



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	5 th October 2015		Clerkenwell

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
Theatre Delicatessen, 119 Farringdon Road, London EC1R

1. Synopsis

- 1.1 This is an application for the variation of a premises licence under the Licensing Act 2003.
- 1.2 The application is to allow a temporary variation of the premises licence, in respect of the **basement area only** for the period 20 August 2015 to 31 March 2016, so as to permit:
 - a) The sale of alcohol, which may be consumed on the premises only, from 12:00 to 01:00, seven days a week;
 - b) The supply of late night refreshment, from 23:00 to 01:00, seven days a week.
 - c) Opening times, 09:00 to 01:00, seven days a week.
- 1.3 The premises licence currently allows, in respect of the basement, ground floor, and floors 1-5:
 - a) The sale of alcohol for consumption on the premises, recorded music, plays, exhibition of films, recorded and live music from 10:00 to 23:00, Sundays to Thursdays, and from 10:00 to 23:30 on Fridays and Saturdays.
 - b) Opening times, 09:30 to 23:30, Sundays to Thursdays, and 09:30 to 00:30, Fridays and Saturdays.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes, 5
Other bodies	No

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form, including current licence;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premises location.

3.2 A licence was first granted to Theatre Delicatessen in respect of this premises on 11 September 2014. In addition to the permitted hours set out in 1.3, the licence granted allowed the premises to provide licensable activities with extended hours for the basement only as follows:

- a) Performance of plays, sale of alcohol, and provision of late night refreshment to midnight, Sunday to Wednesday and to 01:00 on Thursday to Saturday from 12 November 2014 to Saturday 21 December 2014

3.3 This application is subject to representations from the Licensing Authority, Metropolitan Police and five local residents.

3.4 Determination of this application has been delayed as the applicants failed to comply with the statutory advertising requirements when the application was first submitted.

4. Planning Implications

4.1 The Planning & Development section have the following comments to make in relation to the above application:

“Relevant Planning History
P2014/2897/FUL dated 25/02/2015

A temporary change of use from B1 to dual use comprising B1 and Sui Generis Use for the provision of a theatre space, with ancillary studios/workshops and retail cafe/bar.

Note

LIMITED CONSENT PERIOD - TEMPORARY USE: The use of the building hereby approved is granted only for a limited period of two years and should cease, within and not after 2 years from the date the temporary use is allowed under this planning consent.

On the cessation of the temporary use hereby granted the building and land shall revert to the use/purpose for which it was normally used prior to the grant of this planning permission.

REASON: The temporary use is such that the Local Planning Authority is only prepared to grant permission for a limited period in view of the special circumstances of this case. The limitation of the consent period ensures compliance with policies: [insert relevant land-use policies] and section 57(2) of the Town and Country Planning Act 1990 (as amended).

Restrictive conditions

HOURS OF OPERATION (COMPLIANCE): The ground use hereby approved shall not operate outside the hours of:

10:00 - 23:00 Mondays to Saturdays

10:00 - 18:00 Sundays

REASON: To ensure that the proposed development does not have an adverse impact on neighbouring amenity.

These hours conflict with license app"

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Recommendations

- 5.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.
- 5.2 To consider that this address is in the Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.
- 5.3 If the Committee grants the application it should be subject to:
 - i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 3)
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)

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Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

23.9.15
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN14945-110914	Date of original grant*	11 September 2014
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
THEATRE DELICATESSEN 119 FARRINGDON ROAD			
Post town	London	Post code	EC1R 3DA
Telephone number	0771 348 6420		

Where the licence is time limited the dates
For the basement only performance of plays, sale of alcohol, and provision of late night refreshment to midnight, Sunday to Wednesday and to 01:00 on Thursday to Saturday from 12 November 2014 to Saturday 21 December 2014

Please note, some or all of the below licensable activities and the times the premises may carry out those licensable activities are currently restricted as a result of outstanding conditions as laid out in Annex 2 of this Premises Licence.

Licensable activities authorised by the licence
Basement, Ground floor and Floors 1 to 5
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: <ul style="list-style-type: none"> The performance of plays The exhibition of films The performance of live music The playing of recorded music The performance of dance • The provision of late night refreshment (basement only 12 November to 21 December 2014) • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of plays: <table border="0" style="margin-left: 20px;"> <tr> <td>Monday</td> <td>10.00</td> <td>to</td> <td>23.00</td> </tr> <tr> <td>Tuesday</td> <td>10.00</td> <td>to</td> <td>23.00</td> </tr> <tr> <td>Wednesday</td> <td>10.00</td> <td>to</td> <td>23.00</td> </tr> <tr> <td>Thursday</td> <td>10.00</td> <td>to</td> <td>23.00</td> </tr> <tr> <td>Friday</td> <td>10.00</td> <td>to</td> <td>23.30</td> </tr> <tr> <td>Saturday</td> <td>10.00</td> <td>to</td> <td>23.30</td> </tr> <tr> <td>Sunday</td> <td>10.00</td> <td>to</td> <td>23.00</td> </tr> </table> 	Monday	10.00	to	23.00	Tuesday	10.00	to	23.00	Wednesday	10.00	to	23.00	Thursday	10.00	to	23.00	Friday	10.00	to	23.30	Saturday	10.00	to	23.30	Sunday	10.00	to	23.00
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Saturday	10.00	to	23.30																									
Sunday	10.00	to	23.00																									

