



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** Committee held on **Thursday 6th April, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Melvyn Caplan (Chairman), Heather Acton and Susie Burbridge

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 SUSHI SHOP, 72 WESTBOURNE GROVE, W2

LICENSING SUB-COMMITTEE No. 3

Thursday 6th April 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Susie Burbridge

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Two local residents and the South East Bayswater Residents' Association.

Present: Mr Alan Thomas (Solicitor, representing the applicant), Mr Mathieu Humbert (representing the applicant company), Mr John Zamit (representing the South-East Bayswater Residents Association), Ms Sally Sampson (local resident) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing one local resident and the South-East Bayswater Residents Association).

**Sushi Shop, 72 Westbourne Grove, London, W2 5SH
17/01077/LIPN**

1. Off Sales by Retail of Alcohol

Monday to Sunday: 11:00 to 22:30

Seasonal Variations/Non-Standard Timings:

None.

Amendments to application advised at hearing:

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

The Sub-Committee considered an application by Sushi Shop UK Ltd for a new premises licence in respect of 72 Westbourne Grove, London, W2 5SH.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that no representations had been received from the responsible authorities.

Mr Thomas, representing the applicant, explained that Sushi Shop operated multiple sites across Europe and was the market leader in sushi delivery. It had opened three premises in London and the site at 72 Westbourne Grove had been operating since August 2016. No hot food was sold, there were modest sales of alcohol at the other premises which accounted for less than 10% of all sales and no responsible authorities had submitted representations. To deal with a concern raised over the age verification policy in place for any deliveries involving alcohol it was confirmed that all drivers employed by Sushi Shop were trained accordingly. A Challenge 21 or Challenge 25 condition had also been offered by the applicant and as the sale of alcohol took place at the shop and not the delivery address what the applicant was proposing exceeded the legal requirement.

Mr Thomas highlighted how the premises was located on Westbourne Grove which was a very commercial area and the applicant was aware of concerns regarding deliveries and delivery drivers. The Sub-Committee noted that deliveries could still take place from the premises regardless of alcohol sales. The licensing regime was relevant to the sale of alcohol, however how relevant it was to the licensing objectives in relation to the delivery of alcohol was unclear.

Mr Thomas detailed the hours of operation of the premises and how deliveries would cease at 22:00 hours with the sale of alcohol ancillary to takeaway food. The applicant was aware that the representations received requested the following condition be added to the licence

“the Licence Holder shall use reasonable endeavours to ensure that - (a) delivery drivers do not congregate in the vicinity of the premises, obstruct the highway or cause noise or other nuisance

outside the premises. (b) the use of bicycles for deliveries is encouraged”

The applicant was willing to agree in part the first section of the condition to ensure delivery drivers did not obstruct the highway or cause noise or nuisance outside the premises. It would not be possible however to prevent delivery drivers congregating in the vicinity of the premises as they would be undertaking a lawful activity. The applicant was willing to undertake the second part of the condition to use their best endeavours to use bicycles for deliveries. There was a delivery radius of 2.5 miles from the premises with one bicycle already in use for deliveries in the local area and a motorised scooter utilised for longer distances. Staff were employed to undertake deliveries using the bicycle and motor scooter and both were owned by the applicant

Mr Brown, from Westminster Citizens Advice Bureau, brought the Sub-Committee’s attention to the information circulated by the South East Bayswater Residents Association (SEBRA) and the impact food takeaway deliveries were having on residents in the local area. It was recognised that if deliveries took place lawfully in terms of licensing it was difficult to regulate such activities especially as the main function of the applicant was the delivery of food. Mr Brown was pleased to note that the applicant owned its own delivery vehicles as this provided more control over them. Unfortunately the premises also utilised delivery companies such as Deliveroo for which they had no control over. It was acknowledged that it was difficult to link delivery vehicles to specific premises however the photos circulated before the meeting to all parties detailed the issues of congregation described. Therefore, it was requested that the condition detailed above be added to the licence if the Sub-Committee was minded to grant the application.

Mr Thomas questioned whether licensing was the appropriate method to regulate delivery drivers for three reasons. Firstly, it was queried whether motor scooters could be conditioned. Secondly, food deliveries would take place if the premises was licenced or not. Thirdly, conditions could be added to the licence to control unlicensable activities e.g. smoking, however these were directly associated with licensable activities taking place at the premises.

Mr Brown responded by indicating that the very fact that an application had been made for a licence was sufficient to warrant conditions being attached to the licence regarding the use of delivery vehicles. Moreover, delivery in the case of these premises was core to the business itself rather than being a mere adjunct to a restaurant or similar type of operation. He explained that one of the representations received by a local resident was requesting that deliveries only take place by bicycles, however if electric scooters were used this would ease noise and pollution concerns. It had been stated that the delivery radius for the premises was 2.5 miles, however it was suggested that this was not a far distance and as the food was not hot this could be achievable by bicycle rather than by motor scooter. It was acknowledged that the licence holder could not control operations such as Deliveroo however there was leverage and it could be expected for them to comply with the condition stated earlier.

The Sub-Committee did express concern that if delivery vehicles were

prevented from congregating in Westbourne Grove this would push the problem elsewhere in to possibly more residential areas. In response Mr Brown agreed it was an issue that needed addressing. The fact the applicant utilised their own delivery vehicles was pleasing as a level of control could be exerted on these, however if outside delivery companies were utilised the solution was problematic.

Ms Sampson, a local resident who had objected to the application, addressed the Sub-Committee and explained how the local vicinity housed many families and vulnerable people. Residents did not want to inhibit local business but there was a feeling they were being edged out of the area by commerce. The delivery drivers were often very noisy and were proving a danger to people due to their dangerous driving style. As such life for local residents was becoming intolerable.

Mr Zamit, representing SEBRA, expressed frustration that there appeared to be little that could be done to impose restrictions on delivery drivers. The bikes disrupted the local area by congregating on the road and even sometimes becoming involved in physical altercations with each other. Westbourne Grove was a busy street however it was still residential with many residents living above commercial properties. There were parking restrictions along the street and it was suggested some of the delivery drivers could be breaking the law when collecting takeaways. Some of the drivers were irresponsible when using their vehicles and it was hoped they used better judgement when delivering alcohol to customers. It was also requested that a waste collection condition be added to the licence to ensure noise disruption was minimised for residents. Mr Zamit highlighted the importance of working cooperatively with all parties to solve the issues raised.

Mr Thomas clarified that a deliveries condition had been proposed by the applicant to ensure there were no deliveries to the premises between 23:00 and 08:00, this could be changed to between 00:00 and 07:00 if it provided further reassurance. With regards to the parking restrictions it was confirmed that no parking was allowed between 16:00 and 19:00. Finally, as the premises was located within a Cumulative Impact Area (CIA) the applicant had to prove it would not add to the cumulative impact in the area and as it was only requesting off sales, plus the nature of the operation, it was obvious this would not be the case.

