



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 6th April, 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Melvyn Caplan (Chairman)
Heather Acton
Susie Burbridge

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. SUSHI SHOP, 72 WESTBOURNE GROVE, W2

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bayswater Ward / Queensway and Bayswater Cumulative Impact Area	Sushi Shop, 72 Westbourne Grove, W2	New Premises Licence	17/01077/LIPN

2. HEARST MAGAZINES, SIXTH FLOOR, 33 BROADWICK STREET, W1

(Pages 19 - 36)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward /	Hearst Magazines	New Premises	17/00690/LIPN

	West End Cumulative Impact Area	, Sixth Floor, 33 Broadwick Street, W1	Licence	
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3. SOPHISTICATS, 3-7 BREWER STREET, W1 (VARIATION OF PREMISES LICENCE LA03)

(Pages 37 - 88)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	Sophisticats, 3-7 Brewer Street, W1	Variation of Premises Licence	16/14154/LIPV

4. SOPHISTICATS, 3-7 BREWER STREET, W1 (VARIATION OF SEXUAL ENTERTAINMENT VENUE PREMISES LICENCE)

(Pages 89 - 150)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / Core CAZ North	Sophisticats, 3-7 Brewer Street, W1	Variation of Sexual Entertainment Venue Licence	16/14145/LISE VV

5. LEON, ASTORIA HOUSE, 62 SHAFTESBURY AVENUE, W1

(Pages 151 - 170)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	St James's Ward / West End	Leon, Astoria House, 62	New Premises Licence	17/01088/LIPN

	Cumulative Impact Area	Shaftesbury Avenue, W1		
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6. BASEMENT OF 3-5 WARDOUR STREET, 3-5 WARDOUR STREET, W1

(Pages 171 - 190)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	St James's Ward / West End Cumulative Impact Area	Basement Of 3-5 Wardour Street, 3-5 Wardour Street, W1	New Premises Licence	17/00623/LIPN

**Charlie Parker
Chief Executive
31 March 2017**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	6 April 2017
Licensing Ref No:	17/01077/LIPN - New Premises Licence
Title of Report:	Sushi Shop 72 Westbourne Grove London W2 5SH
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	1 February 2017		
Applicant:	Sushi Shop UK Ltd		
Premises:	Sushi Shop		
Premises address:	72 Westbourne Grove London W2 5SH	Ward:	Bayswater
		Cumulative Impact Area:	Yes
Premises description:	According to the application, the premises will operate as a takeaway sushi shop and is seeking to sell alcohol for consumption off the premises only and ancillary to the purchase of food		
Premises licence history:	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	The applicant has provided proposed conditions as part of the application (Appendix 2)		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	01.03.2017
<p>I object to the above application on grounds of public nuisance, noise, health and danger to the public.</p> <p>As a local resident, I find it extremely alarming the number of motorbikes/mopeds, parked on double yellow lines all along Westbourne Grove starting from Queensway to Hereford Road. At times, there are 2 to 4 motorbikes parked outside each restaurant on a daily basis from 5pm onwards till 10pm.</p> <p>The same has been the case with the Sushi Shop, three to four motorbikes are parked outside the shop on any given day, as per attached photos. It is rather difficult not to worry being hit by these bikes as they try to speed to their deliveries and back to maximize their deliveries for the day. I witnessed an elderly couple attempting to cross the road who narrowly missed being hit by one of them.</p> <p>They also cause congestion on a very busy highway. Since then the number of restaurants, cafes and fast food outlets has greatly increased in the area' along with motorbike deliveries. These are rapidly becoming a menace, with delivery youths, often with L plates, racing along Westbourne Grove and if parked on side streets occupying resident bays!!</p> <p>I checked with the Westminster traffic warden supervisor why delivery motorbikes are parked all along westbourne grove on double yellow lines and nobody is ticketing them vis a vis if I park my car on WG i am ticketed instantly! According to him, commercial vehicles are allowed to stop (for loading & unloading) on double yellow lines for 20 minutes before they can be ticketed, if the motorbikes have boxes at the rear they are considered commercial. The question is most of these drivers have "L" plates - are they eligible to drive commercial vehicles and whose checking if these delivery bikes are registered as commercial or private!! Why are they given 20 minutes grace - for loading/unloading a pizza or sushi box!!</p> <p>Please restrict delivery for the Sushi shop via bicycles only and no motorbikes!!!</p>	







Name:	John Zamit
Address and/or Residents Association:	South East Bayswater Residents' Association (SEBRA) Bayswater Residents' Association (BRA) 2, Claremont Court Queensway LONDON W2 5HX
Received:	28.02.2017

On behalf of the South East Bayswater Residents' Association (SEBRA) and the Bayswater Residents' Association (BRA) we object to this application on grounds of public nuisance (noise etc) and protection of minors

Not clear as to what is proposed but our members are having great problems with 'fast food' deliveries in Bayswater

Drivers, normally on motor bikes or scooter's, 'hang around' premises (in this case they wait on Double Yellow Lines outside shop blocking traffic in Westbourne Grove) causing often a 'nuisance' and noise etc.

They occupy all day WCC motorcycle bays (and not paying as move on if wardens approach) and in this case one is just down the road at corner of Garway Road and

have been 'incidents' there).

Also on deliveries how do they verify age of persons they are delivering alcohol to ensure not 'minors' ?

We had similar case recently with Cote Brassiere along the road at No 98/100 Westbourne Grove where recall special conditions attached to try and address some of our issues (although not really worked that 'well' as drivers still wait and 'hang about' outside premises)

We assume customers collecting food with alcohol have to produce 'proof of age'

We would want model conditions on deliveries times and refuse / recycling collections (especially as we believe there is a rear 'staff' entrance' at rear in very quiet residential Monmouth Place.

Assume CCTV is proposed and any purchase of alcohol (no beer / cider over 5.5% and in standard size bottles) must be 'ancillary' to purchase of a 'take-away' and other standard conditions.

We are available to attend licensing hearing to expand on our issues with this (and similar) application.

Name:	Sally Sampson
Address and/or Residents Association:	10 Hereford Mansions Hereford Road W2 5BA
Received:	01.03.2017

I would like to object to the above application on grounds of public nuisance , noise, health and danger to the public. I am co chairman of the Hereford Road Association, and have been a resident of Hereford Mansions since 2000. Since then the number of restaurants , cafes and fastfood outlets has greatly increased in the area' along with motorbike deliveries. These are rapidly becoming a menace, with delivery youths, often with L plates, racing along Westbourne Grove at high speed, making a loud noise and adding to the petrol fumes in the area.

On October 4th 2016, I witnessed the aftermath of a daytime collision between a large car and a Deliveroo motorbike, with L plates, during the daytime. The young driver was lying on the ground with blood coming out of his mouth, and I heard subsequently that he died in hospital. A horrible incident,a waste of a young life, which has left an indelible mark on my memory. I don't know whether any small children in the area saw the body - I hope not.

I would be happy to attend the licensing hearing, as I have done in the past, to speak on behalf of local residents.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy OS2 applies	<p>Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

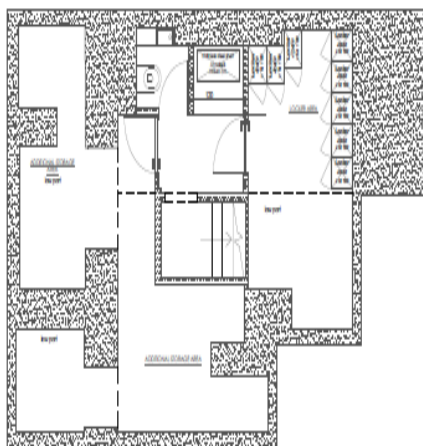
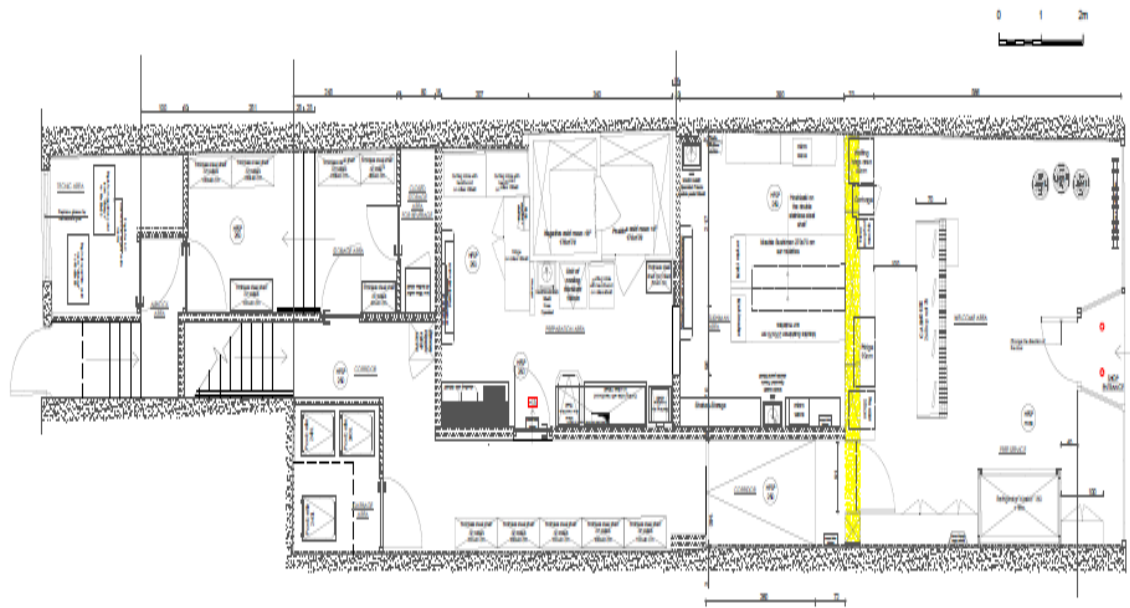
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk


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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	1 st February 2017
5	John Zamit – South East Bayswater Resident's Association (SEBRA)	28 th February 2017
6	Sally Sampson Representation	1 st March 2017
7	Sue Semlani Representation	1 st March 2017

Appendix 1



 SUSHISHOP	
- 72 Westbourne Grove - LONDRES -	
PROJET	18/05/2018
BASEMENT-GROUND FLOOR	APS 1/60-A2 3

Dimensions are given for information and ask to be verified by the contractor

01/02/17

Thomas & Thomas
Partners LLP

Application for Premises Licence
Sushi Shop, 72 Westbourne Grove, LONDON, W2 5SH

APPLICATION SUMMARY

Proposed Hours

Sale of Alcohol & Opening Hours	Monday – Sunday: 11:00 – 22:30
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NB: No non-standard timings

Proposed Conditions

1. 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.
2. 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.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
5. 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.
6. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
7. 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.
8. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system,
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
9. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

Thomas & Thomas Partners LLP, 38a Monmouth Street, London WC2H 9EP
020 7042 0410 www.tandtp.com info@tandtp.com

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

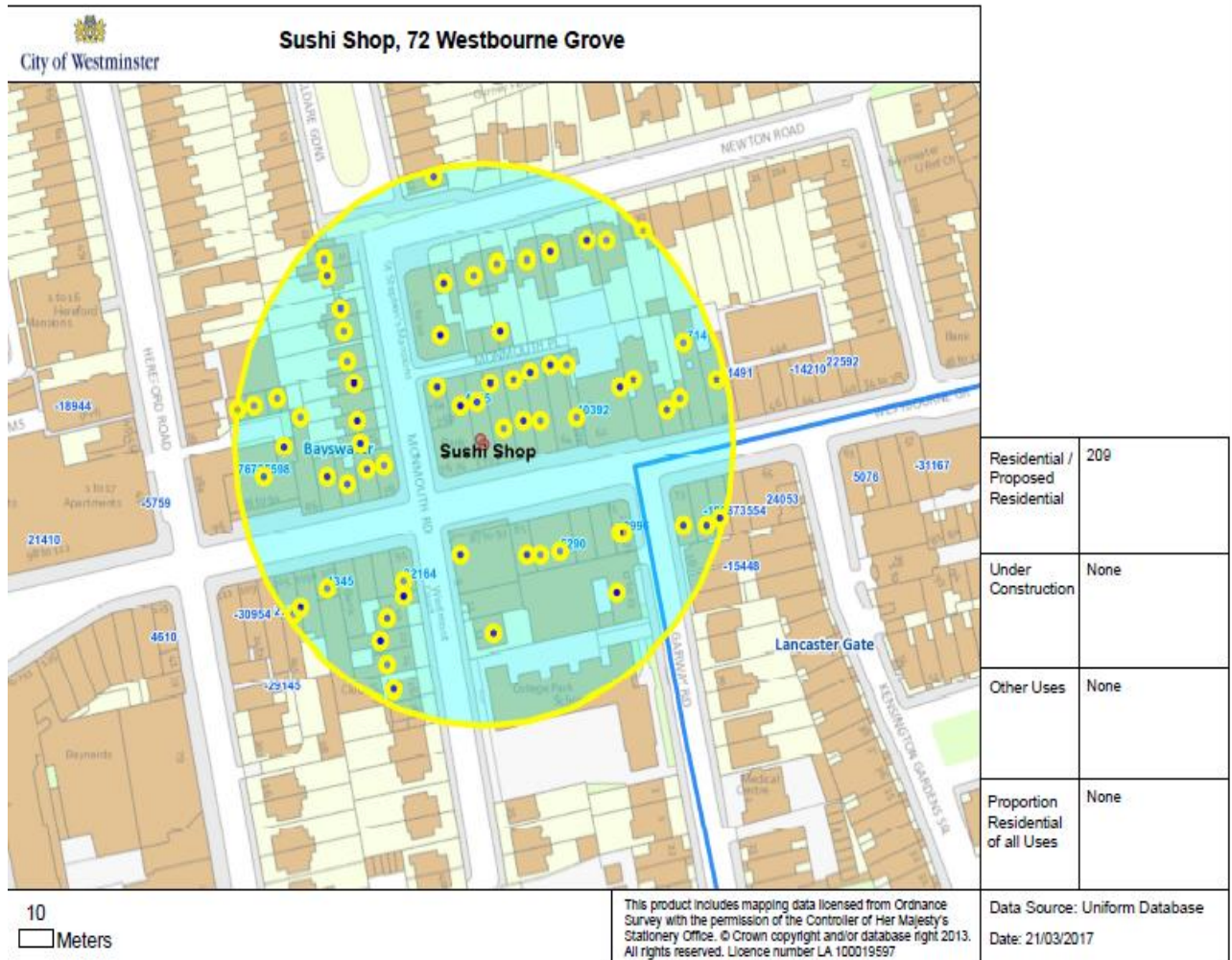
8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Proposed Conditions by the Applicant consistent with the operating schedule

9. 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.
10. 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.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
13. 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.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. 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.
16. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system,
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service
17. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.



