



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	3 October 2017
Licensing Ref No:	17/08037/LIPV - Premises Licence Variation
Title of Report:	Muse Soho Basement 23 Frith Street London W1D 4RR
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 July 2017		
Applicant:	Mr Onkar Rai		
Premises:	Muse Soho		
Premises address:	Basement 23 Frith Street London W1D 4RR	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a live entertainment, late night eatery and bar.		
Variation description:	<p>The application is:</p> <ol style="list-style-type: none"> 1) To extend the terminal hour for existing regulated entertainment (the performance of dance, live music, recorded music, anything similar) to 03:30 Mon-Sat and Sun before bank holidays, and 01:00 Sun. 2) Delete conditions 41, 43 of the premises licence. 3) To vary/update the conditions on the premises licence as per: <ol style="list-style-type: none"> a) Vary condition 12 to read 'There will be waiter/waitress service available throughout the entire premises at all times it is trading' b) Vary condition 20 to read 'No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 06:00 hours or as in compliance with Westminster City Council's own waster contractor collection hours'. c) Vary condition 33 so that the first sentence reads: 'In the area cross hatched on the plans, the premises shall only operate as a restaurant:-...' d) Update condition 34 to model condition '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 		

	<p>activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised office throughout the entire 31 day period’.</p> <p>e) Update condition 36 to model conditions:- ‘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’.</p> <p>f) Vary condition 48 so that the first sentence reads: ‘After 00:30 on the days following Monday to Saturday only...’</p> <p>4) Add new conditions as follows:</p> <p>a) A minimum number of 30 seats shall be maintained in the basement area at all times of operation.</p> <p>b) The retail sale of alcohol shall be ancillary to the provision of regulated entertainment and/or substantial refreshment.</p> <p>c) On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p> <p>5) Replace the plan at Annex 4 to reflect the new hatching on the proposed conditions (no change in layout).</p>
Premises licence history:	The premises has been licensed since September 2005.
Applicant submissions:	See Appendix 1 of the report
Plans	Plans are available upon request to the Licensing Authority and will be available at the Licensing Sub-Committee.

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

Performance of Live music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	21:00	23:30	21:00	03:30	No change
Tuesday	21:00	23:30	21:00	03:30	
Wednesday	21:00	23:30	21:00	03:30	
Thursday	21:00	23:30	21:00	03:30	
Friday	21:00	00:00	21:00	03:30	
Saturday	21:00	00:00	21:00	03:30	
Sunday	21:00	22:30	21:00	01:00	
Seasonal Variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 21:00 to 00:00.			Sundays before Bank Holidays: 21:00 to 03:30. On the morning that GMT changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

Playing of Recorded music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	21:00	23:30	21:00	03:30	No change
Tuesday	21:00	23:30	21:00	03:30	
Wednesday	21:00	23:30	21:00	03:30	
Thursday	21:00	23:30	21:00	03:30	
Friday	21:00	00:00	21:00	03:30	
Saturday	21:00	00:00	21:00	03:30	
Sunday	21:00	22:30	21:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 21:00 to 00:00.			Sundays before Bank Holidays: 21:00 to 03:30. On the morning that GMT changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

Performances of Dance					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	21:00	23:30	21:00	03:30	No change
Tuesday	21:00	23:30	21:00	03:30	
Wednesday	21:00	23:30	21:00	03:30	
Thursday	21:00	23:30	21:00	03:30	
Friday	21:00	00:00	21:00	03:30	
Saturday	21:00	00:00	21:00	03:30	
Sunday	21:00	22:30	21:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 21:00 to 00:00.			Sundays before Bank Holidays: 21:00 to 03:30. On the morning that GMT changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

Anything of a similar description to that falling within (e), (f) or (g)					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	21:00	23:30	21:00	03:30	No change
Tuesday	21:00	23:30	21:00	03:30	
Wednesday	21:00	23:30	21:00	03:30	
Thursday	21:00	23:30	21:00	03:30	
Friday	21:00	00:00	21:00	03:30	
Saturday	21:00	00:00	21:00	03:30	
Sunday	21:00	22:30	21:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 21:00 to 00:00.			Sundays before Bank Holidays: 21:00 to 03:30. On the morning that GMT changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

Late Night Refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	03:30	No change		No change
Tuesday	23:00	03:30			
Wednesday	23:00	03:30			
Thursday	23:00	03:30			
Friday	23:00	03:30			
Saturday	23:00	03:30			
Sunday	23:00	01:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	New Year's Eve: 23:00 to 05:00.			No change	

Sale by Retail of Alcohol					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	02:30	No change		No change
Tuesday	10:00	02:30			
Wednesday	10:00	02:30			
Thursday	10:00	02:30			
Friday	10:00	02:30			
Saturday	10:00	02:30			
Sunday	10:00	01:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			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		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	01:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	New Year's Eve as existing.			On the morning that GMT changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00. Sundays before bank holidays: 21:00 to 04:00.	

1-D Conditions being deleted	
Condition	
Condition 41 Regulated entertainment at the premises shall only be provided ancillary to its use as a restaurant.	Proposed to be deleted
Condition 43 Notwithstanding condition 33, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 10 persons dining at the premises.	Proposed to be deleted

1-E Conditions being varied	
Condition	Proposed variation
Condition 12 The supply of alcohol shall be by waiter or waitress service only, save for the designated bar area.	Condition 12 There will be waiter/waitress service available throughout the entire premises at all times it is trading.
Condition 20 No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 to 08:00.	Condition 20 No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00 to 06:00 or as in compliance with Westminster City

	Council's own waste contractor collection hours.
<p>Condition 33 The premises shall only operate as a restaurant:-</p>	<p>Condition 33 In the area cross hatched on the plans, the premises shall only operate as a restaurant:-</p>
<p>Condition 34 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>	<p>Condition 34 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 of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised office throughout the entire 31 day period.</p>
<p>Condition 36 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 ejections of patrons (b) any faults in the CCTV system (c) any refusal of the sale of alcohol (d) any visit by a relevant authority or emergency service.</p>	<p>Condition 36 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'</p>
<p>Condition 48 a) After 1am on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises...</p>	<p>Condition 48 a) After 00:30 on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises...</p>

1-F Conditions being added	
Condition	
A minimum number of 30 seats shall be maintained in the basement area at all times of operation.	
The retail sale of alcohol shall be ancillary to the provision of regulated entertainment and/or substantial refreshment.	
One the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

2. Representations

2-A	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	16 th August 2017
<p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1) To extend the terminal hour for existing regulated entertainment (the performance of dance, live music, recorded music, anything similar) to 03.30 Mon-Sat and Sun before bank holidays, and 01.00 Sun 2) Delete conditions 41, 43 of the premises licence 3) Vary condition 12 to read "There will be waiter/waitress service available throughout the entire premises at all times it is trading" 4) Vary condition 20 to read "No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours" 5) Vary condition 33 so that the first sentence reads: "In the area cross hatched on the plans, the premises shall only operate as a restaurant:- ..." 6) Update condition 34 to model condition "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."

