



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	1 December 2016
Licensing Ref No:	16/09817/LIPN - New Premises Licence
Title of Report:	Sophisticats Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

# 1. Application

<b>1-A Applicant and premises</b>			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	14 September 2016		
<b>Applicant:</b>	Devine Restaurants Ltd		
<b>Premises:</b>	Sophisticats		
<b>Premises address:</b>	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	This premises is currently operating as Sexual Entertainment Venue and was previously known as the Shadow Lounge.		
<b>Premises licence history:</b>	<p>The premises has been licensed September 2009.</p> <p>The premises is currently licensed for:</p> <p>Performance of Dance:</p> <p>Monday to Saturday: 09:00 until 03:00 Sunday: 09:00 until 23:00</p> <p>Performance of Live Music:</p> <p>Monday to Saturday: 09:00 until 03:00 Sunday: 09:00 until 23:00</p> <p>Anything of a similar description:</p> <p>Monday to Saturday: 09:00 until 03:00 Sunday: 09:00 until 23:00</p> <p>Late Night Refreshment:</p> <p>Monday to Saturday: 23:00 until 03:30 Sunday: 23:00 until 00:00</p> <p>Sale of Retail of Alcohol:</p> <p>Monday to Saturday: 10:00 until 03:00 Sunday: 12:00 until 23:00</p>		

	<p>The applicant is seeking to extend the terminal hours of licensable activities from Monday to Saturday 03:00 until 06:00 and Sunday from 23:00 until 05:00.</p> <p>This application is one of four applications for this premise.</p> <p>The other three applications are a renewal of an Sexual Entertainment Venue Licence, a Transfer of a Sexual Entertainment Venue Licence and a Variation of a Sexual Entertainment Venue.</p>
<b>Applicant submissions:</b>	Please see Appendix 2

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British summer time commences.</p>				

Sale by retail of alcohol				On or off sales or both:			On Sales
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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British summer time commences.</p>				

Performance of Dance				Indoors, outdoors or both			Indoors
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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.				
			An additional hour when British summer time commences.				

Live Music				Indoors, outdoors or both			Indoors
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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.				
			An additional hour when British Summer time commences.				

Recorded Music				Indoors, outdoors or both			Indoors
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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.				
			An additional hour when British summer time commences.				

Anything of a Similar Description				Indoors, outdoors or both			Indoors
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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.				
			An additional hour when British summer time commences.				

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>	06:00	06:00	06:00	06:00	06:00	06:00	05:00
<b>Seasonal variations/ Non-standard timings:</b>	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> <p>An additional hour when British summer time commences.</p>						
<b>Adult Entertainment:</b>	<p>The premises will operate as a sexual entertainment venue in accordance with the SEV Licence.</p> <p>The SEV Licence includes strict model conditions to ensure the protection of children from harm.</p>						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr Nicolas Nelson
<b>Received:</b>	11 <sup>th</sup> October 2016
<p>I write in relation to the application submitted for a new Premises Licence for the above premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from Harm</li> </ul> <p>As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and NS1. The application is requesting licensable activities between 09:00 and 06:00 Monday to Saturday and 09:00 to 05:00 on Sunday. The premises is located inside the Cumulative Impact Area.</p>	

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

Policy NS1 states:

(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.

(iii) Applications will not be granted in proximity to:

(a) residential accommodation

(b) schools

(c) places of worship

(d) community facilities or public buildings.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Anil Dryan
<b>Received:</b>	7 <sup>th</sup> October 2016

**SOPHISTICATS, BASEMENT AND PART GROUND FLOOR, 3-7 BREWER STREET, LONDON**

I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Area.

The premises currently benefits from Premises Licence 16/05695/LIPDPS and also has a SEV Licence, 15/06700/LISEVR for which a concurrent variation application under 16/09959/LISEVV has been made.

The applicant has submitted proposed layout floor plans of the premises, ref 07/01-02E, dated 9/16 showing the new Ground floor and Basement layout plans.

**The applicant is seeking the following:**

1. To provide the following regulated entertainments indoors between 09:00 and 06:00 hours Monday to Saturday and 09:00 and 05:00 hours Sunday:

- Live Music
  - Recorded Music
  - Performances of Dance
  - Anything of a similar description to Live Music, Recorded Music and Performances of Dance
2. To provide for the Supply of Alcohol 'On' the premises between 09:00 and 06:00 hours Monday to Saturday and 09:00 and 05:00 hours Sunday.
  3. Provision of Late Night Refreshment between 23:00 and 05:00 hours Monday to Sunday
  4. For all of the above non standard timings of from end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and an additional hour on British Summertime commences.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours for and types of Regulated Entertainments requested may lead to an increase in Public Nuisance in the area and may adversely affect Public Safety in the West End Cumulative Impact Area
2. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
3. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
4. The hours requested for the non-standard timings may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

The applicant has offered an extensive list of conditions and also provided an Appendix 1 assessment. Environmental Health may nevertheless propose additional conditions following full consideration of all the information submitted with the application.

Environmental Health did provide pre-application advice which assessed that the overall effect of the proposals was likely to reduce the impact with regards to the licensing objectives of Public Nuisance and Public Safety. However Environmental Health representations are maintained as it is considered that it is for the Licensing Committee to decide whether sufficient mitigation has been provided with regards to the Licensing Policy in the Cumulative Impact Area as the application seeks significantly later hours of operation for licensable activities than currently permitted in the existing Licence.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PS Paul Hoppe
<b>Received:</b>	21 <sup>st</sup> September 2016

Regarding both the applications for renewal of SEV with variation and the variation of the premises license at the newly renamed SOPHISTICATS (previously SHADOW LOUNGE) 3 - 7 Brewer Street London W1 Police wish to object to all the associated applications on the grounds of Prevention of Crime and Disorder and Public Nuisance.

The applicant has clearly given some thought to the application which is of a good quality. However, there are concerns from Police over the requested extension to hours from 0300 to 0600 as these are outside the Licensing Policy and it is considered that there are currently insufficient conditions on this new application to promote the licensing objectives.

A fuller objection will be sent in due course.

### **Further Submission**

I refer to the above applications to vary the premises license and transfer the SEV license at the above address. This is a slightly complicated application as the applicant is taking over an existing premises, changing the use from a nightclub/ bar into a sexual entertainment venue and extending the hours.

The venues location is in the West End Cumulative Impact Area; an area which contains a high density of licensed premises which adversely impacts on the promotion of the Licensing Objectives.

In order to fully understand the applicants position and reasoning behind the applications, I have engaged with the applicant and their solicitors on a number of occasions. The meetings have been at City Hall and at the venue itself. All meetings were positive and the applicant has fully engaged with Police. The applicant has shown respect for and understanding of the Licensing Objectives.

The applications are considered well written and having made an unscheduled visit to the applicants existing venue in Welbeck Street W1, I am confident that the applicant is capable of promoting the Licensing Objectives. However, I am only commenting on a brief snapshot of the operation.

There is still concern from Police regarding the requested opening hours of the venue being 0900 to 0600 Monday to Saturday and 0900 to 0500 on Sunday. These hours are well-beyond the core hours as clearly defined in the Westminster City Council Licensing Policies (Policy HR1). There is also concern over whether the applicant has engaged sufficiently with the local community (Policy LO1). The immediate area is a very popular with the LGBT Community of London and this application is a diverse move from the venues previous incarnation.

The venue has, in the past been billed as "the premium gay bar in the Heart of Soho" and Police concerns extend from experience of Community tensions in other venues who have failed to sufficiently engage before and during works.



Objection:

While it is accepted that the applications are of a high quality and address many concerns, Police wish to maintain the objection based on two Licensing Policies:

- 1) HR1 - the hours requested are excessive compared to the core hours suggested in policy.
- 2) LO1 - Police do not believe at this time, that the applicant has engaged sufficiently with the local community over the proposed changes to the venue. This could lead to an increase in Crime and Disorder as has been experienced in at least one other venue.

2-B Other Persons	
<b>Name:</b>	Paul Church
<b>Address and/or Residents Association:</b>	Ward Councillor
<b>Received:</b>	29 <sup>th</sup> September 2016
I wish to fully support the view of my constituent, Mr. Roeber, that this licence application should be rejected. This proposed extension of hours is completely unacceptable when residents live so close to the premises and I agree with Mr. Roeber that all four licensing objectives would be compromised by this disgraceful, un-neighbourly application.	
<b>Name:</b>	Jonathan Glanz
<b>Address and/or Residents Association:</b>	Ward Councillor – West End
<b>Received:</b>	23 <sup>rd</sup> September 2016
I too wish to object to all these applications on the same grounds as set out by Cllr Roberts and in support of local resident objectors. Also in my capacity as Chairman of Safer London BCRP and its operations as Safer West End.	
<b>Name:</b>	Mr Grant Gillespie
<b>Address and/or Residents Association:</b>	1 Brewer St London W1F 0RD
<b>Received:</b>	21 <sup>st</sup> September 2016
I am very concerned about Sophisticats opening directly below me. I am on the first floor with windows opening onto the street. A bedroom is directly over the venue's entrance.	
It has always been noisy on this street and I don't object to that, it's Soho after all and the team running the Shadow Lounge were always very accommodating and responsive. They shut at about 4 though and were closed on Sundays and Mondays	

which gave some respite from the noise and the people milling about smoking and getting cabs.

I really object to a strip establishment that will be open as late as 6am Monday to Saturday and 5am on a Sunday. This will mean that the area is noisy practically 24-7 as there are noisy renovations happening all day long too at Madame Jojos and the entire block opposite my apartment.

Not only do I think it will be disruptive to have a strip club in the basement, I think it will attract the worst kind of guest (stag dos and drunken office workers). There are already lots of drug dealers and pimps targeting drunken men here and this will definitely rise with this sort of establishment moving in.

I think there will be a dangerous clash too between the guests at a strip club and the gay people using the smoking area next door outside the Village. My front door is between the two venues.

I also often have families staying in my apartment with small children and I think a strip club in the basement would attract a deeply unappealing crowd.

I trust you will take my concerns and strong objection into consideration.

**Additional submissions:**

I'm writing to formally object to the above application for a new premises licence. I've written a brief objection on your website, but after seeking advice I would like to go in to more detail and respond to each of the application's components in detail.

I'm therefore objecting too to the pending application under para 8 (15) of Scheduling 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') for a variation of the 'sexual entertainment venue', licence ('SEV licence'), ref: 16/09959/LISEVV.

The various applications plan to massively alter the way in which the premises have previously operated, and the closing time is planned to be much later, which will be hugely affecting in terms of the area and residents like myself.

I can't say enough how much I strongly believe that these various changes in the venue will have a massive negative effect on myself and my neighbours and the surrounding area.

The reasons for my objection are: the application is contrary to Policy CIP2 of the City Council's Statement of Licensing Policy 2016 ('the Policy') and the effect of the application if accepted will harm the licensing objectives for the prevention of public nuisance, of crime and disorder and public safety, and protection of children from harm.

I believe that I will be massively affected by the application in the block if the application is accepted as I live on the first floor, directly above the venue's main entrance. That is flat 2, 1-3 Brewer St, W1F 0RD. The entrance and the basement is actually therefore part of my building (1-3 Brewer Street), which is otherwise fully residential. There are seven flats, I have been a tenant there for 10 years and a lot of the other apartments are owner occupied or have long-term tenants like myself.

I know that we have all suffered over the years with the noise and unruly behaviour from the venue (previously The Shadow Lounge) though you do expect and live with a certain degree of noise in Soho. The Shadow Lounge were always respectful and responsive but the noise of the music did still reverberate through my floor and in fact through the large metal shafts, disused chimneys and pipes that run up through the walls of my premises and the entire building Monday to Saturday till 3 and Sunday till 11pm. I wasn't only disturbed by the music though as the smoking area is the street below my window and when the club goes left there was another hour or so of drunken people shouting, laughing and arguing while they left or got in and out of cabs.

The pavement is narrow outside the block and people never stayed in the designated smoking area (or queuing area) and were forever spilling over blocking my front door. I think that this will continue to happen but until 6 in the morning and therefore till 7am by the time people have left.

The proposal says that they will keep smokers to 10 people capacity. That will not include people who have left the venue and are hanging around trying to find a taxi or other entertainment (from the pimps) or for people arriving at the venue, smoking before they enter. This cannot be regulated even by security. The applicant's proposals regarding noise management in the 'Appendix 11 Submission' are not convincing - 'comprehensive customer management procedures' can't be sustained until 6am and won't be after the club shuts (so till 7am), nor can they stop all the taxi drivers, drug dealers and pimps from hanging about the premises. (They do now, I am certain that they would more and in higher numbers if this was a venue where people came to see full nudity strip shows).

People plus alcohol = raised voices, so by closing time, people have no idea how loudly their talking or shouting. That's at 3am. With the licence being later 6am, people will be noisy till later, but three hours more drunk. I have opened my front door on numerous occasions to have someone drunk (who was leaning on the door) literally fall in. Sometimes I work really early. I don't think I'm prudish if I don't relish the prospect of leaving for work at 6 or 6.30am and meeting drunken people who have just seen a full nudity strip show. I also sometimes have family with small children staying in the flat. I don't think it would be suitable to submit them to this.

I can only think that with the much later opening hours including Sunday (six hours later than it was!) and the type of clientele the proposed venue will attract, this disturbance, during and after closing will be far, far worse.

The implementation of sexual entertainment which is in the new proposal will severely affect not just myself but the entire block and the extension of hours to 6am and 5am on a Sunday will effectively mean my street will be busy 24hours a day. (Not to mention the building work that's going on all day on the opposite side of the road for the foreseeable future). I am aware that the applicants have another franchise, but that that is under a car-park, whereas this would be directly under a residential block.

The application asks to extend the closing hours for licensable activities, including the sale of alcohol, to 6am Mon-Sat and 5am on a Sunday.

The current licence permits a closing time of 3am Mon-Sat, 11pm Sun. These timings are the same as the closing time for 'relevant entertainment' on the current SEV licence.

The application says that alcohol will be 'ancillary' to striptease entertainment. The current premises SEV licence permits 'partial nudity' (topless dancers) and the last owners never really used that licence. This SEV licence application seeks to permit full nudity.

The application also proposes reducing capacity from 280 to 140. This would not affect the noise of the music till 6am nor the coming and going of people smoking or leaving the venue at closing time. I don't believe that a reduction in capacity is sufficient to overcome the objections of residents or to demonstrate an exception to the policy or to demonstrate compliance with the SEV Statement of Licensing Policy 2012.

There area is already a large percentage residential properties in the surrounding area, but this is going to increase massively with all the new developments including the Walker Court development by Soho Estates, which is building and renovating existing blocks, one of them directly across the road from our block at number 6. They are also adding residential flats on the corner of Wardour St and Old Compton St. This part of Soho is no longer seedy. It is a place where families come with their children.

The junction between Rupert and Brewer streets attract a large number of drug dealers and addicts already and other more casual users at all times of the day. This will only be exacerbated by a full nudity strip venue open all hours. The drug problem that has worsened since the council decommissioned key local CCTV cameras and the dealers are too well organised for the police to apprehend them. This illegal behaviour is a serious threat to the peace of Soho, and to its locals. I am approached every day to be asked if I want to buy drugs or sex, or I am petitioned for money. This is certain to increase with a full nudity sex club on the street which will attract a certain crowd who can buy alcohol to 6am.

The application is contrary to Policy CIP2 of the City Council's Statement of Licensing Policy 2016 ('the Policy').

In 'Appendix 11 Submission' the applicant states that strip club will 'make no addition to the cumulative impact'. I absolutely refute this. There are numerous late night venues in this area already and they occasionally cause enough problems for us residents. If this application is granted it will have a knock on effect to the other late night venues. It will set a precedent.

In any event, the Policy test for this application is not whether the application will make an addition to cumulative impact, but whether there are 'genuinely exceptional circumstances' to justify an exception to the Councils CIP1 policy.

Policy CIP1(i) states that it is the licensing authority's policy 'to refuse applications in the Cumulative Impact Areas' for this type of premises.

The applicant has included a number of measures to supposedly exempt themselves from the council's CIP1 Policy... That the sale of alcohol will be ancillary to striptease, which will be a 'less intrusive' license use. Does this mean that guests will be encouraged not to drink while they watch the strip shows. I do not understand how exactly the alcohol consumed will be ancillary. I have also no idea how a full nudity venue open till 6am could be less intrusive than a nightclub open till 3am.

A reduction in the capacity from 280 to 140 is also proposed in order to gain an

exemption to the policy, but Para 2.4.7 says 'the reduction in capacity of a premises or a reduction in hours of operation might be a reason for an exception'. This application on the other hand looks to increase the hours of opening, so there will be at least the same amount of people frequenting the establishment every night (if not more) and there is an extension in hours not a reduction - six hours on a Sunday.

After consultation it has come to my attention that the applicant insists they are extremely experienced operators with a proven track record, and their sister company have owned and operated a premises at 28 Marylebone Lane, but this- address is not within a Cumulative Impact Area (CIA) for the purposes of the City Council's Statement of Licensing Policy 2016 and the Marylebone Lane venue is – as I said earlier - beneath a car park. The Marylebone Lane venue seems entirely different to the proposed one in Soho in the heart of theatre-land and West End restaurants in a residential building.

I ask that the City Council takes into consideration the residents' interests in this matter when considering the proposed application. Though I appreciate that Soho has a lot of bars and a couple of clubs open till 3, a full nudity bar open till 6am in the basement of a residential block is pushing the boundary too far. I would hope that we will be afforded some peace from noise pollution and drunken revellers in this already lively neighbourhood.

<b>Name:</b>	Colin Vaines
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	19 <sup>th</sup> September 2016

I live immediately above this space. We have had massive problems for years with the previous occupant, Shadow Lounge. The sound system that was fitted when Shadow Lounge was refurbished was so loud that the noise carried easily into our bedroom on the first floor of the property. We worked with the club to try and fix this, but despite having noise limiters fitted, the sound never ceased to penetrate our flat, and was impossible to live with between midnight and 3am. Eventually, Shadow Lounge paid for a noise expert to come and analyse the issues. He came to the conclusion that the biggest problem was vibration from the sound system coming up the walls of the building. Novus Leisure, which owned the club, agreed to pay for soundproofing measures in our flat, and we had a quote done for us. Before that was put into effect, Novus Leisure decided to close to the club.

I am completely opposed to this new application. While I recognise that it is a lap dancing club and not a disco, music will still be played at a loud volume. The proposed hours are insane for residents, and given the noise levels from the club that, even with limiters fitted, will still be audible in my flat, a closing time of 5 or 6am is absolutely unacceptable. The applicants would need to change the sound system and limit the volume massively from the previous levels before I could think about withdrawing any objection. They would also need to install soundproofing in the club, although given the sound expert's report, I don't believe this will alter the problem of sound vibrations travelling through the walls of the building.

I believe other residents of the flats above this club have been complaining for some

time about the noise levels, so I am sure I will not be alone in objecting to this application. Residents are dealing with more drunks and drug dealers than ever on Rupert St and Tisbury Court, & this won't help.

I am attaching the noise expert's report.

# TECHNICAL REPORT



**Client:** Anu Kirjavainen  
**Project:** Flat 1, 4 Tisbury Court, London  
**Reference:** 160109-002A  
**Date:** March 23, 2016  
**Author:** Rob Cant MIOA

## 1. INTRODUCTION

Occupants of a residential dwelling at Flat 1, 4 Tisbury Court, London, have raised concern of excessive noise transmission to the flat from a club at lower level in the building. ACA Acoustics Limited has been commissioned to carry out an assessment of noise transmission to the flat and, where necessary, provide recommendations to improve sound insulation performance accordingly.

## 2. SOUND LEVEL SURVEY RESULTS

Due to excessive noise intrusion from pedestrian activity outside of the property it was not possible to accurately quantify the level of noise transmission through the structure from the club below to inside the flat. However, subjectively music noise was clearly audible inside the bedroom and bathroom of the flat, with the energy primarily transmitting within structural walls. It was also subjectively noted by the author that the energy was primarily within the mid-frequency range, rather than the low-frequency or 'bass' which is more common for structure-borne music noise transmission from a club.

Without being able to undertake sound level measurements it is difficult to accurately specify the level of improvement required. However, recommendations are provided below to reduce structure-borne noise by the maximum practical level, given the spatial constraints of the flat.

## 3. RECOMMENDATIONS FOR NOISE MITIGATION MEASURES

*Note that consideration of non-acoustic aspects including, but not limited to, structural calculations, aesthetics and construction material are outside the scope of ACA Acoustics Limited and should be considered by others accordingly. Alternative methods of attenuation to those detailed below may be acceptable.*

### Acoustic Wall Linings

Sound energy was clearly audible within each of the bedroom walls. It is therefore recommended that an acoustic wall lining is installed to all bedroom walls. Suitable acoustic lining would be formed using two layers 12.5mm plasterboard on independent timber or metal studs. The studs should be fixed top and bottom and not be fixed back to the existing wall. Where a fixing is

### ACA Acoustics Limited

South West Office:  
Regus House  
Windmill Hill Business Park  
Whitehill Way  
Swindon  
SN5 6QR

London Office:  
Hamilton House  
Mabledon Place  
London  
WC1H 9BB

Email: [info@aca-acoustics.co.uk](mailto:info@aca-acoustics.co.uk)

Website: [www.aca-acoustics.co.uk](http://www.aca-acoustics.co.uk)

Tel: 01793 441 488

Tel: 0207 554 8567

Registered in England & Wales No: 08228154

required for structural stability this must incorporate a resilient tie. The studs should be held off the existing wall minimum 10mm; note that skirting boards and cornices may need to be removed to maintain the cavity. Minimum 50mm mineral wool insulation to be hung within the cavity.

Acoustic energy was not identified in the floor of the bedroom, however this may have been masked by the carpet currently installed. Should there be sound energy in the floor then it may be beneficial to fix resilient bars between the new studs and plasterboard.

Careful detailing is required around windows, including the small internal window to the adjoining lounge, to ensure that the cavity is not bridged.

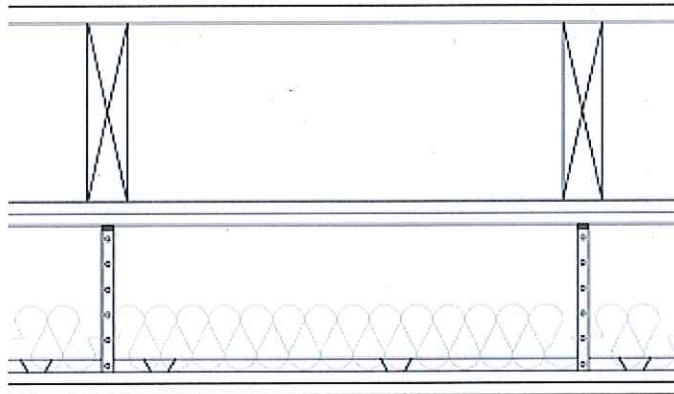
### Acoustic Ceiling

To control noise transmission from the existing ceiling, it is recommended that a new plasterboard ceiling is installed to the bedroom on resilient hangers.

The ceiling would be formed using two layers 12.5mm plasterboard on metal frame system such as British Gypsum's MF range or similar. The system must incorporate resilient hangers to the vertical supports. Minimum 100mm mineral wool insulation to be laid within the void over the entirety of the ceiling.

The void between the existing ceiling level and new plasterboard ceiling should be minimum of 125mm, however the larger the void achieved the better the sound insulation performance. A pelmet recess detail may be required to the window head. The acoustic ceiling would be fitted inside of the new acoustic wall linings, with small gap between sealed with a non-hardening and flexible mastic.

Sketch drawing of a typical ceiling detail is shown in Figure 1 below.





<b>Name:</b>	Glenys Roberts
<b>Address and/or Residents Association:</b>	Ward Councillor - West End

<b>Received:</b>	23 <sup>rd</sup> September 2016
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I would like to take the opportunity of adding my objections to those of the residents. It is quite impossible to grant a 6am licence in a residential building and it may be inappropriate to grant a licence of this sort at all.

<b>Name:</b>	Tom Cohen
<b>Address and/or Residents Association:</b>	Flat 6 1-3 Brewer Street W1F 0RD

<b>Received:</b>	21 <sup>st</sup> September 2016
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My partner and I would like to register our strong objection to this license application.

Our concerns are both the type of license and the opening hours.

Patrons of this venue are unlikely to disperse quietly — residents will be disturbed by the noise patrons make when leaving the venue, smoking outside (which also comes up the stairwell into our flats), hailing taxis, closing taxi doors loudly. With the extended opening hours there will not be a moment's peace — this will severely diminish the quality of life for all residents.

The entrance to the premises is directly below my bedroom — the venue is in the basement of this residential building.

Over the past several years I have liaised with the Westminster Environmental Health team regarding the noise from this venue. Their investigations led to discovery of structural faults in the building which have required implementation of significant (and expensive) noise-isolating measures by the venue-operator which were imposed as conditions on the license — however all parties have acknowledged this has never fully resolved the issue and we have noted on several occasions that noise can still be heard until the venue closes. Extended opening hours which have been applied for will exacerbate the impact of this negative issue on our lives and the lives of other residents. With a new license these measures will also need to be considered and extended too.

There is an additional effect — taxi-drivers will wait outside venues when they are closing — this means there are several taxis outside this residential building with horns beeping, engines revving, drivers talking to each other and customers. The taxis engines resonate with the period windows in this building causing significant vibration noise. This is fine when passing briefly but is a nightmare when idling outside — this all generates significant amounts of nuisance noise which disturbs us in the small hours of the morning.

There have also been several incidents of disorder whereby intoxicated patrons of the

venue ring the entrance buzzers for the flats in this residential building — waking residents up. This happens frequently. I am concerned that even later opening hours will mean this nuisance continues later into the night.

Additionally, there is a well-known problem with drug-dealers on the corner of Brewer and Rupert Streets — this type of late-opening establishment in particular will increase this problem as the extended opening hours will encourage these unlawful activities to continue later into the night, and the sexual nature of the license lends itself to exacerbating this problem.

Westminster Council's duty should be to protect the safety and wellbeing of its residents by taking action to reduce these social problems. Granting this license will reduce residents' wellbeing and expose us to physical and mental harm, increased risk to our safety, noise and nuisance behaviour.

<b>Name:</b>	Conrad Roeber
<b>Address and/or Residents Association:</b>	1 Brewer Street London W1F 0RD
<b>Received:</b>	21 <sup>st</sup> September 2016

I am writing to object in the strongest terms to the above application.

Please refer to the following points:

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

It seems to me that licensing an entertainment venue to 6am within a residential building should be a non-starter.

Our front door is one door away from the venue entrance. Customers of the venue will congregate outside our front door prior to joining a queue, and however well managed the queue is once they join, this creates significant disruption. Customers blocking our doorway, smoking in our doorway, hanging around to meet friends before joining the entry queue; all of these directly affect us due to the proximity of our front door to the venue entrance.

We have had significant disturbance problems of this sort from the previous venue tenants (Shadow Lounge) so I don't see why the proposed use should be any different. For clarity: the disturbance is caused by people who are congregating outside the venue before they join the entry queue, after which they may be in the hands of the venue security. But please note that there is no forecourt to this venue: the entrance opens directly onto the public pavement, so the venue's ability to manage customers is fundamentally limited anyway. Indeed, I would argue that it is effectively impossible for them to manage customers in a civilised manner.

The use of the basement as a late-night entertainment venue has significant

implications for us as residents. Primary amongst these is that there is the associated commotion caused by people arriving and leaving the venue. This includes the considerable road traffic caused by minicabs and other drivers who typically wait outside the venue - in direct contravention of parking restrictions (it is a double-yellow restriction on Brewer Street at that point).

In addition, people who leave the venue tend to take a while to decide where they're going, find their driver or acquaintances and during this period, however brief, they will talk and cause a nuisance. After the hours of bedtime (11pm) this causes a terrible disturbance for residents who are trying to sleep. Even before bed time, the gathering of people as they arrive, smoke or leave, the gathering of their acquaintances, drivers and minicabs creates an entirely unwelcome nuisance to those of us who live there.

I note from the application that the venue is planning to allow up to 10 people to smoke outside the venue at any time. Please inspect the outside of the venue and I'm certain you'll appreciate that there simply isn't room to accommodate 10 people at the same time without them blocking the public pavement or, worse, finding space to smoke in front of our front door...as has happened on many occasions with the previous tenants.

— For these reasons, I believe it is unreasonable for a late licence to be awarded to this venue (regardless of how long the venue has held such a licence). But I particularly strongly object to the planned opening of the venue to 6am on most nights of the week. Currently, no venue in the neighbourhood opens beyond 3am after which Soho 'goes to bed'. Extending this, and all the associated commotion from drivers etc. effectively banishes sleep time from the neighbourhood. This is a residential area - increasingly so, given the development of 6 Brewer Street opposite into an apartment building and other neighbouring developments such as those on Rupert Street completed within the last two-to-three years - and as a residential area, it should have a daily time of peace. It is simply not fair to expect residents to endure the sort of all-night commotion that goes with this sort of establishment.

— We in this building have had a long history of dealing with sound and vibrations coming from the club in the basement and I see nothing in the licence application that indicates that the managers have a plan to deal with this. This building is over 100 years old and entirely unsuited to hosting a noisy entertainment late-night venue in its basement. The fact that it has had a sex entertainment licence for many years does not take into account that Soho has changed and our public expectations of what is acceptable in terms of planning should have evolved likewise. As I say above, it is an increasingly residential neighbourhood and restaurants - which are suited to early evening use - are replacing unlicensed sex shops and late-night venues. Westminster's licensing policy should reflect these changes. I suggest that the Council look closely at the wisdom of confirming a late-night entertainment licence in the basement of a poorly-constructed residential building. The time for this type of juxtaposition is I think over. It is extremely unfair on us residents and fundamentally uncivilised to enforce such a clash of interests.

— The junction between Rupert and Brewer streets attracts a large number of drug dealers and addicts and other more casual users at all times of the day. This is problem that has become dramatically worse since the Council decommissioned key local CCTV cameras. This type of nuisance and illegal behaviour (and please refer to police evidence to corroborate this problem) is a serious threat to the peace and attractiveness of Soho, which is now one of the most important parts of London's West End and a key

jewel in London's appeal to visitors, British and foreign alike. Frequently there are addicts and dealers who are clearly intoxicated accosting residents and visitors to scrounge money or offer drug transactions.

— I would argue that a strip club will attract a clientele that will combine with this undesirable nuisance activity in an entirely deleterious manner, exacerbating the serious nuisance problems we are having to deal with on a daily basis. While Sophisticats claims to be 'classy', and while this is a subjective judgment, in my view it is in fact an extremely tacky operation - a quick visit to their website will confirm this to anyone. It is designed to appeal to a certain type of male (and possibly female) and while it is impossible for me to say exactly who the customers will be, I cannot believe that they will be respectable, given how Soho has now evolved.

— Add to this that Soho's changing nature means that increasingly families include a visit to the neighbourhood in their weekends or as part of their tourist visit to the city. Are the clientele of a strip club likely to be the sorts of people to whom you wish to expose children and other unprepared visitors? Soho is no longer the seedy red light district of yore; it now has street food markets Wednesday to Friday, restaurants and cafes, delis and specialist sportswear shops which all attract families and workers alike.

Adding a seedy strip bar to this context is likely to cause considerable nuisance and might put children's well-being at risk.

— As a resident of this increasingly residential neighbourhood in the heart of London, I believe I deserve a certain amount of peace. I believe I deserve to be protected from exposure to a sexist strip bar and the people likely to be visiting and I certainly believe I deserve for the entrance to my building to be at peace during night time. I deserve to be unmolested by visitors to a strip bar at all hours of the day and I deserve to be undisturbed by noise, commotion and vibrations emanating from a sexually-charged entertainment venue, playing music at all times of the day.

In short, I implore you to reconsider the licensing of this venue for all sexual entertainment - I don't believe that this is appropriate in the basement of a residential building. I also urge you to consider limiting the hours of operation to civilised hours befitting of a residential neighbourhood - i.e. ideally ending at 11pm.

Please confirm receipt of this email and please inform me of the hearing so I can make my representations in person.

### **Additional submission**

#### **Introduction**

I write to make a relevant representation in respect of the above application for a new premises licence. I am also intending to submit an objection in respect of the pending application under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') for a variation of the 'sexual entertainment venue', licence ('SEV licence'), ref: 16/09959/LIPSEVV. The representation/objection should be read in conjunction with one another.

The application Taken together, the applications seek to fundamentally change the way in which the premises operates, and the terminal hour to which the premises operates.

I strongly believe that each of these changes will have a profoundly deleterious effect on me and my neighbours.

I object to the application the basis that:

1. The likely effect of the application if granted will be to harm the licensing objectives of 'prevention of public nuisance'; 'prevention of crime and disorder'; 'public safety'; and 'protection of children from harm.'
2. The application is contrary to Policy CIP2 of the City Council's Statement of Licensing Policy 2016 ('the Policy').
3. The application is contrary to other policies as set out in the Policy

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

#### Background

I live at flat 7 of 1-3 Brewer Street. This is on the fourth floor of the building in which the venue is located on ground floor and partially in the basement.

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

We have experienced serious noise problems from the premises under its previous ownership. This building is over 100 years old and full of disused chimneys which carry sound up from the basement in an unpredictable manner. In addition, our entrance is adjacent to the venue entrance so is often used by smokers from the venue or people congregating prior to entering the venue. Noise from customers, their friends, their transport (minicabs, black cabs) typically continues until the venue closes and creates a terrible nuisance, so we are severely impacted by the operation of the venue, the type of visitors it attracts and the hours of operation. The venue's use for sexual entertainment will severely affect us – the character of customers and venue use determines the character of this key junction at the heart of Soho - and the extension of hours to 6am will effectively mean there is no peace in Soho, no time during which the streets are quiet. To me this is an entirely unreasonable application which does not respect the fact that the venue is at the bottom of a residential building.

#### Reasons for objections

The application seeks to extend the terminal hour for licensable activities, including sale of alcohol, to 6am Mon-Sat, 5am Sun.

The current licence permits a terminal hour of 3am Mon-Sat, 11pm Sun. These timings are the same as the terminal hour for 'relevant entertainment' on the current SEV licence.

The application states that alcohol will be ancillary to striptease entertainment. The current premises licence permits partial nudity (topless dancers). The SEV licence

application seeks to permit full nudity. The current SEV licence only permits partial nudity. The current SEV licence was also hardly, if ever, used fully.

