



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>01 December 2016</i>
Classification:	<i>General Release</i>
Premises:	<i>Sophisticats, 3-7 Brewer Street, London, W1F 0RD – 16/10288/LISEVR</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

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

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
- 2.1.1 Grant the application in full
 - 2.1.2 Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - 2.1.3 Refuse the application

3. Application

- 3.1 On the 23 September 2016 the applicant applied to renew the sexual entertainment venue premises licence to provide relevant entertainment namely partial nudity in the designated area between the hours of 09:00 to 03.00 on each of the days Monday to Saturday and 09:00 to 23.00 on Sundays. The applicant has not requested change to the relevant entertainment or to remove any standard conditions to the licence if the application is granted. A copy of the application is attached as Appendix A1.

Please note that this application is one of four applications submitted to the Licensing Service at the same time. The additional applications are a transfer and variation of the sexual entertainment venue licence along with a new premises licence under the Licensing Act 2003.

- 3.2 The applicant's solicitor has submitted a copy of a letter sent to one of the objectors and has stated that similar letters were sent to other objectors. A copy of the letter is attached as Appendix A2
- 3.3 The applicant has submitted further information in support of the application including witness statements, noise assessment, health and safety policy, performer's rules, a presentation and photographs. A copy of the submissions are attached as Appendix A3

4. Objections

- 4.1 Two (2) Ward Councillors and seven (7) local residents have submitted objections to the application.
- 4.2 Objector 1
Please consider this a councillor objection to all three applications on grounds of probable public nuisance and disorder.
- Objector 2
- 4.3 I too wish to object to all these applications on the same grounds as set out by ... and in support of local resident objectors.
- Objector 3
- 4.4 I am writing to object to the above licence request. I live in ... 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).

Objector 4

- 4.5 I am writing to strongly object to the following the licence applications made by Sophisticats, 3-7 Brewer Street, London W1. I live at ... in the same residential building. I will be directly affected and inconvenienced as well as disturbed by the increased noised, 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 anti-social behaviour of the past which all residents have been working to improve.

I object to the application for SEV licence annual renewal - ref: 16/10288/LISEVR.

This is the annual renewal for the SEV licence, which will either be a renewal of the existing licence (3am, partial nudity) or of the varied licence (6am, full nudity) depending on the success of the variation application. As a resident of ... in the same residential building, I strongly object to the SEV licence renewal on the following grounds:

The grant would be inappropriate given the fact that Sophisticats is in the basement of a residential building. There has been a great improvement in the area through the closure of sex shops, eviction of prostitutes, growth in retail and restaurants. Please note the proximity to the Soho Parish Primary School at 23 Great Windmill Street, W1D 7LF where children will be exposed to the influences of a strip club.

A renewal of the licence would be 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. 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.

Please note that our 100 year old building is not suited to an entertainment venue in the basement with all the disruptive sound issues. The front door to our apartment block is right next door to the front door of the club. Congestion, people smoking, loitering, rowdily entering and leaving, arguing and other aggressive antisocial behaviour, dropping litter, bottles, beer cans and the consumption and dealing in drugs, plus the fact that it is a narrow pavement and not suited to the queues associated with such a club, making it intolerable should the licence be renewed. I strongly urge that this licence NOT be renewed.

Objector 5

- 4.6 I would like to record my strongest possible objection to the licence application noted above as owners of flat 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.

Objector 6

4.7 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.

I'd like to submit this email and the enclosed email threads as supplementary to my representations regarding the following licence applications:

1) 16/09817/LIPN

2) 16/09959/LISEVV

3) 16/10288/LISEVR

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.

Objector 7

- 4.8 As in my earlier objection to this application, the proposed opening hours are unacceptable in a neighbourhood already overwhelmed with late night noise issues. These would be particularly bad in my flat ... if I had to put up with people leaving the club. I have been battling noise issues with the club's sound system used by the former tenant, Shadow Lounge, for the last few years, and object to a continued usage as a venue for loud music. The sound system as fitted carries noise through the walls of the building to the flats above, even at lower volume levels. My flat on the first floor has been particularly affected, and the owners of Shadow Lounge were proposing to soundproof my flat as all other measures had failed.

Both applications made so far for this change of usage are unacceptable to me, and I strongly object.

As noted in my previous objections to this application, I strongly object to the proposed hours, which are completely unacceptable for residents - I live ... and sleep in the front room of my flat which will have people exiting up to 6am. I also completely object to the sound system of the club unless radically altered, as sound vibrations travel up the building from that space into my flat. Even at reduced volumes, the previous tenants, Shadow Lounge, were unable to reduce the volume to a level where we didn't hear it in the flat's bedroom.

Objector 8

- 4.9 I am writing to object in the strongest possible terms to the above Licence application. I own a flat in ... which is partially located on the ground floor and basement of our building. The building is listed as 'unlisted building of merit' within the Soho Conservation area audit. This means that the building is 'considered to be of particular value to the character and appearance of the conservation area'. The building is over 100 years old and not suited to accommodate this kind of entertainment venue in the basement. Noise travels through the walls, which have not been protected by any special noise abatement measures.

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. Large groups of people, fuelled by alcohol, who are blocking your front door whilst waiting to enter a sexual entertainment venue can be extremely frightening. I have experienced this many times. We have also experienced litter, urine and vomit on our doorstep. I feel that licencing an establishment of this kind is a risk to 'public health and 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 licencing objective of 'public safety'.

The building is located in a Cumulative Impact Area in the centre of Soho. It is also situated down the road from The Soho Family Centre at 23 Brewer Street, a centre for children aged 6 months to 5 years old and close to The Soho Parish Primary School at 23 Great Windmill Street. The proposed opening hours of 9.00am to 6.00am will overlap with the hours that children will be journeying back and forth to these establishments. St Anne's Parish Church is also in the vicinity.

Westminster's City Plan 2016 3.29 states the following: *The council has designated the West End as a Stress Area because there is a saturation of entertainment uses within the area and harm is being caused to residential amenity, health and safety, local environmental quality and the character and function of the area.*

The City Plan goes on to state: *Within the West End Stress Area, 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 application to grant an SEV Licence and by extending the hours until 6.00am Monday-Saturday and until 5.00am on Sundays will, in my opinion, result in an increased concentration of late night users and will neither be low impact or small scale, especially when housed in a mainly residential building. Numbers of people waiting to enter or exit a 'sexually stimulating' club is not 'low-impact'. This kind of entertainment venue leads to extremely anti-social behaviour.

The applicant draws attention to a sister establishment in Welbeck Street / Marylebone Lane. They state that the running of this establishment has given them a 'proven track record'. Their current establishment is NOT in a Cumulative Impact Area and therefore does not face the sensitivities of the proposed venue.

Within the Cumulative Impact Areas there are identified 'hot spots' of crime and the existence of a venue such as this, which sexually stimulates members of the audience, has the potential to exacerbate the problems in these areas. Anti-social behaviour, drug dealers, drug users and criminals are attracted to the area by these types of venues to carry out their 'trade'. This leads to a detrimental effect on the safety and functioning of the area and on people's perception of the West End as a safe place to visit.

The residential community within Soho plays a vital role in contributing to a living, human city centre. This vibrancy and variety is most attractive to business and visitors to the area alike.

Over the last couple of years, and due to judicious planning and licencing, Soho has continued to develop into an area of mixed use between creative business, restaurants, cafes, street markets and high end retails shops. It has become an attractive destination for families to visit and enjoy. The whole area has changed for the better and the planned Walker's Court development will hopefully continue to enhance the area. The introduction of a full nudity venue with extensive hours in a Cumulative Impact Area will reverse the area improvements that have been achieved over the years. The type of people such a venue would attract, both as clientele and the subsequent hangers-on who wish to take advantage of the clientele would have a significant impact on public safety.

I believe that the application is contrary to the objectives of the Council's SEV Statement of Licencing Policy, namely: 1) Prevention of crime and disorder. 2) Prevention of public nuisance. 3) Promoting improvement in the character and function of the city, or areas of it. Therefore I ask the Council to reject the application.

Objector 9

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

1. It's 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"!
2. Sophisticats' entrance is only one door away from my front door and it doesn't have a decent size entrance hall. Thus, it's customers end up blocking, crowding outside our front door, smoking, talking, waiting, general commotion, etc.
3. Layout of the building is predominantly residential. There are seven residential flats above Sophisticats. Due to nature of the business, it is inappropriate to run a full nudity, selling alcohol till 6am, in the basement of a residential building.
4. Proximity to a childcare day centre on Brewer Street and the Soho Parish Primary School nearby.
5. Accumulation of full nudity, extended opening hours of alcohol and opening time to 6:00 am is greater than the sum of individual component.
6. Concentration of sexual establishments located in one or two streets is a hidden seed of anti-social behaviours, sexual assaults and violence.