- The provision of regulated entertainment for the exhibition of films:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.30
Saturday	10.00	to	23.30
Sunday	10.00	to	23.00

- The provision of regulated entertainment for the performance of live music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.30
Saturday	10.00	to	23.30
Sunday	10.00	to	23.00

- The provision of regulated entertainment for the playing of recorded music:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.30
Saturday	10.00	to	23.30
Sunday	10.00	to	23.00

- The provision of late night refreshment (basement only 12 November to 21 December 2014):

Monday	23.00	to	00.00	
Tuesday	23.00	to	00.00	
Wednesday	23.00	to	00.00	
Thursday	23.00	to	01.00	the following day
Friday	23.00	to	01.00	the following day
Saturday	23.00	to	01.00	the following day
Sunday	23.00	to	00.00	

- The sale by retail of alcohol:

Monday	10.00	to	23.00
Tuesday	10.00	to	23.00
Wednesday	10.00	to	23.00
Thursday	10.00	to	23.00
Friday	10.00	to	23.30
Saturday	10.00	to	23.30
Sunday	10.00	to	23.00

Non standard timings:

For the basement only performance of plays, sale of alcohol, and provision of late night refreshment to midnight, Sunday to Wednesday and to 01:00 on Thursday to Saturday from 12 November 2014 to Saturday 21 December 2014. On these occasions the opening hours are extended to 00:30, Sunday to Wednesday, and to 01:30, Thursday to Saturday.

The opening hours of the premises:

Monday	09.30	to	23.30	
Tuesday	09.30	to	23.30	
Wednesday	09.30	to	23.30	
Thursday	09.30	to	23.30	
Friday	09.30	to	00.30	the following day
Saturday	09.30	to	00.30	the following day
Sunday	09.30	to	23.30	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Curving Road Limited
Byre Cottage Blacksmiths Lane
Little Beckford
Tewkesbury
Gloucestershire
GL20 7AH

reception@theatredelicatessen.co.uk

Registered number of holder, for example company number, charity number (where applicable)

06114448

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Roland Smith

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

[REDACTED]

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. The building shall be managed by a team of on-site staff at all times, comprising a building supervisor who will be stationed at the front desk, front of house staff overseeing public access to performances and bar staff supervising the bar/café area.
2. Staff shall be able to communicate using radios. All will be trained in evacuation procedures with regular 'drills' being held so that all are aware of their responsibilities should evacuation of the building become necessary.
3. All entrances and exits shall be covered by CCTV cameras, with staff trained to download relevant footage if required by authorities.
4. Audience numbers shall be strictly limited.
5. The licensing authority shall be notified of the staging of new theatre productions, including providing plans of changes in set and layout of performance spaces.
6. The entrance to the building will always be manned by a member of staff, to ensure only those people who are using the café/bar or are in possession of a ticket for a theatre performance are allowed access.
7. The sale or supply of alcohol at the premises shall be at all times ancillary to the provision of regulated entertainment.
8. There shall be no sales of alcohol for consumption off the premises.
9. No one who appears to be drunk or intoxicated shall be served alcohol by bar staff.
10. Staff shall challenge anyone who looks under 21 years to prove their age by presentation of recognised identification.
11. Public access areas will be clearly signed, and no members of the public will be admitted to "private areas". This will be managed by a team of Front of House staff.
12. Public access to the building shall be limited to the numbers specified below:

Ground Flr (including Café/bar)	Performance Space 80
	Gallery 100

First Floor

Rehearsal Spaces 75

Second Floor

Studios 75

Third Floor

The Allotment 0

Fourth Floor

Experience Lab 150

Fifth Floor/Lower Ground

Performance Space 150

Total 710

For large scale productions Theatre Delicatessen will utilise either the Lower Ground Floor or Fifth Floor. These spaces shall not be used concurrently.