The applicant has submitted supporting documentation. They have also proposed reducing the permitted capacity from 280 to 140. Presumably this has been proposed as a quid pro quo for an extension of hours. For the avoidance of doubt, I do not consider that a reduction in capacity in these circumstances (i.e. prior to 3am) is sufficient to overcome the objections of residents or to demonstrate an exception to policy under the Policy (or to demonstrate compliance with the SEV Statement of Licensing Policy 2012).

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

If granted, the application is likely to impact adversely on all 4 licensing objectives.

Although the area is mixed use, there is a significant amount of residential accommodation in the vicinity. I have lived here for 11 years, and co-existed with existing premises. An extension to 6am in this location will be game-changer, and make life much worse for us.

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

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

As stated, this is a residential area - increasingly so, given the development of 6 Brewer Street opposite into an apartment building and other neighbouring developments such as those on Rupert Street completed within the last two-to-three years - and as a residential area, it should have a daily time of peace. Street noise ends only once the bars and clubs have closed. Extending the licence to 6am means the street noise will extend to 6am and this presents an unreasonable nuisance.

Add to this that Soho's changing nature means that increasingly families include a visit to the neighbourhood in their weekends or as part of their tourist visit to the city. Are the clientele of a strip club likely to be the sorts of people to whom you wish to expose children and other unprepared visitors? Soho is no longer the seedy red light district of yore; it now has street food markets Wednesday to Friday, restaurants and cafes, delis and specialist sportswear shops which all attract families and workers alike.

Of course, numerous late night alcohol licences exist and have done for many years. But how can it promote the licensing objectives to extend the existing very generous 3am licence to 6am? In this context is likely to cause considerable nuisance and might put children's well-being at risk.

Noise nuisance from inside the premises.

We in this building have had a long history of dealing with sound and vibrations coming from the club in the basement. This building is over 100 years old and entirely unsuited to hosting a noisy entertainment late-night venue in its basement. As I say above, it is an increasingly residential neighbourhood and restaurants - which are suited to early evening use - are replacing unlicensed sex shops, and new late-night venues are rare. Westminster's Policy reflects these changes. I suggest that the Council look closely at the wisdom of extending a late-night entertainment licence beyond 3am in the basement of a poorly-constructed residential building. The time for this type of juxtaposition is I think over. It is extremely unfair on us residents and fundamentally uncivilised to enforce such a clash of interests.

Our front door is one door away from the venue entrance. Customers of the venue will congregate outside our front door prior to joining a queue, and however well managed the queue is once they join, this creates significant disruption. Customers blocking our doorway, smoking in our doorway, hanging around to meet friends before joining the entry queue; all of these directly affect us due to the proximity of our front door to the venue entrance. They also talk and the later it gets, the quieter the ambient sounds, the more we can hear even single voices, which carry right up to the top flats.

The Sophisticats website shows the front of the Marylebone Lane premises, with large roped off areas. This will simply not be possible on such a narrow pavement outside 3-7 Brewer Street.

Noise nuisance from outside the premises

We have had other significant noise from the previous occupants, so I don't see why the proposed use should be any different. For clarity: the disturbance is caused by people who are congregating outside the venue before they join the entry queue, after which they may be in the hands of the venue security. But please note that there is no forecourt to this venue: the entrance opens directly onto the public pavement, so the venue's ability to manage customers is fundamentally limited anyway. Indeed, I would argue that it is effectively impossible for them to manage customers in a civilised manner.

The use of the basement as a late-night entertainment venue has significant implications for us as residents. Primary amongst these is that there is the associated commotion caused by people arriving and leaving the venue. This includes the considerable road traffic caused by minicabs and other drivers who typically wait outside the venue - in direct contravention of parking restrictions (it is a double-yellow restriction on Brewer Street at that point).

People who leave the venue tend to take a while to decide where they're going, find their driver or acquaintances and during this period, however brief, they will talk and cause a nuisance. After the hours of bedtime (11pm) this causes a terrible disturbance for residents who are trying to sleep. Even before bed time, the gathering of people as

they arrive, smoke or leave, the gathering of their acquaintances, drivers and minicabs creates an entirely unwelcome nuisance to those of us who live there.

The applicant has submitted supporting documentation. The provisions regarding noise management in the 'Appendix 11 Submission' are purely aspiration. It is extremely unlikely that 'comprehensive customer management procedures' can possibly ensure that there will be no nuisance caused, when the applicant seeks a terminal hour of 6am.

#### Public safety

I note from the application that the venue is planning to allow up to 10 people to smoke outside the venue at any time. Please inspect the outside of the venue and I'm certain you'll appreciate that there simply isn't room to accommodate 10 people at the same time without them blocking the public pavement or, worse, finding space to smoke in front of our front door... as has happened on many occasions with the previous tenants.

#### Crime and disorder

One example of the importance and sensitivity of this location which is not addressed by the applicant but is of profound importance to residents is the huge increase in drug dealing activity which has recently been noted by residents and community representatives.

The junction between Rupert and Brewer streets attracts a large number of drug dealers and addicts and other more casual users at all times of the day. This is a problem that has become dramatically worse since the Council decommissioned key local CCTV cameras and policing hasn't delivered an effective response. This type of nuisance and illegal behaviour (and please refer to police evidence to corroborate this problem) is a serious threat to the peace and attractiveness of Soho, which is now one of the most important parts of London's West End and a key jewel in London's appeal to visitors, British and foreign alike. Frequently there are addicts and dealers who are clearly intoxicated accosting residents and visitors to scrounge money or offer drug transactions.

I would argue that a strip club able to sell alcohol to 6am will attract a clientele that will combine with this undesirable nuisance activity in an entirely deleterious manner, exacerbating the serious nuisance problems we are having to deal with on a daily basis. While Sophisticats claims to be 'classy', and while this is a subjective judgment, in my view it is in fact an extremely tacky operation - a quick visit to their website will confirm this to anyone. It is designed to appeal to a certain type of male (and possibly female) and while it is impossible for me to say exactly who the customers will be, I cannot believe that they will be respectable, given how Soho has now evolved.

The increase in illegal and anti-social activity of this type means that it is even more inappropriate to grant a full nudity and/or 6am licence in this location.

2. The application is contrary to Policy CIP2 of the City Council's Statement of Licensing Policy 2016 ('the Policy').

The applicant avers in the 'Appendix 11 Submission' that the measures they propose will 'make no addition to the cumulative impact'. I strongly disagree with this statement. The number and concentration of late night venues in this part of Soho already causes



nuisance to residents. However, we largely co-exist with it. The addition of a further licence later than others in the street will exacerbate issues, and will encourage others to make similar applications.

In any event, the Policy test for this application is not whether the application will make an addition to cumulative impact, but whether there are 'genuinely exceptional circumstances' to justify an exception to the Councils CIP1 policy.

Policy CIP1(i) states that it is the licensing authority's policy 'to refuse applications in the Cumulative Impact Areas' for this type of premises.

The applicant has proposed a number of measures in this regard.

a) The sale of alcohol will be ancillary to striptease. It is said that this will be a 'less intrusive' licensed use. I strongly disagree. There is no evidence submitted to the effect that 6am striptease establishments are less intrusive than a 3am nightclub.

b) A reduction in the capacity from 280 to 140 is proposed. It is stated that this is 'directly compliant' with an exception to policy identified in 2.4.7 of the Policy. I do not agree with the applicant's interpretation of this section.

Para 2.4.7 states that 'the reduction in capacity of a premises or a reduction in hours of operation might be a reason for an exception'. This application is, for the purposes of addressing the underlying reasons for having the policy, doing neither. It is seeking an increase in capacity from zero to 140 after the current terminal hour, and is seeking an increase in the terminal hour of 3 hours (more on Sundays).

I would urge the licensing authority to carefully examine if the proposed reduction in capacity actually addresses the underlying reasons for having the policy.

The applicant sets great store by the assertion that they are an extremely experienced operator with a proven track record, and their sister company have owned and operated a premises at 28 Marylebone Lane for many years. The following points are relevant:

- Marylebone Lane is not located within a Cumulative Impact Area (CIA) for the purposes of the City Council's Statement of Licensing Policy 2016. Can the applicant confirm whether they have experience of operating late night venues within a CIA?
- The Marylebone Lane premises is situated beneath a multi-story carpark. Can the applicant confirm that they have experience of operating late night venues beneath or directly adjacent to residential accommodation without causing noise problems?
- Has the Marylebone Lane premises ever been subject to objections from local residents to licence applications? Has it occasioned complaints from local residents?
- The Marylebone Lane premises is described on its website as 'descreetly (sic) located'. In contrast, it is difficult to think of a less discreet or more sensitive location than the corner of Brewer Street and Wardour Street, in the heart of the West End CIA in a residential building.

3. The application is contrary to other policies as set out in the Policy

The application is contrary to policy HRS1. It also engages the various policies regarding the individual licensing objectives, particularly PN1.

Conclusion

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

As a resident of this increasingly residential neighbourhood in the heart of London, I believe that the City Council has a duty to strike a balance and protect residents' interests when considering applications for licences. Residents are entitled to a certain amount of peace as part of this 'balance'. We are also entitled to be unmolested by visitors to a strip bar at all hours of the day and I deserve to be undisturbed by noise, commotion and vibrations emanating from a sexually-charged entertainment venue, playing music at all times of the day.

The terms of the current SEV licence and premises licences are problematic for residents. Please do not make this worse by granting later hours or changes in the circumstances in which 'relevant entertainment' can be provided.

**Additional Submissions:**

I am increasingly concerned about the major works that are taking place in the old Shadow Lounge venue. There has been substantial digging every day for weeks now and one of the builders confirmed to me that they were removing one foot of flooring.

This adds to my concern about the license applications that have been made for this venue. The residents of this building have a history of experiencing unacceptable sound nuisance when the venue was operated by the Shadow Lounge and I have included samples of the correspondence with management relating to this over the last four years. You will see that the problems were extremely difficult to resolve.

Since the closure of the Shadow Lounge, we have realised - because we can hear absolutely NO music now - that the sound issues were never fully resolved. We had assumed that the music was coming from other venues; now that the venue is closed and we can't hear music at all, it's clear that the nuisance was always emanating from the Shadow Lounge.

Please note that the sound issues were never fully resolved and that I have not been contacted by the management of Sophisticats regarding how they will ensure that the venue is fully insulated from the residential apartments above. I would argue that this building is in fact entirely unsuited to a noisy entertainment occupant in the basement.

To repeat, my concern has been exacerbated by the works that have been taking place in the basement as the enlargement of the space will inevitably worsen sound nuisance problems in the building.

**Please see Appendix 6 for additional documents**

<b>Name:</b>	Simon Ray
<b>Address and/or Residents Association:</b>	Flat 4 1 Brewer Street W1F 0RD
<b>Received:</b>	19 <sup>th</sup> September 2016

I was very surprised to receive the attached letter from Westminster Licensing Team for the outrageous application for a License for Sophisticats. I thought Westminster would have researched this fully before even trying to give a License for such a club in this area. I am not sure you really know what type of venue this is.

I live above this building and I thought Westminster was trying to clean up this area for the better for the future.

Sophisticats is a club which would not suit this area as you will see from the images below. There is already one of these clubs in London near Selfridges and not the type of club we need in this area, it would attract the wrong type of people to the area.

I am registering my objection especially with all the good positive new plans for the future for this area and this would add to problems for the area.

To me this looks like a lap dancing club with more and with hours from 9:30pm to 6:00am would be unfair to the residents.

## SophistiCats



**Additional submissions:**

I am writing to strongly object to the following the licence applications made by Sophisticats, 3-7 Brewer Street, London W1.

I live at Flat 4, 1 Brewer Street which is directly above the premises occupied by Sophisticats, in the same residential building. I will be directly affected and inconvenienced as well as disturbed by the increased noise, intolerable extended hours through the night and undesirable elements bringing crime and antisocial behaviour to an area which is rapidly being cleaned up and improved by Westminster Council.

If the licence is granted to Sophisticats, it will represent a major setback for the development of the area and a regression to the deplorable standards of noise and antisocial behaviour of the past which all residents have been working to improve.

I object to the application for:

Alcohol licence variation - ref: 16/09817/LIPN

This seeks to vary the existing alcohol license by extending opening hours to 6am (except 5am on Sunday).

As I live directly above Sophisticats, I will be directly affected by the changes to the license.

The sought extension of the hours from an already antisocial 3am to 6am means that the noise continues throughout the entire night. This is a complete nuisance as well as creating the situation for the increase in crime and rowdy behaviour both inside and outside the club as their customers enter and exit. The applicant may claim that they have halved their capacity from 280 to 140 but this does not mean that the noise will be less. It takes only a few people to create a commotion and music from the sound system will continue to blare and throb with a bass beat for three additional hours which is intolerable for a resident that needs to sleep. Dispersal of rowdy customers who have consumed alcohol into the early morning hours will be heard from my windows. In addition to alcohol there is the huge problem of drug dealing which has increased recently and a 6am club will only increase the opportunity for such illicit activities.

***Additional photos have been submitted by Mr Ray however to protect the employees privacy these have not been included within this report.***

<b>Name:</b>	The Soho Society
<b>Address and/or Residents Association:</b>	55 Dean Street London W1D 6AF
<b>Received:</b>	12 <sup>th</sup> October 2016

I write to make a relevant representation to the above application on behalf of The Soho Society.

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

**About The Soho Society:**

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

**New license in West End Cumulative Impact Area:**

The proposal is for a new licensed premises situated in the West End Cumulative Impact Area.

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

**Hours of operation:**

The proposal includes licensable activities, including sale of alcohol, well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

**Statement of Licensing Policy**

The following are section of Westminster City Council is appropriate in this case:  
2.4.23 'The extension of hours beyond core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up.

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

**Licensing policy and cumulative impact:**

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

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

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

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

**Conclusion**

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

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

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

<b>Name:</b>	Shivaun Nelson
<b>Address and/or Residents Association:</b>	Flat 1 1 Brewer Street London W1F 0RD
<b>Received:</b>	3 <sup>rd</sup> October 2016

I am writing to object to the above license request.

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

I struggle enough as it is with the various clubs, bars, massage parlours and the like without the addition of a Sophisticats and the ridiculous hours they have applied for. From my flat I can hear internal door slamming and the fire doors onto Tisbury Court are so loud they make my flat actually shake. It's an old residential building and simply wasn't built for anything else. I can't imagine that these doors will never be used to eject customers, for staff to arrive and leave and take smoking breaks, for rubbish to be taken out etc, even if they say they won't, so when am I exactly meant to be able to relax and/or sleep, between 6am and 9am only? Really?

Clubs like this in my experience, especially if located in the centre of the West End, certainly aren't the sort of places that will attract quiet people who will arrive and leave quietly on their own, there are bound to be groups of drunk men coming and going at all hours and we just can't have any more of that kind of "stress" here. We have a lot of drug dealers, drug users, thieves, beggars and clippers in Tisbury Court and Rupert Street just by the premises who feed off the Soho nightlife and also a so called "massage parlour" which seems to be staying open all night and appears to be completely lawless from what I can see and I truly believe that if Sophisticats is added to the mix it will be just too much and will bring nothing but further noise, disturbance and crime to the area. Soho has a community (including children who walk to school nearby) and isn't and shouldn't be just for revellers and whilst for the most part the residents are pretty tolerant (we choose to live here after all) I fear this will definitely tip the balance for the worse.

Furthermore, I don't really understand why all the prostitute flats, strip clubs and peep shows in the immediate area that were here since time were recently closed down if you are now going to allow the corporate face of the same to be able to be here and be open 21 hours a day? Totally crazy, totally doesn't make sense and would be totally hypocritical surely (I have it on good authority incidentally from a friend who knows a couple of girls who work at another Sophisticats that prostitution takes place there).

<b>Name:</b>	Dee Rissiker
<b>Address and/or Residents Association:</b>	Flat 3 1-3 Brewer Street W1F 0RD
<b>Received:</b>	6 <sup>th</sup> October 2016

I would like to record my strongest possible objection to the licence application noted above as an owners of a flat in the building 1-3 Brewer Street, London W1F 0RD. Our building is immediately adjacent to 3-7 Brewer Street sharing a common boundary wall. Also the front door of our building is only 2-3 meters from the entrance door of the proposed establishment.

**Prevention of crime and disorder:**

Until recently we lived in my flat in this building. I now have a young tenant living there. Thus I have experienced first hand the untoward behaviour of patrons of strip joints in and around Tisbury Court and other nearby venues. Their behaviour is utterly unacceptable in a civilized society as they are frequently verbally and physically abusive and make a complete nuisance of themselves to residents and the many tourists in our area at all times of the day and especially night. Thus I cannot imagine any reason to licence another far larger, far more aggressively marketed venue, with even longer operating hours only a few meters away in Brewer Street. Instead of encouraging even more of this behaviour, surely it would make far more sense to try to curtail it.

As I am sure the council is fully aware, this area of Soho has in the last few years seen some improvement in the quality of life for residents, visitors and international tourists, as well as the many people who work here or run businesses in the area. A concerted effort was made to impede and/or stop trade in the many rundown, illegal brothels, to control strictly, and put an end to the rip-off nature, of the clip joints operating as "Peep Shows", and to remove the plethora of drug dealers trading in the Tisbury Court/Rupert Street/Wardour Street/Brewer Street area.

This had been relatively successful. Unfortunately the removal of certain CCTV cameras in the recent past has led very quickly to an increase in pimps and drug dealers. From this it seems obvious that even minor changes can have deleterious knock-on effects to our area.

It is for this reason that I am most shocked to note that this licence application is for an almost 24 hours a day establishment (9am-6am Monday-Saturday and 9am-5am Sundays). It is also for full nudity offering the type of entertainment described as "solely or principally for the purpose of sexually stimulating customers". Surely the very nature of this type of establishment is what all interested parties - residents, police, council etc - had done so much to ensure was curtailed to a reasonable level, turning this exceptional corner of Soho from a fairly sleazy, frequently dangerous area to a vibrant, characterful, but safer space. I am quite sure some of patrons leaving the proposed new establishment will be searching for the very brothels and drugs sellers that all interested parties had done so much to curtail. In a police force already stretched to breaking point, surely curtailment would benefit our police officers.

**Age and characteristics of our building:**



In addition, the aspect of our building - it being preserved and well maintained in its original architectural character, and the fact it is noted as of particular merit to the nature and character of the Soho area as an "unlisted building of merit" in the Soho Conservation area audit - mitigates against a brash, ugly (note the frontage of the Sophisticats "brother" club in Mayfair) and overtly salacious nature of this proposed venue, its manner of operation and the type of clientele it will attract.

Having a full-on sexual establishment thrust right in the middle of a normal residential building also seems extremely untoward. Some of our flats are directly above it. Many others also have fully opening windows that are above the entrance to the proposed strip club. The constant disturbance from rowdy patrons, idling taxis, slamming of vehicle doors as patrons arrive or leave and crowds of patrons standing outside the club smoking and drinking will cause substantial disruption for residents.

The front door for all the flats in the building is only two or three meters from that of the club. In the past I (and the other women residents) have at times felt very intimidated by unruly patrons crowding our entrance, smoking, drinking or drunk, or just waiting to enter. We all, and women in particular, will now feel a lot more threatened by this new type of patron, especially so late at night/early morning.

The impact such long licensing hours will have on residents is dire. The cumulative noise impact of these drunk and/or highly excited patrons, night after night, on week-nights especially, is detrimental to a normal nights sleep and even to sleep patterns. Fortunately the existing licence did not allow excessively late operation, nor did they allow it seven days a week, nor every week. The special events, which were infrequent, were bearable because they were fairly rare.

The fact the capacity has been halved makes very little, if any, difference to the constant noise factor, since striptease clubs do not have a set beginning and end time to their shows - they run continuously and patrons enter and leave at any time. There will be a continuous flow of people arriving/leaving in noisy groups on foot, or by vehicle. This means a constant stream of door slamming, patrons standing outside the club and hence under our windows and outside our front door smoking, drinking, behaving loudly and boisterously, and frequently drunk. It also means taxis and other vehicles will run their engines while waiting for patrons.

It seems disingenuous to me that the applicant is suggesting that their existing club in Mayfair is a good example of their care for their neighbours. That club is below a multi-storey car park, in a cul de sac with very little passing foot traffic, is not a major thoroughfare for traffic as is Brewer Street for most of Soho, and has few if any residential buildings near, let alone above, its front door. And the few windows visible opposite that club have substantial double-glazing pointing to noise pollution issues.

#### **High impact area:**

It should also be noted that the pavements on Brewer Street are fairly narrow and in addition are very congested at almost all hours. To add to this congestion with people standing outside the proposed venue smoking, drinking and waiting to enter and for transport is only going to exacerbate the situation for much longer hours than was the case with the existing club with shorter hours. This constant congestion also leads to more people walking in the street and to the potential for further vehicle congestion as

well as accidents with pedestrians.

In the Westminster Council's City Plan specific note is made of the fact that this area is a Stress Area due to the saturation of entertainment uses and the harm that this causes to "residential amenity, health and safety, local environment and character and function of the area". Because of this the council has wisely stated the following in its City Plan: "...new entertainment uses will only be allowed where the council considers that they are small scale, low impact and they will not result in an increased concentration of late night uses." The granting of this new licence with much longer hours, and hence longer drinking hours too, as well as a total change in the nature of the venue from what was once a "restrained" night club to a striptease venue seems to fly in the face of the stated need to reduce entertainment impact in this area.

Despite the fact that many would like to think of this area of Soho simply as the adult entertainment area of London, I would like to note that this is NOT the case.

Situated just down the road is The Soho Family Centre at 23 Brewer Street, a centre for children aged 6 months to 5 years old. Since this establishment runs for almost the entire year, very small children are frequently seen being walked or wheeled down Brewer Street. In the words of the establishment itself: *"As well as taking children on outings, we provide opportunities for children to become involved in activities indoors and outdoors in our refurbished outdoor area..."*

Not as close as the child care facility, but still only a short distance away is The Soho Parish Primary School at 23 Great Windmill Street. Children from this school also use the area. The proposed hours being applied for in the licence (9.00am to 6.00am) will certainly coincide with children going to and from school. Not an ideal situation.

For all the reasons I have mentioned above, I would be most appreciative if this licence application could be rejected in its entirety.

<b>Name:</b>	Carolyn Von Stumm
<b>Address and/or Residents Association</b>	Flat 6 1 Brewer Street London W1F 0RD
<b>Received:</b>	7 <sup>th</sup> October 2016

I am writing to object in the strongest possible terms to the above Licence application.

I have owned Flat 6, 1-3 Brewer Street (in the building above 'the premises') since 1986. Due to these 30 years in Soho I appreciate the nature of the area, but I feel that this application is pushing beyond the boundaries of what is reasonable.

My flat is rented to a tenant whom I value. I wish to safeguard my property and the ability to enjoy it myself, or continue to rent it to decent people.

I would like to object to the application to extend the hours of this venue, to a closing time of 6am Monday to Saturday and to 5am on Sundays. At present the closing hours are 3am Monday to Saturday and 11pm on Sundays.

The Westminster Statement of Licencing Policy 2016 document contains some reasonable and balanced observations, such as:

HRS1: "Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:.....

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed"

2.3.3 "It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week ..... while retaining opportunities for residents to have an additional respite on Sunday"

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

It is obviously clear from the above statements that disturbance and public nuisance is well documented and my own experience confirms this. I would like to object to the above application on the grounds that it goes against the licensing objectives of 'prevention of public nuisance'.

I notice that Westminster Council recognises that steps should be taken to "divert queues away from residential properties and entrances of neighbouring premises and to manage the queue to prevent disturbance of obstruction. "

From the layout of the building and the proximity of the entrance of 'the premises' to our front door it will be extremely difficult to prevent obstruction to the entrance of our building. Large groups of people queuing to gain access to the venue or taking a 'smoking break' (groups of 10 are mentioned in the application) outside our front door is intimidating for anyone who returns home and finds their access impeded. I consider this a matter of 'public safety'.

A site visit will show that the entrance to this venue is on a narrow pavement, already well used by passing pedestrians. There is little space to accommodate queues and waiting/smoking groups, this will force pedestrians into the road and potentially into the path of oncoming cars. This would be contrary to the licensing objective of 'public safety'.

An extension of operating hours will mean disturbance from the running engines of waiting cabs, slamming car doors and resulting raised voices throughout the night until dawn. The applicant states that by halving the capacity to 140 the impact of noise and disturbance will be less. I disagree, it will just draw out the time until peace might be expected. In the dead of night without other background noise, voices are amplified and can be very disturbing.

The noise that may be created by waiting groups of people under our windows until 6am every night of the week (5am on Sundays) will be extremely distressing.

The applicant points to a 'proven track record' at another establishment. Their current establishment is situated below a multi storey car park and not within a residential block of 7 flats. This is a very different situation with regard to disturbance. Furthermore the current establishment is not in a 'Cumulative Impact Area' whereas Brewer Street is right in the middle of one in Soho.

I believe that each of the residents has the right to a certain amount of peace and decent quality of life, I would be grateful if the Council could help them attain this.

<b>Name:</b>	Cathie Yau
<b>Address and/or Residents Association</b>	Flat 5 1 Brewer Street
<b>Received:</b>	8 <sup>th</sup> October 2016

I am writing to object to the above application for the following reasons:

To extend opening hours to 6am [5am Sunday], ("6:00am extension")

1. I object to 6:00am extension: attracts the types of people to my front door. At 3am, I am still in bed. At 6am, my peace is disturbed. I would feel unsafe to step outside. Fearing collective groups (max 140) of alcohol intoxicated, excessive sexually stimulated people are standing outside my front door.

2. I object to 6:00am extension: moving away from the characteristics of the locality - gentrification. Sophisticats is misplaced in the bigger picture of the process of renovation and revival of deteriorated urban neighbourhoods. Gentrification is a U-turn to the image of "Sleazy Soho".

3. I object to 6:00am extension: other businesses will follow, eventually "Soho never sleep". According to the law of "time rigidity" should the 6am opening hours be granted, it would virtually be impossible to reverse back to 3:00am or 11:00pm.

### 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 set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

<p><b>Policy CIA1 applies:</b></p>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p><b>Policy PB2 applies:</b></p>	<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>
<p><b>Policy MD2 applies:</b></p>	<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>
<p><b>Policy NS1 applies:</b></p>	<p>(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.</p> <p>(ii) Applications will be subject to appropriate conditions which promote the licensing objectives.</p> <p>(iii) Applications will not be granted in proximity to:</p> <ul style="list-style-type: none"> <li>(a) residential accommodation</li> <li>(b) schools</li> <li>(c) places of worship</li> <li>(d) community facilities or public buildings.</li> </ul> <p>(iv) The Licensing Authority will have regard to the cumulative effect of the number of such premises in proximity to each other and in the vicinity.</p>

## 4. Appendices

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

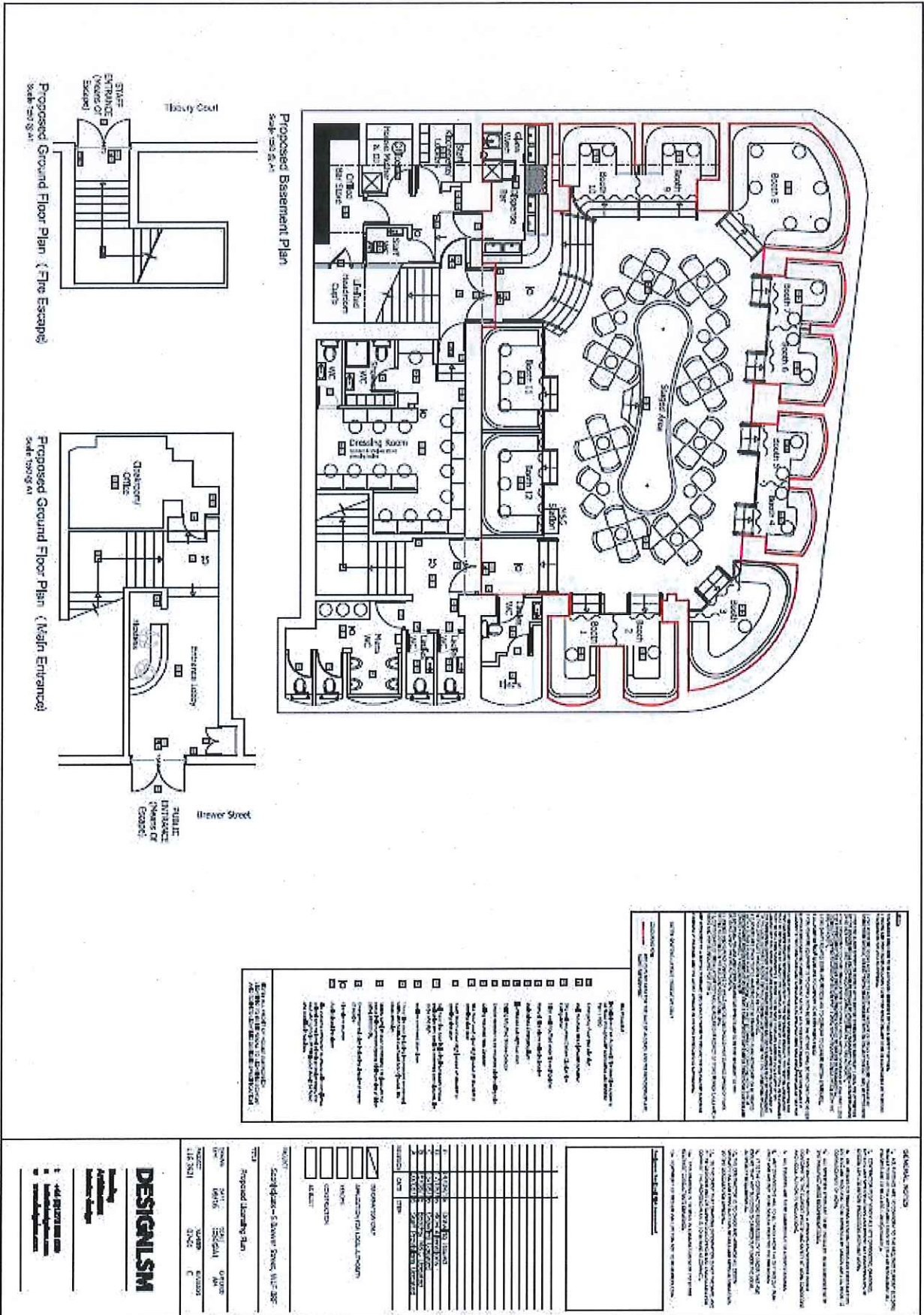
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

<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 with conditions and additional submissions	14 <sup>th</sup> September 2016
<b>5</b>	Representation – Cllr Church	29 <sup>th</sup> September 2016
<b>6</b>	Cllr Glanz	23 <sup>rd</sup> September 2016
<b>7</b>	Grant Gillespie	21 <sup>st</sup> September 2016
<b>8</b>	Colin Vaines	19 <sup>th</sup> September 2016
<b>9</b>	Cllr Roberts	23 <sup>rd</sup> September 2016
<b>10</b>	Tom Cohen	21 <sup>st</sup> September 2016
<b>11</b>	Conrad Rober	21 <sup>st</sup> September 2016
<b>12</b>	Simon Ray	19 <sup>th</sup> September 2016
<b>13</b>	Soho Society	12 <sup>th</sup> October 2016
<b>14</b>	Shivaun Nelson	3 <sup>rd</sup> October 2016
<b>15</b>	Dee Rissiker	6 <sup>th</sup> October 2016
<b>16</b>	Carolyn von Stumm	7 <sup>th</sup> October 2016
<b>17</b>	Cathie Yau	8 <sup>th</sup> October 2016

Premises Plans



**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. ALL WALLS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
3. ALL FLOORS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
4. ALL ROOFS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
5. ALL CEILING ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.
6. ALL LIGHTING IS TO BE AS SHOWN ON THE DRAWINGS.
7. ALL ELECTRICAL WORK IS TO BE AS SHOWN ON THE DRAWINGS.
8. ALL MECHANICAL WORK IS TO BE AS SHOWN ON THE DRAWINGS.
9. ALL SANITARY WORK IS TO BE AS SHOWN ON THE DRAWINGS.
10. ALL GLAZING IS TO BE AS SHOWN ON THE DRAWINGS.
11. ALL PAINTING IS TO BE AS SHOWN ON THE DRAWINGS.
12. ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.
13. ALL MATERIALS ARE TO BE AS SHOWN ON THE DRAWINGS.
14. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS.
15. ALL WORK IS TO BE IN ACCORDANCE WITH THE FIRE REGULATIONS.
16. ALL WORK IS TO BE IN ACCORDANCE WITH THE PLANNING REGULATIONS.
17. ALL WORK IS TO BE IN ACCORDANCE WITH THE ENVIRONMENTAL REGULATIONS.
18. ALL WORK IS TO BE IN ACCORDANCE WITH THE HEALTH AND SAFETY REGULATIONS.
19. ALL WORK IS TO BE IN ACCORDANCE WITH THE EQUAL OPPORTUNITIES REGULATIONS.
20. ALL WORK IS TO BE IN ACCORDANCE WITH THE DATA PROTECTION REGULATIONS.
21. ALL WORK IS TO BE IN ACCORDANCE WITH THE FREEDOM OF INFORMATION REGULATIONS.
22. ALL WORK IS TO BE IN ACCORDANCE WITH THE ACCESSIBILITY REGULATIONS.
23. ALL WORK IS TO BE IN ACCORDANCE WITH THE SUSTAINABILITY REGULATIONS.
24. ALL WORK IS TO BE IN ACCORDANCE WITH THE ENERGY REGULATIONS.
25. ALL WORK IS TO BE IN ACCORDANCE WITH THE CLIMATE CHANGE REGULATIONS.
26. ALL WORK IS TO BE IN ACCORDANCE WITH THE AIR QUALITY REGULATIONS.
27. ALL WORK IS TO BE IN ACCORDANCE WITH THE NOISE REGULATIONS.
28. ALL WORK IS TO BE IN ACCORDANCE WITH THE VIBRATION REGULATIONS.
29. ALL WORK IS TO BE IN ACCORDANCE WITH THE ELECTROMAGNETIC INTERFERENCE REGULATIONS.
30. ALL WORK IS TO BE IN ACCORDANCE WITH THE RADIATION REGULATIONS.
31. ALL WORK IS TO BE IN ACCORDANCE WITH THE CHEMICAL REGULATIONS.
32. ALL WORK IS TO BE IN ACCORDANCE WITH THE BIOLOGICAL REGULATIONS.
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42. ALL WORK IS TO BE IN ACCORDANCE WITH THE SCIENTIFIC REGULATIONS.
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44. ALL WORK IS TO BE IN ACCORDANCE WITH THE LITERARY REGULATIONS.
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46. ALL WORK IS TO BE IN ACCORDANCE WITH THE THEATRICAL REGULATIONS.
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50. ALL WORK IS TO BE IN ACCORDANCE WITH THE PRESS REGULATIONS.
51. ALL WORK IS TO BE IN ACCORDANCE WITH THE JOURNALISM REGULATIONS.
52. ALL WORK IS TO BE IN ACCORDANCE WITH THE MEDIA REGULATIONS.
53. ALL WORK IS TO BE IN ACCORDANCE WITH THE COMMUNICATIONS REGULATIONS.
54. ALL WORK IS TO BE IN ACCORDANCE WITH THE INFORMATION REGULATIONS.
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75. ALL WORK IS TO BE IN ACCORDANCE WITH THE BRAVERY REGULATIONS.
76. ALL WORK IS TO BE IN ACCORDANCE WITH THE COURTESY REGULATIONS.
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81. ALL WORK IS TO BE IN ACCORDANCE WITH THE EMPATHY REGULATIONS.
82. ALL WORK IS TO BE IN ACCORDANCE WITH THE UNDERSTANDING REGULATIONS.
83. ALL WORK IS TO BE IN ACCORDANCE WITH THE TOLERANCE REGULATIONS.
84. ALL WORK IS TO BE IN ACCORDANCE WITH THE PATIENCE REGULATIONS.
85. ALL WORK IS TO BE IN ACCORDANCE WITH THE FORGIVENESS REGULATIONS.
86. ALL WORK IS TO BE IN ACCORDANCE WITH THE MERCY REGULATIONS.
87. ALL WORK IS TO BE IN ACCORDANCE WITH THE GRACE REGULATIONS.
88. ALL WORK IS TO BE IN ACCORDANCE WITH THE HONESTY REGULATIONS.
89. ALL WORK IS TO BE IN ACCORDANCE WITH THE INTEGRITY REGULATIONS.
90. ALL WORK IS TO BE IN ACCORDANCE WITH THE FAITHFULNESS REGULATIONS.
91. ALL WORK IS TO BE IN ACCORDANCE WITH THE LOYALTY REGULATIONS.
92. ALL WORK IS TO BE IN ACCORDANCE WITH THE DEVOTION REGULATIONS.
93. ALL WORK IS TO BE IN ACCORDANCE WITH THE SACRIFICE REGULATIONS.
94. ALL WORK IS TO BE IN ACCORDANCE WITH THE SERVICE REGULATIONS.
95. ALL WORK IS TO BE IN ACCORDANCE WITH THE DUTY REGULATIONS.
96. ALL WORK IS TO BE IN ACCORDANCE WITH THE RESPONSIBILITY REGULATIONS.
97. ALL WORK IS TO BE IN ACCORDANCE WITH THE ACCOUNTABILITY REGULATIONS.
98. ALL WORK IS TO BE IN ACCORDANCE WITH THE TRANSPARENCY REGULATIONS.
99. ALL WORK IS TO BE IN ACCORDANCE WITH THE OPENNESS REGULATIONS.
100. ALL WORK IS TO BE IN ACCORDANCE WITH THE HONORABLE REGULATIONS.

