



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 24th August, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Susie Burbridge
Shamim Talukder



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. CAFFE FRATELLI, 106-108 WIGMORE STREET, W1

(Pages 1 - 14)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Marylebone High Street Ward / not in cumulative impact area	Caffe Fratelli, 106-108 Wigmore Street, W1	New Premises Licence	17/07583/LIPN

2. REIGN (FORMERLY KNOWN AS RAH RAH ROOMS), 215-217 PICCADILLY, W1

(Pages 15 - 48)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / not in cumulative impact area	Reign (Formerly known as Rah Rah Rooms), 215-217 Piccadilly, W1	Variation of a Premises Licence	17/06549/LIPV

**Charlie Parker
Chief Executive
17 August 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

Item No:	
Date:	24 August 2017
Licensing Ref No:	17/07583/LIPN - New Premises Licence
Title of Report:	Caffe Fratelli 106-108 Wigmore Street London W1U 3RF
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 July 2017		
Applicant:	Caffe Fratelli Limited		
Premises:	Caffe Fratelli		
Premises address:	106-108 Wigmore Street London W1U 3RF	Ward:	Marylebone High Street
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a cafe		
Premises licence history:	This is an application for a new premises licence therefore no history exists.		
Applicant submissions:	The premises is a cafe selling coffee, cold drinks, pasta dishes, main meals, sandwiches, salads, cakes and desserts. Nearby are mainly commercial properties with some residential, plus offices, cafes, restaurants and retail outlets. The premises cover the ground floor (open to public) and basement (staff area and customer toilets).		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol:				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	19:30	19:30	19:30	19:30	19:30	19:00	18:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	08:30	11:00
End:	19:30	19:30	19:30	19:30	19:30	19:00	18:00

2. Representations

2-A Responsible Authorities	

Responsible Authority:	The Metropolitan Police (withdrawn)
Representative:	PC Reaz Guerra
Received:	31 st July 2017

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

It is for this reason that we are objecting to the application

The Police have withdrawn their representation as the applicant has agreed the proposed conditions

Responsible Authority:	The Environmental Health Service
Representative:	Sally Fabbricatore
Received:	21 st July 2017

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Friday 11:00-19:30 hours, Saturday 11:00-19:00 hours and Sunday 11:00-18:00 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The layout plan shows 1 customer WC. Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if customers are going to dine in the premises. The current provisions allow for a capacity of 15. A separation of a lobby should also be present.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

2-B Other Persons	
Name:	Mr Peter Cooper
Address and/or Residents Association:	[REDACTED]
Received:	18 th July 2017
<p>3:01 PM on 18 Jul 2017 I have the following observations</p> <p>Cafe Fratelli is an A1 CAFE Not a restaurant so serving alcohol seems incongruous unless they are proposing to change to A3 but anyway people can get a drink elsewhere. There is a wine bar 1 door away and a pub next to that.</p> <p>Absolutely NO evening licence as there are residential properties next door and the premises are on a very busy and dangerous crossroads so if granted no consumption should be allowed except with food and sitting at a table .</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions

Appendix 4	Residential map and list of premises in the vicinity
-------------------	--

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	7 th July 2017
5	The Metropolitan Police Rep	31 st July 2017
6	The Environmental Health Service Rep	21 st July 2017
7	Mr Peter Cooper Rep	18 th July 2017