13. Only members of the public who bought a ticket for a performance shall have access to the promenade performance space.
14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
15. All exit doors shall be available at all times without the use of a key, code, card or similar means.
16. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
17. Children under the age of 12 shall not be admitted to the building unless accompanied by a responsible adult.
18. Ticket sales to theatre productions dealing with issues of an adult nature shall be restricted to over 16 year olds.
19. A detailed scheme of sound insulation works and measures shall be submitted to and approved in writing by the Council's Pollution Team. The approved details shall be implemented in full prior to the commencement of the premises licence.
20. Noise or vibration shall not emanate from any fixed plant or equipment associated with the premises so as to cause a nuisance to the neighbours.
21. Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
22. Except for access and egress all doors and windows shall be kept closed when regulated entertainment and/or rehearsals are taking place, and in any event after 21:00.
23. No speakers will be placed in the entrance lobby, outside the premises nor on the outside of any building forming part of the premises.
24. The Premises Licence Holder will prepare and implement a dispersal policy to the written approval and satisfaction of the Council's Pollution Team.
25. A specific taxi operator will be nominated for staff and customers use. The company's telephone number will be advertised to customers. The operator and all drivers will be made aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff will leave as quietly as possible, particularly at night and early in the morning.
26. A telephone number shall be made available and displayed in prominent locations in for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The number shall be direct to the management who are in control during the premises opening hours.

27. The designated smoking area shall be limited to the area at the front of the building indicated by signage and ground markings.
28. Patrons permitted to smoke at the designated smoking area shall be limited to 12 persons at any one time.
29. The designated smoking area shall not be used for the consumption of drinks.
30. Suitable receptacles shall be provided for cigarette litter at the designated smoking area.
31. The designated smoking area shall be closed and cleared of patrons by 00:00. Notices shall be displayed to inform patrons of this requirement.
32. Notices shall be prominently displayed at the designated smoking area requesting patrons to respect the needs of local residents and use the area quietly.
33. The disposal of empty bottles into outdoor storage receptacles will not take place on Sundays or Bank Holidays and between the hours of 19:00 and 08:00 hours other days of the week.
34. No deliveries will take place on Sundays or Bank Holidays and between the hours of 19:00 and 08:00 hours other days of the week.
35. The windows and other glazed areas to the premises shall be fitted with heavy duty curtains or similar to prevent light breakout from strobe or other flashing lights equipment.

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

1. The arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment shall be subject to Council approval and shall at all times be maintained in good condition and full working order.
2. Anyone purchasing alcohol who appears to be under 25 years will be asked for ID to prove they are over-18 years.
3. Fireworks or other pyrotechnics will not be used other than with the prior consent of the Council.

Annex 4 – Plans

Reference Number: LN14945-110914 (1) - (7)

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

41,750

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Date variation to take effect from

/ /
dd mm yyyy

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

This is for a proposed TEMPORARY Variation running from 20/8/2015 - 31/3/2016

The basement of 119 Farringdon Road currently has a license aligned to normal licensing hours. CurvingRoad would like to extend the closing hours for the provision of sale by retail of alcohol to 01:00 hours, to accommodate the needs of an immersive dining experience.

The basement of 119 Farringdon Road is split into two by a central stairwell. The North side has no exits or windows. The south side has direct exits onto the West facing side of the building only, and directly faces residential property. The windows on the southside will be covered and blocked off.

There will be two points of sale for alcohol - one on the south side and one on the north side of the basement.

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PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

Continued from previous page...

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Drinks will be provided as part of an immersive dining experience. There will be two points of sale: one on Basement North and one on Basement South as part of the restaurant. Atmospheric music will be played as part of the experience and will

Continued from previous page...

be ancillary to performance.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- An 'Audience Management' Team will be provided for all events happening across the basement with a late license. They will be responsible for ensuring unobstructed escape routes are available at all times during events, monitoring audience movement, directing audiences to the correct smoking area, monitoring noise levels and managing audience dispersal through the evening.

- All approved health & safety arrangements at the premises will be maintained in good condition and working order.

- Children under 15 will only be allowed entry with a responsible adult. Persons under 16 will not be permitted to events contains issues of an adult nature or events with late night entertainment.

- Theatre Delicatessen adheres to the 'Challenge 25' policy. Any persons appearing drunk or intoxicated will not be served alcohol.

- All windows in the basement other than exits and entrances will be blacked out to provide a reduction in noise and light pollution.

c) The prevention of crime and disorder

The entrance of the building will be manned by a member of staff at all times. The basement will also have it's own dedicated 'Audience Management' Team including Box Office Manager, Audience Manager, Event Manager and 8 hosts/waiters. Only people in possession of a ticket will be allowed entrance to the event.

The sale and supply of alcohol shall be at all times ancillary to Regulated Entertainment.

There shall be no sale of alcohol for consumption off the premises.

Anyone appearing drunk or intoxicated will not be served alcohol by the bar staff. Theatre Delicatessen adheres to the 'Challenge 25' policy, requiring I.D. to be shown of anyone who appears under 25.

c) Public safety

Continued from previous page...

An Audience Management team will be present during all events in the basement to ensure the following:

- only audience members who have bought a ticket prior to the event will be permitted in the space
- fire exits are well marked and easily accessible
- providing assistance to audience with directions to and from exits and entrances
- ensuring routes and walkways are clearly marked and clear

Capacity will be restricted to 80 on the south side and 50 on the north side of the basement.