- Legend:**
- Proposed
  - ▨ Existing
  - To be demolished
  - To be retained
  - To be replaced
  - To be removed
  - To be added
  - To be altered
  - To be upgraded
  - To be downgraded
  - To be maintained
  - To be protected
  - To be preserved
  - To be restored
  - To be repaired
  - To be renovated
  - To be refurbished
  - To be redecorated
  - To be restructured
  - To be redeveloped
  - To be reconstructed
  - To be rebuilt
  - To be replaced
  - To be removed
  - To be added
  - To be altered
  - To be upgraded
  - To be downgraded
  - To be maintained
  - To be protected
  - To be preserved
  - To be restored
  - To be repaired
  - To be renovated
  - To be refurbished
  - To be redecorated
  - To be restructured
  - To be redeveloped
  - To be reconstructed
  - To be rebuilt

**DESIGNISM**

1. 100% COMPLETE

2. 100% COMPLETE

3. 100% COMPLETE

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LICENSING ACT 2003

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

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**SOPHISTICATS**  
**BASEMENT & PART GROUND FLOOR**  
**3-7 BREWER STREET LONDON W1F 0RD (the "Premises")**  
**APPLICANT'S SUBMISSIONS**

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## Introduction

The Premises has historically operated as a nightclub trading as the 'The Shadow Lounge'. The Premises is licensed to provide licensable activities within the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982 under:

1. Premises Licence reference: 16/05695/LIPDPS.
2. Sexual Entertainment Venue Licence ("SEVL") reference: 15/06700/LISEVR.

Each licence authorises a capacity of 280 (excluding staff) and licensable activities until 03.00am Monday to Saturday; and 23.00pm Sunday.

The applicant has submitted the following applications:

1. Transfer applications in respect of the Premises Licence and SEVL from A3D2 Limited to Devine Restaurants Limited.
2. New Premises Licence application.
3. Variation application in respect of the SEVL.



The applications follow pre application advice reference 16/05059/PREAPM. The applications effectively seek to vary the existing licensing position as follows:

1. Extend the terminal hour for licensable activities from 03.00am to 06.00am Monday to Saturday and from 23:00 to 05:00 on Sunday.
2. Reduce the capacity by 50% from 280 to 140 (excluding staff and performers).
3. Regularise changes to layout, including replacement of main bar with dispense bar, substantial new fixed seating and general improvement and refurbishment works.
4. Remove outdated conditions relating to Regulated Entertainment and Relevant Entertainment (including the removal of restrictions on fully nude entertainment).
5. Add up to date model licence conditions, including requirements for waiter service and the consumption of alcohol by seated customers only.

The new Premises Licence operating schedule of conditions is identical to the schedule of conditions proposed in the Environmental Health Consultation Team's pre application advice, except for an amendment to the proposed last entry time in condition 33 (now proposed at 4.30am). The SEVL conditions include all the City Council's model SEVL conditions.

### **The Applicant**

The Applicant's sister company has operated Sophisticats Gentleman's Club, 28 Marylebone Lane London W1U 2DR for many years. Sophisticats is licensed by the City Council to provide licensable activities as late as 07.30am under Premises Licence 10/09291/LIPVM and SEVL 15/07549/LISEVR. The Applicant has an exemplary operational record at Sophisticats supported by effective working relationships with the Responsible Authorities.

The Applicant's owners and management team are therefore 'existing operators' under the (Sexual Entertainment Venues Statement of Licensing Policy 2012 (the "SEVL Policy") *"and has built up valuable knowledge and experience under the licensing regimes which have operated in Westminster"* (paragraph 2.1.9 SEVL Policy). The owners and management team benefit from many decades of experience. They have demonstrated they can professionally operate this category of late night premises within the City of Westminster. This proven track record means that the City Council can be reassured that all four licensing objectives will be promoted.

## Premises Licence

The Premises Licence operating schedule includes a comprehensive schedule of Licence conditions to ensure the promotion of all four licensing objectives.

The Premises is located within the West End Cumulative Impact Area and an increase in terminal hour is proposed. However, in accordance with the City Council's Statement of Licensing Policy 2016 (the "Licensing Policy"), the following exceptions apply:

1. The Premises has historically operated as late-night venue and currently benefits from Premises Licence 16/05695/LIPDPS. The current application represents the substitution of an existing nightclub operation and with a less intrusive licensed use operated by an exemplary and professional Premises Licence holder. This substitution is consistent with the exception identified in paragraph 2.4.7 of the Licensing Policy.
2. The application proposes a very significant reduction in the permitted capacity. The 50% reduction results in the capacity being lowered from 280 to 140 (excluding staff and performers). This is directly compliant with another exception identified in paragraph 2.4.7 of the Policy which states "*the reduction in the capacity of a premises ... might be a reason for an exception to policy*".
3. In addition to the exceptions above, updated and stringent new licence conditions in accordance with pre application reference 16/05059/PREAPM. This includes a new condition consistent with paragraphs 1.3; 2.4.15; 2.4.16; and 2.4.22 of the Licensing Policy:

*"The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises"*.

As a result of the above, the applicant can demonstrate the application will make no global addition to the Cumulative Impact. The reduction in capacity and change of user should, in fact, present a reduction in the Cumulative Impact currently experienced in the West End.

The applications append an Appendix 11 statement in accordance with the Licensing Policy to demonstrate that the Premises will promote the prevention of public nuisance licensing objective and Licensing Policy PN1. The Appendix 11 statement includes a dispersal Policy to ensure the additional hours will facilitate a phased and controlled dispersal of customers. The reduction in capacity and additional hours will present an improvement on the status quo, which could involve up to 280 customers leaving at once at 3am.

## **Sexual Entertainment Venue Licence**

The SEVL Policy states:

*"2.1.9 - ...the Council appreciates that premises providing sexual entertainment have generally been well managed and operated, and that operators have built up valuable knowledge and experience under the licensing regimes which have operated in Westminster".*

The Applicant's existing premises is well managed with an experienced operational management team. Paragraph 18 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out provisions in respect of the variation of an SEVL. Neither Paragraph 18 nor the SEVL Policy set out the detailed grounds for refusal of an SEVL variation application nor relevant considerations specific to SEVL variations. Nevertheless, submissions in respect of these grounds and considerations are set out below. While these only relate to new and renewal SEVL applications, the Applicant hopes this will provide useful background information for the Licensing Authority when determining the applications.

The Applicant can demonstrate and submits the Application is not inconsistent with any of the grounds for refusal set out in Paragraph 12 of Schedule 3 of the Act, and does so below.

### **Mandatory grounds to refuse a SEVL - Paragraph 12(1) of Schedule 3 of the Act and Policy MG1**

The mandatory grounds (a) to (e) are set out in paragraph 12(1) of Schedule 3 of the Act and Policy MG1. None of the grounds apply to the Applicant. The mandatory grounds are therefore not relevant to the current Application.

### **Applicant unsuitable to hold a SEVL - Paragraph 12(3)(a) of Schedule 3 of the Act and Policy SU1**

The Applicant has a proven track record of operating its existing premises and historically providing Relevant Entertainment. Paragraph 12(3)(a) of Schedule 3 of the Act and Policy SU1 do not apply to the Application. By granting the Applicant's sister company's SEVL in respect of its existing premises, the Licensing Authority has already determined that it is suitable to hold a SEVL.

**SEV carried on for the benefit of another person - Paragraph 12(3)(b) of Schedule 3 of the Act and Policy SU2**

The transfer application includes full details of the Applicant company, its directors, owners, officers and managers. The Relevant Entertainment is not carried on for the benefit of any person other than the Applicant and therefore Paragraph 12(3)(b) of Schedule 3 of the Act and Policy SU2 do not apply to the Application.

**Appropriate Numbers of SEVs in a locality - Paragraph 12(3)(c) of Schedule 3 of the Act and Policy NO1**

Policy NO1 stipulates a 'quota' of 25 SEVs within Westminster core CAZ North. The Applicant understands this level is based on the number of Existing Operators in Westminster. The Premises falls into this category and is indeed one of those 25 as shown on the City Council's Lap Dancing Venues Map (*June 2011, ref. 137c*). In any event, the Application is not contrary to the Policies and is appropriately located to represent the quota allocation in its own immediate locality for the reasons set out below.

**Character of the relevant locality - Paragraph 12(3)(d)(i) of Schedule 3 of the Act and Policy LO1**

Policy LO1 provides: *"to promote the policy aims and objectives, the council will consider whether the grant or renewal of a licence would be inappropriate, having regard to the character of the relevant locality"*.

The Premises is located within Soho and the wider area categorised as Westminster's core CAZ North, which while its character is perhaps recognised as iconic in nature, it is so for its varied entertainment uses. The area is not predominantly characterised by residential, general family use, religious use, junior educational use (although see below) or any other characterisation of the locality which would suggest the locality is inappropriate for SEVs. The demographics and nature of the immediate locality is, as recognised by the City Council's own policies, significantly made up of night time entertainment use.

In forming Policy LO1 under Paragraph 12(3)(d)(i) of Schedule 3 of the Act, *"the council recognises the diversity and concentration of different premises within the core CAZ North"* (emphasis added). Policy NO1 also provides that *"the CAZ is characterised by an intense level and range of activities, designated by the council as the core CAZ. It describes the area of Westminster which has been defined by the council as an appropriate location for a range of commercial activities within the city" and "the mixed character of the CAZ is central to its economic vibrancy and crucial to attracting visitors and businesses. It also makes a significant contribution to the unique character of Westminster."* The Premises' recognised position in the immediate locality has not detracted to this character and therefore it is entirely appropriate to grant the Application having regard to the existing character of the locality.

### **Use of Premises in the vicinity - Paragraph 12(3)(d)(ii) of Schedule 3 of the Act and Policy LO2**

Policy LO2 provides: *“to promote the policy aims and objectives, the Council will consider whether the grant or renewal of a licence would be inappropriate, having regard to the use to which the premises in the vicinity of the proposed sexual entertainment venue are put”*.

There are no premises in the close and immediate vicinity used for religious worship, or used predominantly by families, children, or vulnerable adults. St Anne’s Church and The Soho Parish School have coexisted with the Premises and other similar late night entertainment venues for decades. The SEVL Policy recognises that the location of some Existing Operators might not necessarily be consistent with the Policy (paragraph 2.1.8).

The historical co-existence of the Church, School, the Premises and other night time uses has not impacted in any way upon the appropriateness of the location and historical operation of the Premises or indeed resulted in serious complaint. In any event, the use of the categories of premises (namely the School and Church) outlined in Policy LO2 are by their nature utilised during daytime hours, which does not conflict or overlap with the Premises’ night time use. The School’s and Church’s daytime opening hours are well outside the opening hours of the Premises. The relevant Licensing Objective of the ‘Protection of Children from Harm’ has previously been considered by the Licensing Authority when granting the Premise Licence under the Licensing Act 2003.

The Applicant reiterates its submissions as set out under Policy LO1 above in this regard, in particular that the City Council has recognised the wider CAZ in this and other policies as characterised by its vibrant entertainment uses and indeed the area appropriate for the quota of SEVs under Policy NO1. The varied use of premises in the immediate locality, which the Premises contributes to, means an appropriate balance of uses can be achieved and maintained.

### **Layout, Character or Condition of the Venue - Paragraph 12(3)(d)(iii) of Schedule 3 of the Act and Policy LO3**

The Premises’s layout, character and condition is ideally suited to the provision of Relevant Entertainment as set out below. The discretionary grounds for refusal set out in Paragraph 12(3)(d)(iii) of Schedule 3 of the Act and Policy LO3 do not therefore apply.

## Layout

*(i) Whether the layout of the premises promotes good management and appropriate supervision within the premises.*

- The Premises will have a new purpose built open layout allowing clear lines of sight and good supervision and management.
- There will be no individual and enclosed private booths. Instead, the Applicant has opted for larger VIP areas which facilitate an environment for close monitoring and supervision.
- Customers will be seated to prevent overcrowding of standing customers.
- The open layout will allow supervisory staff to effectively manage and supervise the Premises.
- All areas of the Premises will be closely supervised by managers and SIA supervisors patrolling the floor.
- Employees will closely monitor the Premises CCTV system when the Premises is open to the public.
- The CCTV system is extensive and wide-ranging, offering extremely comprehensive coverage of the areas where Relevant Entertainment is provided.

*(ii) Whether the layout of the premises promotes public safety in respect of means of escape, fixtures and fittings, overcrowding, facilities for performers, stairways or other design features.*

- The Premises internal layout will be purpose built to promote public safety for performers, employees and customers and designed to comply with the relevant regulations in terms of means of escape, fixtures and fittings and overcrowding.
- Thorough Health and Safety risk assessments will be carried out to include escape routes with easily accessible and sufficient means of escape.
- There will be a dedicated, clean and modern changing room and facilities for the performers.

*(iii) Whether the layout of the premises promotes a reduction in crime and disorder in respect of opportunity for theft, sexual offences, violence, or other crime.*

- The Premises' open layout is designed to promote a reduction in crime and disorder and conflict management. See further paragraph (i) above.
- The management will carry out risk assessments addressing the prevention crime and violence.
- All security staff will be trained in conflict management.
- The Applicant's existing premises has historically had few problems with crime and disorder.

*(iv) Whether the layout of the premises promotes the prevention of public nuisance in respect of the proximity of noise sensitive premises in the vicinity, provision for access and egress, or behaviour of customers outside the premises.*

- So far as the Applicant is aware the Premises do not, and have not, attracted any recent complaints relating to public nuisance, whether from noise emanation or nuisance caused by patrons leaving the Premises.
- Save for the entrance lobby area, the Premises is located at basement level making it ideally suited for late night entertainment use.
- The Premises main point of access and egress is lobbied to prevent the possibility of noise breakout in the vicinity.
- All customers will be extremely well managed and the dispersal policy (contained within the Appendix 11 statement) means the risk of nuisance caused by patrons dispersing from the Premises is kept to a minimum.
- The Premises will operate a chauffeur and pre-booked taxi service allowing the quick and quiet dispersal of patrons, which will be gradual due to the proposed extended hours.
- The open layout will not only be supervised by staff but also by an extensive CCTV system.

#### Character

*(i) Whether the character of the premises makes reference to places of religious worship.*

- The character of the Premises does not make reference to places of religious worship.

*(ii) Whether the character of the premises is such that children or vulnerable adults may be attracted to the premises.*

- The character of the Premises, its basement location and its discreet external design will prevent the of risk children or vulnerable adults being attracted to the Premises.

*(iii) The extent and manner in which sexual entertainment is advertised at the premises.*

- Relevant Entertainment will be provided at subterranean level.
- Relevant Entertainment cannot be viewed from the street.

#### Condition

*(i) Whether the condition of the premises promotes public safety in respect of means of escape, fixtures and fittings, facilities for performers, stairways or other design features.*

- The Premises will undergo substantial refurbishment and improvement works to reflect its operation as a premium and high class gentlemen's club.
- Customers will be seated to prevent overcrowding of standing customers.

- The Premises will have an extremely high level and standard of fit out, means of escape, fixtures and fittings, facilities for performers and other general design features.
- The Premises Licence is subject to many conditions relating to technical standards.

*(ii) Whether arrangements are in place to adequately maintain the condition of the premises.*

- The Premises has dedicated maintenance and cleaning staff, the Premises is regularly cleaned when the Premises is open to members of the public and during hours of closure.
- See further paragraphs above.

*(iii) Whether the condition of the premises meets legal or recognised technical standards for its use.*

- The condition of the Premises will be approved by members of the City Council's Environmental Health Consultation Team and District Surveyor during inspections of the Premises further to and required by the Licensing Act 2003.
- The Premises internal layout will be purpose built with the input of various consultants to ensure the Premises meets all the relevant legal requirements and technical standards.

#### **SEVL Policy HR1 – Hours**

The Application seeks licensable hours for the provision of Relevant Entertainment as follows:

Monday to Saturday – 09:00 to 06:00 (currently 03:00)

Sunday – 09:00 to 05:00 (currently 23:00)

The proposed terminal hours are less than the maximum terminal hour authorised in respect of the Applicant's existing SEVL at Sophisticats Gentleman's Club, 28 Marylebone Lane.

The Applicant refers to SEVL Policy HR1 in particular paragraph 2.5.1, as follows:

*"This is not a policy to refuse Applications for hours longer than the core hours. Where a premises is licensed under the 2003 Act for hours beyond the "core hours" the Council will have regard to those hours and generally grant a SEVL to hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate".*

The SEVL and Premises Licence applications are running consecutively to facilitate a proper and joined-up determination of the proposed hours in line with paragraph 2.5.1 of the SEVL Policy.



The Applicant has a proven track record operating within later hours as a result of its strict policies and procedures in place. The Premises will operate a dispersal policy to encourage patrons to disperse from the Premises as quickly and as quietly as possible. The reduced hours proposed hours will allow the gradual dispersal of customers to avoid the risk of a large group of customers dispersing from the Premises at any one time and causing any associated risk of public nuisance.

### **Paragraph 13 of Schedule 3 of the Act and Section 3 of the SEVL Policy**

#### **Conditions, Management and Compliance**

The SEVL already contains the City Council's comprehensive schedule of model SEVL conditions to ensure the professional and crime free operation of the Premises during the provision of Relevant Entertainment. The Applicant has a proven track record of compliance with these conditions at its existing premises. These conditions are supported by the Premises Licence conditions to equally ensure the promotion of all four licensing objectives.

The current SEVL includes historical and outdated conditions restricting fully nude entertainment (conditions 24 and 25). The application proposes to remove these restrictions. The restrictions are not required by the City Council's model SEVL conditions nor consistent with other SEVLs granted by the City Council in respect of other similar venues in Westminster (including the applicant's existing premises). Notwithstanding, relevant entertainment will be provided under close supervision and in accordance with the applicant's strict management procedures, including the Code of Conduct and all model SEVL conditions.

#### **Conclusion**

The Applicant respectfully submits that *it has successfully operated SEVL premises in a manner which has promoted the licensing objectives and the Premises is a key contributor to the mixed character of the CAZ which is central to its economic vibrancy and crucial to attracting visitors and businesses (paragraph 2.1.10 SEVL Policy), and will also make a significant contribution to the unique character of Westminster (paragraph 2.3.7).*

The Applicant has *built up valuable knowledge and experience under the licensing regimes which have operated in Westminster (paragraph 2.1.9).* The Applications promote the City Council's SEVL Policy and is exceptional for the purposes of the Licensing Policy. The Applications are made in accordance with the objectives of the SEVL legislation and the objectives of the 2003 Act.

**Thomas & Thomas Partners LLP**

**August 2016**

# **Sophisticats**

## **Basement & Part Ground Floor**

### **3-7 Brewer Street London W1F 0RD**

Application for a Premises Licence

City of Westminster

Statement of Licensing Policy 2016

## **APPENDIX 11 SUBMISSION**

## 1 Introduction

- 1.1 This document is submitted in support of an application for a new Premises Licence and variation of SEVL 15/06700/LISEVR in respect of 3-7 Brewer Street W1F ORD (the "Premises"). The applications propose to:
  - 1.1.1 Extend the terminal hour for licensable activities from 03.00am to 06.00am Monday to Saturday and from 23:00 to 05:00 on Sunday.
  - 1.1.2 Reduce the capacity by 50% from 280 to 140 (excluding staff and performers).
  - 1.1.3 Regularise changes to layout, including replacement of main bar with dispense bar and substantial new fixed seating.
  - 1.1.4 Remove outdated conditions relating to Regulated Entertainment and Relevant Entertainment (including the removal of restrictions on fully nude entertainment).
  - 1.1.5 Add up to date model licence conditions, including requirements for waiter service and the consumption of alcohol by seated customers only.
- 1.2 The applicant is an extremely experienced operator with a proven track record. The applicant's sister company has owned and operated an existing late night SEV premises known as Sophisticats at 28 Marylebone Lane for many years.
- 1.3 This document addresses Appendix 11 of the City of Westminster's Statement of Licensing Policy. In doing so the applicant can demonstrate the Premises will:
  - 1.3.1 Promote the licensing objectives of the prevention of public nuisance and crime and disorder;
  - 1.3.2 Be professionally and responsibly managed alongside nearby local residents and businesses;
  - 1.3.3 Have no adverse impact on the local amenity; and
  - 1.3.4 Make no addition to the Cumulative Impact in the West End Cumulative Impact Area.

## 2 Noise Management

2.1 The criteria set out in Policy PN1 are addressed below.

### **Noise and Vibration**

2.2 The Premises has historically operated as a nightclub with a capacity of 280. The nightclub played music at loud volume with a significant number of customers engaged in 'vertical drinking'. The Applicant's proposals will result in a very significant reduction in capacity, lower music levels and conditions requiring customers to be seated.

2.3 As a result, the Applicant's business model will significantly reduce the risk of noise and vibration emanating from the Premises. This will ensure the promotion of Policy PN1 and the licensing objective of the prevention of public nuisance.

2.4 In addition, the following controls are implemented to prevent noise outbreak from the Premises:

2.4.1 A ground floor reception area acting as an acoustic lobby to the basement where licensable activities will take place;

2.4.2 A sound limiting advice installed and maintain in accordance with the City Council's model licence condition MC11.

2.4.3 Sound generating equipment located in the basement of the Premises – away from the frontage and main entrance/exit at ground floor level;

2.4.4 Comprehensive customer management procedures to ensure no nuisance is caused by customers either inside or outside the Premises;

2.4.5 Thorough SIA and staff supervision of customers; and

2.4.6 A dispersal policy to ensure the quick and quiet departure of customers – especially at night (see below).

### **Eating, Drinking and Smoking Outside Premises**

2.5 There will be no designated external seating area.

2.6 The applicant will very carefully supervise customer activity outside the Premises. This includes comprehensive SIA supervision of the external area in accordance with the existing Premises Licence conditions, including new model conditions restricting the number of smokers and external drinking. This will support the applicant's commitment to ensure the Premises and its customers cause no nuisance whatsoever.

2.7 Any customer behaviour that may cause public nuisance or crime and disorder is not, and will not, be tolerated under any circumstances.

### **Other Environmental Impacts**

- 2.8 The applicant will implement a number of measures to ensure no adverse impact to the local environment. This includes compliance with all Premises Licence conditions proposed by the Environmental Health Consultation Team in pre application reference 16/05059/PREAPM, as follows (save for an amendment to the last entry time in 2.8.34 below):
- 2.8.1 The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment.
  - 2.8.2 There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
  - 2.8.3 All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
  - 2.8.4 Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises
  - 2.8.5 There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
  - 2.8.6 Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
  - 2.8.7 The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
  - 2.8.8 Any person permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
  - 2.8.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
  - 2.8.10 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are 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.

- 2.8.11 The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
- 2.8.12 A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 2.8.13 The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
- 2.8.14 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2.8.15 Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 2.8.16 All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 2.8.17 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- 2.8.18 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.
- 2.8.19 No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23.00) hours and (08.00) hours.
- 2.8.20 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.
- 2.8.21 An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue

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

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

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

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

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

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

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

2.8.27 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.
- 2.8.28 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.
- 2.8.29 All exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 2.8.30 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (10) persons at any one time.
- 2.8.31 Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor
- 2.8.32 Performers/Dancers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to two persons at any one time.
- 2.8.33 An attendant shall be on duty in the cloakroom during the whole time that it is in use.
- 2.8.34 There shall be no new admittance or re-admittance to the premises after 04.30 hours save for persons temporarily leaving to smoke.
- 2.8.35 A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 2.8.36 The certificates listed below shall be submitted to the Licensing Authority upon written request:
- a) Any emergency lighting battery or system
  - b) Any electrical installation
  - c) Any emergency warning system
- 2.8.37 Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
- 2.8.38 No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

- 2.8.39 No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises.
- 2.8.40 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.
- 2.8.41 The maximum number of persons accommodated at any one time (excluding staff *and performers*) shall not exceed 140 persons.
- 2.8.42 The departure of customers will be managed in accordance with the dispersal policy below. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.
- 2.8.43 The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
- 2.8.44 Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

### **3 People Arriving, Departing & in the Vicinity**

#### **Dispersal Policy**

- 3.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 3.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 3.3 The Policy prevents nuisance caused to local residents from the following risks:
  - 3.3.1 Noisy or anti-social behaviour by customers leaving the Premises.
  - 3.3.2 Large numbers of people leaving the Premises at the same time.
- 6.4 Despite the Premises' central London location, employees are made aware that local residents live close by.
- 6.5 This Dispersal Policy is followed throughout the opening hours, although particular attention is paid to customers leaving at night.

#### **Entrances and Exits**

- 6.6 The main entrance/exit of the Premises is on Brewer Street. This entrance is carefully supervised by SIA supervisors at all times the Premises are open.

#### **Dispersal**

- 6.7 The primary point of dispersal is the main Brewer Street exit. From this exit customers disperse directly to a waiting car or the area's numerous transport links (see below).
- 6.8 Towards closing time the following measures are taken to ensure a gradual and quiet closure of the Premises:
  - 6.8.2 Raised lighting levels.
  - 6.8.3 Lowered music levels.
  - 6.8.4 Politely reminding customers the Premises is about to close.

#### **Transport**

- 6.9 The Premises is well serviced by public transport links, as set out below. All staff are familiar with the transport links so they can advise customers when required.

Tube

6.9.1 The following tube stations are located within walking distance of the Premises:

- a. Piccadilly Circus Underground Station.
- b. Leicester Square Underground Station.
- c. Oxford Circus Underground Station.
- d. Tottenham Court Road Underground Station.

6.9.2 Night tube services operate on Friday and Saturdays from Oxford Circus and Tottenham Court Road (Victoria and Central Lines). Further night tube services will be introduced in Autumn 2016.

6.9.3 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

6.10 Rail

6.10.1 The Premises is within walking distance of Charing Cross rail station.

6.10.2 Other rail stations, for example Victoria, Paddington, Liverpool Street, Euston, Waterloo and Kings Cross St Pancras are easily reached by bus, tube or taxi.

6.11 Buses

6.11.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops in the area, which go to a variety of destinations throughout London.

6.11.2 Bus routes include: 14, 19, 23, 38, 139, N13, N19, N20, N29, N38, N41 and N279.

6.11.3 Staff will be familiar with the local bus services and will advise customers accordingly.

6.12 Taxi

6.12.1 Black cabs and local licensed taxi offices are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.

6.12.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available. This avoids customers waiting outside on Brewer Street unnecessarily.

6.12.3 Staff will assist customers calling a taxi if required.

6.13 Private Car

6.13.1 A number of customers will arrive and depart by private car (including uber).

6.13.2 Drivers will be managed to ensure no unnecessary loitering, loud slamming of doors, engines left running and/or raised voices.

## **4 Deliveries, Collections & Servicing**

- 4.1 The Application proposes a significant reduction in capacity. In addition, the Applicant's customers are anticipated to consume less alcohol than customers of the previous nightclub operation of the Premises. As a result, the need and impact of deliveries, collections and servicing is expected to reduce.
- 4.2 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the Premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents.
- 4.3 Model licence conditions dealing with servicing are proposed with the application.

# Thomas & Thomas

Partners LLP

Your ref:  
Our ref: JS/TOM

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

Mr C. Roeber  
Flat 7  
1-3 Brewer Street  
W1F ORD

11 November 2016

Dear Mr Roeber

## **Licence Applications - 3-7 Brewer Street, London W1F ORD**

We are instructed in respect of the above licence applications. We have been provided a copy of your representation by Westminster City Council.

Our client would be very grateful for your consideration of this letter. We hope this will help to open a line of communication and address some of the concerns you have raised.

Firstly, our client wishes to apologise unreservedly for any disturbance you may have been caused during the improvement works. In particular, our client understands the contractors may have undertaken some noisy works at inappropriate times contrary to our client's instructions. Our client has reiterated to the contractors that this is not acceptable. The contractors have been directed to undertake future works as quietly as possible and at appropriate times in order to keep the risk of future disturbance to a minimum.

The contractors have identified various acoustic weaknesses in the building during the strip-out works. Our client has commissioned additional work to resolve these deficiencies. This should improve the acoustic characteristics of the premises, and in doing so reduce the risk of noise outbreak in the future. Unfortunately, this has also required extra work than originally anticipated.

A specialist sound system consultant and acoustic consultant have been instructed by our client. The new sound system will be more akin to a restaurant system with no DJ, rather than the historical louder nightclub system with large bass bins.

The acoustic consultant will undertake a noise survey of the local area before and after the new system is in use. As part of that process, our client would be most grateful if you would permit access to your accommodation so the acoustic consultant can take readings. In doing so our client can ensure that you are not caused a nuisance by the new sound system. In any event, the music levels are anticipated to be significantly lower than the previous nightclub operation.

Our client is confident that this, together with the reduced capacity and comprehensive management systems, will ensure the premises is operated professionally and responsibly alongside local residents.

We understand a number of the local residents have requested an adjournment of the licensing sub-committee hearing scheduled 17 November 2016. Although this causes our client some difficulties, the adjournment has been agreed in order to allow residents to attend the hearing and engage further with our client if necessary.

Please do not hesitate to contact our client directly if you have any concerns in respect of the building works or opening period. For convenience, we confirm that the contact number for Mr Simon Langer remains as previously provided: 07774 698555.

Alternatively, if you have any comments or queries relating to the licence applications, please do not hesitate to contact either Jack Spiegler or Thomas O'Maoileoin of this office.

Thank you for your consideration of this letter.

Yours sincerely

**Thomas & Thomas Partners LLP**

tel: 020 7042 0413

email: [jspiegler@tandtp.com](mailto:jspiegler@tandtp.com)





Mr Anil Drayan  
Environmental Health Consultation Team  
Public Protection and Licensing  
Westminster City Council  
4F, City Hall  
64 Victoria Street  
London SW1E 6QP

By email: [adrayan@westminster.gov.uk](mailto:adrayan@westminster.gov.uk)

14th October 2016

Dear Mr Drayan

**Ref: 3-7 Brewer Street - new sound system**

Our company has been instructed to provide and install a new sound system at 3-7 Brewer Street. We have been asked to write to you to provide a summary of the sound system we are installing.

The new system will be significantly different from the old Shadow Lounge system, which has been completely removed. The old system was a traditional night club system with large cabinet speakers shouting the sound as loud as possible across the venue. These speakers were further supported with separate bass bins.

The new system is different in its design and the desired outcome. The new system is built up of multiple smaller full range speakers with no bass units. Each speaker is mapped to a small area of the venue to ensure that the coverage is good and that all guests can hear the sound without it having to be turned up loud. One of the key design criteria is that guests can hear the music but still easily engage in conversation. Similar systems are widely used in high-end restaurants and hotels.

The system is designed with the latest technology and all sound is controlled by a QSC Q-sys digital sound processor. This exact digital control enables us to control and equalise each amp channel/area separately enabling just enough quality sound to be put into the venue but not enough to prevent conversations.