5. SEV licence history

- 5.1 A new SEV licence was granted by the Committee on 12 June 2012 to A3D2 Limited for one year. The licence took effect on 01 October 2012.
- 5.2 Applications to renew the licence were submitted in each of the years 2013, 2014, 2015 and were granted under delegated authority as no objections were received.
- 5.3 On 04 February 2014 an application was submitted to vary the premises plans so as to infill the dance floor, remove booth seating and reconfiguration of the stage area. The application was granted under delegated authority.
- 5.4 On 04 April 2014 an application was submitted to vary the premises plans so as to lower the floor level and install steps to the seating booths and entrances and exits. The application was granted under delegated authority.
- 5.5 On 14 September 2016 an application to transfer the licence to Devine Restaurants Limited was submitted. This application has received objections and is listed for determination by the Committee.
- 5.6 On 14 September 2016 an application to vary the licence was submitted by Devine Restaurants Limited. This application has received objections and is listed for determination by the Committee along with the transfer mentioned above and this renewal application.
- 5.7 A copy of the current SEV Licence is attached at Appendix B1.

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

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

Please note: The applicants have, in addition to this application, applied for a new licence under the Licensing Act 2003 premises which has the effect of extending the terminal hours for licensable activities and reducing the capacity.

- 6.2 A copy of the current Premises Licence is attached to this report as Appendix B2.

<u>Existing Premises Licence (16/05695/LIPDPS) permitted Licensable Activities</u>

Regulated Entertainment: Indoors

Performance of Dance

Performance of Live Music

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

<p>Dance Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00</p> <p>Playing of Recorded Music Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to a profit Unrestricted</p>
<p>Late Night Refreshment: Indoors</p> <p>Monday to Saturday 23:00 to 03:30 Sunday 23:00 to 00:00</p>
<p>Sale of Alcohol: On & off the premises</p> <p>Monday to Saturday 09:00 to 03:00 Sunday 12:00 to 23:30</p>
<p>Capacity:</p> <p>The number of persons accommodated (excluding staff) at the premises shall not exceed 280.</p>
<p>Opening hours:</p> <p>Monday to Saturday 09:00 to 02:30 Sunday 09:00 to 00:00</p>

7. Policy Considerations

7.1 Suitability of applicant – SU1

The applicants have stated that their sister company has operated Sophisticats Gentleman's Club in Marylebone Lane under a licence issued by Westminster City Council. In addition the applicant's state that they have an exemplary record at Sophisticats and have effective working relationships with the Responsible Authorities. In addition the Council's Licensing Inspectorate has carried out fit and proper persons checks and have not made any representations to the application. The Metropolitan Police Service have raised an objection with regard to the applicants suitability in the transfer application but not to this renewal application.

7.2 SEV carried on for the benefit of another person – SU2

The Council's Licensing Inspectorate has undertaken appropriate checks and have made no comments.

7.3 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

7.4 Character of the relevant locality – LO1

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

7.5 Use of premises in the vicinity – LO2

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

8. **Legal Implications**

8.1 The Committee using its powers above may determine to:

- (a) Grant the application in full
- (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
- (c) Refuse the application.

8.2 Before refusing to grant a licence to the applicant, the Licensing Authority shall give the applicant an opportunity to appear before it and of being heard by the Committee under para 10(19) to Schedule 3

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

8.4 The Committee may refuse to grant a licence for the following reasons:

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;

- (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- (c) that the number of Sexual Entertainment Venues in Westminster at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality. This number, as specified in the Sexual Entertainment Venues Statement of Licensing Policy 2012, is currently set at 25;
- (d) that the renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality;
 - (ii) the use to which any premises in the vicinity are put;
 - (iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made under para 12(3) to Schedule 3

8.5 If the Committee determine to grant a SEV licence, the licence will be subject to the Standard Conditions for SEV licences, unless the Committee determines that certain Standard Conditions should be expressly excluded or otherwise varied pursuant to para 13(4) to Schedule 3.

8.6 Should the Committee determine to refuse the application for the grant or renewal of a licence under paragraph 12(3)(a) or (b) to Schedule 3 the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under para 27(1) to Schedule 3.

9. Human Rights Act and Equality Implications

9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest".

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

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

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

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

Appendices

A1 – Application Form

A2 – Copy of a letter sent to objector

A3 – Further applicant submissions

B1 – Current Sexual Entertainment Licence

B2 – Current Licensing Act 2003 Premises Licence

C1 – Map of the locality

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Claire Hayes on 020 7641 7816 or at chayes@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Sexual Entertainment Venues Statement of Licensing Policy 2012

Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012



City of Westminster

APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE

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

Devine Restaurants Ltd

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

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

Sophisticats

Premises name:

3-7 Brewer Street, London, W1F 0RD

Premises address:

15/06700/LISEVR

Licence reference number:

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

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

PART 1 – Applicant Details

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

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

Section A – Individual Licensee Details

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

Additional Licensee Details (if necessary)

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

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Devine Restaurants Ltd
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/> Registered Number: 06048816
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Private Limited Company
Home Country: (the country where the headquarters of your business is located)	England
Registered Address:	109 Gloucester Place LONDON
Postcode:	W1U 6JW
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Have there been any changes to the directors, partners or managers involved with the premises?	Yes <input checked="" type="checkbox"/> (please see below) No <input type="checkbox"/>
If yes, please provide details of the changes on a separate sheet, including the full name, private address and capacity of each director, partner and manager involved with the operation of the premises.	
Please see appended updated schedule of directors, owners and managers following the recent transfer application	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

The applicant's sister company, Mondrealm Limited, holds the sexual entertainment venue licence ref. 15/07549/LISEVR in respect of Sophisticats 77 Welbeck Street, London, W1G 9BN. The following key individuals are related to the applicant and Mondrealm Limited:

Mr John McKeown: Director

Mr Simon Langer: Shareholder

Ms Maria Carmen Alonso Fernandez: General Manager

PART 2 – Premises Details

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

Have there been any changes to the nature of the relevant entertainment since the licence was last granted / renewed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please provide details below.	

PART 3 – Convictions / Disqualifications

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

PART 4 - Checklist

Please tick as appropriate:


All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 6 of this form)	<input checked="" type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input checked="" type="checkbox"/>
Notice of this application has been displayed at the premises	<input checked="" type="checkbox"/>

The application has been served on the Metropolitan Police Service	<input checked="" type="checkbox"/>
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PART 5 - Declaration

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

I/we THOMAS AND THOMAS PARTNERS LLP declare that the information given above is true and complete in every respect.

Signed	
Date:	22/09/2016
Capacity:	SOLICITORS ON BEHALF OF THE APPLICANT

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

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

Yes No

If yes, please provide the following:

Agent name:	Thomas and Thomas Partners LLP
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Appendix A2

Thomas & Thomas Partners LLP

Your ref:
Our ref: JS/TOM

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



11 November 2016

Dear 

Licence Applications - 3-7 Brewer Street, London W1F 0RD

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

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 residents¹

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

¹ 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

23rd November 2016

LICENSING ACT 2003

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

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

WESTMINSTER CITY COUNCIL

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: 11th November 2016

Big Sky Acoustics document control sheet

Project title:	Noise impact assessment 3-7 Brewer Street, W1F 0RD
Technical report number:	16110681
Survey date:	Thursday 10 th - Friday 11 th 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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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 μ 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 through 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'¹. 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 University², 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 2002³. 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.

¹ World Health Organisation. Guidelines for Community Noise, 2000

² 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

³ 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 value⁴ 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 Griefahn⁵ internal level criterion of 55 dB L_{Amax} .

⁴ World Health Organisation. Guidelines for Community Noise, 2000.

⁵ 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.



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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_{eq}** 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_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** 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_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} 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
At start	7°C	0ms ⁻¹	None
During assessment	5°C	0-1ms ⁻¹	None
At finish	6°C	0ms ⁻¹	None
Additional comments: 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.

* 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. ¹

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. ²
- 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. ³ 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. ⁴
- 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.

¹ Refer to Sophisticats Violence policy heading Police Reports

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

³ Refer to Sophisticats Violence policy heading. Use of Force

⁴ 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 brought 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.