The approved arrangements at the premise, including means of escape provisions, emergency warning equipment, electrical installation and mechanical equipment, shall at all material times be maintained in good condition and working order.

The means of escape provide for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All exit doors shall be available at all material times without the use of key, code, card or similar means.

All emergency doors shall be maintained effectively self closing and not held open other than by approved device.

d) The prevention of public nuisance

Entertainment in the south side of the basement will take place in the inner room away from the back wall of the building. The space has been insulated with sound proofing. There are 4 walls in between the proposed activity and the outside.

On the north side the double glazed windows will be closed off and blacked out, removing any light or visual pollution and reducing noise pollution.

Audiences and staff will only be able to entrance and exit the building via the front of the building on Farringdon Road.

There is a dedicated smoking area outside the front of the building on Farringdon Road. There will be no access to the back of the building to exit or smoke.

Theatre Delicatessen has a Audience Dispersal policy that is managed by the Evening Duty Manager and Front of House team trained in audience dispersal. We have information on late night travel, and contact details for two dedicated taxi services. Audiences will be asked to head home via the main thoroughfares. Signage at exits will request patrons to leave quietly and with respect to our neighbours.

Noise will be incidental and atmospheric music.

e) The protection of children from harm

Children under the age of 15 will not be admitted to the building unless accompanied by a responsible adult.

Our events are not recommended for children unless in specific circumstances. Ticket sales to theatre productions dealing with issues of an adult nature will be restricted to those age 16 or above.

Anyone attempting to purchase alcohol under the age of 25 will be asked to provide an ID.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300

£100.00

Continued from previous page...

Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Continued from previous page...

* Capacity

Date (dd/mm/yyyy)

* Full name

* Capacity

Date (dd/mm/yyyy)

Remove this signatory

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Licensing Authority Representation: Licensing Act 2003**Application: Theatre Delicatessen, 119 Farringdon Road, London EC1R**

I am submitting a representation on behalf of the Licensing Authority with respect to the variation application for the above premises.

The grounds for the representation are:

- Public nuisance

Licensing Policy Considerations

Licensing Policies 1 & 2
Licensing Policies 6
Licensing Policy 7 & 8
Licensing Policy 18

Location, cumulative impact and saturation
Development Planning
Licensing Hours
Noise control

Issues of Concern

1. The premises are located within the Clerkenwell Cumulative Impact policy area. A licence was first granted to Theatre Delicatessen for these premises in September 2014. It is apparent from the representations received from neighbouring residents that activity at these premises is associated with issues of public nuisance.
2. The Planning Department have reported that the temporary planning use granted restricts the hours of operation to between 10:00 and 23:00hrs, Mondays to Saturdays, and between 10:00 and 18:00hrs, Sundays. These hours were imposed to ensure that operations do not have an adverse impact on neighbouring amenity. The proposed hours are clearly in excess of these hours and it does not appear an application has been submitted to amend these planning hours.
3. The proposed hours of operation are in excess of those set out in Islington's preferred hours policy. The proposed variation has been requested for a "temporary period" between 20/08/15 and 31/03/16. This is a period of over seven months, which in my opinion should not be regarded as temporary.
4. This application will undermine the licensing objectives and add to the cumulative impact because:
 - o To date the venue has operated licensed activities on a fairly limited basis and yet there still appears to be issues of public nuisance arising. I am concerned that extending the permitted hours for licensable activities will only exasperate these issues.

Recommendation

I recommend that the application is refused to give the premises licence holders and the appropriate responsible authorities the opportunity to investigate and address the concerns raised in the representations before any further extension of licensed hours is permitted.

Janice Gibbons

Rep 2

Your
Our Licensing/NI
Date: 07/08/2014



Jessica Brewster
119 Farringdon Road
London
EC1R 3DA

**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone:
Email:
licensingpolice@islington.gov.uk

Re: Premises Licence Application, Theatre Delicatessen – 119 Farringdon Road, EC1R 3DA

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

The venue is situated in the 'Clerkenwell Cumulative Impact Zone', an area which traditionally suffers from high levels of crime and disorder and there are concerns that this application will cause further policing problems in an already demanding area.

Islington has almost double the national average of licensed premises per resident, and this is why the Police supported the implementation of the Council's Cumulative Impact Policy. This large number of licensed premises and the issues associated with these impacts greatly on the Police and all other emergency services resource.

Police contacted the applicant mid July for clarification on a number of points. There are concerns that without adequate conditioning the venue could become more of a drinking venue than that which is purported to be. There were also concerns over the closing time and whether the applicant was able to demonstrate how they would not add to the cumulative impact.