**Specialist sound, light & video systems integrators**

CGA Integration Ltd, PO Box 3997, Bracknell, Berkshire, RG42 2ZS

Registered Office: 125 High street, Odiham, Hants, RG29 11A

phone: 0845 058 4650 fax: 0870 458 1668 e-mail: [info@cga-integration.co.uk](mailto:info@cga-integration.co.uk) [www.cga-integration.co.uk](http://www.cga-integration.co.uk)

VAT No. 851 5407 34 Registered in England and Wales. Company Registration No. 3878843



Another key difference between this new venue and the old night club is the use of a digital music playback system - this system has replaced the DJ and ensures that the levels do not creep up during an evening as they would on an old fashioned DJ driven system. The new system schedules the performers' routines, announces them and then plays the appropriate music. All music is stored within this player and delivered at a consistent sound level.

As a result of the above, I anticipate that the new system represents a significant improvement to the old night club set up and is much less likely to cause a noise nuisance to nearby local residents. In the unlikely event of a problem with sound emanating to adjoining properties once this system is installed, we can, using the digital sound control, equalise and control every output exactly and often notch out problem frequencies from a problem speaker to deliver the best sound in the club and resolve any potential issues for local residents.

If you have any questions please do not hesitate to call or email me at any time.

Best regards

Chris Gunton  
Director  
Direct Line 0845 058 4652

### **Specialist sound, light & video systems integrators**

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VAT No. 851 5407 34 Registered in England and Wales. Company Registration No. 3878843

IN THE WESTMINSTER TOWN HALL

and

IN THE MATTER OF APPLICATIONS FOR THE VARIATION, TRANSFER, AND  
RENEWAL OF A SEV LICENCE PURSUANT TO THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1982

and

IN THE MATTER OF AN APPLICATION FOR A NEW PREMISES LICENCE  
PURSUANT TO THE LICENSING ACT 2003

**SKELETON ARGUMENT**

**On behalf of Devine Restaurants Ltd**

1. Devine Restaurants Ltd seeks permission through a set of applications to:
  - a. Extend the terminal hour for licensable activities from 03:00 to 06:00hrs Monday to Saturday and from 23:00hrs to 05:00hrs on Sunday;
  - b. Reduce the capacity by 50% from 280 to 140 (excluding staff and performers);
  - c. Regularise changes to layout, including replacement of main bar with dispense bar, substantial seating and general improvement and refurbishment works;
  - d. Remove outdated conditions relating to regulated entertainment and relevant entertainment, including the removal of restrictions on fully nude entertainment so as to render the SEV licence consistent with all others issued by WCC for like premises;
  - e. Add up to date model licence conditions, including requirements for waiter service and the consumption of alcohol by seated customers only.
  
2. Devine Restaurants Ltd is, as the Committee would expect and will know, a long-standing, experienced, specialist, committed, and successful operator with a proven track record in running SEV premises in Westminster, in particular Sophisticats at 77 Welbeck Street, W1G 9BN.
  
3. Such a record, once earned, has value and weight in the licensing process (SEV Policy, §2.1.10). The existing Sophisticats premises operates to the highest standards, and is a prime example of premises which are '*well operated and responsibly run*', without any evidence – direct or indirect - of associated incidents or problematic clientele (SEV Policy, §2.4.8-10).

## The Application

4. The proposed operation at Brewer Street is described in detail in material submitted, including in particular:
  - a. Witness Statement, John McKeown
  - b. Sophisticats Interior Design Concept
  - c. Big Sky Acoustics Report, encompassing:
    - (i) Noise Impact Assessment
    - (ii) Noise Management Policy
    - (iii) Dispersal Policy
  - d. Photographs
  - e. Sophisticats Procedures, including:
    - (i) Health and Safety Policy Statement
    - (ii) Door Policy
    - (iii) Alcohol Policy
    - (iv) Drugs Policy
    - (v) Club Rules
  - f. Correspondence with residents<sup>1</sup>
  
5. The proposal is:
  - (i) To operate as a SEV, as permitted (though not adopted) by the existing licences;
  - (ii) To reduce the capacity of the premises by 50%; and
  - (iii) To increase the trading hours, by 3 hours daily (Monday-Saturday) and 5 hours (Sunday).

## Policy

6. No suggestion that Devine Restaurants Ltd is unfit to hold such licences could properly be made. The premises are located in the CAZ North, the character of which is described at

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<sup>1</sup> The Committee will be aware that Devine Restaurants Ltd acceded to the further adjournment of the determination of these present applications in order to facilitate the attendance of residents who wished to participate

length in WCC's SEV Policy and further demonstrated through photographs, and presently benefit from a SEV licence. The particular character of the immediate vicinity of the premises in terms of noise has been professionally assessed by Big Sky Acoustics. The layout, character, and condition of the premises have been immeasurably improved by the applicant. These submissions focus on WCC's relevant policies as to **hours**.

7. The following policies apply:

- |                               |                                   |
|-------------------------------|-----------------------------------|
| a. HRS1 (Part 2.5)            | SEV Statement of Licensing Policy |
| b. HRS1 (§§2.3.1-2.3.15)      | Statement of Licensing Policy     |
| c. CIP1, CIP2 (§2.4.1-2.4.30) | Statement of Licensing Policy     |

8. It follows that:

- There is no presumption against granting hours outside Core Hours in the SEV Policy. Applications for such hours are to be considered on their merits. Particular attention is to be paid to dispersal from the premises and from the locality.
- There is a presumption against granting such hours in the Licensing Policy. Accordingly, the application for a new premises licence will be granted only where the case can properly be considered exceptional.

9. Such a finding is unlikely unless the circumstances said to be exceptional '*are directed at the underlying reasons for having the policy*': R (A3D2 Limited t/a Novus Leisure) v Westminster Magistrates' Court, Westminster City Council [2011] EWHC 1045 (Admin) §57. That case involved an application for a new premises licence for a new 6 storey nightclub in Glasshouse Street). The same policies were engaged as in the present case. The applicant proposed, in the event that the application was granted, to surrender 3 existing licences: for premises known as 'Cheers', 'Jewel', and 'Velvet.' Cheers was not trading and was imminently to be physically demolished. The new application was for longer hours than those permitted at either Jewel or Velvet. This proposal, in particular the surrender of the Cheers premises licence, was relied upon as exceptional, so as to entitle WCC to make an exception to its policy. WCC rejected that contention, as did the District Judge on appeal and the High Court when the District Judge's conclusions were challenged. The High Court emphasised that:

‘§59 ... The Cheers licence was extant, but the application was for premises elsewhere. Crucially the Cheers premises were closed and, at the time of the application, ear-marked for demolition. The judge sensibly concluded that the surrender of a redundant premises licence relating to such premises, premises which by the time of the [appeal] hearing were demolished as planned, could not of itself be capable of rendering the application with respect to [the new premises] exceptional in policy terms.

§60 None of this is inconsistent with the legislation. The Licensing Act 2003 establishes a clear link between a premises licence and the particular premises to which it relates. When premises close because they are about to be demolished, the premises licence is effectively a dead letter. The licence may be extant because the holder continues to pay the fee, but the licence is of no practical use because the premises to which it relates cannot be used. In my view, the surrender of a premises licence in these circumstances cannot, under the Act, promote the licensing objectives with regard to an application for a new premises licence in respect of other premises situated elsewhere.’

10. The principal causes of cumulative impact are described in WCC’s policy in Appendix 14, p137. Supporting evidence and data are set out in Appendices 12 and 13.

### Submissions

11. The context of the present applications is:
  - a. An existing, ongoing, effective premises licence for the premises in question, the permitted hours for which have been extended from time to time without objection.
  - b. An existing SEV licence which has been renewed periodically as required without issue.
  - c. A highly experienced proposed operator.
  - d. A proposed significant alteration in the trading model from a traditional bar and nightclub, with the well-recognised associated potential for serious inference with the licensing objectives. That alteration is reflected not only in the licence conditions but in the manner of the permanent alteration to the structure and layout of the premises.
12. Features of the proposed operation which are directly relevant to the causes of cumulative impact identified by WCC in its Policy are:
  - (a) The primary SEV function of the premises, which characteristic is reflected in the proposed (and existing) conditions and in the new layout of the premises. Substitution of existing licensable activity with other activity ‘*which would have less impact on the area and*

*would be more likely to further the licensing objectives* is capable of justifying a departure from policy: §2.4.6.

- (b) The reduction in capacity. The capacity will be sliced permanently, by enforceable condition, by 50%. Such a reduction is properly characterized as substantial. WCC's policy confirms (§2.4.7) that a reduction in capacity is a *'proven method of promoting licensing objectives'* and a factor which *'might be a reason for an exception to policy.'*
- (c) The strong likelihood of an increased promotion of the licensing objectives attributable (further to the above) to;
  - (i) extremely high levels of external supervision at front and rear of premises
  - (ii) extremely high levels of internal supervision
  - (iii) removal and replacement of sound system, supported by redesign of premises to avoid outbreak of noise and/or vibration and significantly reduced music levels
  - (iv) restrictive use of rear access (staff use only)
  - (v) strong and effective dispersal policies.
- (d) The characteristics of the premises, including the design, offering, layout, and management quality.

Sarah Le Fevre  
Three Raymond Buildings

23<sup>rd</sup> November 2016

LICENSING ACT 2003

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SOPHISTICATS, 3-7 BREWER STREET, LONDON, W1F 0RD

WESTMINSTER CITY COUNCIL

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WITNESS STATEMENT OF JOHN CHARLES MCKEOWN

---

I **JOHN CHARLES MCKEOWN** of 3-7 Brewer Street London W1F 0RD will say as follows:

1. I am a director of Devine Restaurants Limited, the applicant for:
  - a. A new Premises Licence in respect of 3-7 Brewer Street London W1F 0RD (the "Premises")
  - b. The transfer of the Sexual Entertainment Venue Licence ("SEVL") in respect of the Premises.
  - c. The renewal of the SEVL in respect of the Premises.
  - d. The variation of the SEVL in respect of the Premises.

together "**the Applications**".

2. I make this witness statement in support of the Applications. The facts and matters addressed in this witness statement are within my own knowledge. Where they are not and/or constitute my belief, I say so and identify the source of my knowledge and/or the reasons for my belief.

**Sophisticats**

3. My other company, Mondrealm Limited, is the Premises Licence holder (reference 10/09291/LIPVM) and SEVL holder (reference 16/10138/LISEVR) of Sophisticats, 77 Welbeck Street, London W1G 9BN ("**Sophisticats**").



4. Sophisticats has operated successfully as one of London's most exclusive and premium gentlemen's clubs since 1998. The SEVL authorises fully nude striptease and tableside dancing entertainment.
5. Mondrealm Limited started operating Sophisticats on 15 October 2000. I have remained a director and owner of the business since this date. The ownership and management team have decades of experience in operating late night licensed premises in Westminster. Sophisticats has operated successfully with a proven track record. This impeccable record is due to our strong management and strict operational policies. We are proud to provide a well-managed, professional and lawful business.
6. Sophisticats attracts a wide range of clientele, including men and women. Our strict door policies ensure only respectable and well behaved clientele enter the premises. Our premium door entrance fee and drinks prices also attract a more mature, professional and responsible customer. The average age of our customers is about forty.
7. We intend to implement a very similar business model and operational controls at the Premises.

#### **The Premises**

8. The Premises has historically operated as a nightclub trading as the 'The Shadow Lounge'. The Premises is licensed to provide licensable activities within the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982 under:
  - a. Premises Licence reference: 16/05695/LIPDPS.
  - b. Sexual Entertainment Venue Licence reference: 15/06700/LISEVR.
9. Each licence authorises a capacity of 280 (excluding staff) and licensable activities until 03.00am Monday to Saturday; and 23.00pm Sunday.

#### **The Applications**

10. The Applications follow pre application advice reference 16/05059/PREAPM. The Applications effectively seek to vary the existing licensing position as follows:

- a. Extend the terminal hour for licensable activities from 03.00am to 06.00am Monday to Saturday and from 23:00pm to 05:00am on Sunday.
  - b. Reduce the capacity by 50% from 280 to 140 (excluding staff and performers).
  - c. Regularise changes to layout, including replacement of main bar with dispense bar, substantial seating and general improvement and refurbishment works.
  - d. Remove outdated conditions relating to regulated entertainment and relevant entertainment. This includes the removal of restrictions on fully nude entertainment. This is consistent with our SEVL at Sophisticats and all other SEVLs issued by Westminster in respect of similar premises in the borough.
  - e. Add up to date model licence conditions, including requirements for waiter service and the consumption of alcohol by seated customers only.
11. The new Premises Licence operating schedule of conditions is identical to the schedule of conditions proposed in the Environmental Health Consultation Team's pre application advice, except for an amendment to the proposed last entry time in condition 33 (now proposed at 4.30am). The SEVL conditions include all the Council's model SEVL conditions.

## **Music**

12. The previous sound system was recently removed from the Premises. It consisted of large and outdated bass bins, large speakers and amplifiers. We instructed a company specialising high-end restaurant and hotel audio systems to install our new system. A director of this company, Mr Chris Gunton, has written to the Environmental Health Consultation Team confirming the specification of this system.
13. The system comprises of a number of small speakers fixed on anti-vibration mounts. The speakers are controlled by a state of the art computer system. It is more akin to a restaurant sound system. We will not employ a DJ. Music will be played and controlled electronically. It will be played at a modest level which allows our customers to converse with each other and the performers. The levels will be significantly lower when compared to the historical nightclub operation of the Premises.
14. The lower music volume will mean customers do not leave the Premises with raised voices. This is because they will not go through a transition associated with a noisy nightclub environment out on to a quieter street.

15. We identified a number of acoustic weaknesses in the Premises during our fit-out works. These have been rectified by improving the insulation of the Premises and reducing vulnerable areas that present a risk of sound travelling through the fabric of the building.
16. The entrance of the Premises is at ground floor level. The ground floor entrance lobby acts as an acoustic lobby preventing the risk of noise outbreak from the basement. No music will be played in this lobby area. Music will only be played in the basement where relevant entertainment takes place. This means that there will be no party walls or ceilings that directly adjoin these areas with local residents' accommodation.
17. We have commissioned a leading acoustic consultant, Mr Richard Vivian, to undertake sound tests and provide further recommendations. This, together with all the measures outlined above, demonstrates our commitment to ensure that local residents are not disturbed by any noise emanating from the Premises. Our style of operation and implemented systems could also present a significant improvement in this regard, especially when taking into account the historical high capacity nightclub operation of the Premises.

### **Smoking**

18. The Applications propose a 50% reduction in capacity of the Premises. The numbers of smokers will significantly reduce as a result. Even on busy nights, I do not anticipate any more than five customers smoking at any time. Members of staff and performers are not permitted to smoke during their shifts.
19. We are working with our acoustic consultant to form a strict smoking policy. This will involve positioning smokers away from local residents' accommodation at the front of the Premises near the 'Prowler' adult shop. Smokers will be under constant supervision by SIA supervisors.

### **Arrival & Dispersal**

20. We do not anticipate large queuing at the Premises. We have the option of taking customers to Sophisticats (which has an authorised capacity of 300) if the Premises is operating at maximum capacity and a queue begins to form.
21. Customers will be welcomed straight into the ground floor lobby area by SIA supervisors and front-of-house staff. Thereafter, customers will be shown downstairs to a table. Customers

will be served by waiters/waitresses. The bar will operate as a dispense bar only. "Vertical drinking" will not be permitted.

22. Sophisticats has operated for many years with an authorised terminal hour as late as 7.30am. We have never had any issues or complaints in respect of the dispersal of customers. The management team have built up invaluable experience and systems to ensure that customers leaving Sophisticats cause local residents and businesses no nuisance whatsoever. Although Sophisticats is not within the immediate vicinity of local residents, there are various premises providing overnight accommodation in the area. This means we have extensive experience operating throughout the night where people are sleeping close by.
23. Experience tells us that approximately 60-70% of customers leave Sophisticats after 3.00am. They do so gradually; in small groups (very often 1 or 2 at a time); quickly; quietly; and under the close supervision of our SIA supervisors. A terminal hour of 3.00am would mean all those 60-70% of customers would need to be ejected at 3.00am. This presents a higher risk of nuisance and disorder.
24. The proposed terminal hour of 6.00am (5.00am Sundays) would allow us to disperse customers in the same manner as at Sophisticats. Customers would disperse in accordance with the dispersal policy appended to the Applications. This policy will be developed further following advice from our acoustic consultant. In addition, we are happy to work with the Licensing Authority, local residents, the Police and the Environmental Health Consultation Team to ensure the dispersal of customers causes no nuisance or disorder whatsoever.
25. Mr Vivian has confirmed that Brewer Street remains busy with vehicular and pedestrian traffic at all times of day and night. Notwithstanding, we will ensure taxi drivers operate sympathetically to local residents. This will include a drop off and pick up point away from the nearest residential properties. Customers will be guided and monitored by SIA supervisors when leaving the Premises and entering their taxi. Taxi drivers will not be permitted to leave engines running unnecessarily, beep horns or slam car doors. We have excellent working relationships with taxi drivers at Sophisticats. We recognise the important role they play in the quick and quiet arrival and dispersal of customers.
26. We will also enforce very strict dispersal rules for the performers. Every performer must leave the Premises when they finish their shift by a pre-booked taxi. SIA supervisors supervise the

area as performers enter their taxi. The taxi drivers are under instructions to only take the performers to their home address. We are notified by the taxi company if the performer requests that she is taken to an alternative address. We keep records of the performers' pre-booked taxis and their journeys. Any discrepancies may result in the performer's exclusion from the Premises. In addition, all performers are required to leave via a rear exit as opposed to the main exit used by customers.

### **Staffing**

27. The Premises will employ approximately 30 to 40 members of staff at any one time (several of which are Personal Licence holders). At all times there will be a very high staff to customer ratio. Members of the team will include:

- (a) 1 general manager
- (b) 4 duty managers;
- (c) 2 dancer coordinators;
- (d) 6 waiters;
- (e) 3-4 bus boys;
- (f) 3 bar staff;
- (g) 6-8 SIA registered supervisors;
- (h) 6 floor staff, who on rotation monitor CCTV, control dancers stage rotation, operate reception and host customers;
- (i) office and administration staff;
- (j) cleaners;
- (k) toilet attendants.

28. In addition, approximately 30 – 50 self-employed performers will work at the Premises. The number of performers working at any time will vary.

### **Performers**

29. We select our performers very carefully. We check each performer's credentials, including (where necessary) their passport, visa, work permit and proof of address. Copies of these documents are held on file. All of the performers are required to sign an agreement with us setting out our strict rules, procedures and code of conduct. Any breach of any of these rules will be treated very seriously and may result in a performer being required to leave the Premises.

30. We have created an extremely professional ethos in our business over the years. This helps to attract and maintain some of the best performers in the profession. We have regular meetings with the performers to ensure our rules are complied with, all parties are happy with the operation of the premises and all policies are followed.
31. Unfortunately, untrue allegations have been made in the representations about unlawful activity either taking place at Sophisticats or by Sophisticats' performers (for example, objection 5 of the SEVL variation application makes allegations relating to prostitution). These allegations are completely false and unfounded. We take pride in operating a lawful business with extremely robust and rigorous procedures to ensure relevant entertainment is provided completely in accordance with the relevant legislation and our SEVL. I would like to emphasise our commitment to continuing this practice at the Premises.

#### **Rules and Code of Conduct**

32. We enforce very strict rules in respect of the provision of relevant entertainment. Rule cards are displayed on tables to ensure every customer understands our rules. The rule cards include some of our most important rules, such as:
- a. No touching or any physical contact during the performer's performance.
  - b. Tips only to be placed in performer's hands before or after a dance.
  - c. Customers to remain seated during dances.
  - d. Complete restrictions on customers attempting to exchange telephone numbers or addresses with performers.
  - e. A minimum of £20 nude dance per record track.
  - f. No propositioning, shouting and profane language.
  - g. A warning that a failure to adhere to the rules will result in customers being asked to leave the Premises.
  - h. Compliance with our SEVL at all times and without fail.
33. These rules are reflected in our performer's code of conduct (appended to the Applications), which performers must agree and adhere to.

## **CCTV**

34. We are installing a state of the art CCTV system at the Premises. Approximately 78 cameras will be installed to ensure high quality and wide ranging coverage of all areas (excluding toilets and changing rooms). CCTV will be constantly monitored by a dedicated member of staff who is connected to the internal radio system. In addition, the CCTV system allows us to stream live CCTV footage onto mobile phones and tablets.
35. The team will be able to respond and deal with any incidents within seconds of it being identified on CCTV. This is managed using a radio code system. All members of staff connected to the radio system are trained in the use of the code system. This facilitates quick and concise communication between staff and SIA supervisors. This means potential incidents are dealt with promptly and before it escalates.

## **Supervision**

36. Approximately 6-8 SIA registered supervisors will be employed at the Premises. They will supervise the front entrance and inside the Premises. In addition, we intend to voluntarily conduct regular patrols of Tisbury Court at the rear of the Premises. We understand this area is a crime hotspot. We hope that our SIA supervision of the area will help to reduce levels of crime and anti-social behaviour in this area.
37. SIA supervisors are employed directly by our company. We only employ the most professional and competent SIA supervisors. The front door supervisors ensure our entrance policies are adhered to. The SIA supervisors within the Premises regularly patrol the internal areas. In addition, our managers also provide a supervisory role and, in particular, monitor areas where performances take place.
38. The performers are extremely professional and capable of enforcing the club rules, in particular those relating to physical contact between customers and performers. We have high numbers of SIA supervisors to take appropriate action in the unlikely event a customer breaches our code of conduct or rules. This will invariably result in the orderly ejection of the customer.
39. Our toilet attendants monitor the toilet area, which are also regularly checked by our SIA supervisors and managers.

## **Conclusion**

40. We are proud of our longstanding and proven track record in Westminster. We look forward to introducing our business to the heart of Soho. The area has a famous history relating to the provision of late night adult entertainment. We are committed to contributing to this rich heritage of Soho in a safe and professional manner. We will do so with the highest possible standards of management and comprehensive policies and procedures. We are confident our systems and style of operation will make a positive impact in this specific area of Soho for the Council, Police and local residents.



**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

Signed.....

**JOHN CHARLES MCKEOWN**

Dated.....



Noise impact assessment  
3-7 Brewer Street, W1F 0RD

Prepared by: Richard Vivian, Principal Consultant at Big Sky Acoustics Ltd  
On behalf of: Devine Restaurants Ltd  
Document Ref: 16110681  
Date: 11<sup>th</sup> November 2016

**Big Sky Acoustics document control sheet**

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Technical report number:	16110681
Survey date:	Thursday 10 <sup>th</sup> - Friday 11 <sup>th</sup> November 2016
Submitted to:	Mr Jack Spiegler Thomas & Thomas Partners LLP 38a Monmouth Street London WC2H 9EP acting on behalf of Devine Restaurants Ltd
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**Document status and approval schedule**

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0	Approved for issue	22/11/16	RV

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## **Executive summary**

An assessment of the impact of noise from the proposed operation of an SEV on Brewer Street has been carried out. The purpose of an attended noise survey was to establish the existing background noise level in the area around the premises during the proposed hours of operation. Calculations have been made to demonstrate if the proposed activity would impact on average noise levels in the area and if patron activity is likely to impact on local residential amenity.

This assessment included overnight noise monitoring and observations on a Thursday night into the following Friday morning. A survey over the weekend was specifically avoided in this area: more noise is generated by increased pedestrian and vehicle activity associated with the late night economy at the weekend whereas a weekday survey yields lower ambient noise levels, i.e. a worst-case scenario. The survey continued until after the proposed closing time of the premises.

The recorded noise measurement data and my accompanying observations indicate that the average noise levels around the site do not drop significantly as the night progresses. There is continuous activity in the area including an all night shop close to the premises and restaurants open on Old Compton Street nearby throughout the survey period. Vehicle and pedestrian movements increase in the area after 05:00hrs with deliveries to shops, and cleaning staff are working in commercial premises. Noise levels begin to rise and by 06:00hrs recorded noise levels were greater than they were at 03:00hrs.

The proposed operation of the premises is unlikely to adversely impact on residents if music noise is contained by the building and controlled by a limiter, and if operational policies are enforced ensuring any noise generating activity is appropriately controlled at night and that patron dispersal is effectively managed.

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## **1.0 Qualifications and experience**

- 1.1 My name is Richard Vivian. I am a Director and the Principal Acoustic Consultant at Big Sky Acoustics Ltd. Big Sky Acoustics Ltd is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics, the Audio Engineering Society and the Institute of Licensing.
- 1.3 I have over twenty-five years of experience in the acoustics industry and have been involved in precision acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK.

## **2.0 Introduction**

- 2.1 Big Sky Acoustics Ltd was instructed by Mr Jack Spiegler of Thomas & Thomas LLP, acting on behalf of Devine Restaurants Ltd, to carry out an assessment of the noise arising from the proposed use of 3-7 Brewer Street, W1F 0RD.
- 2.2 A nightclub has previously operated at this location for many years. My own records of a licensed premises at this site date back to May 2014 when I calibrated a limiter on the sound system of the then named 'Shadow Lounge'.
- 2.3 This report was prepared following a site visit and overnight attended noise monitoring on a Thursday night and continuing into the Friday morning. A weekday survey was specifically chosen as indicative of quieter noise levels: there is increased pedestrian and vehicle activity associated with the late night economy in this area at the weekend.
- 2.4 Noise was monitored at both the front entrance to the premises on Brewer Street and the rear service entrance on Tisbury Court. Observations of various noise generating activities in the area were made. The survey continued until after the proposed closing time of the premises.
- 2.5 A large amount of noise data was gathered during the survey which is simplified and summarised in Appendix C of this report.
- 2.6 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.7 All sound pressure levels in this report are given in dB re: 20 $\mu$ Pa.

## **3.0 Description of the proposed operation**

- 3.1 Sophisticats is a Gentleman's Club brand and has an established premises on Marylebone Lane. It is important to establish, at the beginning of this report, the nature of the type of operation as this has a direct impact on the type of noise that the venue generates. Sophisticats is not a bawdy strip joint as is classically found in back rooms of pubs. The nature of those less sophisticated operations is that dancers take to the stage in front of large audiences. The control of noise in such venues can be problematic as loud PA systems are often used for music playback during the performance and crowd noise, such as cheering and wolf-whistling, needs to be adequately contained by the building. Entertainment is often staged at

such venues with defined start and finish times, and when the entertainment finishes patrons tend to leave the premises *en masse*. In contrast Sophisticats offers a more sophisticated, relaxed and discreet club where women will dance, often on a one-to-one basis, for the patrons. The patrons are typically men who wish to indulge themselves in the company of an attractive woman so conversation, as well as dancing, is very much part of this process. Therefore loud music playback is not required and loud crowd noise does not occur. The experience the patron is expecting to have is one of a glamorous sophistication and so the service, food, drinks and surrounding décor are all important factors in the entertainment the club provides.

- 3.2 My observation is that patrons of Gentleman's Clubs are normally well-resourced and well-behaved. Clearly they have disposable income to spend on something that could only be considered a luxury and their objective for an evening out is not primarily focused on high levels of alcohol consumption or a desire for loud music.
- 3.3 The nature of these types of operation is that they are very rarely operating at capacity and that patrons gradually disperse as the night progresses. Patrons typically leave in small groups, or as individuals, and therefore there is no significant noise associated with dispersal. The business model for such an operation is that there is no requirement to operate at full capacity. In previous surveys I have carried out patron numbers are frequently no greater than 20% of the total premises capacity.

#### **4.0 Site and surrounding area**

- 4.1 The location of the site is shown in Appendix B.
- 4.2 The noise climate in the area is characterised by road noise including private cars, buses and taxis, rickshaws, plant noise and pedestrian activity.
- 4.3 Commercial aircraft were noticeable from around 05:00hrs. Refuse collections, street cleaning and deliveries to commercial premises were observed towards the end of the survey period.
- 4.4 Major short duration noise peaks occur at this location due to emergency service sirens, police helicopters, and recycling collections (with the worst being glass collections). These occur throughout the night.
- 4.5 It is important when assessing the impact of noise from an individual premises in an area that the concept of additional noise associated with the new activity of that premises is taken into account. The incremental change to noise levels caused by the normal commercial operation of a licensed premises in an area where there is already established noise and activity could be small or undetectable if it is masked by the existing noise in the area. Where this new operation has a lower patron capacity than the previous licensed operation it replaces, and where the style of operation is one of lower noise levels, average noise levels in the immediate area can decrease due to the introduction of this new, quieter activity.
- 4.6 It is also a consideration that a bona-fide commercial premises in the area can reduce street drinkers, rough sleeping, litter and crime as the commercial operation seeks to eliminate this type of activity from the immediate surroundings for the benefit and safety of their own patrons and employees. This is achieved through good lighting, CCTV coverage, litter removal and constant presence of professional security personnel who will be able to observe and record all activity in the immediate area.



Figure 1: View north-east along Brewer Street. Application site on right between the post box and 'Prowler'



Figure 2: From same position the view down Tisbury Court from Brewer Street.





Figure 3: Mechanical plant louvres in Tisbury Court. The plant was operating thought the night.



Figure 4: Plant noise at 1m.

## **5.0 Criteria**

- 5.1 The operation of a nightclub at this location is established.
- 5.2 Most recently the club operated with a capacity of 280 patrons until 03:00hrs. I am aware that some complaints were made regarding amplified music noise after the refurbishment of the premises in 2014 and then the installation of a new sound system in 2015. These were addressed by the correct setting of a limiter on the sound system.
- 5.3 The current refurbishment of the premises has included a number of additional sound-insulation measures which I have inspected.

### **Licensing Act 2003**

- 5.4 Westminster City Council has a duty under the Licensing Act 2003 to determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy. The council publishes a statement of licensing policy at least every 5 years. After asking residents, businesses and visitors for their opinions, the latest revision of the Statement of Licensing Policy came into effect on 7 January 2016.
- 5.5 The council's aim is to promote the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevent of public nuisance
  - The protection of children from harm
- 5.6 The policy seeks to balance the interests of both business and residents so as to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.
- 5.7 Appendix 11 of the Statement of Licensing Policy provides specific guidance on noise.

### **Other relevant legislation**

- 5.8 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.
- 5.9 The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of the local environment and provides local authorities with more effective powers and tools to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise.

### **British Standard 8233**

- 5.10 BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values in Table 4 of the standard as shown below.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30dB $L_{Aeq,8hour}$

Figure 5: Indoor ambient noise levels for dwellings (from BS8233 Table 4)

### **World Health Organisation**

- 5.11 Guidance on maximum noise levels is given by the World Health Organisation (WHO) in a report entitled 'Guidelines for Community Noise'<sup>1</sup>. This report states that to avoid negative effects on sleep, the equivalent continuous internal sound pressure level during the sleeping period should not exceed 30 dB  $L_{Aeq}$ . If the noise is not continuous, sleep disturbance has an improved correlation with maximum noise levels and effects have been observed at 45 dB  $L_{Amax}$  internally. It goes on to recommend that, at night, noise levels outside dwellings should not exceed 45 dB  $L_{Aeq}$  and maximum noise levels should not exceed 60 dB  $L_{Amax}$  so that people may sleep with bedroom windows partially open.
- 5.12 The WHO guidelines also state that to protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB  $L_{Aeq}$  for a steady continuous noise.
- 5.13 However, in a review of health effect based noise assessment methods undertaken for the DETR and undertaken jointly by the NPL and Southampton University<sup>2</sup>, it is noted that: *"Perhaps the main weakness of both WHO-inspired documents is that they fail to consider the practicality of actually being able to achieve any of the stated guideline values"*. According to the report transgression of the WHO guideline values does not necessarily imply significant noise impact and indeed, it may be that significant impacts do not occur until much higher degrees of noise exposure are reached. The report states: *"While in an ideal world it may be desirable for none of these effects to occur, in practice a certain amount of noise is inevitable in any modern industrialised society. Perhaps the main weakness of both WHO-inspired documents is that they fail to consider the practicality of actually being able to achieve any of the stated guideline values. It is important to make clear that ...exceedences do not necessarily imply an over-riding need for noise control, merely that the relative advantages and disadvantages of noise control action should be weighed in the balance. It is all a question of balance and mere exceedence of the WHO guidelines just starts to tip the scales."*
- 5.14 A noise incidence study was undertaken by the Building Research Establishment in 2000 and was published in 2002<sup>3</sup>. This study indicated that approximately 55% of the population in England and Wales are exposed to noise levels above 55 dB  $L_{Aeq}$  during the daytime. This study is considered to further support the findings of the DETR study and reinforce the apparent weakness of the WHO recommendations.

<sup>1</sup> World Health Organisation. Guidelines for Community Noise, 2000

<sup>2</sup> Porter N D, Flindell I H and Berry B F. NPL Report CMAM 16, Health Effect Based Noise Assessment Methods: A Review and Feasibility Study, DETR, 1998

<sup>3</sup> DEFRA. The National Noise Incidence Study 2000/2001, 2002

- 5.15 It is relevant to note that the WHO report has not been adopted into UK legislation or formal guidance; hence it remains a source of information reflecting a high level of health care with respect to noise, rather than a standard to be rigidly applied. The guideline values in the WHO report give the lowest threshold noise levels below which the occurrence rates of particular effects can be assumed to be negligible.

### **Operational objectives**

- 5.16 Mr John McKeown of Devine Restaurants Ltd is an experienced operator of licensed premises and he is keen to promote good relationships with all commercial and residential neighbours. Therefore, in addition to all statutory obligations, it is a primary operational objective that noise from the normal operation of the premises does not have a detrimental impact on any neighbouring properties. To that end a comprehensive noise management policy and a dispersal policy will be implemented at the premises and these can be found at Appendices F & G.

## **6.0 The need for noise conditions**

- 6.1 The guidance issued under Section 182 of the Licensing Act 2003 is clear in its general principles (Para 1.16) that "*[licence conditions] should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation*". Therefore if the objective of the prevention of public nuisance is satisfactorily upheld because there already exist tests of nuisance through The Environmental Protection Act 1990; The Noise Act 1996; and The Clean Neighbourhoods and Environment Act 2005, then additional conditions on a premises licence that merely duplicates these statutory requirements would not be necessary according to Home Office guidance.

