

# Licensing Sub-Committee Report

Item No:	
Date:	20 October 2016
Licensing Ref No:	16/08347/LIPN - New Premises Licence
Title of Report:	The Takeover Basement 12-13 Greek Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 August 2016		
<b>Applicant:</b>	Mr Nathan Lowry		
<b>Premises:</b>	The Takeover		
<b>Premises address:</b>	Basement 12-13 Greek Street London W1D 4DL	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The Takeover operates as a bar located in the basement of 12-13 Greek Street with the entrance situated on the ground floor. The premises is situated within a row of terraced buildings with restaurants, retail outlets and commercial units on the ground floor with residential and commercial premises above.		
<b>Premises licence history:</b>	<p>The premises currently holds two premises licences:</p> <p>15/01344/LIPDPS – this licence is currently suspended for non-payment of the annual fee. The licence was suspended on 25 September 2015. The licence holder is Soho Estates Limited. The premises has held this licence since conversion to the Licensing Act 2003 in 2005.</p> <p>16/07873/LIPDPS – this licence was originally applied for as the shadow licence at the premises. The licence holder is Soho Estates Limited and the licence does not have a designated premises supervisor in effect. The licence first came into effect on 7 May 2014.</p>		
<b>Applicant submissions:</b>	<p>This application is for a time limited mirror licence identical in respect of hours and conditions to the one currently held by Soho Estates Ltd for this premises. The hours requested and conditions proposed are as per the copy of the current premises licence number 15/01344/LIPDPS.</p> <p>The application is for a time limited licence until 3 September 2017.</p>		

1-B Proposed licensable activities and hours							
Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			<ul style="list-style-type: none"> <li>Time limited to run until 3 September 2017.</li> <li>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ul>				

Performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	23:00
Seasonal variations/ Non-standard timings:			<ul style="list-style-type: none"> <li>Time limited to run until 3 September 2017.</li> <li>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ul>				

Anything of a similar description to live music, recorded music or performances of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	23:00
Seasonal variations/ Non-standard timings:			<ul style="list-style-type: none"> <li>Time limited to run until 3 September 2017.</li> <li>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ul>				

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	03:00	03:00	03:00	03:00	03:00	03:00	N/A
Seasonal variations/ Non-standard timings:			<ul style="list-style-type: none"> <li>Time limited to run until 3 September 2017.</li> <li>From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day</li> </ul>				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>• Time limited to run until 3 September 2017.</li> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ul>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>• Time limited to run until 3 September 2017.</li> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ul>				
<b>Adult Entertainment:</b>			<p>The current premises licence which this application intends to mirror contains the licence condition:</p> <ul style="list-style-type: none"> <li>• No striptease, no nudity and all persons on the premises to be decently attired.</li> </ul>				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	2 September 2016
<p>I wish to make the following representations:</p> <ol style="list-style-type: none"> <li>1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.</li> <li>2. The hours requested for Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.</li> <li>3. The hours requested for and provision of Recorded Music may lead to an increase in Public Nuisance in the West End Cumulative Impact Area.</li> </ol>	

4. The hours for and types of Regulated Entertainment requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area and may adversely affect Public Safety

5. The extension in hours sought for seasonal variations and non-standard timings will lead to an increase in Public Nuisance in the West End Cumulative Impact Area.

I understand the applicant currently operates under existing licence, 16/07873/LIPDPS, held by the landlord, Soho Estates Limited, and this 'mirror' application has been made under the same terms and condition of the landlord's licence so that the applicant is able to then operate under his own licence.

Although the same conditions have been offered as the existing licence, Environmental Health consider that these need to be updated as some e.g. Rules of Management, are no longer published. Other conditions are unclear, not easily enforceable or appear to be contradictory.

Environmental Health would also like to conduct a site visit and meet the new operator to understand the nature of the operation for this 'pop' up use and may then propose further conditions to allay its concerns.

On 13 October 2016, Environmental Health made further comments as follows:

**Further to my representation dated 2 September 2016 Environmental Health make the following further comments:**

I understand that the Soho Estates Limited have withdrawn their permission for their Premises Licence, 15/01344/LIPDPS, to be utilised by the applicant since this application was submitted.

Environmental Health therefore considers this application must be treated as a completely new application made in the Cumulative Impact Area (CIA) and thus contrary to most of the stipulations stated in the Policy.

If this application is granted Environmental Health is also concerned that should it be necessary to review this new licence a situation may arise where a premises can carry on with licensable activities under a 'conveyor belt of licences' where a licence revoked could be replaced with the other Licences at the premises unless all of the Licences held at the premises can be reviewed at the same time.

**For Information: Whilst the applicant was operating under Licence 15/01344/LIPDPS licensing inspectors carried out routine monitoring on Friday 23 September 2016 and found the following:**

*Subject: Takeover, 12-13 Greek Street, W1*

*Dear all – I visited the above premises tonight.*

*They were using a haze machine which was triggering the fire alarm.*

*I was concerned that when the alarm was sounded, rather than reacting to it, the manager paid attention to the haze machine first, as it appeared to be setting off the alarm.*

*As there was no consent for the haze machine (which could be produced) I asked that they cease using it until consent granted.*

*Therefore, the haze machine is not currently in use but the manager is very keen to use it again and would appreciate a visit as soon as possible.*

*His contact details are: Oscar Flohr, General Manager, email: oscar@the-takeover.com & his phone number is 07545 305979.*