In response to a question from the Sub-Committee the applicant confirmed that external delivery companies did operate an age verification policy. It was hoped in future to only conduct deliveries through their in-house drivers however currently it did utilise external delivery companies and it would not want this restricted through a condition. The Sub-Committee expressed concern that another premises had come before a hearing in October 2015 and despite agreeing to use its best endeavours to utilise electric bikes for deliveries this had not occurred. Mr Humbert, representing the applicant company, explained that approximately half of deliveries were undertaken by bicycle depending on the distance required to travel.

The Sub-Committee carefully considered the application and listened very

closely to the issues raised by local residents. It was recognised that the issues surrounding the noise and public disturbance created by delivery drivers were very significant and were having a negative impact on the local amenity for residents. The Sub-Committee acknowledged that these issues often did arise due to the commercial nature of the area and it would be unfair to apportion all of the concerns raised to the application before it. Most of the problems described by residents did not centre on the sale of alcohol and instead focused on the actions of delivery drivers servicing the various food takeaway premises on the street. As such the Sub-Committee granted the application but required extra appropriate conditions be placed on the licence to provide reassurance to local residents over the sale of alcohol and, more importantly, minimise any noise disruption from delivery drivers. Conditions would be added to the licence preventing any deliveries from motorised vehicles occurring after 22:00 hours and ensuring no waste collections took place between 00:00 and 07:00. The Sub-Committee was of the opinion that these conditions would limit the noise impact the premises would have on local residents. A condition requiring the applicant to use best endeavours to ensure delivery drivers did not obstruct the public highway or cause nuisance outside the premises would also provide reassurance to residents. This would be further helped by encouraging the applicant to move away from using noisy vehicles and expand the number of deliveries undertaken by bicycle. The Sub-Committee recognised that the sale of alcohol was also of a concern though and as such conditions were attached to the licence to ensure the licensing objectives were promoted. These included introducing a Challenge 21 or Challenge 25 scheme and ensuring relevant training would be provided to all staff to ensure this condition was complied with. Finally, all online menus would contain a message stating that there would be no sales of alcohol to anyone aged under 18 to help prevent any underage sales of alcohol. Even though the premises was located in a CIA the nature of the operation and the restrictive conditions imposed on the licence would ensure that the application upheld the licensing objectives and was considered an exemption to policy.

The following conditions were deleted from the licence:

- Mandatory conditions 4, 5 and 7 were deleted from the licence as they referred to sales of alcohol for consumption on the premises.

The following conditions were added to the licence:

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

- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- No super-strength beer, lagers, ciders or spirit mixtures of 5.55 ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
- No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
- Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
- A Challenge 21 or 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.
- 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 concerning crime and disorder (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.
- No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
- No deliveries to the premises by motorised vehicle after 22:00 hours.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 00:00 and 07:00 on the following day.
- The Licence Holder shall use reasonable endeavours to ensure that –
 - (a) delivery drivers do not obstruct the highway or cause noise or other nuisance outside the premises.
 - (b) the use of bicycles or electric vehicles for deliveries is encouraged”
- A Challenge 21 or Challenge 25 proof of age scheme shall be operated in relation to home deliveries of alcohol 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.

	<p>Relevant training will be provided to all staff on how to implement the scheme.</p> <ul style="list-style-type: none"> All online menus will display the following message to prevent underage sales of alcohol: "Alcohol is not for sale to people under the age of 18, by placing an order for alcohol products on this site you are declaring that you are 18 years of age or over. Identification will be requested from anyone looking under the age of 25."
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 11:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</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 application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 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. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. <ol style="list-style-type: none"> (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.

5(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.

5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
7. 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.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.55 ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
11. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
12. A Challenge 21 or 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.
13. 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 concerning crime and disorder (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.

14. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

15. There shall be no deliveries to the premises by motorised vehicle after 22:00 hours.

16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 00:00 and 07:00 on the following day.

17. The Licence Holder shall use reasonable endeavours to ensure that:

(a) delivery drivers do not obstruct the highway or cause noise or other nuisance outside the premises.

(b) the use of bicycles or electric vehicles for deliveries is encouraged”

18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated in relation to home deliveries of alcohol 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. Relevant training will be provided to all staff on how to implement the scheme.

19. All online menus will display the following message to prevent underage sales of alcohol: “Alcohol is not for sale to people under the age of 18, by placing an order for alcohol products on this site you are declaring that you are 18 years of age or over. Identification will be requested from anyone looking under the age of 25.

4 HEARST MAGAZINES, SIXTH FLOOR, 33 BROADWICK STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 6th April 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Susie Burbridge

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: The Licensing Authority, The Soho Society and one local resident.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Mr Herbie Hawes and Ms Roisin Edwards (representing the applicant company) and Mr David Sycamore (Licensing Authority).

<p>Heart Magazines, Sixth Floor, 33 Broadwick Street, London, W1F 0DQ 17/00690/LIPN</p>	
<p>1.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</p>
	<p>Amendments to application advised at hearing:</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by The National Magazine Company Ltd for a new premises licence in respect of Hearst Magazines, Sixth Floor, 33 Broadwick Street, London, W1F 0DQ.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and advised that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the applicant.</p> <p>Mr Thomas, representing the applicant company, provided an outline of the proposed operation of the premises. The licenced area would be located on the sixth floor of an office building with a capacity for one hundred people. The building was occupied by Heart Magazines who were the publishers for various well-known magazine brands. The application centred on generating brand recognition and development for the magazines through holding events, most of which did not involve the consumption of alcohol. It was proposed to hold some product launches where guests attending would be provided with an alcoholic drink without charge, and such launches would not require a licence at all. For attendance at certain events the pre-purchasing of a ticket would be required and this would entitle the ticket holder to an alcoholic drink and some food. It was these events which would require a licence and it was confirmed no cash bar would be in operation. The premises would not hold events such as weddings or birthdays as the venue was located in an office building and would be utilised for brand development only.</p> <p>Ms Edwards, representing the applicant company, explained that each magazine brand held approximately four events per month. Most events were ticketed which would entitle a guest to one glass of wine. It was confirmed that the one initial glass of wine was usually the only alcohol offer available and during the events there would be no other opportunity for its consumption.</p>

In response to a question Mr Hawes, representing the applicant company, confirmed that previous events had been held at external sites. The application had been made as hosting the events internally was considered more cost effective.

