



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 1st December, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Nickie Aiken (Chairman), Peter Freeman and Shamim Talukder

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 UNITS 2.14 TO 2.16, KINGLY COURT, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 1st December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Soho Society.

Present: Mr Alun Thomas (Solicitor, Representing the Applicant) and Ms Shelley Webb (Applicant).

**Units 2.14 to 2.16, Kingly Court, London
16/09904/LIPN**

<p>1.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>New Year’s Eve: 23:00 to 05:00.</p> <p>Sundays before bank holidays until 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Shaftesbury Carnaby Limited for a new premises licence in respect of Units 2.14 to 2.16, Kingly Court, London, W1B 5PW.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and advised that following dialogue with the applicant and the agreement to a number of proposed conditions, the Police, Environmental Health and one local resident had now withdrawn their representations, however, one representation from the Soho Society remained.</p> <p>Mr Thomas, representing the applicant, addressed the Sub-Committee and described how Kingly Court was a successful and very popular food court which had not had any significant impact on the local amenity. There was currently no tenant in place for the premises but the applicant, Shaftesbury Carnaby Ltd, would ensure they would be reputable and responsible. CCTV security would also be in place to ensure there was security twenty-four hours a day. The application was only seeking core hours and the premises would have a capacity of sixty customers plus staff. There was only one representation and this had been received from the Soho Society. It was suggested that the model conditions they had requested to be placed on the licence regarding the service of food, Model Conditions 38 and 39 were actually less stringent than Model Condition 66 which had been added to the licence. Efforts had been made to engage with the Soho Society regarding their concerns but no response had been received. It was suggested that with the conditions attached to the licence the premises would not add to the cumulative impact in the area.</p> <p>In response to a question Ms Webb confirmed that two tenants had been identified for the premises, one offered table meals and the other provided a small plate sharing offer. It was confirmed that neither were bars providing vertical drinking.</p> <p>The Policy Adviser provided clarification on the applicant’s proposed opening hours. It was highlighted that the hours applied for on Fridays, Saturdays and Sundays were half an hour beyond core hours. The Sub-Committee noted that</p>

	<p>core hours applied to when customers were permitted to be on the premises and were not just for licensable activities.</p> <p>In determining the matter, the Sub-Committee was satisfied that the conditions attached to the Premises licence were appropriate and proportionate. It was therefore considered by the Sub-Committee that the conditions imposed would ensure the promotion of the licensing objectives. As the application was for restaurant use the Sub-Committee was of the opinion that it would not add to the cumulative impact in the area and as such granted the application accordingly.</p>
<p>2.</p>	<p>On Sales by Retail of Alcohol</p> <p>Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>Sundays before bank holidays until 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>3.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 10:00 – 00:00 Friday to Saturday: 10:00 – 00:30 Sunday: 12:00 – 23:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>Sundays before bank holidays until 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

Decision (including reasons if different from those set out in report):

The Sub-Committee granted the application, see reasons for decision in Section 1.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour

or to refer to the effects of drunkenness in any favourable manner;

- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for

consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions Consistent with the Operating Schedule

9. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table;
 - (ii) where the supply of alcohol is by waiter or waitress service only;
 - (iii) 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;
 - (iv) which do not provide any take away service of food or drink for immediate consumption;
 - (v) which do not provide any take away service of food or drink after 23.00; and
 - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meal.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the

following:

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received;
- (d) any incidents of disorder;
- (e) any faults in the CCTV system or searching equipment or scanning equipment;
- (f) any refusal of the sale of alcohol; and
- (g) any visit by a relevant authority or emergency service.

16. 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.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
18. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
19. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
21. A Challenge 21 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.
22. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. The toilets located on the 2nd floor of Kingly Court shall be available to patrons at all times free of charge when the premises is open for business.
25. A clearly visible and legible sign shall be maintained on the premises at all times to advise patrons that the 2nd floor toilets are freely available for them to use.

2 SOPHISTICATS, BASEMENT AND PART GROUND FLOOR, 3-7 BREWER STREET, W1 (NEW PREMISES LICENCE)

LICENSING SUB-COMMITTEE No. 2

Thursday 1st December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Licensing Authority, Environmental Health, the Metropolitan Police, three Ward Councillors, nine local residents and the Soho Society.

Present: Miss Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Simon Langer (Applicants), Ms Carmen Alonso (Proposed DPS), Mr Richard Vivian (Acoustic Consultant for the Applicants), Mr Anil Drayan (Environmental Health "EH"), Sgt Paul Hoppe (Metropolitan Police "The Police"), Mr Steve Rowe (Licensing Authority), Councillors Glenys Roberts, Jonathan Glanz and Paul Church (Ward Councillors), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents and the Soho Society) and Mr Conrad Roeber, Mr Grant Gillespie, Ms Shivaun Nelson (local residents).

Sophisticats, Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD 16/09817/LIPN	
1.	Late Night Refreshment – Indoors Monday to Sunday: 23:00 – 05:00 Seasonal Variations/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. An additional hour when British summer time commences.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Devine Restaurants Limited for a new premises licence in respect of Basement and Part Ground Floor, 3-7

Brewer Street, London, W1F 0RD.

The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously. The Sub-Committee noted that the applications, were covered by separate legislation, namely, the Licensing Act 2003 for a new premises licence and the Local Government (Miscellaneous Provisions) Act 1982 relating to the transfer, grant and renewal applications of the SEV.

The Chairman gave a summary of how the proceedings were to be conducted during the course of the hearing and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation .

The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Sub-Committee noted that an abundance of detailed evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Sub-Committee noted that the premises would be very particular about the type of clientele it attracted. It was accepted that it owed a duty of care for customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.

The Sub-Committee was informed by Miss Le Fevre that a structural solution had been sought by the applicant to address concerns raised. This had been developed in consultation with the responsible authorities and an acoustic engineer. Advice had been sought from EH and the Police to develop a proposal which would be acceptable. It had been agreed that there would be no customer use of the Tisbury Court rear area, this area would be closely monitored by CCTV and door staff would be present at all times. Staff would also be present in the external areas at the front of the premises and granting the application would have a positive impact for the residents as these areas would now be

properly supervised and scrutinised. It was recognised that concerns had been raised about the level of engagement which had taken place with residents. Miss Le Fevre explained that the applicant had sought from the vendor of the premises, and the landlord of the premises, confirmation and clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

Clarification was provided by Miss Le Fevre regarding various issues that had been identified in the various representations. Claims had been made that the applicant's other premises condoned prostitution and was of a seedy nature. Miss Le Fevre in her submissions to the Sub-Committee rigorously denied these claims and highlighted the Police's representation which remarked on the professional nature of the operation.

By way of background Miss Le Fevre detailed the history of the premises. It had previously been known as the Shadow Lounge which had closed in September 2016 and had been operating since 2002. It was a busy and successful premises with a capacity of 280 customers. The premises had been in receipt of a sexual entertainment licence for forty years and the use of it as a sexual entertainment venue was historical. A brief description of Soho and its characteristics was also provided and it was explained that the landlord supported the application.

It was suggested by Ms Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed through sound insulation improvements. It was unlikely there would be any anti-social behaviour as the applicant would only allow small groups to enter and these would be highly controlled, by security staff. It was submitted that the applicant had already proven with their existing premises how much that they were a professional operator as there had been no record of disturbance or nuisance issues. The capacity of the venue would be reduced and the Sub-Committee's attention was drawn to the Council's Statement of Licensing Policy ("SLP") which recognised that a reduction in capacity would decrease the impact in an area. It was stressed that different types of premises had different impacts and Sophisticats could be compared to a small restaurant as it was not an alcohol led premises. Noise measurements had also been taken during the evening and there had been a decrease in noise emanating from the premises which was consistent with the noise report commissioned by the residents.

Miss Le Fevre stated that it was a professionally operated premises which would permanently reduce its capacity and operate hours which were appropriate for the night time economy. It was suggested that there was ample evidence to support the application and the belief that, if granted, it would have a positive impact on the area.

In response to a question the applicant, Mr McKeown, provided the Sub-Committee with details on how the premises would be operated. Customers

would enter the premises and be informed of how the premises operated; they would then be seated, have conversations with the dancers and could then request a dance. There were also VIP areas where customers could request private dances. The premises had sets of security, one inside which managed the internal and dance areas and a second set which managed the outside areas. The outside security team helped with dispersal of customers and effectively stewarded the street area. Each VIP booth had CCTV installed and staff would be able to reach the booths within fifteen seconds if any inappropriate behaviour took place. The award of the hours requested would make it easier to manage the premises and allow a more staggered dispersal of customers on to the street.

Mr Drayan, representing EH explained that the applicant had engaged with EH to seek pre-application advice. It was felt that the new applicant would reduce public nuisance and reduce the impact in a cumulative impact area. Music would be played at lower levels and the premises had undergone significant refurbishment. When the application had been submitted EH had sent one of the resident's representations containing an acoustic report to the applicant advising them of previous noise issues. An analysis of noise issues regarding the previous operation did indicate that there had only been a few noise complaints submitted with the last one recorded in 2011. Mr Drayan was of the opinion that the new operation if granted would cause less nuisance than the former operation known as the Shadow Lounge.

EH did have objections to the application though, most significantly the increase in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a significant extension in the hours. Improved sound proofing would be required and a noise limiter could be installed to try to limit any impact on residents. It was recognised though that SEV's did not have the same impact as nightclubs as customers were less likely to remain outside the premises loitering and often left in smaller numbers. For these reasons it was considered that the premises would not create public nuisance in the local area. However, the hours applied for were in excess of other premises in the area and the Sub-Committee had to decide on balance if sufficient controls were in place by the applicant to allow the premises to operate beyond its current hours.

PC Hoppe of the Police addressed the Sub-Committee and informed the members that the Police's representation was to be maintained. It was recognised that not everyone was of the opinion that this type of application was appropriate but that was why SEV licences were in place to ensure they were controlled and properly monitored. PC Hoppe advised the Sub-Committee that he had undertaken an unannounced inspection to the existing premises in Marylebone and was impressed by the professional manner of the operation. No issues had been identified and the applicant had ensured the licensing objectives had been upheld and promoted.