- 7) Update condition 36 to model condition: "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."
- 8) Vary condition 48 so that the first sentence reads: "After 00:30 on the days following Monday to Saturday only ..."
- 9) Add new conditions as follows:
 - a) A minimum number of 30 seats shall be maintained in the basement area at all times of operation.
 - b) The retail sale of alcohol shall be ancillary to the provision of regulated entertainment and/or substantial refreshment
 - c) On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
- 10) Replace the plan at Annex 4 to reflect the new hatching on the proposed conditions (no change in layout)

I wish to make the following representations, numbered as above, based on the plans submitted and the supporting operating schedule:

1. The proposed extension in the terminal hour for the regulated entertainments may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.
2. The deletions of conditions 41 and 43 may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.
3. No representation made
4. No representation made
5. The proposed variation of condition 33 may lead to an increase in Public

Nuisance in the West End Cumulative Impact Area.

6. No representation made
7. No representation made
8. No representation made
9. Representation raised to new condition 9 b) as this may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.
10. The licensable activities as shown on the re-notated new plan may lead to an increase in Public Nuisance in the West End Cumulative Impact Area and may impact on Public Safety.

The overall effect of the variation appears to be change the operational nature of the premises so that it is regulated entertainment led rather than operating as a restaurant. This is likely to be contrary to Westminster's Statement of Licensing Policy with regards to licensable activities in Cumulative Impact Areas

Environmental Health has concerns that the premises will also therefore need to be assessed for Public Safety in line with the District Surveyor's Technical Standards for Places of Entertainment.

The applicant is requested to contact the undersigned to arrange a site visit after which additional conditions may be proposed.

Responsible Authority:	Metropolitan Police
Representative:	PC Reaz Guerra
Received:	2 nd August 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.
The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	15 th August 2017

I write in relation to the application submitted for a Premises Licence for the following premises Unit 4 - Happy Bar And Grill, 13 Coventry Street.

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:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The application seeks to allow the premises to operate regulated entertainment without being ancillary to food. It is the authorities opinion that this would undermine the licensing objectives. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1 for premises with live and recorded music and the provision of dance MD2 and PB2. These hours sought go far beyond the core hours and are in an area saturated with late night venues, we would be concerned this premises would then lead to additional people coming into the cumulative impact and contributing to it.

We look forward to receiving additional documentation relating to our points raised above. We would expect to see written explanation as to the rationale for amending and removing conditions and the impact they will have.

Please accept this as a formal objection.

2-B Other Persons

Received: 10th August 2017

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

The application seeks to vary opening hours, stipulated operating conditions, etc. We note that it requests the deletion of conditions 41 and 43, which specify that (i)"Regulated entertainment at the premises shall only be provided ancillary to its use as

a restaurant” and (ii) a maximum of ten persons may purchase and consume alcohol prior to meals in the bar area. Therefore we assume the applicant wishes to change the nature of the premises from what has primarily been a restaurant to a more alcohol-led entertainment venue.

Hours of operation

The applicant wishes to extend operating hours until 3.30am Monday-Saturday and Sunday prior to Bank Holidays, and until 1.00 am on Sundays. This directly contravenes Council policy. Soho remains a densely populated residential area and these premises are situated in the heart of the West End Cumulative Impact Area just around the corner from Old Compton Street, which, in terms of licensed premises, is quite likely the most saturated street in the West End. Old Compton Street contains many private residences along both sides, as does Frith Street and the other nearby streets that feed into Old Compton Street. All residents in the surrounding area are subject to noise and general nuisance every night of the week.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

Received:	5 th August 2017
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The amenity of neighbours, not least in the impact of noise upon residents in Soho, is significant and needs to be considered. Any extension to performance hours (see page 2 variation note 1 (and consequently arrival and departure hours of customers)) will likely lead to more noise disturbances.

Any potential increase in public nuisance issues also needs to be assessed by Westminster Council and considered in terms of the amenity of neighbours.

Received:	15 th August 2017
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I would like to object to the proposed variations, as they tend to suggest that the premises will become more of an alcohol led venue. Also the hours are outside the recommended hours within Westminster's policy. This is an area where there many licensed premises and is in an area where there is a high level of crime in comparison to other areas of Westminster. It also has a large residential population. Lastly, when people vacate premises, with the best will in the world, a licence holder is unable to control levels of noise in the streets. I therefore request that this application be refused.

Received: 5th August 2017

I am a manager at the Sunset Strip on Dean Street and would like to offer my support to the variation application submitted by Muse. We are one street along from Muse and know the operators well. The operators are part of the Soho Village Community. I do not believe that there is anything in the Variation application that would be detrimental to the four Licensing objectives. Muse is well known as a well run premises integral to the LGBTQ scene in Soho. I visited the Premises in my previous occupation as a Westminster City Council Licensing Inspector.

Received: 16th August 2017

I write in support of the application for Major Variation of Premises License at the above named venue.

I have frequented Muse Soho for many years since performing at the venue and also socialising there! It is very popular for members of the LGBTQ community. When Tara informed me of her intention to apply for this variation, I instantly wanted to show support towards the application.

I have lived, socialised and worked in Soho for years and up until Muse opened there was a huge gap in the market for this type of venue. Now when I visit London, Muse is my first port of call and I genuinely wouldn't go to any other venue apart from this one.

For me Muse is not just an incredible platform for an artist, it's also like visiting family and you will be surprised how important that is to people. I've never experienced a venue where the owner can make you feel so at home. One of the many reasons of why I love this venue is that it caters to all. It's so refreshing to see people of all diversities being able to express themselves without judgement.

Muse is an incredible venue, I am extremely excited to see what come's next!

I really hope you consider her application because it will change peoples lives and give them a greater sense of security.

Received: 16th August 2017

I am writing in support of the application for Major Variation of Premises License at the above named venue.

I have worked in and with many venues in Soho both as a journalist and a bartender, including in Muse with Tara Sirrell. Not only has this been one of my most favourable jobs but also one of the most important. I first hand witnessed the importance of Muse in the LGBTQ community, particularly to the lesbian scene. Muse is not only a safe haven for many women in London who are able to come and be themselves without prejudice but also has diversified the LGBTQ community in Soho in a way which I have not ever seen before. This is all thanks to the management of the venue and Tara's zero tolerance toward any behaviour or activity which could endanger or cause discomfort to any of the patrons.

As a person of colour and someone who identifies as a lesbian, I cannot begin to express just how important Muse is, not only to women who identify as queer, but also to those who identify as trans/intersex and anyone who would not fully feel as welcome in other venues. It is perhaps surprising to some that Muse is one of a kind in the sense that staff and management are pro diversity and safety with a 'anyone and everyone is welcome' stance. However, this is the reality and you would just have to take a few minutes speaking to any of the customers to see how much this rings true.

I speak on behalf of many when I say a place as special as this must not only be protected but should also be supported and aided in prospering in any way possible. The requirement of substantial food at all times currently limits the venue from doing so. Please consider mine and many others support for the application for Major Variation of the Premises License and grant it your consent.

Received:	7 th August 2017
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My name is Latoya Buthlezi, my stage name is Toya Delazy. I write this letter in support of Muse soho which is seeking to get a entertainment license. In light of the fact that there aren't many female empowering venues of this nature in London, that focus on developing and exposing the female arts scene and offer a platform for artists like myself. Muse Soho will give a platform for many talented female artists in the LGBT that are often overlooked and they would have the opportunity to perform in a venue with great quality and reception, giving artists the chance to create a fan base and further develop their careers. I am a hard working artist and wouldn't support this initiative if it was mediocre, I have attached my artist biography with my recent achievements as support.

Muse is a game changing venue which treats artists with lots of care and aims to amplify the female arts, therefore has my full support.