The police have so far received no communication back from the applicant. With regard to our concerns, we are objecting to the application, and propose that it is refused.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, licensingpolice@islington.gov.uk

Yours sincerely

Peter Conisbee PC575NI
Steven Harrington Pc 425NI
Paul Hoppe PC208NI

Islington Police Licensing Officers

- Rep 3

Sender, Yesim

From: [REDACTED]
Sent: 22 July 2015 17:30
To: Licensing
Subject: Fwd: Theatre Deli, 119 Faringdon Road, London EC1R 3EA - Extension of Licensing Hours

Dear Sir/Madam,

Re: Theatre Deli, 119 Faringdon Road, London EC1R 3EA - Extension of Licensing Hours

I object to the licence extension of the above - for seven consecutive nights a week at the 1am closing time proposed - as all the properties on the other side of Crawford Passage are residential and I am concerned that there would otherwise be disturbance from customers or staff on leaving the premises, and potential disorder in the street.

The original stance by the Theatre Deli was as stated below from one of the co-artistic directors in response to a fellow neighbour's original concerns - namely that alcohol would be *ancillary* to the production/event. The extension of alcohol licensing hours until 1am seven days a week appears to entirely contradict this:

" - Licences for alcohol serving should be limited to the general 11.00pm times - We will have a licensed bar but it will only run when there is a production or event happening, so the sale of alcohol is always ancillary to artistic activities i.e. drinking is NEVER the main activity and we have never had any issues or complaints in the last 7 years of running about any kind behaviour associated with this. We will not be serving food at the moment. We may experiment with some food activity over the next year but it will initially be in the day and early evening only, and again ancillary to our arts activity. " - Jessica Brewster, Co-Artistic Director, Theatre Deli

Importantly, this is of particular relevance because draft plans from Viridis for the future development of this site include ground floor and lower ground cafes and restaurants which back onto the Crawford Passage side of the building - including an outdoor area - and it would clearly be undesirable for there to be any precedent for late night entertainment venues backing straight on to this residential area - due to concerns over disturbance and disorder from outside drinkers through to leaving the premises at 1am.

I would prefer that my name and address are withheld for privacy purposes.

Yours sincerely,

[REDACTED]

Rep 4

Sender, Yesim

From: [REDACTED]
Sent: 24 July 2015 09:17
To: Licensing
Subject: Theatre delicatessen, 119 Farringdon Road, EC1R 3EA

Dear Licensing team,

we have received the application from Theatre Delicatessen regarding alcohol license and live music during extended hours.

Like our neighbour [REDACTED] we like to oppose strongly against this application.

Public Nuisance-

1) alcohol license during late hours is likely to cause behaviour of public nuisance and cause late night noise in front of our bedrooms all facing Crawford Passage.

- as an example: Theatre Delicatessen had a pop up restaurant during Christmas season.

We experienced nearly every night problems with louder music, and people and staff using the rear yard (facing our bedrooms) for smoking etc.

Even when Theatre Delicatessen states that they have installed sound proving we unfortunately experience strong noise transfer from the whole ground floor level. Noise travels through air conditioning and other not insulated parts.

I can tolerate the day time noise coming from T.D. building when actors practise, but extending constant noise during the night is not acceptable.

This building is not designed for public events and restaurants , bars.

The then existing cantine was only for internal Guardian use and very quiet.

- further example:

On Monday the 13.07 Theatre Delicatessen gave an evening event with music.

We experienced strong noise issues beside people using the backyard- facing our building (bedrooms) for smoking chatting, urinating. Music went on until 2 am. People frequently gathered in the backyard.

That was unbearable, proper sleeping impossible.

Also I like to oppose to a late alcohol license , as this building is going to change and a given license might be followed on to the new use of building. That will generate huge problems as the new design already sees cafes on the back of the building with piazza under our bedrooms. Extended hours would be a "nightmare".

We could not tolerate any late hour license.

2) Live music will flood the whole back of the building with only residential properties. There is the student accommodation who already at times opposed to noise issues coming from T.D. 119 Farringdon Road.

There are our Neighbours on 2-3 Crawford Passage who also experienced noise problems.

Late night Live music is more likely to create situations of public nuisance, guests coming and leaving through backdoors and using the backyard.

Even with many complains on my side towards T.D. they have not yet fully managed to control the situation so far.

Finally:

The area is already over saturated with night and late night clubs and bars.

That was stated earlier by Islington council already.

We just had to accept the installation of a new late night 7 days a week bar opposite the Guardian Building called the Piano Bar, as they could use an existing license. I am worried about changes in this area which might make living here impossible.

Inner cities should also provide a place for living with the needs of quiet nights and not just amusement zones.

Kind regards



Gallacher, Simon

From: [REDACTED]
Sent: 21 September 2015 15:58
To: Gallacher, Simon
Subject: Re: Backyard - Theatre Delicatessen farringdon Road

Importance: High

dear Simon

yes- please add this to the objection.
Thank you

On 21 Sep 2015, at 15:25, Gallacher, Simon wrote:

Dear

Did you wish this correspondence to be included with your original representation/objection?