PC Hoppe did express concerns over the hours of operation requested. It was considered that extending the hours to 06:00 was a significant increase bearing in mind that Police resources were often reduced from 03:00. In determining the matter, the Sub-Committee considered this to be a material factor that could not

be ignored as this went to the very heart of the Crime and Disorder licensing objective and the ability of the Police to tackle effectively any potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident that that the applicant was able to properly control and manage the premises, in particular the external areas. Having inspected the applicant's other premises it was felt that the applicant could potentially be capable of this. Another particular concern was the issues raised by residents and the apparent lack of engagement that had taken place with the local community. PC Hoppe was of the opinion that extending the hours of a premises usually resulted in increased consumption of alcohol and hence an increased chance of crime and disorder occurring. The applicant had also not addressed the issue around dispersal of customers fully particularly how this was to operate in practice and any potential impact, given the residential character of the area and this would be required to be resolved if the Sub-Committee was minded to grant the application.

Mr Steven Rowe, representing the Licensing Authority, maintained its objection to the new premises licence application. The applicant was considered suitable to hold a licence and was experienced in operating this type of venue. It was not considered though that experience and a reduction in capacity would warrant an extension in hours and make it an exception to policy.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the application was evident. It was recognised that the applicant had approximately 80 years of experience but the local residents had significantly more experience of living in the area. It was acknowledged that the applicant had expertise in running this type of venue but equally the residents had expertise and experience in the problems associated with late night premises. The residents were united in their objection to the application on the basis that the premises would not improve the character and function of the local area and was inappropriate having regard to the grounds for refusal contained under Paragraph 27 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. It was also highlighted that it was this statutory provision which enabled residents to have more input into these types of applications; specifically concerning the hours requested and type of use. The application was for an extension in the hours until 06:00 in the heart of a cumulative impact area, which was a very sensitive location with residents living above the premises. These were all material issues that the Sub-Committee needed to consider during the decision making process.

Mr Brown drew the Sub-Committees attention to section 2.4.22 of the Sexual Entertainment Venue Licensing Policy which stated that "...the Council will take opportunities which may arise to reduce existing concentrations of licensed premises, particularly in Soho". The applicant had stated that they had been initially misinformed when seeking assurances about residential properties in proximity to the premises. Mr Brown asserted that simply by looking at the premises it was obvious there were residential properties above and this raised questions over the suitability of the applicant. It was stated that a future residential development was also intended opposite the premises. The Sub-Committee was informed that they were entitled to take into account future

changes to the area and in this case the new development was wholly relevant.

Mr Brown stated to the Sub-Committee that there had been a general decrease in the levels of crime and disorder in the area however a recent increase had been noted with concern. Subsequently what was not required in the area was a brightly lit premises encouraging people into the local vicinity. One resident had expressed concern that he left his residence at 06:00 to go to work and was worried that he may encounter customers leaving a sexual entertainment venue. The nature of the other premises in the area should also be taken into account and it was explained how a school was located nearby. Noise disruption at the premises had been an issue for many years and the late realisation of this by the applicant had resulted in no noise testing taking place. The applicant had stated that their other premises had received no noise complaints but the Sub-Committee were reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises was highlighted as customers would congregate outside directly below residents windows causing a noise disturbance. It was felt that the dispersal policy submitted was purely aspirational.

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion that although the applicant had successfully operated another SEV elsewhere, the Sub-Committee should not be considering this issue as an exceptional ground. . It was stressed that both properties were very different in scale and nature. The premises in Marylebone was not located in a cumulative impact area, it was not located below residential properties and was situated in a discreet location. To visit the Marylebone premises customers would have to make a deliberate journey whilst this would not be the case in Soho where the footfall in Brewer Street was significantly higher. The applicant had stated that they would reduce the capacity of the premises but the proposed extended hours would still mean a large number of customers and staff potentially being in a cumulative impact area until 06:00. The dispersal policy submitted would not work on Brewer Street and it was felt that the hours requested would attract more taxis into the area increasing the impact of the premises and potential public nuisance for residents. It was important that a balance was struck in the area and residents failed to understand how extending the hours until 06:00 and allowing full nudity to now take place would achieve this.

Councillor Glenys Roberts, ward member for the West End, informed the Sub-Committee that concerns still existed over potential noise disturbance. Councillor Glenys Roberts advanced the argument that the character of the area had changed and it was now far more residential which made the proposed hours applied for unacceptable.

Mr Conrad Roeber, a local resident, addressed the Sub-Committee and described the area around the premises. It was submitted that the premises was not in a discrete location and was surrounded by a mix of differing properties. The Sub-Committee was requested to note that this part of Soho had completely changed in character and was far more residential with residential blocks about to be developed opposite the premises. There had been a lack of consultation with local residents and no efforts had been made to engage with the local area.

After visiting the Sophisticats website concerns were also raised over inappropriate business taking place at the premises. The noise disturbance suffered by residents was also explained and Mr Roeber described how it was possible to hear music and conversations from his flat during the early hours. Tisbury Court behind the premises was well known as a crime hot spot and the applicants' proposals to have staff members leaving the premises into this area also created significant concerns for their safety.

Miss Le Fevre requested that Mr Richard Vivian, a sound consultant, address the Sub-Committee to inform them of the noise testing undertaken by the applicant and to give his professional opinion on the various issues that had been raised regarding the outbreak of noise and sound generally. Mr Vivian explained that substantial refurbishment of the premises had been undertaken in order to improve its soundproofing. Mr Vivian had carried out a site survey and confirmed that all the work had been undertaken to a high standard. Whilst previously the premises had operated a nightclub sound system this had now been replaced with a system which restricted its bass output. Mr Vivian had not undertaken any sound testing from the residential properties above but the Sub-Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the venue to ensure there was an orderly dispersal of customers and help accompany them to nearby taxis. It was confirmed that staff would not be allowed to smoke outside the premises and customers would only be allowed to smoke to the right of the premises entrance in order to ensure this caused no disturbance to residents living above. In response to concerns over inappropriate business taking place at the premises Mr McKeown ensured the Sub-Committee that this was not the case and no evidence supported this accusation. It was also noted that the consumption of alcohol would be ancillary to table dancing. The dancing staff would not be offered alcohol and if any dancing staff were suspected to be intoxicated they would be removed from the premises. In response to a question Mr McKeown explained that the security staff would manage the outside area of the premises and described how the entrance was very discreet. The Sub-Committee noted that any staff exiting the premises via Tisbury Court would be accompanied by security staff at all times.

Ms Carmen Alonso, the proposed Sophisticats DPS, informed the Sub-Committee that patrons would be asked to leave the premises quietly. There was a provision to pre-arrange taxis for customers and security staff would accompany these customers to the relevant taxi area. The taxis would be situated in a location away from the premises in order to reduce noise disturbance to residents. Ms Alonso confirmed that she had worked in the industry for over fifteen years and was very experienced working in premises which offered alcohol and late night drinking.

In response to a question from the Sub-Committee Mr McKeown explained how the proposed closing hour of 06:00 would benefit the local area. Allowing longer hours would stagger the dispersal of customers leaving the premises therefore ensuring staff had a greater level of control in managing the outside area. This,

plus the reduced capacity, would cause fewer disturbances for residents. It was confirmed that the proposed capacity was 140 persons however the applicant was happy to reduce this to 100 in order to address concerns.

The Sub-Committee questioned if the residents had received a letter from the applicant requesting access to their properties to conduct an acoustic survey. A local resident confirmed that the letter had been received but no reply had been provided as it was hoped the application would be refused.

Mr McKeown recognised that a greater degree of engagement with residents was required. An attempt to communicate had been instigated but not all residents were willing to accept this offer due to the nature of the premises. It was now hoped that this could be rectified and that in future the premises would be of benefit to the local community.

Miss Le Fevre described how the character of Soho was very mixed and a fundamental component of it included SEVs. The Sub-Committee was reminded to base its decision on the whole character of Soho and not just certain parts. It was also explained how the Police had made an unannounced inspection at the premises at Marylebone and were impressed with the professional and successful nature of the operation. Miss Le Fevre was aware that the experience of the operator did not make the application an exception to policy however it was a relevant context for the Committee's decision making. The SEV Policy recognised that operators who have experience in operating similar premises was significant and relevant as context. There should be no concern over the request for full nudity as the current conditions which permitted partial nudity only were just historic conditions based on the old licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

Mr Brown advised that it was not just large groups which caused noise when leaving a premises. Currently no premises in the area were allowed to stay open until 06:00 and the dispersal of small groups up to this time would still cause disturbance to local residents. The applicant was an experienced operator but their other premises in Marylebone was located in an entirely different area and the SEV Policy did distinguish between different locations and it would not automatically follow that the application should be granted on this basis.

The Sub-Committee carefully considered the application and agreed to grant it; however it would only permit the terminal hours of licensable activities from Monday to Saturday until 03:00 and 23:00 on Sundays. The Sub-Committee had heard substantial evidence both in support and against the application but found the representation from the Police particularly powerful and highly persuasive. It was recognised that the applicant was a very professional operator and their premises at Marylebone was well managed. However, the Sub-Committee was of the opinion that the character of Marylebone was significantly different to Soho and could not be considered in the same light. This particular area of Soho was a recognised location where levels of crime and disorder were particularly high with on-going disturbance issues. The Sub-Committee was of the opinion

that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 would meet the licensing objectives. The Sub-Committee therefore granted the application but retained the existing hours on the current licence.

The Sub-Committee made it clear to all parties that under the provisions of the Licensing Act 2003 residents, in permitted circumstances did have the ability to bring a review of a premises to the Sub-Committee if they felt the Applicant was in breach of its licensing conditions and or the licensing objectives. The importance of establishing more effective communications between the operator and local residents was stressed. As part of this process local residents were urged to take up any further offers from the applicant to conduct acoustic testing at their properties.

