



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday, 22nd July, 2021**, This was a virtual meeting.

Members Present: Councillors Jim Glen (Chairman), Barbara Arzymanow and Rita Begum

Officer Support:

Legal Advisor:	Vivienne Walker
Policy Officer:	Aaron Hardy
Committee Officer:	Cameron MacLean
Presenting Officer:	Kevin Jackaman

1. MEMBERSHIP

There were no changes to the Membership of the Sub-Committee.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1 ORDER OF PROCEEDINGS

2. KU BAR, BASEMENT TO FIRST FLOOR, 25 FRITH STREET, W1D 5LB

**APPLICATION FOR A VARIATION TO AN EXISTING PREMISES LICENCE
[PREMISES LICENCE 21/01596/LIPV]**

Premises

Ku Bar, Basement to 1st Floor, 25 Frith St, London W1D 5LB

Applicant

Allied Promotions Ltd

Cumulative Impact Area (CIA)/Special Considerations Zone (SCZ)

CIA: West End

SCZ: N/A

Ward: West End

Summary of Application

The application sought to –

1. Vary the terminal hour for all licensable activities and the opening hours to 01:00 hours the following day on Monday to Saturday and Sundays immediately before Bank Holiday Mondays until 31 May 2023; and
2. To add the following condition until 31 May 2023 –

“The permitted terminal hour for licensable activities shall be 1 AM the following day on Monday to Saturday and Sundays immediately before Bank Holiday Mondays until 31 May 2023.

From 1 June 2023 the terminal hours for licensable activities shall revert back to core hours unless this condition is removed from the Premises Licence by way of a variation application.”

Representations Received

Representations were received from –

The Metropolitan Police Service (MPS); the Licensing Authority; the Soho Society (opposing the application); and numerous residents and other interested parties supporting the application.

SUMMARY OF PROCEEDINGS

Presentation By the Applicant

Mr Jack Spiegler of Thomas & Thomas Partners LLP

Mr Spiegler, noting that the Sub-Committee Members had read the various papers and submissions before them, introduced Mr Gary Henshaw of the applicant company and invited him to address the Sub-Committee.

Mr Gary Henshaw of the Applicant Company

Mr Henshaw provided a brief history of the Premises and his involvement in managing and operating Gay venues in London’s West End. He described the layout and operation of Ku Bar, Frith Street, and its involvement in the LGBTQ+ community before describing the financial impact of the coronavirus pandemic on the business. In conclusion, Mr Henshaw stated that the proposed variation to the existing Premises Licence was intended to mitigate the worst effects of Covid-19 on the business.

Mr Spiegler then addressed the Sub-Committee on the submissions made by Richard Brown of Citizens Advice Westminster, Licensing Project, on behalf of The Soho Society. In so doing, he noted that this was an application for a time-limited variation and that it was not Mr Henshaw’s intention to transfer the licence to another operator.

Mr Spiegler addressed the policy considerations referred to in Mr Brown’s submission, noting that the Premises was one that should be protected by the Council’s Licensing policies. In response to Mr Brown’s submissions regarding precedents, Mr Spiegler referred the Sub-Committee to the case of Meade v. Brighton Corporation (1968)¹ which he stated was authority for the proposition that there were no precedents in licensing applications.

¹ Meade v Brighton Corporation (1968), 67 LGR 289 41

Regarding Mr Brown's submissions that the application might only be granted if the Sub-Committee was satisfied that it came within an exception to the Council's existing cumulative impact area policy, Mr Spiegler noted that the examples of exceptions listed in the Council's Statement of Licensing Policy was not exhaustive and that there were a number of factors in the present application which, when taken in the round, would, he proposed, meet the requirement that the application was an exception to the Council's Cumulative Impact Area Policy.

Mr Spiegler then referred to the provisions of the Equality Act 2010 and the requirement that there be a proportionate response by the local authority to maintaining the diversity of Licensed Premises in Soho. Referring to the Council's policies on cumulative impact, Mr Spiegler stated there was no evidence in the Council's recent "Assessment of Cumulative Impact" document to suggest that LGBTQ+ Licensed Premises added to cumulative impact in the West End. In addition, LGBTQ+ Premises tended to be self-policing, thereby promoting the Licensing Objectives.