Kind regards

Simon

-----Original Message-----

From: [REDACTED]
Sent: 30 August 2015 10:25
To: Jessica Brewster
Subject: Backyard - Theatre Delicatessen farringdon Road

Hi Jessica,

recently the use of the backyard during "unfriendly" antisocial hours became a constant problem. Friday night people would leave through the backyard at around 1 am and then the woman herself (who let the people out earlier) left a while later.

Yesterday night early morning same story people leaving chatting at just before 2 am, the women leaving 2.40am through the loud and noisy metal gates.

At that time at 2.40 a small group of young people were sitting in the backyard and chatting.

This time round the woman heard me calling at her and complaining.

People moved the inside, but by then I was woken up twice.

I am not sure why she has not not been instructed- as regarding to your statements about use of yard . You have made to me very clear several times that this use of the backyard is not on your agenda. Why are people not informed or instructed. The yard is used now much more frequently, also during early morning hours Yesterday night at around 1 am music came also from your building.

Please be aware that your building is NOT soundproofed.

Especially music is been heard outside, but also people screaming during practising sessions.

I really feel upset as disturbance during early hours cause me to have disrupted sleep. It is a nightmare.

After unfortunately too many communications you should be aware that our bedrooms are directly under the gates and your ignorance causes problems to our life.

Now on Sunday morning again I can hear again music coming from your building as early lessons start.

Please keep your windows shut and music at a reasonable level so we can't hear it outside ant nor times!

This building was never designed for music activities or other entertainment forms.

I believed after your first communications that you were taking care of these facts. The place has no soundproofing in place.

Please consider your neighbours.

I will forward this message to the licensing team as well, as I am very concerned about these ongoing issues and you application for longer late night opening hours.

Kind regards

Rep 5

Sender, Yesim

From: [REDACTED]
Sent: 01 August 2015 19:29
To: Licensing
Subject: Theatre Delicatessan, 119 Farringdon Road, EC1R 3EA

As a local resident(details below), I wish to object to the subject's application to extend alcohol-serving to 1am, 7 days a week.

Clerkenwell has been designated a Cumulative Impact Area. Extension of this license will add to the cumulative impact while bringing no benefit to the local area.

To prevent Crime and Disorder and a Public Nuisance, this application should be rejected.

Sincerely,

[REDACTED]

Rep 6

To: Islington Council / Licensing Service

From:

COMMERCIAL/LICENSING
Date: 3 August 2015
-4 AUG 2015
PUBLIC PROTECTION DIVISION
222 UPPER ST. LONDON N1 1XR

In response to Reference WK/2015 91681 – Theatre Delicatessen, 119 Farringdon Road, EC1R 3EA and their license application

Primary concerns include:

Noise caused by lack of appropriate soundproofing. Theatre Delicatessen (TD) employees will tell you the windows are sealed shut and they have "sound-proof curtains" but as a witness who lives directly across and can look directly into their make-shift practice rooms, I have photos to prove otherwise.

Overall lack of control that TD has of their own business clients. This has been proven by actual admission to me from some of the employees (e.g.) on more than one occasion over the phone when I have called to alert them to the disturbances.

Lack of monitoring of such noisy clients (i.e. no sound checks, no proper monitoring to ensure they have closed the windows and are using the curtains) despite an email from Jessica Brewster (Co-Artistic Director) on 6 March 2015 which outlines this exact procedure should be taking place.

Lack of response from TD management to the residents of Ray Street and Crawford Passage since this problem has been carrying on since October of 2014. Jessica Brewster has failed to respond to multiple emails (one dating as far back as 9 April 2015) and I have left messages with her desk employees to call me and I have not heard from her. There was an occasion where she has said we are over exaggerating the noise and possibly confusing it with sounds from the pub around the corner – she does not seem to realise that I can see into her building from my flat and I personally find her comments that we are fabricating this very insulting. We have better things to do with our time and do not want the time we spend at home being disturbed by clearly a mismanaged organisation whose managers have a complete lack of regard for the residents who have lived there for years.

Example of an incident and how Theatre Delicatessen handles it:

On 27 July, I called the front desk of TD at 19.12 to mention that one of the windows was open and I can hear noise of people shouting "Knock knock knock!!!!" repeatedly. I was told she would "look into it". After several minutes the window was still open and I took a photo and physically went to the front desk to show her on my iPhone and her response was disappointing. She said, she asked them to be quiet but she cannot be expected to monitor the back of the building to check for noise (despite being promised this by Jessica Brewster in her email) as she cannot leave the desk often, is not responsible if one of their client opens the window (but you told us they are meant to be sealed shut?) and effectively it is not her fault.....then who is responsible?

Secondary concerns include:

Additional noise issues caused by patrons leaving the site late at night – some have even used the premises or nearby residences as public toilets which is completely unacceptable.

