

THE PHOENIX THEATRE

SUBMISSIONS ON BEHALF OF THE APPLICANT

BACKGROUND

1. ATG has applied for a new premises licence to replace their existing premises licence. The LSC is referred to the applicant's presentation brochure which sets out the background to the application. In short, the company has been in existence since 1992. Since then it has strived to bring the very best in live entertainment to the largest number of people. It has grown into the world's premier live entertainment company, staging plays, musicals and comedies. They operate 10 theatres in London and 58 in the country as a whole. Two of these are in Camden: The Phoenix Theatre and The Ambassadors Theatre.
2. A recipient of numerous Olivier and Tony awards, the company has worked alongside the very best of the country's leading producers and creative artists to stage extraordinary and unique productions.
3. ATG invests significant sums in the preservation, maintenance and improvement of their theatres. The Phoenix Theatre is a case in point. Its location is on a part of The Charing Cross Road ("CCR") that has become shabby and run down. An opportunity arose to acquire the master lease for the shop units on the CCR, as well as that of The Phoenix Arts Club. ATG occupied one of the shops as a box office. The other shops had a "revolving door" of occupiers, changing hands frequently. More recently, they have been occupied by StubHub (the ticket agency), a Vape Shop (licensed for off sales 12-23.00; 22.30 on Sundays), a "massage" parlour called Fantasia, and a corner shop. The company will be investing £4 million in turning the frontage occupied by these premises into a new entrance and foyer for the theatre.

4. The applicant will surrender the existing off licence in respect of the vape shop. This proposal meets with the approval of the police who, it is understood, regarded the shop as a problem premises having had occasion to review the premises licence in the past.
5. When completed, the scheme will substantially improve the appearance of CCR and bring it into line with the frontage of its neighbours to the South of CCR, as well as allowing new and improved access to the theatre for wheelchair users and able bodied patrons alike. The current position is that disabled access is through a fire exit on Flitcroft Street. This is challenging for ATG who strive to provide a premium experience. By creating a new foyer ATG is able to provide level access, a new bar, and new toilet facilities (including disabled facilities).
6. In November, ATG will be staging what is keenly anticipated to be London's biggest show of 2023. It will be Netflix's stage adaptation of Stranger Things: The First Shadow. It is anticipated that once the show has opened, it will occupy the theatre for at least three years.

ENGAGEMENT

7. Before the application was submitted, the applicant engaged in significant pre application consultation with the Council's officers and other responsible authorities. This engagement has continued both during and after the consultation period and has included:

- London Borough of Camden Licensing Department
- Metropolitan Police
- Environmental Health Officer, London Borough of Camden
- Cllr Sabrina Francis
- Residents of Phoenix House
- Phoenix Artists Club

- Central District Alliance
- Theatres Trust
- Covent Garden Community Association

8. There has been significant engagement with the residents as described in paragraphs 40- 43 of Andrew Rawlinson's statement. The Police and EHO have been extremely helpful and supportive, and the applicant has reached agreement with them on conditions.
9. In so far as the residents, The CGCA (who have now withdrawn their representation) and Colin Savage of The Phoenix Arts Club are concerned, attempts have been made to reach agreement but, as of the time of drafting these submissions, the applicant is unable to say that there is unanimous agreement between them. Furthermore, as sometimes happens with applications, there is concern about the disruption that the building works will cause. These, it is regretted, are an inevitable consequence of a development of this type. ATG will work with the residents during the course of these works and endeavour to ensure that their impact is carefully and sympathetically managed.
10. Importantly, the applicant makes the following concession that the sale of alcohol in the Foyer Bar shall be limited to customers who are attending a performance in the Phoenix Theatre.

THE APPLICATION/POLICY

11. Camden's rebuttable policy presumption of refusal of course applies, and the applicant would be remiss in not addressing it. Nevertheless, it is hoped that Camden will approach this application favourably given the clear benefits that the scheme will bring to the locality.
12. Para 7.47 of the Policy states that "(the Council) welcome the contribution that theatres, cinemas and community premises make in providing diverse entertainment for people of all ages in Camden.