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

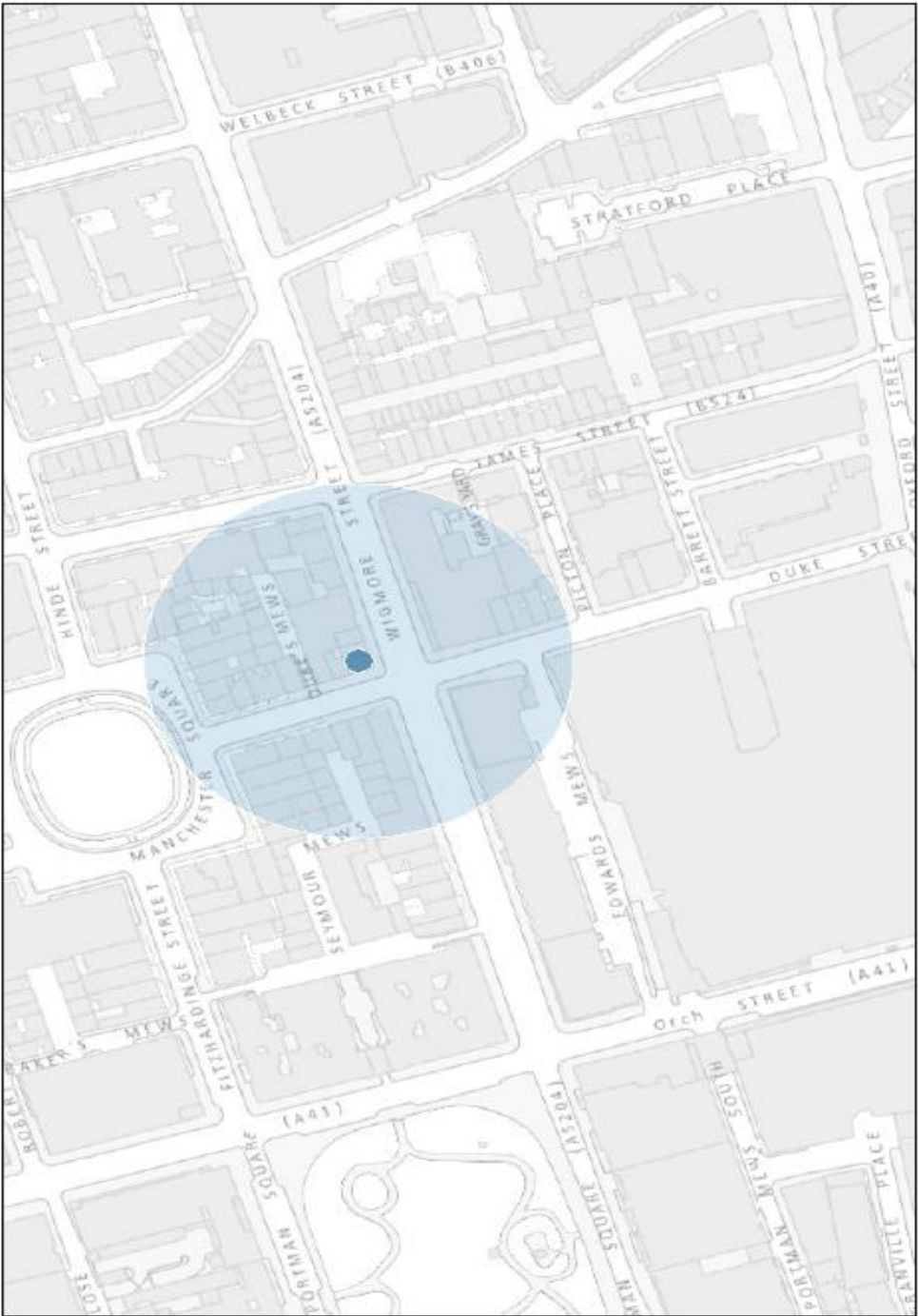
9. A 4 camera CCTV system is in place covering all public areas of the premises. The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days with time and date stamping and can be accessed and downloaded immediately when requested by the police or other authorised officer.
There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV.
10. The premises will be maintained in a safe manner at all times.
11. All exits will be kept unobstructed, easy to open and clearly signed.
12. All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram. The premises will operate a “No ID, No Sale” policy at all times for persons who look under 25 . Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority.

Conditions proposed by the Police and agreed by the applicant

14. 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.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. The supply of alcohol shall be by waiter or waitress service only.
17. 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.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

19. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables ***and for consumption by such a person as ancillary to their meal.***
20. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
21. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
22. There shall be no self service of alcohol.
23. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
24. 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.
25. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Caffe Fratelli 106-108 Wigmore Street



Resident Count: 106

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	24 August 2017
Licensing Ref No:	17/06549/LIPV - Premises Licence Variation
Title of Report:	Reign (Formerly known as Rah Rah Rooms) 215-217 Piccadilly London W1J 9HF
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	13 June 2017		
Applicant:	Strongarm Holdings Limited		
Premises:	Reign (Formerly known as Rah Rah Rooms)		
Premises address:	215-217 Piccadilly London W1J 9HF	Ward:	St James's
		Cumulative Impact Area:	None.
Premises description:	The premises has been operating as a nightclub.		
Variation description:	<p>The applicant has applied to vary the plan of the premises following a refurbishment and also to vary condition 53, 55 and 12 of the premises licence.</p> <p>The proposed variation involves an increase in the capacity for the mezzanine level without increasing the overall capacity for the premises; a partial relaxation of the condition requiring customers to have their ID scanned before entering the premises and an increase in the last entry time from 00.30 to 01.30</p>		
Premises licence history:	The premises has been licensed since January 2006 and has been known as Le Pigalle, Werewolf and Rah Rah Rooms.		
Applicant submissions:	<p>The applicant has provided a schedule of changes, supportive letter from Jermyn Street Theatre and addition submissions.</p> <p>The applicant has also provided a presentation which will be shown at the Licensing Sub-Committee.</p>		
Plans	The premises plan can be made available upon request to the Licensing Authority and will be made available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Performance of Dance / Recorded Music / Anything of a similar description