Mr Thomas recognised that the premises was located in a Cumulative Impact Area (CIA) and to provide reassurance the application would not add to the cumulative impact in the area a condition would be accepted making the licence specific to Hearst Magazines. The type of events held would cater for staff of Hearst Magazines and guests attending a ticketed, pre-booked event. Alcohol would be available on entry to the event and the applicants would run most of the events held. It was envisaged a magazine brand would be able to use the venue to hold an event but the applicant would at all times manage the venue through their entertainment managers to oversee any events. The applicant was willing to accept a limit to the number of events held to ensure it did not add to the cumulative impact in the area. Mr Thomas explained that there was no scenario where the use of a cash bar for the sale of alcohol would be in use and it was not the intention of the application to operate one.

The Sub-Committee expressed concern over proposed condition 10a) and that it might be a source of confusion regarding how many bona fide guests would be able to attend events held at the premises. Mr Thomas confirmed that the applicant could remove this element of the condition to provide reassurances to the Sub-Committee about the nature of the operation.

Mr Sycamore, representing the Licensing Authority, acknowledged that the applicant had detailed the type of event to be held at the premises but expressed concern that the application was quite relaxed considering it was located in a CIA. It was also considered that it had the potential for broader events than those stated to take place at the venue. For example, in the run up to Christmas a party could be held at the venue seven days a week following which one hundred guests would disperse into the local area adding to the cumulative impact in a CIA. In response to a question about the capacity of the venue from Mr Sycamore Mr Hawes confirmed that building control had imposed a capacity of one hundred people on the venue.

Mr Thomas confirmed that the applicant was happy for the licence to be specific to Hearst Magazines and the Sub-Committee could decide to impose a limit on the number of events held each year if it felt this was necessary.

The Sub-Committee questioned if a servicing condition would be required if events were now to be held at the venue. Mr Thomas explained that due to the limited number of events held and the fact the building was already serviced regularly a further servicing condition would not be required.

The Sub-Committee carefully considered the application and did express concern about the nature of the operation and the fact it was located in a CIA. It was recognised however that the hours applied for were within the core hours policy. In order to approve the application the Sub-Committee had to be satisfied that appropriate conditions could be attached to the licence to ensure it upheld the licensing objectives and did not add to the cumulative impact in the area.

The Sub-Committee was of the opinion that conditions which required the supply of alcohol to be by waiter/waitress service only and prohibiting the use of a cash bar for the sale of alcohol would restrict what types of event could be held at the venue whilst not interfering with the current type of events held. To provide further reassurance a condition ensuring the licence was specific to Hearst Magazines would be imposed to ensure it could not be utilised by another operator at a later date without that operator seeking a variation of the licence. The Sub-Committee considered that the addition of a condition requiring a list of persons attending a pre-booked event to be held at the premises and imposing a maximum capacity of one hundred people at the premises would also ensure the application did not add to the cumulative impact in the area. The Sub-Committee was of the opinion that the nature of the conditions imposed were therefore sufficient not to limit the number of events held, would ensure the licensing objectives were promoted and would ensure the application did not add to the cumulative impact in the area. The Sub-Committee therefore granted the application accordingly.

The following conditions were amended or added to the licence:

- The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons or such lesser number imposed on the safety certificate or by other statutory regulations.
- The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building as the offices of Hearst Magazines.
- Alcohol shall not be sold or supplied otherwise than to:
 - a) Directors, partners, agents, officers and employees of the Licensee (and subsidiaries and affiliated companies thereof);
 - b) Persons attending by prior invitation to a private or pre-booked event or demonstration at the premises a list of whom is to be kept at reception and made available at the premises for inspection by the Police or an authorised officer of the City Council at all times whilst the premises is open.
- No advertising of the licensed facilities outside of the premises.
- 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.
- When the premises licence is in use, notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- In respect of bottles and waste arising from the use of the premises under this licence, no waste or recyclable materials, including bottles, shall be

	<p>moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.</p> <ul style="list-style-type: none"> • There shall be no events organised by an external promoter at the premises. • A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open. • There shall be no cash bar operating at the premises. • The supply of alcohol shall be waiter or waitress service only.
2.	<p>On Sale by Retail of Alcohol</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</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 application was granted, the reason for the decision is detailed in section 1.</p>
3.	<p>Hours Premises are Open to the Public</p> <p><i>The premises are corporate premises and staff may be present at any time.</i></p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None</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>

The application was granted, the reason for the decision is detailed 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 number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons or such lesser number imposed on the safety certificate or by other statutory regulations.
10. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building as the offices of Hearst Magazines.
11. Alcohol shall not be sold or supplied otherwise than to:
 - a) Directors, partners, agents, officers and employees of the Licensee (and subsidiaries and affiliated companies thereof);
 - b) Persons attending by prior invitation to a private or pre-booked event or demonstration at the premises a list of whom is to be kept at reception and made available at the premises for inspection by the Police or an authorised officer of the City Council at all times whilst the premises is open.
12. There shall be no advertising of the licensed facilities outside of the premises.
13. 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.
14. When the premises licence is in use, notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. In respect of bottles and waste arising from the use of the premises under this licence, no waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
16. There shall be no events organised by an external promoter at the premises.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
18. There shall be no cash bar operating at the premises.
19. The supply of alcohol shall be waiter or waitress service only.

5 SOPHISTICATS, 3-7 BREWER STREET, W1 (VARIATION OF PREMISES LICENCE LA03)

LICENSING SUB-COMMITTEE No. 3

Thursday 6th April 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Susie Burbridge

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, The Metropolitan Police, The Soho Society and three local residents.

Present: Ms Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Ms Carmen Alonso (representing the applicant company), Mr Anil Drayan (Environmental Health), Sgt Paul Hoppe (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/14154/LIPV																	
1.	Recorded Music																
	<table border="0"> <thead> <tr> <th><u>Current</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>Indoors</td> <td>Indoors</td> </tr> <tr> <td>Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00</td> <td>Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00</td> </tr> <tr> <td colspan="2">Seasonal Variations/Non-Standards Timings:</td> </tr> <tr> <td></td> <td> <table border="0"> <thead> <tr> <th><u>Current</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.</td> <td>No variation applied for.</td> </tr> <tr> <td>An additional hour when British summer time commences.</td> <td></td> </tr> </tbody> </table> </td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	Indoors	Indoors	Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00	Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00	Seasonal Variations/Non-Standards Timings:			<table border="0"> <thead> <tr> <th><u>Current</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.</td> <td>No variation applied for.</td> </tr> <tr> <td>An additional hour when British summer time commences.</td> <td></td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.	No variation applied for.	An additional hour when British summer time commences.	
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	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 Ltd for a variation of a premises licence in respect of 3-7 Brewer Street, London, W1F 0RD.

The Chairman confirmed that the applicant had submitted two different applications for the premises, a variation of the premises licence under the Licensing Act 2003 and a variation of the Sexual Entertainment Venue (SEV) premises licence. With the agreement of all the parties present it was decided to hear both applications simultaneously.