Mr Spiegler then noted that there had been overwhelming support for the application and that no objections to the application had been received from residents, and that the applicant had a long history of operating Premises, including staging unique and culturally important LGBTQ+ entertainment and events, without complaint.

In conclusion, Mr Spiegler noted that the application was time-limited and was intended to allow the business to survive the financial effects of the coronavirus pandemic.

Questions by Members of the Sub-Committee

Mr Henshaw and Mr Spiegler then answered several questions by Members of the Sub-Committee.

Presentations by Responsible Authorities

PC Bryan Lewis, Metropolitan Police Service

PC Lewis stated that the Metropolitan Police Service (MPS) had maintained its representations opposing the application on the basis that, if granted, the application would undermine the Licensing Objective of the Prevention of Crime and Disorder. The reason being that the Premises was located in the West End Cumulative Impact Area (CIA), and the application was contrary to the Council's Cumulative Impact Policy.

PC Lewis then gave a brief description of the concerns that the application raised for the Police, notably that people would be drinking for longer in the West End CIA thereby increasing the risk of crime and disorder, including the potential for customers leaving the Premises to become victims of crime.

In conclusion, PC Lewis stated that the Police were of the view that policy considerations were a matter for the Sub-Committee to determine and that the Police would support the decision made by the Sub-Committee.

Questions by Members of the Sub-Committee

PC Lewis answered a number of questions by Members of the Sub-Committee about the effects of having a greater number of people on the street late at night in the

West End CIA; the operation of the Soho Angels² and the effect of SIA door supervisors in deterring crime; and how often the Police and City Inspectors visited Licensed Premises.

Mr Kevin Jackaman, Senior Licensing Officer, On Behalf of the Licensing Authority

Mr Jackaman summarised the representations of the Licensing Authority as set out in the papers before the Sub-Committee.

At the Chairman's request, Mr Spiegler and Mr Henshaw addressed issues raised by the Licensing Authority in relation to the entertainment provided by the applicant, including the operation of the Premises as a LGBTQ+ venue offering entertainment and how this accorded with the Council's Statement of Licensing Policy.

Questions by Members of the Sub-Committee

In response to questions by Members of the Sub-Committees, Mr Jackaman stated that it was for Members to decide whether the application, in all the circumstances, constituted an exception to the Council's policy on cumulative impact. He noted that the coronavirus pandemic had given rise to exceptional circumstances. However, each application had to be considered on its merits and the Sub-Committee had to be satisfied with regard to any particular application that there were exceptional circumstances that would allow the Sub-Committee to grant the application as an exception to the Council's cumulative impact policy.

Presentations By Parties Supporting the Application

The Sub-Committee heard oral representations by several parties in relation to their written representations in support of the application. The written representations were set out in the papers before the Sub-Committee.

In response to a question by the Chairman, Mr Jeremy Joseph, supporting the application, stated that, because the Premises was one of very few independent Licensed Premises in Soho catering for a minority LGBTQ+ community, this was, in his view, sufficient to allow the Sub-Committee to treat the application as an exception to the Council's Cumulative Impact Policy.

Presentation By Richard Brown, Citizens Advice Westminster, Licensing Project, on Behalf of the Soho Society (Opposing the Application)

Mr Brown noted that the Soho Society had submitted a detailed representation opposing the application which was set out in the Additional Information Pack that was before the Sub-Committee. He then summarised the key points in the representation before referring to his submissions on behalf of the Soho Society (also set out in the Additional Information Pack).

Mr Brown stated that the Soho Society concurred with much of what had been said in support of the application with regard to the Premises being well managed and the important role it played as part of the LGBTQ+ community in Soho. However, the Soho Society's concern was that the Premises was located within one of the busiest parts of Soho; was within the West End Cumulative Impact Area (CIA); and that granting the application would add to the cumulative impact in the area.