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	04:00	No change.		
Tuesday	10:00	04:00			
Wednesday	10:00	04:00			
Thursday	10:00	04:00			
Friday	10:00	04:00			
Saturday	10:00	04:00			
Sunday	10:00	04:00			
Seasonal Variations/ Non-standard timings:	Current:			Proposed:	
	None.			No change	

Performance of live music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	03:00	No Change		
Tuesday	10:00	03:00			
Wednesday	10:00	03:00			
Thursday	10:00	03:00			
Friday	10:00	03:00			
Saturday	10:00	03:00			
Sunday	10:00	03:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None.			No Change	

Late night refreshment					
Indoors, outdoors or both			Current :		Proposed:
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	04:00	No Change.		
Tuesday	23:00	04:00			
Wednesday	23:00	04:00			
Thursday	23:00	04:00			
Friday	23:00	04:00			
Saturday	23:00	04:00			
Sunday	23:00	04:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			No Change.

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On Sales		
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	03:00	No Change.		
Tuesday	10:00	03:00			
Wednesday	10:00	03:00			
Thursday	10:00	03:00			
Friday	10:00	03:00			
Saturday	10:00	03:00			
Sunday	10:00	03:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			No Change.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	04:00	No Change.		
Tuesday	09:00	04:00			
Wednesday	09:00	04:00			
Thursday	09:00	04:00			
Friday	09:00	04:00			
Saturday	09:00	04:00			
Sunday	09:00	04:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None.			No Change.	

1-C Layout alteration
<p>The premises has undergone a refurbishment and new plans have been produced.</p> <p>The main changes are re-orientation of the stage and performance spaces, slight reduction in mezzanine floor and bar on mezzanine to facilitate better customer viewing of the shows (with reconfiguration of all the seating).</p>

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 12:</u></p> <p>The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.</p>	<p><u>To be amended:</u></p> <p>The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 160 Basement Auditorium- 350. With a maximum capacity of 400.</p>
<p><u>Condition 53:</u></p> <p>All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the</p>	<p><u>To be amended to:</u></p> <p>a) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of</p>

<p>customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.</p>	<p>the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.</p> <p>(b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.</p> <p>(c) Notwithstanding (a) and (b) above, patrons who are attending a prebooked corporate event at the premises do not need to have their 10 scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.</p>
<p><u>Condition 55:</u></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p>	<p><u>To be amended to:</u></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p>

Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	6 th July 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located just outside the West End Cumulative Impact and as such a number of policy points must be considered. The premises has previously been reviewed due to a number of serious incidents and as such we are concerned around conditions that are being amended. We make this representation as the premises already benefits from a generous premises and we are concerned that the premises has previously failed to uphold the licensing objectives and we want to be involved in any future conditioning of the premises.</p> <p>The patrons are likely to attend the premises from the cumulative impact area and also could leave the venue and go into the C.I.A.</p> <p>We strongly object to people being omitted to the premises without the need to have their I.D. we would ask that this part of the application be withdrawn.</p> <p>Please accept this as a formal representation and we look forward to being involved in future discussions.</p>	

Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	20 th June 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

Responsible Authority:	Environmental Health Consultation Team (<i>Withdrawn</i>)
Representative:	Mr Ian Watson
Received:	4 th July 2017

I refer to the application for variation of the Premises Licence.

The applicant has submitted floor plans of the premises Basement, Mezzanine and Ground Floor.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To vary conditions 53 and 55 relating to ID scanning and entry.
2. To vary the layout of the premises and add conditions relating to plans and works clearance.
3. To modify the capacity condition to increase the capacity on both the mezzanine and basement with no overall increase.

I wish to make the following representation

1. No objection.
2. No objection.
3. Representation is raised on Public Safety. Applicant has not supported the capacity increases with any form of risk assessment.

Following further discussions with the applicant, Environmental Health have now withdrawn their representation.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy MD1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	13 th June 2017
5	Plan	13 th June 2017
6	Representation – Licensing Authority	6 th July 2017
7	Representation – MET	20 th June 2017
8	Representation – Environmental Health	4 th July 2017

Applicant Supporting Documents

SCHEDULE OF CHANGES

REIGN, 215-217 PICCADILLY, LONDON W1J 9HF - APPLICATION FOR VARIATION OF THE PREMISES LICENCE – LICENSING ACT 2003

There is no change in overall capacity sought.