**Subsequent to this notification I visited the premises on 27 September 2016 accompanied by the District Surveyor and Fire Officer and sent the following e-mail to the manager the next day:**

*Subject: Takeover, 12-13 Greek Street, W1*

*FAO Oscar Flohr, General Manager, The Takeover*

*Hi Oscar*

*Following our meeting yesterday:*

- 1. Please find attached a copy of the Rules of Management which form part of your licence conditions.*

*I particularly point you to condition 31 in the 'Rules' for the circumstances in the use of any 'special effects'. I am happy for the haze machine to be used so long as the arrangements for its use are agreed with the Fire Brigade (D. Doyle) and the Licensing District Surveyor (J. Wilson).*

*Clearly you must adhere to all the other relevant conditions contained in the 'Rules'.*

2. *The seating with the removal backrest must not be used until the various remedial works discussed have been carried out. Please confirm (by e-mail) when this has been done.*
  
3. *On another matter I have been made aware that you intend to stage the following event:*

<http://www.standard.co.uk/goingout/attractions/naked-club-night-comes-to-soho-a3354241.html>

**Content of Evening Standard Article as follows:**

**A naked club night is coming to Soho**

The event is asking Londoners to drink, dance and get their kit off

**A club night is launching in Soho which invites Londoners to dance, drink and get their kit off.**

The nude night will run fortnightly at The Takeover Bar and Club on Greek Street following an opening party on October 7, which will feature hula-hoopists, live music and naked shot-servers.

Appropriately called “Get Naked”, organisers say the evenings will be “steeped in debauchery” with “booze, bubbles and bums.”

Though the dress code is “clothes optional”, party-goers wishing to bare all are asked to cover up with body paint. Anyone naked will be rewarded with a bottle of bubbles.

The event follows other recent unclothed attractions in the capital, [including a restaurant for dining in the nude](#) and a rooftop bar which [invited drinkers to let it all hang-out](#), literally.

Joshua Walker PR are behind the event. Mr Walker commented: “Clothes are so very 2015 – in 2016 Londoners have been invited to dine naked, sunbathe on rooftops naked and now they can even club naked – it’s all cheeky fun.”

*Please ensure that this complies with condition 20 on your current licence which states (and which has not been requested to be removed from the new licence application):*

- *No striptease, no nudity and all persons on the premises to*

*be decently attired.*

*You are also reminded of the requirements of condition 4 with regards to 'irresponsible promotions' particularly with regards to alcohol.*

*As your operation of the premises is intended to be largely event or promotions based I would advise that you draw up an event management plan for each event that takes into account all the licence conditions and any additional requirements that may be necessary for a particular event in order that the licensing objectives are not compromised.*

*Please let me know if you require further advice or information.*

*Regards*

*Anil*

My visit showed that the premises would be operating largely as an event based venue. I therefore propose the following additional conditions to what has been proposed in the application if the application is granted:

1. 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.
2. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
3. 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. For the purpose of this section,

'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party.

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



Cross Road to the junction of Shaftesbury Avenue.

**The visit also showed the operators appeared not to be fully aware of all the licensing conditions and for clarity I propose the 'Rules of Management' condition should be replaced with the following relevant conditions within it:**

4. 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.
5. 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.
6. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. 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.
8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
10. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
11. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
12. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
14. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
15. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently of flame-retarded fabric. Any fabrics used in escape routes, other than

foyers, entertainment areas or function rooms, should be non-combustible.

16. All scenery should be maintained suitably flame retarded to the appropriate standards.

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

- Any emergency lighting battery or system
- Any electrical installation
- Any emergency warning system.

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

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances
- real flame
- strobe lighting

19. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

20. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.

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. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

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

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Sgt Paul Hoppe
<b>Received:</b>	1 September 2016

Police wish to object to this application.

There has been no opportunity to engage with the applicants licensing solicitor as it appears they are away from the office on holiday.

This venue is in the West End Cumulative Impact Area - an identified area of high crime and disorder linked to licensable activities.

The grounds for the Police objection are under the Licensing Objectives:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Prevention of Crime and Disorder

By the managers own admission on the weekend of the 13<sup>th</sup> – 14th August 2016 there were two unreported fights at the venue.

The CCTV is not of a sufficient standard as advised by Police.

Police have advised that there is no incident log on two occasions.

Manager has stated that Live Scan was not fully working on 29th July 2016.

The original security company (TSS) have withdrawn their services due to misunderstanding on payment. This forced a sudden change in security companies.

Prevention of a Public Nuisance:

During a Police visit on 29th July 2016 customers were seen by Officers in a state of undress (breaching Annex 3 condition 21 of the premises licence 16/07873/LIPDPS).

The manager has stated that he is not allowed to employ fulltime staff and relies on agency staff.

It is not clear at this time whether the manager is a Personal License holder or not - this does not give Police confidence in whether staff understand or promote the Licensing Objectives.

<b>2-B Other Persons</b>	
<b>Name:</b>	Christie Tucker
<b>Address and/or Residents Association:</b>	Opposite the premises, on the second floor
<b>Received:</b>	6 September 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder. It would also inevitably impact on 'cumulative impact' in the West End Cumulative Impact Area.

**Introduction:**

I live opposite the premises, on the second floor. My bedroom windows face the street and although I am not a light sleeper, I am woken most nights by noise from below. Greek Street is a lively area of Soho, especially at night. There are already six after-hours bars and clubs on the street. There is a lack of CCTV cameras, and I understand a high rate of crime. I can often hear fighting in the middle of the night or late-night buskers with speakers and am frequently woken by the incessant honking of taxis, pedicabs and minicabs stuck behind a traffic obstruction. My doorbell is often buzzed by people looking for another drink after the late-night bars have closed. I must sleep with the windows shut all year, often with earplugs.