13. At para 6.29 of the policy the Council sets out a number of factors that they may consider as exceptional include, though are not limited to one or more of the following:

- small premises with a capacity of fifty persons or less who only intend to operate during framework hours
- premises which are not alcohol led and operate only within framework hours, such as coffee shops
- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same cumulative impact policy area

14. To place the application in context, the new foyer and associated amenity will increase the current licensable area for the premises by just under 5%. Furthermore, the applicant puts the following relevant considerations:

- The Council policy recognises the important contribution that theatres make in providing diverse entertainment to people of all ages in Camden
- The principal sponsors of the CIA (the Police and Public Health) do not object to the application
- The proposed new area is small (albeit with a capacity of over 50 persons)
- The foyer will only be occupied for the provision of licensable activities during matinees and evening performances (and intervals)
- The proposed hours for the sale of alcohol are **below** framework hours
- The premises are not aimed at vertical drinkers
- The premises are not alcohol led
- The licence for the vape shop will be surrendered. Whilst this is not a “like for like” surrender, it is at least the surrender of a licence for an historic problem premises.
- The existing licence for the Phoenix Theatre will also be surrendered.
- The application brings many benefits: improved security; improved lighting; improved disabled facilities; increased SIA presence; and the visual improvement to the façade of CCR

15. AGREED/PROPOSED CONDITIONS

A copy of the proposed operating schedule is attached as an attachment to the statement for Andrew Rawlinson at AR 8. A copy of this was sent to all of the interested persons on the 31 May 2023.

As a consequence of this, and at the time of drafting these submissions, the CGCA and Mr Steele (who lives in Phoenix House) have confirmed that their representations to the application are withdrawn.

The Police:

CCTV

c) The CCTV system shall be able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Reporting procedures and incident management

Reporting procedures and incident Management

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority

The residents and CGCA:

The following conditions are offered (these are what the CGCA wanted added to the licence)

- Regulated entertainment in the foyer bar shall end at 2300 (2230 on Sunday)

- With the exception of show turnaround periods (get-out and get-in), deliveries to the premises shall not take place between 22:00 and 08:00. Collections of waste from the premises shall not take place between 22:00 and 08:00
- The sale of alcohol in the Foyer Bar shall be limited to customers who are attending a performance in the Phoenix Theatre

The EHO:

On the basis of the following agreed conditions the EHO has confirmed that his representation is withdrawn:

1. Collections of waste from the premises shall not take place between 22:00 and 0800
2. With the exception of show turnaround periods (get out and get – ins) deliveries to the premises shall not take place between 22:00 and 08:00
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 public nuisance.
4. All amplified music equipment should be controlled by a sound limiter which should be set and locked preventing unauthorised access. Authorised access only by the licence holder or nominated engineer. The sound limiter should be set and locked by a qualified engineer and/or acoustic consultant so that public nuisance will not arise
5. Post installation report to be provided on the agreed noise levels and frequencies of the sound limiter settings and details of the limiter itself, along

with the effective testing of any sound insulation scheme to be provided to Camden Council

6. A noise management policy must be prepared and implemented at the premises. The noise management policy to be agreed with Camden Council should be periodically reviewed and updated. A copy will always be available to officers on request.
7. All windows and external doors shall be kept closed, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
8. The Licence holder shall ensure that production companies will be aware of the licensing conditions, and have direct control of staff from the production company on site
9. Up to 2300hrs applicable to entertainment premises which adjoin or are adjacent to noise sensitive properties
 - i) The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5-minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place
 - ii) The unweighted equivalent noise level (L_{eq}) in the 63Hz to 125Hz Octave band, measured using the "fast" time constant, inside any "living room" of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, should show no increase as compared to the same measure, from the

same location(s), and over a comparable period, with no entertainment taking place

10. Up to 2300hrs applicable to entertainment premises which do not adjoin and are not immediately adjacent to noise sensitive properties

- i) The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5-minute period with entertainment taking place shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place
- ii) the unweighted equivalent noise level (L_{eq}) in the 63Hz to 125Hz Octave band, similarly measured, should not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.

11. After 2300hrs applicable to all entertainment premises

- i) The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LA_{eq}) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5-minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.
- ii) The unweighted equivalent noise level (L_{eq}) in the 63Hz to 125Hz Octave band, measured using the "fast" time constant, inside any

living room of any noise sensitive premises, with the windows open or closed, over any 5-minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place

12. No sound emanating from the establishment should be audible within any noise sensitive premises between 23.00 and 07.00 hours.

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