, licence conditions/legislation and general safety precautions
9. All glasses, bottles and rubbish will be cleared from public areas on a regular basis.
10. All safety certificates and inspection reports will be kept on site and available for viewing.
11. No music or speech will be played through external speakers.
12. 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.
13. 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 meal.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. The supply of alcohol at the premises from 21:00 hours shall only be to a person seated taking substantial table meal there and for consumption by such a person as ancillary to their meal.

*For the purpose of this condition a 'substantial table meal' means, a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table.*

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. 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 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.

18. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
22. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No licensable activities shall take place 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. The maximum capacity, in any event, will not exceed 60 persons (excluding staff).
25. 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
26. 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.
27. 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.
28. 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.
29. 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.

30. 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.
31. 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 a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
32. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
33. 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.
34. 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.
35. There shall be no self-service of Alcohol.
36. The supply of alcohol for consumption on the premises shall only be to a person seated.

**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  
11 March 2021**