Received:	12 th August 2017
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As a lesbian music enthusiast, I am writing you this letter in support of Muse Soho's application for a major variation to convert the venue into a full live performance venue and to get permission for an area to not be subject to restaurant requirements.

I have lived in London for over 3 years and can attest to the fact that Muse is one of the only venues in the UK fully dedicated to the lesbian community, offering music, drinks and food in a safe environment and is very dear to us in the lesbian community. Tara (managing director) has done an exceptional work, bringing international lesbian artists to London (Toya Delazy, Cristina Novelli, Sade Giliberti, Ziggy, etc...) through various

great promoters. She has invested a lot of time and funds into developing the lesbian music industry, which lacks visibility in the mainstream media and in the mainstream live circuit. Muse offers a great platform for upcoming lesbian musicians to present their work and get a chance to get global recognition. I sincerely support Muse's application.

Received

16th August 2017

I hereby, Mehdi Remadi, occupier of the first floor of the building incorporating Muse Soho (Flat 1A, 23 Frith Street, London W1D 4RR), confirm my support to Muse Soho in regards to the major variation to be brought.

My support is based on the following observations:

1. Muse Soho, its manager and the whole staff have always been respectful to the building's inhabitants, as far as I am concerned.
2. The staff in charge of the door's security has acted professionally at all times and never jeopardised the security of the building.
3. No particular issue has been raised so far.

Received

16th August 2017

I write in support of the application for Major Variation of Premises License at the above named venue.

I have known the operator, Tara Sirrell, for many years, having worked and socialised with her since she first came to the United Kingdom. Tara had informed me of her intention to apply for said variation to which I offered to support the application in writing to yourselves.

I have worked and socialised in Soho for many years. I know the area well and the issues it faces in terms of the promotion of the licensing objectives.

Tara is a well-established and professional operator, having managed several venues in London. Muse Sohos primary concerns have always been the lawful operation of the venue, the safety of the patrons within it, and the positive view of the venue from its neighbours and the public.

I know Tara to be well-versed in licensing and health and safety legislation and have witnessed, and discussed with her, many times, her zero-tolerance for anti-social or unlawful behaviour (including that of SIA-licensed door staff or venue staff). Muse has always sought, not just to abide by the licensing objectives, but to actively promote them as a key to running a successful establishment. I also understand, however, that Muse Soho has difficulty with the service it is currently permitted to offer in relation to the service requested of them by the groups that use the venue.

Muse Soho currently provides a much needed respite for the many (mostly female) gay persons and transgender persons, or persons whom may identify as "intersex" or "queer". The venue does, in effect, provide a haven, tucked away peacefully, without ostentation, for every letter of "LGBTQI" – somewhat unique in Westminster. The trans-community and other communities who identify in their own way with regards to their gender- and sexual-identity do not have the luxury of the haven so-called gay bars provide for their gay clientele.

I have experience with trans, queer and intersex persons, and, in listening to their stories, understand that many of them still feel uncomfortable in the gay bars of London.

Further, I have witnessed, myself, the prejudice and discrimination such persons can experience when trying to socialise in some venues in the city. Options are unreasonably limited. Whereas we can and must try to change a person's prejudice, we ought, at the same time, to show support and provide further options for those suffering it.

Further options, in terms of the "TQI" groups, may be provided, by yourselves, in the granting of this application for Major Variation of the Premises License at Muse Soho. The application to vary the license in order that hours may be extended on a permanent basis, and not solely with the exhaustible provision of a Temporary Events Notice, and that the requirement for substantial food not to be necessary in all circumstances but be readily on offer, will allow the venue to develop to offer a more suited place to socialise, currently afforded to all other groups of society within Westminster.

Given the professional nature of the operation and the morally-praiseworthy purpose behind it, and given the good character and intent of the person charged with its continued adherence to, and promotion of, the 4 licensing objectives, I have no hesitation in voicing my support for the application for Major Variation of the Premises License and, humbly, ask you to consider it carefully and award it your consent.

Received:	16 th August 2017
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I am writing in support of the above application.

I understand that *Muse Soho* have applied to have their licence varied to enable live entertainment until 0330hrs Monday to Saturday and for the current food conditions to be relaxed.

I and my partner operate a social gathering for transsexual ("TS") persons and transgender ("TG") persons to meet and socialise with other TS and TG persons and their friends, and other open-minded and accepting persons, in a safe and friendly environment.

Muse Soho is arguably one-of-a kind in Westminster. It is popular with both the TS and TG communities because there simply aren't any other venues providing such an environment in the City.

Unfortunately, and to the shame of the City, the restriction that we all must consume food if we wish to use the venue has meant that we cannot utilise the space as much as we would like.

To our advantage the operator, Tara Sirrell, has afforded us the use of the few Temporary Events Notices (TEN's) available to the premises per year. These TEN's allow us to provide entertainment by way of music and dancing for our TS and TG guests until 0300hrs.

Muse Soho gives our communities somewhere to go, safe in the knowledge that we are catered for and, most importantly, kept safe and looked after. The TEN's, whilst allowing our guests to not have to consume food to use the premises for this purpose, are very limited in number. Our communities can no longer understand why the venue that caters for us so well is restricted in what it can offer us, whereas other venues which do not cater for our needs are free from such restrictions. Essentially, we only want equality of opportunity to access entertainment. We only want equality of choice.

It is vital that the TS and TG communities have a safe space to express themselves without fear of intimidation or violence, something that both communities face on any occasion venturing into non-TS and -TG venues. All persons should be free to express themselves through dancing and socialising in licensed premises without fearing if they will make it through the evening free of being harassed or, worse, attacked. Such incidents are well documented in the press over the years.

Muse Soho provides a safe space for our communities. And it provides it well.

On behalf of the TS and TG communities of London, we support this application in the strongest of terms, and, we ask, by approving the application, that the City shows our communities its support in return, reminding everybody that the City is, indeed, for everybody.

Received:	16 th August 2017
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I'd like to show my support to LGBTQ-friendly establishment *Muse Soho*, based at 23 Frith Street, W1D 4RR, London, UK.

The purpose of this reference is the promotion of the four licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and protection of children.

Prevention of crime and disorder: *Muse Soho* is a safe environment for LGBTQ individuals and their supporters and friends, there are always security guards for any major event or on any busy night.

Prevention of public nuisance: any cases of anti-social behaviour are not tolerated by the employees of the venue and are dealt with accordingly by the security.

Public safety: the venue has proven to be a safe environment over the past couple of years, the security guards are always in place for any busy period of time the venue is operating.

Protection of children: the venue implements legal age restrictions due to the nature of the business and strictly abides the law in that perspective. Proof of age/ID is required. I used to reside in Soho from August 2013 to September 2015 at 55 Rupert Street, W1D 4PJ. I've been a regular client of the venue since April 2015.

I am confident that the venue causes no noise disturbance due to its location in the basement, with a busy 24-hr restaurant *Balans* above it.

The staff has always been very responsible and considerate to the clientele. I have witnessed no major anti-social behaviour, and all minor issues have always been dealt in a considerate manner by the security.

The brand started off as a LGBTQ venue focusing on the lesbian scene but since then expanded to encompass queer and trans communities. It has become one of the key venues for these people to congregate and socialise.

I understand the application, have no concerns with it and support it. The application can be summarised as the extension of hours for entertainment, further restriction of

membership, permission for the premises not to be subjected to restaurant requirements although food will still be featured heavily in the venues menu.