The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that with regard to the variation of the SEV three of the four residential objectors had waived their right to anonymity.

The Council's Legal Adviser confirmed to all parties present that the Sub-Committee consisted of three Members of the Majority Party. The Sub-Committee could proceed with the hearing as the political balance requirements in the Local Government and Housing Act 1989 would not apply to any matters referred to the Licensing Sub-Committees. The 1989 Act only applied to any ordinary committee or ordinary sub-committee of the authority. These were defined to include the authority's social services committee or any other committee of the authority appointed under section 102(1)(a) of the Local Government Act 1972 [Schedule 1, paragraph 4(2) of the 1989 Act]. The Licensing Committee and the Licensing Sub-Committees were all appointed under the Licensing Act 2003.

Ms Le Fevre, representing the applicant company, explained that both applications were very narrow in scope and simply proposed to extend the permitted hours for licensable activities to 03:00 on Sundays and introduce a mirroring provision for when Temporary Event Notices (TENS) were applied for to also allow the relevant entertainment to be extended accordingly without making a separate application. The SEV variation was not an uncommon application and the Police had no objections regarding this.

Ms Le Fevre explained that the application represented a careful reflection on the issues raised when previous applications had come before the Sub-Committee on 1 December 2016. Those applications had been granted until 03.00 every day of the week (06.00 had been sought) except for Sunday where the hours were restricted to 23.00. The Sub-Committee then was of the opinion that there was a lack of evidence to suggest that the application was an exception to policy. The Sub-Committee had accepted the professionalism of the applicant however further evidence was required of the operation in practice. It had been indicated that once evidence could be provided of how the operation would impact on the local area a new application could be made. The evidence required was now available, details of which would be provided to the Sub-Committee. The proposed applications were restricted however a degree of

flexibility was required regarding extending the hours on a Sunday. The evidence would provide reassurance that the applicant was a responsible operator who was attempting to try to become a valuable member of the local community. The Sub-Committee was advised that since the original application had been made in December 2016 the number of residential objections received when the new application had been made had reduced significantly. The Police's previous concern that their resources diminished after 03:00 had been recognised and explained why the new application was only seeking to extend the hours until 03:00 on Sundays. Environmental Health also recognised that premises of this type were heavily regulated and if successfully operated posed no threat to the licensing objectives under either regime.

Ms Le Fevre made reference to some of the representations made and references to policy concerns about the character of the locality and the layout and character of the premises. None of these had changed since the hearing in December with nothing to give rise to concern under the Council's Licensing Policies. The application was still a very recent and fundamental change from what was previously operated at the site which had been alcohol driven and a source of nuisance to local residents. The applicant had invested £1.68 million into the premises and reduced its capacity from 300 persons to 100, both aspects of which were capable of making it an exception to policy. The applicant was grateful that the Council had recognised that the venue came under Policy PEC2 as it was a performance venue and this was a proper characterisation of the operation in place. The Policy stated that such premises, even if they were located within a Cumulative Impact Area (CIA), would be granted if they could demonstrate they wouldn't add to the cumulative impact in the area. The applicant had evidence this was the case and the application would not increase cumulative impact in the area and would in fact benefit the local community. A system was in place where if the venue was at capacity or customers were having to queue to enter the premises arrangements could be made to take these customers to the applicants other venue in Marylebone. The Sub-Committee was advised though that during the four months the premises had been open no queues had formed outside the venue even during their busiest periods. When a customer arrived it would take them a period of ninety seconds to enter the premises and have access to the regulated entertainment inside. A high ratio of staff to customers was operated at all times to provide a greater degree of control at the premises, resulting in approximately seventy-eight staff usually in attendance. Tisbury Court, located at the rear of the premises, was recognised as a problem area in Soho however the applicant had subsequently introduced high visibility security staff to monitor the thoroughfare resulting in a significant improvement. Positive feedback had been received from local businesses and the Sub-Committee was advised that Charing Cross Police Station had contacted the applicant to work cooperatively to monitor the area. This revealed the positive impact the applicant was having on the local area. A dispersal policy for the premises had been implemented and the applicant was willing to ensure this was appropriately conditioned to provide reassurances to a concern raised by the Police. All staff had been instructed in ensuring there was no noise nuisance generated from the premises and this would be reinforced through regular training sessions. As part of this drive to minimise noise disruption monitoring had been undertaken of the rear door at Tisbury Court which was used by the performers. This had revealed that there was only limited

use of the door.

Ms Le Fevre addressed the Police's concern that only a limited amount of communication had been undertaken with local residents. In fact a great deal of communication had been instigated including commissioning an acoustic report at their properties and sending a written letter to them following the submission of the applications before the Sub-Committee. The applicant was unaware of any noise complaints being submitted apart from the banging of the rear door at Tisbury Court which had since been addressed.

With regards to the application for the SEV variation Ms Le Fevre acknowledged that the applicant had a statutory number of TENS it would be able to operate. What the applicant wished to do, and what the dual licensing precluded them from doing unless that mirroring condition was in place, was ensure licensable activities would be permitted at the same time without making a separate application. It was recognised that residents did not receive notice of a TENS application and unfortunately this was a function of the relevant legislation. Both the Police and Environmental Health would be notified and they could make an objection if they had any concerns with regards to the TENS upholding the licensing objectives. The Sub-Committee was advised the applications were very narrow and provided a proper basis to depart from the Policy.

Mr Drayan, representing Environmental Health, advised that as the applicant was seeking to extend the hours for licensable activities to 03:00 hours in a CIA it had to demonstrate that it would not create a nuisance, particularly from within the premises. It was acknowledged that acoustic work had been undertaken to soundproof the venue and aside from an issue with the rear door this had been regarded as successful. As such Environmental Health had no issues that noise was emanating from the premises. In terms of dispersal of customers the operation had significantly improved any issues which had arisen under the previous operators. There was no evidence the premises created any noise nuisance, even on a Sunday night, and therefore with the dispersal policy in place Environmental Health had no issues with granting the proposed extension of hours until 03:00. To minimise the use of the rear door which had created a noise issue it was requested that a condition be placed on the licence to ensure staff used the Brewer Street entrance to enter and exit the premises. The Sub-Committee examined the monitoring undertaken by the applicant of the use of the rear door at Tisbury Court and highlighted a period where staff were talking outside the premises for ten minutes and the potential noise disturbance this could cause. Mr Drayan explained that this had not been reported to Environmental Health and Tisbury Court was recognised as already being a noisy area.

Mr Sycamore, representing the Licensing Authority, explained that the core hours for an SEV was 22:30 on a Sunday and this application was a significant departure from those hours. It was acknowledged that the area where the premises was located was busy however any noise levels did significantly quieten down on Sundays. If the application was granted for an extension in hours to 03:00 on Sundays this had the potential to create public nuisance. With regard to the TENS application concern was raised that residents would not be fully aware of any extended hours for sexual entertainment applied for.

