



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5) Follow on agenda 2**

Meeting Date: **Thursday 15th December, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Angela Harvey (Chairman)
Peter Freeman
Louise Hyams

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

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

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

AGENDA

PART 1 (IN PUBLIC)

4. MUSE SOHO, 23 FRITH STREET, W1 (TEMPORARY EVENT NOTICE)

(Pages 1 - 30)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact Area	Muse Soho, 23 Frith Street, W1	Temporary Event Notice	16/13402/LITE NP

**Charlie Parker
Chief Executive
14 December 2016**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

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

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

15 December 2016

Classification:

For General Release

Title of Report:

**Muse Soho
23 Frith Street
London
W1D 4RR**

Uniform Reference:

16/13402/LITENP

Report of:

Director for Public Protection & Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Mr Nick Nelson
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 3431
E-mail: nnelson@westminster.gov.uk**

1. TEMPORARY EVENT NOTICE DETAILS

<p>Proposal:</p>	<p><u>Permitted Temporary Activities:</u></p> <ul style="list-style-type: none"> • Sale by Retail of Alcohol (On sales) • Supply of Alcohol • Provision of regulated entertainment • Provision of late night refreshment <p><i>(Please see Temporary Event Notice at Appendix A)</i></p>		
<p>Premises User:</p>	<p>Onkar Rai</p>	<p>Premises Name and Address:</p>	<p>Muse Soho 23 Frith Street London W1D 4RR</p>
<p>Date Temporary Event Notice Received:</p>	<p>5 December 2016</p>	<p>Period of Event:</p>	<p>20:00 on 20 December 2016 to 04:00 on 21 December 2016</p>
<p>Ward Name:</p>	<p>West End</p>	<p>Cumulative Impact Area:</p>	<p>West End</p>
<p>Number of attendees at event (including staff):</p>	<p>110</p>		
<p>Details of Premises Licence:</p>	<p>The Premises holds a premises licence</p> <p style="text-align: center;"><i>A copy of the licence is attached at Appendix B</i></p>		
<p>Notice of Objection by the Environmental Health Service</p>	<p>The Environmental Health Service has given a notice of objection under s.104 of the Licensing Act 2003. The notice of objection states:</p> <p>With regards to this TEN I object on Public Safety grounds.</p> <p>Condition 14 of the current Premises Licence 15/03256/LIPCHT states that:</p> <ul style="list-style-type: none"> • The number of persons accommodated at the premises shall be 60 persons excluding staff. <p>This TEN is applying for 110 TEN persons including staff.</p> <p>To allow me to remove my objection please either amend the capacity for this TEN, or supply a Fire Risk assessment demonstrating that 110 persons can be safely accommodated/access and egress the premises.</p> <p>A copy of the objection is attached at Appendix C.</p>		

Premises User Submissions	<p>The Premises User has offered the following measures on the TEN form:</p> <ul style="list-style-type: none">• 3 SIA Door Staff at all times• No noise or vibration will be heard outside the venue at any time• No Entry after 1am• No more than 15 smokers at any one time <p>The Premises User has also agreed the following with the Metropolitan Police:</p> <ul style="list-style-type: none">• Premises licence conditions will apply for the period of the TEN• Food will clearly be advertised and available for the period of the TEN <p>Following this agreement, Police withdrew their objection.</p>
Recommendation:	<p>That the Sub-Committee consider the notice of objection given by the Environmental Health and the Metropolitan Police and determine whether or not the Licensing Authority should issue a counter notice to the premises user, in accordance with s.105 of the Licensing Act 2003.</p>

Additional procedural information – please see Appendix D

If you have any questions about this report, please contact Mr Nick Nelson on 020 7641 3431 or at nnelson@westminster.gov.uk



* required information

Section 1 of 9

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail	<input type="text" value="osr339@yahoo.co.uk"/>
Telephone number	<input type="text" value="02077349404"/>
Other telephone number	<input type="text" value="02077349404"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name	<input type="text" value="23"/>
Street	<input type="text" value="Frith Street"/>
District	<input type="text" value="Soho"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="W1D 4RR"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Premises licence number	<input type="text" value="13/04709/LIPV"/>
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Location Details

Provide further details about the location of the event

<input type="text" value="The event will take place in the venue, Muse Soho, 23 Frith Street, Soho, W1D 4RR"/>
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Continued from previous page...

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Continued from previous page...