There is no reduction in toilet provision

There is no increase in licensable areas

There is no change in licensable activities

There is no change in hours sought

The back of house areas (kitchen/offices/toilets/cloakroom/stores) are in the same areas as existing, but slightly reconfigured

The variation seeks to vary the layout as follows:

a) Ground floor

- No structural alterations
- No change to escapes/stairs
- General decoration and refurbishment throughout

b) Lower Level 1 (currently labelled Sub Mezzanine on existing plan)

Rearrange/reconfigure fixed seating
 No change to general position of kitchen but reconfigured and new Teppanyake Bar installed
 Existing toilets are remaining in same position- but being refurbished
 No change to staff toilets- refurbished only
 Rearrange/reconfigure mezzanine balcony position
 Rearrange/reconfigure cloakroom
 Reconfigure bar- reduced in size
 DJ booth reconfigured
 New safe room to the left of the room (was previously storage)

c) Lower Level 2 (currently labelled Basement on existing plan)

- No change to escapes/stairs
- Relocation of stage, with additional stairs to the stage area
- Relocation of ramp for disabled access to middle of room
- Relocation of Bar Servery on existing plans to the rear of the room (now marked as dispense)
- Amp room and electric replace position of bar servery on existing plans
- General decoration and refurbishment throughout
- Rearrange/reconfigure fixed seating
- Bar at rear of room is in the existing position
- New additional performance space/podium in the centre of the room- to be used for performances
- New level within the floor- so there will be 3 tiers and not 2.

JERMYN STREET THEATRE

The Licensing Team
Westminster City Council
Portland House
Bressenden Place
London SW1E 5RS

15th June 2017

Subject:
Letter of Support, 217 Piccadilly, W1J 9HN, Licensing Application.

Dear Sir/Madam,

Jermyn Street Theatre has been in operation since 1994. It is run by, myself, Penny Horner and Howard Jameson. Our venues are connected by the theatre's fire door (from the auditorium) which opens directly onto a communal stairway half way between a sub-basement area and ground level. The nightclub's fire exit doors also opens out into this same area. For the past 10-12 years 3 different venue operators have run clubs in the proposed space. They have nearly all caused us distress in some way.

Since Strongarm Holdings acquired the venue in March, the Operators have met both myself and H Jameson (Chairman) face to face on several occasions and they have walked round the venue with us and shown a floorplan explaining the design and the concept for the new venue. The operators have informed us that they are aiming to create a luxury venue based around an aerial show club with spectacular entertainment. The venue aims to mix theatre level performances with full stage direction and lighting, with an atmosphere close of that of the big venues in Las Vegas where entertainment, service and client experience are at the forefront.

We understand that the clientele will be a very selective wealthy and grown up clientele with high minimum spends on all tables and a strict door policy. The operators have also assured that it will be run following every required license term and by a carefully selected staff with years of experience working in high end nightclubs in the West End.

The Chairman and I – having met these new operators - believe that they will respect the closeness of the 2 venues and our different operating hours, they have also indicated that I am free to contact them at any point with any concern. They have assured us that they will always aim to work around everyone else's need, respecting all the noise regulations during the theatre operational hours and other specific times such as tech runs, filming of performances, press runs etc.


We are aware that the operators are currently ensuring that everything is being repaired or replaced in order to promote the licensing objectives. CCTV system is being upgraded and cameras are being added. Fire safety is also all being rewired and upgraded to match the requirements of the Fire Marshall. I.D Scanning, polycarbonate glasses and a high number of SIA licensed security will all be used.

The operators have said that they will be looking at extending last entry from 12.30 to 1.30am, therefore allowing a more controlled entry and enough time to scan everyone's ID. They have also promised not to look to extend the overall operating hours or total capacity of the venue.

Providing the operators stick to their plans/agreements/controls, then Jermyn Street Theatre supports the new licensing application. Given the contact we have had so far with the new operators I have no reason to believe their plans will not be adhered to.

I have confidence the new operators will operate the club in a much MORE professional way than the previous 3 operators. So far however they have opened up clear communication and seem far more responsible and professional than any previous operators that have had the site in years past and I therefore support the variation application applied for.

Yours Sincerely,



Penny Horner
Executive Director
For Jermyn Street Theatre

The London Reign
215-217 Piccadilly, London W1J 9HF

This statement is made in support of an application for a variation of the premises licence at 215-217 Piccadilly, London W1J 9HF

Applicant

Strongarm Holdings Ltd completed the purchase of the lease and licence from the previous operator in April 2017. Prior to the purchase, Strongarm Holdings Ltd met with the Metropolitan Police Service to discuss their plans and the proposed operation; the proposed operators at that point were keen to engage with the Police so they could address any concerns. Liaison with the Police has continued throughout the application process.

The premises licence was transferred from Mr Anthony Flynn to Strongarm Holdings Ltd on 3rd May 2017 and DPS varied from Mr Flynn to John Common on 16th May 2017. No objections were received from the Police to either of these applications.

