



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday, 27<sup>th</sup> May 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Karen Scarborough (Chairman)  
Susie Burbidge  
Rita Begum

If you require further information, please contact Sarah Craddock,  
Senior Committee and Governance Officer.

**Email:** [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk)  
**Tel:** 07790 980 186  
**Corporate Website:** [www.westminster.gov.uk](http://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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. 10 AM: THE CUCKOO CLUB - PREMISES LICENCE VARIATION

(Pages 5 - 56)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End West End N/A	Cuckoo Club Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ	Pemises Licence Variation	21/00888/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

#### 2. 1 PM: BALANS CAFE –PREMISES LICENCE VARIATION

(Pages 57 - 106)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End West End	Balans Cafe 34 Old Compton Street London W1D 4TR	Pemises Licence Variation	21/00693/LIPV

N/A			
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love**  
**Chief Executive**  
**18 May 2021**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **Core Hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday:	09:00 hours to 24:00 hours
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#### **3. Hotels**

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 Hours to 24:00 hours
Sale of alcohol to guests for consumption in hotel/guest rooms only:	Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday:	08:00 hours to 23:00 hours
Sunday:	09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 Hours to 24:00 Hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday:	10:00 hours to 23:30 hours
Friday and Saturday:	10:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 Hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00

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## 1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

## 2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

## 3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

## 4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk) no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

## **5. Procedure**

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - (a) The applicant
  - (b) Responsible authorities
  - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.



- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
- (a) Responsible authorities
  - (b) Other persons
  - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

**Dated: 14 January 2021**

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City of Westminster

# Agenda Item 1. Licensing Sub-Committee Report

Item No:	
Date:	27 May 2021
Licensing Ref No:	21/00888/LIPV - Premises Licence Variation
Title of Report:	Cuckoo Club Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ
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:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 February 2021		
<b>Applicant:</b>	Unicorn Capital Limited		
<b>Premises:</b>	Cuckoo Club		
<b>Premises address:</b>	Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operates as a restaurant and nightclub.		
<b>Variation description:</b>	<p>This application seeks the following:</p> <ul style="list-style-type: none"> <li>• To vary the premises licence for a time limited period of two years.</li> <li>• Extend the permitted hours for all licensable activities until 06:00 hours</li> <li>• Amend condition 17 to bring the maximum capacity on Sundays to Thursdays (Basement: 175 Ground Floor: 110) in line with the maximum capacity on Fridays and Saturdays (Basement: 198 Ground Floor: 213).</li> <li>• Amend condition 37 to extend the time when people can enter et cetera until 4:30 am (as opposed to 2 am);</li> <li>• Add four further conditions to the licence</li> </ul>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2009. The current premises licence 19/15018/LIPV is attached at Appendix 2 of this report. Please see Appendix 3 of the report for the full licence history.		
<b>Applicant submissions:</b>	There are no supporting documents from the applicant.		
<b>Applicant amendments:</b>	None		

1-B	Current and proposed licensable activities, areas and hours						
Regulated Entertainment							
Performance of Dance							
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	09:00	23:30	09:00	06:00	Basement, Ground and Mezzanine floor	No change	
Tuesday	09:00	23:30	09:00	06:00			
Wednesday	09:00	03:15	09:00	06:00			
Thursday	09:00	03:30	09:00	06:00			
Friday	09:00	03:30	09:00	06:00			
Saturday	09:00	03:30	09:00	06:00			
Sunday	09:00	22:30	09:00	06:00			
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No Change		

Exhibition of film						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	06:00	Basement, Ground and Mezzanine floor	No change
Tuesday	09:00	23:30	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No Change	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	06:00	Basement, Ground and Mezzanine floor	No change
Tuesday	09:00	23:30	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No change	

Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:15	09:00	06:00	Basement, Ground and Mezzanine floor	No change
Tuesday	09:00	03:15	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No Change	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	06:00	Basement, Ground and Mezzanine floor	No change
Tuesday	09:00	23:30	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
Seasonal variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.				Proposed: No Change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	05:00	Basement, Ground and Mezzanine floor	No change
Tuesday	23:00	23:30	23:00	05:00		
Wednesday	23:00	03:30	23:00	05:00		
Thursday	23:00	03:30	23:00	05:00		
Friday	23:00	03:30	23:00	05:00		
Saturday	23:00	03:30	23:00	05:00		
Sunday	N/A	N/A	23:00	05:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.				No Change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	09:00	06:00	Basement, Ground and Mezzanine floor	No Change
Tuesday	10:00	03:15	09:00	06:00		
Wednesday	10:00	03:00	09:00	06:00		
Thursday	10:00	03:00	09:00	06:00		
Friday	10:00	03:00	09:00	06:00		
Saturday	10:00	03:00	09:00	06:00		
Sunday	12:00	22:30	09:00	06:00		
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	09:00	06:30	Basement, Ground and Mezzanine floor	No change
Tuesday	09:00	03:30	09:00	06:30		
Wednesday	09:00	03:30	09:00	06:30		
Thursday	09:00	03:30	09:00	06:30		
Friday	09:00	03:30	09:00	06:30		
Saturday	09:00	03:30	09:00	06:30		
Sunday	09:00	00:00	09:00	06:30		
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. On commencement of British Summer Time one hour should be added to the terminal hour.				No change	



1-C	Conditions being varied
Condition	Proposed variation
<p>17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 175 Ground Floor: 110</p> <p>On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 198 Ground Floor: 213 (this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).</p>	<p>17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 175 Ground Floor: 110</p> <p>On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 198 Ground Floor: 213</p> <p>(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).</p> <p>Notwithstanding the above, for the period of two years from the date of this license the maximum number of persons accommodated (excluding staff) at any one time on Sundays to Thursdays shall not exceed: Basement: 198 Ground Floor: 213</p>
<p>37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.</p>	<p>37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.</p> <p>Notwithstanding the above, for the period of two years from the date of this license the time of 4:30am shall be substituted for 2am.</p>

1-D	Conditions being added
	<b>Condition</b>
	<p><b>45.</b> For the period of two years from the date of this license when the premises are open, all customers entering after 23:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 40 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.</p>
	<p><b>46.</b> For the period of two years from the date of this license there shall be no entry or re-entry to the premises (except for smokers and staff) from 04:30 except the management may permit after 04:30 a maximum of 15 person who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for 30 days and to be kept for police inspection.</p>
	<p><b>47.</b> A copy of the club's dispersal policy will be available at the premises for inspection by a police officer and/or an authorised officer WCC.</p>
	<p><b>48.</b> The permitted hours for, sale of alcohol, films, live music, recorded music, performance of dance, and anything of a similar description to that, shall be 09:00 to 06:00 (the following day) everyday, for a period of two years from the date of this licence, unless the licence is further amended by way of Variation.</p>

## 2. Representations

<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	24 February 2021

I refer to the variation Premises Licence for the above premises. The premises already benefits from a premises licence 19/15018/LIPV.

**The premises are situated in the West End Cumulative Impact Zone as stated in City of Westminster's Statement of Licensing Policy.**

This representation is based on the Operating Schedule, no further layout plans have been submitted. This is for a time limited period for two years from the date of issue of this variation.

The applicant is seeking the following:

1. To extend the hours for the Supply of Alcohol 'on' and 'off' the premises to Monday-Sunday 09:00-06:00 hours.
2. To extend the hours for Late Night Refreshment 'indoors' from to Monday-Sunday 23:00-05:00 hours.
3. To extend the hours for regulated entertainment 'indoors' including Films, Live Music, Recorded Music, Performance of Dance and Anything Similar, to Monday-Sunday 09:00-06:00 hours.
4. To amend conditions 17 and 37, and to add further conditions.

I wish to make the following representation in relation to the above application:

1. The extension of hours for the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact zone.
2. The extension of hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact zone.
3. The extension of hours for Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact zone.
4. The amendment of the conditions may cause an increase in Public Nuisance in the cumulative impact zone.

**The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact zone.**

Should you wish to discuss the matter further please do not hesitate to contact me.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	03 March 2021

Dear Sirs,

I write in relation to the application submitted for a variation of the premises licence for:

**21/00888/LIPV: Cuckoo Club, Ground Floor, Victory House, 99 - 101 Regent Street, London W1B 4EZ**

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

**This application seeks the following:**

- To vary the premises licence for a time limited period of two years.
- Extend the permitted hours for all licensable activities until 06:00 hours
- Amend condition 17 to bring the maximum capacity on Sundays to Thursdays (Basement: 175 Ground Floor: 110) in line with the maximum capacity on Fridays and Saturdays (Basement: 198 Ground Floor: 213).
- Amend condition 37 to extend the time when people can enter et cetera until 4:30 am (as opposed to 2 am);
- Add two further conditions stating:
  - “to keep a record of personal ID”
  - “to retain a copy of the club’s dispersal policy at the premises for inspection by a police officer or an authorised officer of WCC”

The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, HRS1, PB1 and MD1.

In the opening paragraphs of the Council’s Cumulative Impact Policy CIP1, it is stated that “It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to vary the hours within core hours under policy HRS1, and/or vary the licence to reduce the overall capacity of the premises.”

Furthermore, the application and operating schedule falls within Westminster’s MD1 and PB1 Policy. It is also the Licensing Authority’s policy to refuse applications in the Cumulative Impact Zone other than applications to vary hours within Core Hours under Policy HRS1.

The Licensing Authority encourages the applicant to provide further submissions as how this increase will not add to cumulative impact. The Licensing Authority’s policies, in relation to the

Cumulative Impact Zone, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1 and HRS1.

The applicant is required to provide further information regarding the operation of the premises and to be able to understand the context behind the different areas:

1. Does the applicant have a Dispersal Policy? If so, please provide a copy and,
2. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The current licence which was varied and granted at Licensing Sub Committee on the 13<sup>th</sup> February 2020 agreed with the below hours for Licensable Activities:

**Performance of Live Music**

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

**Playing of Recorded Music**

Monday to Wednesday 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

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

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

**Late Night Refreshment**

Monday to Tuesday: 23:00 to 23:30

Wednesday to Saturday: 23:00 to 03:30

**Sale by Retail of Alcohol**

Monday: 10:00 to 23:30

Tuesday: 10:00 to 03:15

Wednesday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

The Licensing Authority has concerns in the extension of these hours under HRS1 policy as on some days there can be an increase of up to six and a half hours where Licensable Activities will be provided if the licence were to be granted. However, it is noted that the applicant has put a time limit on this application, and it will be for the Members to determine if this is an exception



to policy.

Whilst Music and dance venues are an important part of London's entertainment offer, the provision of music and dancing, especially with loud amplified music, and the large numbers of people attending venues and congregating outside them, can lead to concerns over public nuisance and in some cases crime and disorder.

Policy point F50 states "There is particular concern within the West End Cumulative Impact Zone... Music and dance venues are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the West End Cumulative Impact Zone should be limited to exceptional circumstances."