Referring to the 160-person capacity of the Premises, Mr Brown stated that in the post-coronavirus pandemic period, granting the application would add to the

² PC Lewis noted that the Police had no involvement with the organisation and/or operation of the Soho Angels.

cumulative impact in the area. He stated that this assertion was supported by the statistics and analysis provided by the Soho Society and the Cumulative Impact Assessment carried out by the Council between 2017 and 2019, which formed the basis of the Council's current Cumulative Impact Policy, as set out in the Council's Statement of Licensing Policy drafted in 2020 (after the onset of the economic consequences of the coronavirus pandemic). Mr Brown stated it was significant that no provision was made in the current Statement of Licensing Policy for the accommodation of temporary Premises Licences in response to the coronavirus pandemic.

Referring to the Soho Society's "West End Community Network"³ report, Mr Brown noted that it referred to the requirement, as set out in the Licensing Act 2003, that local authorities must, when determining Premises Licence applications, promote the Licensing Objectives. As the financial consequences of the coronavirus pandemic could affect any Licensed Premises, financial reasons alone could not provide an exception to the Council's cumulative impact policy.

Mr Brown then referred to the reasons underlying the Council's Cumulative Impact Policy as set out at Paragraph D4 of the Council's Statement of Licensing Policy and reproduced in his submission at Paragraph 6.4. Specifically, Mr Brown referred to that part of paragraph D4 which stated –

"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..."

Regarding precedent and Mr Spiegler's reference to Meade v. Brighton Corporation (1968) (supra), Mr Brown noted that this was a case considered under the Betting, Gaming and Lotteries Act 1963 ("the Act") where the Court of Appeal had determined that, as the Act gave no directions as to how the local authority should exercise its discretion when considering permit applications, there was an obligation on the local authority to exercise its discretion fairly and not by taking into account improper considerations, unlike The Licensing Act 2003 ("the Act") where the local authority's discretion was clearly delineated in Section 4 of the Act, that is, the Promotion of the Licensing Objectives.

If the Licensing Sub Committee were to determine that an application was an exception to the Council's cumulative impact policy, this would not set a precedent because, to be an exception to the policy, there was a requirement that the particular circumstances were unique to that application. Accordingly, financial hardship alone could not provide the basis for an exception to policy as many businesses would be able to claim financial hardship as a result of the coronavirus pandemic.

Regarding conditions, Mr Brown noted that there had been very little discussion about proposed conditions other than a reference by Mr Spiegler to an undertaking that the Premises would operate as a LGBTQ+ venue.

Mr David Gleeson on Behalf of The Soho Society

Mr Gleeson made an oral submission based on the written representations of Ms Jane Doyle and The Soho Society, as set out in the papers before the Sub-Committee. In so doing, Mr Gleeson stated that, apart from Ku Bar having an area designated for use by women only, he did not consider the Premises to be in any way exceptional when compared with the numerous other LGBTQ+ Premises in Soho.

³ "Position regarding Licensing Act 2003 Applications for Later Hours for COVID Recovery"

In conclusion, Mr Gleeson stated that, if the Premises were allowed to operate until a later hour, this would adversely affect residents in this area.

In response to a number of questions by Members of the Sub-Committee, Mr Gleeson and Mr Brown stated they remained opposed to the application for the reasons set out in their oral and written submissions. Mr Spiegler, on behalf of the applicant, stated that the applicant did not wish to amend the application and would be reluctant to accept a condition that imposed any restrictions on the transfer of the Premises Licence to another operator. However, the applicant was willing to give an assurance that it was not his intention to transfer the Premises Licence in the foreseeable future.

Questions by the Sub-Committee's Legal Officer

In response to a request by the Sub-Committee's Legal Officer, Mr Spiegler suggested a possible rewording of a number of the proposed conditions set out in the report of the Director of Public Protection & Licensing that was before the Sub-Committee. In addition, he stated that the applicant would be willing to accept a condition requiring the presence of SIA door supervisors during the extended hours of operation, should the application be granted. Furthermore, the applicant would accept a condition requiring that the dispersal policy submitted by the applicant as part of the application would be available for inspection upon request.