Sgt Paul Hoppe, representing the Metropolitan Police, was of the opinion that it was a considerable increase to extend the hours for licensable activities by four hours. The dispersal plan in place was only an outline plan and unless this was conditioned it was not enforceable. It was also suggested that if the Sub-Committee was minded to grant the application security staff should remain in the area for thirty minutes after the premises closed to ensure the safety of customers leaving and minimise any potential noise impact. The residents' concerns had been noted and it was acknowledged the increase in hours could potentially impact on local residents having to wake up early to go to work on Monday mornings. In terms of what police resources were available on a Sunday evening Sgt Hoppe confirmed that staffing was scheduled according to need. Friday and Saturday nights usually required the greatest Police resources with Sunday traditionally not regarded as a period when people sought late night entertainment.

Mr Brown, from Westminster Citizens Advice Bureau, addressed the applicants claim there had been a significant drop in residents' objections from December 2016 and cautioned very strongly against extrapolating from that statement that there was now less residential concern. The original decision in December granted the new licence application and restricted the hours to 03:00 Monday to Saturday and 23:00 on Sundays. The residents had been disappointed by the hours granted but it was recognised that there had been no noise disturbance emanating from inside the premises. The Sub-Committee in December 2016 stated that it had not heard any evidence that would provide it with confidence that granting the licence to 06:00 would promote the licensing objectives. The importance of communication had also been stressed however there had subsequently been very little liaison from the applicant. Some noise testing had been undertaken and the residents had received a letter from the applicants' solicitor but no direct contact had been entered into. It was confirmed that the original decision was in the process of being appealed and what the Sub-Committee was being asked to do was go behind that original decision and essentially acknowledge that that decision was wrong. This was something that could potentially be damaging to the Council's case on the appeal. It was suggested that the Sub-Committee was not the proper forum for this and rather than apply for a variation three weeks after the original decision was made to grant the current hours this should be dealt with by the appeal. It was also suggested that the assertion that the premises had been operating without any issues for four months was not a proper snapshot and any meaningful evidence could only be obtained over a longer period of time.

Mr Brown drew the Sub-Committee's attention to the fact that a lot of the evidence provided related to Monday to Saturday whilst the application was concerned with Sundays. A Sunday night in Soho was very different from any other day of the week as it was much quieter and section 2.3.3 of the Licensing Policy acknowledged that residents could expect additional respite on Sundays. Section 2.5.5 of the SEV Policy stated that earlier closing hours should be implemented when there was a working day the next day. Residents had commented that the relative peace they did receive on Sundays made the noise nuisance from Monday to Saturday endurable. The applicant had submitted information which detailed other SEV premises which operated until 03:00 on

Sundays, what this information did not reflect was that there were also numerous premises which were restricted to 23:00 on Sundays including Stringfellows. So it was not the case that all SEV licences operated later than 23:00 on Sundays. The Sub-Committee had to make a decision on these applications based on their merits and stressed that the residents in Soho required some respite on a Sunday from noise disturbance.

Mr Brown commented on the instruction provided to performers that they had to enter the premises from the front door and only use the rear door in exceptional circumstances. Having assessed the monitoring log provided of the back door it was suggested that it appeared to be used on a very regular basis. The dispersal policy put in place was the same as the one provided at the hearing in December 2016 and finally any extra noise generated on the street by customers on a Sunday evening would be disruptively loud to local residents. In conclusion the Sub-Committee was requested to uphold the decision made in December 2016.

Ms Le Fevre commented that the activity log detailing the usage of the back door of the premises did detail a ten minute period when staff were talking outside. This though provided evidence of the comprehensive nature of the log provided to the Sub-Committee and of the honest nature of the applicants. Environmental Health had confirmed that the premises, and the increase in hours on a Sunday, were of no concern.

Mr McKeown, representing the applicant company, confirmed that a great deal of communication had been entered into with local residents. Subsequently two major issues had been dealt with, one regarding waste actually related to nearby newsagents and the other related to staff talking outside which it was discovered worked at another premises. There had been less communication since January 2017 and this was a result of there being no problems arising. The premises was able to operate effectively on Sundays without causing any disturbance and it was requested that an opportunity be provided to prove this. The capacity of the venue had been reduced to one hundred persons and it was hoped the extension in hours would make the premises more financially viable.

The Sub-Committee carefully considered the application and the evidence submitted by all parties. The Sub-Committee was aware of the background to the application and the original application that went to a hearing in December 2016. It was recognised that it was a professionally run premises and no major concerns arising from its operation had been reported in the previous few months. This was due to the work undertaken by the applicant, not only in updating the premises to prevent any noise disturbance, but also in ensuring the local area outside the premises was more closely monitored to minimise any impact on local residents. The Sub-Committee was of the opinion though that Sundays were to be considered different to other days of the week and this was reflected in the Council's Licensing Policy. The local area was acknowledged as one of activity and noise however it was felt Sunday was the one day when residents could expect some respite from any disturbance. The Council's Licensing Policy position was clear in stating that an applicant always had to demonstrate that an application in the CIA would not add to cumulative impact and it was considered that the burden was particularly onerous on a Sunday

night. The members of the Licensing Sub-Committee did not think that the applicants had demonstrated that the application would not add to cumulative impact and agreed with Mr Brown that noise and general disturbance would sound disproportionately loud on a Sunday night. Despite the premises being a well-run establishment the Policy did not address this and rather addressed the overall impact such an application would have on the CIA late at night. The members did note the views expressed by the Environmental Health Service but did not find them compelling on this occasion. It was considered that they were concentrating on how the premises managed the situation within the immediate proximity to the premises rather than the inability to manage the way that customers would behave once they had left the immediate area.

In this case no further evidence had been provided that customers leaving the premises would immediately leave the CIA and that meant that there was the potential for an increase in public nuisance and crime and disorder. Whilst it was recognised that there was no policy to refuse applications for SEV premises, the fact remained that the sale and consumption of alcohol until the early hours of the morning would be a major concern, even with a reduced capacity of 100 persons, and that was especially so during the later hours on a Sunday evening and the early hours on Monday morning which were not comparable with a Friday or Saturday night. The dispersal policy did not actually address those concerns. Nothing had been forthcoming from the applicants which allowed the members to conclude that there should be any change to the decision that had been taken back in December 2106. In those circumstances, the Sub-Committee therefore resolved that the application should be refused.

2. Performance of Live Music

Current

Proposed

Indoors

Indoors

Monday to Saturday 09:00 to 03:00
Sunday 09:00 to 23:00

Monday to Saturday 09:00 to 03:00
Sunday 09:00 to 03:00

Seasonal Variations/Non-Standards Timings:

Current

Proposed

From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

No variation applied for.