Furthermore, policy point F52 states "Applicants will be required to demonstrate how the proposal will truly be an exception to this policy. The requirement to demonstrate an exception to this policy is necessarily high. The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises."

Under policy CD1 of the Council's Statement of Licensing Policy 2021, applicant's are encouraged to undertake a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack. Further support to the applicant can be found at pages 27-29 and 126-133 of the policy.

Further discussions will be held with the applicant prior to any scheduled hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to hearing from you soon.

<b>Responsible Authority:</b>	Metropolitan Police Service
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<b>Representative:</b>	PC Bryan Lewis
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<b>Received:</b>	03 March 2021
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.

The venue is located 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.

I will contact you to discuss this matter further.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 March 2021		
<p>We are gravely concerned about the request to open from 0900-0600 (but patrons only having to leave at 0630), 7 days a week, and double the number of people in the ground floor not counting staff or the basement (total 400+ people in the Club plus staff). We sympathise re Covid but it is not reasonable, proportionate or appropriate for the [REDACTED] residents, businesses and offices to have to pay the price in public nuisance and public safety for 2+ years. There is space to explain how public nuisance and public safety will be addressed, but the applicant only wrote "see conditions" which provide no details. Scanning ID cards and CCTV does not solve noise pollution, public nuisance or public safety - nor does allowing up to 40 people "per night" (day?) without ID card scans for no reason. Also: 1. The Club has 2 floors which pre-Covid already created noise pollution, public nuisance and public safety issues, e.g. loud music and loud, drunk patrons using Vine and Swallow St as smoking areas, bins and urinals. Extended hours will make everything worse. 2. The Club keeps patrons outside, throughout its operating hours. This creates noise and crowding; the Club has no outdoors and is a very small corner. There is no plan for accommodating 100 additional patrons or daytime operations. In normal hours Goucho and Hagen have outdoor seats and Victory House offices are open - where will &lt;400 patrons fit outside lining up, smoking, and/or drinking? What about people in wheelchairs, residents, rubbish collectors, delivery and maintenance vans trying to access the flats/offices? Social distancing? 3. The Club is not in a club area but a protected, closed street. 4. Having a sign asking to be quiet or a dispersal plan for inspection does not address 400+ people in a late-night Club, deliberately kept outdoors where there is no space, making noise and mess 21.5 hours/day.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> </ol>



	<p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</p> <p>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</p> <p>3. <b>Hotels:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p> <p>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>5. <b>Outdoor Spaces:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a</p>
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	<p>bank holiday: 12pm to 12am.</p> <p><b>7. Qualifying Clubs:</b> Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p><b>8. Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p><b>9. Sexual Entertainment Venues and Sex Cinemas:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<b>Policy MD1 applies</b>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The application and operation of the venue continuing to meet the</li> </ol>

	<p>definition of a music and dance premises in Clause D.</p> <p>D. For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:</p> <ol style="list-style-type: none"> <li>1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers.</li> <li>2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance.</li> <li>3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment.</li> </ol> <p>a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing.</p> <p>b. De-regulated entertainment (as set out in the glossary will not be subject to this policy).</p>
<b>Policy PB1 applies</b>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</li> <li>2. The application and operation of the venue continuing to meet the</li> </ol>

	<p>definition of a Public House or Bar in Clause D.</p> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
<b>Policy RTN1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones</li> </ol> <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of</li> </ol>

	alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that 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; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Existing Premises licence 19/15018/LIPV
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	24 February 2021
<b>5</b>	Licensing Authority representation	03 March 2021
<b>6</b>	Metropolitan Police Service representation	03 March 2021
<b>7</b>	Resident representation	05 March 2021

There are no supporting documents from the applicant.



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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033542355

Premises licence

Regulation 33, 34

Premises licence  
number:

19/15018/LIPV

Original Reference:

09/06341/LIPN

Part 1 – Premises details

Postal address of premises:

Cuckoo Club  
Ground Floor  
Victory House  
99 - 101 Regent Street  
London  
W1B 4EZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
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 Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30  
Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.  
On commencement of British Summer Time one hour should be added to the terminal hour.



#### Exhibition of a Film

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Performance of Live Music

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Playing of Recorded Music

Monday to Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30  
Wednesday to Saturday: 23:00 to 03:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Sale by Retail of Alcohol

Monday: 10:00 to 23:30  
Tuesday: 10:00 to 03:15  
Wednesday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 00:00

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

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Unicorn Capital Limited  
1st Floor  
Victory House  
99-101 Regent Street  
London  
W1B 4EZ

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

06986974

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

**Name:** Christopher Panayotis Tavoularis

**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: 155125

Licensing Authority: The Royal Borough Of Kensington And Chelsea

**Date:** 02 July 2020

**This licence has been authorised by Kevin Jackaman 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.

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

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

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

Where -

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

11.
  - a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.
  - b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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.
14. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 175  
Ground Floor: 110  
  
On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 198  
Ground Floor: 213  
(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).
18. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the

premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. 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.
24. 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 when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (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.
25. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. 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).
29. No loudspeakers shall be located in or near the entrance lobby.
30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. 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.



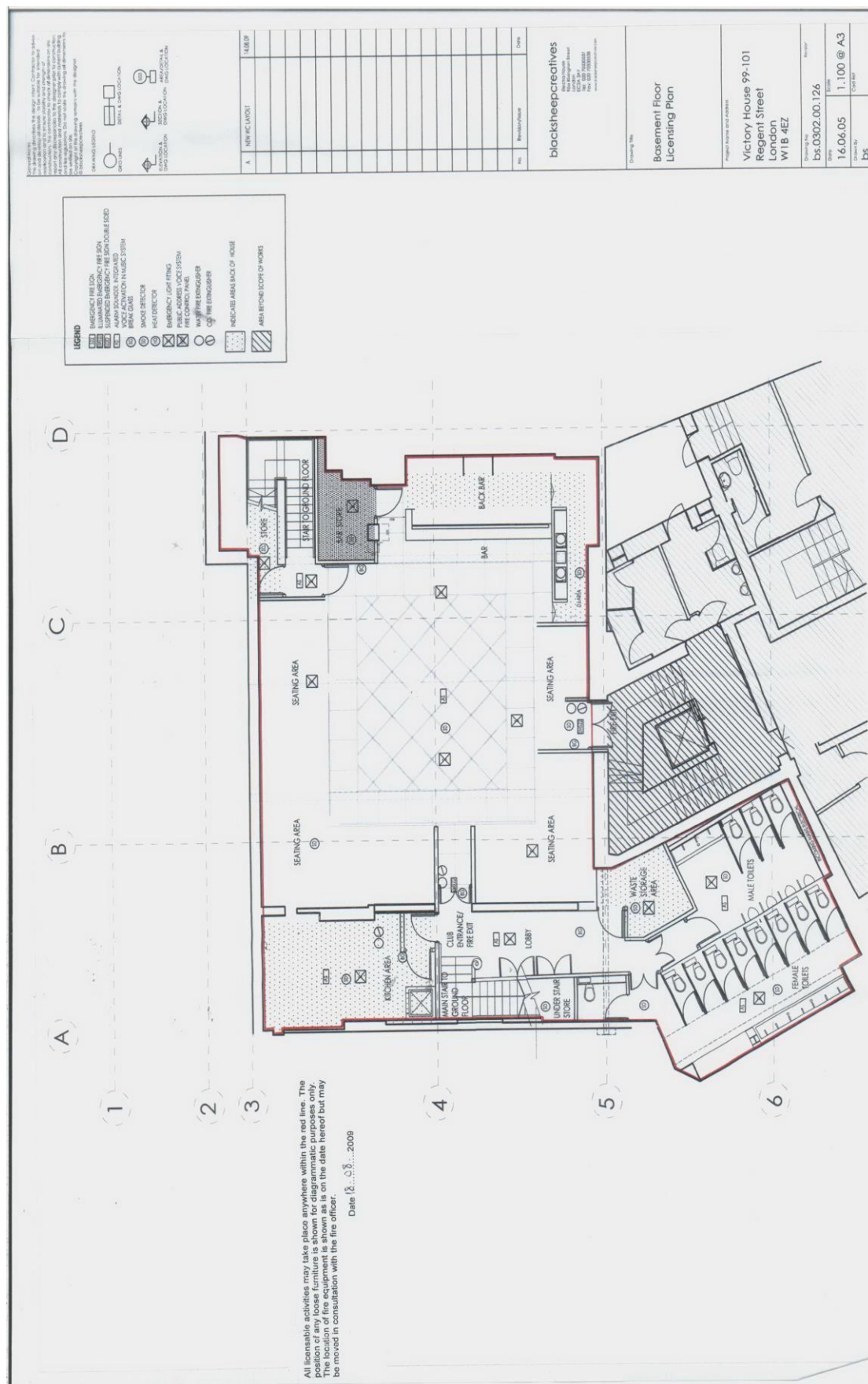
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.
34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.
38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.
40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. 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.
43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
  - (a)
    - i) the number of persons on the ground floor
    - ii) the number of persons in the basement
    - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

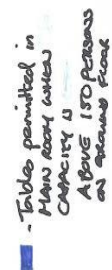
b) The counts shall be inclusive of those who have temporarily left the premises.

44. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

## Annex 4 – Plans



Dated...10/11/09.....

[illegible]



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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 010033542355

Regulation 33, 34

Premises licence  
number:

19/15018/LIPV

Part 1 – Premises details

Postal address of premises:

Cuckoo Club  
Ground Floor  
Victory House  
99 - 101 Regent Street  
London  
W1B 4EZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
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 Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30  
Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.  
On commencement of British Summer Time one hour should be added to the terminal hour.

#### Exhibition of a Film

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Performance of Live Music

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Playing of Recorded Music

Monday to Wednesday 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday: 09:00 to 23:30  
Wednesday: 09:00 to 03:15  
Thursday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30  
Wednesday to Saturday: 23:00 to 03:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

#### Sale by Retail of Alcohol

Monday: 10:00 to 23:30  
Tuesday: 10:00 to 03:15  
Wednesday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

On commencement of British Summer Time one hour should be added to the terminal hour.

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 00:00

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

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Alcohol is supplied for consumption both on and off the Premises.