## **7.0 Noise measurement procedure**

- 7.1 To establish the noise levels on the site regular measurements were taken throughout the survey period on Brewer Street and Tisbury Court.
- 7.2 Noise measurements were made in continuous samples of 1-second intervals. Measurements included the  $L_{Aeq}$ ,  $L_{A90}$  and  $L_{Amax}$  indices. Simultaneous octave and third octave frequency spectra were also obtained during the survey. Measurements were taken at 1.5 m above grade level. Measurement duration was 5-minutes per sample.
- 7.3 Throughout the course of the survey an outdoor microphone wind-shield was used.
- 7.4 For the purposes of this assessment all attended measurements were paused for emergency service sirens, aircraft passes and other significant short-duration noises.
- 7.5 The instrumentation used to carry out the noise measurements is detailed in Appendix D. The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.
- 7.6 The weather conditions during the survey are reported in Appendix E.

## 8.0 Noise measurement analysis

- 8.1 The site is currently closed and there was no activity in the building during the assessment period. All noise measured is attributable to existing sources in the area that are not connected with the proposed use.
- 8.2 There is no significant drop in noise level throughout the survey period as traffic, plant noise and other activity in the area continue all through the night. The highest noise levels on the street are recorded around 01:00-03:00hrs but average noise level does not fall below 61dB at this location and therefore remains, at all times, in excess of WHO guidelines. This is primarily due to road traffic activity, though plant noise and pedestrian activity also contribute. Away from the road in Tisbury Court levels fall to 57dB. This again exceeds WHO guidelines for community noise though this is typical for any city centre location.
- 8.3 In quiet residential areas away from road traffic and other activity a notable drop in levels is to be expected as noise generating activity reduces in the early hours of the morning. But as is shown in the table below there is only a marginal drop in levels around 04:00hrs and this picks up again after 05:00hrs. The average person may wish to protect themselves from the sounds of traffic, emergency service sirens, delivery lorries, refuse collections, helicopters and sounds of other central London activity and so may choose to sleep away from windows on a façade to a busy street, or with their windows closed.

Date	Time	Location	LAeq (dB)	Comments
11/11/2016	1:10	Tisbury Court	61.2	6 men outside spa
11/11/2016	1:16	Brewer Street premises entrance	69.8	Road traffic and pedestrians
11/11/2016	2:05	Tisbury Court	60.0	Pedestrians, street urination
11/11/2016	2:10	Brewer Street	67.5	Busy on street
11/11/2016	3:05	Brewer Street	67.3	Adjacent premises now closed
11/11/2016	3:10	Tisbury Court	60.5	Still pedestrian activity
11/11/2016	3:48	Brewer Street*	61.3	Forced to move measurement location
11/11/2016	3:54	Tisbury Court	56.8	Still pedestrian activity (5 in 5 mins)
11/11/2016	5:39	Tisbury Court	58.0	Balans@60-62 OCS now shut but 34 open 24hrs
11/11/2016	5:45	Plant louvre @1m Tisbury Court	63.4	Continuous through night
11/11/2016	5:47	Brewer Street*	61.4	Commercial aircraft noticeable. Office cleaners working
11/11/2016	6:04	Tisbury Court	57.7	Traffic really increasing. Tesco delivery on Rupert Street
11/11/2016	6:09	Brewer Street*	61.1	Increased road and pedestrian activity
11/11/2016	6:15	Brewer Street	63.0	Street cleansing coming down Brewer Street
				*Moved from door of application site to doorway of "Village" bar

Figure 6: Noise measurement data and observations

- 8.4 A purely subjective observation, though based on my experience of many years of carrying out this type of work in central London, is that there has been a decline in the area. By this I mean not just an increase in litter and street urination, but an increase in touts (offering both drugs and sex) and in conspicuous drug use. I noted drug consumption in a doorway nearby, drug paraphernalia litter and I also observed people who appeared to be significantly under the influence of drugs.
- 8.5 One particularly unpleasant feature of this survey occurred between 03:10 and 03:48hrs while I was away from the site. On my return I discovered human excrement in the doorway to the application site. I therefore moved the Brewer Street measurement position from directly outside the application site to the doorway of Village bar which is the adjacent premises (see Figure 7).



Figure 7: Village bar to left of application site. Note: refuse waiting for collection.

## 9.0 Predicted noise of patrons leaving the site

- 9.1 The proposal is to reduce the capacity from 280 patrons to 140. Unlike discounted drinks operations this is not a volume business and smaller numbers of patrons can still generate commercially viable revenue for the premises particularly, in a major capital city.
- 9.2 Having established that there are high existing noise levels at the application site it is helpful to compare this existing noise with the predicted *new* noise of a group of patrons leaving the premises at the end of an evening.
- 9.3 Unlike a music venue, theatre, or sports arena where events have a definite finish time, the nature of an SEV is that patrons tend to leave in small numbers or as individuals over a period of time and not *en masse* when the premises close. Historic data from door counts at similar premises indicates a gradual drift of patrons away from the venue and the occupation figure is very low at the end of the evening.
- 9.4 In order to assist in the understanding of actual noise levels produced by people outdoors it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases.
- 9.5 Referring to data held in our own library; normal conversation is typically in the range of 55-60dBA when measured at 1 metre.
- 9.6 In assessing for a very worst-case condition I have considered a group of 8 people are talking outside the premises.

- 9.7 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenarios of half of the people talking concurrently at 60dBA then in order to calculate the total noise level we logarithmically sum four sources of 60dB as follows:

$$\Sigma = 10 \log \left( n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where  $n$  is the number of people talking

- 9.8 The formula above gives a value for total sound pressure level for a group of four people to be 66dBA.
- 9.9 It is important to remember that this is a worst-case value, when 50% of the people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, or conversations where there are more than one listener to each talker mean that less than 50% of an average group will be talking simultaneously. I have also observed that groups in close proximity to each other talk with more hushed voices than groups of people spread out when, for example, seated across a table in a pub beer garden.
- 9.10 66dBA is the predicted noise from a group of four people talking when measured at 1 metre. Sound is attenuated in air and this effect is noticeable as the listener moves away from the source the sound gets quieter. In calculating distance attenuation the noise of people talking is assumed to be a number of discreet point sources and therefore is attenuated by 6dB with each doubling of distance. So if the noise source is 66dBA at 1 metre then at 2 metres it becomes 60dBA, at 4 metres 54dBA. Attenuation due to distance means that a separation distance of just a few metres from the noise source to the receiver position (typically a residential window) will rapidly render the noise significantly below the lowest average ambient noise in the street of 61dBA and therefore is masked by other noises.
- 9.11 Another consideration for patrons leaving premises late at night is the use of cars or taxis. There is already established vehicle movement in the area contributing to noise. Only a significant increase to traffic flow (i.e. doubling the rate of vehicle passes per hour) would give rise to a significant increase in noise level above that already established.
- 9.12 When assessing noise from cars or taxis collecting people maximum noise levels may arise from a car door being closed. Data from similar sites (measured by ourselves and held at our office) indicates that values from 65 dB  $L_{Amax}$  (Mercedes C-Class, normal close) to 70 dB  $L_{Amax}$  (slam) as measured at 5m are typical.
- 9.13 The predicted internal noise level from a car door being closed when extrapolated to a first floor window would be approximately 59 dB  $L_{Amax}$ . This value is below the highly stringent WHO guidance value<sup>4</sup> of 60 dB  $L_{Amax}$  and would result in internal levels, even with a window open, of 44-49 dB  $L_{Amax}$ . Internal levels are below the more real-world Griefahn<sup>5</sup> internal level criterion of 55 dB  $L_{Amax}$ .

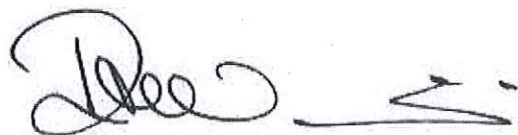
<sup>4</sup> World Health Organisation. Guidelines for Community Noise, 2000.

<sup>5</sup> Griefahn, B "Präventivmedizinische Vorschläge für den nächtlichen Schallschutz" Zeitschrift für Lärmbekämpfung 37 (1990) 7-14.

- 9.14 To summarise, the noise arising from car doors are not likely to generate any loss of amenity even if there were a flat directly above the car door being slammed at first floor level with clear line of sight and with a window open. The reality is this noise source is substantially masked by the existing noise levels in the street.
- 9.15 Any new residential developments in the area will be required to take into account the existing noise climate in the area and will therefore have to provide suitable internal noise levels for normal living. This is typically achieved with modern glazing and ventilation systems. Inside a residential property all external noise sources are attenuated by the glazing, by the distance from the noise source to the window, and by any physical obstruction of clear line of sight to the noise source.

## 10.0 Conclusions

- 10.1 Big Sky Acoustics Ltd was instructed by Mr Jack Spiegler of Thomas & Thomas LLP, acting on behalf of Devine Restaurants Ltd, to carry out an assessment of the noise arising from the proposed use of 3-7 Brewer Street, W1F 0RD.
- 10.2 This assessment makes reference to the Licensing Act 2003, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, BS8233, the WHO, and operational objectives of the applicant.
- 10.3 The premises is at busy location with established existing noise levels primarily due to road traffic, pedestrians and plant. There is a marginal drop in average noise levels around 04:00-05:00hrs but beyond this time commercial aircraft, office cleaners and deliveries start. Street cleansing was in operation by 06:00hrs.
- 10.4 Recommendations for best practice operational procedures relating to noise at the premises have been made and are shown in Appendices F & G.
- 10.5 Noise breakout from any sound system and other activities inside the premises is minimised by the sound system controls and physical structure of the building. Amplified music noise will be limited so that it does not have an impact on nearby residents. Internal music levels will be significantly quieter (circa 10dB quieter) than the previous operation as a nightclub.
- 10.6 It is my conclusion that this is an established location for a club with twice the proposed capacity of this proposed use and the previous club had a far more music focussed, and louder, style of operation. This proposal significantly reduces noise when compared to the scale and style of that previous operation.
- 10.7 Given this location, proposed style of operation, proposed controls and willingness to take on board further controls if necessary it is my professional opinion that the operation of the SEV is unlikely to adversely impact on residential amenity at this location as the controlled activities within the premises and dispersal of patrons from the premises onto a street where there is other activity would not increase average noise levels in the area.



Richard Vivian BEng(Hons) MIET MIOA MAES MIOL  
Principal Acoustic Consultant, Big Sky Acoustics Ltd



## Appendix A - Terminology

### Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

### Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

### A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

### C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

### Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L<sub>eq</sub>** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L<sub>eq</sub> is dominated by the higher noise levels measured.
- L<sub>Aeq</sub>** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L<sub>Ceq</sub>** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L<sub>Amax</sub>** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L<sub>A90</sub>** is the A-weighted sound pressure level exceeded for 90% of the time period. The L<sub>A90</sub> is used as a measure of background noise.

### Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

## Appendix B - Site location



## Appendix C - Summary of measurement data

Date	Time	Location	LAeq (dB)	LCeq (dB)	LZeq (dB)	LAFMax (dB)	LAF90 (dB)
11/11/2016	1:10	Tisbury Court	61.2	70.2	71.7	74.9	58.1
11/11/2016	1:16	Brewer Street premises entrance	69.8	77.0	78.6	88.0	63.6
11/11/2016	2:05	Tisbury Court	60.0	70.1	71.9	72.5	56.7
11/11/2016	2:10	Brewer Street	67.5	76.5	78.2	82.8	61.8
11/11/2016	3:05	Brewer Street	67.3	74.0	75.6	88.9	59.6
11/11/2016	3:10	Tisbury Court	60.5	68.9	71.0	71.5	56.8
11/11/2016	3:48	Brewer Street*	61.3	73.8	75.6	78.1	56.5
11/11/2016	3:54	Tisbury Court	56.8	67.6	69.7	70.6	53.5
11/11/2016	5:39	Tisbury Court	58.0	67.4	69.7	72.7	52.9
11/11/2016	5:45	Plant louvre @1m Tisbury Court	63.4	74.8	75.9	66.0	62.7
11/11/2016	5:47	Brewer Street*	61.4	74.0	77.0	78.9	52.2
11/11/2016	6:04	Tisbury Court	57.7	68.9	71.2	69.6	53.6
11/11/2016	6:09	Brewer Street*	61.1	70.7	73.6	72.6	52.6
11/11/2016	6:15	Brewer Street	63.0	73.1	75.1	71.7	58.2
		*Moved from door of application site to doorway of "Village" bar					

## Appendix D - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

Unattended measurements were carried out using a Svan type 971 integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters conforming to the following standards: IEC 61672-1:2002 Class 1. 1:1 & 1:3 Octave Band Filters to IEC 61260.

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards. The following instrumentation was used during the survey:

Description	
Cirrus sound level meter	type CR:171B
Cirrus pre-polarized free-field microphone	type MK:224
Cirrus microphone pre-amplifier	type MV:200E
Cirrus class 1 acoustic calibrator	type CR:515
Svan sound level meter	type 971
ACO pre-polarized free-field microphone	type 7052E
Svan microphone pre-amplifier	type SV18
Brüel & Kjær class 1 acoustic calibrator	type 4231

## Appendix E - Meteorology

10-11 September 2016	Temperature	Wind speed	Precipitation
<b>At start</b>	7°C	0ms <sup>-1</sup>	None
<b>During assessment</b>	5°C	0-1ms <sup>-1</sup>	None
<b>At finish</b>	6°C	0ms <sup>-1</sup>	None
<b>Additional comments:</b> Light rain in early evening cleared by survey start time and roads were dry. Cold. Still.			

## **Appendix F - Noise Management Policy**

We operate a considerate business. We aim to manage all noise from our premises so that we do not disturb people resting and sleeping in their homes. There are other licensed premises in the area and these may create noise but this is no reason why our operation should not be rigorously controlled so that any noise we or our patrons make is kept to an absolute minimum. We therefore have a comprehensive approach to managing noise from our premises and from the area outside our premises.

The following points are critical to our noise management policy and are used in conjunction with our end of evening Dispersal Policy:

- We will ensure that noise emanating from our premises will not cause a nuisance at the nearest residential properties.
- The entrance doors are always supervised and kept closed except for ingress and egress.
- Except for access, maintenance and safety reasons, the service doors will be kept closed. The service doors will not be secured open when the premises are trading. All doors in regular use will be fitted with soft closers and these will be adjusted to ensure that doors do not slam.
- Arrangements are in place to ensure that deliveries, collections and operational servicing are carried out between 07.00-19.00hrs, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Empty bottles will be placed in containers/bags inside the premises to minimise handling noise. No empty bottles will be tipped or thrown into outside storage receptacles.
- Refuse collections are made at the times allocated for the street. We will ensure that waste is correctly packaged and can be removed quickly and efficiently.
- Patrons will always be supervised in the areas around the entrance door. There will be no queues outside the premises for people to gain entry.
- Patrons stepping outside to smoke will be supervised by us and the maximum number of smokers will be controlled. Ashtrays will be provided and the area will be regularly swept of any cigarette debris. Drinks will not be allowed outside the premises.
- Any glass or bottles in the immediate vicinity of the premises will be cleared from street furniture, walls, pavements and gutters then safely disposed of. Bottles and glasses that do not originate from our premises will also be cleared as we make an effort to keep the area tidy and safe.
- We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris that may have nothing to do with us, but in the interests of making this a better area we will still clear it up.

We will constantly review our Noise Management Policy and respond quickly to the needs of our neighbours.

## Appendix G - Dispersal Policy

We will to employ best practice to ensure that the normal commercial operation of the premises does not have a negative impact on residents in the area when our patrons, and our employees, leave the premises.

In order to ensure that patrons behave in an ordered and responsible manner as they leave the premises it is important that they have been well-managed during the time leading up to their departure. Therefore our employees are trained in customer management skills and we will be calm and polite as they leave. There are further measures that we will take that can impact positively on our patrons behaviour after they have left and they are not directly under our control:

- Onward transport information will be provided on-line and in the premises.
- At the exit doors a prominent and clear notice will be displayed asking patrons to be considerate to local residents by leaving the premises and the area quietly.
- Patrons that require a taxi are encouraged to wait inside for a booked service to arrive, or walk directly to Shaftsbury Avenue. Arrangements are made with selected taxi firms for cars to stop at a safe stopping place when collecting patrons. Taxi companies that visit the premises will be notified that the use of car horns outside the premises is only allowed in accordance of Rule 112\* of The Highway Code. Door supervision staff will take note of drivers that do not comply with this rule and management will notify the relevant taxi companies. Repeat offenders will result in that taxi firm being excluded from the recommended list of taxi providers for the premises.
- The entrance doors are supervised at all times and are kept closed except for ingress and egress. All employees are given appropriate instructions and training to encourage patrons to leave the premises and the area quietly.
- Door supervision will continue until at least 30 minutes after closing time or until all patrons have dispersed. Door supervisors will request that any patrons leaving do not wait outside the premises and will direct them towards Shaftsbury Avenue.
- At the end of the shift employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them at a convenient and safe stopping point away from residential properties.
- We will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with local residents including hosting meetings where necessary to allow our neighbours to raise any issues and for those issues to be quickly resolved. The telephone number of the premises and senior management will be provided to all our immediate residential neighbours.

We will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

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\* Rule 112 of The Highway Code states: The horn. Use only while your vehicle is moving and you need to warn other road users of your presence. Never sound your horn aggressively. You MUST NOT use your horn while stationary on the road when driving in a built-up area between the hours of 11.30 pm and 7.00 am except when another road user poses a danger.

## HEALTH & SAFETY POLICY STATEMENT

### 1. GENERAL STATEMENT

The Health and Safety of all our employees, contractors, entertainers, visitors, customers and members of the public who are, or who may be, affected by our operations is of paramount importance to Sophisticats.

Senior Management has reviewed the Health, Safety, and Environmental Legislation as well as additional licensing requirements when considering their responsibilities and setting our Health and Safety Policy objectives.

### 2. COMPANY RESPONSIBILITIES

Sophisticats will ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees (inc freelance dancers and doormen etc.). It will also manage its business in such a way to ensure, so far as is reasonably practicable, that persons not employed by us are not exposed to health and safety risks.

This policy document explains in broad terms, what must be done by everyone within Sophisticats to achieve these objectives. The aim is to provide a sound basis for the co-operation between management, employees and contractors and is intended to encourage continuous improvement of our Health, Safety and Environmental performance.

### 3. OBJECTIVES AND COMMITMENT

3.1 Our objectives toward fulfilling this policy are to:

- Concentrate on the elimination of risks to persons, as a first priority, then on risk reduction, prevention of injury and loss due to damage.
- Identify the health and safety hazards and manage those hazards so that the risks are effectively controlled in accordance with this policy.
- Work to safety standards that satisfy our statutory requirements and reflect good industry working practices.
- Specifically, be aware to sector related hazards, such as drink, illegal drug and violence issues, and be proactive in preventing/controlling them.
- Meet the licensing objectives which are to prevent crime and disorder, public safety, prevent public nuisance and the protection of children from harm.
- Review and develop these standards continuously and when changes in Legislation, industry practice or technology occur, revise them accordingly.

3.2 We are committed to consulting with employees on health, safety & welfare issues by:

- Ensuring that our employees are trained to understand and carry out their job responsibilities. This will involve, but will not be limited to selection, training, re-training, supporting and continuous assessment of employee performance.
- Continually monitoring this policy by auditing and reviewing its effectiveness in the workplace.
- Actively receiving and considering employee feedback and suggestions to enhance performance.

#### 4. Legal Obligations

Sophisticats recognizes the legal obligations placed on it by the Health & Safety at Work etc. Act 1974 and other Statutory Legislation, as may be applicable to our undertaking.

Sophisticats recognizes the further obligations placed upon the company from the licensing authorities, and will abide by the objectives listed at 3 above.

Our Health and Safety documentation and records are kept in the Office and will be made freely accessible to contractors, visitors, members of the public, and any other person(s) who may be affected by our operations.

A copy of the Employee Health and Safety Information Manual is located in the Office thereby being easily accessible to all employees for reference.

Employees will be made aware of this facility and are obliged to familiarize themselves with the contents of this Manual as it contains essential information for their health, safety and welfare. Should any employee have any questions on any health and safety related matter they must raise it with their immediate supervisor.

# Additional Policies

**Door Policy Alcohol Policy**

**Drugs Policy / Needle Stick Injuries / Suspected**

**Overdose Violence Policy - INCIDENT REPORT FORM**

**Contractors Policy**



## SECURITY POLICY

Sophisticats is run so as to promote the licensing objectives and provide our customers with a safe environment where they may enjoy themselves in an adult manner.

All security staff and management must be SIA trained and hold a current SIA badge.

The right to admission is always reserved and we apply the following criteria:

- We will not admit customers who are or appear to be intoxicated or under the influence of drugs. The decision as to whether a customer is intoxicated so as to be at risk will be made by the duty manager on the door in consultation with the door staff.
- We operate a strict Challenge 21/25 age verification policy. Documents acceptable as proof of age are passport, official identity card (some foreign nationals) or photographic driving license only.
- Size of party; large groups must be assessed as per the policy guidelines laid out later in this section.
- Customers previously asked to leave the premises for violent conduct are never to be readmitted to the premises. We have introduced facial recognition software to facilitate this.

## NUMBERS

Clickers (number counters) are to be used at the door to tally the customer numbers going in and leaving the premises, the numbers of permitted persons stipulated by the SEV licence condition 28 and premises licence condition 28 (300 excluding staff) displayed at the front door and in the foyer must never be exceeded.

## FURTHER GUIDANCE

The following guidance has been formulated from policy amended and developed over time and should be studied carefully by all relevant staff.

- **Large groups:** As with all admissions the manager at the door is to make the decision whether or not to admit larger groups of people (over 8 people will be defined as a large group). Doorman at the door are encouraged to provide their assessment of the group particularly if they believe there may be issues the manager is not aware of such as any history of previous problems with members of the group etc. Club rules should be fully explained as far as possible to all members of the group prior to admission. This provides a chance to assess the group. A more informed judgement can therefore be made of their suitability for admission. If at this point they appear to have difficulty understanding the rules or indicate an unwillingness to comply admission maybe refused at the discretion of the manager. The group should be split if possible into smaller parties as they enter the reception area which will facilitate control. The host and door staff should explain politely that due to the fire risk posed by coats and bags left on the floor of the club creating a tripping hazard. They will be required to leave such items in the cloakroom provided. If a VIP booth is requested payment must always be made in advance at the reception desk. Be

vigilant for groups that split before arrival but that are actually together. This may cause problems after admission and is a common strategy. Avoid seating groups on separate tables once in the club (they are likely to try and move between the tables and can create risks and contact problems for our dancers)

- **Doorman Positions:** Security staff must not leave their position without first informing the appropriate duty manager and alerting the rest of the security team to their absence. Breaks are to be taken during the prescribed hours and must be authorised by a manager. Do not wander off to make coffee, get a water or chat to a girl. If a member of the security team need a drink a bus boy or waiter can bring the staff water provided. Do not take hot drinks on to the floor while you are on duty ever. This creates an obvious health and safety risk (scalding) and looks very unprofessional. It is vital that all security staff are aware of each other's position and status at all times. Security are interdependent and must work as a team.

A meeting will be held at the end of each shift. The security team will review any incident which may have occurred that night, or raise any issues that the team may have. This meeting maybe be short or extended depending on the issues of the night. A manager must be present to conduct these meetings plus all the team on duty that night, the exception being one team member that will remain at reception to provide security for the receptionist. Generally, we will try and rotate this task with a different member of the team taking the duty each night.

#### **Security Communication: Emergency Codes**

Introduction of codes for each type of incident. This will avoid the need for lengthy explanations over the radio system and is an industry standard practice. It will address the problem of back ground noise/music making messages over the radio hard to hear and understand.

All members of the security team have been given a table plan and asked to memorise the table numbers. This is to give a more precise location as to where the incident is taking place. Security may then call the incident code and table number to be more specific at passing the correct information. This will reduce misunderstanding of messages and improve communication

Emergency Codes:

Use **CODE** and **TABLE NUMBER**, or precise location (such as reception, front door, lobby...)

**CODE 1: Emergency, immediate response. High Priority. All security team must attend ASAP to the location.**

\*Incidents involving violence:

- Fight between customers
- Assault on a member of staff
- Assault on a dancer

These situations require all security to attend the conflict area immediately with the exception of One member of security who must remain at the front door together with the manager who is on

duty at front of house when an incident is called. Safety of patrons and staff is priority. Manager should be informed immediately. A manager should always be present at the front door

If possible the aggressor should be identified and held as per Sophisticats club policy. This may only be done however if there is minimal risk to staff or customers and it is safe to do so otherwise they will be allowed to leave. We will then collate what information we have that can help in identifying the aggressor and pass it on to the police.<sup>1</sup>

**CODE 2: Emergency, immediate response. High Priority. All security team must attend the front door.**

\*When a Group of violent people is trying to make their way in the club by force, using any type of weapon, assaulting or trying to attack members of the security team or management.

- Management at the front door are in control of the security.<sup>2</sup>
- All security must create a barrier between the doors and combative customers to avoid them gaining entry.
- The primary goal for security is to try diffuse the situation, avoiding if possible the use of force, and only using force as compatible with relevant Sophisticats policy.<sup>3</sup> As always safety of patrons and staff is priority. Manager should call police if the situation for any reason is or appears to be becoming uncontrollable.

**CODE 3: Critical situation but not emergency. No violent act has occurred yet, but the possibility of occurrence is high. Back up is needed to avoid the situation to escalate and become High priority. The number of security needed must be specified.**

- When evicting a member/s of a large potentially aggressive group of customers. Customers that do not respond to security commands, or appear likely to become violent with security or other customers.
- Management must be informed immediately. After assessing the situation management must decide on the best course of action.<sup>4</sup>
- Any action taken should comply with Sophisticats Violence policy with attention to the guidance for evicting patrons.

Please note that for non-emergency situations codes will not be used.

<sup>1</sup> Refer to Sophisticats Violence policy heading Police Reports

<sup>2</sup> Training will need to be given to all managers for this particular scenario with emphasis on what not to do

<sup>3</sup> Refer to Sophisticats Violence policy heading, Use of Force

<sup>4</sup> More specific guidance for this situation will be required for management

## **ALCOHOL POLICY**

Sophisticats recognises that there are some very important issues regarding the use of alcohol and we will actively take steps to protect participants from foreseeable harm to themselves and others.

### **Alcohol will be served according to the requirements of Sophisticats premises licence and in accordance with the safety and wellbeing of staff and patrons.**

- Only trained servers will be permitted to serve alcohol.
- Sophisticats will not allow excessive or rapid consumption of alcohol.
- Alcoholic drinks will be served in standard drink measures.
- Only alcohol purchased on the premises will be permitted to be consumed on the premises.
- Sophisticats will never engage in drinks promotions such as happy hours or any similar heavy price discounting of alcohol including two for one etc.

### **Intoxicated patrons:**

- Alcohol will not be served to any person who appears to be intoxicated.
- Servers will follow procedures, provided in their training, for dealing with and refusing alcohol to intoxicated patrons.
- Intoxicated patrons will be asked to leave Sophisticats.
- Sophisticats will encourage safe transport options.

### **Underage drinking:**

- Entrance to Sophisticats is not permitted for minors.
- Alcohol will not be served to minors.
- Staff will request proof of age, where appropriate, in accordance with our age verification procedures.
- Only passport, photographic driving license or identity card in the case of international visitors may be accepted.

### **Sophisticats will take positive measures to encourage intoxicated customers not to drive.**

- Sophisticats has engaged a taxi service as per condition 48 of the premises licence to take customers from the club.
- All club staff especially door and bar staff will encourage intoxicated patrons to take safe transport home.
- The club will arrange and pay for transport home for any patrons who have been drinking and whose safety we feel maybe put at risk if they are allowed to leave the premises unaccompanied. The duty manager on the door on the night will make this determination and has full discretion.

**Sophisticats will provide a selection of low-alcohol and alcohol-free drinks at the bar.**

- Free water will be available at the bar.
- A range of non-alcoholic drinks will be available at prices competitive with those of full-strength alcoholic drinks.
- Sophisticats will make available a range of snacks and meals when alcohol is served.

**Sophisticats will promote sensible attitudes to drinking at all times.**

- Sophisticats will actively demonstrate its attitude relating to the responsible use of alcohol.
- Sophisticats will fully educate all staff about the alcohol policy.

## **DRUGS POLICY**

Sophisticats recognises that society generally has huge issues to address as regards illegal drug use. With this in mind Sophisticats will actively take steps to help protect participants from foreseeable harm to themselves and others.

Sophisticats will provide suitable and sufficient information, training and instruction to its staff in order for them to actively promote its Drugs Policy.

- All staff will as part of their induction, have the drugs policy explained to them. They will be given a copy of the drugs policy.
- All staff will receive regular information and training regarding drug issues. Training will include awareness and dealing with difficult and challenging behavior.
- Staff that could possibly come across drugs will be trained in safe methods of handling and disposing of any drugs or drug paraphernalia.

Sophisticats also recognises the consumption of illegal drugs has become closely associated with night venues and we must be particularly vigilante to prevent these activities taking place on the premises.

Sophisticats will not tolerate the use of, passing or selling of any illegal substances and will inform the police if any of these come to our attention.

### **Preventing illegal drug activities.**

- Management will refuse entry to any persons they reasonably believe to be under the influence of, in possession of or have the intention of taking part in activities relating to illicit drugs
- Sophisticats may request that any customer, staff member or performer allow a search, prior to entry to the premises being permitted.
- Persons found supplying or suspected of supplying drugs are to be banned.
- All staff are instructed how to be vigilant against illegal use of drugs at Sophisticats.
- SIA trained Door Supervisors regularly monitor all public areas of the premises.
- When reasonably practicable there will be toilet attendants in the toilets.
- The open plan design of the club, discourages drug activities. A comprehensive CCTV system is installed and constantly monitored.
- Anyone found supplying drugs on the premises will be permanently excluded from Sophisticats.
- Police will be called when necessary to assist in removing banned persons.
- Names of persons known or suspected of supplying drugs will be passed to police.

Staff will need to obey the following clear guidelines on what to do if they find any illicit drugs.

- Any suspected drug finds must be recorded in the incident book.
- Drugs found on the premises should be removed from the public access area, the manager will supply a secure temporary location. They should then either be destroyed or taken to

the police for destruction. (The police should be informed that the drugs are being brought to the station prior to setting off.)

- Where the quantity of drugs found suggests supply may be taking place, the police should be involved immediately.
- Customers found with a small quantity of drugs are to be expelled from the premises if safe to do so, and it will be at the discretion of the Management whether to inform the police.

Customers suspected of supplying are to be reported to police immediately.

#### **NEEDLESTICK INJURIES**

In the event of a prick, scratch or puncture by a needle, the following procedure should be followed immediately:

- Squeeze the injury to encourage bleeding for a few minutes, and place under hot running water.
- Wash and clean the site with iodine or soapy water
- Dry and apply a plaster or other dressing.
- Medical advice should be sought within 48 hours.
- Club manager should be informed and the incident recorded in the accident and incident book.
- Support and counselling will be made available to the injured person.

#### **SUSPECTED OVERDOSE:**

- The organisation will provide first aid training, and ensure that each shift will have at least one qualified first aider. This information will be displayed.
- The Club will ensure that fully stocked first aid kits are available; these will also contain Resus-Shields for delivering mouth to mouth.

It is potentially dangerous and misleading to assume that the client has taken any drugs; there may well be other reasons for their symptoms. In all incidents where a customer appears unwell, the following procedure if practicable should be followed.

- Where necessary an ambulance should be called.
- If any suspected drug samples are present, they should be retained and passed to the ambulance crew.
- Care should be taken in case of discarded syringes
- Where possible get information from other customers.
- Situation should be closely monitored
- First aid to be applied where necessary.
- Incident recorded in accident and incident records.

## Violence Policy

### **Customer Contacts, Identifying potential problems**

Identifying a customer that may cause an issue is not necessarily straight forward. Some customers may be argumentative but unlikely to resort to violence. Others maybe relatively passive and then suddenly explode in to violence. It is very important we get this right. We do not want to eject customers who are simply making a legitimate complaint a little too forcefully or are a bit boisterous (maybe dancing in the VIP a little too energetically or on seats etc) customers are in the club to have fun, but we do also need to be prepared for the very small minority who may become violent. In making this difficult determination all staff in all areas have a role to play.

**Groups or individual customers who will not be seated** have in the past been involved in violence. If you see this happening bring it to the attention of a member of management or security. It is acceptable for staff to point out to customers that Sophisticats is a fully seated venue. The waiting staff in particular can assist with this. They will be serving the customer and therefore already have a relationship they can use to communicate with the customer. Explain that for the safety of the dancers and as a consideration to other customers we ask you stay seated. Be friendly at all times if you receive a negative reaction then back off and report to a manager or member of security. DO NOT become involved in an argument with a customer. If they are unresponsive to you then it becomes an issue for management and security.

**Customers that appear too have drunk to much** can be a risk to other customers, staff, dancers and themselves. If you are concerned that a customer has drunk too much or is not in control, then you have a responsibility to report this to management whatever your employed position in the club. Management will then evaluate the situation and take the necessary action. Bar staff should refuse to serve patrons that appear intoxicated and also immediately report to management.

**Large groups of customers** can sometimes be a problem. Generally, they will not have been admitted if security on the front door do not feel they are well enough behaved. Unfortunately, sometimes parties will come in smaller groups, pretending not to know each other, then coalesce inside the club. This is not always or even mostly an issue but if you are aware of a large group forming from several tables you should report to management of a member of the security team.

### **Primary areas of concern**

At Sophisticats we have identified 4 primary areas of risk:

- Violence against a dancer
- Violence against staff or management
- Violence against another customer
- Violent reaction to being denied admission to the club

These situations require that the perpetrators are immediately evicted from the premises. The police should be called as per our policy below. All CCTV must be kept. The first concern of management must be the safety and wellbeing of those assaulted. The manager closest to the incident should attend to the victim. Allow security to deal with the aggressor. If there is a second duty manager present, he or she should oversee security. In no circumstances may management become physically involved in the incident. For the avoidance of doubt the term, *avoid physical involvement*, precludes the use of any weapon, using a fire extinguisher, using any other remote



means whatsoever to engage in the incident. Once you are sure that the victim does not require emergency medical treatment you should then check on the ongoing status of the incident and oversee security if necessary.