Questions by the Sub-Committee's Policy Officer

In response to a number of questions by the Sub-Committee's Policy Officer, Mr Spiegler stated he had not found any evidence in the Council's Cumulative Impact Assessment report, or the evidence submitted by the Soho Society, that LGBTQ+ Premises added, or were more likely, to add to cumulative impact. In addition, because of the historically marginalised clientele of LGBTQ+ venues, significant security and management measures were required to ensure the safety of customers and this, in turn, promoted the Licensing Objectives.

Mr Spiegler stated that the proposed lifetime of the temporary extension until 31 May 2023 had been determined by the applicant's assessment of the financial requirements of the business.

Summing Up

The Chairman invited the various parties to sum up their presentations.

In response to a question by the Chairman regarding the "Movida" case,⁴ referred to in the applicant's submission, Mr Brown stated that he concurred with the approach of the district Judge in that case when she stated that –

"... In my view there are reasons that persuade me that there are genuinely exceptional circumstances that take these premises outside the constraints of the [Stress Area] Policy. I should make it clear that there is not one single characteristic that persuades me of this, but that it is a combination of factors and circumstances".

Adjournment

Having heard those parties who wished to sum up their presentations, the Chairman closed the live part of the meeting to allow the Members of The Sub-Committee to adjourn to consider their decision.

⁴ Marc Merrin v Westminster City Council 2007

DECISION

It was the Sub-Committee's decision to **APPROVE** the application, as set out in the Reasoned Decision drafted by the Legal Adviser to the Sub-Committee and attached as an Appendix to these Notes.

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties both supporting and objecting to the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance,⁵ and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to **APPROVE** the application.

In reaching its decision, the Sub-Committee took the following matters into consideration –

1. The applicant had operated these Premises for many years without complaint, including numerous Temporary Event Notices (TENs) until 3 AM. As the Soho Society had acknowledged that the Premises were well-managed, and because the Environmental Health Service (EHS) had withdrawn its representations on the application, this was sufficient to satisfy the Sub-Committee that the Premises were operated in such a way as to promote the Licensing Objectives;
2. The application was for a time-limited variation to the existing Premises Licence which, if granted, would be in line with the Council's statement promoting inclusivity in the evening and night-time economy, as set out in the Council's Statement of Licensing Policy
3. A significant number of written representations had been received in support of the application; the only written representation opposing the application had been that of The Soho Society;
4. The imposition of the following Premises Licence Conditions would further promote the Licensing Objectives while ensuring that the extended hours of operation would not add to the cumulative impact in the area –
 - (a) Any variation to the existing Premises Licence would not be transferable and only the applicant, as the current operator, would be permitted to operate the Premises in accordance with any approved variation to the existing Premises Licence;
 - (b) As agreed with the applicant during the course of the proceedings, there would be a minimum of two SIA approved door supervisors on duty at all times the Premises was operating during the hours permitted by any approved variation to the existing Premises Licence; and
 - (c) The Dispersal Policy included in the application for the Premises Licence variation, with the applicant's agreement, would be available on the Premises at all times for inspection should such a request be made by either a Police Officer and/or or authorised officer of Westminster City Council.

⁵ Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

5. The reduced late-night footfall in the West End Cumulative Impact Area, along with the time-limited nature of the application, would not, in the Sub-Committee's considered opinion, add to the cumulative impact in the area. As such, the Sub-Committee could grant the application as an exception to the Council's policy on cumulative impact, as set out in the Council's Statement of Licensing Policy.