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

Unicorn Capital Limited  
1st Floor  
Victory House  
99-101 Regent Street  
London  
W1B 4EZ

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

06986974

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

Name: Christopher Panayotis Tavoularis

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

Restricted

**Date:** 02 July 2020

**This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.**

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
09/06341/LIPN	New premises licence	19.11.2009	Granted by Licensing Sub-Committee
10/01280/LIPRW	Removal of a works condition	28.04.2010	Granted under Delegated Authority
15/00635/LIPDPS	Application to Vary the Designated Premises Supervisor	03.02.2015	Granted under Delegated Authority
16/13277/LIPVM	Minor variation application	12.01.2017	Granted under Delegated Authority
19/07991/LIPDPS	Application to Vary the Designated Premises Supervisor	24.07.2019	Granted under Delegated Authority
19/08094/LIPV	Variation application	05.09.2019	Granted by Licensing Sub-Committee
19/15018/LIPV	Variation application	13.02.2020	Granted by Licensing Sub-Committee
20/04738/LIPV	Variation application	03.09.2020	Refused by Licensing Sub-Committee

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
18/06277/LITENP	Temporary Event Notice	07.06.2018	Event allowed to proceed
18/11714/LITENP	Temporary Event Notice	27.11.2018	Event allowed to proceed
18/11718/LITENP	Temporary Event Notice	27.11.2018	Event allowed to proceed



18/12403/LITENP	Temporary Event Notice	18.10.2018	Event allowed to proceed
18/12461/LITENP	Temporary Event Notice	18.12.2018	Event allowed to proceed
19/00255/LITENP	Temporary Event Notice	28.05.2019	Event allowed to proceed
19/00358/LITENP	Temporary Event Notice	28.05.2019	Event allowed to proceed
19/04192/LITENP	Temporary Event Notice	11.06.2019	Event allowed to proceed
19/05307/LITENP	Temporary Event Notice	10.05.2019	Event allowed to proceed
19/12505/LITENP	Temporary Event Notice	02.10.2019	Event allowed to proceed
21/04496/LITENP	Temporary Event Notice	13.05.2021	Event allowed to proceed

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

11. a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.  
  
b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.

### **The Metropolitan Police has proposed an alternative to condition 11 as follows:**

11. a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.  
  
b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.

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

### **The Metropolitan Police has proposed an alternative to condition 12 as follows:**

12. An attendant shall be on duty in the cloakroom during the whole time that it is in use. They shall be equipped with a radio to enable immediate contact with Security.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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.

**The Metropolitan Police has proposed an alternative to condition 13 as follows:**

13. 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 and covering the external area surrounding the entrance. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

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

14. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 175  
Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 198  
Ground Floor: 213  
(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).

**Condition 17 is proposed to be varied by the applicant to the following:**

17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 175  
Ground Floor: 110
- On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:  
Basement: 198  
Ground Floor: 213

(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).

Notwithstanding the above, for the period of two years from the date of this license the maximum number of persons accommodated (excluding staff) at any one time on Sundays to Thursdays shall not exceed:

Basement: 198

Ground Floor: 213

18. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. 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.
24. 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 when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (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.
25. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. 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).

29. No loudspeakers shall be located in or near the entrance lobby.
30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. 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.
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.
34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.

**Condition 37 is proposed to be varied by the applicant to the following:**

37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.

Notwithstanding the above, for the period of two years from the date of this license the time of 4:30am shall be substituted for 2am.

38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.

**The Metropolitan Police has proposed an alternative to condition 39 as follows:**

39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear yellow high visibility jackets or vests after Midnight. Security shall display their SIA licenses at all times when on duty.



40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.

**The Metropolitan Police has proposed an alternative to condition 40 as follows:**

40. Upon entry or reentry to the premises, all customer's bags shall be opened and searched. From midnight, a full pat-down search of all entrants, shall be conducted by properly trained security staff of the appropriate gender. Searching will be supplemented by means of two functional metal detecting wands. All searches will be covered by the premises CCTV system. Prior to midnight, searching shall be based on a risk assessment by designated security staff.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. 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.
43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
- (a) i) the number of persons on the ground floor
  - ii) the number of persons in the basement
  - iii) the total number of persons on the premises
- Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.
- b) The counts shall be inclusive of those who have temporarily left the premises.
44. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

**Conditions proposed to be added by the applicant**

45. For the period of two years from the date of this license when the premises are open, all customers entering after 23:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following

exceptions, namely that a maximum number of 40 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.

**The Metropolitan Police has proposed an alternative to condition 45 as follows:**

45. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

The above requirement is subject to the following exceptions, namely that a maximum number of (40) guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
- (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with ID provided and live photo shall be created.
- (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the customers details and the reasons for this in the signing in sheet.

Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

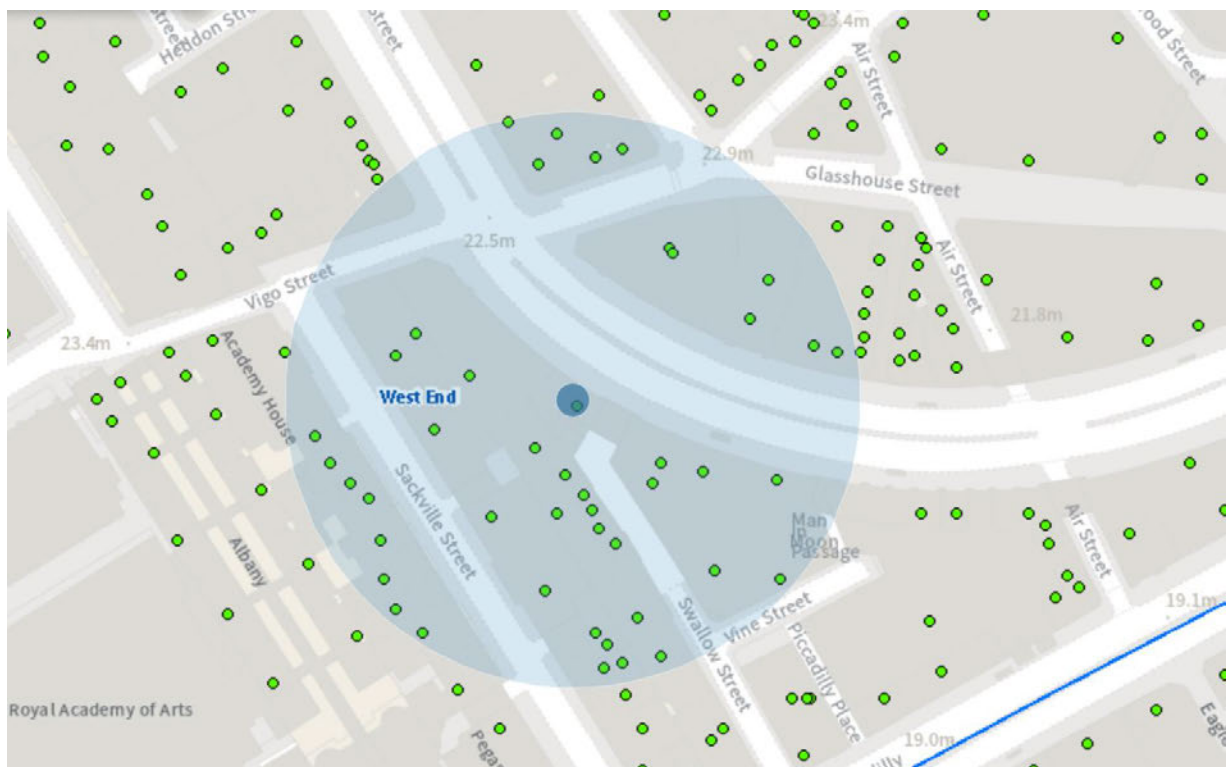
46. For the period of two years from the date of this license there shall be no entry or re-entry to the premises (except for smokers and staff) from 04:30 except the management may permit after 04:30 a maximum of 15 person who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for 30 days and to be kept for police inspection.
47. A copy of the club's dispersal policy will be available at the premises for inspection by a police officer and/or an authorised officer WCC.
48. The permitted hours for, sale of alcohol, films, live music, recorded music, performance of dance, and anything of a similar description to that, shall be 09:00 to 06:00 (the following day) everyday, for a period of two years from the date of this licence, unless the licence is further amended by way of Variation.

**Conditions proposed by the Metropolitan Police**

49. After 23:00 hours, all toilets shall be staff by attendants. They shall be equipped with radios, to enable immediate contact with Security staff.
50. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly,

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. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

51. The consumption of alcohol on the premises shall cease at (06:00) hours.
52. The licensee shall ensure that:
  - (a) All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team,
  - (b) All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
  - (c) the viewing of BWV recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
53. After 23:00 hours, all external queues and designated smoking areas shall be supervised by security staff. These areas shall be covered by CCTV.
54. All front of house shall receive conflict management training by a nationally recognised training provider. A record of the training shall be kept on the premises and provided to the Responsible Authorities upon request.



Resident Count: 8

**Licensed Premises within 75 metres of Cuckoo Club, Ground Floor, Victory House, 99 - 101 Regent Street, London, W1B 4EZ**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/15018/LIPV	Cuckoo Club	Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ	Night clubs and discos	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:00
16/04531/LIPV	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
16/13740/LIPCH	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/15773/LIPDPS	Classico	27-29 Swallow Street London W1B 4DW	Shop	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
20/08941/LIPCH	Gaucho	Ground Floor To Second Floor 25 Swallow Street London W1B 4DN	Restaurant	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 03:30   Sundays before Bank Holidays; 09:00 - 03:00
20/07421/LIPCH	Gaucho Grill	19 Swallow Street London W1B 4DJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/00965/LIPDPS	Bentleys Seafood Restaurant	Basement 11 - 15 Swallow Street London W1B 4DG	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 09:00 - 01:30   Monday to Sunday; 09:00 - 03:30
18/04992/LIPN	Not Recorded	8A Sackville Street London W1S 3DF	Restaurant	Monday to Sunday; 07:00 - 01:00   New Year's Eve; 07:00 - 02:00   Christmas Eve; 07:00 - 02:00   Sundays before Bank Holidays; 07:00 - 02:00
19/11314/LIPDPS	Nandos	46 Glasshouse Street London W1B 5DR	Shop	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/07978/LIPDPS	Leicester Arms Public House	44 Glasshouse Street London W1B 5DP	Pub or pub restaurant with lodge	Sunday; 07:00 - 23:00   Sunday; 07:00 - 00:00   Monday to Thursday; 07:00 - 00:00   Monday to

				Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
21/00715/LIPDPS	Nyetimber, 2nd Floor	Broughton House 6-8 Sackville Street London W1S 3DG	Not Recorded	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
18/12236/LIPDPS	Kadies Club	9 Swallow Street London W1B 4DF	Club or institution	Sunday; 09:00 - 03:00   Monday to Saturday; 09:00 - 03:30
19/04763/LIPDPS	Fishworks	Ground Floor 7 - 9 Swallow Street London W1B 4DE	Restaurant	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 00:30
17/01930/LIPDPS	Burberry	Development Site At 115 To 123 Regent Street And 5 Vigo Street London	Shop (very large)	Sunday; 10:00 - 18:00   Monday to Saturday; 08:00 - 23:00



## Licensing Sub-Committee Report

Item No:	
Date:	27 May 2021
Licensing Ref No:	21/00693/LIPV - Premises Licence Variation
Title of Report:	Balans Cafe 34 Old Compton Street London W1D 4TR
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:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

## 1. Application

<b>1-A Applicant and premises</b>			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 February 2021		
<b>Applicant:</b>	Running Hare Restaurants Ltd		
<b>Premises:</b>	Balans Cafe		
<b>Premises address:</b>	34 Old Compton Street London W1D 4TR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises is currently operating as a restaurant and café.		
<b>Variation description:</b>	<p>This variation application seeks to permit the following:</p> <ul style="list-style-type: none"> <li>To amalgamate the hours for Late Night Refreshment in all parts of the premises to; <b>Late Night Refreshment:</b> Monday to Sunday 23:00 - 05:00</li> <li>To extend the hours for the sale of alcohol to 01:00 Monday to Sunday in all parts of the premises. <b>Retail Sale of Alcohol:</b> Monday to Saturday 10:00 to 01:00, Sunday: 12:00 to 01:00</li> </ul> <p>The opening hours remain unchanged.</p>		
<b>Premises licence history:</b>	<p>The premises has had a benefit of a premises licence since 2015. The current premises 21 licence can be viewed at <b>Appendix 1</b> of this report.</p> <p>The premises previously had the benefit of two further licences both of which were surrendered in 2015. The licence history can be found at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	<p>During the consultation period the applicant submitted conditions which can be found viewed at <b>Appendix 4</b>.</p> <p>A Dispersal Policy was provided by the applicant during consultation. This can be found at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	Conditions have been agreed during the consultation period with Environmental Health and these conditions can be found at <b>Appendix 4</b> .		