If Theatre Delicatessen cannot control their clients and respond in a timely and appropriate manner to the nearby residents now – the potential for further disturbances and lack of control of the noise and public disturbances caused late at night from their patrons is very worrying which is why we are asking not to grant this license.

I am more than happy and available to give you additional information as I have placed more than 25 call/e-mail complaints and we are still having issues.

Many thanks,

COMMERCIAL/LICENSING
-4 AUG 2015
PUBLIC PROTECTION DIVISION
222 UPPER ST. LONDON N1 1XR

Rep 7

Sender, Yesim

From: [REDACTED]
Sent: 04 August 2015 09:44
To: Licensing
Subject: Re: theatre delicatessen 118 Farringdon road

Sent from my iPad

> On 4 Aug 2015, at 09:05, Licensing <Licensing@islington.gov.uk> wrote:

>
> Dear
>
> Please provide your postal address for us to process your representation.
>
> Kind regards,
>
> Yesim Senler
> Licensing Technical Support Officer
> Licensing Team
> Public Protection Division, Environment & Regeneration, Islington
> Council, 3rd Floor, 222 Upper Street, London, N1 1XR

> -----Original Message-----

> From: ...
> Sent: 03 August 2015 20:36
> To: Licensing
> Subject: theatre delicatessen 118 Farringdon road

> Dear Sirs

> I am objecting to any further permission to theatre delicatessen to have a late night license in a predominantly residential area which surrounds the back of the building where the noise emanates from.

> I was awake most of the night a few weeks ago when there was music, noise and a booming bass sound from Theatre Delicatessen until 2.00 am which prevented me settling to sleep thereafter.

> This is an area which has been granted permission for buildings to have residential use and to allow late night useage for entertainment, food, or any other activity is not conducive to the quiet enjoyment of the surrounding occupants.

> I also object to a precedent being created so that the other music venue at Piano Works is given any further permission to extend their license. I cannot believe that they are allowed to open from 1.00 pm to 4.00am as on my way home on Ray Street a few days ago a man was holding the body of a man who looked completely unconscious either through drink or drugs and in an area which has children passing through and living nearby - these type of venues have to be contained and not allowed to spread their entertainment to inflict noise and the effects of alcohol and drugs on the surrounding community.

> They also have the windows open at the back of the building at theatre delicatessen and this also allows their noise to travel into our building which is opposite. I frequently hear the noise from the building although they say they have installed soundproofing.

>

> Please take these objections into consideration and refuse any further

> applications to extend the useage of 118 Farringdon Road

>

> Thank you

>

> regards

>

>

> Sent from my iPad

> This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.