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

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 1LA

phone: 0845 058 4650 fax: 0870 458 1668 e-mail: info@cga-integration.co.uk 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

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

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

[REDACTED]

3 October 2016

[REDACTED]

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

Lawrance, Heidi: WCC

From: Jack Spiegler <jspiegler@tandtp.com>
Sent: 21 October 2016 12:27
To: [REDACTED]
Cc: Richard Brown; Thomas O'Maoileoin; [REDACTED]
Subject: Re: Sophisticats

Dear [REDACTED]

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: [REDACTED]
Cc: Richard Brown <licensing@westminstercab.org.uk>, Thomas O'Maoileoin <TOMaoileoin@tandtp.com>, [REDACTED]
Subject: Re: Sophisticats

[REDACTED]

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 [REDACTED], 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

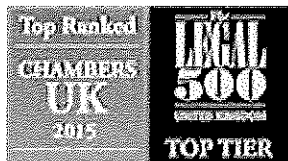
Jack

Jack Spiegler
Associate

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

M: 07720 975272
D: 020 7042 0413
T: 020 7042 0410

F: 020 7379 6618
E: jspiegler@tandtp.com
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From: [REDACTED]
Date: Thursday, 13 October 2016 at 16:45
To: Jack Spiegler <JSpiegler@tandtp.com>
Cc: Richard Brown <licensing@westminstercab.org.uk>, Thomas O'Maoileoin <TOMaoileoin@tandtp.com>, [REDACTED]
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, [REDACTED] (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

[REDACTED]

On 5 Oct 2016, at 14:27, Jack Spiegler <JSpiegler@tandtp.com> wrote:


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


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

M: 07720 975272
D: 020 7042 0413
T: 020 7042 0410
F: 020 7379 6618
E: jspiegler@tandtp.com
W: www.tandtp.com

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From: 
Date: Tuesday, 4 October 2016 at 13:52
To: Jack Spiegler <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 [REDACTED] 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

[REDACTED]
[REDACTED]

Name	Address	Permitted Hours	Full Nudity Y/N
Sophisticats (formerly Pleasure Lounge)	3-7 Brewer Street	Mon to Sat 9am to 3am Sunday 9am to 11pm	N
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

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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

Last updated 27 May 2014

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Sophisticats Interior Design Concept 06.09.16

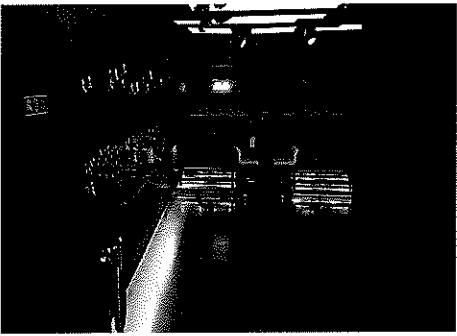
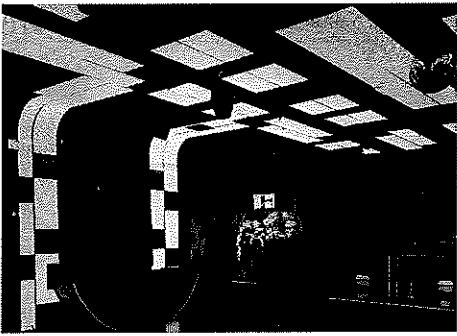
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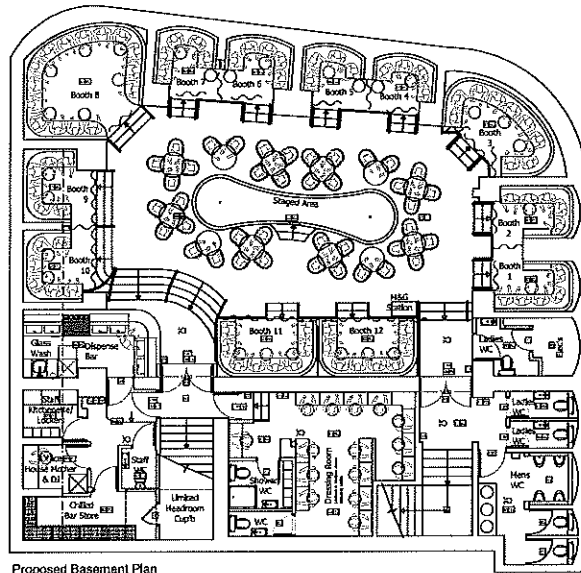
Branding
Architecture
Interior design

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w www.designlsm.com

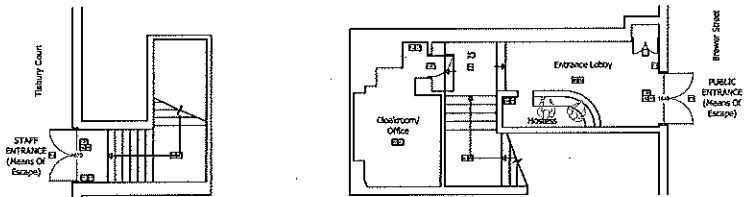
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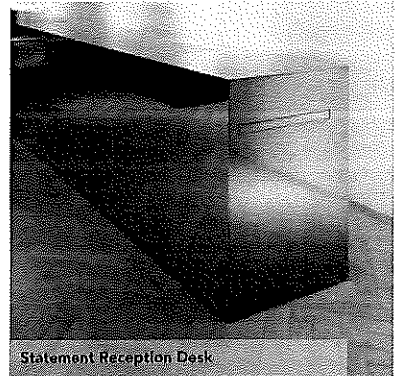
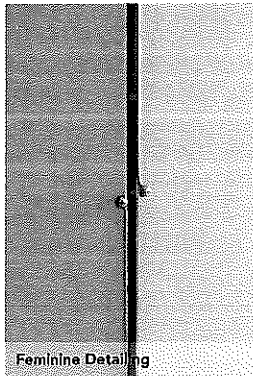
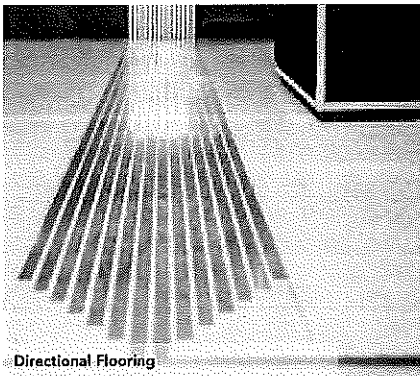
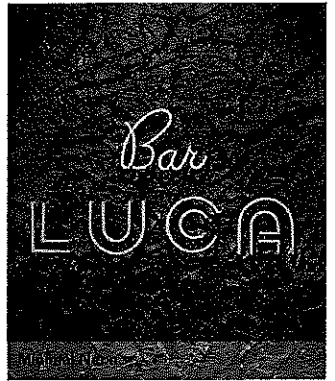
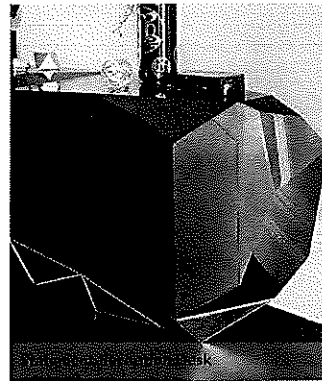
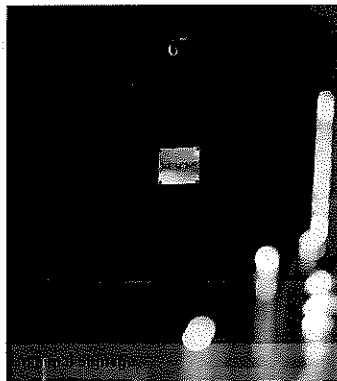
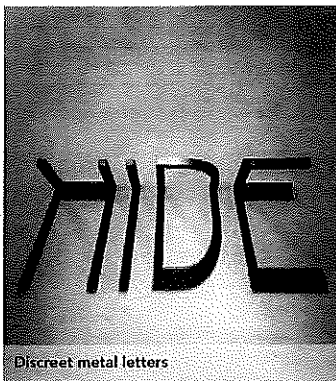
Plan