1-B Current and proposed licensable activities, areas and hours						
Late night refreshment – 34-34A Old Compton Street						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	05:00	No Change to Timings		Ground Floor	No Change
Tuesday	23:00	05:00				
Wednesday	23:00	05:00				
Thursday	23:00	05:00				
Friday	23:00	05:00				
Saturday	23:00	05:00				
Sunday	23:00	05:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No Change	

Sale by Retail of Alcohol - 34-34A Old Compton Street						
On or off sales			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	01:00	Ground Floor	No Change
Tuesday	10:00	23:30	10:00	01:00		
Wednesday	10:00	23:30	10:00	01:00		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	23:30	10:00	01:00		
Saturday	10:00	23:30	10:00	01:00		
Sunday	12:00	23:30	12:00	01:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No Change	

Late night refreshment – 34B Old Compton Street						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No Change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	23:00	05:00	Ground Floor	No Change
Tuesday	23:00	01:00	23:00	05:00		
Wednesday	23:00	01:00	23:00	05:00		
Thursday	23:00	01:00	23:00	05:00		
Friday	23:00	05:00	No Change			

<b>Saturday</b>	23:00	05:00	No Change		
<b>Sunday</b>	23:00	01:00	23:00	05:00	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No Change	

Sale by Retail of Alcohol – 34B Old Compton Street						
On or off sales			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	01:00	Ground Floor	No Change
Tuesday	10:00	23:30	10:00	01:00		
Wednesday	10:00	23:30	10:00	01:00		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	22:30	12:00	01:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No Change	

Late night refreshment – 23A – 23B Frith Street						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	05:00	Ground Floor	No Change
Tuesday	23:00	23:30	23:00	05:00		
Wednesday	23:00	23:30	23:00	05:00		
Thursday	23:00	23:30	23:00	05:00		
Friday	23:00	00:00	23:00	05:00		
Saturday	23:00	00:00	23:00	05:00		
Sunday	Not Proposed		23:00	05:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No Change	

<b>Sale by Retail of Alcohol – 23A – 23B Frith Street</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No Change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	10:00	01:00	Ground Floor	No Change

Tuesday	10:00	23:30	10:00	01:00		
Wednesday	10:00	23:30	10:00	01:00		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	22:30	12:00	01:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	05:00	No Change		Ground Floor	No Change
Tuesday	10:00	05:00				
Wednesday	10:00	05:00				
Thursday	10:00	05:00				
Friday	10:00	05:00				
Saturday	10:00	05:00				
Sunday	12:00	05:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

<b>1-C Layout alteration</b>
No layout changes proposed in this variation application.

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	11 February 2021
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Westminster Police Licensing will be in contact at some point to discuss the application further.</p>	

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	19 February 2021

I refer to the variation application for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

The applicant is seeking the following:

**1. Supply of alcohol for consumption on the premises at 34 – 34A Old Compton Street**

<b>From</b>	<b>To</b>
Monday to Saturday 10:00 to 23:30 hours	Monday to Saturday 10:00 to 01:00 hours
Sunday: 12:00 to 23:30 hours	Sunday: 12:00 to 01:00 hours

**1. Provision of late-night refreshment indoors at 34B Old Compton Street**

<b>From</b>	<b>To</b>
Sunday to Thursday: 23:00 to 01:00 hours	Sunday to Thursday: 23:00 to 05:00 hours

**2. Supply of alcohol for consumption on the premises at 34B Old Compton Street**

<b>From</b>	<b>To</b>
Monday to Thursday: 10:00 to 23:30 hours	Monday to Thursday: 10:00 to 01:00 hours
Friday to Saturday 10:00 to 00:00 hours	Friday to Saturday 10:00 to 01:00 hours
Sunday: 12:00 to 22:30 hours	Sunday: 12:00 to 01:00 hours

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:**

1. The supply of alcohol and hours requested for 34 – 34A Old Compton Street have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The hours requested to provide late night refreshment at 34B Old Compton Street have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
3. The supply of alcohol and hours requested for 34B Old Compton Street have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Condition 13 permits a maximum of 50 persons at the premises (excluding staff). Additional information is required regarding how this capacity is distributed over the entire premises which include: 34 – 34A Old Compton Street, 34B Old Compton Street & 23A - 23B Frith Street.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives



Prevention of Public Nuisance and Public Safety.

**Conditions have been proposed by Environmental Health and agreed with the applicant and can be found at Appendix 4.**

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Michelle Steward
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<b>Received:</b>	26 February 2021
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I write in relation to the application submitted for a variation of the premises licence for Balans Café, 34 Old Compton Street, London, W1D 4TR

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 four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The premises are currently licensed for the following hours:

The application seeks the following:

- To amalgamate the hours for Late Night Refreshment in all parts of the premises, as set out below.
- To extend the hours for the sale of alcohol to 01:00 Monday to Sunday in all parts of the premises.  
ie hours for the entire premises **for on and off sales:**

Late Night Refreshment Monday to Sunday : 23:00 - 05:00

Alcohol: Monday to Saturday 10:00 to 01:00,

Sunday: 12:00 to 01:00

The opening hours to remain unchanged.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 (A to D) and HRS1 (A and B 1-14).

**Westminster's Licensing Policy 2021 states Core Hours for Restaurants:**

C. For the purpose of Clauses A and B above, the Core Hours for this application are:

8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1 and HRS1.

The applicant is required to provide further information regarding the operation of the premises and to be able to understand the context behind the different areas:

1. How, if granted, would the additional hours operate as it is noted that the extension is both on and off the premises for both Late Night Refreshment and the Sale by Retail of Alcohol?

2. How do the separate areas operate at 34 Old Compton Street and 23A - 23B Frith Street, please provide additional information.
3. Is the applicant intending to operate as a late night café including deliveries and how this will be operated; will the deliveries involve for example; Deliveroo or if customers will attend the premises to collect takeaway food and alcohol?
4. Does the applicant have a Dispersal Policy? If so, please provide a copy and
5. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The Licensing Authority encourages the applicant to provide further submissions as how this increase will not add to cumulative impact.

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

The applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted. It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed hours of operation.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

<b>2-B Other Persons</b>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	15 February 2021		
<p>I live directly above Balans, and have for the past 3 years.          I've never had any issue with nuisance from Balans customers or staff due to licensing hours, alcohol or disturbing customers.          I wholeheartedly support their application.</p>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	15 February 2021		
<p>Good evening, I'm writing to support Balans on their request for the extension of their licence.          I used to busy streets and a certain amount of noise, Balans is not somewhere that has caused me issues or disturbance whilst living in the area.          Regards</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	15 February 2021		
Balans is a real attraction in Soho, and serves the local community well. Their staff are very attentive to the local area, and ensure there is no disruption by their diners. They should be encouraged and supported, as the locals use their service, and they contribute to the local economy through employment. I support them 100%			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	15 February 2021		
Soho is dying on it's feet and we need to keep it alive. This will attract footfall and ensure our local community is able to survive, not only this pandemic, but also the corporate takeover which is killing the local identity.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	16 February 2021		
I write in support of Balans application to extend their licence at their no. 34 location on Old Compton Street.			
I live at Apartment [REDACTED] in Soho just yards away. There have never to my knowledge been any issues with crime or anti-social behaviour from the customers at Balans and I enjoy their restaurant myself very much.			
Soho is a vibrant, fun and exciting part of town and businesses, especially now, need all the help they can get to survive.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 February 2021		
I would like to object to the granting of this licence to the hours requested. It's way beyond core hours, particularly on a Sunday (1 am is being requested) Old Compton Street / Frith Street already has far too many late night licences. Also this is against Westminster's Licensing Policy besides being in the cumulative impact zone. There are a lot of residents on Frith Street / Old Compton Street and in addition it's a high crime area.			



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 February 2021		

We 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 crime and disorder, prevention of public nuisance, public safety 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.

**Application summary**

**Premises variation**

1. To amalgamate the hours for late night refreshment in all parts of the premises
2. To extend the hours for the sale of alcohol to 01:00 Monday to Sunday in all parts of the premises i.e. hours for the entire premises.
3. Opening hours to remain the same.