The meeting ended at: 11:45 AM

Chairman: Date:

3. KU BAR, 29 - 30 LISLE STREET, WCH 7BA

APPLICATION FOR A VARIATION TO AN EXISTING PREMISES LICENCE [PREMISES LICENCE 21/01595/LIPV]

Premises

Ku Bar, 29-30 Lisle St, London WC2H 7BA

Applicant

Allied Promotions Ltd

Cumulative Impact Area (CIA)/Special Considerations Zone (SCZ)

CIA: West End

SCZ: N/A

Ward

St James'

Summary of Application

The application sought to –

1. To vary the terminal hour on the Ground Floor and First Floor for all licensable activities; and the Opening Hours to 01:00 hours the following day on Monday to Saturday, and Sundays immediately before Bank Holiday Mondays, until 31 May 2023; and
2. To add –
 - Recorded Music on the Ground Floor and First Floor until 31 May 2023; and
 - The following condition until 31 May 2023 –

“The permitted terminal hour for licensable activities on the Ground and First floors shall be 1 AM the following day on Monday to Saturday, and Sundays immediately before Bank Holiday Mondays, until 31 May 2023. From 1 June 2023 the terminal hours for licensable activities shall revert back to core hours unless this condition is removed from the Premises Licence by way of a variation application”.
3. To amend –
 - Condition 29 until 31 May 2021 to reflect the new proposed terminal hours; and
 - Condition 30 until 31 May 2021 to the following –

“On the Ground Floor and First Floor, customers to be off the Premises by 01:00 hours, Monday to Saturday, and Sundays immediately prior to bank holidays; and 22:50 hours on Sundays”.

Representations Received

Representations were received from –

The Metropolitan Police Service (MPS); the Licensing Authority; the Soho Society (opposing the application); and numerous residents and other interested parties supporting the application.

SUMMARY OF PROCEEDINGS

Presentation By the Applicant

Mr Jack Spiegler of Thomas & Thomas Partners LLP

Mr Spiegler introduced the application to the Members of the Sub-Committee.

In response to a question by the Chairman, Mr Spiegler stated that the video clips that had been submitted to the Sub-Committee for their information were examples of added difficulties faced by Mr Henshaw in operating the Premises in the current economic conditions caused by the coronavirus pandemic, that is, football hooligans attending EURO 2020 events staged in Westminster who were responsible for extensive and costly criminal damage when they attempted to break into the applicant's Premises.

Mr Gary Henshaw of the Applicant Company

Mr Henshaw provided a brief history of the Premises, including describing the layout and operation of Ku Bar, Lisle Street Premises, including a basement bar, "Ku Bar", which had a capacity for 160 persons, but which was not part of the present application; a ground floor bar with a capacity for 230 persons which was currently operating at less than 50 percent capacity to keep the Premises safe in the current Covid-19 conditions (most customers being seated); and a first floor hi-end cocktail bar & cabaret lounge with capacity to accommodate up to 100 persons, which was currently operating at 80 percent capacity.

Mr Spiegler then summarised the conditions agreed by the applicant when the Sub-Committee had, earlier in the day, considered his client's application to vary the Premises Licence in respect of Ku Bar, Frith Street. He stated that the applicant was willing to accept the same and/or similar conditions with regard to the current application, identifying, in the process, some minor variations in the proposed conditions in the current application. In so doing, Mr Spiegler noted that each application had to be considered on its merits and that the application included several unique characteristics, including keeping LGBTQ+ venues alive, thereby benefiting Soho's diversity, and keeping a historically marginalised community and the wider community safe in accordance with the Westminster City Council's public sector duty under the Equality Act 2010. Therefore, ensuring the continued existence of independently owned LGBTQ+ Premises in the West End would have a positive impact.

Presentations by Responsible Authorities

PC Bryan Lewis, Metropolitan Police Service

PC Lewis stated that the Metropolitan Police Service (MPS) had maintained its representations opposing the application on the basis that, if granted, the application would undermine the Licensing Objective of the Prevention of Crime and Disorder as the Premises was located in the West End Cumulative Impact Area (CIA) and the application was contrary to the Council's cumulative impact policies.

PC Lewis then gave a brief description of the concerns that the application raised for the Police, notably that people would be drinking for longer in the West End CIA, thereby increasing the risk of crime and disorder, including the potential for customers leaving the Premises to become victims of crime.

In conclusion, PC Lewis stated that the Police were of the view that policy considerations were a matter for the Sub-Committee to determine and that the Police would support the decision made by the Sub-Committee.