Proposed Basement Plan
Scale 1:50 @ A1



Entrance and Reception



Exterior Visual



Entrance Visual



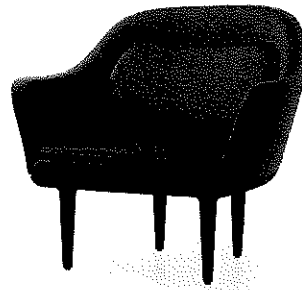
Central Lounge



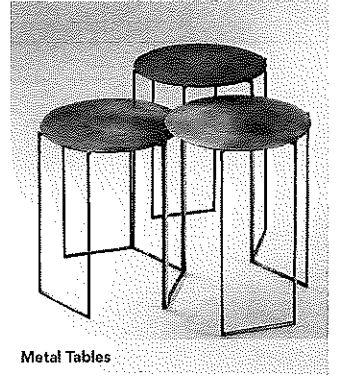
Walton's Mural



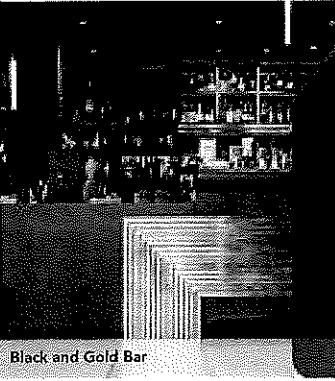
Mural



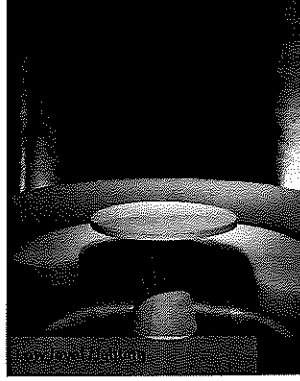
Lounge Chair



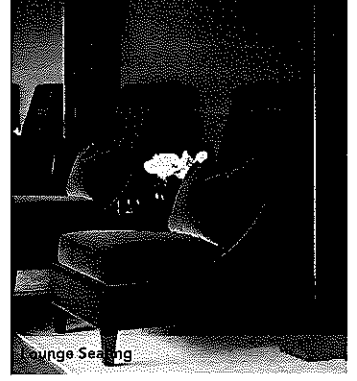
Metal Tables



Black and Gold Bar

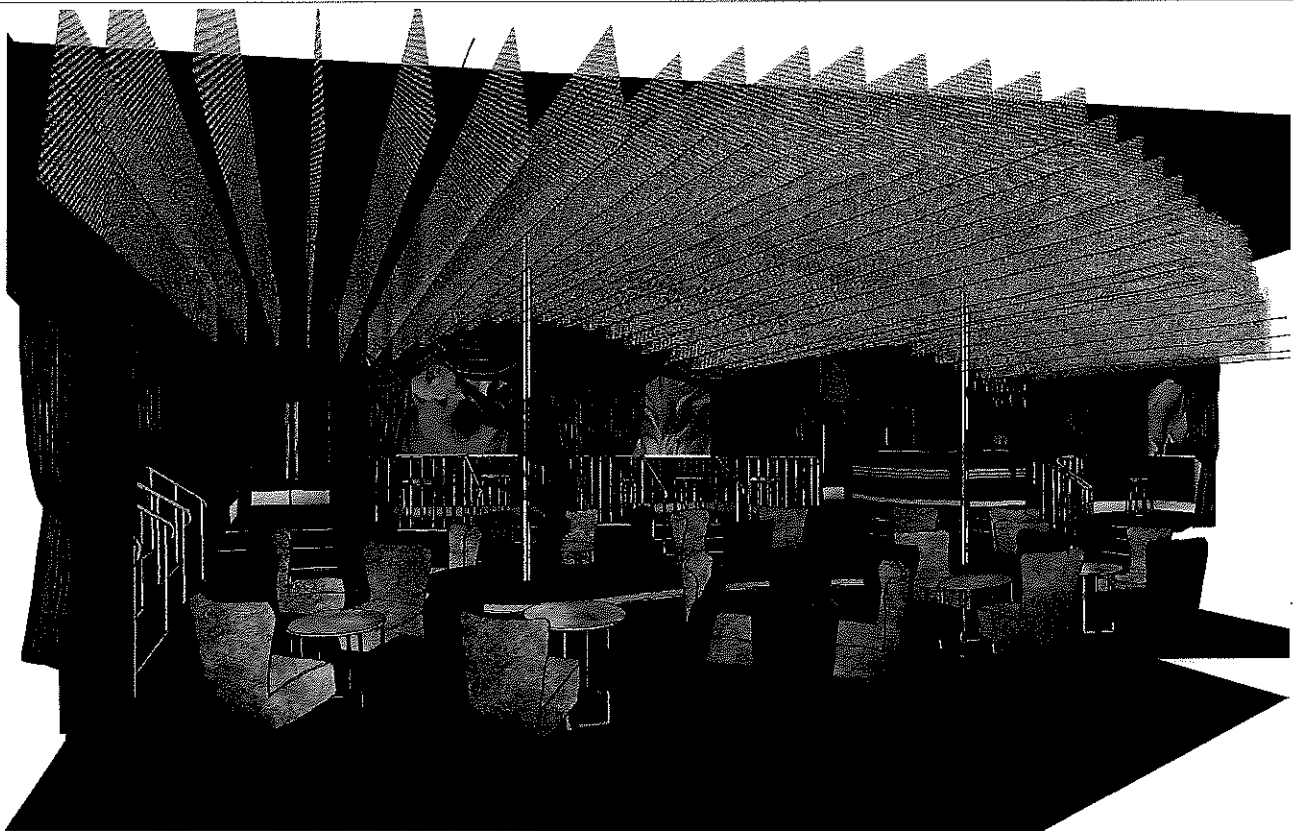


Lounge Seating

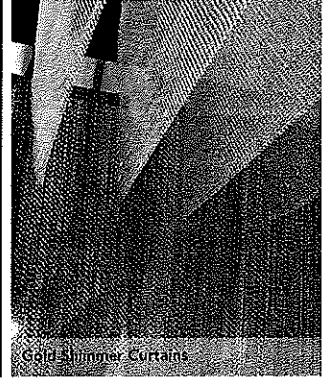
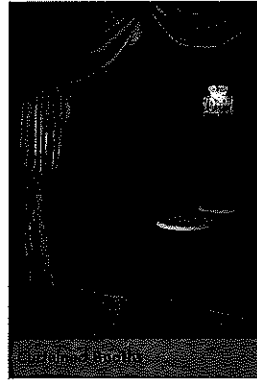
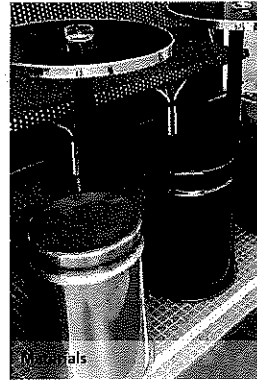
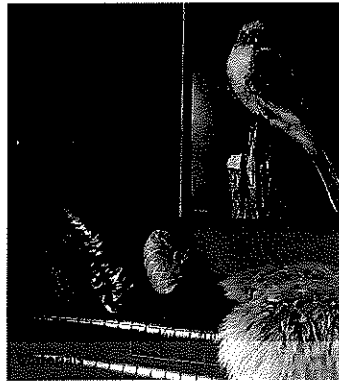