### **Evicting Patrons**

Only qualified security staff should undertake the removal of a customer from the premises. Security staff should at all time have regard to Sophisticats policy on use of force. During normal operation security should only remove a customer when instructed by management. In the case of one of the listed primary risks or other unforeseen emergency situations that include, or will result in, violence then security may act to remove a customer independent of management. In the case of a fight between customers remove the customers one at a time. If one customer is evidently more aggressive it is sensible to remove that customer first. In all cases remove one customer and if they will agree keep the other one inside until both have calmed down or the police have arrived. It is true that security have no legal right to detain anyone unless a crime has been committed but there is also a duty to ensure that known offenders leave the premises quietly and without violence

### **Use of Force by the Security Team**

It is illegal to use physical force against a customer other than in the following circumstance

- self-defence
- In an effort to take someone into custody for a crime
- To remove someone from a licensed premises

In all cases the force must be reasonable and proportionate. Our policy is one of de-escalation. It is far better and easier to talk to a customer and persuade them to leave than to try and drag them out physically. Be polite at all times. Do not become engaged in an argument. An aggressive customer will often be verbally abusive. It is not acceptable to respond to that abuse. Remember it is not personal. You have a job that must be done professionally. Do not punch or kick a customer. Striking a customer in this way is gross misconduct. Use the open hands technique to constantly de-escalate and pacify the customer. Most of the time it is possible to persuade a customer to leave without using force. Security staff should wherever possible work with another team member. This reduces the risk and makes handling people easier and safer. It is Sophisticats policy that all SIA codes of practice should be applied. All Security team members and managers should be familiar with the SIA document.

### **Police reports**

All incidents must be logged. In the case of a significant violent incident then the police must be called. If there is a fight outside the club, then the police should be called. Our policy is for the aggressor in violent incidents to be identified and held. The only exception to this being when there is a significant risk to the club staff or patrons in holding the aggressor. This would be true were a large group threatening further violence if the aggressor is not released. This judgement should be made by the manager overseeing the situation and must always place the safety of staff and public as the primary consideration. All evidence including CCTV must be retained. In the case of the most serious incidents where severe injury has occurred inside the club then the area where the injury was sustained must be left untouched until police have given permission for cleaning etc. *(This is based upon the recent revocation at Boujis where the club were criticised for cleaning up after a fight)*

In the case of a less serious incidents this decision is to be at the complete discretion of the manager in charge on the night. As a manager you may judge that the incident is minor. It maybe for example a push or shove resulting in no injury or a very minor scrape. All those involved may have left or are uncooperative. In this case you may choose not to use police time and resources which are finite. You must fully log the incident. You must ensure any CCTV is retained and any details we have of those involved is kept. This is essential in case we discover that there is more to the incident then was first evident or that someone involved contacts the club at a later date requesting action of some sort be taken.

### **Assault on a Performer**

Performers are particularly vulnerable to assaults of all types both minor and severe. All of these must be treated seriously and appropriate action taken.

### **Possible Sanctions against a Customer**

If a customer is involved in an incident the following sanctions may be applied:

- Warning by Performer
- Warning by Security
- Warning by management
- Eviction from the premises with refund of any vouchers given to the performer for time not yet expired
- Eviction from the premises without refund of any vouchers given to the performer for time not yet expired
- Eviction from the premises and a ban on re-entry imposed
- The police maybe called and a request to arrest the customer made by management

For organisational reasons only incidents with performers will be defined as follows:

### **The first category of incidents will include but not be limited to;**

- Slapping a performer on the buttocks while she is dressed
- Grabbing at a performers breasts while she is dressed
- Placing a hand or hands on a performers gentiles or breasts while she is dressed
- Grabbing or trying to remove a performers clothing
- Lewd or threatening language. It has to be accepted however that some customers will use this kind of language as a game and some, but not all performers, are perfectly comfortable with this. Management must be guided by the professionalism of the performer in this case.

In these incidents often a performer will have dealt with the customer herself with an admonishment. The CCTV operator should in all cases make management aware that she has had to do this. The duty manager should then talk to the performer and in consultation with her decide what further action needs to be taken. The performers analysis of the incident should be given great weight in any decision to take further action against the customer. She will have assessed the customer and be able to decide if she feels she can maintain control of the performance in line with the licence conditions. All CCTV must be retained. If the incident requires action it should be entered in the licensing log book.

### **The second category of incidents will include but not be limited to;**

- Slapping a performer on the buttock while she is performing naked
- Grabbing at a performers breasts while she is performing naked
- Placing a hand or hands on a performers gentiles or breasts while she is performing naked
- Touching a performer anywhere while she is performing naked
- Trying to insert a finger in a performers gentiles but withdrawing when given a warning by the performer.
- Trying to stand and dance with the performer while she is performing naked

These incidents are, or have the potential to be, more serious and can place the club in breach of the licensing conditions particularly conditions 16 and 17 of the SEVL licence. In these cases, the CCTV operator should immediately inform management. The duty manager will then consult with the performer. The decision must be made with primary concern being the safety of the performer and compliance with the licence conditions. The decision must be made by the duty manager. All CCTV must be retained and the incident entered in the licensing log book

**The third category of incidents will include but not be limited to;**

- Slapping a performer in the face
- Assaulting a performer in a way that would meet the standard for actual or grievous bodily harm charges to be bought by the police.

The customer should be evicted by SIA trained security under the supervision of SIA qualified management and then if to be arrested held at the front door while the police are called. The decision as to how far to escalate may be made at their own discretion in line with club policy by the duty manager supervising the incident. For the avoidance of doubt this includes the decision to calling the police or otherwise. All CCTV must be retained and the incident entered in the licensing log book.

#### CONTRACTORS POLICY

This policy has been written to cover a small number of specific 'trades ' that Sophisticate are likely to come across. Additional information and guidance in the use of more common types of contractors such as maintenance and building contractors, may be found in the 'Health & Safety

Management Guide' titled the 'Control of Contractors & Sub-Contractors' in the Management Guidance Manual.

Sophisticats recognises that contractors are owed specific health and safety duties by the controller of the premises, and also that the contractors owe duties to the controller of the premises with respect to health and safety. Personnel (non-employees) entering the premises for the purposes of carrying out any work should be regarded as Contractors.

**FREELANCE DOOR SUPERVISORS (Security Companies are never to be used)**

#### **Competence**

- Freelance (self-employed) door supervisors will go through the same interview process as PAYE door supervisors.
- All supervisor will be current holders of SIA Door Supervisor's Qualification.
- Referees will be requested and references may be sought.

#### **Information for Door Supervisors**

- Freelance (self-employed) door supervisors will go through the same induction process as PAYE door supervisors.
- Special hazards e.g. Violence, Drugs, Noise, etc.
- Job related required information.
- All relevant policies.
- Employee handbook.
- Safe access/egress within the premises.
- Fire precautions and emergency procedures.
- First aid - emergency rescue.
- Welfare amenities.
- Documentation and notification.

#### **Information required from Door Supervisors**

- Individuals will not be requested to supply safety policies, risk assessments or documented safe systems of work.
- Proof of National Door Supervisor's Qualification.
- Referees.

#### **Monitoring Door Supervisors**

- Management will visually monitor door supervisors on an ongoing basis.

#### **Action to be taken when freelance Door Supervisors fail to meet legal obligations.**

- Management will deal with, as they deem necessary when this occurs.

## **FREELANCE DANCERS**

### **Competence**

- Freelance (self-employed) Dancers/Entertainers will be interviewed to assess temperament
- Auditions will be undertaken to assess dancing ability.
- A recognised qualification will not be essential.
- Referees and references may be sought.

### **Information for Dancers**

- All dancers are self-employed and must will go through an induction procedure
- Special hazards e.g. Violence, Drugs etc.
- Job related required information.
- All relevant policies.
- Employee handbook.
- Safe access/egress within the premises.
- Fire precautions and emergency procedures.
- First aid - emergency rescue.
- Welfare amenities.
- Documentation and notification.
- Insurance and special terms of the contract.
- Code of conduct

### **Information required from Dancers**

- Photographic Identification. Passport, photo driving licence, ID Card.
- Working visa information as necessary

### **Performer Induction**

All performers must be inducted and the following made clear:

- When performing a nude dance there must be no physical between the performer and the customer .
- Performers may not touch the customer's chair.
- Performers may not lean on the wall behind the customer to prevent giving the impression the performer is touching, and to reduce the risk of actually touching.
- Performers may not perform in the area between customer's legs emphasise that the performer should be careful her hair does not touch the customer.
- Performers need to be made aware that they must be dressed at the end of the performance before they thank the customer with a hand shake or kiss on the cheek.
- Performers need to be made aware that they must stop the performance if a customer tries to touch them and must clearly indicate this is not allowed. If the customer persists, they should stop dancing and inform management immediately.
- There must be no physical contact between dancers during the performance.
- Performers must dress immediately after the performance. It is not necessary they leave the floor to dress but should as much distance as you they between themselves and the customer while you dressing. They should also try not to talk to the customer while dressing. It should be stressed they need to dress as swiftly as practical for their own safety and ensure they do not touch the customer whilst dressing.
- Performers need to be made aware that the customer must remain seated during their performance. Nothing must be done that may encourage the customer to stand up or to dance whilst they are performing. They should be aware that If a customer does stand during a performance the performer should ask them to sit down and she should stop dancing until they comply. The performer must also report non-compliant or difficult customers to management.
- It is not permitted to exchange addresses or Telephone numbers. For their own safety Sophisticats dancers are not permitted to arrange meetings with customers away from the club premises.
- No performance or entry by performers to the bar area.
- Performers must leave the club by a safe method, either in the club taxi for which they pay, or with someone known to the club management.
- Performers need to be made aware the use or possession of any other but prescribed drugs will result in dismissal.
- Performers need to be made aware they may perform a fully nude dance for a minimum of £20. This can be paid by cash or by vouchers which the customer may purchase with his credit card.
- Performers need to be made aware vouchers (£20) have 20% handling charge made to the customer. The club will make a 20% administration charge also. Performers will therefore receive £16 cash (or bank account) for each voucher they redeem within two working days of handing you voucher in at reception. In the event of a customer clawback or complaint

the club will indemnify the performer and they will receive full payment whether or not the credit card provider reclaims it.

- Performers need to be made aware they are responsible for the tax and NI Payable on their contract. Receipts will be provided for all financial transactions.
- Performers need to be made aware that expired vouchers cannot be exchanged.

## Sophisticats Induction: Club Rules For Dancers

**All performers please study these requirements and commit them to memory. They form part of your contract with Sophisticats. We encourage you to speak to management if there are any of the rules or procedures you are unsure of or don't understand.**

Sophisticats rules are in place, not only to protect the Club license and the continuity of our business, but primarily for your safety and self-respect. **We do not want any performer to feel pressured into doing anything she does not want to do.** To achieve this, we must be very serious about enforcing the rules and licensing conditions. This is the only way to create a fair and level playing field where all performers have the same opportunity to succeed.

We pride ourselves in creating a highly professional and safe environment for all performers working at Sophisticats. These rules are here to ensure this. Please comply with the following:

- When performing a nude dance there must be no physical contact between the dancer and the customer. Do not touch the customer's chair. Do not lean on the wall behind the customer, it may give the appearance you are touching and you risk actually touching. Do not dance in the area between customer's legs (be especially careful with your hair). When the performance is finished do not kiss the customer on the cheek or shake hands until you are dressed.
- Stop dancing if any customer tries to touch you step back and clearly indicate this is not allowed. If the customer persists, stop dancing and inform management immediately.
- There must be no physical contact between dancers during the performance.
- You must dress immediately after you finish your performance. You do not need to leave the floor to dress. Put as much distance as you can between you and the customer while you dress. Try not to talk to the customer while you're getting dressed. You should dress as quickly as you can. Make sure you do not touch the customer while you are getting dressed.



## **Sophisticats Induction: Club Rules For Dancers**

- The customer must remain seated during your performance. Do not do anything that may encourage the customer to stand up or to dance while you are performing. If they do stand you must ask them to sit down and stop dancing if they refuse. If they do not comply please report immediately to management.
- It is not permitted to exchange addresses or Telephone numbers. For their own safety Sophisticats dancers are not permitted to arrange meetings with customers away from the club premises. Remember you have no idea who this person actually is or what they may do if you meet them.
- You may not perform in the bar area. Do not go in to the bar area.
- You must leave the club by a safe method, either in the club taxi for which you must pay, or with someone known to the club management.
- The use or possession of any other but prescribed drugs will result in dismissal.
- You may perform a fully nude dance for a minimum of £20. This can be paid by cash or by vouchers which the customer may purchase with his credit card.

### **Extract from In house rules**

- Dancers will not be allowed to leave the club until the shift is over.
- For your own safety please always Leave the club through the back door.
- Do not park your car at Marylebone lane. Park at the back of the club in Welbeck St. Security will take you to your car at the end of the night
- Please be quick getting into your vehicle or taxi to avoid customers that may be close by trying to engage you in conversation. Your safety is our primary concern.

Any form of misconduct relating the sections above will lead to fines, suspensions or other disciplinary actions not excluding dismissal. This will be at the management's discretion and will depend upon the severity of the misconduct.

# Thomas & Thomas

Partners LLP

Your ref:  
Our ref: JS/TOM/MCK.9.3

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

Mr C. Roeber  
Flat 7  
1-3 Brewer Street  
W1F ORD

3 October 2016

Dear Mr Roeber

### **3-7 Brewer Street Licence Applications**

We act for the applicant of the above licence applications and refer to your recent correspondence with our client. Thank you for taking the time to engage with our client. We would also be grateful for your consideration of this letter.

As you may know, the applications propose various changes to the licences. We appreciate you have expressed concerns about the application proposals in general. Our client is committed to building cooperative relationships with local residents and reiterates the offer to meet or engage further through correspondence. In doing so we can explain the scope of the application proposals in more detail and possibly reach some consensus. This would hopefully benefit all concerned and assist the licensing sub-committee in due course.

Thank you again for your time and consideration to date.

Please do not hesitate to contact us if you would like to arrange a meeting or discuss further.

Yours sincerely

**Thomas & Thomas Partners LLP**  
tel: 020 7042 0413  
email: [jspiegler@tandtp.com](mailto:jspiegler@tandtp.com)

## Lawrance, Heidi: WCC

---

**From:** Jack Spiegler <jspiegler@tandtp.com>  
**Sent:** 21 October 2016 12:27  
**To:** Conrad Roeber  
**Cc:** Richard Brown; Thomas O'Maoileoin; Tom Cohen  
**Subject:** Re: Sophisticats

Dear Mr Roeber

I am just touching base following my email below.

Please let us know if you would like to proceed with the meeting or if we can assist with anything in the meantime.

Thanks and kind regards

Jack

---

**From:** Jack Spiegler <JSpiegler@tandtp.com>  
**Date:** Thursday, 13 October 2016 at 17:02  
**To:** Conrad Roeber <conrad.roeber@me.com>  
**Cc:** Richard Brown <licensing@westminstercab.org.uk>, Thomas O'Maoileoin <TOMaoileoin@tandtp.com>, Tom Cohen <tomcohen@gmail.com>  
**Subject:** Re: Sophisticats

Dear Mr Roeber

Thank you for your email and for bringing this matter to our client's attention. We are very sorry to hear you have been disturbed.

I understand Mr McKeown has since contacted you by telephone. We hope that together you can agree a works schedule that minimises the risk of further disturbance.

We would be happy to meet you on 9 November 2016 if that still works for you. Alternatively, we could meet at an earlier date if convenient. We would like to extend that invitation to Mr Cohen, if that is of interest and assists. Please let me know convenient times and locations for you.

Please accept our apologies once again.

Thank you and kind regards

Jack

**Jack Spiegler**  
**Associate**

Thomas & Thomas Partners LLP  
38a Monmouth Street  
London WC2H 9EP

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**From:** Conrad Roeber <[conrad.roeber@me.com](mailto:conrad.roeber@me.com)>  
**Date:** Thursday, 13 October 2016 at 16:45  
**To:** Jack Spiegler <[JSpiegler@tandtp.com](mailto:JSpiegler@tandtp.com)>  
**Cc:** Richard Brown <[licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk)>, Thomas O'Maoileoin <[TOMaoileoin@tandtp.com](mailto:TOMaoileoin@tandtp.com)>, Tom Cohen <[tomcohen@gmail.com](mailto:tomcohen@gmail.com)>  
**Subject:** Re: Sophisticats

Dear Mr Spiegler

We've suffered from constant drilling from the basement this week and sporadic, though equally tiresome, drilling since the works began. The sound travels through the building to the top floor and has I know caused nuisance both to me and to my downstairs neighbour, Tom Cohen cc'd (who works from home).

Please note that we have not received a single communication from the venue operators, Sophisticats, regarding the works or how long they will take nor have they offered any apology for the nuisance caused during their completion.

I have also not received a reply from you regarding your offer to meet with me to discuss your plans for the venue.

I note that none of this bodes well for Sophisticats as a considerate neighbour.

I look forward to hearing from you.

Kind regards

Conrad Roeber

---

conrad roeber  
1 brewer street  
london w1f 0rd

+44 7767 777187  
[conrad.roeber@me.com](mailto:conrad.roeber@me.com)

On 5 Oct 2016, at 14:27, Jack Spiegler <[JSpiegler@tandtp.com](mailto:JSpiegler@tandtp.com)> wrote:

Dear Mr Roeber

Thank you for your email below.

We would be grateful if you could please suggest some dates and times that are convenient for you for the meeting. We'd be happy to meet wherever suits you. I've copied in Richard Brown in case he would also like to attend.

Thanks again and kind regards

Jack

**Jack Spiegler**  
**Associate**

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38a Monmouth Street  
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W: [www.tandtp.com](http://www.tandtp.com)

<image001.png>

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---

**From:** Conrad Roeber <[conrad.roeber@me.com](mailto:conrad.roeber@me.com)>

**Date:** Tuesday, 4 October 2016 at 13:52

**To:** Jack Spiegler <[JSpiegler@tandtp.com](mailto:JSpiegler@tandtp.com)>

**Subject:** Sophisticats

Thanks for your letter, of 3 October 2016.

Please note for the record that I see no evidence that your client is 'committed to building cooperative relationships with local residents'; your client did not seek to contact me in the first instance. Instead, once I heard about the plans I sought to contact them and received a call back later. I then replied by text to the person who contacted me (Simon) that it might be best to leave any discussions to the licence application hearings.

I would of course be happy to meet or discuss the various Sophisticats applications, as you suggest. As a resident living above the premises, I am obviously keenly invested in the process. I have lived here for 11 years and so I am very well acquainted with the changes which have occurred - good and bad - in that time. As you will see in due course from my representation/objections, I have grave misgivings about the style of operation and the terminal hour proposed and I am objecting to the renewal of the SEV licence. I have read the various applications very closely so I am well acquainted with the plans for the operation proposed.

Regards

---

**conrad roeber**  
1 brewer street  
london w1f 0rd

+44 7767 777187  
[conrad.roeber@me.com](mailto:conrad.roeber@me.com)

Name	Address	Permitted Hours	Full Nudity Y/N
<b>Sophisticats (formerly Pleasure Lounge)</b>	<b>3-7 Brewer Street</b>	<b>Mon to Sat 9am to 3am Sunday 9am to 11pm</b>	<b>N</b>
Sophisticats	77 Welbeck Street	Mon to Tues 9am to 5am Wed to Thurs 9am to 6am Fri to Sat 9am to 7:30am Sunday 9am to 11pm	Y
Scotch St James	13 Mason's Yard	Mon to Sat 9am to 5am Sunday 9am to 3am	Y
La Capannina	21 Bateman Street	Mon to Sat 10am to 3am Sunday 10am to midnight	Y
Stringfellows	16-19 Upper St Martins Lane	Mon to Sat 9am to 6am Sunday 11pm	Y
The Mayfair Club	50 Dover Street	Mon to Sat 9am to 6am Sunday 9am to 5am	Y
The Windmill	17-19 Great Windmill St	Mon to Sat 9am to 5am Sun 2pm to 3am	Y
Sunset Strip	30 Dean Street	Mon to Sat 9am to 1am Sun 9am to 11pm	Y
No.4 Mayfair	4 Mill Street	Mon to Sat 9am to 5am Sunday midday to 10:30pm	Y
Vanity Bar And Nightclub	4 Carlisle Street	Mon to Sat 9am to 3am Sun 9am to 11pm	Y
The Box	11-12 Walkers Court	Mon to Sat 9am to 4am Sun 9am to midnight	Y
The Boulevard	7-12 Walker's Court	Mon to Thurs 9am to 11:30pm Fri to Sat 9am to 1am Sunday 9am to 11pm	Y
Platinum Lace	13 Coventry Street	Mon to Sat 3pm to 6am Sunday 3pm to 3am	Y
	14 14 Leicester Square	Sun to Wed 8pm to 3am Thurs to Sat 8pm to 6am	Y
The Gaslight Club	4 Duke Of York Street	Mon to Sun 7pm to 3am	Y

What would you like to do?

Search

[Home](#) > [Planning](#)

# Temporary Event Notices

## Results

10 Temporary Event Notice Applications matched your search criteria. Please click on the reference number to see more information about each application.

---

**Reference:** [15/10816/LITENP](#)

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 06/12/2015

**Start time** 23:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** [15/10816/LITENP](#)

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 06/12/2015

**Start time** 03:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** [15/10960/LITENP](#)

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 19/12/2015

**Start time** 03:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** [15/10960/LITENP](#)

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 20/12/2015

**Start time** 03:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** [15/10960/LITENP](#)

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 20/12/2015

**Start time** 23:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment



---

**Reference:** 16/02641/LITENP

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 27/03/2016

**Start time** 23:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** 16/02641/LITENP

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 28/03/2016

**Start time** 00:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** 16/03967/LITENP

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 01/05/2016

**Start time** 03:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** 16/05240/LITENP

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 29/05/2016

**Start time** 23:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

---

**Reference:** 16/05212/LITENP

**Status** No Objection

**Premises name:** Shadow Lounge

**Premises address:** Basement And Part  
Ground Floor 3-7  
Brewer Street London  
W1F 0RD

**Start date:** 26/06/2016

**Start time** 03:00:00

**Activities** Sale of alcohol,  
Entertainment & Late  
night refreshment

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Last updated 27 May 2014

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# Sophisticats Interior Design Concept 06.09.16

L16 3921 • Sketch Design • Rev /

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## DESIGNLSM

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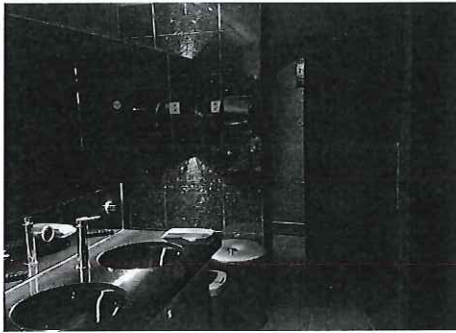
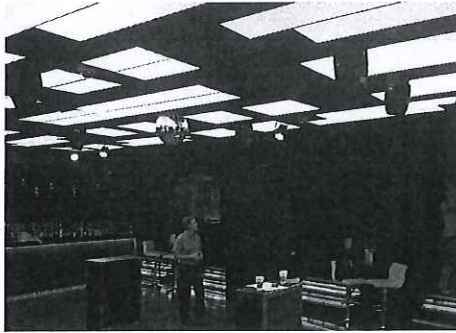
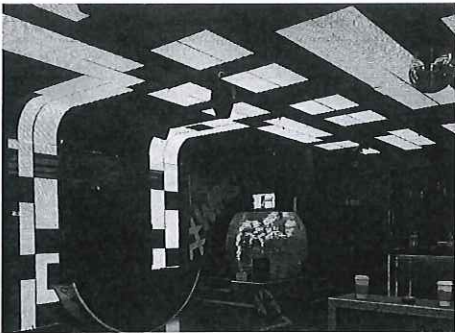
Branding  
Architecture  
Interior design

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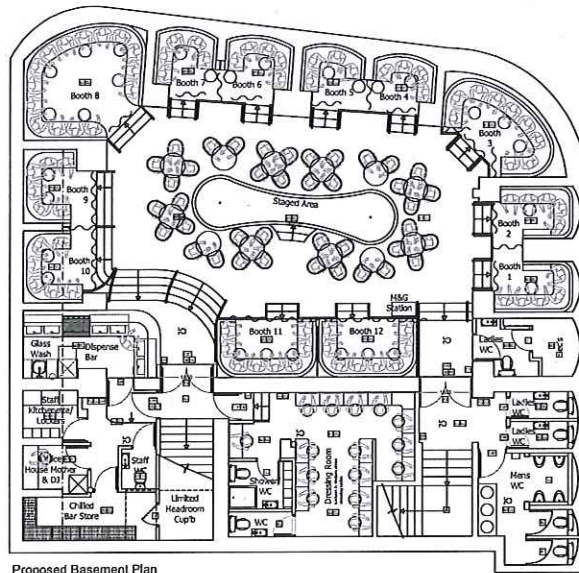
t +44 (0)1273 820 033  
e [hello@designlsm.com](mailto:hello@designlsm.com)  
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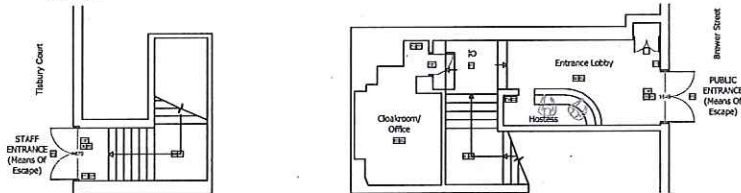
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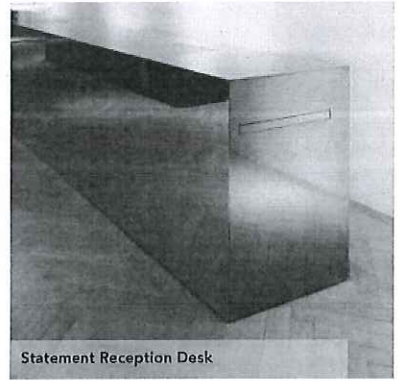
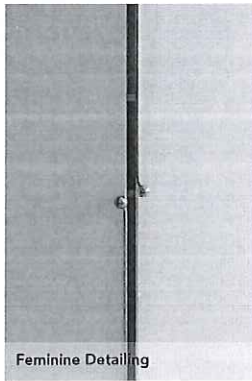
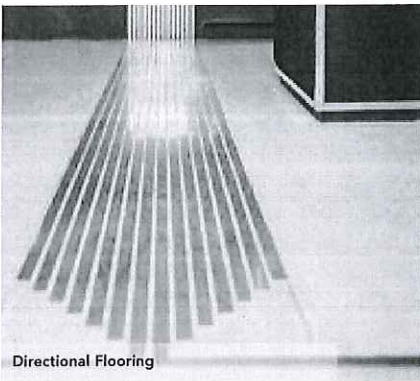
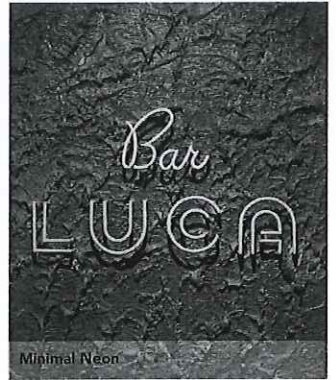
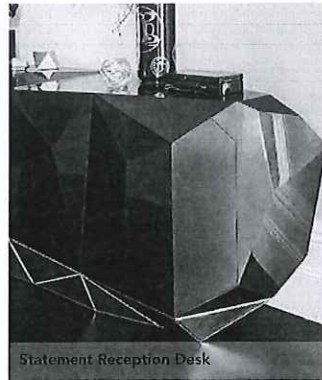
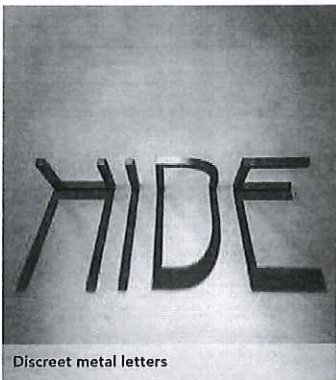
Plan



Proposed Basement Plan  
Scale 1:30 @ A1



## Entrance and Reception



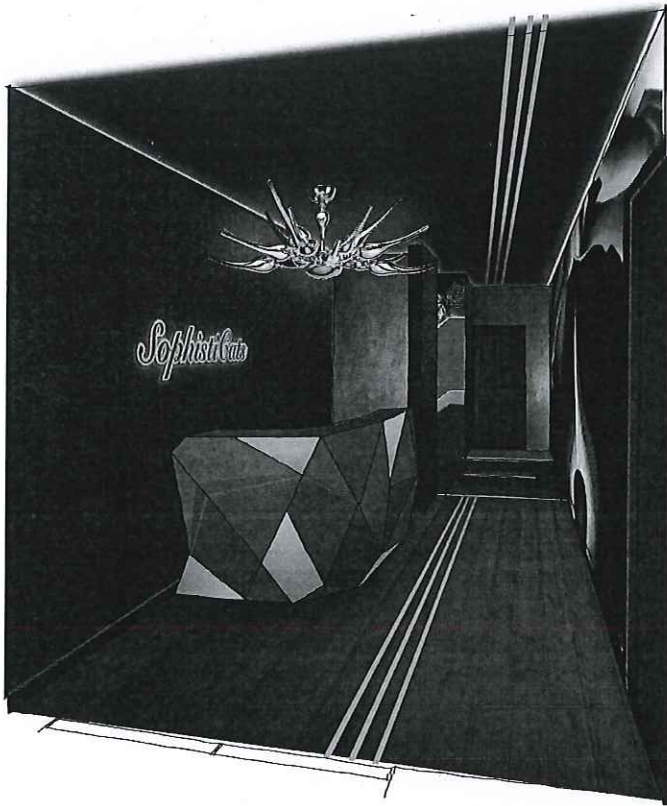
**Exterior Visual**

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**Entrance Visual**

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## Central Lounge



Wall and Ceiling Murals



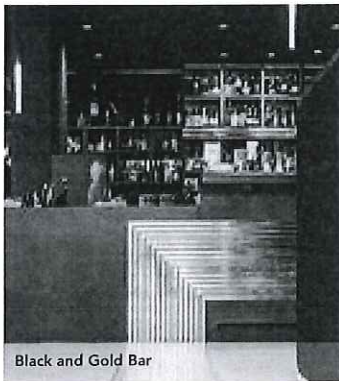
Wall and Ceiling Murals



Lounge Chair



Metal Tables



Black and Gold Bar



Texture

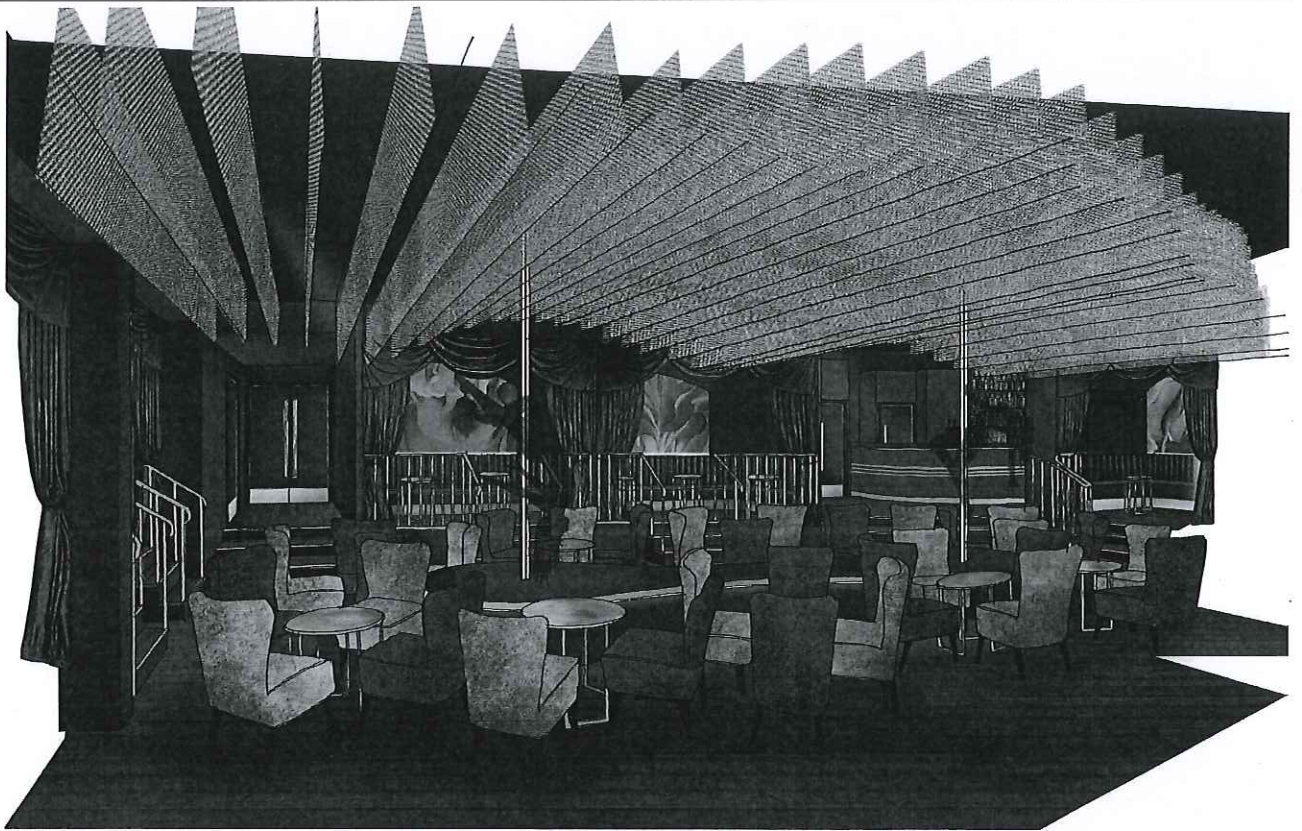


Low level Lighting



Lounge Seating

**Lounge Visual**



## Booths



Curtained Booths



Materials



Materials



Deep Colour Palette



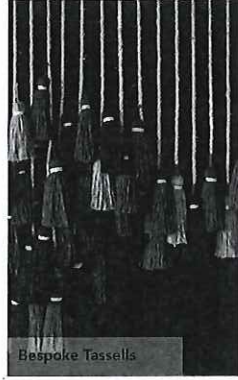
Wall Murals



Rich Luxe Fabrics



Curtained Booths



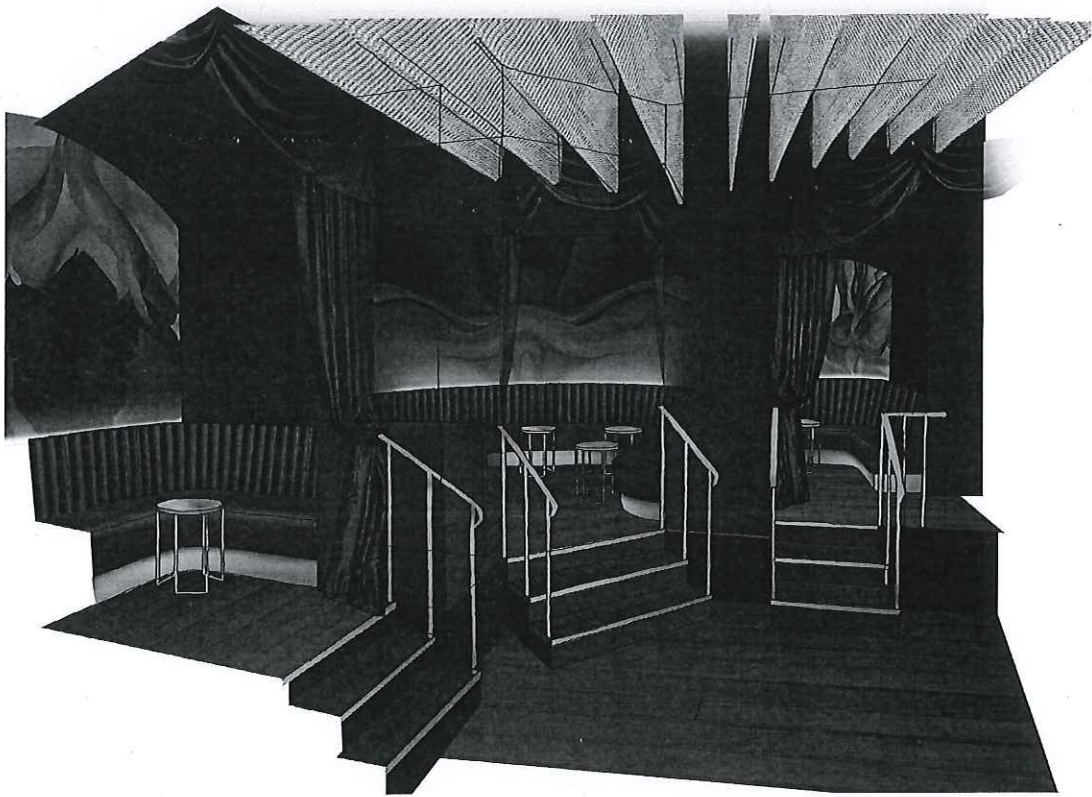
Bespoke Tassels



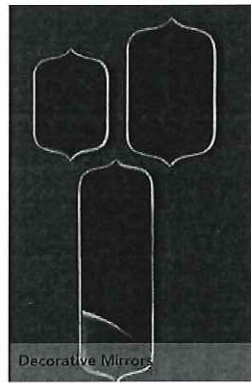
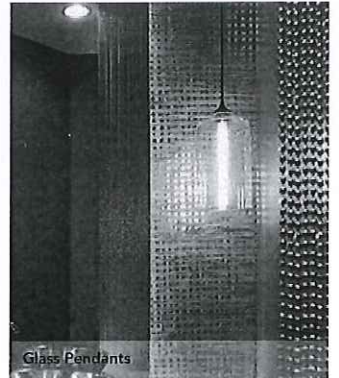
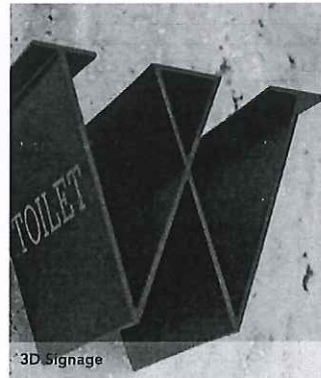
Gold Shimmer Curtains