Questions by Members of the Sub-Committee

In response to the questions by the Members of the Sub-Committee, PC Lewis stated that longer opening hours on Thursdays to Saturdays had a greater effect on the cumulative impact in an area than did later opening hours during the rest of the week. In addition, policing Lisle Street was made more complicated by the fact that it was largely pedestrianised and had benefited from the Council's alfresco policy which allowed tables and chairs to be placed on the public highway in an effort to allow customers of Licensed Premises to socially distance in accordance with the Coronavirus Regulations.

Mr Roxsana Haq, Senior Licensing Officer, On Behalf of the Licensing Authority

Ms Haq summarised the representations of the Licensing Authority as set out in the papers before the Sub-Committee.

In response to a question by the Chairman, Ms Hack confirmed that the Council's Statement of Licensing Policy included a policy promoting inclusivity in the early evening and night-time economy.

Presentations By Parties Supporting the Application

At the invitation of the Chairman, the Sub-Committee heard an oral representation Mr Brian Hannon of the Soho Business Alliance in support of the application.

Mr Brian Hannon, Soho Business Alliance

Mr Hannon described the history and activities of the Soho Business Alliance ("the Alliance") which had recently been formed to assist businesses in Soho in response to the economic and social consequences of the coronavirus pandemic. In particular, Mr Hannon referred to –

1. The continuing and lasting effects of the economic impact of the coronavirus pandemic on businesses in Soho;
2. The history of Mr Henshaw, the applicant, as an operator of LGBTQ+ Premises for many years, including 15 years as the only independent LGBTQ+ Premises operator in Soho.
3. The characteristics of LGBTQ+ Premises, which provided safe and secure venues for the LGBTQ+ community.

In conclusion, Mr Hannon stated that Soho was the cultural LGBTQ+ leader in London and the UK. He stated that the present application by an independent operator represented diversity within the community and which was in accordance with the Council's Statement of Inclusivity. On that basis, he commended the application to the Members of the Sub-Committee.

Questions by Members of the Sub-Committee

In response to questions by Members of the Sub-Committee Mr Hannon described the complex and varying effects of footfall on different businesses within Soho and the generally law-abiding nature of the LGBTQ+ community. In addition, the Soho Business Alliance worked closely with local residents, noting that Soho was the second largest square mile in terms of employment next to the City of London. Given the mix of residents and businesses, the Soho Business Alliance had many Residential Members as well as Business Members.

In response to questions by the Chairman about –

1. How businesses operating late-night venues and residents coexisted in Soho; and
2. Whether the applicant would be willing to accept a condition that the variation to the existing Premises Licence, if granted, would be restricted to his operation of the Premises and no other operator;

Mr Henshaw described how the Premises had operated TENs over a three- or four-day period until 3 AM without complaint, thereby demonstrating the effectiveness of the Premises' Dispersal policy, and how he would be willing to accept a condition limiting any extension of the operating hours granted under the application to vary the Premises Licence to him personally, and excluding any other operator.

Questions By the Legal Officer to The Sub-Committee

In response to questions by the Sub-Committee's Legal Officer, Mr Spiegler clarified the proposed amendments to Conditions 29 and 30 of the Premises Licence which, if agreed, would cease to have effect after 31 May 2023 when the amended conditions would revert to the wording of the existing Premises Licence conditions.

He stated that the applicant agreed to the following amendment to the wording of proposed Condition 30 –

“On the Ground and First Floors customer shall vacate the premises...”

Mr Spiegler noted that, If the Sub-Committee was minded only to extend the operating hours on Thursdays to Saturdays, it would be necessary to amend further the proposed wording of amended Conditions 29 & 30. He also agreed that proposed condition 34 would be amended to reflect that the extended hours of operation, if granted, would be personal to the applicant as the Sole Director of Allied Promotions Ltd, and that the Premises Licence Variation would not be transferable.

Summing Up

The Chairman invited the various parties to sum up their presentations.

Adjournment

Having heard those parties who wished to sum up their presentations, the Chairman closed the live part of the meeting to allow the Members of The Sub-Committee to adjourn to consider their decision.