**Sale of alcohol:** Mon - Sat: 10:00 - 01:00. Sun: 12:00 - 01:00  
**Late night refreshment:** Mon - Sun: 23:00 - 05:00  
**Hours open to the public:** Mon-Sat: 10:00 - 05:00. Sun: 12:00 - 05:00

**Current licence**

**34 - 34A, Old Compton Street**  
**Sale of alcohol:** Mon-Sat: 10:00 - 23:30. Sun: 12:00 - 23:30  
**Late night refreshment:** Mon-Sun: 23:00 - 05:00

**34B, Old Compton Street**  
**Sale of alcohol:** Mon- Thurs: 10:00 - 23:30. Fri - Sat: 10:00 - 00:00. Sun: 12:00 - 22:30  
**Late night refreshment:** Sun - Thurs: 23:00 - 01:00. Fri - Sat: 23:00 - 05:00

**23A - 23B Frith Street**  
**Sale of alcohol:** Mon- Thurs: 10:00 - 23:30. Fri - Sat: 10:00 - 00:00. Sun: 12:00 - 22:30  
**Late night refreshment:** Mon - Thurs: 23:00 - 23:30. Fri - Sat: 23:00 - 00:00

**Opening hours of the premises:** Mon-Sat: 10:00 - 05:00. Sun: 12:00 - 00:00

**Capacity: 50**

**The application**

We object to this application on the following grounds,

- **Premises history:** in 2014 Soho Estates applied for planning permission (14/06129/FULL) to extend the existing premises of Balans Café at 34-34A, Old Compton Street to include 34B Old Compton St and 23A & 23B Frith St. The applicant also discussed the application with the Soho Society at its Planning Committee meeting. The subsequent Westminster Planning Applications Committee report states at **6.3. Residential Amenity**, 'The nearest residential units to the application site(s) are directly above. The existing restaurant operates on a 24-hour basis. While it is acknowledged that the area is characterised by late night entertainment uses, intensifying this night operation further across the enlarged unit could potentially lead to the use having a detrimental effect on the residential units above. **As such, the applicant has agreed to a condition being imposed that would restrict the hours of operation of the new restaurant floor space only to between 07:00 and 00:00 Sundays to Thursdays and to between 07:00**



**and 00:30 Fridays and Saturdays.** The decision notice Condition 4 states, **'The area hatched in red on drawing number 021 shall only be open to members of the public between the hours of 07:00 and 00:00 Sunday to Thursday and between 07:00 and 00:30 Fridays and Saturdays. (our emphasis). Reason: to protect the privacy and environment of people in neighbouring properties.'** Since this decision and the agreement of the applicant was made, the rates of crime and disorder and public nuisance has increased in the West End as evidenced within the 2020 Cumulative Impact Assessment. It is therefore our view that cumulative impact and nuisance to residents will increase if this application in full were to be successful. (Appendix 1: Planning decision - area hatched in red drawing number 021)

- **Hours:** it seeks to extend the sale of alcohol to 01:00 across all areas Monday to Sunday, and to amalgamate late night refreshment in all parts of the premises to 05:00 Monday to Sunday. The sale of alcohol extension is beyond core hours and will extend the current licence by 1.5 hours with a capacity of 50. It also seeks to extend the 5am late night café licence across all parts of the premises which is in breach of the planning condition highlighted above. Furthermore, these licences lead to nuisance as identified by the Cumulative Impact Assessment 2020 which states, *D4. 'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.'* This application will create an additional 1am alcohol and 5am late night refreshment licence in a street already saturated with food, drink and entertainment uses (see below).

- **Night time economy:** Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour. In Soho between **01:00 - 06:00 there are 114 licensed premises** for the sale of alcohol in Soho, **\*capacity of these premises being 20,483.** This application will add an additional 01:00 licence to this number. We believe this addition cannot be justified and will add to cumulative impact. (\*capacity not stated on 16 premises licences).

- **Old Compton Street** is a vibrant and diverse street offering a range of mixed uses, predominantly residential accommodation, restaurants, retail shops, bars and pubs. It attracts large numbers of people during the daytime but even greater numbers at night due to the high number of evening / late night premises. There are **31** such premises, **22 restaurants, 4 bars, 4 pubs and 1 members club** with licences between the hours of **00:00 - 03:30 with a capacity of 2,033 for 18 premises** (capacity not stated on 13 licences). The breakdown shows **20 licences until 00:00, capacity 483 for 8 premises** (12 not recorded), **7 until 01:00, capacity 845** (1 not recorded) and **4 until 03:00, capacity 695.** Therefore, as you will appreciate, the street is already saturated with premises serving alcohol and in our view it cannot accommodate another late night licence.

Old Compton Street is also surrounded by streets densely populated with late night venues. **Greek Street** is in close proximity and has **23** premises ranging from bars, private members clubs and restaurants with late night licences between the hours of **00:00 - 03:30, with a capacity of 3,442 for 19 premises** (capacity not stated in 4 licences).

In our view these streets and including the neighbouring **Frith Street with its 23 licensed premises, capacity 2,022** (7 not recorded) and **Dean Street 29, capacity 2,505** (8 not recorded) has the largest concentration of licences than any other area in Soho, **106 in total, with a capacity to be 9,992** (where known), providing evidence that the additional licence cannot be justified in this area, and there are no exceptional circumstances in this case.

- **Residents - Old Compton Street:** there are a significant number of residential properties in the street we've counted 31 with over 164 flats, including 7 flats above these premises. The planning condition clearly stated the need **'to protect the privacy and environment of people in the neighbouring properties'**. We agree and are particularly concerned that residents will be disturbed by the noise from people standing outside smoking, or waiting for and being picked up by taxis, pedicabs waiting outside blaring out loud music. Residents live along the whole length of Old Compton St and due to the large number of restaurants, bars and pubs they already

suffer from noise disturbance, anti-social behaviour and increased crime and disorder. Old Compton Street attracts large numbers of people on a night out either eating or drinking in the numerous premises or just walking through and hanging around. It is an extremely busy and noisy street late at night attracting criminal activity and public nuisance (see Prevention of Crime and Disorder and Prevention of Nuisance below).

• **Soho post COVID-19:** following the huge success of the roll-out of the vaccine programme, the Government recently set out a 4 step roadmap to the removal of the current lockdown rules, culminating with the end of all limits on social contact, which will result in the full opening of all sectors of the hospitality industry. We anticipate Soho will quickly recover to pre-COVID times. This was evidenced by the numbers of people who returned to the area during the summer of 2020. In our view the numbers of people were higher than in pre-pandemic times. As a result, the high level of cumulative impact identified within the Cumulative Impact Assessment 2020 will return and continue to rise which is a concern for many residents.

### **Statement of Licensing Policy 2021**

Reviewing the Statement of Licensing Policy ('SoLP'), the following policies apply to this application.

**Core Hours Policy: A)** Applications within the core hours are set within the policy, they will generally be granted for the relevant premises' uses, subject to not being contrary to other policies in the SoLP.

**B)** Applications for hours outside of the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to 14 points which includes the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1, and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

#### **Clause C: Restaurants**

Monday to Thursday: 9am to 11.30pm

Friday and Saturday: 9am to 12am

Sunday: 9am to 10.30pm

**Cumulative Impact Policy CIP1: A.** It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises and music and dancing and similar entertainment, other than to:

1. *Vary the hours within the Core Hours under Policy HRS1, and/or*
2. *Vary the licence to reduce the overall capacity of the premises.*

**C.** *'Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.'*

**D4.** *'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night, a considerable number of them being intoxicated.'*

**D.23.** *'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

**Restaurants Policy RTN1:** *The Policy states, 'B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to ...' and goes on to list four criteria one of which being,*

**3.** *'The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.'*

**F117.** *'The granting of the later hours for restaurants would depend on the extent to which the*

*service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property. ....'*  
*'When considering applications for the sale of alcohol after 12am where representations are made on the grounds of prevention of crime and disorder or public nuisance the council will take into account the increased likelihood of crime and disorder and the greater disturbance from activities late at night.'*

### **The Licensing Objectives**

This application fails the policy test and also fails to promote the licensing objectives and we object on the following grounds.

### **Prevention of Crime and Disorder - CD1**

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 – 13 times higher between 6pm - 6am compared to the borough average.** It goes on to detail the number and types of crimes in the West End as presented below,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related call-outs incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). Robberies Night, 2,237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1,529 (40%). Noise Complaints Night, 1,389 (16%). Reactive Waste Management, 6,630 (10%). Ambulance call-outs to locations of licensed premises, 5,353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9,662 (16%). Total = 50,594.

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.

- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.

- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.

- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.

- **Theft and Handling:** most common crime type in the borough, and in the evening and night they are particularly concentrated in the West End and along Oxford Street.

Comparing crime statistics in and around Old Compton St between September 2019 to February 2020 shows high levels of crimes in this small area of Soho,

**Old Compton St : Robbery = 19, Theft person = 162, Violence with injury = 47.  
All crime = 429.**

**Dean St** : Robbery = 12, Theft person = 57, Violence with injury = 30. All crime = 280.

**Greek St** : Robbery = 12, Theft person = 76, Violence with injury = 33. All crime = 244

**Frith St** : Robbery = 13, Theft person = 46, Violence with injury = 23. All crime = 143.

**Old Compton Street** records the highest number of crimes compared to the other streets which surround it - **200% more crime than Frith Street, 75% more than Greek Street and 53% more than Dean Street.**

Criminal activity is not limited to these types of crimes at night, these streets and especially Old Compton St also attract drug dealers who are in the area targeting people as they leave premises. There are more dealers in the area at night than during the daytime, this is linked to the large number of late night venues which in turn creates the drug market.

We have provided evidence of the high levels of crime in this street and surrounding area. We believe if the application is granted it will contribute to the existing levels of crime and disorder and therefore should be refused.

#### **Prevention of Public Nuisance Policy PN1**

Under this Policy the criteria applied states, *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

There are a large number of residential properties on Old Compton Street and at night the street becomes the 'venue' where large numbers of people gather outside the bars and restaurants or just walk through. It is extremely noisy which is compounded by pedicabs parked in the street blaring out loud music creating a significant noise nuisance. The planning decision

*'...acknowledged that the area is characterised by late night entertainment uses, intensifying this night operation further across the enlarged unit could potentially lead to the use having a detrimental effect on the residential units above'* and thereby agreed to impose condition 4 *'to protect the privacy and environment of people in neighbouring properties'* residents already suffer from noise disturbance, nuisance and antisocial behaviour, this application will result in a further reduction in residential amenity.

#### **Public Safety - PS1**

Under this objective the applicant needs to *'... demonstrate that the public will be safe within and in the vicinity of the premises,'* and goes on to state *'Crime, disorder and antisocial behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.'* Drunk and highly intoxicated people on the streets late at night are very vulnerable requiring support and to prevent them from becoming victims of crime. To help people who become vulnerable on a night out Westminster City Council with the LGBT foundation has established the Soho Angels. As the Committee will know, these are group of volunteers who work on Friday and Saturday nights between 10pm and 5am helping vulnerable or distressed people on a night out. They work with St. John Ambulance who provide medical assistance at an eight-bedded night hub in St. Anne's Church on Dean Street. In their first year of operation they helped over 1,200 people, with medical assistance being given to 230 cases of which 80 were classed as serious incidents, and 40 crimes were reported. This is further evidence of the impact of the high number of late night uses and large numbers of people out on the streets such that a dedicated team of volunteers is required to help the vulnerable, keeping them safe from harm. However, due to the current COVID-19 restrictions this service has ceased, but we would expect it to resume post 21 June following the ending of all limits on social contact.