There are sufficient conditions, controls and policies in place to promote the licensing objectives.

Due to gentrification of the area and London in general the community is losing many of the prominent LGBTQ-friendly venues. Consequently this process creates a shortage of places where people can go out without the fear for their safety and without being judged for being gay.

Muse Soho has provided a safe environment where people can have a good quality time without any fear of self-expression when it comes to their sexuality and gender.

Received: 9th August 2017

Please accept my letter of support regarding the application for Major Variation on the Premises License owned by Muse. I understand the application and have no concerns with it and support the extension of hours for entertainment, further restricting membership, permission for an area to not be subject to restaurant requirements although food will still feature heavily. The successful use of the TENs has proved to me that Muse is ready for the extension requested in this application. Granting the extension would provide the wider community with safe space with reasonable trading hours.

I host a Pop Up party night called POUT at Muse and have done so since its inception. POUT operates at Muse bi-monthly and has been creating parties for the lesbian community, in previous venues, since 2009. Aside from POUT, I have worked in the Entertainments and Hospitality Industry since 1988. During that time I was a Licensee in the Borough of Wandsworth, Camden, Westminster and Lambeth. Although I am no longer a Licensee I keep myself abreast on Licensing issues and I will only work with venues who prove to be compliant with the Licensing laws.

My POUT clientele are mainly mature, Lesbians who have careers, professions and families. My customers are comfortable with the gay scene and just want to dance to good music. The music genre at POUT is Pop, Disco, Motown, 80s and Funk. My clientele are women who enjoy safe spaces, who promote a strong community spirit and are intolerant of bad behaviour.

The team at Muse have consistently demonstrated a duty of care to my customers and the general public by ensuring that individuals are not exposed to crime and disorder. Muse operate a strict door policy so no unsuitable individuals are allowed entry. This makes for a positive POUT experience and adds to the healthy reputation Muse has. The bar staff at Muse are attentive, friendly and efficient in their roles; these attributes makes it easy to deal with issues before they become incidences.

The Muse team are very proactive in ensuring that customers leave their premises in a reasonable condition so as to not cause any public nuisance. Muse does this by providing free drinking water, we mellow the music towards the end of my night and Muse has a substantial food menu. My customers are also considerate and mindful of the noise they may generate when leaving Muse.

The average age of the POUT crowd is 38 and if any individual looks under the age of

18 then ID is required; no ID equals no entry. IDs are checked by the door security and again by my door host. This means that we don't have children at our events. The Muse team, the door security company and I work as a one unit. I find that this enhances the safety of my customers, the general public, the staff and it is also good for the Muse business.

Muse management conducts a brief at the beginning of the evening with myself and a debrief at the end of my event. All successes and learning curves are explored then.

Since Muse opened its doors the LGBTQ+ community has benefited by having a safe space that gives them the security to express their sexuality and be themselves. Homophobic hate crime is on the increase making it imperative that we have venues like Muse, providing a safe space for gay women to socialise, enjoy food and have a dance.

Received:	27 th August 2017
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I am writing in support of the above application.

It has come to my attention Muse Soho have applied to have their license varied to enable live music and entertainment until 03:30, Monday to Saturday and for the current food conditions to be relaxed.

As well as being a long standing member of the London LGBT+ community, I'm one of the senior organisers of Pride in London, the capitals LGBT+ festival. I also write for Gay Times Magazine the UK's leading gay publication, as well as serving as Vice President of Impulse London, a gay men's sexual health and wellbeing charity.

I have worked with Muse Soho many times over the last couple of years. At Pride in London we have used the venue to hold audition heats for our community talent competition Pride's Got Talent, as well as my annual World AIDS Day event.

We couldn't have asked for a more attentive, professional and welcoming venue. Allowing us to use the space for charity and community activities as well it being a constant safe space for us to meet as and when needed.

It's no secret the LGBT+ community has lost a large amount of venues in recent years. Dozens of spaces have been lost and the impact it has had on our community has rippled through London.

It's incredibly important for venues like Muse to stay open. Homophobic hate crimes have seen a 147% rise from June last year, putting our community in a very vulnerable position.

With so many venues being closed (for lots of reasons). It's important that our existing spaces continue to be sustainable in order to survive.

Muse is more than just a bar, it's a safe space used by people who don't always feel safe visiting other venues, even on the LGBT+ scene, making it quite unique.

The current restrictions for guests having to consume food for them to stay open restricts what kind of events the space can offer. With more freedom the venue would be able to continue the good work they have already done, using the space to keep our

community safe, happy and more importantly catering for people otherwise under-represented.

Muse Soho has an exemplary track record since opening five years ago, and I have no doubt they will be a part of Soho for a long time to come.

On behalf of Pride in London, Gay Times Magazine and Impulse London, we offer our full support and backing for the proposed application.

Received: 8th August 2017

I write in support of the application to vary Muse Sohos licence. I understand that Muse Soho is applying for an extension of hours for entertainment, further restricting membership and are also asking permission for an area to not be subject to restaurant requirements.

I need to stress that both of these factors are currently prohibiting the LGBTQ community from fully utilising the venue. The expectation that every individual must eat a full menu in order to socialise with other likeminded people is extremely restrictive. Given the lack of said venues in the Westminster area this is a great shame.

I have hosted various social events at Muse Soho the first being the after party of my book release talk, Be Yourself **Everyone** Else Is Taken, at the Victoria and Albert Museum. Muse Soho was the perfect venue to host this party as they are a safe space for Queer people where people are not only not judged by their sexuality or gender but celebrated for this. Where people are celebrated for their uniqueness and can do so in a safe environment.

There is a serious lack of venues promoting inclusion within Westminster and it is my belief that venues such as Muse Soho should be supported and encouraged to grow so that the community can engage in them more often. So many West End venues have shut down over the past two years. Muse Soho has survived the current climate and it is important that it continues to do so. It is important for the community that the authorities support the growth of this venue. This venue which means so much to our community. This venue that operates in a safe manner that has a high standing with authorities and its neighbors.

Received: 16th August 2017

I am writing this letter in support of Muse Soho I Joined Muse Soho 2 years ago I am bartender I meet lots of customers who frequent this wonderful place I meet people from different back ground, different sexuality, and different gender.

I enjoy talking to my customers everybody always telling me how wonderful muse is and if this place was not here we would not have any place to go and enjoy socialising often people tells me how safe they feel here many tells me horrible stories they been attacked just because they look's different then these people are they say Muse Soho has always been a place where all people are welcome.

Also customers complaining saying we like to come out and meet likeminded people and have a drink but we can't as we must have a meal which not always possible this I hear from many people I have seen this first hand as I work there I have to tell the customers they must have full meal otherwise they can't have drink these are LGBTQ community people they tells me we have no other place to go to seems like we have to

go back home. It has been known to be a thriving place for the LGBTQ community, however as mentioned before, it is open for all.