Date of expiry

01	/	01	/	2024
dd		mm		yyyy

Any further relevant details

London Borough Of Brent 349 - 357 High Road Wembley Middlesex
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PREVIOUS TEMPORARY EVENT NOTICES ([See also guidance on completing the form, note 14](#))

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

9

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES ([See also guidance on completing the form, note 15](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 18\)](#)

* The information contained in this form is correct to the best of my knowledge and belief

* I understand that it is an offence:

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

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

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

Full name

Capacity

Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/westminster/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Schedule 12
Part A

WARD: West End
UPRN: 010033551216

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/03256/LIPCHT

Original Reference:

11/10780/LIPN

Part 1 – Premises details

Postal address of premises:

Muse Soho
Basement
23 Frith Street
London
W1D 4RR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Performance of Live Music

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Playing of Recorded Music

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00
New Year's Eve:	23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 02:30
Sunday:	12:00 to 01:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Saturday:	09:00 to 04:00
Sunday:	09:00 to 01:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Onkar Rai
339 Kinesbury Road
London
NW9 9PE
Electronic Mail : osr339@yahoo.co.uk
Mobile Phone Number : 07970 386 388

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

N/A

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

Name: Mr Onkar Rai

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

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

Licence Number: 768687
Licensing Authority: London Borough Of Brent

Date: 29 April 2015

A handwritten signature in blue ink, appearing to be 'D. W. P.', is written on a light blue background.

Signed: pp

Director - Public Protection and Licensing

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. 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.
11. The supply of alcohol shall be by waiter or waitress service only, save for the designated bar area.
12. 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.
13. There shall be no sales of alcohol for consumption off the premises.
14. The number of persons accommodated at the premises shall be 60 persons excluding staff.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
20. 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.
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
22. 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.
23. 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
24. 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.

25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. 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.
31. 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.

32. 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
 - (iv) 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.
33. 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.

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
40. Regulated entertainment at the premises shall only be provided ancillary to its use as a restaurant.
41. When regulated entertainment is being provided, a register will be kept in reception.
42. 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.
43. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Year's Day.
44. The hours for sale of alcohol and opening hours 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.
45. Notwithstanding condition 10, 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.
46. 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.
47.
 - 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.
 - 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.

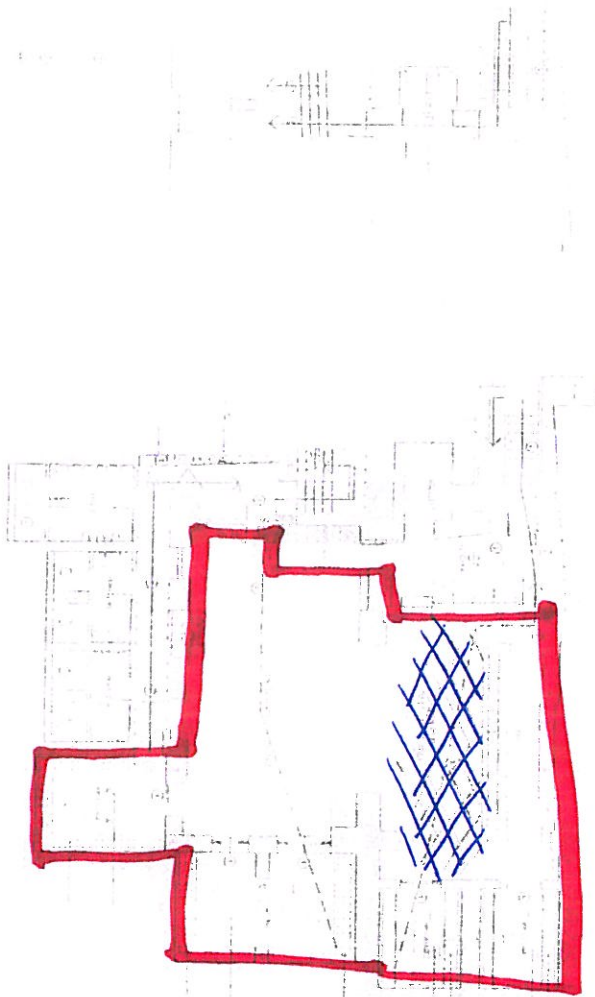
Annex 4 – Plans

Attached

Licence activities take place



designated areas





City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 010033551216

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/03256/LIPCHT

Part 1 – Premises details

Postal address of premises:

Muse Soho
Basement
23 Frith Street
London
W1D 4RR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Performance of Live Music

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Playing of Recorded Music

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Thursday:	21:00 to 23:30
Friday to Saturday:	21:00 to 00:00
Sunday:	21:00 to 22:30
Sundays before Bank Holidays:	21:00 to 00:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00
New Year's Eve:	23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 02:30
Sunday:	12:00 to 01:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Saturday:	09:00 to 04:00
Sunday:	09:00 to 01:00