I understand that noise is an inevitable side-effect of living in Soho, I have lived here for nearly four years. However, I believe more could be done to minimize the disruption to residents of the area while maintaining the character of the night-time economy.

**The application:**

I am aware that the application seeks what the applicant terms a 'mirror' licence, on the same terms as an existing licence ref: 14/01492/LIPN held by the landlord, Soho Estates.

I have a number of comments to make on the circumstances of the application, which are not clear to me. I appreciate that there may well be perfectly satisfactory answers to these questions. I also comment on additional matters related to the application and the current situation on Greek Street.

The licence held by Soho Estates was granted in 2014 and was itself a 'shadow' licence. What has happened to the licence for which the Soho Estates' licence is a 'shadow'?

In the Decision Notice dated 7 May 2014, the Soho Estates application was termed a 'secondary licence'. In effect, therefore, is this application for a 'tertiary licence'? Will there be three licences in force for the same premises at the same time?

Why is the applicant applying for a new premises licence rather than transferring the 'original' licence to themselves?

The licensing authority is required to determine whether granting the 'tertiary' licence will promote the licensing objectives.

I have looked at the conditions to which the licence would be subject. In my view, additional conditions are required in order to ensure that the licensing objective of 'prevention of public nuisance' is promoted.

The issues which I currently experience in Greek Street cannot necessarily be attributed to one specific premises. However, given that this is a bar/club operation with a very late terminal hour, it would seem to me that additional conditions regarding dispersal of customers would be appropriate. I propose the following:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. 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.
3. From midnight until 30 mins after the premises has closed, an SIA licensed door supervisor shall be on duty outside the entrance to the premises for the purpose of managing and enabling the efficient dispersal of customers from the premises.

I appreciate that additional conditions were not added to the Soho Estates licence. However, I would point to the introduction of the 'night tube' as a significant development which justifies these additional conditions.

#### Conclusion

For the reasons stated, I am opposed to the application being granted in its current form.

<b>Name:</b>	Soho Estates Ltd
<b>Address and/or Residents Association:</b>	Portland House 12-13 Greek Street London W1D 4DL
<b>Received:</b>	17 August 2016

We act for Soho Estates Ltd and we understand that our client's tenant Mr Nathan Lowry has submitted a time limited premises licence on the same terms as the existing licences for the premises.

Our client makes a representation in support of the above application in support of all four licensing objectives. The tenant is currently operating under the Landlord's licence with their own DPS on a trial period. The intention being that the tenant can operate under their own licence but on the same terms and conditions as the existing licence.

Our client therefore supports the grant of a licence to the tenant on this basis.

In an earlier letter (dated 13 July 2016) supporting their position, Soho Estates Ltd states:

We refer to a meeting this morning with Mr Lynagh and Mr Watson of the City Council. This licence was previously held and operated by the current tenant and transferred to Soho Estates, upon them taking peaceful re-entry and forfeiting the lease. The premises have been secured but not operated for some months. Pending the redevelopment of the premises under the Foyle's scheme, which has recently been granted planning permission, it is now intended to introduce a short pop-up use subject to the same terms, conditions and hours of the existing licence.

The operator will be Mr Nathan Lowry who is known to the City Council as the operator of Pall Mall Fine Food and Wines. He will be carrying out and trading a wine bar and events business with appropriate SIA security and staff, all employed by his company. Soho Estates carried out very considerable due diligence when considering pop-up tenants for these premises. They are content that Mr Lowry is a suitable tenant for these purposes. However, as shadow licence holders, they will obviously be vigilant to ensure that he promotes the licensing objectives. If either the City Council or the Police have any concerns about the operation, please let us know so we can take appropriate action.

In the short-term, Soho Estates have therefore consented to Mr Lowry trading under the existing licence held by Soho Estates but subject to a new designated premises supervisor being added. At the same time, Mr Lowry will be submitting his own licence so that when it takes effect, he will no longer trade under the Soho Estates licence. This letter is submitted by virtue of the premises being previously licensed under the rules of management and therefore requiring consent to re-open and after that inspection has been carried out this morning by Mr Lynagh and also for information purposes.

On 29 September 2016, Soho Estates provided the following letter addressed to the applicant:

**The Takeover Club, 12-13 Greek Street, W1  
16/07873/LIPDPS**

We enclose a copy of an email and letter that we have received today as licence holder. In our meeting on the 11th July (and documented inane mail of the 13th July), you assured our client that it would be a high-glass wine bar with occasional use for events. Also, that you would regularly supply a weekly schedule of events. That schedule has not been forthcoming, despite chasing.

On that basis and pending your application, our client reluctantly agreed:

*That [you could] use the previous tenant's premises licence and I will prepare a letter of delegation for that purpose. Soho Estates also consent to the DPS being changed for the period of that use.*

*The licensing covenants in the existing lease will apply (or added or amended as required) so that Soho Estates shadow licence and indeed the previous tenant's licence, held by Soho Estates, are not lost, imperilled and handed back, as required.*

*The duration of use of Soho Estates licence will only be for two months or the grant of [your] new licence, whichever is the earlier. [You] will therefore need to instruct [your] consultant to get an application submitted I would suggest this week. That will be on the exact same terms and layout as the existing licence.*

*This arrangement can end at any time on immediate notice*

As agreed, you then submitted an application for a time-limited licence on the same terms as existing but having now been previously served notice under the Lease, this would expire in January at the latest.