Muse Soho is a much-needed venue more now than ever for the LGBTQ Community. It is important that individuals have a safe place to enjoy themselves and meet likeminded people. There aren't enough options for individuals identifying with a different sexuality to enjoy themselves without the fear of being discriminated against. Muse Soho is a fun safe place to visit with friends.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIA1 applies:	<p>(i) It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy FFP2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.
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 MD2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Environmental Health Service Memorandum
Appendix 4	Proposed conditions

Appendix 5	Human Rights Act and Equality Implications
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	Representation Metropolitan Police	2 August 2017
5	Representation Environmental Health	16 August 2017
6	Representation Licensing Authority	15 August 2017
7	Representation - resident	5 August 2017
8	Letter of Support	5 August 2017
9	Letter of Support	7 August 2017
10	Letter of Support	8 August 2017
11	Letter of Support	9 August 2017
12	Representation - resident	10 August 2017
13	Letter of Support	12 August 2017
14	Representation- resident	15 August 2017
15	Letter of Support	16 August 2017
16	Letter of Support	16 August 2017
17	Letter of Support	16 August 2017
18	Letter of Support	16 August 2017
19	Letter of Support	16 August 2017
20	Letter of Support	16 August 2017
21	Letter of Support	16 August 2017
22	Letter of Support	27 August 2017

5 September 2017

Dear Sirs,

I am writing in connection with this Application in my capacity as West End Ward Councillor.

I can safely say that I had never heard of these premises up until the current Application, indicating that I have never received any complaints in relation to noise, disturbance or other issues in relation to their operation.

The property sits in between two premises which both hold and operate 24-hour Licences, and the proposal, as I understand it, to extend the hours during which entertainment can take place within the premises, and to vary the Conditions as to the requirement for a full meal would not therefore, in my opinion, adversely affect the amenity of nearby occupiers, nor adversely contribute to the issues of concern under the Licensing Objectives.

Indeed I am led to understand that the nearest residents, those in the property immediately above the premises, have written in support of the Application.

Muse is one of a dwindling number of LGBT venues in Soho which have and continue to form part of its unique character. It is independently operated and, unlike larger venues owned by chains, has a small capacity (60) and particular and positive contribution to the range and variety of venues in Soho.

The premises already enjoys a 4 o'clock terminal hour and as there are no proposed changes to the hours of operation or the capacity I would urge the Committee to grant the Application so as to maintain this operation for its current and future clientèle.

Yours faithfully

COUNCILLOR JONATHAN GLANZ
Member for West End Ward

MAYOR OF LONDON

Dear Tara,

RE: Muse Soho

Date: 14 September 2017

Thank you for speaking with the GLA's Culture at Risk Officer on 17 August to discuss the pressures that Muse Soho is facing, as well as broader issues impacting London's night time economy and culture.

The Mayor has pledged to make safeguarding London's night-time economy and culture a core priority. Protecting LGBT +venues is a key part of this. They contribute to London's economy, generate stronger and more resilient communities and are vital for many people's freedom of expression.

In the capital, our vibrant and diverse night time economy and culture is recognised around the world, attracting domestic and international visitors. It is a key driver of the economic and cultural regeneration of town centres, worth £26.3bn to our economy and employing 700,000 people.

However, this is under threat. London has lost a quarter of its pubs and half of its nightclubs over the last ten years.

An alarming new report published by University College London (UCL) Urban Laboratory¹ shows that London's LGBT+ venues are in crisis, with a 58% loss of spaces in the past decade. In 2006, there were 125 venues in operation, while in 2017 there are just 53.

Despite LGBT+ venues often being thriving and successful businesses, UCL's report finds that they are closing because of external pressures such as large-scale developments.

Muse Soho is a much-loved late-night private members club in the heart of Soho that provides a live entertainment, food and drink offer to the LGBT+ community, with a specific emphasis on women and trans people. The UCL report highlighted that spaces catering to these communities have been disproportionately vulnerable to closure.

The Mayor and I want to ensure that London is a city where minority communities are able to meet and socialise in a safe space, and where their heritage is protected. Many communities have museums to preserve their histories and educate others, like the Jewish Museum in Camden and the Black Cultural Archives in Brixton.

No such museum yet exists for the LGBT +community whose heritage lies in largely informal social settings as opposed to established institutions and archives. In a year where homophobic hate crime in the capital has risen by 12% to over 2,000 incidents it is a matter of urgency that we support the capital's remaining gay venues.

In order to stem closures of LGBT+ spaces the Mayor has instructed me to make protecting LGBT +venues an urgent priority by acting as a mediator between venue owners, and developers and pub companies, and reaching out to venues in trouble to

offer support from City Hall. I have been already working closely with a number of venues and community groups in London.

The Mayor has also pledged to introduce the Agent of Change planning principle in his next London Plan to safeguard London's live music venues, clubs and pubs- including LGBT +venues.

I am encouraging developers, venues, pub companies and others to sign up to new LGBT +Venues Charter (see **Annex A**). This five-point pledge is endorsed by Stonewall, Pride, UK Black Pride and a number of promoters and operators of LGBT +venues.

The Mayor has also recently published 'From Good Night to Great Night', his Vision for London as a 24-Hour City, which can be viewed at: www.london.gov.uk/21hourvision. It sets out the ten principles that will guide the work of City Hall and focuses on building a night-time culture which serves the needs of all Londoners and visitors to the capital.

I hope a resolution can be found to enable Muse Soho to continue doing excellent work. If I can be of any further help, please do not hesitate to contact me or my team.

Yours sincerely

Amy Lamé
Night Czar

Annex 1 – LGBT+ Venues Charter

1. A visible rainbow flag should be displayed on the outside of the venue
2. The venue should be marketed as an LGBT+ venue
3. The venue will provide a welcoming, accessible and safe environment
4. Management and staff should be LGBT+ friendly
5. Programming should be LGBT+ focused

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06612/LIPCV	This is a converted licence.	22.09.2005	Granted by Licensing Sub Committee
06/07599/WCCMAP	This is the master copy of the licence.	22.09.2005	Granted by Licensing Sub Committee
13/04709/LIPV	This is an application for a variation: 1. Extend the permitted hours for late night refreshment and the retail sale of alcohol to 1am, 7 days (no change to other regulated entertainment provisions) 2. Add the following condition 'Notwithstanding conditions 11 and 33, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time of 15 persons dining at the premises'. 3. To vary the plans of the premises to show the designated bar area referred to in the above condition.	05.09.2013	Granted by Licensing Sub Committee
14/02842/LIPV	This is an application for a variation: 1) To extend the terminal hour for Sale by Retail of Alcohol from 1 am to 02:30 am Monday to Saturday. 2) To extend the terminal hour for Late Night Refreshment from 1 am to 03:30 am Monday to Saturday. 3) To add conditions as details in the operating schedule. No change on Sundays.	12.06.2014	Granted by Licensing Sub Committee
15/03256/LIPCHT	This is an application for change of trading as name from Labels to Muse Soho.	29.04.2015	Granted under delegated authority.
17/04730/LIPVM	This is an application for a variation: To add the Challenge 25 policy condition to the premises licence as suggested by the Westminster Police Licensing Team.	25.05.2017	Granted under delegated authority.