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

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Mr Onkar Rai
339 Kinesbury Road
London
NW9 9PE

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

N/A

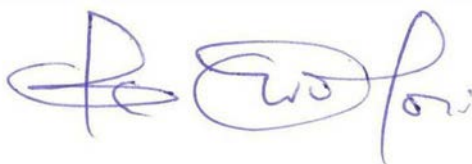
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Onkar Rai

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 29 April 2015



Signed: pp

Director - Public Protection and Licensing

Consultee Comments for Licensing Application 16/13402/LITENP

Application Summary

Application Number: 16/13402/LITENP

Address: Basement 23 Frith Street London W1D 4RR

Proposal: TEN Personal Licence Holder

Case Officer: Miss Jessica Donovan

Consultee Details

Name: Miss Nicola Curtis

Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP

Email: ncurtis@westminster.gov.uk

On Behalf Of: Environmental Health Service For TENs

Comments

With regards to this TEN I object on Public Safety grounds.

Condition 14 of the current Premises Licence 15/03256/LIPCHT states that The number of persons accommodated at the premises shall be 60 persons excluding staff. This TEN is applying for 110 TEN persons including staff.

To allow me to remove my objection please either amend the capacity for this TEN, or supply a Fire Risk assessment demonstrating that 110 persons can be safely accommodated/access and egress the premises.

Kind regards

Nicola Curtis GradCIEH
Environmental Health Enforcement Officer
Environmental Health Consultation Team
Public Protection & Licensing

ADDITIONAL INFORMATION FOR TEMPORARY EVENT NOTICES

2. TEMPORARY EVENT NOTICE PROCEDURE

- 2.1 Under s.100(1) of the Licensing Act 2003 certain temporary events, which include licensable activities, are permitted under the Act if they are notified to the Council and the Police/Environmental Health by giving a 'Temporary Event Notice'. The notice must be given by the 'premises user' (usually the event organiser responsible for all aspects of the event).
- 2.2 Permitted temporary events are events that take place in any premises, open space or temporary structure. The event must consist of one or more licensable activities; and the premises must be used over a period of no longer than 168 hours, with no more than 499 people in attendance including staff and performers.
- 2.3 Licensable activities include the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment (hot food or drink supplied between 23.00 and 05.00).
- 2.4 The premises user must send a copy of the temporary event notice to the Council, one copy to the environmental health department and one copy to the police leaving at least 10 clear working days before the event is due to begin. The Council must acknowledge receipt of the temporary event notice by the next working day.

3. NOTICE OF OBJECTION BY POLICE / ENVIRONMENTAL HEALTH

- 3.1 If the Police/ Environmental Health are satisfied that the event would undermine one or more of the licensing objectives, they must give a notice of objection stating their reasons as to why an objective would be undermined to the Council and premises user within 3 working day of receipt of the notice.

4. HEARING PROCEDURE FOLLOWING NOTICE OF OBJECTION BY POLICE

- 4.1 The Sub-Committee is being asked to consider the notice of objection and hear any oral evidence given by or on behalf of the premises user and the Police/Environmental Health.
- 4.2 The Sub-Committee must consider whether to give a counter notice to the temporary event notice given by the premises user if it considers it necessary for the promotion of the licensing objectives.
- 4.3 The Council must convene a hearing to consider the notice of objection and give at least two days' notice to the premises user and the police.
- 4.4 The Sub-Committee must either reject the notice of objection to allow the event to take place, or issue a counter notice to prevent the event from taking place.
- 4.5 The Council must, where it decides not to give a counter notice, give the premises user and the Police/Environmental Health a notice of the decision at least 24 hours before the beginning of the event period specified in the temporary event notice.

- 4.6 Where the Council decides to give a counter notice, it must give the premises user the counter notice and the reasons for its decision, and a copy of the counter notice and the reason for its decision to the police, at least 24 hours before the beginning of the event period specified in the temporary event notice.

5. APPEAL

- 5.1 Schedule 5, Part 3 of the Licensing Act 2003 provides a right of appeal to the premises user against the giving of a counter notice, and a right of appeal to the chief officer of Police/Environmental Health where the Council decides not to give a counter notice. Such an appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
- 5.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

6. POLICY CONSIDERATIONS

- 6.1 The Westminster Statement of Licensing Policy for applications relating to premises and personal licences and temporary event notices made under the Licensing Act 2003 was determined for a three-year period commencing 7 January 2016. This contains no specific policy for Temporary Event Notices but urges longer periods of notice to be given for events which involve the use of the streets or necessitate the special management of traffic and services.

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