## Booths Visual

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## WCs



## Contact

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### Contact

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Hove East Sussex  
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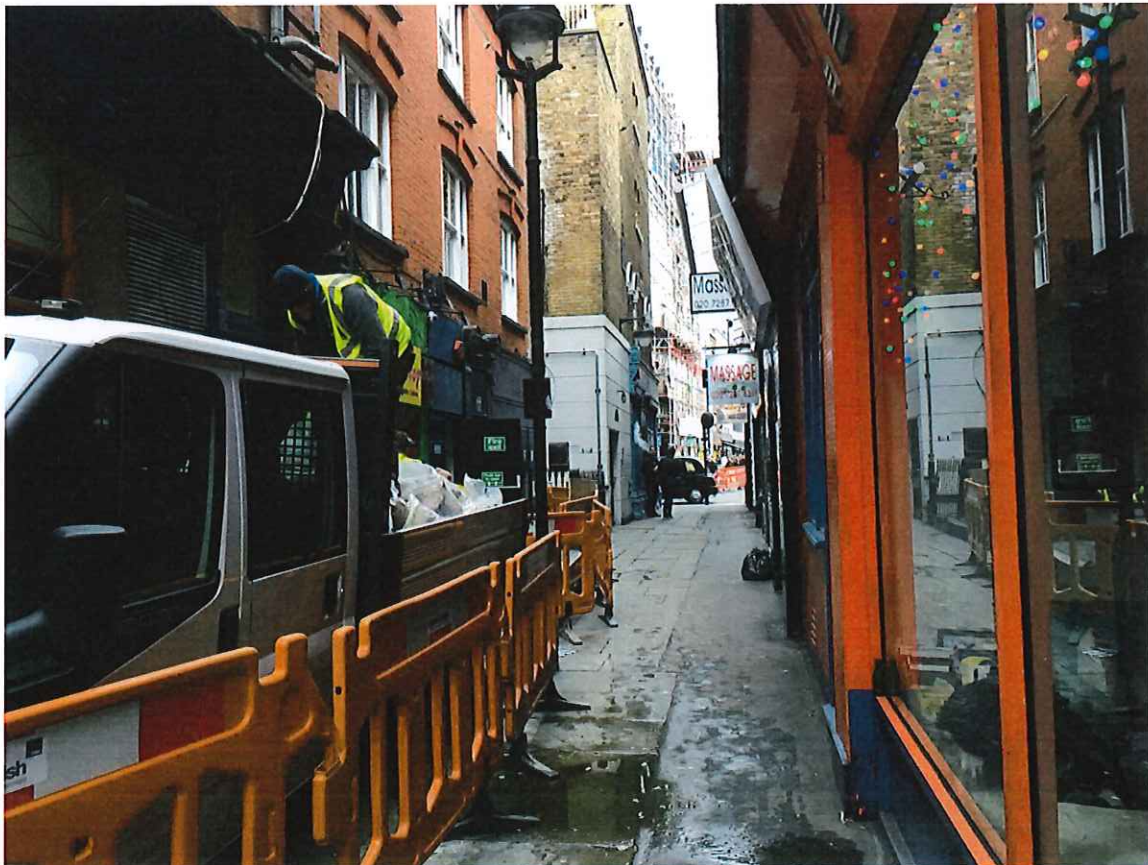
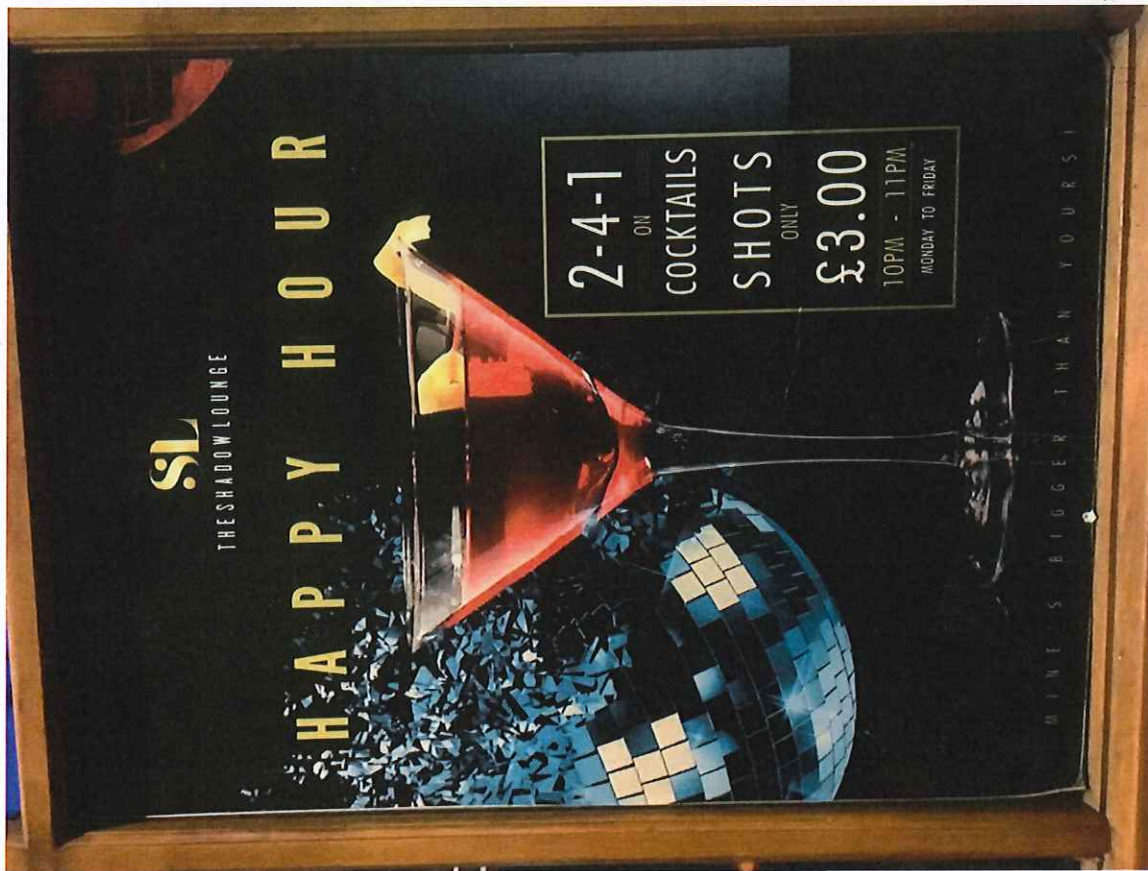
Branding  
Architecture  
Interior design

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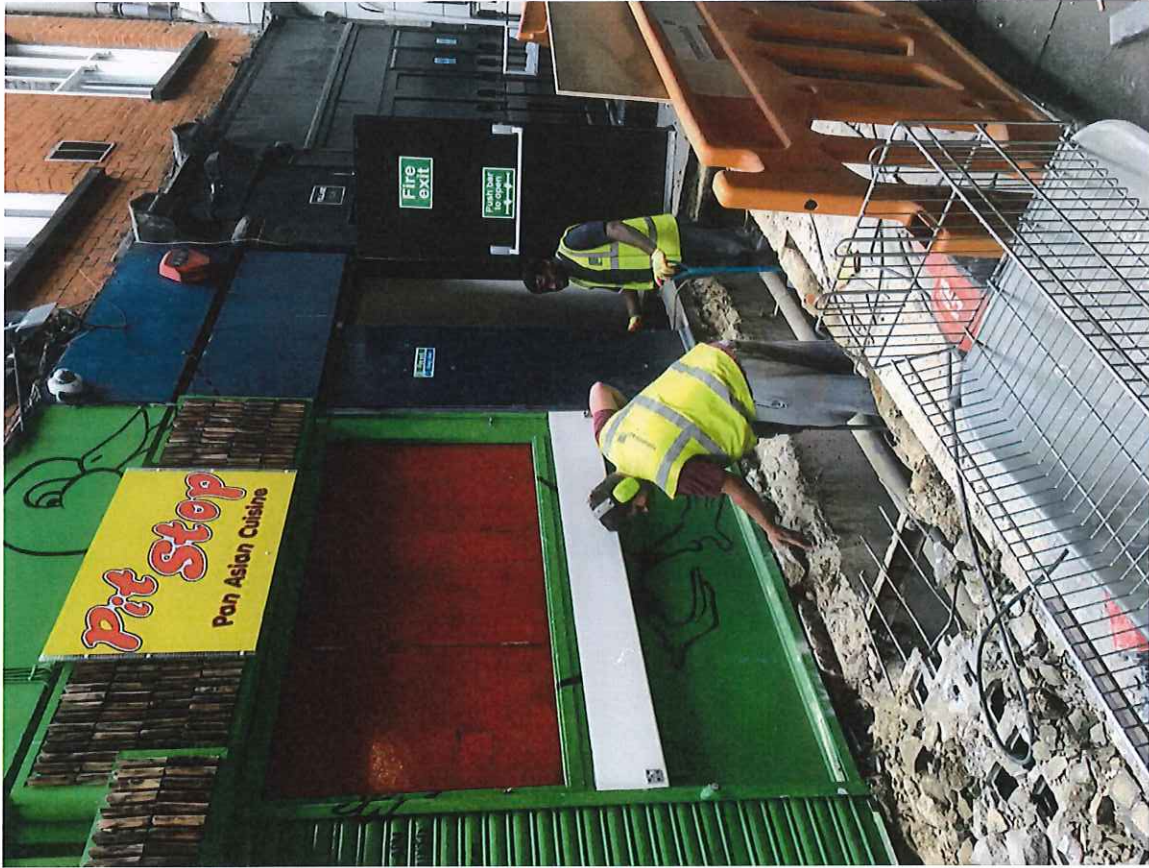
t +44 (0)1273 820 033  
e hello@designlsm.com  
w www.designlsm.com

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3-7 Brewer Street – Local Area Photographs



3-7 Brewer Street – Local Area Photographs





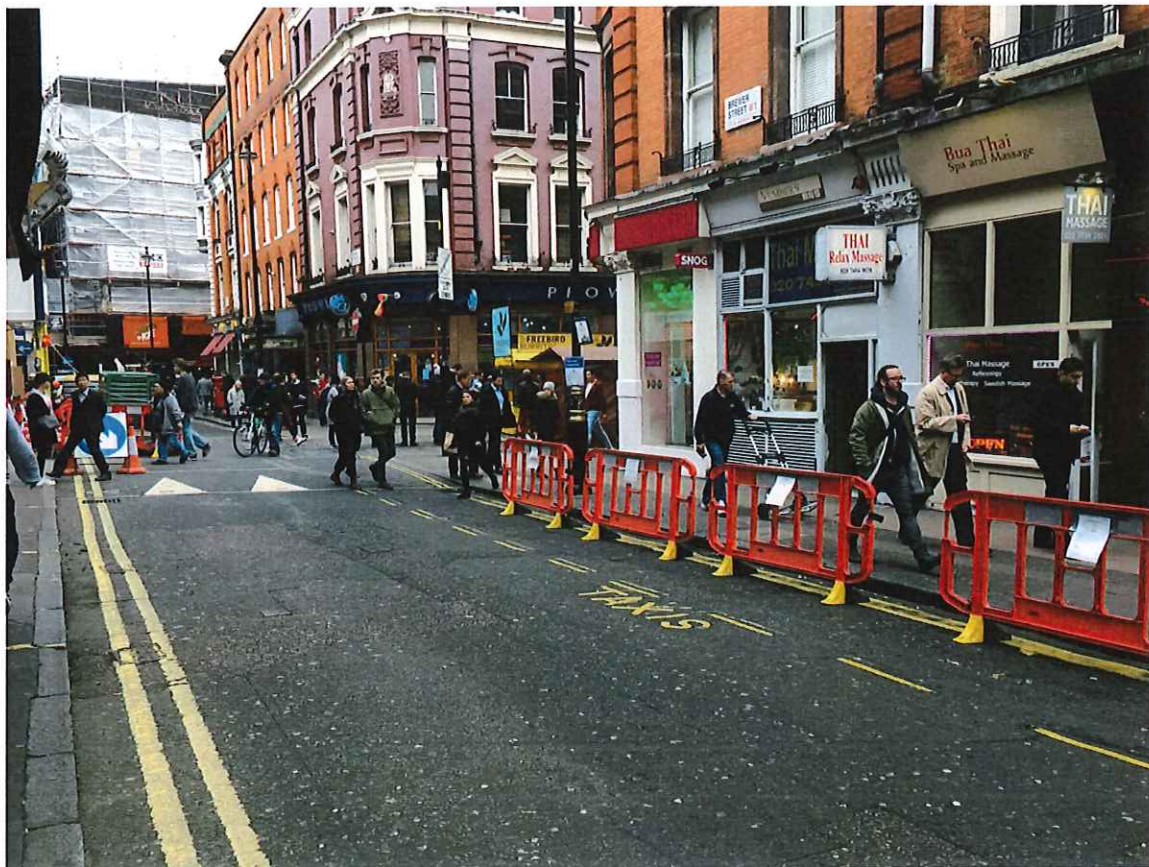
3-7 Brewer Street – Local Area Photographs



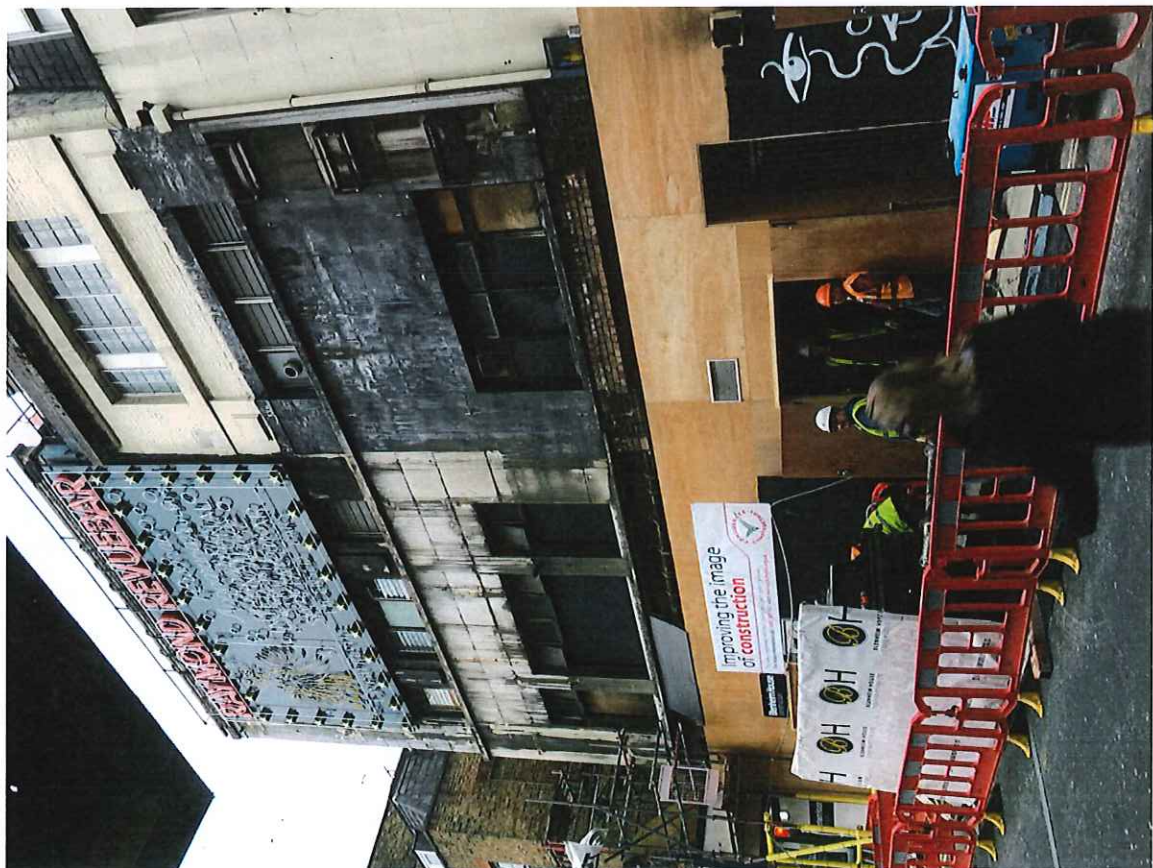
3-7 Brewer Street – Local Area Photographs



3-7 Brewer Street – Local Area Photographs



3-7 Brewer Street – Local Area Photographs



3-7 Brewer Street – Local Area Photographs



3-7 Brewer Street – Local Area Photographs



**Licence & Appeal History for Shadow Lounge  
3-7 Brewer Street, London, W1F 0RD**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06633/LIPCV	Premises Licence conversion	26.09.2005	Granted by Licensing Sub Committee
07/01078/LIPDPS	Vary Designated Premises Supervisor	15.02.2007	Granted under Delegated Authority
08/01806/LIPDPS	Vary Designated Premises Supervisor	13.05.2008	Granted under Delegated Authority
08/02571/LIPT	Application to Transfer the Licence	07.05.2008	Granted under Delegated Authority
06/07431/WCCMAP	Master Licence	07.05.2008	Granted under Delegated Authority
08/09707/LIPDPS	Vary Designated Premises Supervisor	28.01.2009	Granted under Delegated Authority
09/03973/LIPDPS	Vary Designated Premises Supervisor	16.07.2007	Granted under Delegated Authority
09/06313/LIPDPS	Vary Designated Premises Supervisor	24.09.2009	Granted under Delegated Authority
09/06696/LIPDPS	Vary Designated Premises Supervisor	05.11.2009	Granted under Delegated Authority
10/02116/LIPCH	Change of Details	14.05.2010	Granted under Delegated Authority
11/05098/LIPV	Application to Vary the Premises Licence:  The proposed variation is to seek approval of proposed alterations in	24.06.2011	Granted under Delegated Authority

	accordance with plans drawing number 1395-03 submitted with the application.		
13/09471/LIPDPS	Vary Designated Premises Supervisor	30.12.2013	Granted under Delegated Authority
13/10315/LIPVM	<p>Minor Variation Application:</p> <p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered. The CCTV systems shall continually record whilst premises is open and customers remain on premises. All recordings shall be stored for minimum period of 31 days. Viewing recordings shall be made available upon request of Police or authorised officer throughout the proceeding 31 day period.</p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open. This staff member must be able to provide a Police or authorised officer copies of recent</p>	23.01.2014	Granted under Delegated Authority



	<p>CCTV images or data.</p> <p>An incident log shall be kept at the premises, made available upon request to an authorised officer or Police.</p> <p>No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.</p> <p>To remove conditions 24 and 42 from the premises licence relating to CCTV.</p>		
14/01110/LIPDPS	Vary Designated Premises Supervisor	18.02.2014	Granted under Delegated Authority
14/01266/LIPV	<p>Application to Vary the Licence:</p> <ol style="list-style-type: none"> <li>1. Infill of the dance floor.</li> <li>2. Removal of booth seating adjacent to stage and reconfiguration of stage area.</li> <li>3. Reconfiguration of bar servery.</li> <li>4. Redecoration and refurbishment throughout premises.</li> </ol>	12.03.2014	Granted under Delegated Authority
14/02878/LIPVM	<p>Minor Variation application:</p> <p>To seek approval of proposed alterations to the premises in</p>	25.04.2014	Licence Refused

	line with the plan submitted with the application. The alterations comprise of the lowering of the floor level to increase the floor to ceiling height. Steps will be created to the seating booths and the exits and entrances.		
14/03475/LIPV	Application to Vary the Licence:  To seek approval of proposed alterations to the premises in line with the plan submitted with the application. The alterations comprise of the lowering of the floor level to increase the floor to ceiling height. Steps will be created to the seating booths and the exits and entrances.	29.05.2014	Granted under Delegated Authority
15/06220/LIPDPS	Vary the Designated premises Supervisor	12.08.2015	Granted under Delegated Authority
15/10188/LIPDPS	Vary the Designated premises Supervisor	26.11.2015	Granted under Delegated Authority
16/05695/LIPDPS	Vary the Designated premises Supervisor	17.06.2016	Granted under Delegated Authority
16/09829/LIPT	Transfer application	15.09.2016	Application withdrawn
16/09920/LIPT	Transfer application	29.09.2016	Waiting to be issued.

**There is no appeal history**

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

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

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

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

### **Mandatory Conditions**

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

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

### **Conditions consistent with the operating schedule**

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

19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23.00) hours and (08.00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons

- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

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

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

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

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

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

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

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

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

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

37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (10) persons at any one time.

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

39. Performers/Dancers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to two persons at any one time.

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



41. There shall be no new admittance or re-admittance to the premises after 04.30 hours save for persons temporarily leaving to smoke.
42. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
43. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - a) Any emergency lighting battery or system
  - b) Any electrical installation
  - c) Any emergency warning system
44. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
45. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
46. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
47. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises.
48. 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.
49. The maximum number of persons accommodated at any one time (excluding staff *and performers*) shall not exceed 140 persons.
50. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
51. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed

during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

**Conditions proposed by the Environmental Health**

None received at the time of writing report.

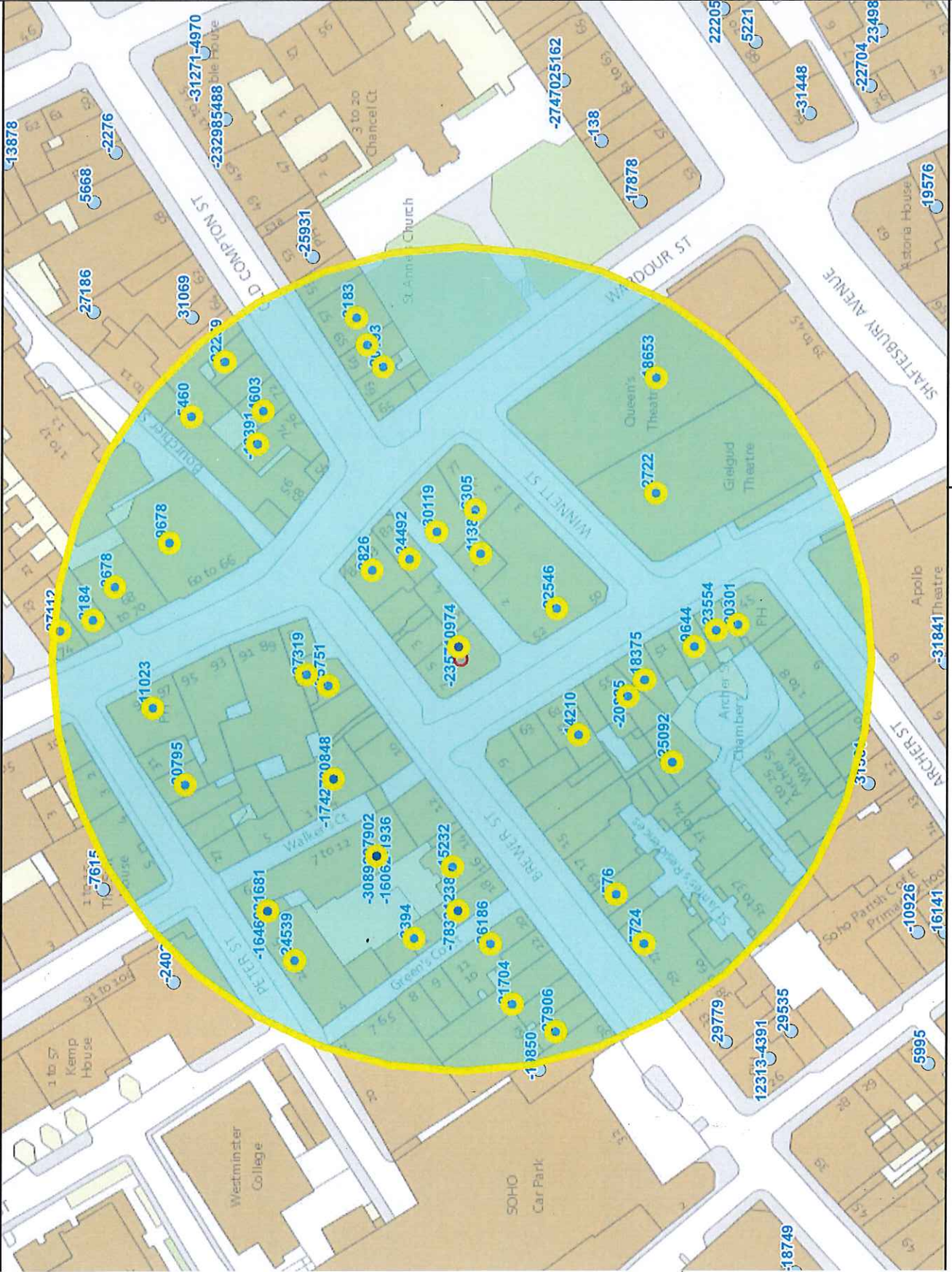
**Conditions proposed by the Police**

None received at the time of writing report.



# Sophisticats, 3-7 Brewer Street

# Appendix 5



Residential Properties	162
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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10 Meters

Data Source: Uniform Database  
Date: 26/10/2016

## Appendix 5 - Data List

Premises within 75m of: Sophisticats, 3 - 7 Brewer Street			
p / n	Name of Premises	Premises Address	Opening Hours
14/01932/LIPDPS	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/12416/WCCMAP	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
12/00517/LIPDPS	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
10/01721/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
16/02244/LIPVM	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
14/09063/LIDPSR	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
15/08865/LIPN	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
12/07184/LIPT	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16/04210/LIPN	Bubbleology	49 Rupert Street London W1D 7PJ	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
13/00989/LIPDPS	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Monday to Sunday 09:00 - 00:00
16/05695/LIPDPS	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
16/04860/LIPDPS	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
16/03049/LIPCH	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/09446/LIPN	Pickle And Toast	72 Wardour Street London W1F 0TD	Friday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:00 Thursday 07:00 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
12/01675/LIPDPS	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/04116/LIPRW	Chilango	24 Brewer Street London W1F 0SN	Saturday 10:00 - 00:00 Monday to Friday 10:00 - 23:00 Sunday 12:00 - 22:30
14/08656/LIPT	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
14/10949/LIPN	Bunnychow	74 Wardour Street London W1F 0TE	Sunday 07:30 - 23:00 Monday to Saturday 07:30 - 23:30
12/08457/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/09062/LIDPSR	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
14/09064/LIDPSR	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
15/08883/LIPN	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00

16/07525/LIPVM	Absurd Bird	25 Peter Street London W1F 0AG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
13/02057/LIPN	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
16/03921/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
14/09057/LIDPSR	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
16/05623/LIPDPS	Byron	99 Wardour Street London W1F 0UF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
15/11580/LIPDPS	Freedom	Basement And Ground Floor National House 60-66 Wardour Street London W1F 0TA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
15/09155/LIPV	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 00:00 - 00:00 Saturday 00:00 - 00:00 Sunday 00:00 - 00:00
14/06422/LIPT	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
13/02049/LIPVM	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
10/07861/LIPDPS	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/03183/LIPVM	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:00
16/08184/LIPCH	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
15/02786/LIPDPS	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
15/08420/LIPT	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/08411/LIPN	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
10/07200/LIPN	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
14/09602/LIPT	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
12/04696/LIPV	Queens Theatre	Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA	Monday to Sunday 09:00 - 00:00
16/03612/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
12/03560/LIPV	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
13/03507/LIPVM	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
16/03644/LIPN	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Monday to Wednesday 09:30 - 21:00 Thursday 09:30 - 22:00 Friday 09:30 - 23:00 Saturday 10:00 - 23:00 Sunday 11:00 - 21:30
13/09851/LIPN	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
16/01861/LIPVM	Janelira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

**Lawrance, Heidi: WCC**

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**From:** Conrad Roeber <conrad.roeber@me.com>  
**Sent:** 29 November 2012 12:02  
**To:** Neil Acheson  
**Subject:** Re: Shadow Lounge

Dear Neil

Yes unfortunately we've been having quite persistent problems from the Shadow Lounge. Usually, for some reason, Wednesday night seems to be the worst, but we can hear the music on other nights as well. It has come to our attention more acutely during the last months while the Village has been under the noise abatement order. When it is bad, the music reverberates right up through the building and we can hear it from our beds (I can actually hear the beat through the bed when I put my head on my pillow). I think all of us, particularly perhaps the occupants of the flats at the back, have always assumed that the noise is coming from the Village. Now we know that can't be the case because of the Village's abatement order, and indeed on those occasions when we have heard music recently, we have also heard the same music in our entrance hall, from the Shadow Lounge side, so it's definitely coming from the club.

A few weeks ago I complained to the duty manager about the noise, having checked that it was indeed coming from the Shadow Lounge, and since then until last night we have heard nothing. So please may I suggest that you investigate what changed last night? I'm sure someone in the club knows what level the music was set at. Perhaps because there are fewer punters on Wednesdays the music reverberates more?

I'm really not willing to go through the absurdly drawn-out process that we're just completing with the Village, so please understand that should this happen again I will call the council directly and seek a noise abatement order on the club. It is entirely unacceptable to us to hear even one vague note or beat of the music that is played in the basement five floors below my flat, particularly late at night and early in the morning.

I will also contact Ross Palmer as you suggest. Perhaps you could forward this email to him?

Kind regards

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

On 29 Nov 2012, at 11:42, Neil Acheson <[Neil.Acheson@novusleisure.com](mailto:Neil.Acheson@novusleisure.com)> wrote:

Good Morning Conrad

I have been made aware that you called my company's Head Office today in relation to Shadow Lounge. I am sorry to hear this, both the area manager for this site, Mr Ross Palmer and I are very keen to investigate any concerns you may have.

In order that we can begin to look into this, I would be grateful if you could provide me details of when the issues are occurring and what you believe may be the cause. If you believe it would assist, Mr Palmer and I would be very happy to meet with over this matter at a time convenient to you.

In addition to myself, Mr Palmer is happy to be contacted over any concerns you may have in relation to Shadow Lounge and can be contacted on 07899074188.

I look forward to hearing from you.