Appendix 3

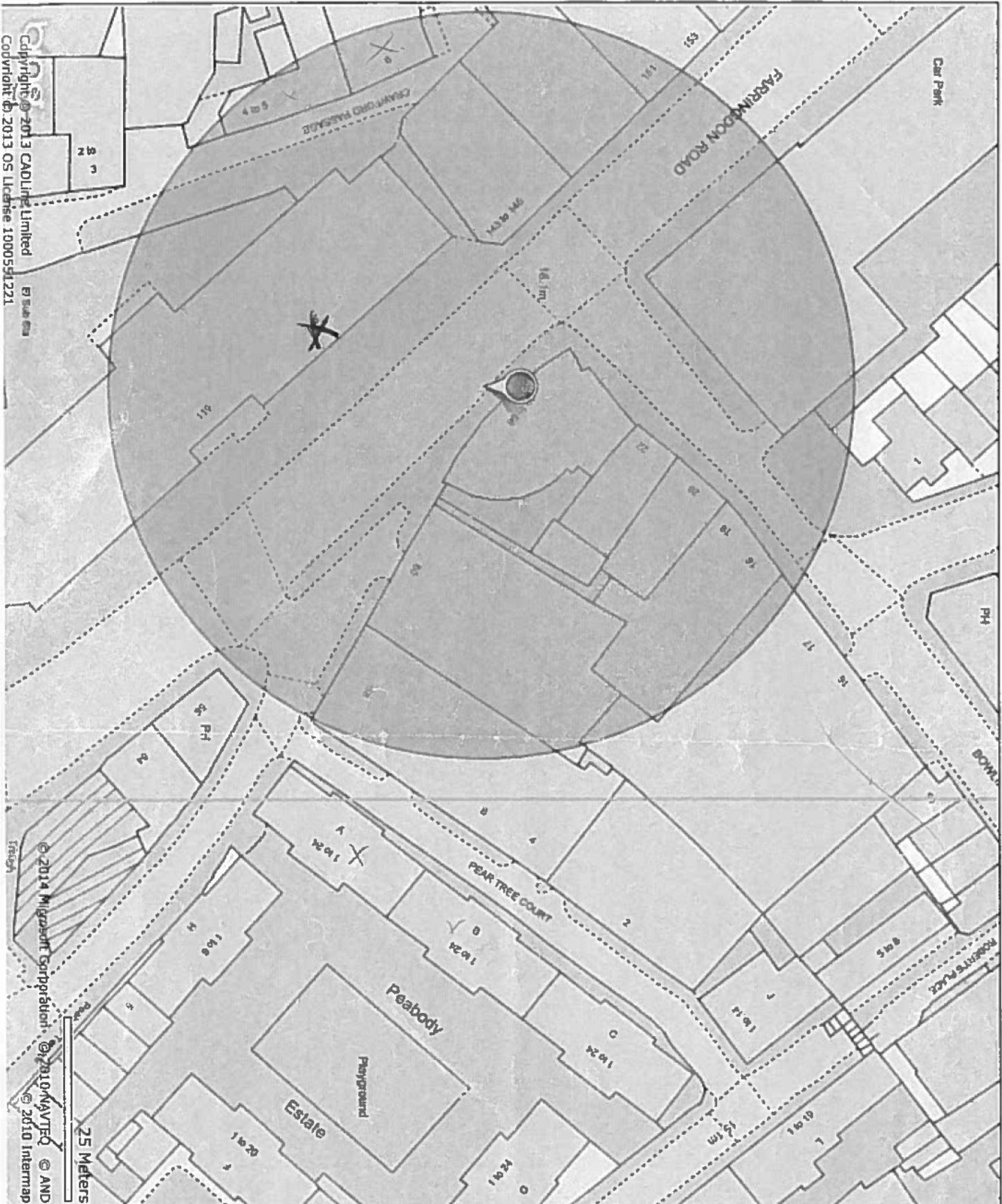
1. An 'Audience Management' Team will be provided for all events happening across the basement with a late license. They will be responsible for ensuring unobstructed escape routes are available at all times during events, monitoring audience movement, directing audiences to the correct smoking area, monitoring noise levels and managing audience dispersal through the evening.
2. All approved health & safety arrangements at the premises will be maintained in good condition and working order.
3. Children under 15 will only be allowed entry with a responsible adult. Persons under 16 will not be permitted to events contains issues of an adult nature or events with late night entertainment.
4. Theatre Delicatessen adheres to the 'Challenge 25' policy. Any persons appearing drunk or intoxicated will not be served alcohol.
5. All windows in the basement other than exits and entrances will be blacked out to provide a reduction in noise and light pollution.
6. The entrance of the building will be manned by a member of staff at all times. The basement will also have it's own dedicated 'Audience Management' Team including Box Office Manager, Audience Manager, Event Manager and 8 hosts/waiters. Only people in possession of a ticket will be allowed entrance to the event.
7. The sale and supply of alcohol shall be at all times ancillary to Regulated Entertainment.
8. There shall be no sale of alcohol for consumption off the premises.
9. An Audience Management team will be present during all events in the basement to ensure the following:
 - only audience members who have bought a ticket prior to the event will be permitted in the space
 - fire exits are well marked and easily accessible
 - providing assistance to audience with directions to and from exits and entrances
 - ensuring routes and walkways are clearly marked and clear
10. Capacity will be restricted to 80 on the south side and 50 on the north side of the basement.
11. The approved arrangements at the premise, including means of escape provisions, emergency warning equipment, electrical installation and mechanical equipment, shall at all material times be maintained in good condition and working order.
12. The means of escape provide for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
13. All exit doors shall be available at all material times without the use of key, code, card or similar means.
14. All emergency doors shall be maintained effectively self closing and not held open other than by approved device.
15. Entertainment in the south side of the basement will take place in the inner room away from the back wall of the building.
16. The space has been insulated with sound proofing. There are 4 walls in between the proposed activity and the outside.
17. On the north side the double glazed windows will be closed off and blacked out, removing any light or visual pollution and reducing noise pollution.
18. Audiences and staff will only be able to entrance and exit the building via the front of the building on Farringdon Road.
19. There is a dedicated smoking area outside the front of the building on Farringdon Road. There will be no access to the back of the building to exit or smoke.
20. Theatre Delicatessen has a Audience Dispersal policy that is managed by the Evening Duty Manager and Front of House team trained in audience dispersal. We have information on late night travel, and

contact details for two dedicated taxi services. Audiences will be asked to head home via the main thoroughfares. Signage at exits will request patrons to leave quietly and with respect to our neighbours.

21. Noise will be incidental and atmospheric music.

22. Children under the age of 15 will not be admitted to the building unless accompanied by a responsible adult. Ticket sales to theatre productions dealing with issues of an adult nature will be restricted to those age 16 or above.

23. Anyone attempting to purchase alcohol under the age of 25 will be asked to provide an ID.



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25 Meters

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 Road**
 Islington Borough
 Boundary

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Printed at :
 25-07-2014