We can confirm that the current licensee has no association with the previous licensee. Strongarm Holdings Ltd (or parties involved) has had no involvement in the operation of the premises run by the previous licensee. No previous staff, security, owners or management are associated with London Reign. This has been verified by the Metropolitan Police Service when they were dealing with the transfer application and confirmed in writing to the Metropolitan Police Service by the applicant.

Concept

The London Reign concept was first conceived whilst watching the elaborate show girls of the Moulin Rouge in Paris. Wanting to recreate the glamorous performances, the founders began to discuss the idea of merging vibrant shows with a luxury nightlife experience.

A night at The London Reign will be an experience like no other, combining performance artists, theatre and ariel acts with the glitz and glamour of Las Vegas. With an initial investment of £4m, luxury and high end will resonate from the design, the art decoration and the lighting system.

Reign will open its doors at 9pm where those dining will be taken to the restaurant area (mezzanine) of the venue to dive into a unique culinary experience. From 10pm, customers visiting the venue for the cabaret experience will be taken to their tables with the experience beginning at 00:30. A further two shows will take place at 01:30 and 02:30, with each one being different yet still within a cabaret atmosphere.

Reign will focus heavily on performances and shows and customers will be immersed in entertainment at all times. Nearly all tables at the venue will be booked in advance prior to the evening's trade.

With an elaborate cocktail menu and mixologists proud of their exquisite concoctions, The London Reign will provide only the best beverages.

Immaculate service and attention to detail will be achieved only by experienced and passionate staff; of which there will be a high staff to customer ratio. Drinks prices are in the extremely expensive range, in line with the entertainment, décor and service levels.

Variation in Plans:

Strongarm Holdings Ltd is seeking to vary the layout of the premises as per the schedule of works submitted with the application.

From speaking with the Police and Licensing Authority, we understand that no representations have been received against this aspect of the variation.

The original works conditions proposed in the application have been amended as follows, in agreement with Ian Watson from EH, to deal with the phased opening of the premises:

- a. No licensable activities shall take place on lower level 2 (basement auditorium) and in the toilet area and DJ booth on lower level 1 (mezzanine) of the premises until these areas of 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.
- b. No licensable activities shall take place in the trading room/bar on lower level 1 (mezzanine) of the premises until this area of 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.
- c. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

Following agreement to the above conditions, EH withdrew their representation to the variation application in full as they were satisfied that the licensing objectives of public safety and prevention of nuisance would not be breached.

Variation of Conditions

The applicant is further seeking to amend a number of conditions.

We appreciate the conditions were imposed on the licence following a review by the Police against the previous operator (which has no association to Reign London) but in order to trade successfully given the timings of the shows, the applicant is asking for the following conditions to be amended to read as follows (the licence numbers have been taken from the decision letter from the hearing on 27th January 2017):

12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 140 Basement Auditorium- 300. With a maximum capacity of 400.

Ian Watson and Alan Lynagh of Environmental Health have agreed the proposed variation to condition 12. This change sought is reflective of the alterations and changes to the mezzanine area. We also understand that the Police and Licensing Authority have not made representations against this aspect of the variation.

53. a) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). 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 upon request.

(b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and an ID scan entry with a live photo shall be created. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet

(c) Notwithstanding (a) and (b) above, patrons who are attending a pre-booked corporate 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 28 days after the event for inspection by the police and responsible authorities upon request".

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

Strongarm Holdings Ltd have met with the Metropolitan Police Service to discuss the proposed changes to the conditions and the operating style/policies at the venue. We understand there is no objection in principle to the varied wording but given the history of the premises the Metropolitan Police Service seeks to discuss the application with the Licensing Sub-Committee. This discussion should relate to Strongarm Holding Ltd's operation and not re-iterate the understandable concerns the Police had with the previous operator, who had/has no association with the applicant today.

Strongarm Holdings Limited are not seeking to increase any hours for the licensable activities or the overall capacity in the premises.

Amended Conditions

The amendments to conditions 53 and 55 are in line with other late night venues within the local vicinity. It is the applicant's position that it does not believe it will be adding to cumulative impact within the area, or breaching the licensing objectives, as a result of these changes as the hours and overall numbers permitted have not changed, and due to the remaining/proposed conditions on the licence.