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 application was refused; the reason for the decision is detailed in section 1.	
3.	Performance of Dance	
	<u>Current</u> Indoors Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00	<u>Proposed</u> Indoors Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00
	Seasonal Variations/Non-Standards Timings:	
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	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): The application was refused; the reason for the decision is detailed in section 1.	
4.	Anything of a Similar Description	
	<u>Current</u> Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00	<u>Proposed</u> Indoors Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00

Seasonal Variations/Non-Standards Timings:	
<u>Current</u>	<u>Proposed</u>
From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.	No variation applied for.
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 application was refused; the reason for the decision is detailed in section 1.	
5. Late Night Refreshment	
<u>Current</u>	<u>Proposed</u>
Monday to Saturday 09:00 to 03:00	Indoors Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00
Seasonal Variations/Non-Standards Timings:	
<u>Current</u>	<u>Proposed</u>
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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 application was refused; the reason for the decision is detailed in section 1.	

6.	On Sales by Retail of Alcohol												
	<table border="0"> <tr> <td data-bbox="268 241 379 275"><u>Current</u></td> <td data-bbox="842 241 983 275"><u>Proposed</u></td> </tr> <tr> <td data-bbox="268 315 772 387">Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00</td> <td data-bbox="842 315 1347 387">Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00</td> </tr> <tr> <td colspan="2" data-bbox="268 427 943 461">Seasonal Variations/Non-Standards Timings:</td> </tr> <tr> <td data-bbox="268 501 379 535"><u>Current</u></td> <td data-bbox="842 501 983 535"><u>Proposed</u></td> </tr> <tr> <td data-bbox="268 575 794 680">From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.</td> <td data-bbox="842 575 1182 609">No variation applied for.</td> </tr> <tr> <td colspan="2" data-bbox="268 721 715 792">An additional hour when British summer time commences.</td> </tr> </table>	<u>Current</u>	<u>Proposed</u>	Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00	Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 03:00	Seasonal Variations/Non-Standards Timings:		<u>Current</u>	<u>Proposed</u>	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.	No variation applied for.	An additional hour when British summer time commences.	
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	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was refused; the reason for the decision is detailed in section 1.</p>												
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From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.	No variation applied for.												
An additional hour when British summer time commences.													
	<p>Amendments to application advised at hearing:</p> <p>None.</p>												

	Decision (including reasons if different from those set out in report): The application was refused; the reason for the decision is detailed in section 1.
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6 SOPHISTICATS, 3-7 BREWER STREET, W1 (VARIATION OF SEXUAL ENTERTAINMENT VENUE PREMISES LICENCE)

LICENSING SUB-COMMITTEE No. 3

Thursday 6th April 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Susie Burbridge

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and four local residents.

Present: Ms Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Ms Carmen Alonso (representing the applicant company), Mr Anil Drayan (Environmental Health), Sgt Paul Hoppe (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/14145/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 terminal hour for relevant entertainment on Sunday's until 03:00 the following morning. <p>and to add the following condition:</p> <ul style="list-style-type: none"> • At times when a Temporary Event Notice under the Licensing Act 2003 is in force extending the permitted hours for the premises, the hours for the provision of relevant entertainment (as defined by the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate application in respect of this licence. The licence holder will make clear in writing in the Temporary Event Notice that the

	<p>effect of the notice will also be to extend the hours for the provision of relevant entertainment.</p>
	<p>Amendments to application advised at hearing:</p>
	<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 vary the sexual entertainment venue premises licence in respect of 3-7 Brewer Street, London, W1F 0RD.</p> <p>The Sub-Committee considered an application by Devine Restaurants Ltd for a variation of a sexual entertainment venue premises licence in respect of 3-7 Brewer Street, London, W1F 0RD.</p> <p>The Chairman confirmed that the applicant had submitted two different applications for the premises, a variation of the premises licence under the Licensing Act 2003 and a variation of the Sexual Entertainment Venue (SEV) premises licence. With the agreement of all the parties present it was decided to hear both applications simultaneously.</p> <p>The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that with regard to the variation of the SEV three of the four residential objectors had waived their right to anonymity.</p> <p>The Council's Legal Adviser confirmed to all parties present that the Sub-Committee consisted of three Members of the Majority Party. The Sub-Committee could proceed with the hearing as the political balance requirements in the Local Government and Housing Act 1989 would not apply to any matters referred to the Licensing Sub-Committees. The 1989 Act only applied to any ordinary committee or ordinary sub-committee of the authority. These were defined to include the authority's social services committee or any other committee of the authority appointed under section 102(1)(a) of the Local Government Act 1972 [Schedule 1, paragraph 4(2) of the 1989 Act]. The Licensing Committee and the Licensing Sub-Committees were all appointed under the Licensing Act 2003.</p> <p>Ms Le Fevre, representing the applicant company, explained that both applications were very narrow in scope and simply proposed to extend the permitted hours for licensable activities to 03:00 on Sunday and introduce a mirroring provision for when Temporary Event Notices (TENS) were applied for to also allow the relevant entertainment to be extended accordingly without making a separate application. The SEV variation was not an uncommon application and the Police had no objections regarding this.</p> <p>Ms Le Fevre explained that the application represented a careful reflection on the issues raised when previous applications had come before the Sub-Committee on 1 December 2016. Those applications had been granted until 03.00 every day of the week (06.00 had been sought) except for Sunday where the hours restricted to 23.00. The Sub-Committee then was of the opinion that</p>

there was a lack of evidence to suggest that the application was an exception to policy. The Sub-Committee had accepted the professionalism of the applicant however further evidence was required of the operation in practice. It had been indicated that once evidence could be provided of how the operation would impact on the local area a new application could be made. The evidence required was now available, details of which would be provided to the Sub-Committee. The proposed applications were restricted however a degree of flexibility was required regarding extending the hours on a Sunday. The evidence would provide reassurance that the applicant was a responsible operator who was attempting to try to become a valuable member of the local community. The Sub-Committee was advised that since the original application had been made in December 2016 the number of residential objections received when the new application had been made had reduced significantly. The Police's previous concern that their resources diminished after 03:00 had been recognised and explained why the new application was only seeking to extend the hours until 03:00 on Sundays. Environmental Health also recognised that premises of this type were heavily regulated and if successfully operated posed no threat to the licensing objectives under either regime.