Premises within 75 metres of: Sushi Shop 72 Westbourne Grove

p / n	Name of Premises	Premises Address	Licensed Hours
1345	Byron	103 Westbourne Grove London W2 4UW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-31491	Gourmet Burger Kitchen	50 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7672	Sainsbury's	Grove House 88 - 94 Westbourne Grove London W2 5RT	Monday to Sunday 07:00 - 23:00
-4255	Ping Pong	74-76 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5290	Artisan Du Chocolat	81 Westbourne Grove London W2 4UL	Monday to Thursday 10:00 - 19:00 Friday 10:00 - 20:00 Saturday 10:00 - 20:00 Sunday 12:00 - 17:00
32164	Bit Me Pizza	95 Westbourne Grove London W2 4UW	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
-714	C & R Restaurant	52 Westbourne Grove London W2 5SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5598	Sainsburys Supermarkets Limited	Grove House 88 - 94 Westbourne Grove London W2 5RT	Monday to Sunday 07:00 - 23:00
10392	W2 Express	62A Westbourne Grove London W2 5SH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
8996	Alwaha	75 Westbourne Grove London W2 4UL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

Item No:	
Date:	6 April 2017
Licensing Ref No:	17/00690/LIPN - New Premises Licence
Title of Report:	Hearst Magazines Sixth Floor 33 Broadwick Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 January 2017		
Applicant:	The National Magazine Company Ltd		
Premises:	Hearst Magazines		
Premises address:	Sixth Floor 33 Broadwick Street London W1F 0DQ	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	According to the application, the premises will operate as a corporate event space for in-house hospitality, located on the 6 th floor within a single-tenanted office building.		
Premises licence history:	This is an application for a new premises licence therefore no premises licence history exists.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		None					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
<i>The premises are corporate premises and staff may be present at any time.</i>							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	7 th February 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of Children from Harm <p>As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and PB2.</p> <p>The application seeks to permit the sale by retail of alcohol from 10:00 to 23:30 on each of the days Monday to Thursday, from 10:00 to 00:00 on each of the days Friday to Saturday and from 12:00 to 22:30 on Sundays. Also to permit Late Night Refreshment until 23:30 Monday to Thursday and 00:00 Friday to Saturday.</p> <p>The applicants have advised that the premises are located on the 6th floor of a corporate event space for in-house hospitality within a single-tenanted office building.</p> <p>The premises is located inside the Cumulative Impact Area.</p> <p>Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be</p>	

considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

The applicants have proposed conditions as part of their submissions which, in part restrict the sale of alcohol to:

- Persons attending by prior invitation to a private or prebooked event or demonstration at the premises a list of whom is to be kept at reception and made available for inspection by the relevant authorities immediately upon request.

Paragraphs 2.4.10 – 2.4.12 of the Policy deal with premises that operate as proprietary clubs and premises which promote private functions and are pertinent in the decision making process as to whether this type of premises is an exception to the policy.

Responsible Authority:	The Metropolitan Police
Representative:	PC Bryan Lewis
Received:	13 th February 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

2-B Other Persons	
Name:	Soho Society
Address and/or Residents Association:	St Anne's Tower 55 Dean Street London W1D 6AF
Received:	15 th February 2017
<p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.</p> <p>About The Soho Society</p>	

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

Application Summary:

Activity	Indoors/Outdoors	Alcohol Consumed	Time Period	From	To
Late Night Refreshment	Indoors		Monday to Thursday	11:00 PM	11:30 PM
Late Night Refreshment	Indoors		Friday to Saturday	11:00 PM	12:00 AM
Sale by Retail of Alcohol		On Premises	Monday to Thursday	10:00 AM	11:30 PM
Sale by Retail of Alcohol		On Premises	Friday to Saturday	10:00 AM	12:00 AM
Sale by Retail of Alcohol		On Premises	Sunday	12:00 PM	10:30 PM

New license in cumulative impact area

The proposal is for a new licensed premises in the West End Cumulative Impact Area. The new Sale by Retail of Alcohol licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. "There are private homes close by on Broadwick and Marshall Streets, and many more nearby in the surrounding streets. Residents in the immediate area are subject to noise and general nuisance every night of the week. Such new licenses should be prohibited. This application fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area.

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public

nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

Name:	Mr Simon Osborne-Smith
Address and/or Residents Association:	Flat 50, Ingestre Court Ingestre Place London W1F 0JL
Received:	2 nd February 2017

10:17 PM on 02 Feb 2017 The proposed late hours for the sale of alcohol would have an impact on local residents in the stress area due to potential noise from clients vacation the premise and potential asb therefore it is requested the business hours be reduced. In addition the sale of alcohol would add to noise from bottle disposal and collection. If bottled drinks are permitted to be sold it is requested a condition that an internal bottle crusher is used to reduce noise from collections and as per other local licence restrictions a condition added to prevent bottles being put out for collection between the hours of 10pm and 8am.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HRS1 applies:	(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872

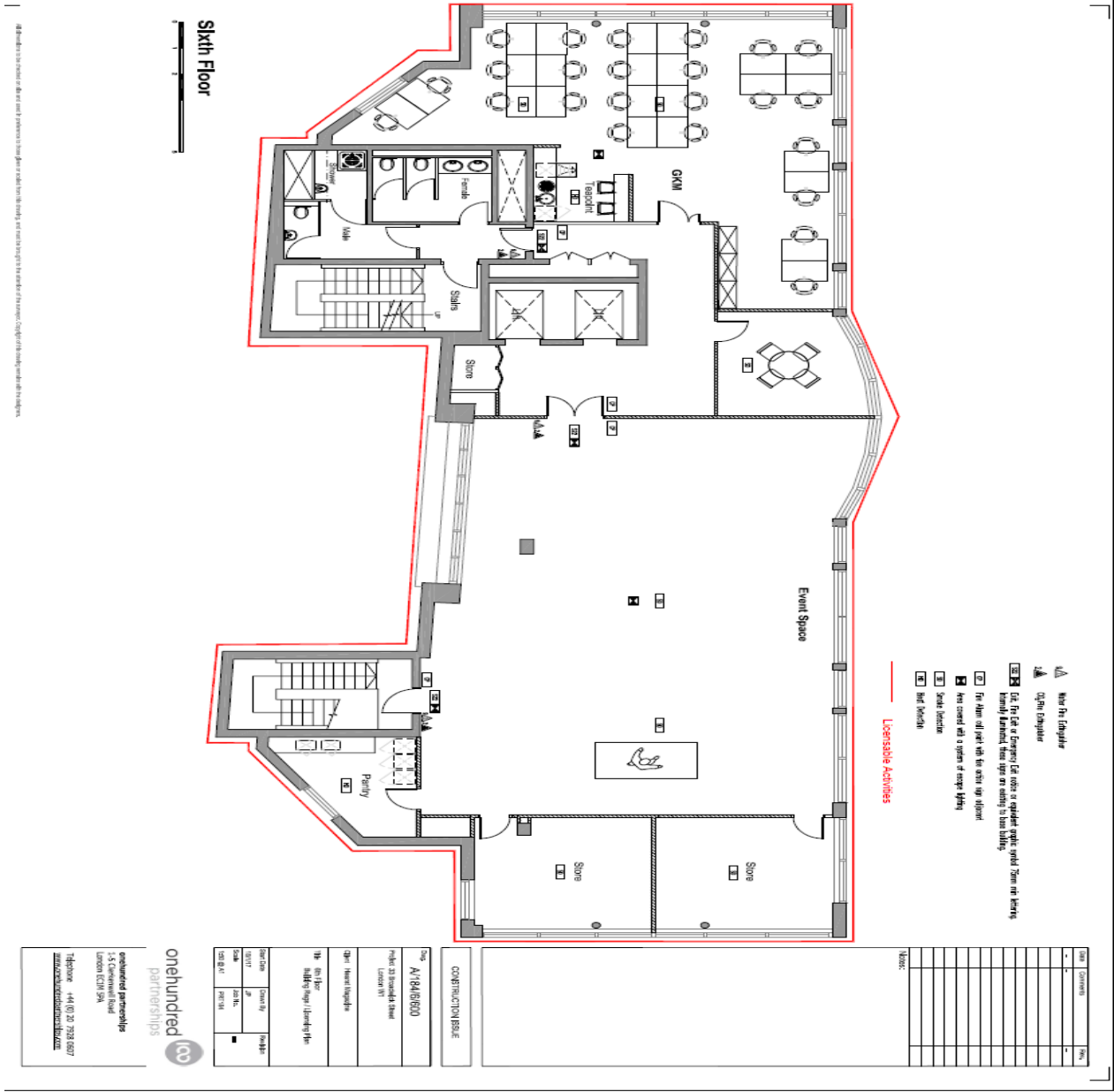
Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	20 th January 2017
5	Representation- The Licensing Authority	7 th February 2017
6	Representation- Mr Simon Osborne- Smith	2 nd February 2017
6	Representation- The Metropolitan Police	13 th February 2017
7	Representation- The Soho Society	15 th February 2017

Premises Plans



Applicant Supporting Documents

None Submitted.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

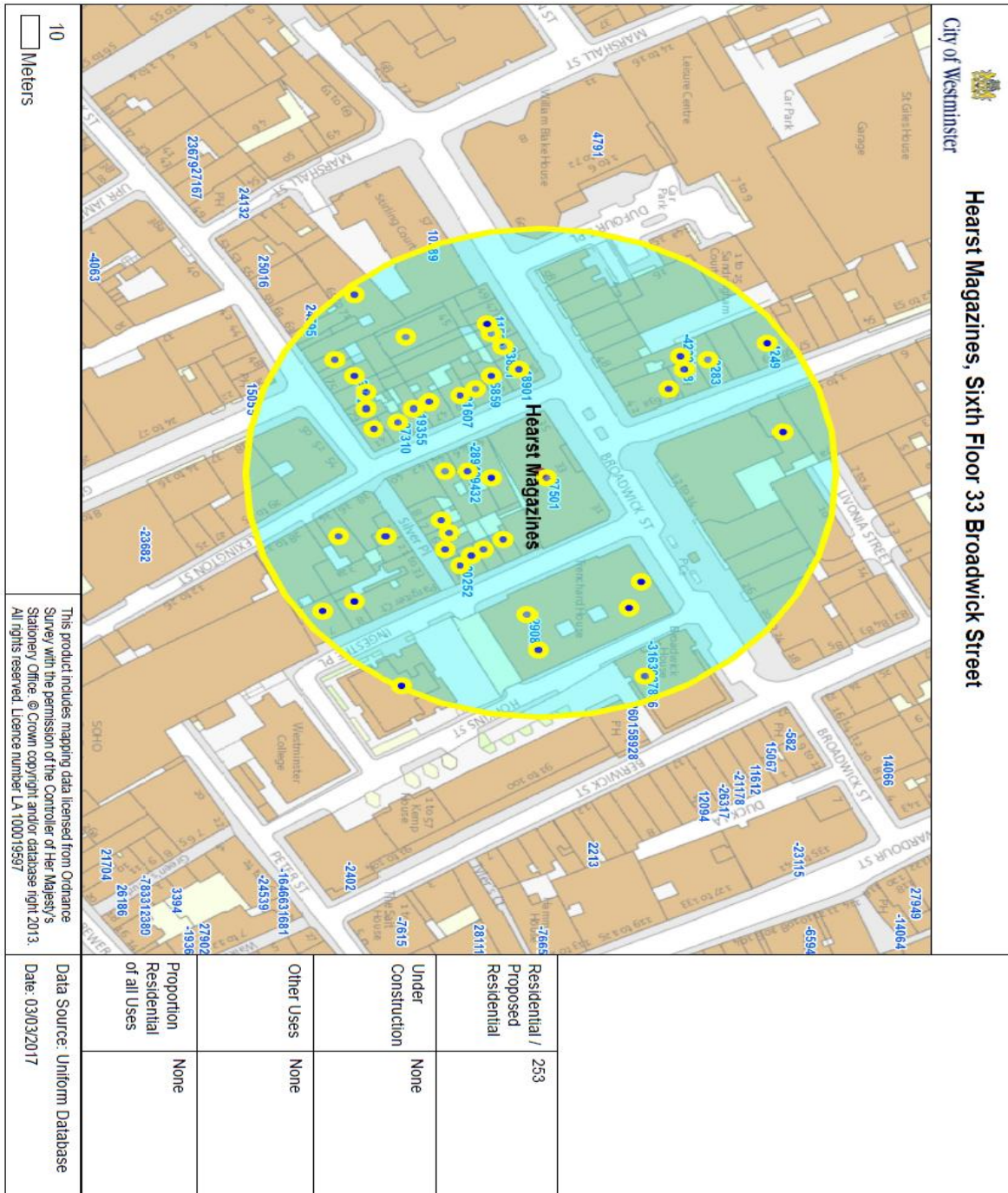
8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Proposed conditions by Applicant consistent with the operating schedule

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building as offices.
10. 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) and their bona fide guests;
 - b) Persons attending by prior invitation to a private or prebooked event or demonstration at the premises a list of whom is to be kept at reception and made available for inspection by the relevant authorities immediately upon request.
11. No advertising of the licensed facilities outside of the premises.
12. 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.
13. 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.
14. 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.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of: Hearst Magazines, Sixth Floor 33 Broadwick Street			
p / n	Name of Premises	Premises Address	Licensed Hours
2286	Star & Garter	62 Poland Street London W1F 7NX	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
31607	Aurora Restaurant	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29089	Not Recorded	Trenchard House 19 - 25 Broadwick Street London W1F 0DF	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
-2894	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
11592	Central Convenience Store	43 Broadwick Street London W1F 9QN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16859	Bao	53 Lexington Street London W1F 9AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
23801	Said London	41 Broadwick Street London W1F 9QL	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
30252	The Book Shop	12 Ingestre Place London W1F 0JF	Monday to Sunday 12:00 - 23:00
-19355	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-3792	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9SS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-423	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Monday to Sunday 10:00 - 00:30
2348	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Monday to Sunday 10:00 - 00:30
3283	Milk And Honey	61 Poland Street London W1F 7NU	Sunday 09:00 - 02:00 Monday to Saturday 09:00 - 03:30 Sundays before Bank Holidays 09:00 - 03:30
4249	Social Eating House	Ground Floor 58-59 Poland Street London W1F 7NR	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 09:00 - 23:30
18901	John Snow	39 Broadwick Street London W1F 9QJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
27310	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Sunday 08:00 - 22:00 Monday to Saturday 08:00 - 23:30
27501	Itsu	31 Broadwick Street London W1F 0DG	Monday to Sunday 09:00 - 21:30
27806	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DE	Monday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

29432	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-31636	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DE	Monday to Sunday 08:00 - 01:00



City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	6 April 2017
Licensing Ref No:	16/14154/LIPV - Premises Licence Variation
Title of Report:	Sophisticats 3-7 Brewer Street London W1F 0RD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 December 2016		
Applicant:	Devine Restaurants Ltd		
Premises:	Sophisticats		
Premises address:	3-7 Brewer Street London W1F 0RD	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a sexual entertainment venue.		
Variation description:	The application proposes to extend the permitted hours for licensable activities until 03:00am on Sunday nights (i.e. the following Monday morning) consistent with the terminal hour for licensable activities on Monday to Saturday.		
Premises licence history:	The premises applied for a Premises Licence in September 2016 and this was granted by Licensing Sub-Committee on 1 st December 2016. However, this application is subject to appeal.		
Applicant submissions:	None submitted.		