#### **Licensing Policy 2021 - Cumulative Impact**

This area has been identified by the Westminster City Council (Statement of Licensing Policy, 2021) as under stress because of the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked

deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

#### Conclusion

The application proposes to add an additional 1am alcohol and 5am late night refreshment licence with a capacity of 50. There are **31** licensed premises in Old Compton and including the surrounding streets the **total is 106, 66 restaurants, 15 clubs, 13 bars, 11 pubs, 1 office, with a capacity of 9,992** where recorded. Any increase in the number of people on the streets late at night will add to cumulative impact in the West End Cumulative Impact Zone and fail to promote the licensing objectives, we therefore respectfully request this application is rejected. Please do not hesitate to contact us if you require any further information.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 March 2021		

I object to the extension of the hours for the sale of alcohol to 1:00 am seven days a week, especially on Sunday evenings. We should be trying to lessen the negative impact on residents in the area that is already getting out of hand. Old Compton and Frith Street junction is already very busy at night, often escalating into street partying, drinking and problems that come with it (This is why it is in the 'Cumulative Impact Zone'). Multiple buildings around this junction have residents and serving alcohol later into the night will attract more people and noise no matter how well and responsibly Balans acts. I thought the council was going to try to reduce, not increase, stress on residents in this area, as we are at the centre of the 'Cumulative Impact Zone'.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and</li> </ol>

	<p>disorder, public safety, public nuisance and the protection of children from harm.</p> <p>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</p> <p>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b></p> <p>Monday to Thursday: 9am to 11.30pm.</p> <p>Friday and Saturday: 9am to 12am.</p> <p>Sunday: 9am to 10.30pm.</p> <p>Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p>
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	E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
<b>Policy RTN1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that 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; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.



## 5. Appendices

<b>Appendix 1</b>	Current Premises Licence 20/06321/LIPT
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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<b>Contact:</b>	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service	11 <sup>th</sup> February 2021
<b>5</b>	Environmental Health Service	19 <sup>th</sup> February 2021
<b>6</b>	Licensing Authority	26 <sup>th</sup> February 2021
<b>7</b>	Representation 1	15 <sup>th</sup> February 2021
<b>8</b>	Representation 2	15 <sup>th</sup> February 2021
<b>9</b>	Representation 3	15 <sup>th</sup> February 2021
<b>10</b>	Representation 4	15 <sup>th</sup> February 2021
<b>11</b>	Representation 5	16 <sup>th</sup> February 2021
<b>12</b>	Representation 6	28 <sup>th</sup> February 2021
<b>13</b>	Representation 7	28 <sup>th</sup> February 2021
<b>14</b>	Representation 8	1 <sup>st</sup> March 2021





**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 100023472024

Premises licence

Regulation 33, 34

Premises licence number:

20/06321/LIPT

Original Reference:

15/02240/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Balans Cafe  
34 Old Compton Street  
London  
W1D 4TR

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**34 – 34A Old Compton Street**

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**Sale by Retail of Alcohol**

Monday to Saturday 10:00 to 23:30  
Sunday: 12:00 to 23:30

*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.*

**34B Old Compton Street**

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday 10:00 to 00:00  
Sunday: 12:00 to 22:30

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 01:00  
Friday to Saturday: 23:00 to 05:00

<b>23A - 23B Frith Street</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday	10:00 to 00:00
Sunday:	12:00 to 22:30
<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

<b>The opening hours of the premises:</b>	
Monday to Saturday:	10:00 to 05:00
Sunday:	12:00 to 05:00

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

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Running Hare Restaurants Ltd 95 Aldwych C/o Peachey & Co LLP London WC2B 4JF Electronic Mail : <a href="mailto:tburton@tandtp.com">tburton@tandtp.com</a>

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
12604430

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
<b>Name:</b> Elisabeta Casilda Ilia
Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
<b>Licence Number:</b> LEW 5000
<b>Licensing Authority:</b> London Borough Of Lewisham

**Date:** 11 August 2020

This licence has been authorised by Mary Pring 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**

None

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

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 preceding 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. 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 takeaway service of food or drink for immediate consumption (save for consumption at tables and chairs outside the premises granted by a temporary licence under the City of Westminster Act 1990)
  - (v) which do not provide any takeaway 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.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 50 persons.
14. No draught beer shall be sold or supplied at the premises
15. The sale and supply of alcohol for consumption off the premises shall be restricted to persons seated at the outside table and chairs licensed by the local authority and ancillary to a substantial table meal.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. 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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
21. 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

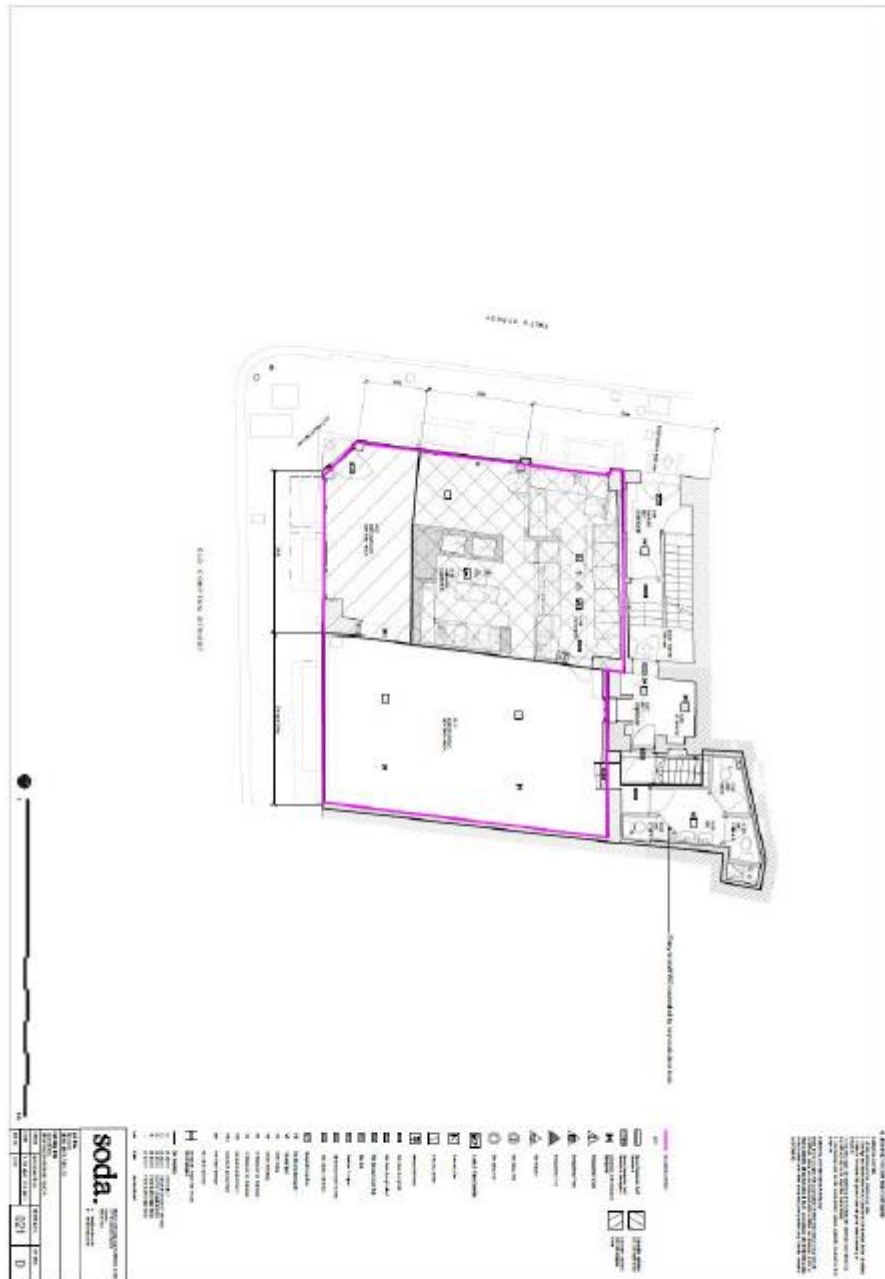


or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

22. 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.
23. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.



## Annex 4 – Plans





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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 100023472024

Regulation 33, 34

Premises licence number:

20/06321/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Balans Cafe  
34 Old Compton Street  
London  
W1D 4TR

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**34 – 34A Old Compton Street**

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**Sale by Retail of Alcohol**

Monday to Saturday 10:00 to 23:30  
Sunday: 12:00 to 23:30

*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.*

**34B Old Compton Street**

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday 10:00 to 00:00  
Sunday: 12:00 to 22:30

**Late Night Refreshment**

Sunday to Thursday 23:00 to 01:00  
Friday to Saturday: 23:00 to 05:00

<b>23A - 23B Frith Street</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday	10:00 to 00:00
Sunday:	12:00 to 22:30
<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

<b>The opening hours of the premises:</b>	
Monday to Saturday:	10:00 to 05:00
Sunday:	12:00 to 05:00

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

<b>Name and (registered) address of holder of premises licence:</b>
Running Hare Restaurants Ltd 95 Aldwych C/o Peachey & Co LLP London WC2B 4JF

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
12804430

<b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
Name: Elisabetha Casilda Ilija

<b>State whether access to the premises by children is restricted or prohibited:</b>
Restricted

Date: 11 August 2020

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

**BALANS 34 OLD COMPTON STREET**

**DISPERSAL POLICY**

**1. OBJECTIVE**

- 1.1 The objective of this Dispersal Policy is to ensure a quiet, controlled and swift dispersal of our guests – particularly at night.
- 1.2 By following this Dispersal Policy guests will be managed professionally and responsibly to ensure they make their journey home without any adverse impact on our neighbours.
- 1.3 The Policy prevents public nuisance from the following risks:
  - 1.3.1 Noisy or anti-social behaviour by guests leaving the premises.
  - 1.3.2 Large numbers of people leaving the premises at the same time.
- 1.4 The Policy also helps to ensure guests make their journey home safely and do not become victims of crime.

**2. LOCATION**

- 2.1 The premises are situated at the corner of Old Compton Street and Frith Street.
- 2.2 Despite the central location and mixed-use area, staff are reminded that there are residential properties in the vicinity.
- 2.3 All staff must be aware of the authorised opening hours, as follows:
- 2.4 This Policy must be followed throughout the day, although particular attention should be paid to guests leaving at night.

**3. DEDICATED TELEPHONE NUMBER**

- 3.1 A dedicated telephone number for the Designated Premises Supervisor or the duty manager will be maintained for use by any person who may wish to speak to an appropriate member of staff for an issues arising, including dispersal of guests from the premises.

**4. GENERAL ENTRY/EGRESS**

- 4.1 The guest entrance and exit is located in Old Compton Street. The entrance/exits shall be monitored by staff at all appropriate times.