Lounge Seating

Lounge Visual



Booths

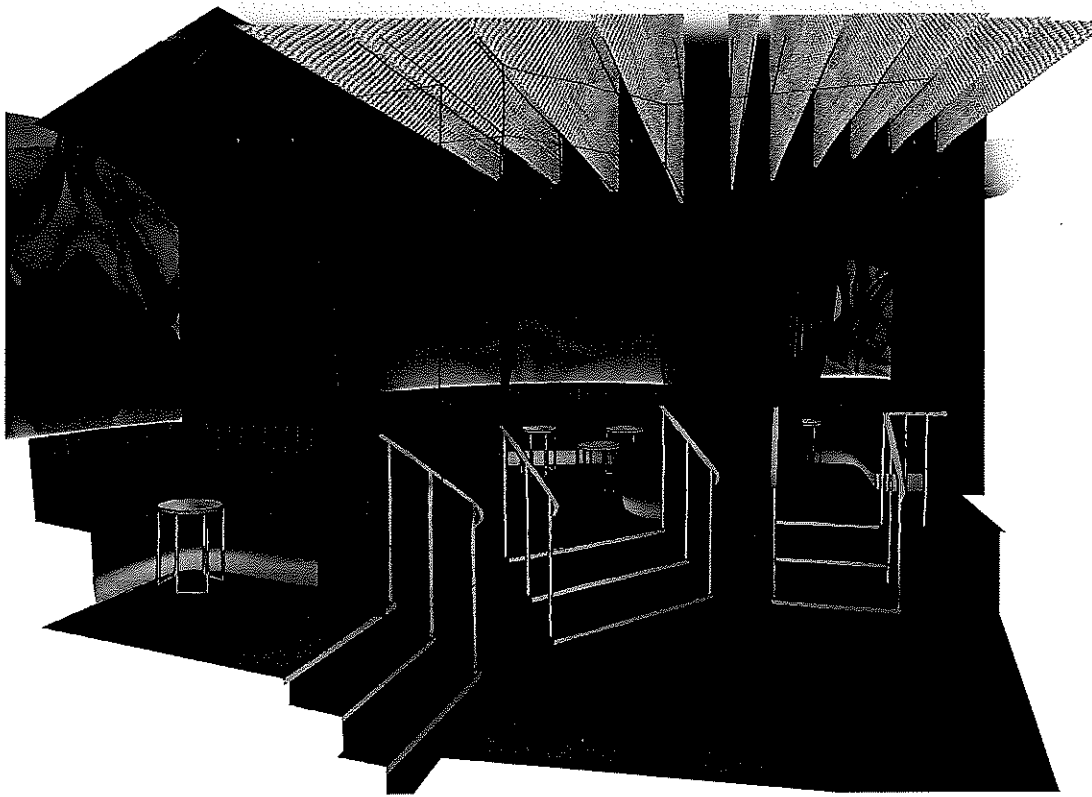


Rich Luxe Fabrics

Rich Luxe Fabrics

Gold Shimmer Curtains

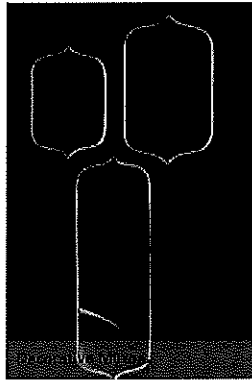
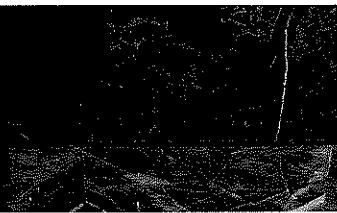
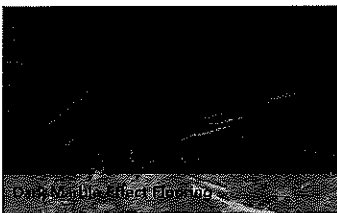
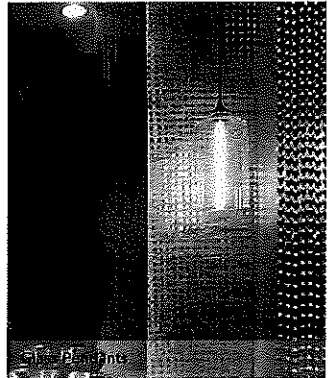
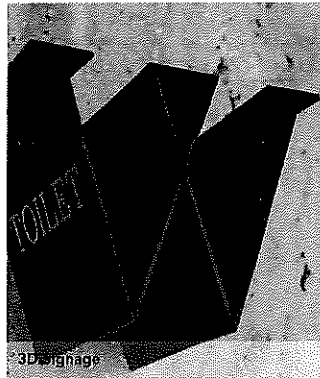
Booths Visual



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L15 3921 • Sophisticats • Interior design concept • 06 | 09 | 16 • contact: Andrew.H@designlsm.com • 01273 820 033 • Rev /

WCs



Contact

Contact

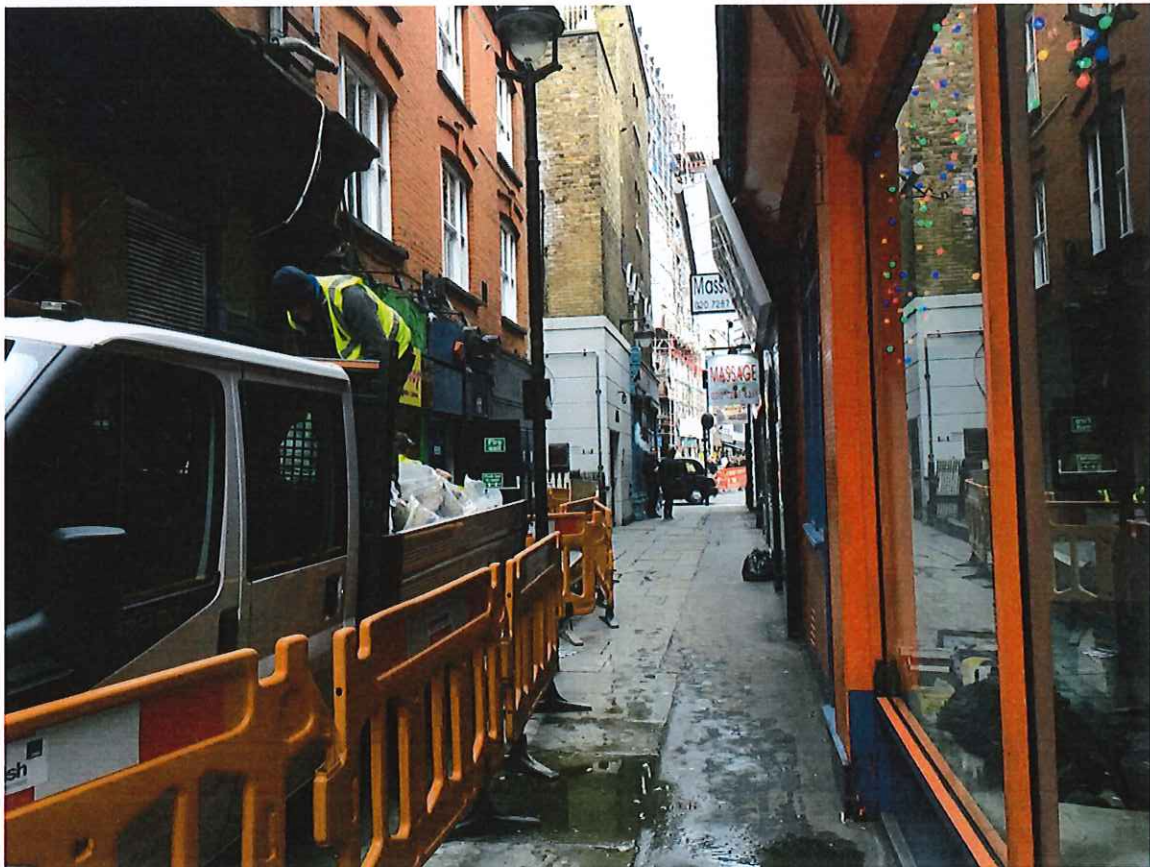
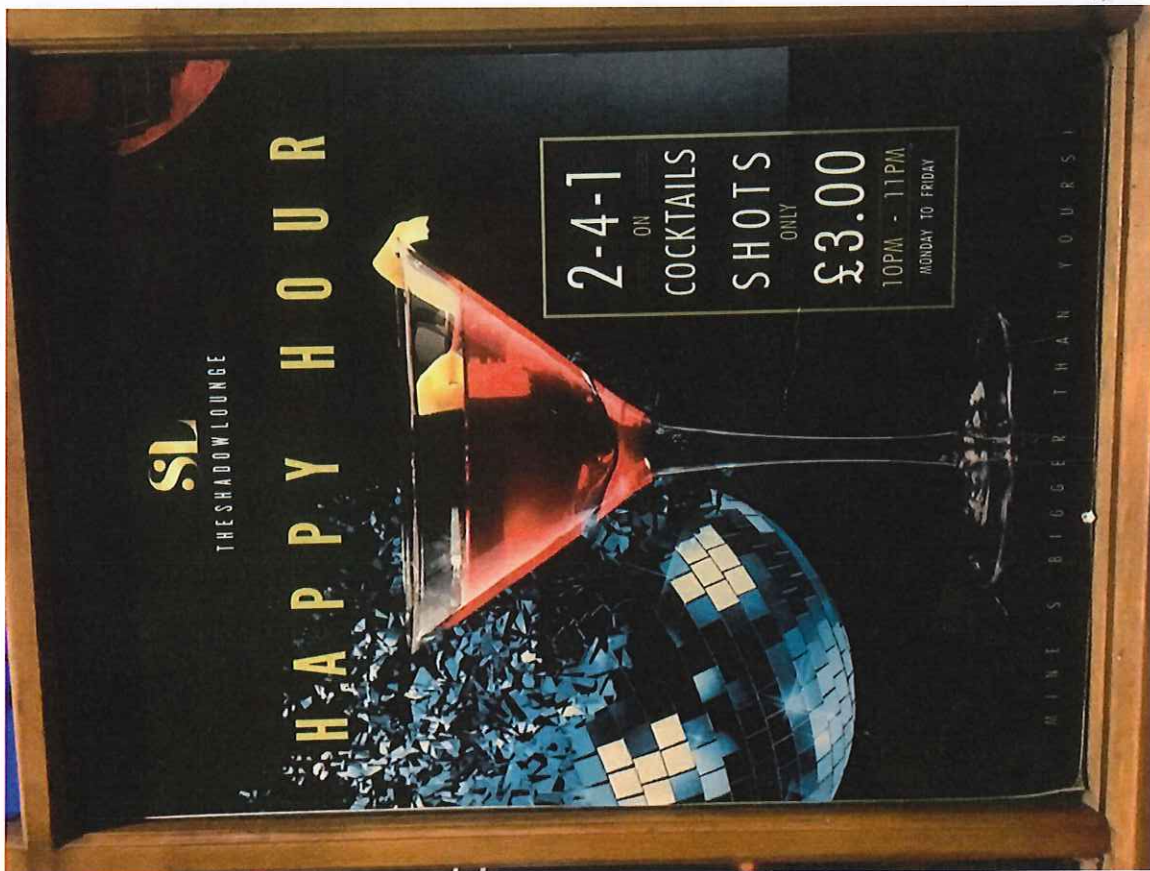
Andrew Harwood	DesignLSM Limited
Andrew.H@designlsm.com	58 Livingstone Road
+44 (0) 1273 820 033	Hove East Sussex
+44 (0) 07815 969 489	BN3 3WL