Ms Le Fevre made reference to some of the representations made and references to policy concerns about the character of the locality and the layout and character of the premises. None of these had changed since the hearing in December with nothing to give rise to concern under the Council's Licensing Policies. The application was still a very recent and fundamental change from what was previously operated at the site which had been alcohol driven and a source of nuisance to local residents. The applicant had invested £1.68 million into the premises and reduced its capacity from 300 persons to 100, both aspects of which were capable of making it an exception to policy. The applicant was grateful that the Council had recognised that the venue came under Policy PEC2 as it was a performance venue and this was a proper characterisation of the operation in place. The Policy stated that such premises, even if they were located within a Cumulative Impact Area (CIA), would be granted if they could demonstrate they wouldn't add to the cumulative impact in the area. The applicant had evidence this was the case and the application would not increase cumulative impact in the area and would in fact benefit the local community. A system was in place where if the venue was at capacity or customers were having to queue to enter the premises arrangements could be made to take these customers to the applicants other venue in Marylebone. The Sub-Committee was advised though that during the four months the premises had been open no queues had formed outside the venue even during their busiest periods. When a customer arrived it would take them a period of ninety seconds to enter the premises and have access to the regulated entertainment inside. A high ratio of staff to customers was operated at all times to provide a greater degree of control at the premises, resulting in approximately seventy-eight staff usually in attendance. Tisbury Court, located at the rear of the premises, was recognised as a problem area in Soho however the applicant had subsequently introduced high visibility security staff to monitor the thoroughfare resulting in a significant improvement. Positive feedback had been received from local businesses and the Sub-Committee was advised that Charing Cross Police Station had contacted the applicant to work cooperatively to monitor the area. This revealed the positive impact the applicant was having on the local area. A

dispersal policy for the premises had been implemented and the applicant was willing to ensure this was appropriately conditioned to provide reassurances to a concern raised by the Police. All staff had been instructed in ensuring there was no noise nuisance generated from the premises and this would be reinforced through regular training sessions. As part of this drive to minimise noise disruption monitoring had been undertaken of the rear door at Tisbury Court which was used by the performers. This had revealed that there was only limited use of the door.

Ms Le Fevre addressed the Police's concern that only a limited amount of communication had been undertaken with local residents. In fact a great deal of communication had been instigated including commissioning an acoustic report at their properties and sending a written letter to them following the submission of the applications before the Sub-Committee. The applicant was unaware of any noise complaints being submitted apart from the banging of the rear door at Tisbury Court which had since been addressed.

With regards to the application for the SEV variation Ms Le Fevre acknowledged that the applicant had a statutory number of TENS it would be able to operate. What the applicant wished to do, and what the dual licensing precluded them from doing unless that mirroring condition was in place, was ensure licensable activities would be permitted at the same time without making a separate application. It was recognised that residents did not receive notice of a TENS application and unfortunately this was a function of the relevant legislation. Both the Police and Environmental Health would be notified and they could make an objection if they had any concerns with regards to the TENS upholding the licensing objectives. The Sub-Committee was advised the applications were very narrow and provided a proper basis to depart from the Policy.

Mr Drayan, representing Environmental Health, advised that as the applicant was seeking to extend the hours for licensable activities to 03:00 hours in a CIA it had to demonstrate that it would not create a nuisance, particularly within the premises. It was acknowledged that acoustic work had been undertaken to soundproof the venue and aside from an issue with the rear door this had been regarded as successful. As such Environmental Health had no issues that noise was emanating from the premises. In terms of dispersal of customers the operation had significantly improved any issues which had arisen under the previous operators. There was no evidence the premises created any noise nuisance, even on a Sunday night, and therefore with the dispersal policy in place Environmental Health had no issues with granting the proposed extension of hours until 03:00. To minimise the use of the rear door which had created a noise issue it was requested that a condition be placed on the licence to ensure staff used the Brewer Street entrance to enter and exit the premises. The Sub-Committee examined the monitoring undertaken by the applicant of the use of the rear door at Tisbury Court and highlighted a period where staff were talking outside the premises for ten minutes and the potential noise disturbance this could cause. Mr Drayan explained that this had not been reported to Environmental Health and Tisbury Court was recognised as already being a noisy area.

Mr Sycamore, representing the Licensing Authority, explained that the core

hours for an SEV was 22:30 on a Sunday and this application was a significant departure from those hours. It was acknowledged that the area where the premises was located was busy however any noise levels did significantly quieten down on Sundays. If the application was granted for an extension in hours to 03:00 on Sundays this had the potential to create public nuisance. With regard to the TENS application concern was raised that residents would not be fully aware of any extended hours for sexual entertainment applied for.

Sgt Paul Hoppe, representing the Metropolitan Police, was of the opinion that it was a considerable increase to extend the hours for licensable activities by four hours. The dispersal plan in place was only an outline plan and unless this was conditioned it was not enforceable. It was also suggested that if the Sub-Committee was minded to grant the application security staff should remain in the area for thirty minutes after the premises closed to ensure the safety of customers leaving and minimise any potential noise impact. The residents' concerns had been noted and it was acknowledged the increase in hours could potentially impact on local residents having to wake up early to go to work on Monday mornings. In terms of what police resources were available on a Sunday evening Sgt Hoppe confirmed that staffing was scheduled according to need. Friday and Saturday nights were usually required the greatest Police resources with Sunday traditionally not regarded as a period when people sought late night entertainment.

Mr Brown, from Westminster Citizens Advice Bureau, addressed the applicants claim there had been a significant drop in residents' objections from December 2016 and cautioned very strongly against extrapolating from that statement that there was now less residential concern. The original decision in December granted the new licence application and restricted the hours to 03:00 Monday to Saturday and 23:00 on Sundays. The residents had been disappointed by the hours granted but it was recognised that there had been no noise disturbance emanating from inside the premises. The Sub-Committee in December 2016 stated that it had not heard any evidence that would provide it with confidence that granting the licence to 06:00 would promote the licensing objectives. The importance of communication had also been stressed however there had subsequently been very little liaison from the applicant. Some noise testing had been undertaken and the residents had received a letter from the applicants' solicitor but no direct contact had been entered into. It was confirmed that the original decision was in the process of being appealed and what the Sub-Committee was being asked to do was go behind that original decision and essentially acknowledge that that decision was wrong. This was something that could potentially be damaging to the Council's case on the appeal. It was suggested that the Sub-Committee was not the proper forum for this and rather than apply for a variation three weeks after the original decision was made to grant the current hours this should be dealt with by the appeal. It was also suggested that the assertion that the premises had been operating without any issues for four months was not a proper snapshot and any meaningful evidence could only be obtained over a longer period of time.