DECISION

It was the Sub-Committee's decision to **APPROVE** the application, as set out in the Reasoned Decision drafted by the Legal Adviser to the Sub-Committee and attached as an Appendix to these Notes.

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties supporting the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance,⁶ and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to **APPROVE** the application.

In reaching its decision, the Sub-Committee took the following matters into consideration –

1. The applicant had operated these Premises for many years without complaint, including numerous Temporary Event Notices (TENs) until 3 AM. As the Soho Society had acknowledged that the Premises were well-managed, and because the Environmental Health Service (EHS) had withdrawn its representations on the application, this was sufficient to satisfy the Sub-Committee that the Premises were operated in such a way as to promote the Licensing Objectives;
2. The application was for a time-limited variation to the existing Premises Licence which, if granted, would be in line with the Council's policy of promoting inclusivity in the evening and night-time economy.
3. A significant number of written representations had been received in support of the application; the only written representation opposing the application had been that of The Soho Society;
4. The imposition of the following Premises Licence Conditions would further promote the Licensing Objectives while ensuring that the extended hours of operation would not add to the cumulative impact in the area –
 - (a) Any variation to the existing Premises Licence would not be transferable and only the applicant, as the current operator, would be permitted to operate the Premises in accordance with any approved variation to the Premises Licence;
 - (b) As agreed with the applicant during the course of the proceedings, there would be a minimum of two SIA approved door supervisors on duty at all times the Premises was operating during the hours permitted by any approved variation to the existing Premises Licence; and
 - (c) The Dispersal Policy included in the application for the Premises Licence variation, with the applicant's agreement, would be available on the Premises at all times for inspection should such a request be made by either a Police Officer and/or or authorised officer of Westminster City Council.
5. The reduced late-night footfall in the West End Cumulative Impact Area, along with the time-limited nature of the application, would not, in the Sub-Committee's considered opinion, add to the cumulative impact in the area. As such, the Sub-Committee could grant the application as an exception to the Council's policy on cumulative impact as set out in the Council's Statement of Licensing Policy.

The meeting ended at: 2:50 PM

Chairman:

Date:

⁶ Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

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WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3 **("The Committee")**

Thursday 22 July 2021

Membership: Councillor Jim Glen (Chairman), Councillor Barbara Arzymanow
and Councillor Rita Begum

Application for a Variation of Premises Licence – Ku Bar Basement to First Floor 25 Frith Street London W1D 5LB - 21/01596/LIPV

Summary Decision

Case Summary

This is an application for a variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises currently operate as a bar situated in the West End and are within the West End area of Cumulative Impact, but not within the Special Consideration Zone. The Premises have had the benefit of a Premises Licence 18/09821/LIPCH from 2005.

Applicant

Allied Promotions Limited

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the Cumulative Impact Area and thus promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission to extend the permitted terminal hours for Regulated Entertainment within the basement, ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 22:30 until 31 May 2023. Seasonal Variations: Sunday immediately before Bank Holiday Monday 09:00 to 01:00.

2. To grant permission to extend the permitted hours for playing of Recorded Music within the basement, ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 22:30 until 31 May 2023.
Seasonal Variations: Sunday immediately before Bank Holiday Monday 09:00 to 01:00.
3. To grant permission to extend the permitted hours for Late Night Refreshment within the basement, ground and first floor areas of the premises to 01:00 Monday to Saturday until 31 May 2023.
Seasonal Variations: Sunday immediately before Bank Holiday Monday 23:00 to 01:00.
4. To grant permission to extend the permitted terminal hours for Sale by Retail of Alcohol within the basement, ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 10:00 to 22:30 until 31 May 2023.
Seasonal Variations: Sunday immediately before Bank Holiday Monday 10:00 to 01:00.
5. To grant permission to extend the permitted terminal hours the Premises are open to the Public within the basement, ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 10:00 to 22:50.
Seasonal Variations: Sunday immediately before Bank Holiday Monday 10:00 to 01:00.
6. To add conditions in the terms specified below.
7. That the existing conditions on the Licence shall apply in all respects except in so far as they are varied by this Decision.
8. That the varied Licence is subject to any relevant mandatory conditions.
9. That the varied Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