The Sub-Committee agreed to amend or delete the following conditions on the licence in order to update the licence:

- Condition 9 be amended to read “The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.”
- Condition 37 be amended to read “Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.”
- Condition 39 be amended to read “Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.”
- Removal of Condition 41 from the premises licence;
- Condition 42 be amended to read “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.”
- Condition 49 be amended to read “The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.”
- Condition 51 be amended to read “Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Venue application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.”
- An additional condition be added to the licence to read “There shall be no

	<p>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.”</p> <ul style="list-style-type: none"> • An additional condition be added to the licence to read “Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.” • An additional condition be added to the licence to read “No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.” <p>It was considered that the action taken by the Sub-Committee and the conditions imposed on the Premises Licence were appropriate and proportionate.</p>
<p>2.</p>	<p>On Sales by Retail of Alcohol</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 03:00 Monday to Saturday and 12:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
<p>3.</p>	<p>Performance of Dance</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>

	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
4.	<p>Live Music</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
5.	<p>Recorded Music</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
6.	<p>Anything of a Similar Description</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
7.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p> <p>Adult Entertainment:</p> <p>The premises will operate as a sexual entertainment venue in accordance with the SEV Licence.</p> <p>The SEV Licence includes strict model conditions to ensure the protection of children from harm.</p>

	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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. <ul style="list-style-type: none"> (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- <ol style="list-style-type: none"> (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) Drink as much alcohol as possible (whether within a time limit or otherwise); (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a

period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

rate of duty or value added tax.

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

Conditions Consistent with the Operating Schedule

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received

- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:

- Dry ice and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fire works
- Firearms
- Lasers
- Explosives and highly flammable substances
- Real flame
- Strobe lighting

30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

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

32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

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

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

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

37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.

38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.

39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
41. 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.
42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - a) Any emergency lighting battery or system
 - b) Any electrical installation
 - c) Any emergency warning system
43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
44. 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 highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for

Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.
51. 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.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.

3 SOPHISTICATS, 3-7 BREWER STREET, W1 (RENEWAL OF SEV PREMISES LICENCE APPLICATION)

LICENSING SUB-COMMITTEE No. 2

Thursday 1st December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police and two Ward Councillors.

Present: Miss Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Simon Langer (Applicants), Ms Carmen Alonso (Proposed DPS), Mr Richard Vivian (Acoustic Consultant for the Applicants), Mr Anil Drayan (Environmental Health "EH"), Sgt Paul Hoppe (Metropolitan Police ("The Police")), Mr Steve Rowe (Licensing Authority), Councillors Glenys Roberts, Jonathan Glanz and Paul Church (Ward Councillors), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local

residents and the Soho Society) and Mr Conrad Roeber, Mr Grant Gillespie, Ms Shivaun Nelson (local residents).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/10288/LISEVR	
1.	Renewal of a Sexual Entertainment Venue Premises Licence
	The application was to renew the sexual entertainment venue premises licence to provide relevant entertainment namely partial nudity in the designated area between the hours of 09:00 to 03:00 on each of the days Monday to Saturday and 09:00 to 23:00 on Sundays. The application had not requested change to the relevant entertainment or to remove any standard conditions to the licence if the application is granted.
	Amendments to application advised at hearing: The applicant agreed to reduce the capacity to 100 persons (excluding staff and performers).
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Devine Restaurants Limited to renew the sexual entertainment venue premises licence in respect of Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD. The Sub-Committee granted the application with the conditions as specified below. The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously. The Committee noted that the applications, were covered by separate legislation, namely, the Licensing Act 2003 for a new premises licence and the Local Government (Miscellaneous Provisions) Act 1982 relating to the transfer, grant and renewal applications of the SEV. The Chairman gave a summary of how the proceedings were to be conducted during the course of the hearing and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity. All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other. Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of

premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Sub-Committee noted that an abundance of detailed evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Sub-Committee noted that the premises would be very particular about the type of clientele it attracted. It was accepted that it owed a duty of care towards its customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.

The Sub-Committee was informed by Miss Le Fevre that a structural solution had been sought by the applicant to address concerns raised. This had been developed in consultation with the responsible authorities and an acoustic engineer. Advice had been sought from EH and the Police to develop a proposal which would be acceptable. It had been agreed that there would be no customer use of the Tisbury Court rear area, this area would be closely, monitored by CCTV and door staff would be present at all times. Staff would also be present in the external areas at the front of the premises and granting the application would have a positive impact for the residents as these areas would now be properly supervised and scrutinised. It was recognised that concerns had been raised about the level of engagement which had taken place with residents. Miss Le Fevre explained that the applicant had sought from the vendor of the premises, and the landlord of the premises, confirmation and clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

Clarification was provided by Miss Le Fevre regarding various issues that had been identified in the various representations. Claims had been made that the applicant's other premises condoned prostitution and was of a seedy nature. Miss Le Fevre in her submissions to the Sub-Committee rigorously denied these claims and highlighted the Police's representation which remarked on the professional nature of the operation.

By way of background Miss Le Fevre detailed the history of the premises to the Sub-Committee. It had previously been known as the Shadow Lounge which closed in September 2016 and had been operating since 2002. It was a busy and successful premises with a capacity of 280 customers. The premises had been in receipt of a sexual entertainment licence for forty years and the use of it as a sexual entertainment venue was historical and therefore well established in the area. A brief description of Soho and its characteristics was also provided and it was explained that the landlord supported the application.

It was suggested by Miss Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed through sound insulation improvements. It was unlikely there would be any anti-social behaviour as the applicant would only allow small groups to enter and these would be highly controlled, by security staff. It was submitted that the applicant had already proven with their existing premises how much that they were a professional operator as there had been no record of disturbance or nuisance issues. The capacity of the venue would be reduced and the Committee's attention was drawn to the Council's Statement of Licensing Policy ("SLP") which recognised that a reduction in capacity would decrease the impact in an area. It was stressed that different types of premises had different impacts and Sophisticats could be compared to a small restaurant as it was not an alcohol led premises. Noise measurements had also been taken during the evening and there had been a decrease in noise emanating from the premises which was consistent with the noise report commissioned by the residents.

Miss Le Fevre stated that it was a professionally operated premises which would permanently reduce its capacity and operate hours which were appropriate for the night time economy. It was suggested that there was ample evidence to support the application and the belief that, if granted, it would have a positive impact on the area.

In response to a question the applicant, Mr McKeown, provided the Sub-Committee with details on how the premises would be operated. Customers would enter the premises and be informed of how the premises operated; they would then be seated, have conversations with the dancers and could then request a dance. There were also VIP areas where customers could request private dances. The premises had sets of security, one inside which managed the internal and dance areas and a second set which managed the outside areas. The outside security team helped with dispersal of customers and effectively stewarded the street area. Each VIP booth had CCTV installed and staff would be able to reach the booths within fifteen seconds if any inappropriate behaviour took place. The award of the hours requested would make it easier to manage the premises and allow a more staggered dispersal of customers on to the street.

Mr Drayan, representing EH explained that the applicant had engaged with EH to seek pre-application advice. It was felt that the new applicant would reduce public nuisance and reduce the impact in a cumulative impact area. Music would be played at lower levels and the premises had undergone significant refurbishment. When the application had been submitted EH had sent one of the resident's representations containing an acoustic report to the applicant advising them of previous noise issues. An analysis of noise issues regarding the previous operation did indicate that there had only been a few noise complaints submitted, with the last one recorded in 2011. Mr Drayan was of the opinion that the new operation if granted would cause less nuisance than the former operation known as the Shadow Lounge.

EH did have objections to the application though, most significantly the increase

in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a significant extension in the hours. Improved sound proofing would be required and a noise limiter could be installed to try to limit any impact on residents. It was recognised though that SEV's did not have the same impact as nightclubs as customers were less likely to remain outside the premises loitering and often left in smaller numbers. For these reasons it was considered that the premises would not create public nuisance in the local area. However, the hours applied for were in excess of other premises in the area and the Sub-Committee had to decide on balance if sufficient controls were in place by the applicant to allow the premises to operate beyond its current hours.

PC Hoppe of the Police addressed the Sub-Committee and advised that the Police's representation was to be maintained. It was recognised that not everyone was of the opinion that this type of application was appropriate but that was why SEV licences were in place to ensure they were controlled and properly monitored. PC Hoppe advised the Sub-Committee that he had undertaken an unannounced inspection to the existing premises in Marylebone and was impressed by the professional manner of the operation. No issues had been identified and the applicant had ensured the licensing objectives had been upheld and promoted.

PC Hoppe did express concerns over the hours of operation requested. It was considered that extending the hours to 06:00 was a significant increase bearing in mind that Police resources were often reduced from 03:00. In determining the matter, the Sub-Committee considered this to be a material factor that could not be ignored as this went to the very heart of the Crime and Disorder licensing objective and the ability of the Police to tackle effectively any potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident that the applicant was able to properly control and manage the premises, in particular the external areas. Having inspected the applicant's other premises it was felt that the applicant could potentially be capable of this. Another particular concern was the issues raised by residents and the apparent lack of engagement that had taken place with the local community. PC Hoppe was of the opinion that extending the hours of a premises usually resulted in increased consumption of alcohol and hence an increased chance of crime and disorder occurring. The applicant had also not addressed the issue around dispersal of customers fully particularly how this was to operate in practice and any potential impact, given the residential character of the area and this would be required to be resolved if the Sub-Committee was minded to grant the application.

Mr Steven Rowe, representing the Licensing Authority, maintained its objection to the new premises licence application. The applicant was considered suitable to hold a licence and was experienced in operating this type of venue. However, it was not considered though that experience and a reduction in capacity would warrant an extension in hours and make it an exception to policy.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the application was evident. It was recognised that the applicant had approximately

80 years of experience but the local residents had significantly more experience of living in the area. It was acknowledged that the applicant had expertise in running this type of venue but equally the residents had expertise and experience in the problems associated with late night premises. The residents were united in their objection to the application on the basis that the premises would not improve the character and function of the local area and was inappropriate having regard to the grounds for refusal contained under Paragraph 27 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.. It was also highlighted that it was this statutory provision which enabled residents to have more input into these types of applications; specifically concerning the hours requested and type of use. The application was for an extension in the hours until 06:00 in the heart of a cumulative impact area, which was a very sensitive location with residents living above the premises. These were all material issues that the Sub-Committee needed to consider during the decision making process.

Mr Brown drew the Sub-Committees attention to section 2.4.22 of the Sexual Entertainment Venue Licensing Policy which stated that "...the Council will take opportunities which may arise to reduce existing concentrations of licensed premises, particularly in Soho". The applicant had stated that they had been initially misinformed when seeking assurances about residential properties in proximity to the premises. Mr Brown asserted that simply by looking at the premises it was obvious there were residential properties above and this raised questions over the suitability of the applicant. It was stated that a future residential development was also intended opposite the premises. The Sub-Committee was informed that they were entitled to take into account future changes to the area and in this case the new development was wholly relevant.