Mr Brown drew the Sub-Committee's attention to the fact that a lot of the evidence provided related to Monday to Saturday whilst the application was concerned with Sundays. A Sunday night in Soho was very different from any

other day of the week as it was much quieter and section 2.3.3 of the Licensing Policy acknowledged that residents could expect additional respite on Sundays. Section 2.5.5 of the SEV Policy stated that earlier closing hours should be implemented when there was a working day the next day. Residents had commented that the relative peace they did receive on Sundays made the noise nuisance from Monday to Saturday endurable. The applicant had submitted information which detailed other SEV premises which operated until 03:00 on Sundays, what this information did not reflect was that there were also numerous premises which were restricted to 23:00 on Sundays including Stringfellows. So it was not the case that all SEV licences operated later than 23:00 on Sundays. The Sub-Committee had to make a decision on these applications based on their merits and stressed that the residents in Soho required some respite on a Sunday from noise disturbance.

Mr Brown commented on the instruction provided to performers that they had to enter the premises from the front door and only use the rear door in exceptional circumstances. Having assessed the monitoring log provided of the back door it was suggested that it appeared to be used on a very regular basis. The dispersal policy put in place was the same as the one provided at the hearing in December 2016 and finally any extra noise generated on the street by customers on a Sunday evening would be disruptively loud to local residents. In conclusion the Sub-Committee was requested to uphold the decision made in December 2016.

Ms Le Fevre commented that the activity log detailing the usage of the back door of the premises did detail a ten minute period when staff were talking outside. This though provided evidence of the comprehensive nature of the log provided to the Sub-Committee and of the honest nature of the applicants. Environmental Health had confirmed that the premises, and the increase in hours on a Sunday, were of no concern.

Mr McKeown, representing the applicant company, confirmed that a great deal of communication had been entered into with local residents. Subsequently two major issues had been dealt with, one regarding waste actually related to nearby newsagents and the other related to staff talking outside which it was discovered worked at another premises. There had been less communication since January 2017 and this was a result of there being no problems arising. The premises was able to operate effectively on Sundays without causing any disturbance and it was requested that an opportunity be provided to prove this. The capacity of the venue had been reduced to one hundred persons and it was hoped the extension in hours would make the premises more financially viable.

There were two distinct aspects to the application made under the 1982 legislation. The first concerned the application to extend the hours on a Sunday night to match the hours being sought in relation to the application under the 2003 Act. It was recognised that the policy was to typically grant such hours for an SEV licence where the hours have already been granted under the 2003 Act. However, the Licensing Sub-Committee had decided not to grant the extended hours on a Sunday night in relation to the licensable activities sought under that Act. The question arising was whether a different approach should be taken with regard to the application under the 1982 Act. It was noted that the core hours

that would generally be granted on a Sunday extended to 22.30 and midnight on Sundays immediately prior to a bank holiday. Whilst there was no policy to refuse hours beyond the core hours there was nevertheless a concern that the application was seeking extended hours until 03.00 on the Monday morning.

In reaching its decision the Licensing Sub-Committee had specific regard to paragraphs 2.5.3 to 2.5.5 of its SEV policy statement. Paragraph 2.5.3 stated that the authority wished to retain opportunities for residents to have an additional respite on Sunday. Paragraph 2.5.5 stated that, in general, the conditions will be framed to ensure that closing hours on nights when residents had to get up for work the next morning were earlier than when it was less likely that they would have to do so. In those circumstances, the members did not think that they heard any evidence that could justify the granting of the additional hours until 03.00 on a Monday morning. Even in the absence of any sale or consumption of alcohol, the concerns expressed by the local residents were understandable and it was not considered appropriate for an SEV use to continue beyond 23.00.

The Sub-Committee carefully considered the second aspect of the application and was concerned that if the application was granted the right of residents to be able to object to such applications would be removed. Additional SEV legislation had been introduced over and above the Licensing Act 2003 to address concerns over proper consideration of objections. That legislation specifically allowed relevant entertainment to be provided on eleven occasions within a twelve month period without the need for an SEV licence. It was not considered to be appropriate to allow relevant entertainment to be provided as of right for any longer period simply because licensable activities could be provided under the 2003 Act by means of a Temporary Event Notice. That was particularly so when residents had no right to object to the giving of a Temporary Event Notice. Residents should have a right to be notified if a premises was seeking to extend its hours for sexual entertainment and if necessary raise legitimate concerns. The Sub-Committee was not prepared to take away such rights available to the residents simply in order to streamline the application process for the applicant. The Sub-Committee therefore resolved that the application should be refused.

7 LEON, ASTORIA HOUSE, 62 SHAFTESBURY AVENUE, W1

The item was withdrawn.

8 BASEMENT OF 3-5 WARDOUR STREET, 3-5 WARDOUR STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 6th April 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Susie Burbridge

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: The Licensing Authority

Present: Mr Shuoguang Wang (Licensing Agent, representing the applicant), Mr Chi Hung Tang and Mr Patrick Ching (representing the applicant company) and Mr David Sycamore (Licensing Authority).

Basement of 3-5 Wardour Street, 3-5 Wardour Street, London, W1D 6PB 17/00623/LIPN	
1.	On Sales by Retail of Alcohol Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30 Seasonal Variations/Non-Standard Timings: None.
	Amendments to application advised at hearing:
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Coco Chino Ltd for a new premises licence in respect of Basement of 3-5 Wardour Street, London, W1D 6PB. The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Police and Environmental Health had withdrawn their representations following the agreement of conditions with the applicant. No representations from local residents had been received. Mr Wang, representing the applicant, explained that the application was for a Chinese restaurant with a capacity for sixty persons and would not be alcohol led. Restaurant conditions would be attached to the licence and the application was for hours that were well within the core hours set out in the Council's policy. The applicant had tried to address concerns raised by the Licensing Authority

	<p>however their officers had been on leave and subsequently an agreement could not be reached by the time of the hearing.</p> <p>Mr Sycamore, representing the Licensing Authority, welcomed the addition of restaurant conditions to the licence and supported the conditions agreed with the Police and Environmental Health. However, the premises was located in a Cumulative Impact Area (CIA) and the applicant had to prove its application would not add to the cumulative impact in the area.</p> <p>In response to a question Mr Wang confirmed that the premises had been vacant for a significant period of time.</p> <p>The Sub-Committee acknowledged the nature of the premises as a restaurant and the restrictive conditions agreed with the Police and Environmental Health to ensure the premises would not be alcohol led. It was also recognised that the capacity of the premises would be limited to sixty persons. The Sub-Committee therefore considered that due to the nature of the operation and the conditions in place it would not add to cumulative impact in the area and would ensure the licensing objectives were upheld. The Sub-Committee therefore granted the application accordingly and also agreed to remove from the licence a section of condition 15 (f) which referred to scanning equipment as this was not considered appropriate for the licence.</p>
<p>2.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>None.</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 application was granted, the reason for the decision is detailed 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.

(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 number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.

10. 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 or supplied, otherwise than for consumption by 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.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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. 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
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. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

16. 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.
17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
23. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

The Meeting ended at 2.26 pm

CHAIRMAN: _____

DATE _____