1-B Current and proposed licensable activities, areas and hours						
Recorded Music						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		

Seasonal variations/ Non-standard timings:	Current:	Proposed:
	<p>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.</p> <p>An additional hour when British summer time commences.</p>	None applied for.

Performance of live music						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	<p>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.</p> <p>An additional hour when British summer time commences.</p>				None applied for.	

Performance of dance						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard 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.			None applied for.	
		An additional hour when British summer time commences.				

Anything of a similar description						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard 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.			None applied for.	
		An additional hour when British summer time commences.				

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	23:00	03:00				
Wednesday	23:00	03:00				
Thursday	23:00	03:00				
Friday	23:00	03:00				
Saturday	23:00	03:00				
Sunday			23:00	03:00		
Seasonal variations/ Non-standard 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.			None applied for.	
		An additional hour when British summer time commences.				

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
					On sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard 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.			None applied for.	
		An additional hour when British summer time commences.				

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard 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. An additional hour when British summer time commences.				None applied for.	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
	None applied for.	
Adult entertainment:	Current position:	Proposed position:
	Relevant entertainment will be provided in accordance with the Sexual Entertainment Venue Licence.	No change.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Sgt Paul Hoppe
Received:	4 th January 2017
<p>As a responsible authority Police are objecting to the application (reference 16/14154/LIPV) on the ground of Prevention of Crime and Disorder and Public Nuisance.</p> <p>This venue was recently at Licensing sub-Committee where an application to extend the operating hours of the venue was refused. The Licensing sub-Committee encouraged engagement with the local residents over fears whether the venue would improve the character or function of the area and add to the noise and Public Nuisance experienced in the locality.</p> <p>This application gives no indication whether any local engagement has occurred. I have not as yet seen the full written decision from this meeting.</p> <p>It is for the above reasons that Police object to this application. A more detailed objection shall be forthcoming.</p>	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	17 th January 2017
<p>I refer to the application to vary Premises Licence, 16/09817/LIPN for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To extend the hours for all the licensable activities on Sundays so that they are the same as for the rest of the week, ie 9:00 to 03:00 hours the following morning. <p>I wish to make the following representation:</p> <ol style="list-style-type: none"> 1. The increase in hours for all the licensable activities requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area <p>The premises relatively recently operated under licence 16/05695/LIPDPS which had a much greater impact in terms of the licensing objectives compared to under the new licence, 16/09817/LIPN, under which the licensing activities are ancillary to an SEV licence.</p>	

Nevertheless the new licence was only granted in December 2016 and whether there has been sufficient time to assess particularly the public nuisance impact is not clear.

As the variation request for the hours extension is beyond what operated under the previous licence and is also beyond core hours the applicant is therefore asked to demonstrate, particularly the management of people arriving and departing, that the variation will not impact on this licensing objective.

2-B Other Persons			
Name:		Shivaun Nelson	
Address and/or Residents Association:		Flat 1 1 Brewer Street London W1F 0RD	
Status:	Valid	In support or opposed:	Opposed
Received:	14 th January 2017		

I am writing to object to the above license request.

I live in a one bedroom flat on the first floor directly above the premises in question overlooking Tisbury Court and have done so for 18 years.

Firstly, I spent a fair amount of time objecting to the license extensions for this place in November and took a day of work to attend the hearing in December so am perplexed as to why I am having to do this again.

From my flat I can hear internal door slamming and the fire doors onto Tisbury Court are so loud they make my flat actually shake. I am still waiting to see the report from the hearing in December as I recall them being told they can only use the doors in an emergency yet they are saying they can use it for staff to come and go which is a problem for me.

I love Sunday evenings/nights in Soho as it's the one night where I'm guaranteed complete peace as everything winds down early and "the vibrant buzz" disappears and there is a lovely sense of calm. Even the crackheads seem to go home early as there is nobody around to feed off. I would be very upset if this was taken away from me as it makes the other 6 louder/buzzier days more bearable. As we know, clubs like this, especially located in the centre of the West End, certainly don't attract quiet people who arrive and leave quietly on their own and it will only bring further noise, disturbance, crime and general "stress" to the area. No one has ever been able to open late on Sundays so please don't start now, I need one evening/night off!

Name:		Conrad Roeber	
Address and/or Residents Association:		Flat 7 1 Brewer Street W1F 0RD	
Status:	Valid	In support or opposed:	Opposed
Received:	9 th January 2017		

Sophisticats', Basement and part Ground Floor, 3-7 Brewer Street, London W1F 0RD ('the premises')

Introduction

I write to make a relevant representation in respect of the above application for a variation of the premises licence which was granted on 1 December 2016 by the licensing authority.

I am also intending to submit an objection in respect of the pending application under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') for a variation of the 'sexual entertainment venue', licence ('SEV licence'), ref: 16/14145/LIPSEVV.

The representation/objection should be read in conjunction with one another.

The application

I made relevant representations/objections in respect of the applications made in 2016 by Sophisticats for a new premises licence; for a variation of their SEV licence; and for the renewal of the SEV licence. All these applications, along with the SEV transfer application, were heard together by Licensing Sub-Committee on 1 December 2016.

The renewal application and the transfer application were granted as applied for. The new premises licence application and the SEV variation application were granted in part.

The written Decision Notice with reasons has not yet been promulgated.

As far as is relevant to this application, the decision of the Sub-Committee in respect of both applications was to grant the new premises licence and the new SEV but only to what were the hours permitted on the existing premises licence and existing SEV licence. The proposal to provide licensable activities and 'relevant entertainment' to as late as 6am was refused, as was the proposal for non-standard timings. In particular, the applications sought a terminal hour of 5am on Sundays (an increase of 5 ½ hours on the premises licence, and 6 hours on the SEV licence). This was refused, and the hours therefore remain as on the previous permissions: 11.30pm for sale of alcohol,

and 11pm for the provision of 'relevant entertainment'.

Although residents were disappointed with some aspects of the decision at the time, we were at least reassured by the fact that the hours would not change and, in particular, that the on Sunday were unchanged.

The pending applications in effect seek to go behind the decision reached by the Licensing Sub-Committee only last month, in extending the hours on a Sunday very significantly.

I object to the application the basis that:

1. The likely effect of the application if granted will be to harm the licensing objectives of 'prevention of public nuisance'; 'prevention of crime and disorder'; 'public safety'; and 'protection of children from harm.'
2. The applications are contrary to the City Council's Statement of Licensing Policy 2016 ('the Policy') and the City Council's SEV Statement of Licensing Policy ('the SEV Policy')

There is a degree of necessary overlap within the grounds for representation. I will try not to repeat myself, but I should be grateful if the objection could be read 'in the round'.

Background

I live at Flat 7, 1 Brewer Street, W1F 0RD. My flat is on the 4th floor of the building, which is in the middle and on the north side of the small block bounded by Wardour Street, Brewer Street, Tisbury Court and Rupert Street.

The entrance to the premises is part of our building (1-3 Brewer Street), which is otherwise fully residential. The main basement venue overlaps the footprint of our building. There are seven flats, each of which has a long-term tenant or is lived in by the owner (as in my case).

Reasons for objections

1. The likely effect of the application if granted will be to harm the licensing objectives of 'prevention of public nuisance'; 'prevention of crime and disorder'; 'public safety'; and 'protection of children from harm.'

If granted, the application is likely to impact adversely on all 4 licensing objectives, for the following reasons, which are non-exhaustive:

1. Sunday nights in Soho are considerably quieter than other nights of the week. Therefore, an extension of hours beyond those currently permitted on Sunday would have an even more disproportionate effect than it might do during other nights of the week, when Soho in general is busier.
2. This is reflected in the hours permitted on the former 'Shadow Lounge' licence

(and on many other similar licences in Soho). This permitted sale of alcohol and other licensable activities to 3am Mon-Sat, but only 11.30 on Sundays. The SEV licence permitted provision of 'relevant entertainment' to 11pm on Sundays.

3. It is also reflected in the hours granted by the Licensing Sub-Committee last month for the new licence to be operated by Sophisticats. No extension to those hours was granted. Residents do not understand why an application to seek to, in effect, go behind that decision has been made only 3 weeks later.
4. It is also reflected in the hours permitted for many of the other late night licences in the vicinity. As stated, this is a residential area - increasingly so, given the development of 6 Brewer Street opposite into an apartment building and other neighbouring developments such as those on Rupert Street completed within the last two-to-three years - and as a residential area, it should have a daily time of peace. Street noise ends only once the bars and clubs have closed. Few licences operate beyond 11-11.30pm on a Sunday. Bear in mind too that there are 22 (twenty-two!) dwellings facing into the very short Tisbury Court, a narrow alley in which is located the Sophisticats rear entrance, which is used as the night time exit for the 50-80 staff that typically work in the venue.
5. Dispersal of both customers *and staff* will be more problematic on Sunday night/early hours of Monday morning. The night tube does not run on Sunday nights, nor am I aware of any immediate proposals for it to do so. Buses are less frequent. Taxis are less easily available. I am therefore concerned about an increase in nuisance outside the premises. This is supported by para 2.3.3 of the Council's Statement of Licensing Policy (see below).
6. The other premises operated by the licence holder, on Welbeck Street/Marylebone Lane, does not have a licence beyond 11pm on Sundays. Therefore Sophisticats' customers do not have the option of visiting the Welbeck Street/Marylebone Lane premises, potentially increasing the intensity of use at the Brewer Street location.
7. The applicant was refused an extension of hours on Sundays at a hearing which took place only last month. The hearing was lengthy, and the Sub-Committee gave detailed consideration to all the points made by the various parties before concluding *inter alia* that an extension of hours on Sunday would not promote the licensing objectives and therefore there should be no extension whatsoever. There is nothing submitted by the applicant which demonstrates a good reason - or, indeed, any reason - why that decision should be impugned in this way.
8. In effect, the applicant is seeking to appeal the decision of the Sub-Committee on 1 December 2016 by way of a variation application.

The proposed extensions will be particularly intrusive due to noise on the street in the early hours of Monday morning, a new working week for most and a night on which residents can rightly expect a respite from problem which occur on other nights. This is

exacerbated by the changing nature of the locality.

There are existing social housing blocks on Brewer Street, significant housing on Berwick Street and – as previously stated – many (22) residential dwellings on Tisbury Court (the rear entrance / exit to the venue). But this is changing rapidly. The Walker Court development by Soho Estates is building a new and refurbishing an existing residential block directly across the road from the venue, they are adding residential to the top floors of the building undergoing refurbishment on the corner of Old Compton St and Wardour St, there are several recently-completed new residential projects on Wardour St and of course the new Trenchard House development just behind Berwick St market. There is also a major residential development, replacing what used to be a backpackers hostel further along Brewer Street. This area is changing rapidly in this respect – the immediate locality is becoming more residential.

I and others in my block are long-term Soho residents. We recognise that we have to – and do- tolerate a certain degree of noise. However, it is simply not fair to expect residents to endure the sort of all-night commotion that goes hand-in-hand with this type of establishment licensed to the proposed terminal hour.

2. The applications are contrary to the City Council's Statement of Licensing Policy 2016 ('the Policy'); and to the City Council's SEV Statement of Licensing Policy 2012 ("the SEV Policy")

The application is contrary to Policy CIP1(i), which states that it is the licensing authority's policy 'to refuse applications in the Cumulative Impact Areas' for this type of premises. This policy was properly applied by the Sub-Committee on 1 December 2016 in that they did not permit any extension of hours from those previously permitted. Nothing has changed in the (short) intervening period.

The application is contrary to Policy HRS1. The 'core hours' on a Sunday is 10.30pm. HRS1 states that 'Applications for hours outside the core hours set out below in this policy will be considered on their merits...'. For the reasons given, I would urge the licensing authority to conclude that this application does not come close to that threshold.

The application is contrary to Policy PN1. The factors identified as potentially giving rise to nuisance in PN1 (2.2.9 onwards of the Policy) should be considered even more strictly on a Sunday night.

Para 2.3.3 of the Policy states that the licensing authority is generally prepared to 'grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tub, train, bus or taxi, while retaining opportunities for residents to have an additional respite on Sunday.'

Para 2.5.3 of the SEV Policy is worded identically.

The application therefore flies in the face of this part of the Policy.

Conclusion

The application directly engages the underlying reasons for having the CIP policy, set out at para 2.4.1 and does not demonstrate why an exception should be granted.

As a resident of this increasingly residential neighbourhood in the heart of London, I believe that the City Council has a duty to strike a balance and protect residents' interests when considering applications for licences. Residents are entitled to a certain amount of peace as part of this 'balance'.

Para 2.2.10 of the Policy states that the role of the licensing authority is 'to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents...'

I would ask therefore that the applications are refused.

Name:	Grant Gillespie		
Address and/or Residents Association	1 Brewer Street London W1F		
Status:	Valid	In support of opposed:	Opposed
Received:	19 th January 2017		

I have concerns regarding the extended opening hours of Sophisticats.

Sunday is the only night where there is some respite from the noise. The other venues in the area shut at 11pm. It isn't the noise from the venue that would be a problem, it's people leaving the venue and the taxis hanging around etc.

I believe that other extensions for opening hours in the area have been denied and I can only assume it's for these reasons.

Name:		Soho Society	
Address and/or Residents Association		The Soho Society St Annes Tower 55 Dean Street London W1D 6AF	
Status:	Valid	In support or opposed:	Opposed
Received:	18 th January 2017		

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

About The Soho Society

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

Application summary

The application is described in Westminster Licensing News (10 January edition) as follows:

The application proposes to extend the permitted hours for licensable activities until 03:00am on Sunday nights (i.e. the following Monday morning) consistent with the terminal hour for licensable activities on Monday - Saturday

Extension of out-of-core-hours activities

These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area

The existing permission includes licensable activities well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to

resist any increase in the operating hours.

Statement of Licensing Policy

The following are section of Westminster City Council is appropriate in this case:

2.4.23 'The extension of hours beyond core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up.