Please refer to the table below which outlines the conditions attached to other premises licences:

Venue	Last Entry Time and Condition
Cuckoo Club 99-101 Regent Street London W1B 4EZ	There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection
The Scotch Of St James Basement and Ground Floor 13 Mason's Yard London SW1Y 6BU	There shall be no entry to the premises after 03:00 except to the following persons: (a) Scotch of St James members and their bona fide guests (not exceeding four guests per member). A list of all members to be held at reception for inspection by the relevant authorities. No person shall be admitted to the membership of the premises without an interval of at least 48 hours between application and acceptance to membership; (b) Persons admitted to the premises by prior invitation to a bona fide private function held at the premises; (c) Guests of the proprietor listed by name at the reception prior to admission; (d) Performers and staff employed by the premises; (e) Persons who have temporarily left the premises to smoke.
Toyroom 8 Argyll Street London W1F 7TF	(a) No person other than staff shall be permitted to enter the premises after 02:15 unless they have already entered the premises that night prior to 02:15 and have been verified as doing so in accordance with a re-entry procedure agreed with the Police and Licensing Authority. (b) Notwithstanding (a), members of the premises and no more than 2 bona fide guests of that member may be permitted entry to the premises between 02:15 and 04:00.
Strawberry Moons 15-17 Heddon Street London W1B 4BF	There shall be no admittance or re-admittance to the premises after 01:30am
District Basement 21 Rupert Street London W1D 7PJ	No entry / Re-entry (excluding persons exiting to smoke) to the premises after 02:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
Drama 35 Hertford Street London W1J 7SD	No customers may enter or re-enter the premises after 01:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 01:00 - 02:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand.
Cirque Le Soir Basement 15-21 Ganton Street London W1F 9BN	There shall be no admittance or re-admittance to the premises after 02.00, except for those patrons temporarily leaving the premises to smoke.
Bonbonniere (All Floors) 23 Orchard Street London W1H 6HH	There shall be no admittance or re- admittance to the premises after 02:00, except for patrons who have temporarily left the premises to smoke.

Scarlet's Basement Ground Floor and Mezzanine 1 Upper St Martin's Lane London WC2H 9EA	There shall be no new admission of the public to the premises after 01.30am.
---	--

The proposed wording of the variation to condition 53 is also in direct comparison to what other late night venues/clubs operate to by way of condition, including the exceptions listed. The exceptions to the ID Scan are in keeping with a high end venue and cater for high profile patrons, who are well known and therefore easily identifiable.

The proposed wording of condition 53 in this application is in fact more onerous than the majority of other late night venues with the ID Scan condition, with a clear process management must follow. The Police will be able to confirm this at the hearing.

Shadow Licence

The landlord, Crown State Commissioners, holds a shadow licence for this premises, reference 17/01259/LIPVM. This licence was not reviewed in January 2017 by the Police.

Following the review of the primary licence held by Mr Anthony Flynn (16/12870/LIPVM) on 27th January 2017, the Crown State Commissioners applied for a minor variation of their licence, to attach a number of conditions at the request of the Police on 3rd February 2017. This application was granted by the Licensing Authority as no representations were submitted by the Police, Licensing Authority or Environmental Health Service.

One condition of importance that was added to the licence by way of the minor variation, at the request of the Police (as per the minor variation application form submitted) regarding the last entry time reads as follows:

"No entry/re-entry (excluding persons exiting to smoke) to the premises after 01:30 hours or such time agreed in writing by Westminster Police Unit (and a copy of any agreement to be held at reception)"

The above last entry condition (at 01.30), recently approved by the Licensing Authority and recently agreed by the Police is the exact same wording as Strongarm Holdings Limited wishes to have imposed on its licence for the same premises, based on its operation.

The Representations

Representations were received from Environmental Health however following a discussion with the officer and agreement to the amended works conditions, Environmental Health have withdrawn their representation.

Representations were also received from the Metropolitan Police and the Licensing Authority. These representations are being maintained by the Authorities given the January 2017 review application.

Lastly, a letter of support from an adjoining/neighbouring premises was received and will be found in the Licensing Sub Committee Report. This supporter has previously had concerns with and complaints about the previous operators but has taken the time to express support for Strongarm Holdings Limited.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10670/LIPN	Application for a new premises licence	03/04/2006	Granted by Licensing Sub-Committee
11/03826/LIPT	Application to transfer the premises licence	24/05/2011	Granted under delegated authority
11/03830/LIPDPS	Application to vary the Designated Premises Supervisor	04/05/2011	Granted under delegated authority
11/03834/LIPVM	<p>Application for a Minor Variation:</p> <p>This Application is to:</p> <p>1. Remove conditions 13, 14, 23, 29, 36, 44, 45, 46 and 47. The removal of these conditions has been suggested by the Environmental Health Service and will not impact on the four licensing objectives. 2. Modify conditions below: 12 - Replace with Westminster Model Condition MC12, 15 - Replace with Westminster Model Conditions MC01, 17 - Upon completion of works in line with drawing 021-Licensing 01, 021-Licensing 02 and 021-Licensing 03 the number of persons accommodated at any one time</p>	17/05/2011	Granted under delegated authority