Application	Details of Application	Date Determined	Decision
13/00418/LITENP	This is an application for a TEN renewal.	28.01.2013	Notice granted
13/00810/LITENP	This is an application for a TEN renewal.	13.02.2013	Refuse licence – Police seek a counter notice
13/02056/LITENP	This is an application for a TEN variation.	01.04.2013	Notice granted
13/02831/LITENP	This is an application for a TEN variation.	08.05.2013	Notice granted
13/03225/LITENP	This is an application for a TEN variation.	28.05.2013	Notice granted
13/03227/LITENP	This is an application for a TEN variation.	28.08.2013	Notice granted
13/03228/LITENP	This is an application for a TEN variation.	09.07.2013	Notice granted
13/03761/LITENP	This is an application for a TEN variation.	17.06.2013	Notice granted
13/07853/LITENP	This is an application for a TEN renewal.	28.10.2013	Notice granted
13/10028/LITENP	This is an application for a TEN renewal.	21.12.2013	Notice granted
14/00856/LITENP	This is an application for a TEN renewal.	17.02.2014	Notice granted
14/01480/LITENP	This is an application for a TEN renewal.	02.03.2014	Notice granted
14/03787/LITENN	This is an application for a TEN renewal.	27.05.2014	Notice granted
14/05452/LITENP	This is an application for a TEN renewal.	28.06.2014	Notice granted

14/05738/LITENP	This is an application for a TEN renewal.	09.07.2014	Notice granted
14/06966/LITENP	This is an application for a TEN renewal.	23.12.2014	Notice granted
14/07961/LITENP	This is an application for a TEN renewal.	29.12.2014	Notice granted
14/09223/LITENP	This is an application for a TEN renewal.	03.11.2014	Notice granted
14/09225/LITENP	This is an application for a TEN renewal.	03.11.2014	Notice granted
14/10197/LITENP	This is an application for a TEN renewal.	12.12.2014	Notice granted
14/10919/LITENP	This is an application for a TEN renewal.	13.12.2014	Notice granted
14/11279/LITENP	This is an application for a TEN renewal.	30.01.2015	Notice granted
15/00125/LITENP	This is an application for a TEN renewal.	30.01.2015	Notice granted
15/00749/LITENP	This is an application for a TEN renewal.	07.07.2015	Notice granted
15/01073/LITENP	This is an application for a TEN renewal.	19.02.2015	Notice granted
15/01867/LITENP	This is an application for a TEN renewal.	02.04.2015	Notice granted
15/02235/LITENP	This is an application for a TEN renewal.	02.04.2015	Notice granted
15/02804/LITENP	This is an application for a TEN variation.	25.04.2015	Notice granted
15/03826/LITENP	This is an application for a TEN variation.	26.05.2015	Notice granted

15/04255/LITENP	This is an application for a TEN variation.	01.10.2015	Notice granted
15/04859/LITENP	This is an application for a TEN variation.	26.02.2016	Notice granted
15/07014/LITENP	This is an application for a TEN variation.	10.12.2015	Notice granted
15/07018/LITENP	This is an application for a TEN variation.	28.08.2015	Notice granted
15/08032/LITENP	This is an application for a TEN variation.	24.09.2015	Notice granted
16/00938/LITENP	This is an application for a TEN renewal.	02.03.2016	Notice granted
16/02113/LITENP	This is an application for a TEN renewal.	03.03.2016	Notice granted
16/04062/LITENP	This is an application for a TEN renewal.	27.05.2016	Notice granted
16/05993/LITENP	This is an application for a TEN renewal.	20.06.2016	Notice granted
16/12685/LITENP	This is an application for a TEN renewal.	09.12.2016	Notice granted
16/13402/LITENP	This is an application for a TEN renewal.	19.12.2016	Granted by Licensing Sub Committee
17/02957/LITENP	This is an application for a new TEN.	24.03.2017	Notice granted
17/02958/LITENP	This is an application for a new TEN.	05.04.2017	Notice granted
17/03095/LITENP	This is an application for a new TEN.	04.04.2017	Notice granted
17/03408/LITENP	This is an application for a new TEN.	03.05.2017	Notice granted

17/03409/LITENP	This is an application for a new TEN.	06.04.2017	Notice granted
17/04216/LITENP	This is an application for a new TEN.	09.05.2017	Notice granted
17/04704/LITENP	This is an application for a new TEN.	15.06.2017	Notice granted
17/05667/LITENP	This is an application for a new TEN.	01.06.2017	Notice granted
17/06131/LITENP	This is an application for a new TEN.	13.06.2017	Notice granted
17/06134/LITENP	This is an application for a new TEN.	13.06.2017	Notice granted
17/06136/LITENP	This is an application for a new TEN.	13.06.2017	Notice granted
17/08393/LITENP	This is an application for a new TEN.	08.08.2017	Notice granted
17/08677/LITENP	This is an application for a new TEN.	22.08.2017	Notice granted

Application	Details of Application	Date Determined	Decision
14/01060/LI178	This is an application for a request for a 178.	04.12.2014	Granted under delegated authority.
15/00133/LI178	This is an application for a request for a 178.	06.01.2015	Granted under delegated authority.
16/04999/LI178	This is an application for a request for a 178.	18.05.2016	Granted under delegated authority.
17/05188/LI178	This is an application for a request for a 178.	11.05.2017	Notice granted

There is no appeal history.

CITY OF WESTMINSTER

MEMORANDUM

TO Miss Yolanda Wade

REFERENCE 17/08037/LIPV

FROM EH Consultation Team, 4th Floor, City Hall

REFERENCE 17/034820/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT. 1774

DATE 26 September 2017

MUSE SOHO, BASEMENT, 23 FRITH STREET, LONDON

I refer to the application for variation of the Premises Licence, 17/04730/LIPVM, for the above premises and further to my representations dated 16 August 2017.

Following site inspections by Environmental Health and Licensing District Surveyor the proposed variation does not raise Public Nuisance and Public Safety concerns for the changes to licensable activities carried out within the premises. This is for the following principal reasons:

- The layout/construction of the premises and the means of escape provision comply with the safety standards for the proposed capacity and licensable activities.
- There are sufficient controls to prevent noise escape from within the premises. A history check (see below) shows no noise nuisance complaints when regulated entertainment has been provided as currently permitted or during any TENs.

Nevertheless Environmental Health maintains its representations as the variation is contrary to policy as it is likely to add to cumulative impact away from the site. Operating under a membership scheme, however, does provide some mitigation.

For information a history check of the Environmental Health database for the premises shows the following 13 relevant entries in the last two years:

1. Visit at request of EHO to monitor management of outside area

At the time of arrival, Saturday 26.08.17, 00:20 hrs, the venue was open and apparently trading. The main entrance door to the top of the stairs leading into the venue was open but there was not any music escaping. There were two SIA Door Supervisors on duty at the entrance (one male and one female). They were checking customers as they entered against what appeared to be a guest list. No searches seen to take place at the

entrance. Externally on arrival, there were a couple of people outside smoking and during the observations this number increased slightly to 6 people at one time. The smokers all stood close to the building line and did not obstruct the public footpath. They were quietly smoking and talking with no apparent issues identified. Customers entering and leaving the premises were not permitted to take drinks in or remove them from the premises. Customers using the smoking area left their drinks on a table in the lobby and collected them upon re-entry to the venue. A number of customers were seen to leave the premises but they did so in a quiet manner walking off in different directions. A third SIA Door Supervisor was seen at the venue taking over on the front door. It is not known if he was doing bag searches inside the premises as not visible from the outside.

It should be noted that during the observations there were a large number of motorcyclists parked directly outside the premises who were causing more noise than anyone associated with the venue.

2. Visit to premises operating under a temporary events notice.

On Saturday 01.07.2017, 01:56 hrs; Officers monitored the management of the door due to the premises applying for a variation of their licence to hold similar events. This was discussed with the manager during the visit. No issues were seen, however officers will continue to monitor.