2.2.12 'Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

3. Policy & Guidance

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

<p>Policy HRS1 applies</p>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<p>Policy CIA1 applies:</p>	<p>(i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p>Policy PVC2 applies:</p>	<p>Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Decision of Committee 1 st December 2016

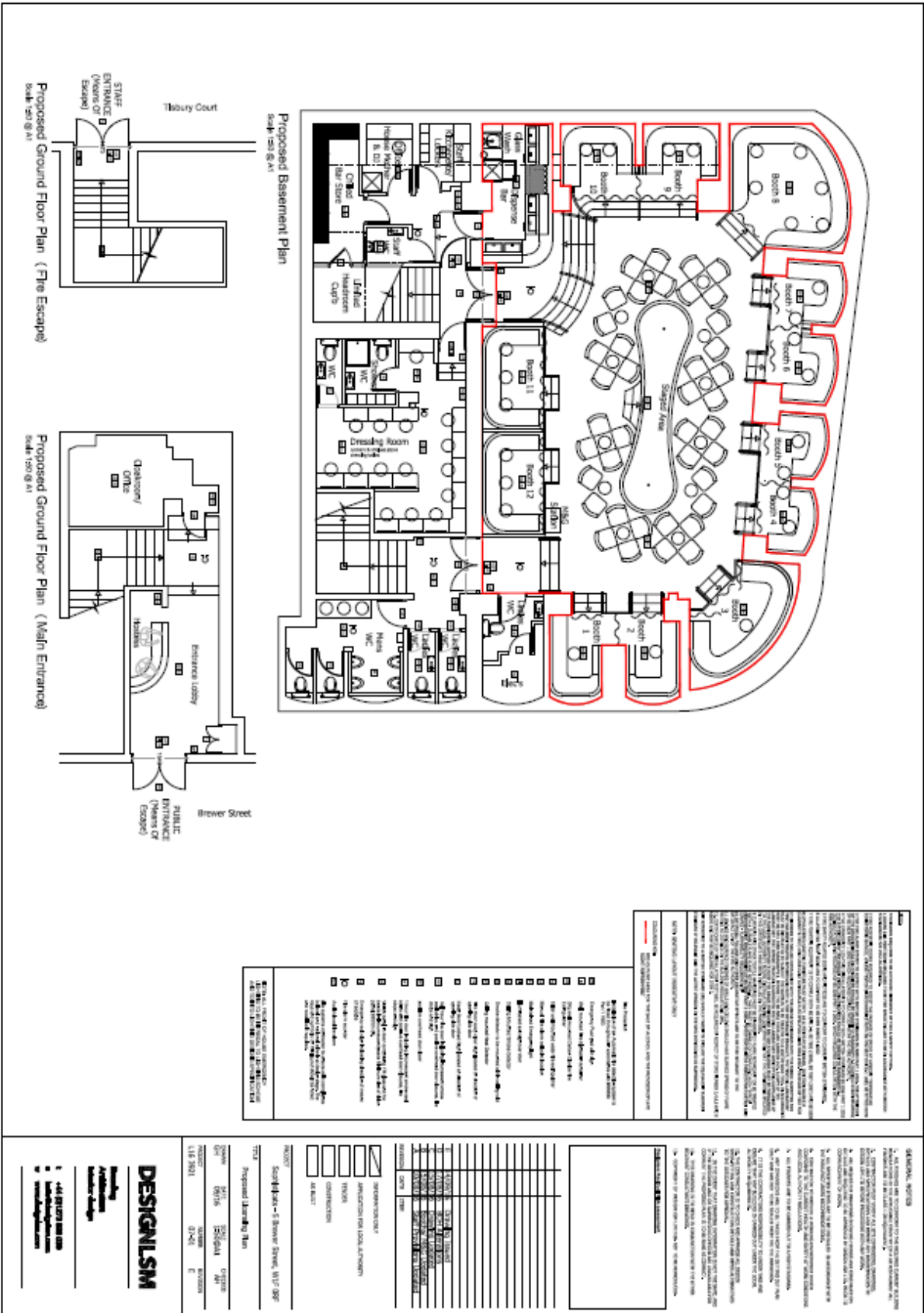
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2571 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	22 nd December 2016
5	Representation – MET Police	4 th January 2017
6	Representation – Environmental Health	17 th January 2017
7	Representation – Ms S Nelson	14 th January 2017
8	Representation – Mr C Roeber	9 th January 2017
9	Representation – Mr G Gillespie	19 th January 2017
10	Representation – Soho Society	18 th January 2017

Premises Plans



Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
16/09817/LIPN	Application for a new Premises Licence	1 st December 2017	Granted by Licensing Sub-Committee with amendments (Appeal Pending)

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst

the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.

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

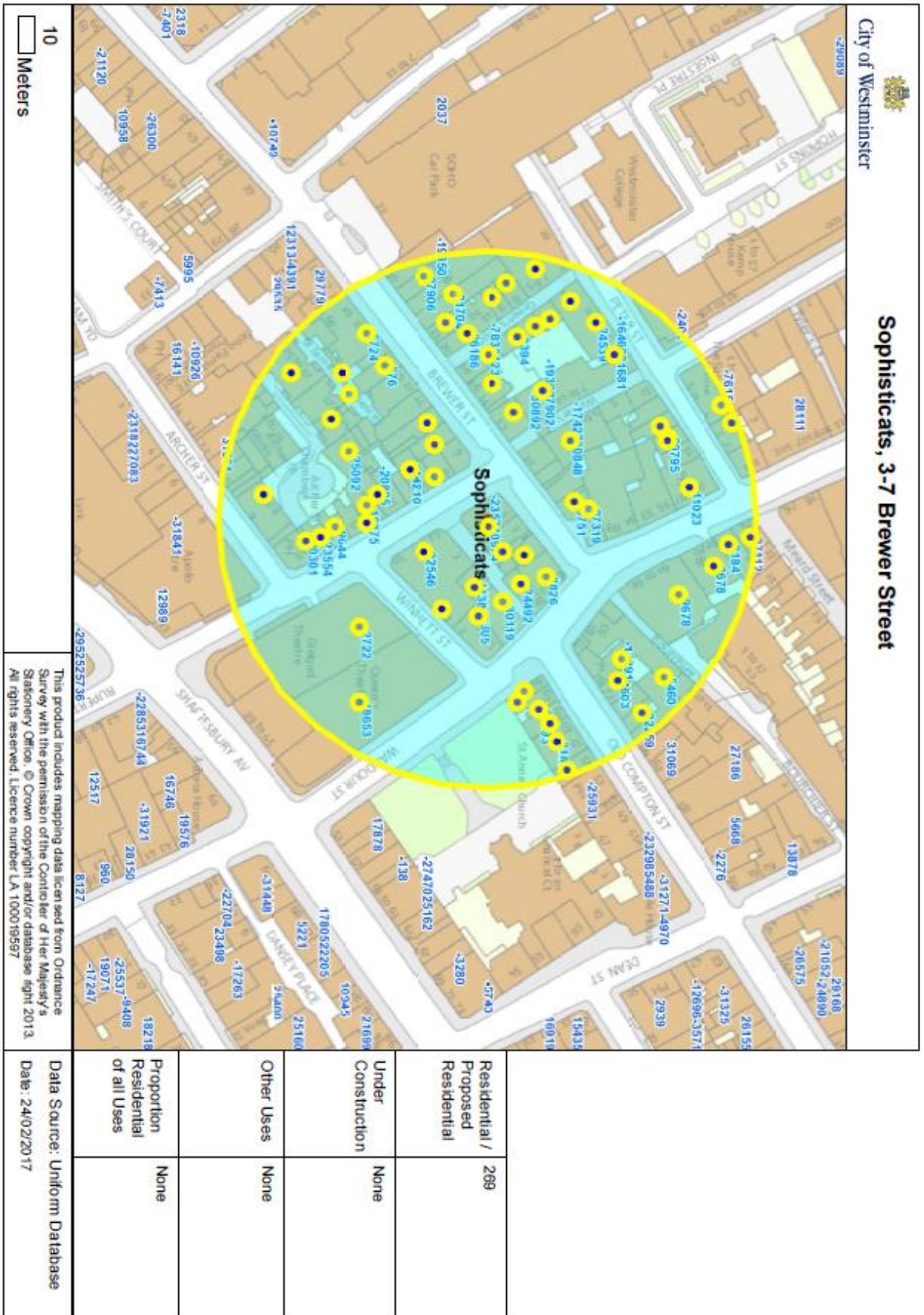
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
- Dry ice and cryogenic fog
 - Smoke machines and fog generators
 - Pyrotechnics including fire works
 - Firearms
 - Lasers
 - Explosives and highly flammable substances
 - Real flame
 - Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. The approved arrangements at the premises, including means of escape
35. provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
36. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.

39. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
40. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
41. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
42. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
43. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - a) Any emergency lighting battery or system
 - b) Any electrical installation
 - c) Any emergency warning system
44. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
45. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
46. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
47. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate

reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.

51. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of: Sophisticats, Basement and Part Ground Floor 3-7 Brewer Street			
p / n	Name of Premises	Premises Address	Licensed Hours
3826	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
20193	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27319	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
-30119	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-25092	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-24492	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-16466	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-16062	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-13391	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-11383	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
-10636	l Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-9644	Bubbleology	49 Rupert Street London W1D 7PJ	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-2722	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Monday to Sunday 09:00 - 00:00
-2357	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
3183	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
5460	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
8184	Pickle And Toast	72 Wardour Street London W1F 0TD	Friday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:00 Thursday 07:00 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
15232	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

21704	Chilango	24 Brewer Street London W1F 0SN	Saturday 10:00 - 00:00 Monday to Friday 10:00 - 23:00 Sunday 12:00 - 22:30
25751	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
27112	Bunnychow	74 Wardour Street London W1F 0TE	Sunday 07:30 - 23:00 Monday to Saturday 07:30 - 23:30
30795	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
30848	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
31681	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-30892	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-24539	Absurd Bird	25 Peter Street London W1F 0AG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-23554	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
-20825	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-18375	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
-17427	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-11023	Byron	99 Wardour Street London W1F 0UF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-9678	Freedom	Basement And Ground Floor National House 60-66 Wardour Street London W1F 0TA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-7833	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 00:00 - 00:00 Saturday 00:00 - 00:00 Sunday 00:00 - 00:00
-1936	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
576	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
3394	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3678	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:00

4603	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
5724	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
6305	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10974	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
12389	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
14210	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
18653	Queens Theatre	Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA	Monday to Sunday 09:00 - 00:00
20301	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
22259	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
22546	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
26186	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Monday to Wednesday 09:30 - 21:00 Thursday 09:30 - 22:00 Friday 09:30 - 23:00 Saturday 10:00 - 23:00 Sunday 11:00 - 21:30
27902	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
27906	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

Licensing Sub-Committee Decision of 1st December 2017**LICENSING SUB-COMMITTEE No. 2***Thursday 1st December 2016*

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

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

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

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

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

Street, London, W1F 0RD.

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

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

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

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

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

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

clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

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

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

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

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

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

to the street.

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

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

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

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

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

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

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

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

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

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

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

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

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the

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

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

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

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

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

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

licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

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

The Sub-Committee carefully considered the application and agreed to grant it; however it would only permit the terminal hours of licensable activities from Monday to Saturday until 03:00 and 23:00 on Sundays. The Sub-Committee had heard substantial evidence both in support and against the application but found the representation from the Police particularly powerful and highly persuasive. It was recognised that the applicant was a very professional operator and their premises at Marylebone was well managed. However, the Sub-Committee was of the opinion that the character of Marylebone was significantly different to Soho and could not be considered in the same light. This particular area of Soho was a recognised location where levels of crime and disorder were particularly high with on-going disturbance issues. The Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 would meet the licensing objectives. The Sub-Committee therefore granted the application but retained the existing hours on the current licence.

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

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

- Condition 9 be amended to read “The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.”
- Condition 37 be amended to read “Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.”
- Condition 39 be amended to read “Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.”
- Removal of Condition 41 from the premises licence;

	<ul style="list-style-type: none"> • Condition 42 be amended to read “A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.” • Condition 49 be amended to read “The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.” • Condition 51 be amended to read “Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Venue application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.” • An additional condition be added to the licence to read “There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.” • An additional condition be added to the licence to read “Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.” • An additional condition be added to the licence to read “No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.” <p>It was considered that the action taken by the Sub-Committee and the conditions imposed on the Premises Licence were appropriate and proportionate.</p>
<p>2.</p>	<p>On Sales by Retail of Alcohol</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 03:00 Monday to Saturday and 12:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
3.	<p>Performance of Dance</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
4.	<p>Live Music</p> <p>Monday to Saturday: 09:00 – 06:00 Sunday: 09:00 – 05:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>

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

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

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. <p>(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-</p> <ol style="list-style-type: none"> (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

54. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
55. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
56. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
57. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
58. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
59. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
60. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
61. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
62. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the

preceding 31 day period.

63. 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.
64. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
65. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
66. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
67. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
68. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
69. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
70. 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.
71. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
72. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
73. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue

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

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

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

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

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

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

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

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

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

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

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

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

84. Performers/Dancers shall not be permitted to temporarily leave to smoke and then

re-enter the premises.

85. An attendant shall be on duty in the cloakroom during the whole time that it is in use.

86. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

87. The certificates listed below shall be submitted to the Licensing Authority upon written request:

- d) Any emergency lighting battery or system
- e) Any electrical installation
- f) Any emergency warning system

88. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

89. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

90. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

91. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.

92. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.

93. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.

94. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

95. Before the premises opens to the public, the plans as deposited will be checked by

the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.

96. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

97. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.

98. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.

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City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>06 April 2017</i>
Classification:	<i>General Release</i>
Premises:	<i>Sophisticats, 3-7 Brewer Street, London, W1F 0RD – 16/14145/LISEVV</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The City Council (“The Council”) has received an application for the variation of the Sexual Entertainment Venue (“SEV”) premises licence from Devine Restaurants Limited for Sophisticats (previously Shadow Lounge), 3-7 Brewer Street, London, W1F 0RD. The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee (“The Committee”) requires to determine this application under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“The 1982 Act”) as amended by section 27 of the Policing and Crime Act 2009.

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
 - 2.1.1 Vary the licence as applied for.
 - 2.1.2 Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit,
or
 - 2.1.3 Refuse the application

3. Application

3.1 On 22 December 2016 Devine Restaurants Limited applied to vary the sexual entertainment venue premises licence to:

- Extend the terminal hour for relevant entertainment on Sunday's until 03:00 the following morning.

and to add the following condition:

- 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 effect of the notice will also be to extend the hours for the provision of relevant entertainment.

A copy of the application are attached as **Appendix A1**

4. Objections

4.1 The Environmental Health Service, the Licensing Authority, the Metropolitan Police and local residents have submitted objections to the application.

4.2 Objector 1

Application to vary 'sexual entertainment venue' ('SEV') licence ref:
16/14145/LIPSEVV

Shadow Lounge/'Sophisticats', Basement and part Ground Floor, 3-7 Brewer Street, London W1F 0RD ('the premises')

Introduction

I write to object under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') to the above application. I am also intending to submit a relevant representation in respect of the pending application for a variation of the premises licence under s34 Licensing Act 2003, ref: 16/14154/LIPV. The objection/representation should be read in conjunction with one another.

Please note that I would like to attend the hearing for this and the other related application for this premises, but I am out of the country on business 15-27 January inclusive, 12-16 February inclusive and 4-11 March inclusive.

The application I made relevant representations/objections in respect of the applications made in 2016 by Sophisticats for a new premises licence; for a

variation of their SEV licence; and for the renewal of the SEV licence. All these applications, along with the SEV transfer application, were heard together by Licensing Sub-Committee on 1 December 2016.

The renewal application and the transfer application were granted as applied for. The new premises licence application and the SEV variation application were granted in part.

The written Decision Notice with reasons has not yet been promulgated.

As far as is relevant to this application, the decision of the Sub-Committee in respect of both applications was to grant the new premises licence and the new SEV but only to what were the hours permitted on the existing premises licence and existing SEV licence. The proposal to provide licensable activities and 'relevant entertainment' to as late as 6am was refused, as was the proposal for non-standard timings. In particular, the applications sought a terminal hour of 5am on Sundays (an increase of 5 ½ hours on the premises licence, and 6 hours on the SEV licence). This was refused, and the hours therefore remain as on the previous permissions: 11.30pm for sale of alcohol, and 11pm for the provision of 'relevant entertainment'.