	(excluding staff) shall not exceed the following: Mezzanine - 100, Basement Auditorium 300. With a maximum capacity of - 400.		
12/06828/LIAN	Interim Authority Notice	04/08/2012	
14/01997/LIPT	Application to Transfer the premises licence	11/03/2014	Granted under delegated authority
14/02281/LIPDPS	Application to vary the Designated Premises Supervisor	08/04/2014	Granted under delegated authority
14/03174/LIPT	Application to Transfer the premises licence	18/06/2014	Granted under delegated authority
14/05370/LIPVM	<p>Application for a Minor Variation:</p> <p>The applicant seeks to regularise the position vis a vis the licence and the plans attached. The premises have recently been re-furbished and the plans seek to reflect the actual layout of the premises and follow a visit to site by the EHO. No actual layout alterations are being implemented.</p> <p>The current plans show fixed seating on the mezzanine level. The fixed seating has been re-configured, and the area generally.</p> <p>On the basement level fixed seating is shown. The current plans indicate re-configured fixed seating. A stage and DJ booth is located at basement level which is not currently</p>	07/07/2014	Granted under delegated authority

	shown on the existing plans. One of the bars at this level is configured differently than shown on the existing plans.		
14/11474/LIPT	Application to Transfer the premises licence	10/02/2015	Granted under delegated authority
16/01440/LIPDPS	Application to vary the Designated premises Supervisor	05/02/2016	Invalid application
16/07699/LIPDPS	Application to vary the Designated premises Supervisor	01/09/2016	Invalid application
16/07700/LIPCHT	Application to change the trading name	26/01/2017	Invalid application
16/08335/LIPT	Application to Transfer the premises licence	04/01/2017	Application granted under delegated authority
16/08340/LIPDPS	Application to vary the Designated premises Supervisor	04/01/2017	Application granted under delegated authority
16/12870/LIPVM	<p>Application for a Minor Variation:</p> <p>The minor variation was to add additional Model conditions agreed and requested by Westminster Police Licensing.</p> <ul style="list-style-type: none"> -MC02 -MC01 -MC49 -MC87 -MC92 <p>-After 23.00hrs all persons entering or re-entering the premises shall be searched by an SIA-trained member of staff and</p>	04/01/2017	Granted under delegated authority

	<p>monitored and recorded by the premises CCTV system. The searching will be supplemented by the use of two functional metal detecting wands.</p> <p>After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.</p>		
17/00074/LIREVX	Application for an Expedited Review	21/01/2017	<p>Premises Licence suspended at interim steps</p> <p>Conditions add at full Licensing Sub Committee</p>
17/04952/LIPT	Application to transfer the premises licence	21/06/2017	Granted under delegated authority
17/05371/LIPDPS	Application to vary the Designated Premises Supervisor	21/06/2017	Granted under delegated authority

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application to vary a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
- o Reminding customers that this is a residential area and to respect the needs of neighbours
 - o To maintain an orderly queue where necessary
 - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.

Applicant proposes to amend condition 12 to :

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 160 Basement Auditorium- 350. With a maximum capacity of 400.

Following further discussions with Environmental Health it is proposed condition 12 is further amended to read:

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 140 Basement Auditorium- 300. With a maximum capacity of 400.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
15. 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 preceding 31 day period.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. 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.
18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.
21. No striptease, no nudity and all persons to be decently attired at all times.

22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.
23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.
25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. On any evening where the premises or part of the premises are open for public music, dance and entertainment, alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
 - (a) Persons taking a table meal; or
 - (b) Persons who have paid a minimum admission fee of at least £5 for music, dancing and entertainment (not to be credited against consumables)
 - (c) Persons who have paid a minimum annual membership fee of at least £150 payable in advance for music, dancing and entertainment (not to be credited against consumables) and their bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
 - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 24 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or
 - (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
 - (f) Artistes and persons employed by the premises; or
 - (g) persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.
27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale of intoxicating liquor must be ancillary to the use of the premises for music and dancing and substantial refreshment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.
30. A noise limiter located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

31. 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.
32. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33. All entrance doors to be kept closed except for people's immediate access and egress.
34. No speakers shall be located in the entrance area.
35. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36. No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37. No persons shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

38. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The certificates listed below shall be submitted to the Licensing Authority annually.
 - (a) Any emergency lighting battery or system
 - (b) Any electrical installation
 - (c) Any fire alarm system.
40. 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.

41. All exit doors shall be available at all times without the use of a key, code, card or similar means.
42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and generators
 - pyrotechnics and fog generators
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting.
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention or crime).
50. After 23:00, at least one Personal License Holder shall be on duty on the premises while intoxicating liquor is being sold or supplied.

Conditions attached to the premises licence by the Licensing Sub-Committee at the hearing on 27 January 2017

51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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 preceding 31 day period.

52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.
53. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). 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 upon request.