10. The permitted terminal hour for licensable activities shall be 1am the following day on Monday to Saturday and Sundays immediately before Bank Holiday Mondays until 31 May 2023. From 1 June 2023 the terminal hours for licensable activities shall revert back to Core Hours unless this condition is removed from the Premises Licence by way of a variation application.
11. The permitted extended terminal hours shall only apply when the Premises are operated by Allied Promotions Limited as a LGBTQ+ Venue.
12. At least 2 SIA licensed door supervisors shall be on duty during the extended hours until 31 May 2023.
13. A copy of the Premises Dispersal Policy shall be made readily available at the Premises for inspection by a Police officer and/or an authorised officer of Westminster City Council.

This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible.

The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

**Licensing Sub-Committee
22 July 2021.**

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WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3 **("The Committee")**

Thursday 22 July 2021

Membership: Councillor Jim Glen (Chairman), Councillor Barbara Arzymanow
and Councillor Rita Begum

Application for a Variation of Premises Licence – Ku Bar 29-30 Lisle Street, London WC2H 7BA - 21/01595/LIPV

Summary Decision

Case Summary

This is an application for a variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises operate as a bar situated in the St James's Ward and are within the West End Cumulative Impact, but not within the Special Consideration Zone. The Premises have had the benefit of a Premises Licence 18/09822/LIPCH from 2005.

Applicant

Allied Promotions Limited

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the Cumulative Impact Area and thus promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission to extend the permitted terminal hours for Exhibition of Films within the ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 22:30 until 31 May 2023. Seasonal Variations: Sunday immediately before Bank Holiday Monday 12:00 to 01:00.

2. To grant permission to extend the permitted terminal hours for Late Night refreshment within the ground and first floor areas of the premises to 01:00 Monday to Saturday until 31 May 2023. Seasonal Variations: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. Sunday immediately before Bank Holiday Monday 23:00 to 01:00.
3. To grant permission to extend the permitted terminal hours for Sale by Retail of Alcohol within the ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 12:00 to 22:30 until 31 May 2023. Seasonal Variations: Sunday immediately before Bank Holiday Monday 12:00 to 01:00.
4. To grant permission to extend the permitted terminal hours the Premises are open to the Public within the ground and first floor areas of the premises to 01:00 Monday to Saturday and Sunday 12:00 to 22:50. Seasonal Variations: Sunday immediately before Bank Holiday Monday 12:00 to 01:00.
5. To grant permission to amend Condition 29 of the Premises Licence to reflect the new extended terminal hours until 31 May 2023.
6. To grant permission to amend Condition 30 of the Premises Licence as specified in Condition 13 below.
7. To add conditions in the terms specified below.
8. That the existing conditions on the Licence shall apply in all respects except in so far as they are varied by this Decision.
9. That the varied Licence is subject to any relevant mandatory conditions.
10. That the varied Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

11. The permitted terminal hour for licensable activities shall be 1am the following day on Monday to Saturday and Sundays immediately before Bank Holiday Mondays until 31 May 2023. From 1 June 2023 the terminal hours for licensable activities shall revert back to Core Hours unless this condition is removed from the Premises Licence by way of a variation application.
12. The permitted extended terminal hours shall only apply when the Premises are operated by Allied Promotions Limited as a LGBTQ+ Venue.
13. Customers on the ground and first floor shall vacate the Premises by 01:00 Monday Saturday and on Sunday immediately prior to Bank Holidays and 22:50 on Sunday until 31 May 2023.

14. At least 2 SIA licensed door supervisors shall be on duty during the extended hours until 31 May 2023.
15. A copy of the Premises Dispersal Policy shall be made readily available at the Premises for inspection by a Police officer and/or an authorised officer of Westminster City Council.

This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible.

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**Licensing Sub-Committee
22 July 2021.**

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