Although residents were disappointed with some aspects of the decision at the time, we were at least reassured by the fact that the hours would not change and, in particular, that the on Sunday were unchanged.

The pending applications in effect seek to go behind the decision reached by the Licensing Sub-Committee only last month, in extending the hours on a Sunday very significantly.

I object to the application the basis that:

1. The variation would be inappropriate, having regard to the character of the relevant locality
2. The variation would be inappropriate, having regard to the use to which other premises in the vicinity are put
3. The variation would be inappropriate, having regard to the layout, character or condition of the premises
4. The application is contrary to the specific aims and objectives of the City Council's Statement of Licensing Policy 2016 ('the Policy') and the SEV Statement of Licensing Policy 2012 ('the SEV Policy') particularly:
 - 4.1 prevention of crime and disorder
 - 4.2 prevention of public nuisance
 - 4.3 promoting improvement in the character and function of the city, or areas of it.
5. The requested condition is not one which should be added to an SEV licence.

Background

Wardour Street, Brewer Street, Tisbury Court and Rupert Street.

The entrance to the premises is part of our building (1-3 Brewer Street), which is otherwise fully residential. The main basement venue overlaps the footprint of our building. There are seven flats, each of which has a long-term tenant or is lived in by the owner (as in my case).

Reasons for objections

1. The variation would be inappropriate, having regard to the character of the relevant locality

If granted, the application is likely to impact adversely on all 4 licensing objectives, for the following reasons, which are non-exhaustive:

1. Sunday nights in Soho are considerably quieter than other nights of the week. Therefore, an extension of hours beyond those currently permitted on Sunday would have an even more disproportionate effect than it might do during other nights of the week, when Soho in general is busier.
2. This is reflected in the hours permitted on the former 'Shadow Lounge' licence (and on many other similar licences in Soho). This permitted sale of alcohol and other licensable activities to 3am Mon-Sat, but only 11.30 on Sundays. The SEV licence permitted provision of 'relevant entertainment' to 11pm on Sundays.
3. It is also reflected in the hours granted by the Licensing Sub-Committee last month for the new licence to be operated by Sophisticats. No extension to those hours was granted. Residents do not understand why an application to seek to, in effect, go behind that decision has been made only 3 weeks later.
4. It is also reflected in the hours permitted for many of the other late night licences in the vicinity. As stated, this is a residential area - increasingly so, given the development of 6 Brewer Street opposite into an apartment building and other neighbouring developments such as those on Rupert Street completed within the last two-to-three years - and as a residential area, it should have a daily time of peace. Street noise ends only once the bars and clubs have closed. Few licences operate beyond 11-11.30pm on a Sunday. Bear in mind, too, that Tisbury Court, the short alley which contains the rear exit of the venue, has 22 (twenty-two!) residential dwellings with windows into it. The rear exit is used as the means by which the 50-80 staff of Sophisticats must leave the premises at the end of their shifts. The noise of even a single voice echos through this alley and it is currently wonderful that there is no - or very little - noise after 11pm on Sunday nights. Extending the hours would destroy this one peaceful night for a large number of residents.

5. Dispersal of customers will also be more problematic on Sunday night/early hours of Monday morning. The night tube does not run on Sunday nights, nor am I aware of any immediate proposals for it to do so. Buses are less frequent. Taxis are less easily available. I am therefore concerned about an increase in nuisance outside the premises.

This is supported by para 2.3.3 of the Council's Statement of Licensing Policy (see below).

6. The other premises operated by the licence holder, on Welbeck Street/Marylebone Lane, is does not have a licence beyond 11pm on Sundays. Therefore Sophisticats' customers do not have the option of visiting the Welbeck Street/Marylebone Lane premises, potentially increasing the intensity of use at the Brewer Street location.
7. The applicant was refused an extension of hours on Sundays at a hearing which took place only last month. The hearing was lengthy, and the Sub-Committee gave detailed consideration to all the points made by the various parties before concluding inter alia that an extension of hours on Sunday would not promote the licensing objectives and therefore there should be no extension whatsoever. There is nothing submitted by the applicant which demonstrates a good reason – or, indeed, any reason – why that decision should be impugned in this way.
8. In effect, the applicant is seeking to appeal the decision of the Sub-Committee on 1 December 2016 by way of a variation application.

The proposed extensions will be particularly intrusive due to noise on the street in the early hours of Monday morning, a new working week for most and a night on which residents can rightly expect a respite from problem which occur on other nights. This is exacerbated by the changing nature of the locality.

There are existing social housing blocks on Brewer Street, significant housing on Berwick Street and the aforementioned 22 residential dwellings that face onto Tisbury Court. But even this is changing rapidly. The Walker Court development by Soho Estates is building a new and refurbishing an existing residential block directly across the road from the venue, they are adding residential to the top floors of the building undergoing refurbishment on the corner of Old Compton St and Wardour St, there are several recently-completed new residential projects on Wardour St and of course the new Trenchard House development just behind Berwick St market. There is also a major residential development, replacing what used to be a backpackers hostel further along Brewer Street. This area is changing rapidly in this respect – the immediate locality is becoming more residential.

I and others in my block are long-term Soho residents. We recognise that we have to – and do- tolerate a certain degree of noise. However, it is simply not fair to expect residents to endure the sort of all-night commotion that goes hand-in-hand with this type of establishment licensed to the proposed terminal hour.

2. The variation would be inappropriate, having regard to the use to which other premises in the vicinity are put This ground for refusal contains considerable overlap with the above. Please therefore refer to my comments above, to avoid repetition.
3. The variation would be inappropriate, having regard to the layout, character or condition of the premises. This ground for refusal contains considerable overlap with the above. Please therefore refer to my comments above, to avoid repetition.
4. The applications are contrary to the City Council's Statement of Licensing Policy 2016 ('the Policy'); and to the City Council's SEV Statement of Licensing Policy 2012 ("the SEV Policy"

The application is contrary to Policy CIP1(i), which states that it is the licensing authority's policy 'to refuse applications in the Cumulative Impact Areas' for this type of premises. This policy was properly applied by the Sub-Committee on 1 December 2016 in that they did not permit any extension of hours from those previously permitted. Nothing has changed in the (short) intervening period.

The application is contrary to Policy HRS1. The 'core hours' on a Sunday is 10.30pm. HRS1 states that 'Applications for hours outside the core hours set out below in this policy will be considered on their merits...'. For the reasons given, I would urge the licensing authority to conclude that this application does not come close to that threshold.

The application is contrary to Policy PN1. The factors identified as potentially giving rise to nuisance in PN1 (2.2.9 onwards of the Policy) should be considered even more strictly on a Sunday night.

Para 2.3.3 of the Policy states that the licensing authority is generally prepared to 'grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tub, train, bus or taxi, while retaining opportunities for residents to have an additional respite on Sunday.'

Para 2.5.3 of the SEV Policy is worded identically.

The application therefore flies in the face of this part of the Policy.

5. Requested additional condition The applicant has requested a condition that will permit an extension of the hours for 'relevant entertainment' on any day of the week when a Temporary Event Notice (TEN) is in force.

Therefore, on up to 21 occasions per year 'relevant entertainment' could be provided throughout the night without residents having any knowledge of the events, or any ability to make their views known.

The legislation was amended some years ago specifically to give residents more of a say in the licensing of such establishments. Such a condition would permit the premises to operate in a way entirely removed from the purposes of the legislation, as local residents will have no say over increased hours on up to 21 occasions per year. We would ask the licensing authority to consider is a) lawful; and b) appropriate.

Conclusion

The application directly engages the underlying reasons for having the CIP policy, set out at para 2.4.1 and does not demonstrate why an exception should be granted.

As a resident of this increasingly residential neighbourhood in the heart of London, I believe that the City Council has a duty to strike a balance and protect residents' interests when considering applications for licences. Residents are entitled to a certain amount of peace as part of this 'balance'.

Para 2.2.10 of the Policy states that the role of the licensing authority is 'to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents...'

I would ask therefore that the applications are refused. Please confirm receipt of this email and please inform me of the hearing so I can make my representations in person.

4.3 Objector 2

**Application to vary 'sexual entertainment venue' ('SEV') licence ref: 16/14145/LIPSEVV
Shadow Lounge/'Sophisticats', Basement and part Ground Floor, 3-7
Brewer Street, London W1F 0RD ('the premises')**

I appreciate that the relevant 28 day expiration period has recently ended, but I am advised that the relevant case law enables the authority to take in to account objections to the SEV application made after this period. The 28-day period has only just passed, and there would therefore be no prejudice to the applicants as they will have ample time to consider the content of this objection prior to the hearing.

I would like to record my strongest possible objection to the licence variation application, noted above, as the owner of a flat in the building 1-3 Brewer Street, London W1F 0RD.

I find it extremely hard to believe that the applicant can think that anything has changed in the few weeks since the last hearing in early December 2016 when very specific rulings were made regarding their previous application. I am also surprised that this was lodged with the council in what to me seems a rather distasteful manner - that is right in the middle of the festive holiday when it was perhaps expected most of the people affected by it would be on holiday or at least taking a festive season break.

I made relevant objections in respect of the applications made in 2016 by Sophisticats for a new premises licence; for a variation of their SEV licence; and for the renewal of the SEV licence. All these applications, along with the SEV transfer application, were heard together by Licensing Sub-Committee on 1 December 2016.

I would thus request the council/committee to read this objection in conjunction with the three I submitted in October 2016 with regard to the establishment of a strip club adjacent to our building. These objections will of course be on the council files for this matter.

In addition I would like to object specifically to the **Extension of Sunday hours and the alteration of the terms of the TEN.**

In the intervening few weeks it seems clear to me that absolutely nothing has changed in terms of the negative effects this new establishment will have on all of us living in close proximity. Thus all the points made then still stand now. The most poignant of all in my view is that the sub-committee granted a lesser hour on Sunday for a very good reason: this is to give residents, especially those living in our building right next

4.4 Objector 3

16/14145/LISEVV – Sophisticats, 3-7 Brewer Street.

I am writing to object to the above license request.

..... overlooking Tisbury Court and have done so for 18 years.

Firstly, I spent a fair amount of time objecting to the license extensions for this place in November and took a day of work to attend the hearing in December so am perplexed as to why I am having to do this again.

From my flat I can hear internal door slamming and the fire doors onto Tisbury Court are so loud they make my flat actually shake. I am still waiting to see the report from the hearing in December as I recall them being told they can only use

the doors in an emergency yet they are saying they can use it for staff to come and go which is a problem for me.

I love Sunday evenings/nights in Soho as it's the one night where I'm guaranteed complete peace as everything winds down early and "the vibrant buzz" disappears and there is a lovely sense of calm. Even the crackheads seem to go home early as there is nobody around to feed off. I would be very upset if this was taken away from me as it makes the other 6 louder/buzzier days more bearable. As we know, clubs like this, especially located in the centre of the West End, certainly don't attract quiet people who arrive and leave quietly on their own and it will only bring further noise, disturbance, crime and general "stress" to the area. No one has ever been able to open late on Sundays so please don't start now, I need one evening/night off!

4.5 Objector 4

I write to make a relevant representation to the above application on behalf objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

Application summary

The application is described in Westminster Licensing News (10 January edition) as follows:

To extend the terminal hour for relevant entertainment on Sunday's until 03:00 and to add the following condition: 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 effect of the notice will also be to extend the hours for the provision of relevant entertainment. Extension of out-of-core-hours activities

These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area

The existing permission includes licensable activities well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to resist any increase in the operating hours.

Statement of Licensing Policy

The following are section of Westminster City Council is appropriate in this case:

2.4.23 'The extension of hours beyond core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up.

2.2.12 'Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused

Cumulative Impact of Sexual Entertainment Venues

The current licence already permits relevant entertainment outside of core hours. This proposal to extend those hours is objected to on the following grounds:

The grant would be inappropriate, having regard to the character of the area as a conservation area and Cumulative Impact Area

The grant would be inappropriate, having regard to for the use of premises in the area, in particular the cumulative impact of such premises

The grant would be inappropriate, having regard to the layout, character or condition of the premises which has been used a bar business

The application is contrary to the aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 (para 1.7), particularly i) prevention of crime and disorder ii) prevention of public nuisance and iii) promoting improvement in the character and function of the city, or areas of it, and that the application is contrary to the Policy HR1 (Hours) in its SEV Statement of Licensing Policy. Policy LO2 (use of premises in the vicinity) makes clear (2.4.22) that a concentration of sex establishment premises can 'have a cumulative impact on the locality in which they are situated which is greater than the sum of the impact of the individual premises...'

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and

drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1). The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

4.6 Objector 5 : Environmental Health – Anil Drayan:

This representation is based on the details provided.

The applicant is seeking the following:

1. To extend the permitted hours for relevant entertainment to allow such licensable activities from 9.00 hours to 03.00 hours on Sunday.
2. To extend the permitted hours at times when a temporary event notice under the licensing act 2003 is in force by way of the following additional condition:

“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 in the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate variation application in respect of this licence.”

I wish to make the following representations:

1. The additional hours requested for the provision of relevant entertainment may have the likely effect of causing an increase in Public Nuisance within the area.
2. The extension of hours at times when a TEN is in force may have the likely effect of causing an increase in Public Nuisance within the area.

The premises current operation only started in December 2016 and whether there has been sufficient time to assess the public nuisance impact is not clear.

4.7 Objector 6: Licensing Authority – David Sycamore :

I write in relation to the application submitted to vary the SEV Premises Licence for the above premises.

The Licensing Authority objects to this application as it contravenes Westminster City Council’s SEV Statement of Licensing Policy. The application as proposed exceeds the hours specified in Policy HR1. In addition, the new proposed operation of the venue will require assessment in terms of policies LO1, LO2 and LO3.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions.

4.8 Objector 7: Metropolitan Police – PS Paul Hoppe:

As a responsible authority Police are objecting to the application (reference 16/1415/LISEVL) on the ground of Prevention of Crime and Disorder and Public Nuisance.

This venue was recently at Licensing sub-Committee where an application to extend the operating hours of the venue was refused. The Licensing sub-Committee encouraged engagement with the local residents over fears whether the venue would improve the character or function of the area or not. This application gives no indication whether any local engagement has occurred. I have not as yet seen the full written decision from this meeting.

It is for the above reasons that Police object to this application. A more detailed objection shall be forthcoming.

5. SEV licence history

- 5.1 A new SEV licence was granted by the Committee on 12 June 2012 for one year. The licence took effect on 01 October 2012.
- 5.2 Applications to renew the licence were submitted in each of the years 2013, 2014, 2015 and were granted under delegated authority as no objections were received.
- 5.3 On 04 February 2014 an application was submitted to vary the premises plans so as to infill the dance floor, remove booth seating and reconfiguration of the stage area. The application was granted under delegated authority.
- 5.4 On 04 April 2014 an application was submitted to vary the premises plans so as to lower the floor level and install steps to the seating booths and entrances and exits. The application was granted under delegated authority.
- 5.5 On 14 September 2016 an application to transfer the licence to Devine Restaurants Limited was submitted. This application received objections and was granted by Licensing Sub-Committee.
- 5.6 On 14th September 2016 an application for vary the licence was submitted by Devine Restaurant Limited which received objections. The variation was for the extension of hours and this was not granted by Licensing Sub-Committee. However, the Committee did make some amendments to the conditions. An appeal to this application has been submitted which is currently pending. The decision for this application is attached at **Appendix B1**.
- 5.7 On 23 September 2016 an application to renew the licence was submitted by Devine Restaurants Limited. This application also received objections and was granted by the Licensing Sub-Committee.
- 5.7 A copy of the current SEV Licence is attached at **Appendix B2**.