Mr Brown stated to the Committee that there had been a general decrease in the levels of crime and disorder in the area however a recent increase had been noted with concern. Subsequently, what was not required in the area was a brightly lit premises encouraging people into the local vicinity. One resident had expressed concern that he left his residence at 06:00 to go to work and was worried that he may encounter customers leaving a sexual entertainment venue. The nature of the other premises in the area should also be taken into account and it was explained how a school was located nearby. Noise disruption at the premises had been an issue for many years and the late realisation of this by the applicant had resulted in no noise testing taking place. The applicant had stated that their other premises had received no noise complaints but the Committee were reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises was highlighted as customers would congregate outside directly below residents windows causing a noise disturbance. It was felt that the dispersal policy submitted was purely aspirational.

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion that although the applicant had successfully operated another SEV elsewhere, the Sub-Committee should not be considering this issue as an exceptional ground. It was stressed that both properties were very different in scale and nature. The premises in Marylebone was not located in a cumulative impact

area, it was not located below residential properties and was situated in a discreet location. To visit the Marylebone premises customers would have to make a deliberate journey whilst this would not be the case in Soho where the footfall in Brewer Street was significantly higher. The applicant had stated that they would reduce the capacity of the premises but the proposed extended hours would still mean a large number of customers and staff potentially being in a cumulative impact area until 06:00. The dispersal policy submitted would not work on Brewer Street and it was felt that the hours requested would attract more taxis into the area increasing the impact of the premises and potential public nuisance for residents. It was important that a balance was struck in the area and residents failed to understand how extending the hours until 06:00 and allowing full nudity to now take place would achieve this.

Councillor Glenys Roberts, ward member for the West End, informed the Sub-Committee that concerns still existed over potential noise disturbance. Councillor Glenys Roberts advanced the argument that the character of the area had changed and it was now far more residential which made the proposed hours applied for unacceptable.

Mr Conrad Roeber, a local resident, addressed the Sub-Committee and described the area around the premises. It was submitted that the premises was not in a discrete location and was surrounded by a mix of differing properties. The Committee was requested to note that this part of Soho had completely changed in character and was far more residential with residential blocks about to be developed opposite the premises. There had been a lack of consultation with local residents and no efforts had been made to engage with the local area. After visiting the Sophisticats website concerns were also raised over inappropriate business taking place at the premises. The noise disturbance suffered by residents was also explained and Mr Roeber described how it was possible to hear music and conversations from his flat during the early hours. Tisbury Court behind the premises was well known as a crime hot spot and the applicants' proposals to have staff members leaving the premises into this area also created significant concerns for their safety.

Miss Le Fevre requested that Mr Richard Vivian, a sound consultant, address the Sub-Committee to inform them of the noise testing undertaken by the applicant and to give his professional opinion on the various issues that had been raised regarding the outbreak of noise and sound generally. Mr Vivian explained that substantial refurbishment of the premises had been undertaken in order to improve its soundproofing. Mr Vivian had carried out a site survey and confirmed that all the work had been undertaken to a high standard. Whilst previously the premises had operated a nightclub sound system this had now been replaced with a system which restricted its bass output. Mr Vivian had not undertaken any sound testing from the residential properties above but the Sub-Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the venue to ensure there was an orderly dispersal of customers and help accompany them to nearby taxis. It was confirmed that staff would not be

allowed to smoke outside the premises and customers would only be allowed to smoke to the right of the premises entrance in order to ensure this caused no disturbance to residents living above. In response to concerns over inappropriate business taking place at the premises Mr McKeown ensured the Sub-Committee that this was not the case and no evidence supported this accusation. It was also noted that the consumption of alcohol would be ancillary to table dancing. The dancing staff would not be offered alcohol and if any dancing staff were suspected to be intoxicated they would be removed from the premises. In response to a question Mr McKeown explained that the security staff would manage the outside area of the premises and described how the entrance was very discreet. The Sub-Committee noted that any staff exiting the premises via Tisbury Court would be accompanied by security staff at all times.

Ms Carmen Alonso, the proposed Sophisticats DPS, informed the Sub-Committee that patrons would be asked to leave the premises quietly. There was a provision to pre-arrange taxis for customers and security staff would accompany these customers to the relevant taxi area. The taxis would be situated in a location away from the premises in order to reduce noise disturbance to residents. Ms Alonso confirmed that she had worked in the industry for over fifteen years and was very experienced working in premises which offered alcohol and late night drinking.

In response to a question from the Sub-Committee Mr McKeown explained how the proposed closing hour of 06:00 would benefit the local area. Allowing longer hours would stagger the dispersal of customers leaving the premises therefore ensuring staff had a greater level of control in managing the outside area. This, plus the reduced capacity, would cause fewer disturbances for residents. It was confirmed that the proposed capacity was 140 persons however the applicant was happy to reduce this to 100 in order to address concerns.

The Sub-Committee questioned if the residents had received a letter from the applicant requesting access to their properties to conduct an acoustic survey. A local resident confirmed that the letter had been received but no reply had been provided as it was hoped the application would be refused.

Mr McKeown recognised that a greater degree of engagement with residents was required. An attempt to communicate had been instigated but not all residents were willing to accept this offer due to the nature of the premises. It was now hoped that this could be rectified and that in future the premises would be of benefit to the local community.

Miss Le Fevre described how the character of Soho was very mixed and a fundamental component of it included SEVs. The Sub-Committee was reminded to base its decision on the whole character of Soho and not just certain parts. It was also explained how the Police had made an unannounced inspection at the premises at Marylebone and were impressed with the professional and successful nature of the operation. Miss Le Fevre was aware that the experience of the operator did not make the application an exception to policy however it was a relevant context for the Committee's decision making. The SEV Policy recognised that operators who have experience in operating similar premises was significant and relevant as context. There should be no concern over the

request for full nudity as the current conditions which permitted partial nudity only were just historic conditions based on the old licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

Mr Brown advised that it was not just large groups which caused noise when leaving a premises. Currently no premises in the area were allowed to stay open until 06:00 and the dispersal of small groups up to this time would still cause disturbance to local residents. The applicant was an experienced operator but their other premises in Marylebone was located in an entirely different area and the SEV Policy did distinguish between different locations and it would not automatically follow that the application should be granted on this basis.

The Sub-Committee carefully considered the application and all the information received from the applicant and the parties making representations. It was noted that the applicant had successfully managed another premises of a similar nature in the Marylebone area and the Sub-Committee also noted the professional nature of this operation. The Sub-Committee had been informed that the Police had undertaken an unannounced visit to the applicant's other premises in Marylebone and had not identified any issues with regard to the management of that particular premises. The Sub-Committee therefore was of the opinion that the applicant was an established and professional operator of such premises and as such had demonstrated that they would have the required skills and knowledge to alleviate the many concerns expressed over the application. The Sub-Committee considered the approach it had taken to be appropriate and proportionate and therefore decided to grant the application accordingly.

Sexual Entertainment Venue Licence - Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff

including charges and fees applicable to Performers.

6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.

7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.

9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.

10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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 together with facilities for viewing.

11. 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 and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received;
- (d) any incidents of disorder;
- (e) seizures of drugs or offensive weapons;
- (f) any faults in the CCTV system or searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service;
- (i) any breach of licence conditions reported by a Performer.

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging

that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.

19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.

25. Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.

26. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.

27. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

28. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 280 persons.

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. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

32. 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.

33. 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.

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

35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

36. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

37. No relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health

Department.

4 SOPHISTICATS, 3-7 BREWER STREET, W1 (TRANSFER OF SEV LICENCE APPLICATION)

LICENSING SUB-COMMITTEE No. 2

Thursday 1st December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police and two Ward Councillors.

Present: Miss Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Simon Langer (Applicants), Ms Carmen Alonso (Proposed DPS), Mr Richard Vivian (Acoustic Consultant for the Applicants), Mr Anil Drayan (Environmental Health "EH"), Sgt Paul Hoppe (Metropolitan Police ("The Police")), Mr Steve Rowe (Licensing Authority), Councillors Glenys Roberts, Jonathan Glanz and Paul Church (Ward Councillors), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents and the Soho Society) and Mr Conrad Roeber, Mr Grant Gillespie, Ms Shivaun Nelson (local residents).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/09946/LISEVT	
1.	Transfer of a Sexual Entertainment Venue Premises Licence
	The application was to transfer the sexual entertainment venue premises licence to provide relevant entertainment namely partial nudity in the designated area between the hours of 09:00 to 03:00 on each of the days Monday to Saturday and 09:00 to 23:00 on Sundays. The application had not requested change to the relevant entertainment or to remove any standard conditions to the licence if the application is granted.
	Amendments to application advised at hearing: The applicant agreed to reduce the capacity to 100 persons (excluding staff and

	performers).
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Devine Restaurants Limited to transfer the sexual entertainment venue premises licence in respect of Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD.</p> <p>The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously. The Committee noted that the applications, were covered by separate legislation, namely, the Licensing Act 2003 for a new premises licence and the Local Government (Miscellaneous) Provisions Act 1982 relating to the transfer, grant and renewal applications of the SEV.</p> <p>The Chairman gave a summary of how the proceedings were to be conducted during the course of the hearing and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation</p> <p>The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Sub-Committee noted that an abundance of evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Committee noted that the premises would be very particular about the type of clientele it attracted. It was accepted that it owed a duty of care towards its customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.</p> <p>The Sub-Committee was informed by Miss Le Fevre that a structural solution had been sought by the applicant to address concerns raised. This had been</p>

developed in consultation with the responsible authorities and an acoustic engineer. Advice had been sought from EH and the Police to develop a proposal which would be acceptable. It had been agreed that there would be no customer use of the Tisbury Court rear area, this area would be monitored by CCTV and door staff would be present at all times. Staff would also be present in the external areas at the front of the premises and granting the application would have a positive impact for the residents as these areas would now be properly supervised and scrutinised. It was recognised that concerns had been raised about the level of engagement which had taken place with residents. Miss Le Fevre explained that the applicant had sought from the vendor of the premises, and the landlord of the premises, confirmation and clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

Clarification was provided by Miss Le Fevre regarding various issues that had been brought up in the representations. Claims had been made that the applicant's other premises condoned prostitution and was of a seedy nature. Miss Le Fevre in her submissions to the Sub-Committee rigorously denied these claims and highlighted the Police's representation which remarked on the professional nature of the operation.