- 4.2 Guests will not be permitted to queue outside the premises.
- 4.3 When leaving the premises guests will be reminded to respect the local residents and local businesses and disperse quietly and quickly. The management will not tolerate unruly or anti-social behaviour from guests whether in the premises or when leaving the premises. Signage will be displayed to this effect and, where deemed necessary by the Management, SIA staff will supervise the dispersal of guests until they have left the vicinity of the premises safely and quietly.
- 5. **FRONT OF HOUSE**
  - 5.1 A front of house/receptionist will be appointed and in place during operational hours to greet guests and ensure an orderly departure from the premises.
  - 5.2 Guests shall be greeted and directed into and out of the premises promptly.
  - 5.3 Staff will be trained to manage and supervise the exit of guests from the premises.
- 6. **DISPERSAL**
  - 6.1 The primary point of dispersal is directly onto Old Compton Street. From here guests can disperse to the nearby transport links via the underground and bus stations on Tottenham Court Road, Charing Cross Road, Shaftesbury Avenue and Leicester Square.
  - 6.2 Towards closing time guests must be politely reminded the premises is about to close.
  - 6.3 Members of staff must comply with the conditions of the Premises Licence to ensure guests are managed professionally and leave quickly and quietly. They will also politely request any guests loitering outside the premises to continue their journey home. The management will not tolerate unruly or anti-social behaviour from guests whether in the premises or when leaving the premises.
  - 6.4 Guests must be made aware of local transport links (see below).
- 7. **TRANSPORT**
  - 7.1 **FOOT**
    - 7.1.1 A lot of guests are anticipated to arrive and depart by foot.



- 7.1.2 The premises is also well serviced by public transport links, as set out below. All staff must be familiar with these transport links so they can advise guests where required.

**7.2 TUBE/OVERGROUND**

- 7.2.1 The premises is well situated near the following easily accessible stations, with the benefit of the extended night tube services:

- (a) Tottenham Court Road Station, Leicester Square Station, Piccadilly Circus Station, Oxford Circus Station.

- 7.2.2 Where necessary guests will be given directions to the station and will be reminded to reach the station as quietly and as quickly as possible, particularly at night.

**7.3 TAXI**

- 7.3.1 Black cabs, and other app-based cabs, are available right through the day and night in the surrounding area.

- 7.3.2 Guests wishing to leave the premises by taxi/private hire vehicle will be required to make that booking in advance.

- 7.3.3 Guests will be encouraged to quickly and quietly disperse towards their waiting vehicle to minimise any noise disruption.

**7.4 BUSES**

- 7.4.1 The premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops on Oxford Street, Tottenham Court Road, Charing Cross Road, Shaftesbury Avenue, Piccadilly Circus, Trafalgar Square, etc.

- 7.4.2 A large number of bus routes are available in those streets, serving a variety of onwards destinations.

- 7.4.3 Where necessary guests will be given directions to the bus stops and will be reminded to consider the local residents and businesses when travelling to the bus stops and waiting for buses, particularly at night.

- 7.4.4 Staff will be familiar with the local bus services and will advise guests accordingly.

**8. SIGNAGE**

- 8.1 Notices will be displayed at the exits reminding guests to respect the premises' local residents and local businesses and to encourage guests to disperse as quickly and as quietly as possible.

**9. SMOKING**

- 9.1 Guests leaving the premises temporarily to smoke will be managed to ensure they do not cause obstruction or nuisance in the vicinity. Guest will be encouraged to leave the premises quietly and not to loiter or smoke in the immediate vicinity of the premises to ensure residential amenity is not disturbed.

**10. MANAGER'S ROLE**

- 10.1 It is ultimately the responsibility of the General Manager to:
- a) ensure that any door supervisors, other managers and staff act effectively and responsibly to comply with this policy;
  - b) use all reasonable endeavours to dissuade guests from causing any disturbance or nuisance within the vicinity of the premises; &
  - c) prioritise and assist wherever possible in ensuring a quiet and orderly as possible.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/02240/LIPN	<p><b>34 – 34A Old Compton Street</b> Late Night Refreshment: Monday to Sunday 23:00 to 05:00</p> <p>Retail Sale by Alcohol: Monday to Saturday 10:00 to 23:30 Sunday 12:00 to 23:30</p> <p><b>34B Old Compton</b> Late Night Refreshment: Sunday to Thursday 23:00 to 01:00 Friday to Saturday 23:00 to 05:00</p> <p>Retail Sale by Alcohol: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30</p> <p><b>23A – 23B Frith Street</b> Late Night Refreshment Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00</p> <p>Retail Sale of Alcohol: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30</p>	28 August 2015	Granted by Licensing Sub-Committee
15/08372/LIPRW	Works Condition Removal	30 September 2015	Granted Under Delegated Authority



16/09219/LIPDPS	Designated Premises Supervisor Variation	24 July 2018	Granted Under Delegated Authority
19/04512/LIPDPS	Designated Premises Supervisor Variation	27 February 2020	Granted under Delegated Authority
20/02662/LIPDPS	Designated Premises Supervisor Variation	19 March 2020	Granted under Delegated Authority
20/06321/LIPT	Transfer Premises Licence Holder	11 August 2020	Granted under Delegated Authority

### Temporary Event Notice History

Application	Details of Application	Date Determined	Decision
18/09974/LITENP	Temporary Event Notice	31 August 2018	Notice Granted
18/10166/LITENP	Temporary Event Notice	06 September 2018	Notice Granted
18/10312/LITENP	Temporary Event Notice	06 September 2018	Notice Granted
18/10491/LITENP	Temporary Event Notice	19 November 2018	Notice Granted
18/10598/LITENP	Temporary Event Notice	16 September 2018	Notice Granted
18/10713/LITENP	Temporary Event Notice	19 September 2018	Notice Granted
18/10906/LITENP	Temporary Event Notice	23 November 2018	Notice Granted
18/11834/LITENP	Temporary Event Notice	27 November 2018	Notice Granted
18/11935/LITENP	Temporary Event Notice	11 October 2018	Notice Granted
18/12168/LITENP	Temporary Event Notice	18 October 2018	Notice Granted
19/11179/LITENP	Temporary Event Notice	11 September 2019	Notice Granted
19/11671/LITENP	Temporary Event Notice	26 September 2019	Notice Granted
19/12068/LITENP	Temporary Event Notice	25 September 2019	Notice Granted
19/12163/LITENP	Temporary Event Notice	01 October 2019	Notice Granted
19/12315/LITENP	Temporary Event Notice	30 September 2019	Notice Granted
19/12485/LITENP	Temporary Event Notice	07 October 2019	Notice Granted
19/12675/LITENP	Temporary Event Notice	08 October 2019	Notice Granted
19/13053/LITENP	Temporary Event Notice	15 October 2019	Notice Granted

19/13078/LITENP	Temporary Event Notice	15 October 2019	Notice Granted
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**There is no appeal history**

**Previous Licence & Appeal History for 34B Old Compton Street**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09254/LIPN	Late Night Refreshment: Sunday to Thursday 23:00 to 01:00 Friday to Saturday 23:00 to 05:00	23 January 2006	Granted by Licensing Sub-Committee
06/08598/WCCMAP	Master Licence	23 January 2006	Granted by Licensing Sub-Committee
15/02907/LIPT	Transfer Premises Licence Holder	24 September 2015	Granted under Delegated Authority

**There is no appeal history**

**Previous Licence & Appeal History for 34B Old Compton Street**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/02307/LIPN	Shadow Licence of 06/08598/WCCMAP	12 May 2015	Granted under Delegated Authority

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

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 preceding 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. 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 takeaway service of food or drink for immediate consumption (save for consumption at tables and chairs outside the premises granted by a temporary licence under the City of Westminster Act 1990)
  - (v) which do not provide any takeaway 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.

12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 50 persons.
14. No draught beer shall be sold or supplied at the premises
15. The sale and supply of alcohol for consumption off the premises shall be restricted to persons seated at the outside table and chairs licensed by the local authority and ancillary to a substantial table meal.

#### **Condition 15 has proposed to be amended by the Environmental Health and been agreed by the applicant**

The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. 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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
21. 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.
22. 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.
23. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

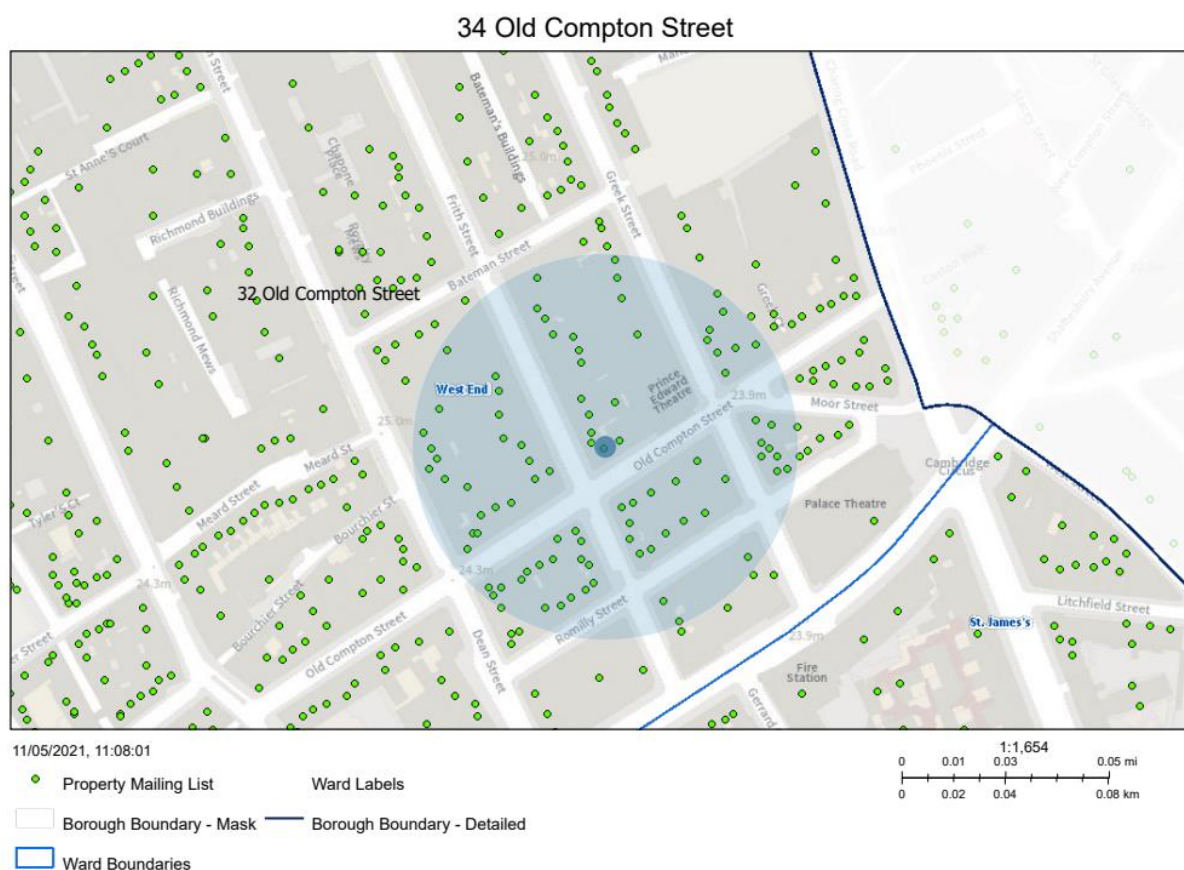
**Conditions proposed by the Applicant as to form part of the operating schedule.**

25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
26. A copy of the premises Dispersal Policy will be available at the premises for inspection by a Police Officer and/or an authorised Officer of Westminster City Council.
27. No alcohol shall be consumed more than 30 minutes after the permitted terminal hour for the supply of alcohol.
28. The premises shall ensure that there is at least 1 SIA door supervisor on duty from 23:00 hours until 05:00 hours.