3. Commercial Waste

On Friday 9th June 2017 at 12:37hrs; four bags of commercial waste marked Westminster City Council were found unlawfully deposited on the public highway adjacent to 42 Frith Street W1D 5JN. The waste was found deposited on the public highway outside the scheduled collection time. Upon investigation, evidence was found in the bags which appeared to originate from Muse. All commercial waste must be presented for collection no more than 30 minutes prior to the scheduled collection times and must be collected within that time. The collection times for your waste and further information can be found at www.westminster.gov.uk

4. Commercial Waste

On Sunday 28th May 2017 at 02:48 hours, 12 black bags containing commercial waste and unrelated green bags and cardboard were found unlawfully deposited on the public highway in Frith Street, London W1 at the side of 25 Old Compton Street, London W1. The waste was not clearly marked as to which waste disposal contractor was collecting it. Upon investigation, evidence was found bag which appeared to originate from Muse Soho 23 Frith Street, London W1D 4RR. All commercial waste must be clearly marked as to which waste disposal contractor is collecting it.

5. Visit in relation to licensing conditions

Sunday 28.05.2017, 01:00hrs; Visit undertaken to ensure licensing conditions are being adhered to. Met with general manager, venue was quiet and no breaches were seen. SIA Door Supervisors on duty in accordance with licence conditions. Discussed with manager the conditions. Venue is seeking advice on the possibility of varying their licence and have so far met with the police and will be using the Council's paid for service for more guidance.

6. Commercial Waste

On Sunday, 30th April 2017 at 08:12 hours, 3 red bags of commercial waste was found unlawfully deposited on the public highway in Frith Street W1 at the side of 25 Old Compton Street London W1D. The waste was found deposited on the public highway outside the scheduled collection time. Upon investigation, evidence was found in one of the bags which appeared to originate from Muse Soho 23 Frith Street, London W1D 4RR.

7. Observation whilst routine visit carried out to area by City Inspectors

Saturday 18.3.17, 0045 hrs; A female was seen acting erratically and aggressive in front of the premise towards patrons of both MUSE and the adjacent premises raising concerns over intoxication and/or drug use. Door staff subsequently allowed the female to return into the premises. The female looked intoxicated resulting in a walk-through of the premises to check general levels of intoxication of patrons, numbers in the venue and door tallies. Door staff confirmed they had assessed the female was known in the venue and they were monitoring her. Door staff maintained constant supervision of the female, and other friends were located in the premise. No other customers seemed to be heavily intoxicated during a walk around the premise. Spoke to the DPS regarding the situation, and she was fully aware of the incident.

Outcome: Referred to the lead officer for the venue to conduct a follow up visit out of core trading hours.

8. Commercial Waste

On Friday, 01 July 2016, 09:29 hours, eight bags of commercial waste were found unlawfully deposited on the public highway outside 40 Old Compton Street, London W1. The waste was found deposited on the public highway outside the scheduled collection time. Upon investigation, evidence was found in of the bags/boxes which appeared to originate from Muse. All commercial waste must be presented for collection no more than 30mins prior to the scheduled collection times and must be collected within two hours.

9. Commercial Waste

On Saturday 7th May 2016 at 09:44 hours, four black bags of commercial waste were found unlawfully deposited on the public highway on Frith Street at the junction with Old Compton Street, London W1. The waste was not clearly marked as to which waste disposal contractor was collecting it. Upon investigation, evidence was found in all four of the bags which appeared to originate from Muse Soho, 23 Frith Street, London W1D 4RR. All commercial waste must be clearly marked as to which waste disposal contractor is collecting it.

10. Commercial Waste

On Sunday, 10th April 2016, 11.13 hours, 8 red bags of commercial waste and five unrelated blue bags were found unlawfully deposited on the public highway in Frith Street W1 at the side of 25 Old Compton Street London W1D 5JN. The waste was found deposited on the public highway outside the scheduled collection time. Upon investigation, evidence was found in two of the bags which appeared to originate from Muse Soho 23 Frith St, London W1D 4RR.

11. Commercial Waste

On Friday 25th March 2016 at 09.58 hours, nine blue bags of commercial waste were found unlawfully deposited on the public highway on the junction of Frith Street and Old Compton Street, London W1. The waste was found deposited on the public highway outside the scheduled collection time. Upon investigation, evidence was found in two of the blue bags which appeared to originate from Muse.

12. Visit to premises, now trading as MUSE, as a result of TEN being refused. (16/05483/LITTENP).

Friday 03.06.16 @ 22:15 hours Request from Team 1 to visit because of refused Temporary Event Notice. Premises had applied for licensable activities to be carried out up to 03:00 hours. Inspectors met with Duty Manager, Mr. Rupert WEBSTER. who confirmed that they had been notified of the refused TEN and would therefore operate until the terminal hours set out in their current premises licence. This would mean the sale of alcohol and late night refreshment would carry on until 02:30 hours with regulated entertainment going until 00:00. Duty Manager stated that DJ would stop at midnight and background ancillary music would be provided until 02:30 hours.

13.E-mail complaint/observation from customer - sent: 19 October 2015 22:15

Hello

I would just like to voice some concerns. I was in London recently with my partner for her birthday. We were looking for a suitable venue to get some food and after searching online we came across Muse in Soho. When we entered we were told that food was not being served as it was a club night. I spoke to some women we met on the night that had had similar experiences when they tried to eat there during the weekend. I just felt to mention it as I thought a place that advertises as a restaurant has to serve food.

I am not expecting an outcome from this I just thought it was something that should be brought to your attention.

Action by City Inspectors:

- 28.10.15 22:32 Checked Premises Licence which revealed business was required to provide food. Site visit. Spoke to Tara Sirrell who said the business was a private members club and that TENS were used on club nights. She said she would re-assure members by e-mail when TENS would be used in future. Checked Uniform which showed TENS.
- On Friday 18th December 2015 at 0140hrs, visit the premises and spoke with the managing Director - Ms. Tara Shell. All points regarding the complaints were raised which she denied. She added that the Kitchen is always on and foods are served as requested. We also took tour of the premises and spoke with the kitchen staffs.

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 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

10. 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.

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

11. On any day when regulated entertainment is being provided in accordance with this licence there shall be a minimum of 2 SIA staff on duty when regulated entertainment takes place. For avoidance of doubt, when no regulated entertainment is being provided no SIA staff are required.
12. The supply of alcohol shall be by waiter or waitress service only, save for the designated bar area.

(Proposed Amendment by Applicant):

There will be waiter/waitress service available throughout the entire premises at all times it is trading.

13. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. There shall be no sales of alcohol for consumption off the premises.
15. The number of persons accommodated at the premises shall be 60 persons excluding staff.

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 to 08:00.

(Proposed amendment by Applicant)

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor hours.

21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. 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 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.
24. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
25. A daily log is to be maintained to ensure that any capacity limit set for the basement 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. 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.

27. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimize 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 fog generators
 - Pyrotechnics including fire works
 - Firearms
 - Lasers
 - Explosives and highly flammable substances
 - Real flame
 - Strobe lighting.
32. No person 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: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

33. The premises shall only operate as a restaurant:-
 - (i) *in which customers are shown to their table,*
 - (ii) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
 - (iii) *which do not provide any take away service of food or drink for immediate consumption, and where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals*
 - (iv) *in which customers are shown to their table,*
 - (v) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*

- (vi) *which do not provide any take away service of food or drink for immediate consumption, and*
- (vii) *where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.*

(Proposed amendment by Applicant)

In the area cross hatched on the plans, the premises shall only operate as a restaurant:-

- (i) in which customers are shown to their table,***
- (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,***
- (iii) which do not provide any take away service of food or drink for immediate consumption, and where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals***
- (iv) in which customers are shown to their table,***
- (v) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,***
- (vi) which do not provide any take away service of food or drink for immediate consumption, and***
- (vii) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.***

34. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

(Proposed amendment by Applicant)

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.

35. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
36. 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 ejections of patrons
 - (b) any faults in the CCTV system
 - (c) any refusal of the sale of alcohol
 - (d) any visit by a relevant authority or emergency service.

(Proposed amendment by Applicant)

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.

37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (15) persons at any one time.
38. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
39. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services 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 be distributed to the public.
40. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
41. Regulated entertainment at the premises shall only be provided ancillary to its use as a restaurant **(Proposed to be DELETED)**
42. When regulated entertainment is being provided, a register will be kept in reception.

43. Notwithstanding condition 33, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 10 persons dining at the premises. **(Proposed to be DELETED)**
44. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Year's Day.
45. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
46. Notwithstanding condition [11], there shall be a minimum of 1 SIA licensed door supervisor on duty from midnight to the close of premises Monday to Saturday when the premises are operating.
47. The licence holder shall enter into an agreement with a Hackney Carriage and/or private carriage firm to provide transport to customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- 48.a) After 1am on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises...

(Proposed amendment by Applicant)

After 00:30 on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.

- b) No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
- c) There shall be no admittance or re-admittance to the premises , except for persons temporarily leaving the premises to smoke, after 02:30 on the days following Monday to Saturday.
- d) A legible list of members and guests who have attended will be kept at reception for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that Members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
- e) A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.

- f) Membership of the private club shall be restricted to members of the Lesbian, Bi sexual, Gay, Transgender and Queer community.

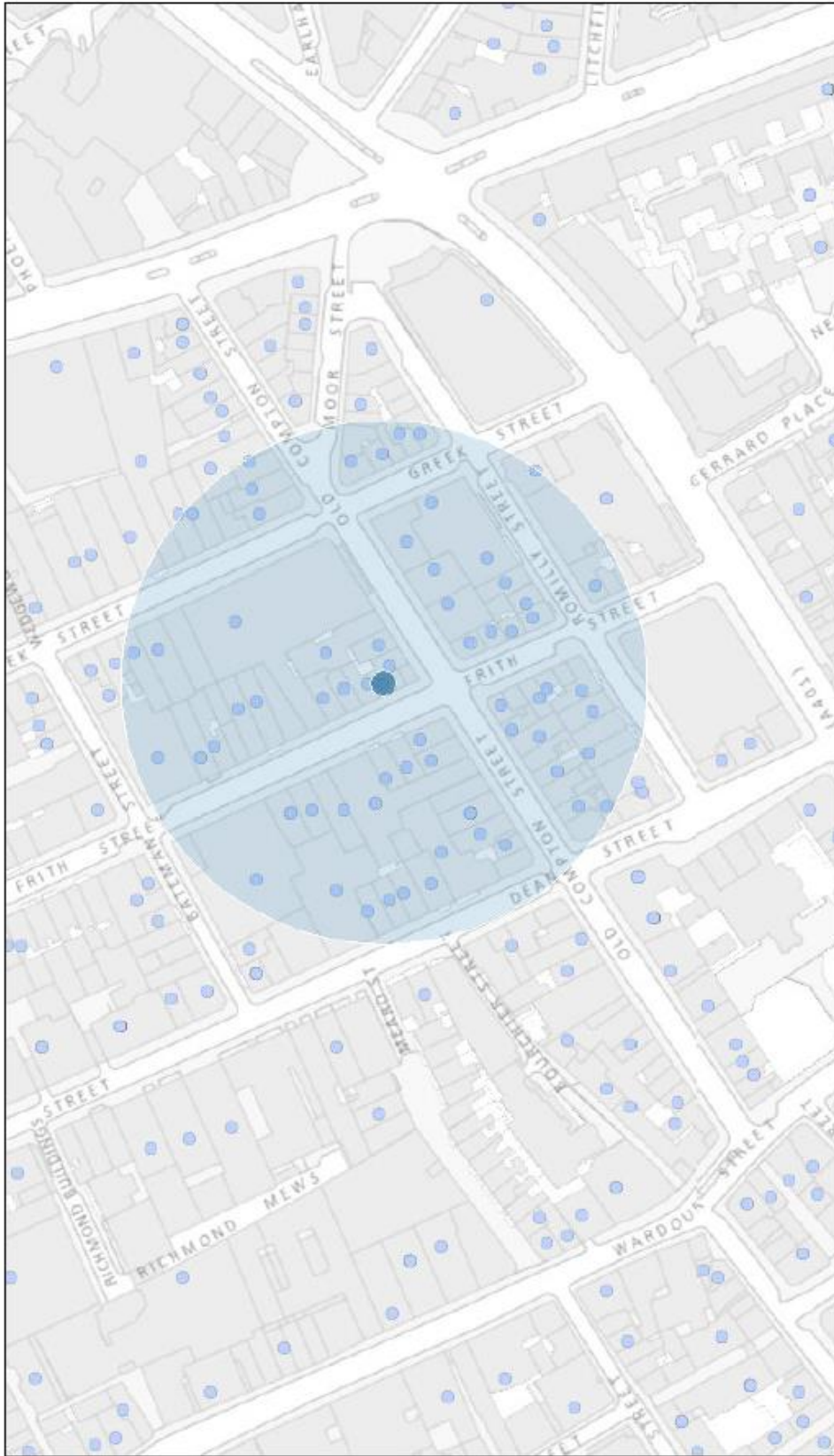
Proposed Conditions by Applicant

- 49. A minimum number of 30 seats shall be maintained in the basement area at all times of operation.
- 50. The retail sale of alcohol shall be ancillary to the provision of regulated entertainment and/or substantial refreshment.
- 51. One the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.

Human Rights Act and Equality Implications

1. In making a decision consideration will need to be given to the Applicants rights under the Human Rights Act 1998 (incorporating the European Convention on Human Rights). The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. Residents also have the right to privacy and family life under Article 8.
2. The City Council in its capacity as Licensing Authority has a duty to ensure that all applications under the Licensing Act 2003 are dealt with in accordance with its public sector equality duty under section 149 of the Equality Act 2010 ("The 2010 Act"). In summary section 149 provides: -
 - (1) "A public Authority must, in the exercise of its functions, have **due regard** to the need to-
 - (a) *eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act*
 - (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.*
 - (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
 - (2) *A person who is not a public authority but who exercises public functions must in the exercise of those functions, have due regard to the matters mentioned in subsection (1)....."*
3. Accordingly, section 149 (7) of the 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and **sexual orientation**.
4. This duty places an obligation on the Licensing Sub-Committee to ensure that the need to promote equality is taken into consideration with, regard to every aspect of its decision making, this will include the circumstances of each individual application, the findings, of fact once the application has been considered, including the taking into account of any objection and response the applicant may choose to make.
5. Human Rights and Equality considerations are also contained under Appendix 6 of the City Council's current Statement of Licensing Policy, as amended from time to time.

Muse Soho



September 19, 2017

● Live Licensing Act

Resident count = 112