The applicant proposes to amend condition 53 to:

- (a) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). 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 upon request.
- (b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.
- (c) Notwithstanding (a) and (b) above, patrons who are attending a prebooked corporate 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 28 days after the event for inspection by the police and responsible authorities upon request.
54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.

Notwithstanding this condition, with the written agreement of the Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

The applicant proposes that condition 55 be amended to:

There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

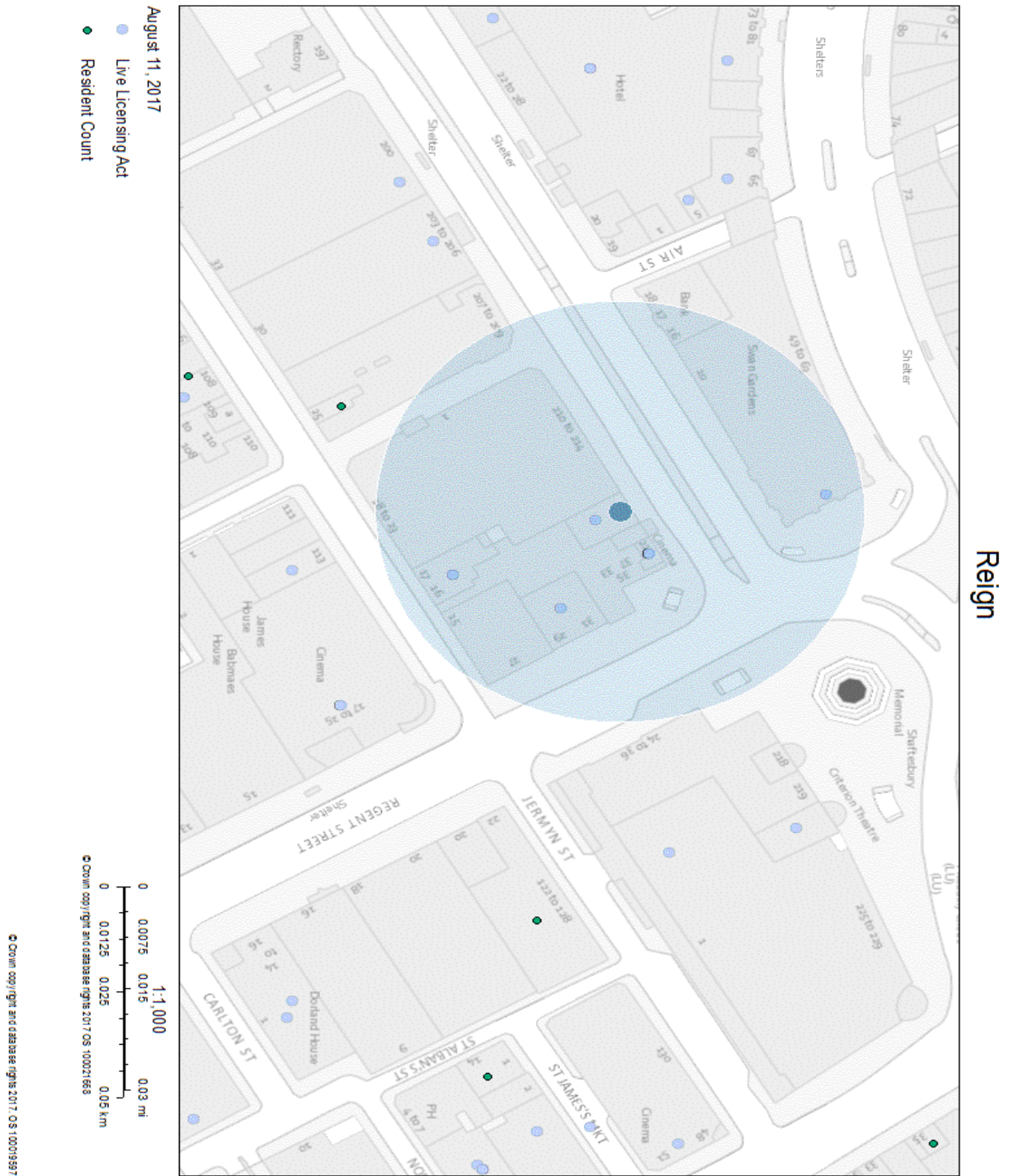
56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to twenty five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.
59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.

Proposed works condition :

- a. No licensable activities shall take place on lower level 2 (basement auditorium) and in the toilet area and DJ booth on lower level 1 (mezzanine) of the premises until these areas of 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
- b. No licensable activities shall take place in the trading room/bar on lower level 1 (mezzanine) of the premises until this area of 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

- c. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority

Residential Map and List of Premises in the Vicinity



This page is intentionally left blank