DESIGNLSM

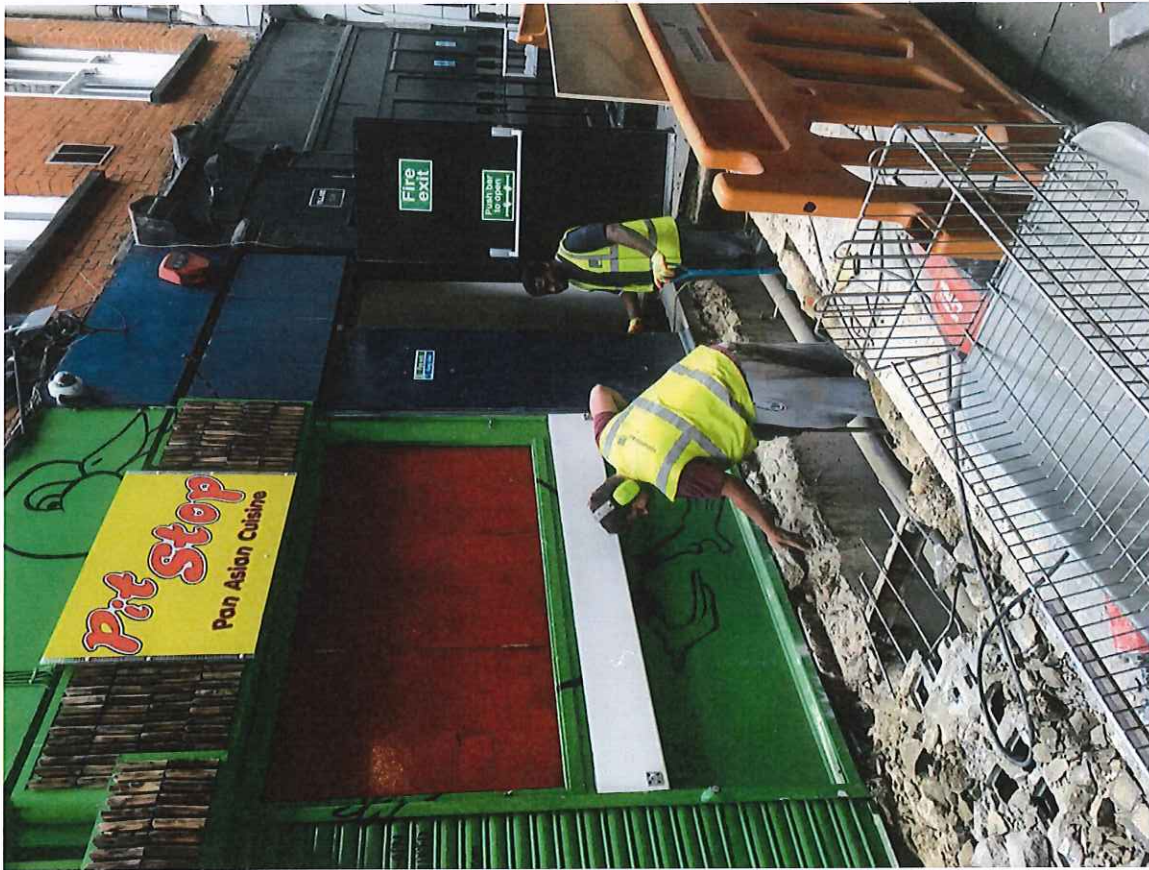
Branding
Architecture
Interior design

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

3-7 Brewer Street – Local Area Photographs



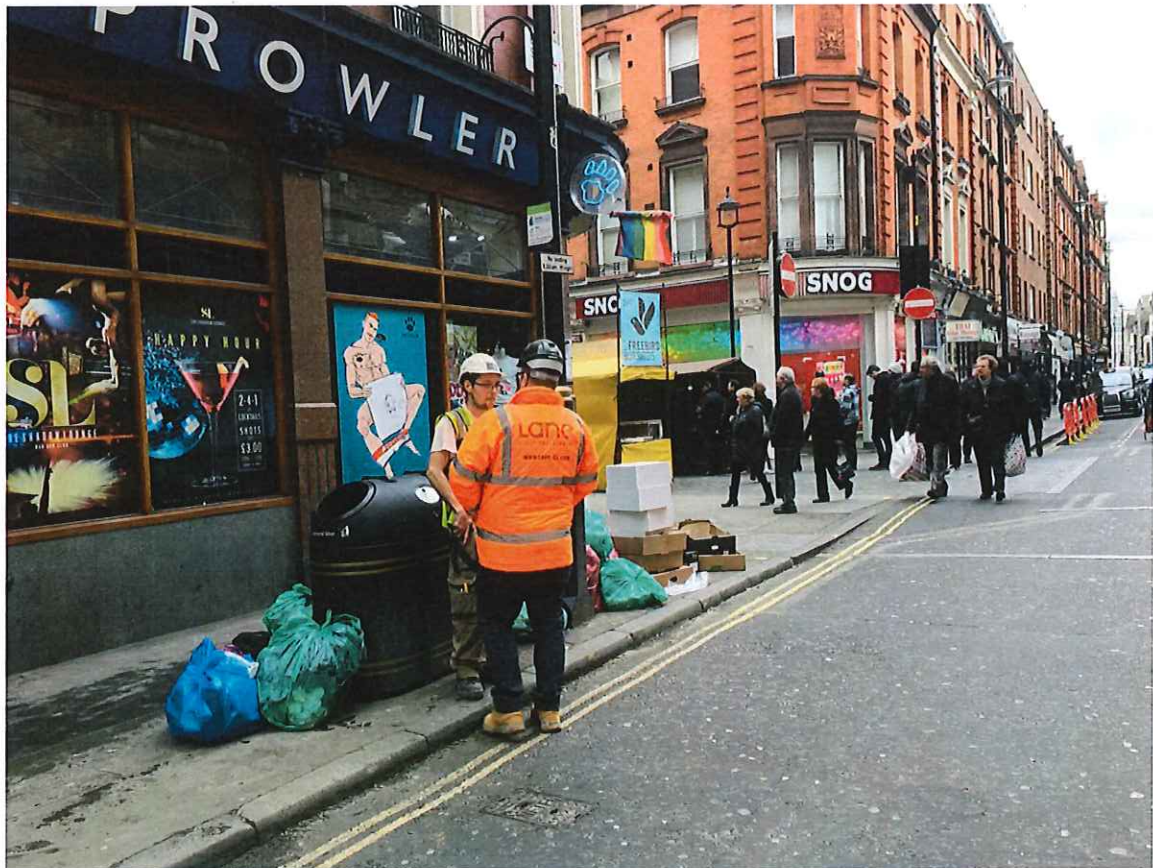
3-7 Brewer Street – Local Area Photographs



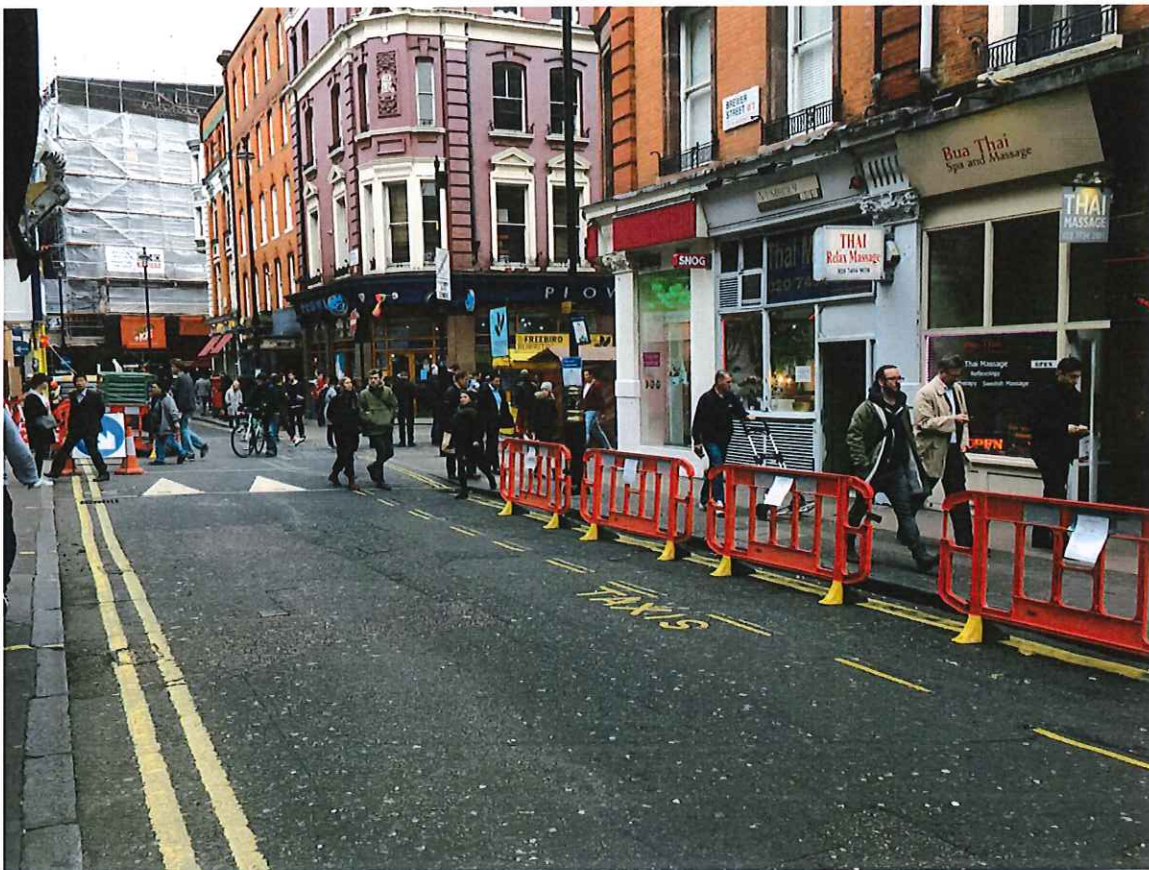
3-7 Brewer Street – Local Area Photographs