By way of background Miss Le Fevre detailed the history of the premises to the Sub-Committee. It had previously been known as the Shadow Lounge which closed in September 2016 and had been operating since 2002. It was a busy and successful premises with a capacity of 280 customers. The premises had been in receipt of a sexual entertainment licence for forty years and the use of it as a sexual entertainment venue was historical and therefore well established. A brief description of Soho and its characteristics was also provided and it was explained that the landlord supported the application.

It was suggested by Miss Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed through sound insulation improvements. It was unlikely there would be any anti-social behaviour as the applicant would only allow small groups to enter and these would be highly controlled, by security. It was submitted that the applicant had already proven with their existing premises how much that they were a professional operator as there had been no record of disturbance or nuisance issues. The capacity of the venue would be reduced and the Committee's attention was drawn to the Council's Statement of Licensing Policy ("SLP") which recognised that a reduction in capacity would decrease the impact in an area. It was stressed that different types of premises had different impacts and Sophisticats could be compared to a small restaurant as it was not an alcohol led premises. Noise measurements had also been taken during the evening and there had been a decrease in noise emanating from the premises which was consistent with the noise report commissioned by the residents.

Miss Le Fevre stated that it was a professionally operated premises which would

permanently reduce its capacity and operate hours which were appropriate for the night time economy. It was suggested that there was ample evidence to support the application and the belief that, if granted, it would have a positive impact on the area.

In response to a question the applicant, Mr McKeown, provided the Committee with details on how the premises would be operated. Customers would enter the premises and be informed of how the premises operated; they would then be seated, have conversations with the dancers and could then request a dance. There were also VIP areas where customers could request private dances. The premises had sets of security, one inside which managed the internal and dance areas and a second set which managed the outside areas. The outside security team helped with dispersal of customers and effectively stewarded the street area. Each VIP booth had CCTV installed and staff would be able to reach the booths within fifteen seconds if any inappropriate behaviour took place. The award of the hours requested would make it easier to manage the premises and allow a more staggered dispersal of customers on to the street.

Mr Drayan, representing EH explained that the applicant had engaged with EH to seek pre-application advice. It was felt that the new applicant would reduce public nuisance and reduce the impact in a cumulative impact area. Music would be played at lower levels and the premises had undergone significant refurbishment. When the application had been submitted EH had sent one of the resident's representations containing an acoustic report to the applicant advising them of previous noise issues. An analysis of noise issues regarding the previous operation did indicate that there had only been a few noise complaints submitted, with the last one recorded in 2011. Mr Drayan was of the opinion that the new operation if granted would cause less nuisance than the former operation known as the Shadow Lounge.

EH did have objections to the application though, most significantly the increase in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a significant extension in the hours. Improved sound proofing would be required and a noise limiter could be installed to try to limit any impact on residents. It was recognised though that SEV's did not have the same impact as nightclubs as customers were less likely to remain outside the premises loitering and often left in smaller numbers. For these reasons it was considered that the premises would not create public nuisance in the local area. However, the hours applied for were in excess of other premises in the area and the Sub-Committee had to decide on balance if sufficient controls were in place by the applicant to allow the premises to operate beyond its current hours.

PC Hoppe of the Police addressed the Sub-Committee and informed the members that the Police's representation was to be maintained. It was recognised that not everyone was of the opinion that this type of application was appropriate but that was why SEV licences were in place to ensure they were controlled and properly monitored. PC Hoppe advised the Sub-Committee that he had undertaken an unannounced inspection to the existing premises in Marylebone and was impressed by the professional manner of the operation. No issues had been identified and the applicant had ensured the licensing

objectives had been upheld and promoted.

PC Hoppe did express concerns over the hours of operation requested. It was considered that extending the hours to 06:00 was a significant increase bearing in mind that Police resources were often reduced from 03:00. In determining the matter, the Sub-Committee considered this to be a material factor that could not be ignored as this went to the very heart of the Crime and Disorder licensing objective and the ability of the Police to tackle effectively any potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident that the applicant was able to properly control and manage the premises, in particular the external areas. Having inspected the applicant's other premises it was felt that the applicant could potentially be capable of this. Another particular concern was the issues raised by residents and the apparent lack of engagement that had taken place with the local community. PC Hoppe was of the opinion that extending the hours of a premises usually resulted in increased consumption of alcohol and hence an increased chance of crime and disorder occurring. The applicant had also not addressed the issue around dispersal of customers fully particularly how this was to operate in practice and any potential impact, given the residential character of the area and this would be required to be resolved if the Sub-Committee was minded to grant the application.

Mr Steven Rowe, representing the Licensing Authority, maintained its objection to the new premises licence application. The applicant was considered suitable to hold a licence and was experienced in operating this type of venue. However, It was not considered though that experience and a reduction in capacity would warrant an extension in hours and make it an exception to policy.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the application was evident. It was recognised that the applicant had approximately 80 years of experience but the local residents had significantly more experience of living in the area. It was acknowledged that the applicant had expertise in running this type of venue but equally the residents had expertise and experience in the problems associated with late night premises. The residents were united in their objection to the application on the basis that the premises would not improve the character and function of the local area and was inappropriate having regard to the grounds for refusal contained under Paragraph 27 to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982.. It was also highlighted that it was this statutory provision which enabled residents to have more input into these types of applications; specifically concerning the hours requested and type of use. The application was for an extension in the hours until 06:00 in the heart of a cumulative impact area, which was a very sensitive location with residents living above the premises. These were all material issues that the Sub-Committee needed to bear in mind during the decision making process.

Mr Brown drew the Sub-Committees attention to section 2.4.22 of the Sexual Entertainment Venue Licensing Policy which stated that "...the Council will take opportunities which may arise to reduce existing concentrations of licensed premises, particularly in Soho". The applicant had stated that they had been

initially misinformed when seeking assurances about residential properties in proximity to the premises. Mr Brown asserted that simply by looking at the premises it was obvious there were residential properties above and this raised questions over the suitability of the applicant. It was stated that a future residential development was also intended opposite the premises. The Sub-Committee was informed that they were entitled to take into account future changes to the area and in this case the new development was wholly relevant.

Mr Brown stated to the Committee that there had been a general decrease in the levels of crime and disorder in the area however a recent increase had been noted with concern. Subsequently, what was not required in the area was a brightly lit premises encouraging people into the local vicinity. One resident had expressed concern that he left his residence at 06:00 to go to work and was worried that he may encounter customers leaving a sexual entertainment venue. The nature of the other premises in the area should also be taken into account and it was explained how a school was located nearby. Noise disruption at the premises had been an issue for many years and the late realisation of this by the applicant had resulted in no noise testing taking place. The applicant had stated that their other premises had received no noise complaints but the Committee was reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises were highlighted as customers would congregate outside directly below residents' windows causing a noise disturbance. It was felt that the dispersal policy submitted was purely aspirational.

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion that although the applicant had successfully operated another SEV elsewhere, the Committee should not be considering this issue as an exceptional ground. It was stressed that both properties were very different in scale and nature. The premises in Marylebone was not located in a cumulative impact area, it was not located below residential properties and was situated in a discreet location. To visit the Marylebone premises customers would have to make a deliberate journey whilst this would not be the case in Soho where the footfall in Brewer Street was significantly higher. The applicant had stated that they would reduce the capacity of the premises but the proposed extended hours would still mean a large number of customers and staff potentially being in a cumulative impact area until 06:00. The dispersal policy submitted would not work on Brewer Street and it was felt that the hours requested would attract more taxis into the area increasing the impact of the premises and potential public nuisance for residents. It was important that a balance was struck in the area and residents failed to understand how extending the hours until 06:00 and allowing full nudity to now take place would achieve this.

Councillor Glenys Roberts, ward member for the West End, informed the Sub-Committee that concerns still existed over potential noise disturbance and advanced the argument that the character of the area had changed and it was now far more residential which made the proposed hours applied for unacceptable.

Mr Conrad Roeber, a local resident, addressed the Sub-Committee and

described the area around the premises. It was submitted that the premises was not in a discrete location and was surrounded by a mix of differing properties. The Committee was requested to note that this part of Soho had completely changed in character and was far more residential with residential blocks about to be developed opposite the premises. There had been a lack of consultation with local residents and no efforts had been made to engage with the local area. After visiting the Sophisticats website concerns were also raised over inappropriate business taking place at the premises. The noise disturbance suffered by residents was also explained and Mr Roeber described how it was possible to hear music and conversations from his flat during the early hours. Tisbury Court behind the premises was well known as a crime hot spot and the applicants' proposals to have staff members leaving the premises into this area also created significant concerns for their safety.

Miss Le Fevre requested that Mr Richard Vivian, a sound consultant, address the Sub-Committee to inform them of the noise testing undertaken by the applicant and to give his professional opinion on the various issues that had been raised regarding the outbreak of noise and sound generally. Mr Vivian explained that substantial refurbishment of the premises had been undertaken in order to improve its soundproofing. Mr Vivian had carried out a site survey and confirmed that all the work had been undertaken to a high standard. Whilst previously the premises had operated a nightclub sound system this had now been replaced with a system which restricted its bass output. Mr Vivian had not undertaken any sound testing from the residential properties above but the Sub-Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the venue to ensure there was an orderly dispersal of customers and help accompany them to nearby taxis. It was confirmed that staff would not be allowed to smoke outside the premises and customers would only be allowed to smoke to the right of the premises entrance in order to ensure this caused no disturbance to residents living above. In response to concerns over inappropriate business taking place at the premises Mr McKeown ensured the Sub-Committee that this was not the case and no evidence supported this accusation. It was also noted that the consumption of alcohol would be ancillary to table dancing. The dancing staff would not be offered alcohol and if any dancing staff were suspected to be intoxicated they would be removed from the premises. In response to a question Mr McKeown explained that the security staff would manage the outside area of the premises and described how the entrance was very discreet. The Sub-Committee noted that any staff exiting the premises via Tisbury Court would be accompanied by security staff at all times.