Our client is shocked and disappointed about your proposed activity and the resulting publicity and intervention of the City Council.

This not only breaches the Agreement and Lease but also completely contravenes everything you told our client; would breach conditions of the Licence and undermines the licensing objectives.

You have breached that Agreement and the basis upon which the Premises Licence was allowed to be used by you pending your new application. **Accordingly, your authority to sell alcohol and provide licensable activities under the authority of our client's licence is immediately withdrawn.**

We have also notified Westminster that the **Designated Premises Supervisor is also changed with immediate effect.**

As such, selling alcohol or indeed providing any licensable activity under the Licensing Act 2003 is illegal and would make you subject to criminal prosecution. Our client reserves their rights in respect of any loss they have or will have suffered and consequential costs.

Our client will also be re-visiting the terms of their representation in relation to your application should it not be withdrawn in the meantime.

Our client reserves their rights under the Lease in respect of which they are considering their position is without prejudice notices already given.

On 13 October 2016, Soho Estates provided the following letter to be included in their submissions:

**The Takeover Club, 13-14 Greek Street, W1  
Premises Licence Variation Reference 16/08347/LIPN**

We act for Soho Estates Ltd, the freeholder and landlord of the above premises and refer to our client's earlier representation and correspondence, copies attached.

Soho Estates hold two Premises Licences, on exactly the same terms: 16/07873/LIPDPS and 15/01344/LIPDPS, which are independent of the Tenant's application being determined.

16/07873/LIPDPS was used on a temporary basis by the Tenant for the period of 14th July 2016 to 29th September 2016 without incident or concern, pending the grant of the Tenant's own licence on a time-limited basis on the same terms as our client's licences. That permission ended in light of the proposed event that was to take place on the 7 October.

The Tenant's Lease allowed occupation of the premises for a period up to September 2017 but subject to a 'Landlord's Break' clause. That Break Notice has now been given, the effect of which is that the tenant is only now allowed to occupy the premises until 7 January 2017.

Our client has always been of the view that the Tenant should obtain their own licence, which of course will now need to be time limited to the 7 January 2017, concurrent with the amended term of the Lease, with the Landlord holding their own licence(s).

In light of recent concerns, it will be for the Applicant to satisfy the licensing sub-committee and the responsible authorities that he is able to promote the licensing objectives and comply with the conditions that may be imposed; particularly as regards the type of use and event.

The Landlord will continue to maintain a strong interest in the use of the premises should the committee be minded to grant the application.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB2 applies</b>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>



#### 4. Appendices

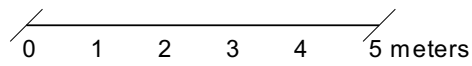
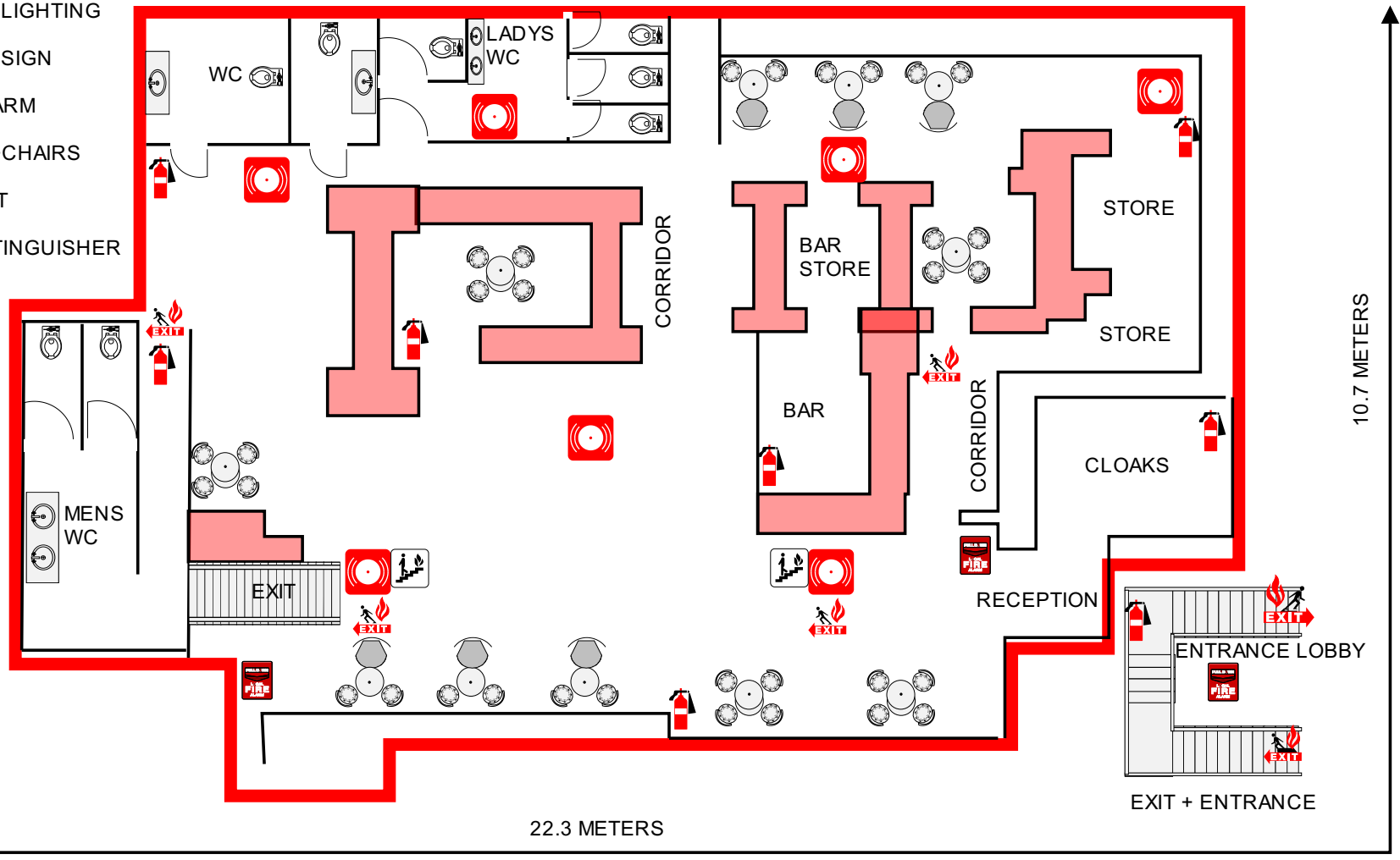
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents – Premises licence 15/01344/LIPDPS
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: <a href="mailto:nnelson@westminster.gov.uk">nnelson@westminster.gov.uk</a>