6 New Premises Licence – Licensing Act 2003 (“The 2003 Act”)

- 6.1 The table below sets out the current activities and times permitted by the premises licence.

Please note: The applicants have, in addition to this application, applied for a variation to the premises licence under the Licensing Act 2003 premises to extend the hours of licensable activities on a Sunday only until 03:00 the following day.

6.2 A copy of the current Premises Licence is attached to this report as **Appendix B3**.

<u>Existing Premises Licence (16/09817/LIPN) permitted Licensable Activities</u>
Regulated Entertainment: Indoors Performance of Dance Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded music or Performance of Dance Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00
Late Night Refreshment: Indoors Monday to Saturday 23:00 to 03:30
Sale of Alcohol: On & off the premises Monday to Saturday 09:00 to 03:00 Sunday 12:00 to 23:30
Opening hours: Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00

7. Policy Considerations

7.1 Character of the relevant locality – LO1

This area has a concentration of sex establishments. The premises are located in Brewer Street next to Tisbury Court which is a pedestrianised zone and a main thoroughfare. This premises is in the heart of Soho within the West End. There is one faith group just outside the immediate vicinity of the premises. There is a primary school just outside the immediate vicinity of the premises. A map showing the sexual entertainment venues within the vicinity is attached to this report as Appendix C1.

7.2 Use of premises in the vicinity – LO2

The area is mainly made up of small shop units with residential properties above them. There are a number of licensed sex shops in the locality.

7.3 Policy HR1 – Hours

Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies. Core hours when customers are permitted to be on the premises:

Friday and Saturday:	09:00 to midnight
Sundays immediately prior to Bank Holidays:	09:00 to midnight
Other Sundays:	09:00 to 22:30
Monday to Thursday:	09:00 to 23:30

The consideration of hours of operation will be in the context of the particular circumstances of each application and the policy aims and objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

8. Legal Implications

8.1 The Licensing Committee using its powers above may determine to:

- (a) Vary the licence as applied for.
- (b) Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
- (c) Refuse the application.

8.2 Before refusing to vary the licence, the Licensing Authority shall give the applicant an opportunity to appear before it and of being heard by the Committee.

8.3 In considering this application, the Committee shall have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period under para 10(18) to Schedule 3.

8.4 Should the Licensing Sub-Committee determine to refuse the application for the variation of the licence, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application.

9. Human Rights Act and Equality Implications

9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference

with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others, or in the case of Article 1, Protocol 1, can be justified in the general interest".

9.2 The Council in its capacity as Licensing Authority has a duty to ensure that all applications for SEV's are dealt with in accordance with its public sector equality duty under section 149 of the Equality Act 2010 ("The 2010 Act"). In summary section 149 provides: -

- (1) "A public Authority must, in the exercise of its functions, have **due regard** to the need to-
 - (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must in the exercise of those functions, have due regard to the matters mentioned in subsection (1)....."

9.3 Accordingly, section 149 (7) of the 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

9.4 This duty places an obligation on the Committee to ensure that the need to promote equality is taken into consideration with, regard to every aspect of its decision making, this will include the circumstances of each individual application, the findings, of fact one the application has been considered, including the taking into account of any objection and response the applicant may choose to make.

Appendices

- A1 – Application Form
- B1 – Decision of Licensing Sub-Committee 1st December 2016
- B2 – Current SEV Licence
- B3 – Current Premises Licence
- C1 – Map of the locality

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Heidi Lawrance on 020 7641 2751 or at hlawrance@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012

Application Form



City of Westminster

APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

Devine Restaurants Ltd

I / We
(Insert name(s) of applicant)

apply to vary the Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name: Sophisticats

Premises address: 3-7 Brewer Street, London, W1F 0RD

Licence reference number: 15/06700/LISEVR

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are varying the Sexual Entertainment Venue licence as:

- a) an individual or individuals complete section (A)
- b) a person other than an individual:
- i. as a body corporate complete section (B)
- ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Devine Restaurants Ltd
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/>
	Registered Number: 06048816
Is your business registered in another EEA state:	No <input type="checkbox"/>
	Yes <input type="checkbox"/>
	EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Private Limited Company
Home Country: (the country where the headquarters of your business is located)	UK
Registered Address:	109 Gloucester Place, London
Postcode:	W1U 6JW

PART 2 – Premises Details

Premises name:	Sophisticats
Premises address:	3-7 Brewer Street London
Postcode:	W1F 0RD
Premises telephone number:	
Email:	
Website address:	www.socats.com
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	

PART 3 – Variation Details

State the nature of the proposed variation:

1. To vary the plans attached to the existing SEV licence to incorporate a change of layout as shown on the appended plans.
2. To remove conditions 24 and 25 in their entirety, so as to permit full nudity.
3. To amend condition 28 to reduce the capacity by 50% from the current maximum of 280 persons, to 140 persons (excluding staff and performers).
4. To increase the terminal hour for relevant entertainment to 6am Monday to Saturday and 5am on Sunday.

Please refer to the appended supporting material for further information and background.

Amendment to hours for relevant entertainment:

If the variation is to amend the hours for relevant entertainment, specify the proposed hours below:

Day:	Start:	Finish:
Monday	09:00	06:00
Tuesday	09:00	06:00
Wednesday	09:00	06:00
Thursday	09:00	06:00
Friday	09:00	06:00
Saturday	09:00	06:00
Sunday	09:00	05:00

Amendment to condition attached to the licence / standard conditions

If the variation is to add / remove a condition (including standard conditions), state the condition and the reasons for adding / removing the condition below:

Condition:	Reason for adding / removing the condition:
24. Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.	To remove the said condition so as to permit full nudity.
25. Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.	To remove the said condition so as to permit full nudity.
28. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 280 persons.	To amend as follows:- The maximum number of persons accommodated at any one time in the basement (excluding staff and performers) shall not exceed <u>140</u> persons.
Please use a separate sheet if necessary	

PART 4 – Policy

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your variation application will promote the following licensing objectives:

Prevention of crime and disorder:
The changes sought and conditions currently endorsed on the SEV licence and premises licence address the licensing objectives. Please refer to the appended supporting material for submissions on policy and the Appendix 11 submission.
Public safety:
Please see above.
Prevention of public nuisance:
Please see above.
Protection of children from harm:
Please see above.
Improvement in the character and function of the city, or areas of it:
Please see above.
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
	Please refer to the appended supporting material for submissions on policy.
Please use a separate sheet if necessary	

PART 5 – Convictions / Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

PART 6 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 8 of this form)	<input checked="" type="checkbox"/>
Where the variation relates to a change of layout, a plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
The current licence has been returned with this application	<input checked="" type="checkbox"/>

PART 7 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE VARIATION OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I Mondrealm Ltd, declare that the information given above is true and complete in every respect.

Signed	<i>Thomas and Thomas</i>
Date:	14 September 2016
Capacity:	Solicitors on behalf of the applicant

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	Ryan Peermamode
Agent Address:	Thomas & Thomas Partners LLP 38A Monmouth Street London
Postcode:	WC2H 9EP
Agent Telephone Number:	0204 042 0410
Agent Email:	rpeermamode@tandtp.com

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	Ryan Peermamode
Address:	Thomas & Thomas Partners LLP 38A Monmouth Street London
Postcode:	WC2H 9EP
Telephone Number:	0204 042 0410
Email:	rpeermamode@tandtp.com

PART 8 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>	
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/>	Delta <input type="checkbox"/>
Card number:			
Issue date:	/	(mm/yy)	
Expiry date:	/	(mm/yy)	
Issue number:	(for Maestro / Solo)		
Name on card:			
Amount (£):			

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.

Decision of Sub Committee – 1st December 2016**LICENSING SUB-COMMITTEE No. 2***Thursday 1st December 2016*

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

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

Relevant Representations: The Metropolitan Police and two Ward Councillors.

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

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/09959/LISEVV	
1.	Variation of a Sexual Entertainment Venue Premises Licence
	<p>The application was to vary the sexual entertainment venue premises licence to:</p> <ul style="list-style-type: none"> • Extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday. • Extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. • To vary the plans attached to the existing licence to incorporate a change of layout as shown on the appended plans. • To remove conditions 24 and 25 in their entirety, so as to permit full nudity. <p>Condition 24 reads – Authorised Relevant Entertainment shall consist only of dancers performing</p>

	<p>topless on the stage area or by table sides.</p> <p>Condition 25 reads –</p> <p>Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.</p> <ul style="list-style-type: none"> • To amend condition 28 to reduce the capacity by 50% from the current maximum of 280 persons, to 140 persons (excluding staff and performers).
	<p>Amendments to application advised at hearing:</p> <p>The applicant agreed to reduce the capacity to 100 persons (excluding staff and performers).</p>
	<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 Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD.</p> <p>The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously.</p> <p>The Chairman gave a summary of how the proceedings were to be performed and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation</p> <p>The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Committee noted that an abundance of evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty</p>

to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Committee noted that the premises would be very particular about the type of clientele it attracted. It was recognised that it had a duty of care towards its customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.

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

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

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

It was suggested by Miss Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed

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

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

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

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

EH did have objections to the application though, most significantly the increase in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a

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

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

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

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

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the

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

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

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

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion

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

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

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

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

Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

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

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

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

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

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

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

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

The Sub-Committee carefully considered all aspects of the application and took into account all the information received from the applicant and the parties making representations. The Sub-Committee decided not to extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday or extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. The Sub-Committee had heard substantial evidence both in support and against the application but found the representation from the Police particularly powerful and highly persuasive. It was recognised that the applicant was a very professional operator and their premises at Marylebone was well managed. However, the Sub-Committee was of the opinion that the character of Marylebone was significantly different to that of Soho and could not be considered in the same light. This particular area of Soho was a recognised location where levels of crime and disorder were particularly high with on-going disturbance issues. The Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 Monday to Saturday and to 05:00 on Sundays in this locality would be appropriate.

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

The Sub-Committee considered that it was appropriate to remove condition 25 in its entirety. Members amended condition 24, removing the word 'topless' so that the full

sentence reads ‘Authorised Relevant Entertainment shall consist only of dancers performing on the stage area or by table sides’.

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

Sexual Entertainment Venue Licence - Standard Conditions:

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

all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

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

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

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

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

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

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

17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.
- Additional Conditions:**
24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.
25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

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

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

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

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

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

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

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

Current SEV Licence

SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	16/09959/LISEVV
Original Reference:	12/02456/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences:
to use the premises:

DEVINE RESTAURANTS LTD
SOPHISTICATS
3-7 BREWER STREET
LONDON
W1F 0RD

as a Sexual Entertainment Venue.

This licence commences from the 01 October 2016 and will expire on the 30 September 2017.

Relevant Entertainment (namely partial nudity striptease) may be provided during the following times:

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

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.



DATE: 28.03.2017

SIGNED:

On behalf of the Operational Director -
Premises Management

Westminster City Council

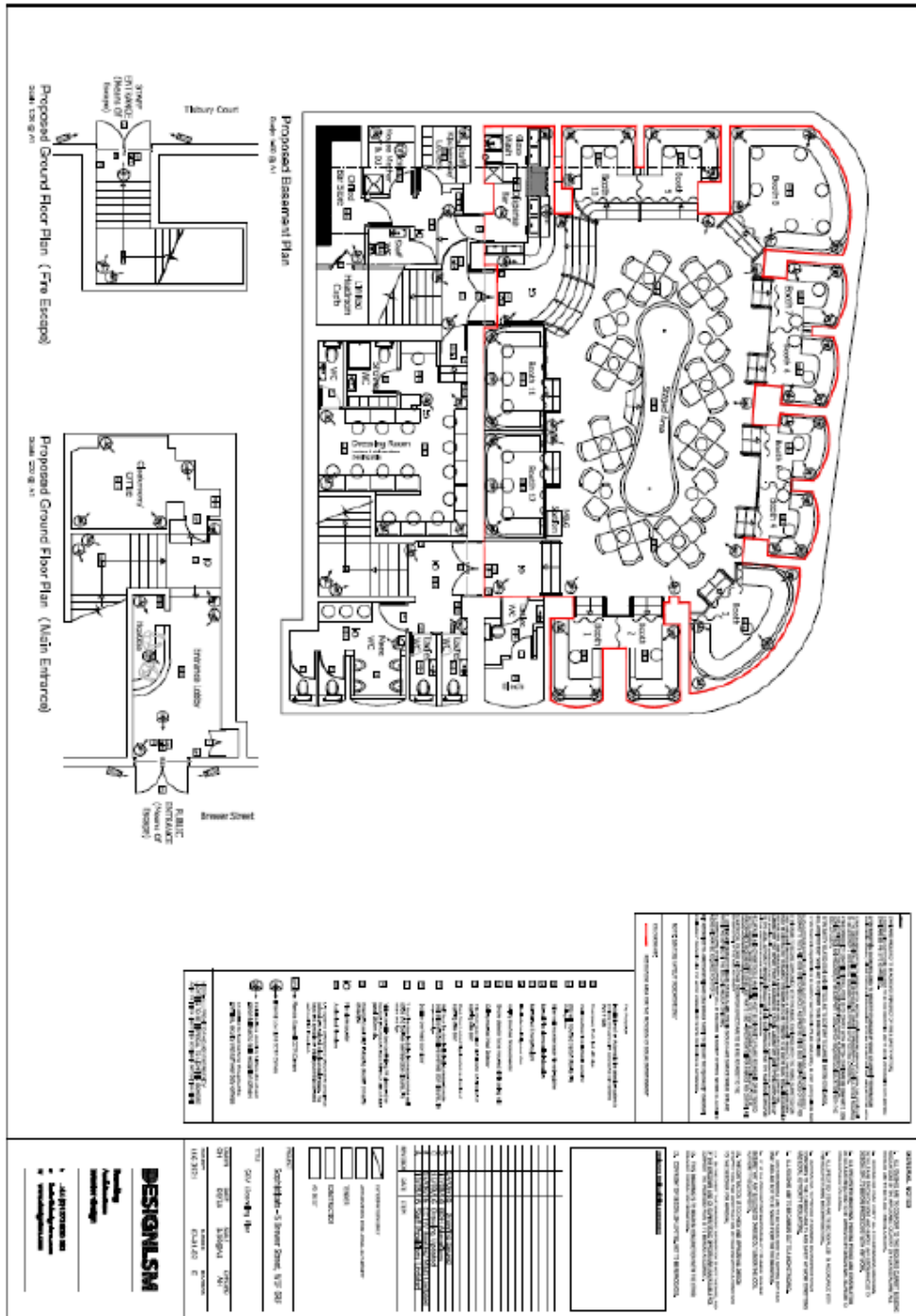
Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 6000
westminster.gov.uk



City of Westminster

Appendix 1 – Plans



Appendix 2 – Conditions

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.
25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following
34. Special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- i. pyrotechnics including fire works
 - ii. Fire-arms
 - iii. Lasers
 - iv. Explosives and highly flammable substances.
 - v. Real flame
 - vi. Strobe lighting
35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

Current Premises Licence

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

Schedule 12
Part A

WARD: West End
UPRN: 010033540855

Premises licence

Regulation 33, 34

Premises licence number:

16/09817/LIPN

Original Reference:

16/14154/LIPV

Part 1 – Premises details

Postal address of premises:

Sophisticats
Basement And Part Ground Floor
3-7 Brewer Street
London
W1F 0RD

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

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

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

An additional hour when British summer time commences.