Ms Carmen Alonso, the proposed Sophisticats DPS, informed the Sub-Committee that patrons would be asked to leave the premises quietly. There was a provision to pre-arrange taxis for customers and security staff would accompany these customers to the relevant taxi area. The taxis would be situated in a location away from the premises in order to reduce noise disturbance to residents. Ms Alonso confirmed that she had worked in the industry for over fifteen years and was very experienced working in premises

which offered alcohol and late night drinking.

In response to a question from the Sub-Committee Mr McKeown explained how the proposed closing hour of 06:00 would benefit the local area. Allowing longer hours would stagger the dispersal of customers leaving the premises therefore ensuring staff had a greater level of control in managing the outside area. This, plus the reduced capacity, would cause fewer disturbances for residents. It was confirmed that the proposed capacity was 140 persons however the applicant was happy to reduce this to 100 in order to address concerns.

The Sub-Committee questioned if the residents had received a letter from the applicant requesting access to their properties to conduct an acoustic survey. A local resident confirmed that the letter had been received but no reply had been provided as it was hoped the application would be refused.

Mr McKeown recognised that a greater degree of engagement with residents was required. An attempt to communicate had been instigated but not all residents were willing to accept this offer due to the nature of the premises. It was now hoped that this could be rectified and that in future the premises would be of benefit to the local community.

Miss Le Fevre described how the character of Soho was very mixed and a fundamental component of it included SEVs. The Sub-Committee was reminded to base its decision on the whole character of Soho and not just certain parts. It was also explained how the Police had made an unannounced inspection at the premises at Marylebone and were impressed with the professional and successful nature of the operation. Miss Le Fevre was aware that the experience of the operator did not make the application an exception to policy however it was a relevant context for the decision making of the Committee. The SEV Policy recognised that operators who have experience in operating similar premises was significant and relevant as context. There should be no concern over the request for full nudity as the current conditions which permitted partial nudity only were just historic conditions based on the old licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

Mr Brown advised that it was not just large groups which caused noise when leaving a premises. Currently no premises in the area were allowed to stay open until 06:00 and the dispersal of small groups up to this time would still cause disturbance to local residents. The applicant was an experienced operator but their other premises in Marylebone was located in an entirely different area and the SEV Policy did distinguish between different locations and it would not automatically follow that the application should be granted on this basis.

The Sub-Committee carefully considered the application and all the information received from the applicant and the parties making representations. It was noted that the applicant had successfully managed another premises of a similar nature in the Marylebone area and the Sub-Committee also noted the professional nature of this operation. The Sub-Committee had been informed

that the Police had undertaken an unannounced visit to the applicant's other premises in Marylebone and had not identified any issues with regard to the management of the premises. The Sub-Committee therefore was of the opinion that the applicant was an established and professional operator of such premises and as such had demonstrated that they would have the required skills and knowledge to promote all four licensing objectives no concerns over the application. The Sub-Committee therefore decided to grant the application.

Sexual Entertainment Venue Licence - Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will

be covered enabling frontal identification of every person entering any light condition. All cameras 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 together with facilities for viewing.

11. 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 and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received;
- (d) any incidents of disorder;
- (e) seizures of drugs or offensive weapons;
- (f) any faults in the CCTV system or searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service;
- (i) any breach of licence conditions reported by a Performer.

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a

customer shall be surrendered to the premises manager as soon as is practicable.

19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.

25. Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.

26. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.

27. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

28. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 280 persons.

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. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

32. 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.

33. 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.

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

35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

36. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

37. No relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

5 SOPHISTICATS, 3-7 BREWER STREET, W1 (VARIATION OF SEV LICENCE)

LICENSING SUB-COMMITTEE No. 2

Thursday 1st December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police and two Ward Councillors.

Present: Miss Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Simon Langer (Applicants), Ms Carmen Alonso (Proposed DPS), Mr Richard Vivian (Acoustic Consultant for the Applicants), Mr Anil Drayan (Environmental Health "EH"), Sgt Paul Hoppe (Metropolitan Police "The Police"), Mr Steve Rowe (Licensing Authority), Councillors Glenys Roberts, Jonathan Glanz and Paul Church (Ward Councillors), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents and the Soho Society) and Mr Conrad Roeber, Mr Grant Gillespie, Ms Shivaun Nelson (local residents).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/09959/LISEVV	
1.	Variation of a Sexual Entertainment Venue Premises Licence
	<p>The application was to vary the sexual entertainment venue premises licence to:</p> <ul style="list-style-type: none"> • Extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday. • Extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. • To vary the plans attached to the existing licence to incorporate a change of layout as shown on the appended plans. • To remove conditions 24 and 25 in their entirety, so as to permit full nudity. <p>Condition 24 reads – Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.</p> <p>Condition 25 reads – Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.</p> <ul style="list-style-type: none"> • To amend condition 28 to reduce the capacity by 50% from the current maximum of 280 persons, to 140 persons (excluding staff and performers).
	<p>Amendments to application advised at hearing:</p> <p>The applicant agreed to reduce the capacity to 100 persons (excluding staff and performers).</p>

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Devine Restaurants Limited to vary the sexual entertainment venue premises licence in respect of Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD.

The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously.

The Chairman gave a summary of how the proceedings were to be performed and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation

The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Committee noted that an abundance of evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Committee noted that the premises would be very particular about the type of clientele it attracted. It was recognised that it had a duty of care towards its customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.

The Sub-Committee was informed by Miss Le Fevre that a structural solution had been sought by the applicant to address concerns raised. This had been developed in consultation with the responsible authorities and an acoustic engineer. Advice had been sought from Environmental Health and the Police to develop a proposal which would be acceptable. It had been agreed that there would be no customer use of the Tisbury Court rear area, this area would be monitored by CCTV and door staff would be present at all times. Staff would also be present in the external areas at the front of the premises and granting

the application would have a positive impact for the residents as these areas would now be properly supervised and scrutinised. It was recognised that concerns had been raised about the level of engagement which had taken place with residents. Miss Le Fevre explained that the applicant had sought from the vendor of the premises, and the landlord of the premises, confirmation and clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

Clarification was provided by Miss Le Fevre regarding various issues that had been brought up in the representations. Claims had been made that the applicant's other premises condoned prostitution and was of a seedy nature. Miss Le Fevre in her submissions to the Sub-Committee rigorously denied these claims and highlighted the Police's representation which remarked on the professional nature of the operation.

By way of background Miss Le Fevre detailed the history of the premises to the Sub-Committee. It had previously been known as the Shadow Lounge which had closed in September 2016 and had been operating since 2002. It was a busy and successful premises with a capacity of 280 customers. The premises had been in receipt of a sexual entertainment licence for forty years and the use of it as a sexual entertainment venue was historical and therefore well established. A brief description of Soho and its characteristics was also provided and it was explained that the landlord supported the application.

It was suggested by Miss Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed through sound insulation improvements. It was unlikely there would be any anti-social behaviour as the applicant would only allow small groups to enter and these would be highly controlled, by security. It was submitted that the applicant had already proven with their existing premises how much that they were a professional operator as there had been no record of disturbance or nuisance issues. The capacity of the venue would be reduced and the Committee's attention was drawn to the City Council's Statement of Licensing Policy ("SLP") which recognised that a reduction in capacity would decrease the impact in an area. It was stressed that different types of premises had different impacts and Sophisticats could be compared to a small restaurant as it was not an alcohol led premises. Noise measurements had also been taken during the evening and there had been a decrease in noise emanating from the premises which was consistent with the noise report commissioned by the residents.

Miss Le Fevre stated that it was a professionally operated premises which would permanently reduce its capacity and operate hours which were appropriate for the night time economy. It was suggested that there was ample evidence to support the application and the belief that, if granted, it would have a positive impact on the area.

In response to a question the applicant, Mr McKeown, provided the Committee

with details on how the premises would be operated. Customers would enter the premises and be informed of how the premises operated; they would then be seated, have conversations with the dancers and could then request a dance. There were also VIP areas where customers could request private dances. The premises had sets of security, one inside which managed the internal and dance areas and a second set which managed the outside areas. The outside security team helped with dispersal of customers and effectively stewarded the street area. Each VIP booth had CCTV installed and staff would be able to reach the booths within fifteen seconds if any inappropriate behaviour took place. The award of the hours requested would make it easier to manage the premises and allow a more staggered dispersal of customers on to the street.

Mr Drayan, representing EH explained that the applicant had engaged with EH to seek pre-application advice. It was felt that the new applicant would reduce public nuisance and reduce the impact in a cumulative impact area. Music would be played at lower levels and the premises had undergone significant refurbishment. When the application had been submitted EH had sent one of the resident's representations containing an acoustic report to the applicant advising them of previous noise issues. An analysis of noise issues regarding the previous operation did indicate that there had only been a few noise complaints submitted with the last one recorded in 2011. Mr Drayan was of the opinion that the new operation if granted would cause less nuisance than the former operation known as the Shadow Lounge.

EH did have objections to the application though, most significantly the increase in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a significant extension in the hours. Improved sound proofing would be required and a noise limiter could be installed to try to limit any impact on residents. It was recognised though that SEV's did not have the same impact as nightclubs as customers were less likely to remain outside the premises loitering and often left in smaller numbers. For these reasons it was considered that the premises would not create public nuisance in the local area. However, the hours applied for were in excess of other premises in the area and the Sub-Committee had to decide on balance if sufficient controls were in place by the applicant to allow the premises to operate beyond its current hours.

PC Hoppe of the Police addressed the Sub-Committee and informed the Committee that the Police's representation was to be maintained. It was recognised that not everyone was of the opinion that this type of application was appropriate but that was why SEV licences were in place to ensure they were controlled and properly monitored. PC Hoppe advised the Sub-Committee that he had undertaken an unannounced inspection to the existing premises in Marylebone and was impressed by the professional manner of the operation. No issues had been identified and the applicant had ensured the licensing objectives had been upheld and promoted.