The Takeover bar  
12-13 Greek street  
W1D 4BA

KEY:

-  ESCAPE LIGHTING
-  ESCAPE SIGN
-  FIRE ALARM
-  TABLES+CHAIRS
-  FIRE EXIT
-  FIRE EXTINGUISHER



Property: 12-13 Greek street  
Scale 1:100 @A4



Schedule 12  
Part A

WARD: West End  
UPRN: 100023604297

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/01344/LIPDPS

Original Reference:

05/02434/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

Miabella London  
Basement  
12-13 Greek Street  
London  
W1D 4DL

Telephone Number: Not supplied

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

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

##### Performance of Dance

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

##### Playing of Recorded Music

Unrestricted

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

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

##### Late Night Refreshment

Monday to Saturday: 23:00 to 03:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 23:00

**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:**

Soho Estates Limited  
Portland House  
12-13 Greek Street  
London  
W1D 4DL

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

00473566

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

**Name:** Mr Leonard Shahini

***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:** Z01N178WES/1  
**Licensing Authority:** London Borough of Waltham Forest

**Date:** 12 October 2015

**This licence has been authorised by Mr Yiannis Chrysanthou 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.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect**

**Conditions relating to regulated entertainment**

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment 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).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
12. Whilst the premises are in use under this licence:
- (a) The entertainment shall be limited to a type commonly known as discotheque and to background music;
  - (b) No live performances shall be used.
13. The sound limiter is to be set to the satisfaction of officers from the Environmental Regulation Service. The operational panel shall then be secured and the system shall not be altered without prior agreement with this Department.
14. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Regulation Service.

15. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
16. All doors giving access/egress to the premises shall not be fixed open after 23:00.
17. All openable windows shall be closed after 23:00.
18. The number of persons accommodated (excluding staff) shall not exceed 243.

**Conditions related to the sale of alcohol**

19. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
20. No striptease, no nudity and all persons on the premises to be decently attired.
21. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
22. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
23. No application shall be made for the grant of an occasional licence.
24. Intoxicating liquor may only be sold or supplied to persons admitted to the premises as follows:
  - (a) On Monday to Thursday after 23:30 by payment of an admission fee of not less than £3 for music, dancing and entertainment;
  - (b) On Friday and Saturday after 23:30 by payment of an admission fee of not less than £5 for music, dancing and entertainment;
  - (c) Persons who are specially invited guests of the management listed by name at reception prior to admission, such list to be available for inspection by the relevant authorities;
  - (d) By private invitation to a bona fide private function held at the premises of which 24 hours notice has been given to the Police;
  - (e) Artistes and persons employed on the premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

25. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

Monday to Saturday

- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 03:00 the following morning except:
  - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between midnight and 03:00 the following morning, the permitted hours shall end when the music and dancing end.
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-



- (i) with the substitution of references to 04:00 in the morning to 03:00 in the morning
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Sundays:

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30;
- (b) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) take all other reasonable precautions for the safety of the children.
27. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.

- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

- 28. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
31. 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.
32. 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.
33. All SIA staff engaged at the premises shall wear high visibility yellow jackets or vests. SIA licences worn by door staff, shall be clearly displayed and visible at all times.
34. A daily Door Supervisor Log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/Badge Number/Expiry date of SIA Licence and a signature of the Door Supervisor.
35. A log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
36. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink from the table.
  - (b) Notwithstanding 36(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 lounge/club area.
37. All customers entering the premises will have their ID scanned on entry. All records shall be stored for a minimum period of 31 days with date and time stamping. These records shall be made available immediately upon request of the police or authorised officer throughout the preceding 31 day period.

38. All persons entering or re-entering the premises shall be searched by an SIA- trained member of staff and monitored by the premises CCTV system. The searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of the permitted hours or until there is no further admissions.
39. Whenever the premises are open for licensable activities an attendant shall be on duty in any designated male and female toilets.

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

40. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment showing details of all drinks and food items purchased.