Performance of Live Music

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

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

An additional hour when British Summer time commences.

Playing of Recorded Music	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Sale by Retail of Alcohol	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	

The opening hours of the premises:	
Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 05:00
New Year's Eve:	00:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption on the Premises.

Part 2

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

Devine Restaurants Ltd
109 Gloucester Place
London
W1U 6JW
Business Phone Number : Not Supplied

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

06048816

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

Name: Maria Carmen Alonso Fernandez

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

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

Licence Number: 83025
Licensing Authority: London Borough Of Islington

Date: 27th March 2017

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

- 7. The responsible person must ensure that -
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
41. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - a) Any emergency lighting battery or system
 - b) Any electrical installation
 - c) Any emergency warning system
43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
44. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises.
47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.

48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.
51. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.



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

Schedule 12
Part B

WARD: West End
UPRN: 010033540855

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/09817/LIPN

Part 1 – Premises details

Postal address of premises:

Sophisticats
Basement And Part Ground Floor
3-7 Brewer Street
London
W1F 0RD

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

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

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

An additional hour when British summer time commences.

Performance of Live Music

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

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

An additional hour when British Summer time commences.

Playing of Recorded Music

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

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

An additional hour when British summer time commences.

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

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

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

An additional hour when British summer time commences.

Late Night Refreshment

Monday to Saturday:	23:00 to 03:00
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Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Sale by Retail of Alcohol

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

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

An additional hour when British summer time commences.

The opening hours of the premises:

Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 05:00
New Year's Eve:	00:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Devine Restaurants Ltd
109 Gloucester Place
London
W1U 6JW

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

06048816

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

Name: Maria Carmen Alonso Fernandez

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

Restricted

Date: 27th March 2017

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

Item No:	
Date:	6 th April 2017
Licensing Ref No:	17/01088/LIPN - New Premises Licence
Title of Report:	Leon Astoria House 62 Shaftesbury Avenue London
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	1 February 2017		
Applicant:	Leon Restaurants Limited		
Premises:	Leon		
Premises address:	Astoria House 62 Shaftesbury Avenue London W1D 6LT	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>According to the application, the premises will operate predominantly as a restaurant, serving food, soft drinks and alcohol for consumption on the premises. The premises may also sell products for consumption off the premises as part of a takeaway meal.</p> <p>However as drafted, the application will allow the premises to be used exclusively or primarily for alcohol on consumption on premises which is contrary to policy.</p>		
Premises licence history:	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	None submitted		

1-B Proposed licensable activities and hours							
Regulated Entertainment							
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays - 09:00hrs to midnight				

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays - 09:00hrs to midnight				

Performance of Dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays - 09:00 to midnight				

Anything of a similar description				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays - 09:00 to midnight				

Late Night Refreshment				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to a Bank holiday - midday to midnight				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			Not applicable				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	9 th February 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated inside the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area which I will be looking into further.</p>	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Dave Nevitt
Received:	9 th February 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises is located in the West End Cumulative Impact Area.</p>	
Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	1 st March 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of Children from Harm <p>As it stands the application contravenes Westminster's Statement of Licensing Policies CIP1,</p>	

HRS1, RNT2 and MD2. The premises is located inside the Cumulative Impact Area.

The applicant has applied to:

- To permit the Performance of Live Music ‘indoors’, Recorded Music ‘indoors’, the Performance of Dance ‘indoors’ and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday from 09:00 to 23:30 Monday to Thursday, from 09:00 to midnight Friday to Saturday and from 09:00 to 22:30 on Sundays except Sundays preceding a bank holiday until midnight.
- To add the provision of Late Night Refreshment ‘indoors’ and outdoors’ from 23:00 to 00:00 Monday to Sunday.
- To permit the Supply of Alcohol both ‘on’ and ‘off’ the premises from 10:00 to 23:30 Monday to Thursday, from 10:00 to midnight Friday to Saturday and from 12:00 to 22:30 on Sundays except Sundays preceding a bank holiday until midnight.

Policy HRS1 states at paragraph 2.3.2: “It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the ‘core hours’ as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)”.

Policy CIP1 states (i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy RNT2 which relates to restaurants within the CIA states ‘Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy MD2 which relates to music and dance premises and similar entertainment states ‘It is the Licensing Authority’s policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1’.

3. Policy & Guidance

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

Policy CIA1 applies:

(i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

Policy HRS1 applies:	(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

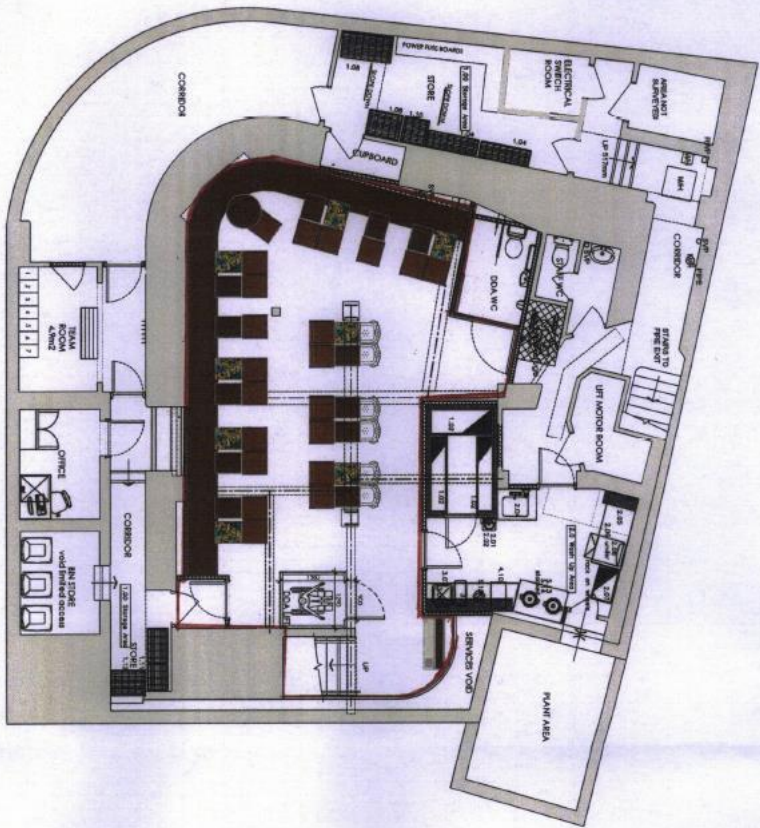
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	1 st February 2017

5	Representation from the Metropolitan Police	9 th February 2017
6	Representation from the Environmental Health Service	9 th February 2017
7	Representation from the Licensing Service	1 st March 2017



Basement floor - plan as proposed
 scale - 1:50 @ A1 / 1:100 @ A3

AREAS SCHEDULE - BASEMENT FLOOR

LOCATION	SQM	SQ FT
STAIRS	67	648
ENTRANCE	17	183
LOBBY	81	872
TOILETS	3	32
TOTAL	168	1755

AREAS SCHEDULE - GROUND FLOOR

LOCATION	SQM	SQ FT
STAIRS	84	904
ENTRANCE	24	260
TOTAL	108	1164

- EXISTING FITTINGS**
- 1000 Storage
 - 1001 Wash Trough
 - 1002 1000mm x 1000mm
 - 1003 1000mm x 1000mm
 - 1004 1000mm x 1000mm
 - 1005 1000mm x 1000mm
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 - 1100 1000mm x 1000mm

NEW FITTINGS

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	1000mm x 1000mm	1	sqm	
2	1000mm x 1000mm	1	sqm	
3	1000mm x 1000mm	1	sqm	
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100	1000mm x 1000mm	1	sqm	

FOR CONSTRUCTION

LEON ESTEY
 LONDON
 62 Brookberry Ave
 W1D 4JF

rpa:group

Basement floor plan
 A1 (PROVIDE)

1:50 @ A1

30/04/21 11:01

1:50 @ A1

30/04/21 11:01

C

Applicant Supporting Documents

None submitted

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

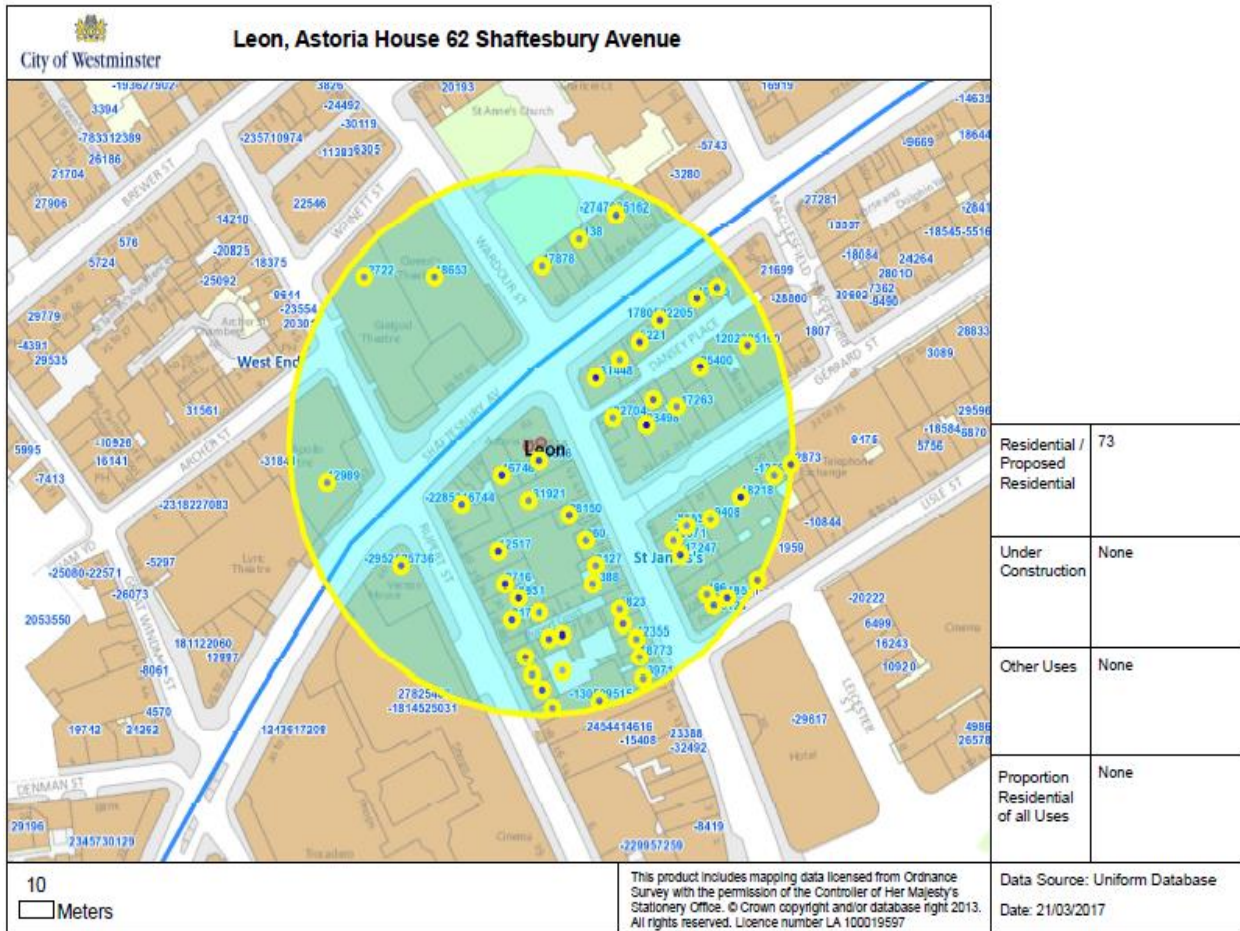
8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Proposed Conditions by Applicant as part of Operating Schedule

9. All alcohol purchased for consumption off the premises will be in sealed containers and as part of a takeaway meal other than drinks purchased for consumption in any outside seating area.
10. The supply of alcohol for consumption on the premises shall be to customers who will be seated at tables.
11. The supply of alcohol shall be by counter staff, waiter/waitress.
12. Persons under the age of 18 are allowed on the premises and staff will be suitably trained to ensure that there is no provision of alcohol to persons under 18 years old.