PC Hoppe did express concerns over the hours of operation requested. It was considered that extending the hours to 06:00 was a significant increase bearing in mind that Police resources were often reduced from 03:00. In determining the matter, the Sub-Committee considered this to be a material factor that could not

be ignored as this went to the very heart of the Crime and Disorder licensing objective and the ability of the Police to tackle effectively and potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident that that the applicant was able to properly control and manage the premises, in particular the external areas. Having inspected the applicant's other premises it was felt that the applicant could potentially be capable of this. Another particular concern was the issues raised by residents and the apparent lack of engagement that had taken place with the local community. PC Hoppe was of the opinion that extending the hours of a premises usually resulted in increased consumption of alcohol and hence an increased chance of crime and disorder occurring. The applicant had also not addressed the issue around dispersal of customers fully particularly how this was to operate in practice and any potential impact, give the residential character of the area and this would be required to be resolved if the Sub-Committee was minded to grant the application.

Mr Steven Rowe, representing the Licensing Authority, maintained its objection to the new premises licence application. The applicant was considered suitable to hold a licence and was experienced in operating this type of venue. It was not considered though that experience and a reduction in capacity would warrant an extension in hours and make it an exception to policy.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the application was evident. It was recognised that the applicant had approximately 80 years of experience but the local residents had significantly more experience of living in the area. It was acknowledged that the applicant had expertise in running this type of venue but equally the residents had expertise and experience in the problems associated with late night premises. The residents were united in their objection to the application on the basis that the premises would not improve the character and function of the local area and was inappropriate having regard to the grounds for refusal contained under Paragraph 27 to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 . It was also highlighted that it was this statutory provision which enabled residents to have more input into these types of applications; specifically concerning the hours requested and type of use. The application was for an extension in the hours until 06:00 in the heart of a cumulative impact area, which was a very sensitive location with residents living above the premises. These were all material issues that the Sub-Committee needed to bear in mind during the decision making process.

Mr Brown drew the Sub-Committees attention to section 2.4.22 of the Sexual Entertainment Venue Licensing Policy which stated that "...the Council will take opportunities which may arise to reduce existing concentrations of licensed premises, particularly in Soho". The applicant had stated that they had been initially misinformed when seeking assurances about residential properties in proximity to the premises. Mr Brown asserted that simply by looking at the premises it was obvious there were residential properties above and this raised questions over the suitability of the applicant. It was stated that a future residential development was also intended opposite the premises. The Sub-Committee was informed that they were entitled to take into account future

changes to the area and in this case the new development was wholly relevant.

Mr Brown stated to the Sub-Committee that there had been a general decrease in the levels of crime and disorder in the area however a recent increase had been noted with concern. Subsequently what was not required in the area was a brightly lit premises encouraging people into the local vicinity. One resident had expressed concern that he left his residence at 06:00 to go to work and was worried that he may encounter customers leaving a sexual entertainment venue. The nature of the other premises in the area should also be taken into account and it was explained how a school was located nearby. Noise disruption at the premises had been an issue for many years and the late realisation of this by the applicant had resulted in no noise testing taking place. The applicant had stated that their other premises had received no noise complaints but the Sub-Committee was reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises were highlighted as customers would congregate outside directly below residents' windows causing a noise disturbance. It was felt that the dispersal policy submitted was purely aspirational.

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion that although the applicant had successfully operated another SEV elsewhere, the Committee should not be considering this issue as an exceptional ground . It was stressed that both properties were very different. The premises in Marylebone was not located in a cumulative impact area, it was not located below residential properties and was situated in a discreet location. To visit the Marylebone premises customers would have to make a deliberate journey whilst this would not be the case in Soho where the footfall in Brewer Street was significantly higher. The applicant had stated that they would reduce the capacity of the premises but the proposed extended hours would still mean a large number of customers and staff potentially being in a cumulative impact area until 06:00. The dispersal policy submitted would not work on Brewer Street and it was felt that the hours requested would attract more taxis into the area increasing the impact of the premises and potential public nuisance for residents. It was important that a balance was struck in the area and residents failed to understand how extending the hours until 06:00 and allowing full nudity to now take place would achieve this.

Councillor Glenys Roberts, ward member for the West End, informed the Sub-Committee that concerns still existed over potential noise disturbance and advanced the argument that the character of the area had changed and it was now far more residential which made the proposed hours applied for unacceptable.

Mr Conrad Roeber, a local resident, addressed the Sub-Committee and described the area around the premises. It was submitted that the premises was not in a discrete location and was surrounded by a mix of differing properties. The Committee was requested to note that this part of Soho had completely changed in character and was far more residential with residential blocks about to be developed opposite the premises. There had been a lack of consultation with local residents and no efforts had been made to engage with the local area.

After visiting the Sophisticats website concerns were also raised over inappropriate business taking place at the premises. The noise disturbance suffered by residents was also explained and Mr Roeber described how it was possible to hear music and conversations from his flat during the early hours. Tisbury Court behind the premises was well known as a crime hot spot and the applicants' proposals to have staff members leaving the premises into this area also created significant concerns for their safety.

Miss Le Fevre requested that Mr Richard Vivian, a sound consultant, address the Sub-Committee to inform them of the noise testing undertaken by the applicant and to give his professional opinion on the various issues that had been raised regarding the outbreak of noise and sound generally. Mr Vivian explained that substantial refurbishment of the premises had been undertaken in order to improve its soundproofing. Mr Vivian had carried out a site survey and confirmed that all the work had been undertaken to a high standard. Whilst previously the premises had operated a nightclub sound system this had now been replaced with a system which restricted its bass output. Mr Vivian had not undertaken any sound testing from the residential properties above but the Sub-Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the venue to ensure there was an orderly dispersal of customers and help accompany them to nearby taxis. It was confirmed that staff would not be allowed to smoke outside the premises and customers would only be allowed to smoke to the right of the premises entrance in order to ensure this caused no disturbance to residents living above. In response to concerns over inappropriate business taking place at the premises Mr McKeown ensured the Sub-Committee that this was not the case and no evidence supported this accusation. It was also noted that the consumption of alcohol would be ancillary to table dancing. The dancing staff would not be offered alcohol and if any dancing staff were suspected to be intoxicated they would be removed from the premises. In response to a question Mr McKeown explained that the security staff would manage the outside area of the premises and described how the entrance was very discreet. The Sub-Committee noted that any staff exiting the premises via Tisbury Court would be accompanied by security staff at all times.

Ms Carmen Alonso, the proposed Sophisticats DPS, informed the Sub-Committee that patrons would be asked to leave the premises quietly. There was a provision to pre-arrange taxis for customers and security staff would accompany these customers to the relevant taxi area. The taxis would be situated in a location away from the premises in order to reduce noise disturbance to residents. Ms Alonso confirmed that she had worked in the industry for over fifteen years and was very experienced working in premises which offered alcohol and late night drinking.

In response to a question from the Sub-Committee Mr McKeown explained how the proposed closing hour of 06:00 would benefit the local area. Allowing longer hours would stagger the dispersal of customers leaving the premises therefore ensuring staff had a greater level of control in managing the outside area. This,

plus the reduced capacity, would cause fewer disturbances for residents. It was confirmed that the proposed capacity was 140 persons however the applicant was happy to reduce this to 100 in order to address concerns.

The Sub-Committee questioned if the residents had received a letter from the applicant requesting access to their properties to conduct an acoustic survey. A local resident confirmed that the letter had been received but no reply had been provided as it was hoped the application would be refused.

Mr McKeown recognised that a greater degree of engagement with residents was required. An attempt to communicate had been instigated but not all residents were willing to accept this offer due to the nature of the premises. It was now hoped that this could be rectified and that in future the premises would be of benefit to the local community.

Miss Le Fevre described how the character of Soho was very mixed and a fundamental component of it included SEVs. The Sub-Committee was reminded to base its decision on the whole character of Soho and not just certain parts. It was also explained how the Police had made an unannounced inspection at the premises at Marylebone and were impressed with the professional and successful nature of the operation. Miss Le Fevre was aware that the experience of the operator did not make the application an exception to policy however it was a relevant context for the decision making of the Committee. The SEV Policy recognised that operators who have experience in operating similar premises was significant and relevant as context. There should be no concern over the request for full nudity as the current conditions which permitted partial nudity only were just historic conditions based on the old licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

Mr Brown advised that it was not just large groups which caused noise when leaving a premises. Currently no premises in the area were allowed to stay open until 06:00 and the dispersal of small groups up to this time would still cause disturbance to local residents. The applicant was an experienced operator but their other premises in Marylebone was located in an entirely different area and the SEV Policy did distinguish between different locations and it would not automatically follow that the application should be granted on this basis.

The Sub-Committee carefully considered all aspects of the application and took into account all the information received from the applicant and the parties making representations. The Sub-Committee decided not to extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday or extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. The Sub-Committee had heard substantial evidence both in support and against the application but found the representation from the Police particularly powerful and highly persuasive. It was recognised that the applicant was a very professional operator and their premises at Marylebone was well

managed. However, the Sub-Committee was of the opinion that the character of Marylebone was significantly different to that of Soho and could not be considered in the same light. This particular area of Soho was a recognised location where levels of crime and disorder were particularly high with on-going disturbance issues. The Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 Monday to Saturday and to 05:00 on Sundays in this locality would be appropriate.

The Sub-Committee granted the aspect of the application to vary the plans attached to the existing licence to incorporate a change of layout as shown on the appended plans.

The Sub-Committee considered that it was appropriate to remove condition 25 in its entirety. Members amended condition 24, removing the word 'topless' so that the full sentence reads 'Authorised Relevant Entertainment shall consist only of dancers performing on the stage area or by table sides'.

In keeping with the offer of the Applicant, the Sub-Committee decided to reduce the capacity from 280 persons, to 100 persons (excluding staff and performers).

Sexual Entertainment Venue Licence - Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.

2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.

3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.

5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.

6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.

7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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 together with facilities for viewing.
11. 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 and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police

and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.

19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.

25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.

27. All emergency doors shall be maintained effectively self-closing and not held

open other than by an approved device.

28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

30. 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.

31. 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.

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

33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

35. No relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

6 LONDON JADE GARDEN, 15 WARDOUR STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 1 December 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police, Environmental Health and the Licensing Authority.

Present: Mr Jack Spiegler (Solicitor, Representing the Applicant), Mr Kenny Young (Applicant), Mr Maxwell Koduah (Environmental Health (“EH”), PC Adam Deweltz (Metropolitan Police (“The Police”) and Mr Steven Rowe (Licensing Authority).