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023604297

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/01344/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Miabella London  
Basement  
12-13 Greek Street  
London  
W1D 4DL

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Performance of Dance**

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

**Playing of Recorded Music**

Unrestricted

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

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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted



**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 23:00

**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:**

Soho Estates Limited  
Portland House  
12-13 Greek Street  
London  
W1D 4DL

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

00473566

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

**Name:** Mr Leonard Shahini

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

Restricted

**Date:** 12 October 2015

**This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.**

As this is a new application, there is no licence history for this licence. However, the premises holds two existing premises licences, licence histories for which are provided below:

**Premises licence: 15/01344/LIPDPS**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/02434/LIPCV Conversion and variation application	Application to convert the Justices' Licence under the Licensing Act 2003	24.05.2005	Granted by Licensing Sub-Committee
06/03474/LIPDPS Vary DPS	Application to vary the designated premises supervisor	09.05.2006	Granted under delegated authority
06/05968/LIPDPS Vary DPS	Application to vary the designated premises supervisor	14.07.2006	Granted under delegated authority
06/13415/LIPDPS Vary DPS	Application to vary the designated premises supervisor	15.01.2007	Granted under delegated authority
07/00164/LIPT Transfer application	Application to transfer the premises licence from A3D2 Limited to Summit Clubs Limited	07.08.2007	Granted under delegated authority
07/01805/LIPDPS Vary DPS	Application to vary the designated premises supervisor	21.03.2007	Granted under delegated authority
07/06304/LIPDPS Vary DPS	Application to vary the designated premises supervisor	04.10.2007	Granted under delegated authority
08/00272/LIPT Transfer application	Application to transfer the premises licence from Summit Clubs Limited to Junette Ltd	08.02.2008	Granted under delegated authority
08/04246/LIPDPS Vary DPS	Application to vary the designated premises supervisor	24.06.2008	Granted under delegated authority
09/00873/LIPT Transfer application	Application to transfer the premises licence from Junette Ltd to Clear Prism Ltd	16.02.2009	Granted under delegated authority
09/07344/LIPT Transfer application	Application to transfer the premises licence from Clear Prism Ltd to Rocktours Ltd	08.12.2009	Granted under delegated authority

09/09484/LIPVM Minor variation	Application to alter the layout of the premises.	10.12.2009	Granted under delegated authority
10/01758/LIPDPS Vary DPS	Application to vary the designated premises supervisor	19.04.2010	Granted under delegated authority
10/05009/LIPDPS Vary DPS	Application to vary the designated premises supervisor	05.08.2010	Granted under delegated authority
10/09882/LIPDPS Vary DPS	Application to vary the designated premises supervisor	14.12.2010	Granted under delegated authority
12/02600/LIPDPS Vary DPS	Application to vary the designated premises supervisor	20.04.2012	Granted under delegated authority
13/02792/LIPT Transfer application	Application to transfer the premises licence from Rocktours Ltd to Straightpride Limited	09.06.2013	Granted under delegated authority
14/01329/LIPVM Minor variation	Application to add conditions at the request of the police	03.03.2014	Granted under delegated authority
15/00976/LIPT Transfer application	Application to transfer the premises licence from Straightpride Limited to Soho Estates Limited	23.02.2015	Granted under delegated authority
15/01344/LIPDPS Vary DPS	Application to vary the designated premises supervisor	25.02.2015	Granted under delegated authority  Licence suspended 25.09.2015 for non-payment of annual fee
16/07873/LIPDPS Vary DPS	Application to add Mr Gary Furey as the designated premises supervisor	29.07.2016	Granted under delegated authority
16/10476/LIPDPS Vary DPS	Application to add Mr Alun Thomas as the designated premises supervisor (with immediate effect)	14.10.2016	Granted under delegated authority
16/10525/LIDPSR DPS removal	Application to remove Mr Alun Thomas as the designated premises supervisor	14.10.2016	Granted under delegated authority

**Premises licence: 16/07873/LIPDPS**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/01492/LIPN New "shadow" licence application	Application for a shadow licence on the same terms as 15/01344/LIPDPS	07.05.2014	Granted by Licensing Sub-Committee

There is no appeal history for the premises.

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

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

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

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

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. 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.

## Conditions consistent with the operating schedule

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment 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).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. Whilst the premises are in use under this licence:
  - (a) The entertainment shall be limited to a type commonly known as discotheque and to background music;
  - (b) No live performances shall be used.
14. The sound limiter is to be set to the satisfaction of officers from the Environmental Regulation Service. The operational panel shall then be secured and the system shall not be altered without prior agreement with this Department.
15. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Regulation Service.
16. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
17. All doors giving access/egress to the premises shall not be fixed open after 23:00.
18. All openable windows shall be closed after 23:00.
19. The number of persons accommodated (excluding staff) shall not exceed 243.
20. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. No striptease, no nudity and all persons on the premises to be decently attired.
22. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
23. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
24. No application shall be made for the grant of an occasional licence.
25. Intoxicating liquor may only be sold or supplied to persons admitted to the premises as follows:
  - (a) On Monday to Thursday after 23:30 by payment of an admission fee of not less than £3 for music, dancing and entertainment;



- (b) On Friday and Saturday after 23:30 by payment of an admission fee of not less than £5 for music, dancing and entertainment;
- (c) Persons who are specially invited guests of the management listed by name at reception prior to admission, such list to be available for inspection by the relevant authorities;
- (d) By private invitation to a bona fide private function held at the premises of which 24 hours notice has been given to the Police;
- (e) Artistes and persons employed on the premises.

26. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

Monday to Saturday

- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 03:00 the following morning except:
  - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between midnight and 03:00 the following morning, the permitted hours shall end when the music and dancing end.
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
  - (i) with the substitution of references to 04:00 in the morning to 03:00 in the morning
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Sundays:

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30;
- (b) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 27. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) take all other reasonable precautions for the safety of the children.
- 28. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress

- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
32. 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.
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.
34. All SIA staff engaged at the premises shall wear high visibility yellow jackets or vests. SIA licences worn by door staff, shall be clearly displayed and visible at all times.
35. A daily Door Supervisor Log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/Badge Number/Expiry date of SIA Licence and a signature of the Door Supervisor.
36. A log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
37. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables.

Customers shall not be permitted to leave their table carrying any such glass bottles or drink from the table.

- (b) Notwithstanding 36(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 lounge/club area.
38. All customers entering the premises will have their ID scanned on entry. All records shall be stored for a minimum period of 31 days with date and time stamping. These records shall be made available immediately upon request of the police or authorised officer throughout the preceding 31 day period.
39. All persons entering or re-entering the premises shall be searched by an SIA- trained member of staff and monitored by the premises CCTV system. The searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of the permitted hours or until there is no further admissions.
40. Whenever the premises are open for licensable activities an attendant shall be on duty in any designated male and female toilets.
41. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment showing details of all drinks and food items purchased.

#### **Conditions proposed by Environmental Health:**

42. 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.
43. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
44. 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. For the purpose of this section,
- ‘Directly’ means:- employ, have control of or instruct. ‘Indirectly’ means allowing / permitting the service of or through a third party.
- For the purposes of this condition, ‘Specified Area’ means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
45. 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.

46. 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.
47. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
48. 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.
49. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
50. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
51. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
52. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
53. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
54. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
55. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
56. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently of flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
57. All scenery should be maintained suitably flame retarded to the appropriate standards.
58. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - Any emergency lighting battery or system
  - Any electrical installation
  - Any emergency warning system.
59. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special

effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances
- real flame
- strobe lighting

60. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

61. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.

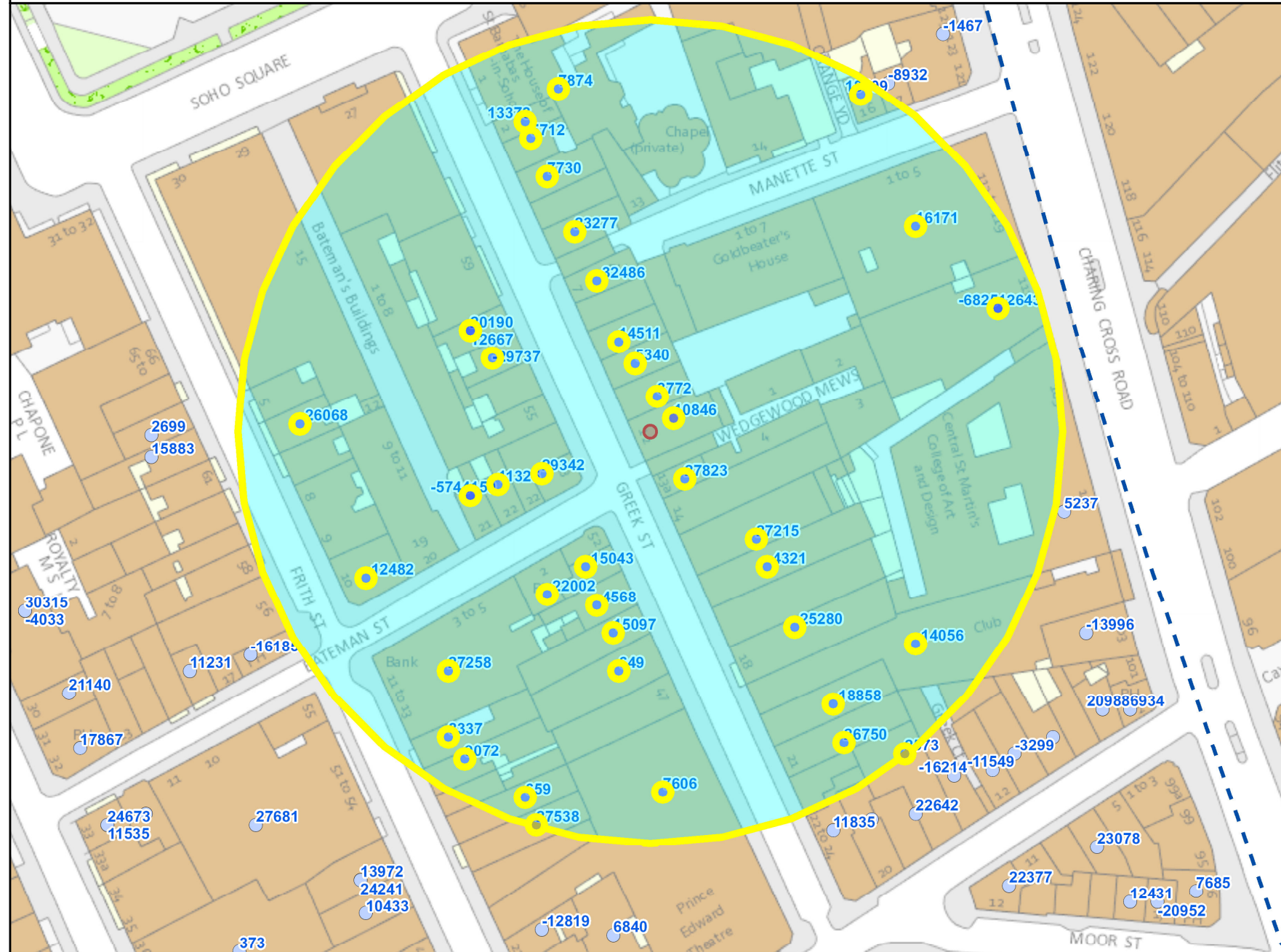
62. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and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

63. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

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



# The Takeover, 12-13 GreekStreet



Residential / Proposed Residential	111
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10  
 Meters

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Data Source: Uniform Database  
 Date: 09/10/2016

**The Takeover, 12-13 Greek Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
14/03450/LIPDPS	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
14/09011/LIPDPS	Eat Tokyo	16 Old Compton Street London W1D 4TL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/02723/LIPVM	68 And Boston	4 Greek Street London W1D 4DB	Sunday 09:00 - 02:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30
13/07317/LIPVM	House Of St Barnabas	The House Of St Barnabas In Soho 1 Greek Street London W1D 4NQ	Monday to Sunday 08:00 - 01:30
09/02948/LIPCH	The Gay Hussar	2 Greek Street London W1D 4NB	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
16/06349/LIPDPS	The Borderline	Borderline Orange Yard London W1D 4AR	Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00 Sunday 09:00 - 23:00
06/05119/WCCMAP	San Valentino Bar	13A Greek Street London W1D 4DN	Monday to Saturday 23:00 - 03:00
06/06379/WCCMAP	Haziitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
14/11103/LIPVM	Zebrano	Basment And Ground Floor 18 Greek Street London W1D 4DS	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
15/09738/LIPVM	Simmons	2 Bateman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
15/04123/LIPDPS	Pizza Express	Basement And Ground Floor 20 Greek Street London W1D 4DU	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
14/10169/LIPT	Trattoria Da Aldo	Basement And Ground Floor 51 Greek Street London W1D 4EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13/01185/LIPVM	Montagu Pyke	Ground Floor 105 Charing Cross Road London WC2H 0DT	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
14/01953/LIPDPS	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/00102/LIPN	Found 111 Floors 3 4	111 Charing Cross Road London WC2H 0DT	Sunday 12:00 - 23:00 Monday to Saturday 12:00 - 23:30
13/05652/LIPN	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Sunday to Thursday 12:00 - 00:00 Friday to Saturday 12:00 - 03:00
10/02599/LIPV	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
14/07710/LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
11/12180/LIPVM	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
11/08277/LIPN	10 Greek Street	10 Greek Street London W1D 4DH	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
16/03007/LIPDPS	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/07873/LIPDPS	Miabella	Basement 12-13 Greek Street London W1D 4DL	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
15/03340/LIPVM	Balls & Company	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
06/05103/WCCMAP	Jazz After Dark	Ground Floor 9 Greek Street London W1D 4DQ	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
15/03152/LIPVM	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
15/12062/LIPN	You Me Bum Bum Train	113 - 119 Charing Cross Road London WC2H 0EB	Monday to Thursday 18:00 - 00:50 Thursday to Saturday 18:00 - 01:20



10/03533/LIPDPS	Patara	Basement And Ground Floor 15 Greek Street London W1D 4DP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/05330/LIPDPS	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
12/07550/LIPDPS	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
13/03061/LIPVM	Pillars Of Hercules Public House	7 Greek Street London W1D 4DF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
06/06525/WCCMAC	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Monday to Saturday 11:00 - 01:30 Sunday 12:00 - 01:30
14/09327/LIPDPS	Be At One	16-17 Greek Street London W1D 4DR	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 06:00
09/09864/LIPN	Bibimbap Korean Restaurant	11 Greek Street London W1D 4DJ	Monday to Sunday 12:00 - 15:00 Monday to Wednesday 17:00 - 00:00 Sunday 17:00 - 00:00 Thursday to Saturday 17:00 - 02:00
16/03822/LIPCH	Milroys Of Soho	Basement And Ground Floor 3 Greek Street London W1D 4NX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:50
14/02151/LIPV	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
06/07744/WCCMAP	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
06/06357/WCCMAP	The Golden Oven	Ground Floor 22 Bateman Street London W1D 3AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/06217/LIPN	Found 111 Floors 3 4	111 Charing Cross Road London WC2H 0DT	Sunday 12:00 - 23:00 Monday to Saturday 12:00 - 23:30
06/12741/WCCMAP	Kaslik	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
14/09211/LIPVM	Bo Drake Restaurant	Basement And Ground Floor 6 Greek Street London W1D 4DE	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
14/03170/LIPVM	Londis	21 Greek Street London W1D 4DX	Monday to Sunday 08:00 - 03:00
14/02772/LIPV	Thirst	23 - 24 Bateman Street London W1D 3AH	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00

**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 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	5 August 2016
<b>5</b>	Representation – Environmental Health	2 September 2016
<b>6</b>	Environmental Health further comments	13 October 2016
<b>7</b>	Representation - Police	1 September 2016
<b>8</b>	Representation – Ms Christie Tucker	6 September 2016
<b>9</b>	Representation – Soho Estates Ltd	17 August 2016
<b>10</b>	Soho Estates Ltd further submissions	29 September 2016
<b>11</b>	Soho Estates Ltd further submissions	13 October 2016