Premises within 75 metres of: Leon, Astoria House 62 Shaftesbury Avenue

p / n	Name of Premises	Premises Address	Licensed Hours
12517	Sports Bar And Grill	36 - 40 Rupert Street London W1D 6DN	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
12022	Dumplings' Legend	Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 00:00
8127	Sunrise Cafe And News	Ground Floor 31 Wardour Street London W1D 6PT	Monday to Saturday 08:00 - 05:00 Sunday 10:00 - 05:00
496	HK Diner	22A Wardour Street London W1D 6QH	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
-2722	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Monday to Sunday 09:00 - 00:00
-2873	Loon Tao Chinese Restaurant	31 Gerrard Street London W1D 6JT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3971	Old Town 97	19 Wardour Street London W1D 6PL	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
-9408	London Chinatown Restaurant	27 Gerrard Street London W1D 6JN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-17247	BST And PT	Ground Floor 26 Wardour Street London W1D 6QL	Monday to Saturday 12:00 - 23:00 Sunday 12:00 - 23:00
31242	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25162	Bella Italia	63 Shaftesbury Avenue London W1D 6LQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25128	Waxy's Little Sister	20 Wardour Street London W1D 6QJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:50
22205	Little Lamb	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Monday to Sunday 10:00 - 23:30
10945	Pho & Bun	76 - 78 Shaftesbury Avenue London W1D 6NG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
9931	Bao	30 Rupert Street London W1D 6DL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
16746	MW Buffet	Astoria House 58-60 Shaftesbury Avenue London W1D 6LS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
18218	Golden Dragon Restaurant	28 - 29 Gerrard Street London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
18773	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
19071	Mr Wu Restaurant	28 Wardour Street London W1D 6QJ	Monday to Sunday 11:00 - 00:00
5221	New Mayflower Chinese Restaurant	68-70 Shaftesbury Avenue London W1D 6LY	Monday to Saturday 10:00 - 04:00 Sunday 11:00 - 04:00
25160	Opium Dim Sum Parlour	Ground Floor Entrance And Second Floor To Fourth Floor 15 - 16 Gerrard Street London W1D 6JB	Sunday 12:00 - 00:00 Monday to Saturday 12:00 - 03:00
25736	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Sunday 09:00 - 03:30 Monday to Saturday 09:00 - 06:00

28150	Young Cheng Restaurant	39 Wardour Street London W1D 6PX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
31770	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-31448	Little Wu	64 Shaftesbury Avenue London W1D 6LU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-13562	Royal Dragon Chinese Restaurant	30 Gerrard Street London W1D 6JS	Monday to Sunday 09:00 - 03:00 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22704	Vietnamese Restaurant	36 Wardour Street London W1D 6QT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25537	Gerrard's Corner	25 Gerrard Street London W1D 6JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27470	Century Club	61-63 Shaftesbury Avenue London W1D 6LQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-29525	Fratelli La Bufala	40 Shaftesbury Avenue London W1D 7ER	Monday to Sunday 09:00 - 01:00
-17263	Plum Valley	20 Gerrard Street London W1D 6JQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17878	(Restaurant)	53 Shaftesbury Avenue London W1D 6LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17805	Little Lamb	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Monday to Sunday 10:00 - 23:30
960	O'Neills Public House	33 Wardour Street London W1D 6PU	Sunday 08:00 - 02:00 Monday to Tuesday 08:00 - 02:30 Sundays before Bank Holidays 08:00 - 02:30 Wednesday to Saturday 08:00 - 03:30
12355	Four Seasons	23 Wardour Street London W1D 6PW	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
12989	Apollo Theatre	Apollo Theatre 31-33 Shaftesbury Avenue London W1D 7EA	Monday to Sunday 09:00 - 00:00
16744	Thai Tho Soho	42 Rupert Street London W1D 6DP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19511	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
23498	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
18653	Queens Theatre	Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA	Monday to Sunday 09:00 - 00:00
19576	La Scala	45 Wardour Street London W1D 6PZ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25400	Little Penang	Ground Floor 18 Gerrard Street London W1D 6JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29515	Morada Brindisa	18 Rupert Street London W1D 6DE	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-22853	Caffe Concerto	50 Shaftesbury Avenue London W1D 6LW	Monday to Sunday 08:00 - 23:30

-31921	Wong Kei Restaurant	41-43 Wardour Street London W1D 6PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1305	Morden & Lea	17 Wardour Street London W1D 6PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-138	Yoshino	59 Shaftesbury Avenue London W1D 6LF	Monday to Sunday 11:00 - 00:00
2716	The Palomar	34 Rupert Street London W1D 6DN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5823	Hung's Chinese Restaurant	Ground Floor To Second Floor 27 Wardour Street London W1D 6PR	Monday to Saturday 10:00 - 04:30 Sunday 12:00 - 04:30
7388	PizzaExpress	29 Wardour Street London W1D 6PS	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30

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Item No:	
Date:	6 April 2017
Licensing Ref No:	17/00623/LIPN - New Premises Licence
Title of Report:	Basement Of 3-5 Wardour Street 3-5 Wardour Street London W1D 6PB
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 January 2017		
Applicant:	Coco Chino Limited		
Premises:	Basement Of 3-5 Wardour Street		
Premises address:	3-5 Wardour Street London W1D 6PB	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application, the premises will operate as a Chinese restaurant with sale of alcohol for on-site consumption only.		
Premises licence history:	The premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	None		

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority

Representative:	Mr Steve Rowe
Received:	7 th February 2017

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to permit the sale of alcohol on the premises from 12:00 to 23:00 Monday to Saturday and 22:30 Sunday. The applicants have stated that the premises operates as a Chinese restaurant.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to

refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1’.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions specifically relating to the sale of alcohol. It is requested that Model Condition 66 be attached to any licence that may be granted. Please could you confirm whether you agree to the condition below:

Model condition 66 states:

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.

The applicant has agreed to the proposed model condition 66 (see appendix 4) however the Licensing Authority maintains it's representation

Responsible Authority:	Environmental Health Consultation Team (withdrawn)
Representative:	Ayesha Bolton
Received:	17th February 2017

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

The applicant has submitted floor plans of the premises.

The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.

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

The applicant is seeking the following:

1. To permit Supply of Alcohol 'On' the premises only Monday to Saturday 12.00 to 23.00 hours and Sunday 12.00 to 22.30 hours.

I wish to make the following representation.

1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety within the area.

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

Following the agreement of proposed conditions (see appendix 4) Environmental Health have withdrawn their representation.

Responsible Authority:	The Metropolitan Police
Representative:	PC Bryan Lewis
Received:	15th February 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

3. Policy & Guidance

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

Policy CIP1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the</p>
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Policy HRS1 applies:	<p>Cumulative Impact Areas.</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT2 applies:	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

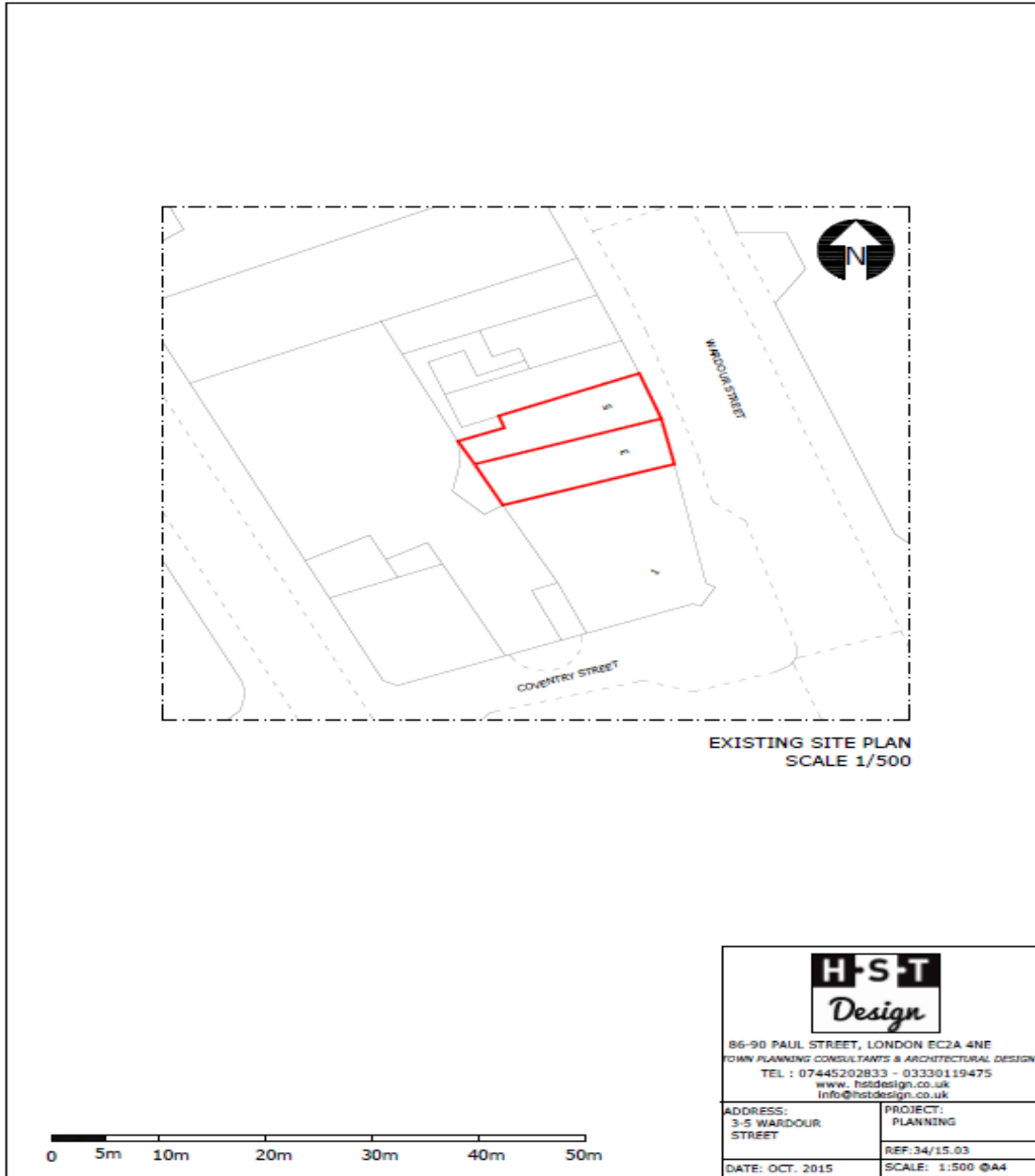
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

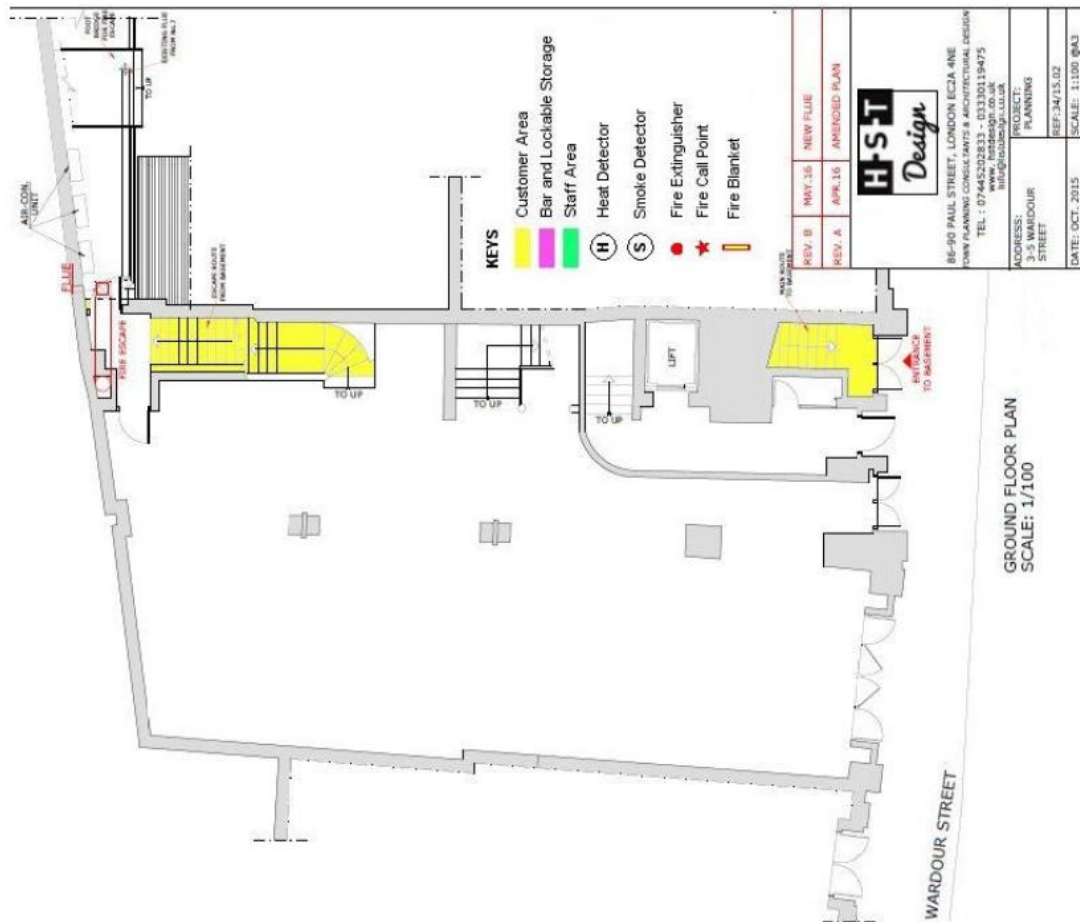
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
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2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	19 th January 2017
5	Representation- The Licensing Authority	7 th February 2017
6	Representation – Environmental Health	17 th February 2017
7	Representation- The Metropolitan Police	15 th February 2017

Premises Plans





Appendix 2

Applicant Supporting Documents

None Submitted.

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions proposed by the Environmental Health and agreed with Applicant

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.

(Also proposed condition by the Licensing Authority – App Agreed)

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, searching equipment or scanning equipment (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.

Premises within 75 metres of: Basement 3-5 Wardour Street			
p / n	Name of Premises	Premises Address	Licensed Hours
6499	Joy King Lau Restaurant	3 Leicester Street London WC2H 7BL	Monday to Sunday 12:00 - 00:00
22194	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 05:00
24544	London Jade Garden	15 Wardour Street London W1D 6PH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25128	Waxy's Little Sister	20 Wardour Street London W1D 6QJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:50
31242	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32492	Misato Restaurant	11 Wardour Street London W1D 6PG	Monday to Sunday 11:00 - 00:00
-17247	BST And PT	Ground Floor 26 Wardour Street London W1D 6QL	Monday to Saturday 12:00 - 23:00 Sunday 12:00 - 23:00
-15408	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
-8419	Kentucky Fried Chicken	1 - 2 Coventry Street London W1D 6BH	Sunday 23:00 - 02:30 Monday to Saturday 23:00 - 03:00
-3971	Old Town 97	19 Wardour Street London W1D 6PL	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
496	HK Diner	22A Wardour Street London W1D 6QH	Monday to Saturday 10:00 - 04:00 Sunday 12:00 - 04:00
8127	Sunrise Cafe And News	Ground Floor 31 Wardour Street London W1D 6PT	Monday to Saturday 08:00 - 05:00 Sunday 10:00 - 05:00
10920	The Imperial	5 Leicester Street London WC2H 7BL	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
16243	Jinli Chinese Restaurant	Ground 4 Leicester Street London WC2H 7BL	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 22:30

18773	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
19511	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26189	Prince Of Wales Theatre	31 Coventry Street London W1D 6AS	Monday to Sunday 09:00 - 00:00
-29617	W Hotel	W London Leicester Square 10 Wardour Street London W1D 6QF	Monday to Sunday 00:00 - 00:00
-22995	Cafe De Paris	Basement And Lower Ground Floor 3-4 Coventry Street London W1D 6BL	Monday to Sunday 09:00 - 06:00
-15995	Every Hotel Piccadilly	39 Coventry Street London W1D 6BZ	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
-1305	Morden & Lea	17 Wardour Street London W1D 6PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-950	TGI Fridays	25-29 Coventry Street London W1D 7AG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30 Sundays before Bank Holidays 12:00 - 01:00
4889	Cornishe	32 Coventry Street London W1D 6BR	Monday to Sunday 23:00 - 05:00
5823	Hung's Chinese Restaurant	Ground Floor To Second Floor 27 Wardour Street London W1D 6PR	Monday to Saturday 10:00 - 04:30 Sunday 12:00 - 04:30
7259	G. Casino Piccadilly	Upper Ground Floor To Third Floor 3-4 Coventry Street London W1D 6BL	Monday to Saturday 10:00 - 10:00 Sunday 12:00 - 12:00
7388	PizzaExpress	29 Wardour Street London W1D 6PS	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
12355	Four Seasons	23 Wardour Street London W1D 6PW	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
14616	London Jade Garden	15 Wardour Street London W1D 6PH	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
23388	Sugar	First Floor And Second Floor 11 Wardour Street London W1F 0UN	Monday to Thursday 09:00 - 03:30 Friday to Saturday 09:00 - 06:00 Sunday 09:00 - 23:00
29515	Morada Brindisa	18 Rupert Street London W1D 6DE	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00

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