**Conditions proposed by Environmental Health and agreed by the applicant as to form part of the operating schedule.**

29. 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
30. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons
31. All outside tables and chairs shall be rendered unusable by **23.00** hours each day
32. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
33. 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





Resident Count = 108

Licensed premises within 75 metres of 34 Old Compton Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/06321/LIPT	Balans Cafe	34 Old Compton Street London W1D 4TR	Restaurant	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
19/00938/LIPDPS	Not Recorded	Basement 23 Frith Street London W1D 4RR	Restaurant	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 03:30
18/15717/LIPDPS	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
17/03246/LIPCH	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Cafe	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
17/03238/LIPCH	Little Italy	21A Frith Street London W1D 4RW	Restaurant	Monday to Sunday; 09:00 - 05:30
20/06737/LIPCH	G-A-Y Bar	Basement To First Floor 30 Old Compton Street	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 -

		London W1D 4UR		01:00   New Year's Eve; 00:00 - 00:00
06/06142/WCCMAP	Little Italy	21 Frith Street London W1D 4RN	Restaurant	Monday to Sunday; 09:00 - 05:00
17/01437/LIPVM	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Cafe	Thursday to Saturday; 23:00 - 04:00   Sunday to Wednesday; 23:00 - 02:00
06/05092/WCCMAP	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Shop	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 01:00   Friday to Saturday; 08:00 - 03:00
20/11073/LIPCH	Bar Soho	23 - 25 Old Compton Street London W1D 5JL	Night clubs and discos	Sunday; 09:00 - 01:00   Monday to Thursday; 09:00 - 01:30   Friday to Saturday; 09:00 - 03:30
06/12560/WCCMAP	The Delhi Brasserie	44 Frith Street London W1D 4SB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/11213/LIPT	Old Compton Brasserie	36 Old Compton Street London W1D 4US	Restaurant	Monday to Sunday; 07:00 - 01:30
20/01489/LIPCH	Cecconi's Soho	19-21 Old Compton Street London W1D 5JJ	Not Recorded	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 03:30   New Year's Eve; 00:00 - 00:00
18/09821/LIPCH	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Night clubs and discos	Sunday; 10:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 00:00
18/10183/LIPDPS	ZIMA Russian Street Food And Bar	45 Frith Street London W1D 4SD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:00
21/02866/LIPDPS	Cafe Boheme	Basement And Ground Floor 13 - 17 Old Compton Street London W1D 5JH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 09:00 - 05:00
15/06965/LIPN	Blade Soho	26 Frith Street London W1D 5LD	Hairdresser or beauty salon	Sunday; 12:00 - 20:00   Monday to Saturday; 10:00 - 22:00
12/07550/LIPDPS	Karaoke Box	Ground Floor 18 Frith Street London	Club or institution	Sunday; 09:00 - 23:00   Monday to

		W1D 4RQ		Wednesday; 09:00 - 02:00   Thursday to Saturday; 09:00 - 05:00
11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 03:30
16/04918/LIPCHT	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Restaurant	Sunday; 10:00 - 00:00   Monday to Wednesday; 08:00 - 00:30   Thursday to Saturday; 08:00 - 01:00
16/09678/LIPV	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Restaurant	Sunday; 10:00 - 00:00   Monday to Wednesday; 08:00 - 00:30   Thursday to Saturday; 08:00 - 03:00
18/11987/LIPDPS	Berenjak	27 Romilly Street London W1D 5AL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/02934/LIPDPS	Kettners Townhouse	29 Romilly Street London W1D 5HP	Not Recorded	Monday to Sunday; 00:00 - 00:00
16/09901/LIPV	Lobos Meat Tapas	Basement And Ground Floor 48 Frith Street London W1D 4SF	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
17/14888/LIPDPS	Kyoto	26 Romilly Street London W1D 5AJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
15/02220/LIPV	Bistro 1	27 Frith Street London W1D 5LE	Restaurant	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 01:00
20/05291/LIPT	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:30
19/02423/LIPDPS	Sushi Eatery	Basement And Ground Floor 40 Frith Street London W1D 5LN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/02045/LIPVM	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Theatre	Monday to Sunday; 09:00 - 01:00
17/14358/LIPDPS	Not Recorded	39 Frith Street	Cafe	Monday to Sunday;

		London W1D 5LL		06:00 - 03:00
17/01613/LIPVM	Hoppers	49 Frith Street London W1D 4SG	Restaurant	Sunday; 08:00 - 23:30   Monday to Saturday; 08:00 - 00:30
20/02323/LIPDPS	Wingmans	29 - 31 Old Compton Street London W1D 5JS	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/02815/LIPDPS	Soho House	40 Greek Street London W1D 4EB	Club or institution	Saturday; 10:00 - 03:30   Sunday; 10:00 - 23:00   Monday to Friday; 08:00 - 03:30
08/09144/LIPD	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4LR	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
18/02552/LIPV	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Wine bar	Monday; 10:00 - 23:00   Tuesday; 10:00 - 23:00   Wednesday; 10:00 - 23:00   Thursday; 10:00 - 23:00   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:00
08/06508/LIPDPS	The Arts Theatre Club	50 Frith Street London W1D 4SQ	Shop	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 03:30
16/09930/LIPDPS	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/12190/LIPDPS	Not Recorded	15 Frith Street London W1D 4RE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
16/05700/LIPDPS	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/13568/LIPN	Not Recorded	44 Old Compton Street London W1D 4TY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/01417/LIPCH	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Sunday; 12:00 - 00:00   Monday to Saturday; 09:00 - 02:30
19/03302/LIPDPS	BA Shan Restaurant	24 Romilly Street London W1D 5AH	Restaurant	Sunday; 12:00 - 23:30   Monday to Saturday; 12:00 -

				00:00
20/10972/LIPDPS	Wuns Tea Room	23 - 24 Greek Street London W1D 4DZ	Restaurant	Monday to Sunday; 09:00 - 03:30
21/02319/LIPVM	Neat Meat	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Restaurant	Monday; 11:00 - 23:30   Tuesday; 11:00 - 23:30   Wednesday; 11:00 - 23:30   Thursday; 11:00 - 23:30   Friday; 11:00 - 00:00   Saturday; 11:00 - 00:00   Sunday; 11:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
19/06212/LIPN	Not Recorded	Basement And Ground Floor 47 Greek Street London W1D 4EE	Cafe	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
20/02992/LIPVM	Three Greyhounds Public House	The Three Greyhounds Public House 25 Greek Street London W1D 5DD	Public house or pub restaurant	Monday; 07:00 - 00:00   Tuesday; 07:00 - 00:00   Wednesday; 07:00 - 00:00   Thursday; 07:00 - 00:00   Friday; 07:00 - 00:30   Saturday; 07:00 - 00:30   Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
06/07744/WCCMAP	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Restaurant	Sunday; 12:00 - 23:30   Monday to Saturday; 10:00 - 01:00
18/08872/LIPDPS	Assa	23 Romilly Street London W1D 5AQ	Club or institution	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30
20/09290/LIPDPS	Wands & Wizard Exploratorium	26 Greek Street London W1D 5DE	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30
16/00095/LIPDPS	Compton News	48 Old Compton	Shop	Sunday; 08:00 -

		Street London W1D 4UA		22:00   Monday to Saturday; 07:00 - 01:00
12/02725/LIPDPS	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Restaurant	Sunday; 10:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
17/14701/LIPCH	Cay Tre (Soho)	42 - 43 Dean Street London W1D 4PZ	Restaurant	Monday to Sunday; 09:30 - 01:30
19/04050/LIPDPS	Bar Shu	28 Frith Street London W1D 5LF	Restaurant	Sunday; 11:00 - 00:00   Monday to Saturday; 11:00 - 00:30
20/09342/LIPVM	La Porchetta Pizzeria & Pollo Bar	Basement And Ground Floor 20 Old Compton Street London W1D 4TW	Restaurant	Monday; 11:00 - 00:30   Tuesday; 11:00 - 00:30   Wednesday; 11:00 - 00:30   Thursday; 11:00 - 00:30   Friday; 11:00 - 00:30   Saturday; 11:00 - 00:30   Sunday; 11:00 - 00:00
11/08882/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/12191/LIPN	Not Recorded	48 Greek Street London W1D 4EF	Restaurant	Monday; 10:00 - 01:00   Tuesday; 10:00 - 01:00   Wednesday; 10:00 - 01:00   Thursday; 10:00 - 01:00   Friday; 10:00 - 01:00   Saturday; 10:00 - 01:00   Sunday; 10:00 - 01:00
14/03450/LIPDPS	L'Escargot	48 Greek Street London W1D 4EF	Restaurant	Monday to Sunday; 10:00 - 01:00
18/03962/LIPDPS	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:30   Friday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 12:00 - 00:30
16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00
13/04147/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/07132/LIPCH	Coach & Horses	29 Greek Street	Pub or pub	Sunday; 12:00 -

	Public House	London W1D 5DH	restaurant with odge	22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/04304/LIPDPS	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/06018/WCCMAPY	Ming	35 - 36 Greek Street London W1D 5DL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/09024/LIPDPS	Chotto-Matte	11-13 Frith Street London W1D 4RB	Restaurant	Sunday; 12:00 - 00:30   Monday to Saturday; 10:00 - 01:30
20/06195/LIPCHT	TAVUUK	3-5 Bateman Street London W1D 4AG	Cafe	Sunday; 12:00 - 16:00   Monday to Saturday; 11:00 - 23:00
14/03170/LIPVM	Londis	21 Greek Street London W1D 4DX	Shop	Monday to Sunday; 08:00 - 03:00
16/02143/LIPRW	Patty & Bun	Basement And Ground Floor 18 Old Compton Street London W1D 4TN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/11539/LIPDPS	Tomato	54 Frith Street London W1D 4SL	Restaurant	Sunday; 10:00 - 01:00   Monday to Saturday; 10:00 - 01:30
20/10046/LIPN	Tomato (Shadow Licence)	54 Frith Street London W1D 4SL	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 10:00 - 01:00
15/03152/LIPVM	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 03:30
21/01345/LIPT	Pizza Express	Basement And Ground Floor 20 Greek Street London W1D 4DU	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
20/05990/LIPDPS	Rosas	Ground Floor And	Shop	Sunday; 12:00 -

		Basement 48 Dean Street London W1D 5BF		23:00   Monday to Saturday; 10:00 - 23:30
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