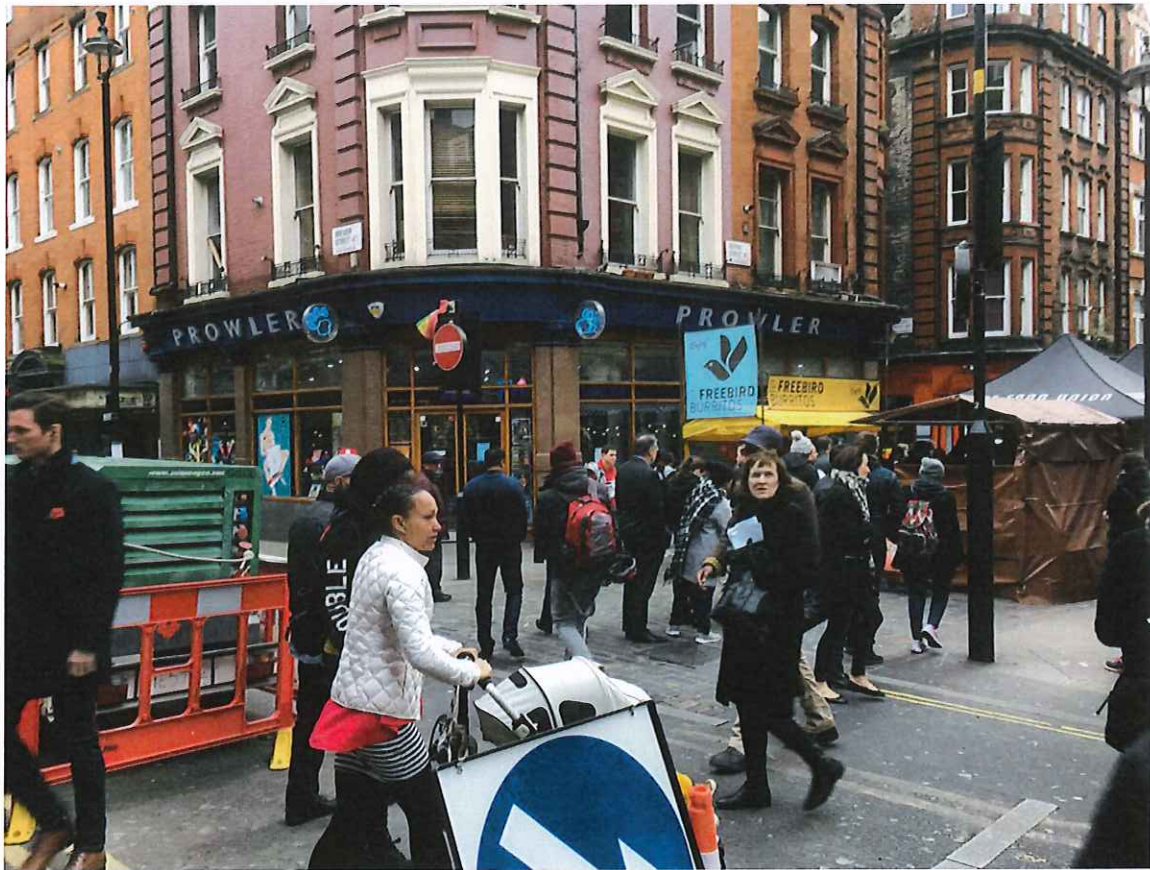
3-7 Brewer Street – Local Area Photographs



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



SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	15/06700/LISEVR
Original Reference:	12/02456/LISEVN

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

hereby licences:
to use the premises:

A3D2 LIMITED
SHADOW LOUNGE
3-7 BREWER STREET
LONDON
W1F 0RD

as a Sexual Entertainment Venue.

This licence commences from the 01 October 2015 and will expire on the 30 September 2016.

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

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

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

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



DATE: 18.11.2015

SIGNED:

**On behalf of the Operational Director -
Premises Management**

Appendix 2 – Conditions

Standard Conditions:

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

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

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.
25. Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.
26. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises used for table side dancing.
27. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA Licensed) door supervisors will be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
28. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 280 persons.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
32. 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.
33. 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.
34. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
36. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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



Schedule 12
Part A

WARD: West End
UPRN: 010033540855

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/05695/LIPDPS

Original Reference:

05/06633/LIPCV

Part 1 – Premises details

Postal address of premises:

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

Telephone Number: 020 7287 8389

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See condition 63

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See condition 63

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See condition 63

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 00:00
Non-standard Timings: See condition 63

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 23:30
Non-standard Timings: See condition 63

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

The opening hours of the premises:

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

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

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

Part 2

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

A3D2 Limited
Clareville House
26-27 Oxendon Street
London
SW1Y 4EL
Business Phone Number : 0207 968 2400

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

3506401

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

Name: Mr Callum Robert Moughan

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

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<p>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:</p> <p>Licence Number: 1500877/LAPER Licensing Authority: London Borough Of Bromley</p>

Date: 17 June 2016

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

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

Conditions relating to Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3am on the day following.

13.*	Notwithstanding Rule of Management No. 4 dancers may perform topless on the stage area or by table sides.
------	---

14.*	The entertainment to be provided under this licence shall be limited to the type commonly known as discotheque, and to topless dancing by performers.
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- 15.* The agreed activities shall take place only in the designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.
- 16.* The striptease entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.
- 17.* There shall at the premises or in its immediate vicinity be no external advertising of the striptease entertainment.
- 18.* Whilst striptease entertainment is taking place no person under the age 18 shall be on the licence premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED
- 19.* The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement to be made, for the audience to throw money at or otherwise to give gratuities to the performers (except as permitted by condition (21) below).
- 20.* Entertainment under this consent may be provided solely by topless dancers on the stage area and to customers seated at tables in the approved part of the premises. No audience participation shall be permitted.
- 21.* There shall be no physical contact between customers and dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of the performance. The money or tokens shall not be placed in the G-string of the performers. Whilst the dancers are performing there shall be a minimum distance of three feet between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
- 22.* There shall be no physical contact between dancers whilst performing.
- 23.* The topless dancers shall at all times wear a G-string or similar piece of clothing on the appropriate part of the body.
- 24.* Whilst table dancing takes place at least two door supervisors shall be employed in the part of the premises used for table dancing.
- 25.* At least four registered door supervisors shall be employed at the premises at all times when the premises are in operation.
- 26.* No entertainment involving nudity or partial nudity shall take place in any alcove area or in any area or in any area which is not monitored by the CCTV system.
- 27.* All exterior doors shall be kept closed after midnight except for immediate entrance and exit.
- 28.* A shower and changing room facilities for use by the performers shall be provided to the satisfaction of the Environmental Health Officer.
- 29.* Only dancers engaged by or through Evernote Ltd for so long as James Alan Poulton and Jean-Pierre Foster remain directors thereof shall be permitted to perform striptease.

30. Soundproofing to the satisfaction of the Environmental Health Officer shall be provided.

31.* An attendant shall be in duty in the cloakroom the whole time the premises is in use under this licence.

32. All waste from the premises must be paid for, properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.

33. The pavement from the building line to the kerb edge, so as to include the gutter/channel at its junction with the kerb edge, in the vicinity of the premises must be swept at regular intervals whilst customers are queuing to enter the premises. Litter and sweepings must be collected and stored in accordance with the approved refuse storage arrangements.

34. At the close of business each day the premises are open for business, the licensee shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, so as to include the gutter/channel at its junction with the kerb edge, is swept. Litter and sweepings must be collected and stored in accordance with the approved refuse storage arrangements.

35. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be distributed on the street to the public. No such advertisements shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property.

36. Food and drink purchased on the premises are not allowed to be taken away by customers on leaving the premises.

37. The number of persons accommodated (excluding staff) at the premises shall not exceed 280.

Conditions for Sale of Alcohol

38. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

40. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.

41.* No persons under the age of 18 years shall be allowed to enter or remain on the licensed premises, and a clear notice shall be displayed, in the following terms, at the entrance to the premises in a prominent position so that it can be easily read by persons entering: NO PERSON UNDER 18 YEARS WILL BE ADMITTED.

42. A premises licence holder, or in the case of a company, an authorised representative, shall be present throughout the whole of the time the premises are operating.

43. On any evening where the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied to persons entering the premises or that part of the premises after 10.30pm except to:

- (a) persons who have paid or had paid on their behalf a minimum admission fee of £3 Mon-Thurs and £5 Fri-Sat, which shall not be credited against consumables; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending private functions at the premises;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
44. Save as provided in and subject to the provisions of condition 42 below, there shall be no striptease, no nudity and all persons shall be decently attired at all times.
45. Intoxicating liquor may be sold or supplied to the following persons:
- (a) persons paying a minimum annual admission fee of £150 payable in advance (not to be credited against consumables) for music, dancing and entertainment;
 - (b) persons paying a minimum admission fee of £10 (not to be credited against consumables) for music dancing and entertainment;
 - (c) bona fide guests of the proprietor specially invited prior to admission, a list of whom shall be kept at reception for inspection by the statutory authorities;
 - (d) artistes or persons employed at the premises;
 - (e) persons attending a private function on the premises, a list of whom shall be kept at reception for inspection by the statutory authorities.

46.* Only dancers engaged by or through Evernote Ltd for so long as James Alan Poulton and Jean-Pierre Foster remain directors thereof shall be permitted to perform striptease.

47.* Such striptease and topless performers shall be engaged subject to the rules the same as or similar to the Management Rules of Conduct deposited with the Licensing Justices. The striptease dancers shall be provided with copy of those rules.

48.* Striptease artistes shall only perform striptease on the designated stage area and to seated customers at a table.

49.* There shall be no physical contact between customers and topless dancers except for placing cash/dance tokens in the garter or from the customers hands to the hands of the dancers at the beginning or conclusion of the performance.

50.* There shall be a minimum distance of three feet to be kept between the striptease artiste and the customer whilst performing.

51.* A notice outlining conditions 51 and 52 shall be clearly displayed at each table and at the entrance to the premises.

52.* All striptease artistes are prohibited from removing their G strings.

53.* There shall be no physical contact between the striptease artistes whilst performing.

54.* There shall be a minimum fee of £10 per performance by striptease artiste, for the purpose of a topless dance, except for performances conducted on the designated stage.

55.* Striptease artistes shall only perform striptease on the designated stage area and to seated customers at a table, except striptease shall be prohibited from all the alcove areas hatched brown on the deposited plan.

56.* A minimum of four Westminster registered door supervisors will be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

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

57. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that –
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) On Sundays the permitted hours shall commence at 12.00 and extend until 23.30.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

**** Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises***

Annex 2 – Conditions consistent with the operating Schedule

59. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
60. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
62. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

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

63. The hours for licensable activities may be extended on no more than 15 occasions per calendar year subject to being in substitution of the 12 temporary events covered by the Licensing Act with ten working days notice to the Police and the Police having power of veto for any such occasion and that the Licensing Authority also be given ten days notice of any such occasion.
64. No persons aged under the age of 18 shall be allowed within the premises under any event.
65. Credit sales is allowed subject to them being accompanied with an itemised bill.

Annex 4 – Plans

Attached



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 010033540855

Regulation 33, 34

Premises licence number:

16/05695/LIPDPS

Part 1 – Premises details

Postal address of premises:

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

Telephone Number: 020 7287 8389

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings:	See condition 63

Performance of Live Music

Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings:	See condition 63

Playing of Recorded Music

Unrestricted

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

Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings:	See condition 63

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 00:00
Non-standard Timings:	See condition 63

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

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 23:30
Non-standard Timings:	See condition 63

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

The opening hours of the premises:

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

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

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

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

A3D2 Limited
Clareville House
26-27 Oxendon Street
London
SW1Y 4EL

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

3506401

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

Name: Mr Callum Robert Moughan

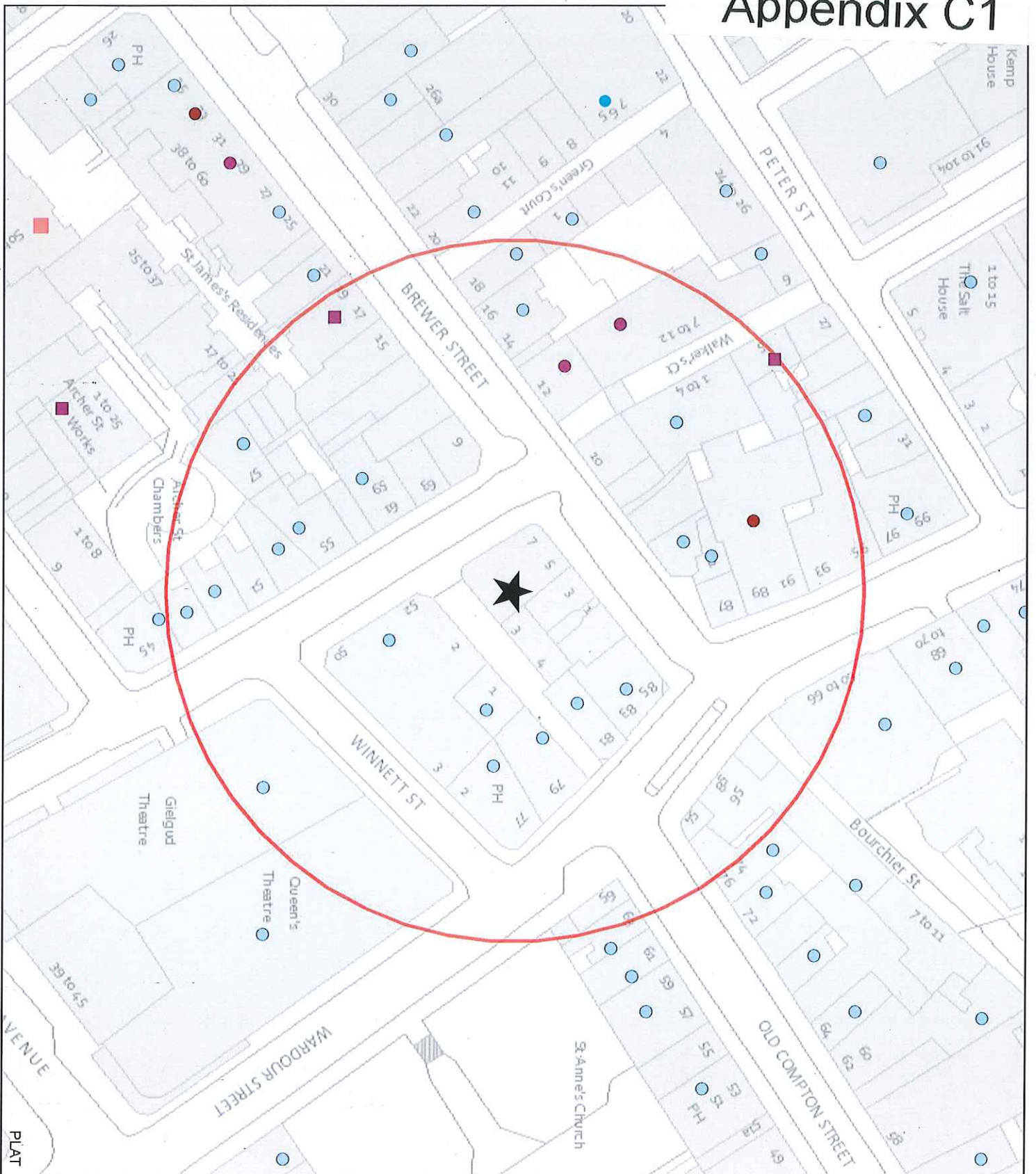
State whether access to the premises by children is restricted or prohibited:

Prohibited

Date: 17 June 2016

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

Appendix C1



Key

★ Sophisticats,
3-7 Brewer Street,
London, W1F 0RD

□ 50m radius of
Sophisticats

● Live Gambling Act

● Live Sex Establishments

● Live Licensing Act

● Live Other Premises Licensing

● Live Club Certificates

● Live Special Treatments

● Faith Groups

● Hostels - Special Needs Schemes

■ Primary School



<p>N</p>	<p>Ref: 0168</p> <p>Author: SharedGISServices@westminster.gov.uk</p> <p>Date: 24/11/2016</p> <p>Status: Draft</p>
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