Kind Regards

Neil

<image001.jpg>

Neil Acheson

Licensing Compliance Manager

M 0779 6827071

O 0207 968 2498

E [neil.acheson@novusleisure.com](mailto:neil.acheson@novusleisure.com)

A Clareville House, 26-27 Oxendon Street, London SW1 4EL

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Registered Office: Clareville House, 26-27 Oxendon Street, London, SW1Y 4EL

VAT Registration No. GB 945705112

---

**Lawrance, Heidi: WCC**

---

**From:** Ross Palmer <Ross.Palmer@novusleisure.com>  
**Sent:** 30 November 2012 20:34  
**To:** conrad.roeber@me.com  
**Subject:** Shadow lounge

Dear Conrad

Further to our telephone conversation yesterday, I would like to emphasise again that both I and my colleagues are committed to resolving any issues you may have with Shadow Lounge at the earliest opportunity. A number of additional operational measures have been put in place at the venue which I hope you will have noticed last night. Please be assured that these will remain in place.

I think it would be helpful if we could catch up next week in order to discuss the matter further and I would be grateful if you could let me know when it would be convenient for us to speak.

In the meantime if you have any concerns whatsoever about Shadow Lounge, please do not hesitate to contact me.

Kind Regards

Ross Palmer

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---



**Lawrance, Heidi: WCC**

---

**From:** Conrad Roeber <conrad.roeber@me.com>  
**Sent:** 06 December 2012 09:53  
**To:** Ross Palmer  
**Subject:** Nuisance from music last night

Dear Ross

At 1am last night, my flatmate, who sleeps in the bedroom that faces the internal light well of our building, was woken by the bass beat from house music coming up from Shadow Lounge. If I had been awake, I would have called the council. This happens most Wednesdays and must stop. I have asked my flatmate to wake me next time this happens (not a happy prospect) so I can deal with this directly.

Please could you investigate why this happens. Clearly there must be an explanation; possibly someone turns the music up after midnight as the club fills up and that is what is causing the nuisance?

I look forward to hearing from you.

Kind regards

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

## Lawrance, Heidi: WCC

---

**From:** Ross Palmer <Ross.Palmer@novusleisure.com>  
**Sent:** 07 December 2012 10:48  
**To:** Conrad Roeber  
**Subject:** RE: Nuisance from music last night

Dear Conrad,

Please be assured I am continuing to take this matter extremely seriously. Since our last communication, I have had a sound engineer at site inspecting the sound system and I will have additional measures in place for next Wednesday. I would also like to emphasize that I am available anytime if you or your flat mate are experiencing any issues in connection with Shadow Lounge.

I am also amenable, with your agreement to appoint a specialist acoustic engineer to investigate this matter. This would require access to your residence in order to both ascertain how any noise is escaping and to discover the way in which it is reaching your flat mates bedroom. I would be grateful if you could let me know your thoughts on this.

Many Thanks

Ross

07899074188

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]  
**Sent:** 07 December 2012 09:26  
**To:** Ross Palmer  
**Subject:** Re: Nuisance from music last night

Dear Ross

Yes it was Wednesday that we heard the music. I'd noticed it earlier, at around 11pm, and went down to investigate, but bizzarely it stopped, only returning later on.

Thanks

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

On 6 Dec 2012, at 18:29, Ross Palmer <[Ross.Palmer@novusleisure.com](mailto:Ross.Palmer@novusleisure.com)> wrote:

Dear Mr Roeber,

Apologies for late reply I have been out of the office today. Thanks for your email letting me know about last night. I will look into straight away and get back to you shortly.

Can I confirm that it was only last night that music was audible?,

Regards,

Ross

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]  
**Sent:** Thursday, December 06, 2012 09:52 AM  
**To:** Ross Palmer  
**Subject:** Nuisance from music last night

Dear Ross

At 1am last night, my flatmate, who sleeps in the bedroom that faces the internal light well of our building, was woken by the bass beat from house music coming up from Shadow Lounge. If I had been awake, I would have called the council. This happens most Wednesdays and must stop. I have asked my flatmate to wake me next time this happens (not a happy prospect) so I can deal with this directly.

Please could you investigate why this happens. Clearly there must be an explanation; possibly someone turns the music up after midnight as the club fills up and that is what is causing the nuisance?

I look forward to hearing from you.

Kind regards

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

---

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---

## Lawrance, Heidi: WCC

---

**From:** Samantha Delamore <Samantha.Delamore@novusleisure.com>  
**Sent:** 06 June 2014 08:53  
**To:** Tom Cohen; Conrad Roeber  
**Cc:** Steve Hill; Dani Gibbison; Zolly Branch  
**Subject:** RE: Shadow Music

Morning Tom & Conrad

Hope everything was okay last night?

Just to keep you updated we carried out a lot of works in the club area. Yesterday we adjusted the fire exit door so it closes correctly and installed a more heavy duty closer to ensure this closes without fail.


To see if the extract ducts are cause of the issue, they have been blocked up with insulation. This may help rule out what may be the cause of the leakage.

Also a suspended ceiling is being installed in the back corridor to supplement the sound insulation we installed last week.

Please let me know if you experienced any noise last night

Warm Regards

Samantha Delamore MSc CMCIEH  
Compliance Director

 novus leisure ltd  
3<sup>rd</sup> Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)



**From:** Tom Cohen [mailto:tom@yuza.com]  
**Sent:** 05 June 2014 13:03  
**To:** Samantha Delamore  
**Cc:** Conrad Roeber; Steve Hill; Dani Gibbison; Zolly Branch  
**Subject:** Re: Shadow Music

Hi Sam,

It was loudest in the living room and coming from the wall — it's the same wall that goes directly up to Conrad's bedroom.

Really appreciate that this is being taken seriously.

Kind regards,  
Tom

On 5 June 2014 12:59, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Tom

Thanks for the letting us know. Just trying to ascertain where the music may be coming from, was it audible in your living room or bedroom or near the light well?

Until I know what's going on we will be reducing the decibels in shadow

Thanks

Sam

Samantha Delamore MSc CMCIEH

Compliance Director

novus leisure ltd

*3<sup>rd</sup> Floor, Clareville House*

*26-27 Oxendon Street*

*London SW1Y 4EL*

Mobile: 07879335271

[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)



**From:** Tom Cohen [mailto:[tom@yuza.com](mailto:tom@yuza.com)]  
**Sent:** 05 June 2014 11:20  
**To:** Conrad Roeber  
**Cc:** Samantha Delamore; Steve Hill; Dani Gibbison; Zolly Branch  
**Subject:** Re: Shadow Music

Hi Sam,

As Conrad said, it was definitely house music. I made an audio recording with my iPhone around 1am; even the tiny microphone was able to pick it up.

I didn't stick around after that. I went to stay in my colleague's spare room in Carnaby Street, thankfully he was around. Next time it may need to be a hotel which I will have to invoice for. — My company is launching a product so I need to sleep. This interference is starting to have a measurable commercial impact.

On 5 June 2014 11:08, Conrad Roeber <[conrad.roeber@me.com](mailto:conrad.roeber@me.com)> wrote:

It was house music. I couldn't identify the tracks but could hear actual notes, the phasing of the music etc.

Please confirm the limiters will be set to where Dani put the volume on Friday after I'd complained? We know this level - which for absolute clarity your expert sound engineer said is 10 decibels LOWER than your current limiter level - means the music is inaudible, so this would seem the best and safest place to go.

Since you're not available when the nuisance is audible at 1am or thereabouts, there is no point doing any more sound tests as daytime doesn't sufficiently replicate the ambient noise at that time of night.

Please advise. I appreciate that I now have Dani's details etc but - again, for absolute clarity - I will revert directly to the council if this happens again and will not be contacting you, Steve, Dani or any of the other management staff. I've been "working with" the Shadow Lounge to deal with this nuisance for too many years to no avail. The nuisance is in contravention of your licensing conditions and will be dealt with accordingly.

I await confirmation that you have re-set the limiters.

Thanks

Conrad

Sent from my iPhone

+447767777187

On 5 Jun 2014, at 10:57, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Thanks Conrad. I will be investigating this morning with the venue as the shadow sound system would not have been higher than the limiter levels so this will need to be reviewed and lowered. Unfortunately nothing would have been done last night as I only picked up your messages this morning.

I have copied in the General Manager Dani and Operations Manager Zolly so if this happens again please copy everyone into this email so the venue can act on it immediately.

Tom, can you recall what time the noise persisted and could you make out what type of music it was?



Warm Regards

Samantha Delamore MSc CMCIEH

Compliance Director

<image001.gif>

*3<sup>rd</sup> Floor, Clareville House*

*26-27 Oxendon Street*

*London SW1Y 4EL*

Mobile: 07879335271

Samantha.delamore@novusleisure.com

<image002.png>

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**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]

**Sent:** 05 June 2014 10:49

**To:** Samantha Delamore

**Cc:** Tom Cohen; Steve Hill

**Subject:** Re: Shadow Music

Sorry - that may have been 1.40am, not 3am. (I remember vaguely looking at my phone to check the time having been woken by the noise.)

-----  
**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

On 5 Jun 2014, at 10:34, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Tom & Conrad

Sorry I didn't respond last night , I had already gone to bed when you emailed

How long did the noise persist for and what type of music it was it?

Thanks

Samantha Delamore MSc CMCIEH

Compliance Director

<image001.gif>

*3<sup>rd</sup> Floor, Clareville House*

*26-27 Oxendon Street*

*London SW1Y 4EL*

Mobile: [07879335271](tel:07879335271)

[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image003.png>

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**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]

**Sent:** 05 June 2014 00:29

**To:** Tom Cohen

**Cc:** Samantha Delamore; Steve Hill  
**Subject:** Re: Shadow Music

Ditto

I've just come in and gone to bed and I can hear bears AND notes coming through the building.

Please rectify immediately.

Thanks

Conrad

Sent from my iPhone

+447767777187

On 5 Jun 2014, at 00:19, Tom Cohen <[tom@yuza.com](mailto:tom@yuza.com)> wrote:

Hi Sam & Steve, sorry to bother you so late but the music tonight is really loud; lots of bass and mid - stopping us getting to sleep. Do you mind having a word with the manager please?

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---

## Lawrance, Heidi: WCC

---

**From:** Samantha Delamore <Samantha.Delamore@novusleisure.com>  
**Sent:** 27 June 2014 11:09  
**To:** Conrad Roeber  
**Cc:** Zolly Branch; Steve Hill; Dani Gibbison  
**Subject:** RE: Shadow Volume


Hi Conrad

Any issues from last night as we reduced volume considerably?

I am on leave from Saturday abroad so any further issues please speak to Zolly the Operations Manager or Dani the GM as normal, but hopefully you won't have any further issues. I will give you a call once the new piece of kit arrives to do sound testing if that's okay?

Sam

Samantha Delamore MSc CMCIEH  
Compliance Director

  
3<sup>rd</sup> Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)



---

**From:** Conrad Roeber [mailto:conrad.roeber@me.com]  
**Sent:** 26 June 2014 18:35  
**To:** Samantha Delamore  
**Cc:** Tom Cohen; Zolly Branch; Dani Gibbison; Steve Hill  
**Subject:** Re: Shadow Volume

Yes the speakers are mounted under Prowler, but on *this* side of the dancefloor, so more likely to send reverberations up the party wall. The party wall happens to contain chimneys so will inevitably reverberate more as a result (they will act as sound boxes).

I'd be happy for you to come up, but we need to be able to adjust the volume up and down to understand the relevant limits?

Let me know what you'd like to do.

Thanks

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

On 26 Jun 2014, at 17:18, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Conrad

Thanks for your email, Just so you aware we did look at all the building prior to refurbishment and have done lots of additional works prior to opening just so aware plus the additional noise mitigation works done to the rear corridor.

1. We sealed up redundant ducts in shadow which were no longer required. These ducts run up through the lightwell to high level.
2. The ceiling in the club is now ribbed as opposed to flat. This will help improve the acoustic integrity of the premise allowing the sound to dissipate within the building and not simply rebound of the flat surfaces and create unwanted characteristics/reverberation.
3. The existing loudspeakers have been removed and replaced with a brand new better quality of sound unit. They have been installed in such a way as to improve the directionality and consequently coverage of the dancefloor so that the operational levels can be reduced overall whilst maintaining the performance required. Also these are not directly below you but underneath prowler
4. The new ceiling and floor mounted loudspeakers have been mounted on neoprene isolating products to reduce the structural borne vibration through the building

We will look at the chimneys however these don't belong to us and there are no schematics of the building to show where they start and end. I will get the building team to review this in more depth and have spoken to Nick about this today

I am more than happy to arrange for myself or the operations manager to come up tonight or tomorrow to listen in your flat, as well as doing the test again when the new kit is installed?

Sam

Samantha Delamore MSc CMCIEH  
Compliance Director  
<image001.gif>  
3<sup>rd</sup> Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271

[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image002.png>

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]

**Sent:** 26 June 2014 16:10

**To:** Tom Cohen

**Cc:** Samantha Delamore; Zolly Branch; Dani Gibbison; Steve Hill

**Subject:** Re: Shadow Volume

I've just gone on the roof to check out the sound situation with Nick Poulton (your landlord) who is understandably keen that we resolve this without recourse to the Council.

Looking at the structure from above, it appears patently obvious to me that the reason that Tom and I can hear the music through the west wall of our building is because it is a wall of chimneys. Clearly, the sound is propagating and resonating via the chimney voids, causing the wall to vibrate.

It is extremely frustrating that your team didn't address sound propagation issues before fitting out the club, particularly given that the speakers are now mounted directly below the party wall between our buildings. In fact, it smacks of incompetence so totally to disregard the impact of vibrations on your neighbours.

But, given that we believe we have identified a possible cause of the problem, I will refrain from involving the Council until this is fully addressed. IN THE MEANTIME I implore you to set the volume at such a level that NO NUISANCE is caused, as you suggest. It cannot be beyond the wit of man to find a way to deal with the chimneys and I expect that this avenue will be explored fully before you lift volume levels again.

I will make myself available for a late-night sound test once your new limiters are installed.

Thanks

Conrad

---

**conrad roeber**

flat 7, 1 brewer street

london w1f 0rd

+447767777187

On 26 Jun 2014, at 15:57, Tom Cohen <[tom@yuza.com](mailto:tom@yuza.com)> wrote:

I'm sorry, my partner is unwell and needs, rest so my flat is not available for testing tonight.

On 26 June 2014 15:40, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:



Hi Conrad & Tom

Just to let you know the sound engineers are there now so you may hear some music whilst they review the system.

The current limiter we have on the system works via compression and there are much better limiters out there that can control all outputs of the system irrelevant of the type of track being played. So I have ordered today a better spec of limiter that will help control all outputs on the system irrelevant of track being played. This should be here next week.

As an interim solution we are reducing levels and also carrying out noise testing with a decibel meter to control the noise.

When this piece of kit is installed if possible and you are both free we can then do the testing at 1am to set the new limiters.

Sam

Samantha Delamore MSc CMCIEH

Compliance Director

<image001.gif>

3<sup>rd</sup> Floor, Clareville House

26-27 Oxendon Street

London SW1Y 4EL

Mobile: [07879335271](tel:07879335271)

[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image003.png>

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]

**Sent:** 26 June 2014 14:56

**To:** Samantha Delamore

**Cc:** Tom Cohen; Zolly Branch; Dani Gibbison; Steve Hill

**Subject:** Re: Shadow Volume

A reminder, from your premises licence:

<image004.png>

-----

**conrad roeber**

flat 7, 1 brewer street

london w1f 0rd

[+447767777187](tel:+447767777187)

On 26 Jun 2014, at 13:38, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Conrad

Ok great That's really helpful as it will help us pinpoint the issue

Sam

Samantha Delamore MSc CMCIEH  
Compliance Director  
<image001.gif>  
*3<sup>rd</sup> Floor, Clareville House*  
*26-27 Oxendon Street*  
*London SW1Y 4EL*

Mobile: [07879335271](tel:07879335271)  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image002.png>

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]  
**Sent:** 26 June 2014 13:32  
**To:** Samantha Delamore  
**Cc:** Tom Cohen; Zolly Branch; Dani Gibbison  
**Subject:** Re: Shadow Volume

For me, yes. And it was suddenly at 12.45 or so this morning. Woke me up. Something changed.

Sent from my iPhone  
[+447767777187](tel:+447767777187)

On 26 Jun 2014, at 13:29, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Conrad & Tom

Quick question since the last email you sent a few weeks ago is this the first time you have heard the noise again?

Sam

Samantha Delamore MSc CMCIEH  
Compliance Director  
<image001.gif>  
*3<sup>rd</sup> Floor, Clareville House*  
*26-27 Oxendon Street*  
*London SW1Y 4EL*

Mobile: [07879335271](tel:07879335271)  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image002.png>

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**From:** Conrad Roeber [mailto:conrad.roeber@me.com]  
**Sent:** 26 June 2014 07:28  
**To:** Tom Cohen  
**Cc:** Samantha Delamore; Zolly Branch; Dani Gibbison  
**Subject:** Re: Shadow Volume

Further to last night's disaster, I'm now facing the day having had a dreadful night, interrupted on several occasions by the music coming up from the club.

We have a choice: either, tonight, if the same happens, I invite the involvement of the Council to sort this out, or you deploy your sound engineers at midnight/1am in my and Tom's (if he's willing?) flats to fully test what's going on. Clearly, daytime tests do not capture the conditions that lead to the nuisance we experienced last night.

We can't have another night like last night. Texting Dani when I'm woken is clearly not a workable solution, particularly when her remedial actions have no effect.

Please respond urgently to this.

Conrad

-----  
**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd  
  
+447767777187

On 26 Jun 2014, at 01:53, Conrad Roeber <conrad.roeber@me.com> wrote:

I've been kept awake for the last hour by this music. This is now unacceptable.

Sent from my iPhone  
+447767777187

On 26 Jun 2014, at 01:01, Tom Cohen <tom@yuza.com> wrote:

Hi Sam, Zolly,

I'm in my apartment and can hear the music through the wall. Please reduce the levels.

00:54: Hideaway - Kiesza  
00:57: Moloko - Bring it Back remix

Sam, I'd be grateful if we could speak this week before the situation escalates.

Tom

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---

## Lawrance, Heidi: WCC

---

**From:** Samantha Delamore <Samantha.Delamore@novusleisure.com>  
**Sent:** 13 July 2014 20:27  
**To:** Conrad Roeber  
**Cc:** Dani Gibbison; Steve Hill; Zolly Branch  
**Subject:** Re: Noise from Shadow Lounge

Hi Conrad

Thanks for letting me know, I will review the noise readings from that night and make sure it is reduced for next time.

Sam

Sent from my iPhone

On 13 Jul 2014, at 12:15, "Conrad Roeber" <[conrad.roeber@me.com](mailto:conrad.roeber@me.com)> wrote:

Hi Samantha

I'm afraid I could hear music again last night. Very faintly but enough to disturb. Around midnight-1am. I was too tired to make the effort to complain at the time.

Thanks

Conrad.

Sent from my iPhone  
+447767777187

On 10 Jul 2014, at 18:01, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Conrad

I appreciate you are very frustrated and I can ensure we are doing everything we can to identify and manage noise issues from the venue.

As previously discussed the current limiter is very crude and does limit the system but there is variation between upper and lower levels depending on the track being played and what format the music is in. The new limiter is far more advanced and you can set levels irrelevant of the track or format etc for both decibels and bass etc. I am just waiting for this to be delivered.

Apart from the noise complaint that turned out to be a rickshaw has there been any other issues in the last few weeks or was it just last night at 1am?

Warm Regards

Samantha Delamore MSc CMCIEH  
Compliance Director  
<image001.gif>  
3<sup>rd</sup> Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

<image003.png>

---

**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]  
**Sent:** 10 July 2014 08:42  
**To:** Samantha Delamore; Dani Gibbison; Steve Hill  
**Subject:** Noise from Shadow Lounge

Samantha, Dani and Steve:

Last night - again - I was woken at about 1.15am by the sound of music coming up my West wall from the Shadow Lounge. I had to get up, put on clothes and go down into the street in order to talk to Dani to ask her to reduce the volume. Nevertheless, the nuisance continued and I had to message Dani to ask her to reduce the volume further. Only then could I get back to sleep, at around 2am.

This process is literally tortuous and causes massive disruption to my sleep making it hard for me to function properly the next day. Right now I am completely exhausted.

As I've said many times, I've had to endure this for EIGHT years and I am reaching the very end of my tether.

It is ALWAYS at the same time of night that this happens, clearly at a point in the evening (around 1am) when the DJ decides to crank it up a bit. One of the Novus managers, with whom I discussed this when he was inspecting the roof with an engineer to understand how the sound was travelling up the building, admitted that the DJs always find ways around the sound limiter systems that you use.

I am continuing to deal with you directly in the faith that either your new limiter will make such behaviour impossible, or that you will clearly instruct and then discipline any DJ who puts the volume up to the point where it causes a nuisance. Please confirm that this will happen? I believe strongly that the solution to this lies in the DJs' hands, and it is them that you must speak firmly to ensure that the volume levels are not touched during the evening. I would suggest going as far as to tape the volume controls with gaffer tape so they can't actually be adjusted?

I hope you hear in this email the extreme level of frustration I am now feeling. You are always friendly and helpful when we communicate, but there are no amount of smiles that will compensate for a ruined night's sleep.

Please let me know this morning what action you propose to take, when exactly this will happen and what you are doing to ensure that this NEVER happens again. How many times do I have to write this??

You should know that I have now informally notified John Crockford at Westminster of the troubles I have been having and he has replied that he and his team are on standby to come to the site and set levels for you yourselves that will be definitively inaudible in my flat. As I have said repeatedly I will not go down this route should you deal with the problem yourselves, but I am very close now to choosing this option.

I look forward to hearing from you at your earliest convenience.

Kind regards

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
london w1f 0rd

+447767777187

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Compliance Director  
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Mobile: 07879335271  
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<image003.png>

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**From:** Conrad Roeber [<mailto:conrad.roeber@me.com>]  
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**Subject:** Noise from Shadow Lounge

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I look forward to hearing from you at your earliest convenience.

Kind regards

Conrad

---

**conrad roeber**  
flat 7, 1 brewer street  
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+447767777187

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---

## Lawrance, Heidi: WCC

---

**From:** Marco Scalvini <scalvini@gmail.com>  
**Sent:** 02 January 2015 02:01  
**To:** Dani Gibbison  
**Cc:** Samantha Delamore; Conrad Roeber; Darryn Valerio  
**Subject:** Re: Noise from Shadow

Hi Dani,

I understand it's new year day and I'm sure u are having a great party but the bass is reverberating till the top floor. Definitely we need to arrange a meeting once the holidays are finished.

Best  
M.

Sent from my iPad

On 13 Dec 2014, at 01:57, Dani Gibbison <[Dani.Gibbison@novusleisure.com](mailto:Dani.Gibbison@novusleisure.com)> wrote:

Hi there Marco,  
Very sorry to hear that you've been disturbed by the noise this evening  
After completing a sound check in the venue I have instructed the DJs to drop the levels both on the master volume and on the bass  
Please do let me know if you have any further issues, my personal contact details are listed below.

Kind Regards,

**Dani Gibbison**  
General Manager  
The Shadow Lounge  
5 Brewer St, Soho, W1F 0RF  
☎ (020) 7317 9270 | 07875700383  
[www.theshadowlounge.co.uk](http://www.theshadowlounge.co.uk)  
<image001.jpg>

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**From:** Marco Scalvini [<mailto:scalvini@gmail.com>]  
**Sent:** 13 December 2014 01:44  
**To:** Samantha Delamore  
**Cc:** Conrad Roeber; Dani Gibbison; Nick Poulton; Darryn Valerio  
**Subject:** Re: Noise from Shadow

Tonite for sure! The vibration comes through the wall of my room. The noise has started after midnight. Definitely a sound test must be done ASAP! I can't sleep and this problem already happened a few times in the last weeks.  
Regards

Sent from my iPad

On 10 Dec 2014, at 16:40, Samantha Delamore <[Samantha.Delamore@novusleisure.com](mailto:Samantha.Delamore@novusleisure.com)> wrote:

Hi Marco

Im sorry to hear that you have been disturbed, can you please let me know dates and times that you have heard the music

Thanks

Sam

Samantha Delamore MSc CMCIEH  
Compliance Director

3rd Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

-----Original Message-----

From: Conrad Roeber [<mailto:conrad.roeber@me.com>]

Sent: 10 December 2014 15:20

To: Samantha Delamore; Dani Gibbison

Cc: Nick Poulton; Marco Scalvini

Subject: Noise from Shadow

I'm afraid that my flatmate has been disturbed by music from Shadow pretty much every open night recently.

This problem probably existed when we did the sound tests before but because Marco (cc'd) wasn't in the UK at the time, we failed to include noise to his room (which faces the internal light well).

Marco now has all the email addresses and Dani's phone number so he'll let you know when there's a problem.

Let's hope we can resolve this speedily. I'll leave it to Marco.

Cheers

Conrad

Sent from my iPhone  
+447767777187

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## Lawrance, Heidi: WCC

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**From:** Samantha Delamore <Samantha.Delamore@novusleisure.com>  
**Sent:** 08 January 2015 13:31  
**To:** Conrad Roeber; Marco Scalvini  
**Cc:** Nick Poulton; Darryn Valerio; Ciara Walsh; Graeme Sutherland; Dani Gibbison  
**Subject:** RE: Noise from Shadow

Hi Conrad & Marco

Thank you for your email and sorry that Marco has been disturbed over the last month. It is also really frustrating for us as we thought we had resolved the noise issues last year . However following the recent works upstairs the noise issue has returned and do seem to be affecting the acoustic resonance of the building.

I have asked for a meeting with the landlord to ascertain exactly what works are still left to complete and if there has been any other works which could have affected the acoustics of the building. We will also look to instruct an acoustic engineer to reevaluate the building to see if they can find any noise escape that can be mitigated against.

In the interim we of course do not want to cause yourself or Marco any issues, so we have dropped the noise decibel another 10b, this I believe should not cause you any issues until this can be fully resolved. However if it does please let us know and we will resolve on the night. The sounds level in the club are now more bar level and not club level, so I am hoping to try resolve as soon as possible to allow us to trade normally again without disturbing yourself or Marco.

Happy to meet on monday to discuss and arrange noise testing, or if not convenient to meet please give me a call and we can discuss over the phone

Samantha Delamore MSc CMCIEH  
Compliance Director

3rd Floor, Clareville House  
26-27 Oxendon Street  
London SW1Y 4EL

Mobile: 07879335271  
[Samantha.delamore@novusleisure.com](mailto:Samantha.delamore@novusleisure.com)

-----Original Message-----

From: Conrad Roeber [<mailto:conrad.roeber@me.com>]  
Sent: 08 January 2015 06:07  
To: Dani Gibbison  
Cc: Marco Scalvini; Samantha Delamore; Nick Poulton; Darryn Valerio; Ciara Walsh  
Subject: Re: Noise from Shadow

I understand that you have collectively failed to deal with persistent sound complaints from my flatmate, Marco, during the last month.

As you know, it is not our intention to get the Westminster Council team involved in setting appropriate sound limits but I cannot see any other route should you not address the issue as a matter of urgency.

It is simply NOT acceptable to rely on us to complain when levels are too high. This is unfair as it puts the onus on us to take action at the moment (when we should be sleeping) when we're least inclined to do so. A permanent lowering of the sound volume and type must be set immediately so that this issue is resolved for once and for all.

To this end I suggest a) and immediate and significant lowering of volume to ensure there is NO RISK of us being disturbed again until b) a daytime sound test and limit-setting exercise from Marco's room plus c) a late-night (1-2am) sound test and limit-setting session (when other environmental sounds are at a minimum) are conducted to set permanent levels.

I am back from holiday on 11th January so I suggest we do b) and c) early next week but put a) into practice immediately.

Please confirm

Yours

Conrad

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## Lawrance, Heidi: WCC

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**From:** Marco Scalvini <scalvini@gmail.com>  
**Sent:** 15 March 2015 08:54  
**To:** Dani Gibbison  
**Cc:** Darryn Valerio; Conrad Roeber; Samantha Delamore; Nick Poulton; Ciara Walsh  
**Subject:** Re: Noise from Shadow

Hi Dani,

welcome back indeed! I can confirm that you always replied promptly to my complaints in the middle of the night and you always take actions in these last weeks (20 feb, 25 Feb, 3 March). That happened also when you were on holidays. My apologies to have disturbed you. Last Friday I didn't receive a reply and I implied you were traveling so I wrote by email. Having said that, I would prefer not writing any week to remind shadow lounge to disconnect the monitor.

Please tell me if I am wrong, but I recall that your sound engineer evidenced that the cause of the noise disturbance was the monitor. For this reason, Conrad, Samantha and I agreed to unplug it until you weren't able to exclude the reverberation. However, in the last two months it seems that such an agreement hasn't been respected despite my complaints. I wonder if the Dj is just fooling us or if he hasn't been informed as we have kept discussing the same issue for several weeks.

As I wrote to Darryn, yesterday night the problem was resolved with the monitor out of action. The difference was so striking that I still have the doubt you weren't open. But I saw your staff in front of the door in the early night. As we already identified the source of the noise and we reconfirmed that the problem is still the same, I would really appreciate if you were able to keep the monitor unplugged until you are not able to stop any reverberation through the wall.

Best regards,

M.

Sent from my iPad

On 15 Mar 2015, at 07:35, Dani Gibbison <[Dani.Gibbison@novusleisure.com](mailto:Dani.Gibbison@novusleisure.com)> wrote:

Hi all,

Seems Im joining this a little late in the game, Im hoping that as Darryn said the problem was resolved this evening with the monitor unplugged and out of action?

Darryn also mentioned that you may have tried to contact me in within the past few weeks, apart from the message that I got from you whilst I was in Uruguay via iMessage I didn't receive anything, I had little to no internet connection (taking iMessage out of action) whilst travelling in South America and any messages that I haven't received that you may have sent weren't ignored I assure you, as always I do my best to get back to you as quickly as possible, but please accept my apologies if this may have come across in any other way.

Im back now and will be available at any point should you need to discuss anything with me via my mobile, as always.

Kind Regards,

**Dani Gibbison**

General Manager  
The Shadow Lounge  
5 Brewer St, Soho, W1F 0RF  
☎ (020) 7317 9270 | 07875700383  
[www.theshadowlounge.co.uk](http://www.theshadowlounge.co.uk)

<image001.jpg>

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**From:** Darryn Valerio  
**Sent:** 14 March 2015 21:43  
**To:** Conrad Roeber  
**Cc:** Samantha Delamore; Dani Gibbison; Nick Poulton; Marco Scalvini; Ciara Walsh  
**Subject:** Re: Noise from Shadow

Conrad, Marco,

Apologies for the delay. I've waited until I've attended site to respond which i have just left and spoken to Dani.

I am unable to check the levels on the monitor that had previously been set and acceptable. To ensure there is no disruption I have personally disconnected all cables and removed the cables to ensure they cannot be powered back on.

Please could I ask that if any issues/or no issues are experienced tonight, to let me know.

Dani is also back from annual leave and on site tonight.

Anything else please let me know otherwise I shall await feedback.

Regards  
Darryn Valerio

On 14 Mar 2015, at 21:34, Conrad Roeber <[conrad.roeber@me.com](mailto:conrad.roeber@me.com)> wrote:

Hi Samantha - since we have definitively discovered that the sound pollution is caused by the DJ monitor, please can you confirm that this won't be used? It is simply absurd that this nuisance is now continuing, given we know the source of the problem!

Thanks

Conrad

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conrad roeber  
1 brewer street - flat 7 - london w1f 0rd  
+44 7767 777187  
[conrad.roeber@me.com](mailto:conrad.roeber@me.com)

On 14 Mar 2015, at 04:37, Marco Scalvini  
<[scalvini@gmail.com](mailto:scalvini@gmail.com)> wrote:

Dear all,

I'm afraid to let you know that I have been disturbed by music from Shadow pretty much every week recently. Although you proposed to turn off the monitor during the sound test in January, it seems you are failing to respect what we agreed. A few times during the night I had to contact Dani to bring down the monitor. I would prefer not dealing with my complaints through the Westminster's noise team, so I wonder whether you are able to avoid further noise and to keep off the monitor as you offered in January.

I hope we can resolve this speedily.

Best regards

Marco

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## Lawrance, Heidi: WCC

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**From:** Tom Cohen <tom@yuza.com>  
**Sent:** 03 September 2015 23:55  
**To:** Nicky Slavid  
**Cc:** Darryn Valerio  
**Subject:** Re: Shadow Lounge

Following this up - the noise tonight is really loud. I don't know if someone's bypassed the limiter but it's not at an acceptable level.

Thanks again for looking at this urgently

On Thursday, 3 September 2015, Tom Cohen <tom@yuza.com> wrote:  
Hi Nicky, Darryn,

Thank you for your email - sorry for the delay; work has been very busy the last few days.

Prepared to start keeping a noise diary so you have more detail but would like to work with you to take action as soon as possible. It is definitely worse on some nights of the week and with the music going to 3am it certainly impacts our lives noticeably when it is audible. (If it was just until 1am and just the odd night, we'd be prepared to wait the odd occasion out but I am concerned this is becoming a regular disturbance).

Any progress on GM number? Would like to be able to send a text when audible music clips over the "tolerable" threshold (like now).

I have just moved from flat 3 to flat 6 and sorry to say the noise is worse here (I don't understand why, I'm now two floors further away from the basement!)

I appreciate your time in looking into this.

Tom

On Tuesday, 1 September 2015, Nicky Slavid <Nicky.Slavid@novusleisure.com> wrote:

Hi Tom,

Hope you are well?

Hopefully there were no noise issues over the weekend as I did not hear from you? However we want to make sure we are getting an accurate picture of the noise levels you are experiencing.

We had hoped the noise issues had been combatted as a result of the work Sam Delamore completed over the past 12-6 months, which was backed up by a lack of recent complaints, however we want to make sure the 2 issues over the past 4 months have been isolate incidents, and identify why, so, can we ask you ( if you do not already ) to complete a noise diary, in order that we can establish the frequency of the issue, and also identify if there are any common links which may be a factor. And feel free to email me on this address each time.

Meanwhile we will continue to investigate and I am looking to provide you with the managers phone number.

Thanks

Nicky

Nicky Slavid

Compliance Manager

<NOVUSLEISURE>

Clareville House

26 -27 Oxendon Street

London

SW1Y 4EL

07906066840

[Nicky.Slavid@novusleisure.com](mailto:Nicky.Slavid@novusleisure.com)

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TC

Sent from my iPhone

MMXV

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TC

Sent from my iPhone

MMXV

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