London Jade Garden, 15 Wardour Street, London, W1D 6PH 16/10204/LIPV					
1.	Recorded Music – Indoors				
	<table><thead><tr><th><u>Current</u></th><th><u>Proposed</u></th></tr></thead><tbody><tr><td>Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30</td><td>Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30</td></tr></tbody></table>	<u>Current</u>	<u>Proposed</u>	Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30	Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30
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Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30	Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30				
	Amendments to application advised at hearing: None				
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by London Jade Garden Limited for a variation of a premises licence in respect of London Jade Garden, 15 Wardour Street, London, W1D 6PH. The Licensing Officer provided an outline of the application to the Sub-Committee. All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members’ questions and were given an opportunity to ask questions of each other. Mr Spiegler, representing the applicant, informed the Sub-Committee that the applicant, was a very experienced operator and had been in the restaurant industry for some forty-five years. The application was to vary the licence for a Chinese restaurant where sales of alcohol would be ancillary to pre-booked karaoke entertainment. Previously the premises had utilised TENS to enable it to extend its hours for the sale of alcohol and these events had been very successful with no complaints received from local residents. The variation to the licence now hoped to regularise these extended hours. It was also proposed to alter the layout of the premises. In exchange for granting the variation the applicant would surrender a licence in favour of licensed premises situated at 21 Lisle Street.				

Mr Spiegler explained that agreement to the proposed conditions had been reached with EH apart from one regarding the installation of a noise limiter. The applicant wanted to reduce the capacity of the premises by thirty people from 180 to 150. It was highlighted that no local residents had objected to the proposals and the primary concerns raised were policy based.

The Sub-Committee noted that the proposed entertainment was karaoke which would be provided in small private dining rooms. All the rooms were soundproofed and had been used previously for karaoke during the award of TENS and it was noted no complaints had been received. Due to the discreet nature of the premises members of the public would not come in off the street and the entertainment would be pre-booked. The Sub-Committee were directed to section 2.3.3 of the City Council's Statement of Licensing Policy ("SLP") which encouraged this type of entertainment and cultural activity: "The City Council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity." The Sub-Committee was also directed to policy MD2 which sought to restrict nightclubs, it was confirmed that the premises did not operate as a nightclub and would not trade as such. Also, policy RNT2 generally recognised that restaurants selling alcohol until 01:00 were regarded as not causing public nuisance. This had been recognised by the Council recently in the granting of a licence at the adjacent premises at 17 Wardour Street until 01:00.

Mr Spiegler informed the Sub-Committee that 01:00 could form the starting point for this application but it was hoped the hours could be extended further as this proposal was an exception to policy for two reasons. Firstly, the applicant would surrender the licence at 21 Lisle Street and secondly it was proposed to reduce the capacity of the premises which would be considered as an exception under 2.4.7 of the SLP. Mr Spiegler suggested that granting the 03:00 terminal hour for the premises would reduce the cumulative impact in the area as less people would be dispersing onto the street at the same time. It was proposed that this was a positive application that was an exception to policy.

EH confirmed that their representation was maintained. No complaints had been received regarding the premises however this did not prevent concerns arising over the hours requested as the extension in hours was contrary to Council policy. Clarification was requested over what "substantial refreshment" would be available for patrons participating in karaoke; this was in order to prevent any vertical drinking. It was also felt that a condition requiring the installation of a noise limiter was required especially considering the hours requested.

The Police, maintained their representation as the hours sought by the applicant were beyond core hours. Customers could leave the premises at 02:30 which would add to the cumulative impact in the area. The Sub-Committee was advised that this was not a problem premises and the representation was based on supporting the policy.

The Licensing Authority, explained that the application was beyond core hours and contrary to Council policy. It was recognised that a reduction in capacity had been proposed but there was a significant increase in the hours and the Sub-

Committee had to decide if this made it an exception to policy.

In response Mr Spiegler explained that the applicant did not believe a sound limiter condition was required as the rooms had been soundproofed and during entertainment provided during a TENS event no complaints regarding noise had been received from residents. The introduction of a noise limiter for each individual private dining room would require a substantial amount of work for the applicant. It was explained that “substantial refreshment” could include a table meal but often, during the TENS events, it involved shared meals which were fairly substantial but would not necessarily constitute a table meal. It was believed the application did strike the correct balance as only customers would be required to pre-book the karaoke entertainment, they would stay in the premises longer helping with dispersal therefore reducing the impact in the cumulative impact area.

In response to a question the applicant provided details on the sound proofing of the rooms and how the sound systems already had limited amplifications.

Mr Spiegler informed the Sub-Committee that the application to exhibit films had been applied for because the applicant displayed music videos and wanted to ensure they had the correct permissions in place.

The Licensing Policy Adviser provided the Sub-Committee with clarification regarding section 2.5.14 of the SLP. That section of the Policy regarding restaurants did not specifically mention the approach in relation to cumulative impact areas. Whilst section 2.5.15 stated that “...the Licensing Authority will generally grant premises licences and variations for restaurants outside the Cumulative Impact Areas subject to criteria related to the licensing objectives. A stricter approach to restaurants in the Cumulative Impact Areas has been adopted due to the current cumulative impact issues discussed in Appendices 12 and 14.” Mr Spiegler accepted this however he confirmed that the premises was a standalone restaurant which had proposed to reduce its capacity and surrender a licence for another property which made it an exception to policy.

The Sub-Committee carefully considered the application and agreed to grant it in part. It was felt that the extension in hours requested were too long and the case had not been made to address concerns that the extension was contrary to policy and would add to the cumulative impact in the area. The Sub-Committee agreed to the surrender of the licence at 21 Lisle Street and the reduction in capacity to 150 persons but the Sub-Committee was of the opinion that this did not make the application an exception to policy. It was recognised however that the applicant was a responsible operator and granting an additional hour for all licensable activities, and an additional half an hour for closing, was appropriate and proportionate in all the circumstances. The Sub-Committee also granted the change to the premises layout.

The Sub-Committee agreed to amend or delete the following conditions on the licence in order to update the licence:

- Condition 9 be amended to read “Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the

	<p>premises, where alcohol is sold or supplied for consumption on the premises.”</p> <ul style="list-style-type: none"> • Condition 13 be amended to read “No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.” • Condition 16 be amended to read “During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.” • Condition 20 be replaced with Model Condition 90 plus amended wording to state “...shall not exceed 150 persons in any event.” • Condition 26 be amended to read “Notwithstanding condition 25 the sale of alcohol is permitted to persons attending the premises for pre-booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment.” • Removal of Condition 28 from the premises licence; • Addition of Model Condition 62 to the licence.
<p>2.</p>	<p>Live Music – Indoors</p> <p>Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30</p> <p>Seasonal variations/Non-standard timings:</p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 00:30 Monday to Thursday, 10:00 to 01:00 Friday to Saturday and 12:00 to 23:30 on Sunday.</p> <p>See reasons for decision in Section 1.</p>
<p>3.</p>	<p>Anything of a Similar Description</p> <p>Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30</p>

	<p>Seasonal variations/Non-standard timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour when British Summertime commences.</p>				
	<p>Amendments to application advised at hearing:</p> <p>None</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 00:30 Monday to Thursday, 10:00 to 01:00 Friday to Saturday and 12:00 to 23:30 on Sunday.</p> <p>See reasons for decision in Section 1.</p>				
4.	<p>Late Night Refreshment</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%;"><u>Current</u></td> <td style="text-align: center; width: 50%;"><u>Proposed</u></td> </tr> <tr> <td>Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00</td> <td>Monday to Sunday: 23:00 – 02:30</td> </tr> </table> <p>Seasonal variations/Non-standard timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour when British Summertime commences.</p>	<u>Current</u>	<u>Proposed</u>	Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00	Monday to Sunday: 23:00 – 02:30
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Monday to Thursday: 23:00 – 23:30 Friday to Saturday: 23:00 – 00:00	Monday to Sunday: 23:00 – 02:30				
	<p>Amendments to application advised at hearing:</p> <p>None</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 23:00 to 00:30 Monday to Thursday and 23:00 to 01:00 Friday to Saturday.</p> <p>See reasons for decision in Section 1.</p>				
5.	<p>Exhibition of Films</p>				
	<p>Monday to Saturday: 10:00 – 02:30 Sunday: 12:00 – 02:30</p>				
	<p>Amendments to application advised at hearing:</p>				

	None								
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 00:30 Monday to Thursday, 10:00 to 01:00 Friday to Saturday and 12:00 to 23:30 on Sunday.</p> <p>See reasons for decision in Section 1.</p>								
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	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 01:00 Monday to Thursday, 10:00 to 01:30 Friday to Saturday and 12:00 to 00:00 on Sunday.</p> <p>See reasons for decision in Section 1.</p>
8.	Layout Alteration
	<p>Change of layout and the installation of a sushi kitchen and dining area on the first floor.</p> <p>The replacement of private dining room on third floor with back of house area and dispense bar.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the layout alteration.</p> <p>See reasons for decision in Section 1.</p>
9.	Conditions Being Varied, Added or Removed
	<p>Proposed Variation:</p> <p>Notwithstanding condition 25 (model condition 66) the sale of alcohol is permitted to persons attending the premises for pre-booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the proposed variation.</p> <p>See reasons for decision in Section 1.</p>

Conditions attached to the Licence

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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions Consistent With the Operating Schedule

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises, where alcohol is sold or supplied for consumption on the premises.

10. There shall be no sales of hot food or hot drink for consumption off the Premises after 23.00 hours.

11. A Challenge 21 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.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

15. No deliveries shall be made to the Premises between the hours 23:00 hours and 07:00 hours.

16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

17. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

18. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.

19. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.

20. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined which not exceed 150 persons in any event.

23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

24. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

25. The premises shall only operate as a restaurant:

(i) in which customers are shown to their table,

(ii) where the supply of alcohol is by waiter or waitress service only, (iii) 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, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. Notwithstanding condition 25 the sale of alcohol is permitted to persons attending the premises for pre booked karaoke entertainment and where the provision of alcohol is ancillary to karaoke entertainment and substantial refreshment.

27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

28. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

29. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

30. The variation of the Premises Licence 16/10204/LIPV to change the existing layout of the premises and extend hours for the provision of late night refreshment and sale of alcohol will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

31. Before the variation comes into force, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

32. No licensable activities shall take place at the premises until premises licence 16/0299/LIPT (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].