



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	6 April 2017
Licensing Ref No:	16/14154/LIPV - Premises Licence Variation
Title of Report:	Sophisticats 3-7 Brewer Street London W1F 0RD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 December 2016		
<b>Applicant:</b>	Devine Restaurants Ltd		
<b>Premises:</b>	Sophisticats		
<b>Premises address:</b>	3-7 Brewer Street London W1F 0RD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is currently operating as a sexual entertainment venue.		
<b>Variation description:</b>	The application proposes to extend the permitted hours for licensable activities until 03:00am on Sunday nights (i.e. the following Monday morning) consistent with the terminal hour for licensable activities on Monday to Saturday.		
<b>Premises licence history:</b>	The premises applied for a Premises Licence in September 2016 and this was granted by Licensing Sub-Committee on 1 <sup>st</sup> December 2016. However, this application is subject to appeal.		
<b>Applicant submissions:</b>	None submitted.		

1-B Current and proposed licensable activities, areas and hours						
Recorded Music						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	03:00	No change.	09:00	Please see plans at Appendix 1	No Change.
<b>Tuesday</b>	09:00	03:00				
<b>Wednesday</b>	09:00	03:00				
<b>Thursday</b>	09:00	03:00				
<b>Friday</b>	09:00	03:00				
<b>Saturday</b>	09:00	03:00				
<b>Sunday</b>	09:00	23:00				

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.</p> <p>An additional hour when British summer time commences.</p>	None applied for.

<b>Performance of live music</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Indoors			Indoors	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
<b>Tuesday</b>	09:00	03:00				
<b>Wednesday</b>	09:00	03:00				
<b>Thursday</b>	09:00	03:00				
<b>Friday</b>	09:00	03:00				
<b>Saturday</b>	09:00	03:00				
<b>Sunday</b>	09:00	23:00	09:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	<p>From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.</p> <p>An additional hour when British summer time commences.</p>			None applied for.		

Performance of dance						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.			None applied for.	
		An additional hour when British summer time commences.				

Anything of a similar description						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.			None applied for.	
		An additional hour when British summer time commences.				

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
					Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	23:00	03:00				
Wednesday	23:00	03:00				
Thursday	23:00	03:00				
Friday	23:00	03:00				
Saturday	23:00	03:00				
Sunday			23:00	03:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.  An additional hour when British summer time commences.			None applied for.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
					On sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00	09:00	03:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.  An additional hour when British summer time commences.			None applied for.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	03:00	No change.		Please see plans at Appendix 1	No Change.
<b>Tuesday</b>	09:00	03:00				
<b>Wednesday</b>	09:00	03:00				
<b>Thursday</b>	09:00	03:00				
<b>Friday</b>	09:00	03:00				
<b>Saturday</b>	09:00	03:00				
<b>Sunday</b>	09:00	23:00	09:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's day.  An additional hour when British summer time commences.				None applied for.	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
	None applied for.	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Relevant entertainment will be provided in accordance with the Sexual Entertainment Venue Licence.	No change.

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Sgt Paul Hoppe
<b>Received:</b>	4 <sup>th</sup> January 2017
<p>As a responsible authority Police are objecting to the application (reference 16/14154/LIPV) on the ground of Prevention of Crime and Disorder and Public Nuisance.</p> <p>This venue was recently at Licensing sub-Committee where an application to extend the operating hours of the venue was refused. The Licensing sub-Committee encouraged engagement with the local residents over fears whether the venue would improve the character or function of the area and add to the noise and Public Nuisance experienced in the locality.</p> <p>This application gives no indication whether any local engagement has occurred. I have not as yet seen the full written decision from this meeting.</p> <p>It is for the above reasons that Police object to this application. A more detailed objection shall be forthcoming.</p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	17 <sup>th</sup> January 2017
<p>I refer to the application to vary Premises Licence, 16/09817/LIPN for the above premises which is located in the West End Cumulative Impact Area.</p> <p><b>The applicant is seeking the following:</b></p> <ol style="list-style-type: none"> <li>1. To extend the hours for all the licensable activities on Sundays so that they are the same as for the rest of the week, ie 9:00 to 03:00 hours the following morning.</li> </ol> <p><b>I wish to make the following representation:</b></p> <ol style="list-style-type: none"> <li>1. The increase in hours for all the licensable activities requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area</li> </ol> <p>The premises relatively recently operated under licence 16/05695/LIPDPS which had a much greater impact in terms of the licensing objectives compared to under the new licence, 16/09817/LIPN, under which the licensing activities are ancillary to an SEV licence.</p>	

Nevertheless the new licence was only granted in December 2016 and whether there has been sufficient time to assess particularly the public nuisance impact is not clear.

As the variation request for the hours extension is beyond what operated under the previous licence and is also beyond core hours the applicant is therefore asked to demonstrate, particularly the management of people arriving and departing, that the variation will not impact on this licensing objective.

## 2-B Other Persons

<b>Name:</b>	Shivaun Nelson		
<b>Address and/or Residents Association:</b>	Flat 1 1 Brewer Street London W1F 0RD		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	14 <sup>th</sup> January 2017		

I am writing to object to the above license request.

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

Firstly, I spent a fair amount of time objecting to the license extensions for this place in November and took a day of work to attend the hearing in December so am perplexed as to why I am having to do this again.

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. I am still waiting to see the report from the hearing in December as I recall them being told they can only use the doors in an emergency yet they are saying they can use it for staff to come and go which is a problem for me.

I love Sunday evenings/nights in Soho as it's the one night where I'm guaranteed complete peace as everything winds down early and "the vibrant buzz" disappears and there is a lovely sense of calm. Even the crackheads seem to go home early as there is nobody around to feed off. I would be very upset if this was taken away from me as it makes the other 6 louder/buzzier days more bearable. As we know, clubs like this, especially located in the centre of the West End, certainly don't attract quiet people who arrive and leave quietly on their own and it will only bring further noise, disturbance, crime and general "stress" to the area. No one has ever been able to open late on Sundays so please don't start now, I need one evening/night off!



<b>Name:</b>		Conrad Roeber	
<b>Address and/or Residents Association:</b>		Flat 7 1 Brewer Street W1F 0RD	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> January 2017		

**Sophisticats', Basement and part Ground Floor, 3-7 Brewer Street, London W1F 0RD ('the premises')**

### **Introduction**

I write to make a relevant representation in respect of the above application for a variation of the premises licence which was granted on 1 December 2016 by the licensing authority.

I am also intending to submit an objection in respect of the pending application under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') for a variation of the 'sexual entertainment venue', licence ('SEV licence'), ref: 16/14145/LIPSEVV.

The representation/objection should be read in conjunction with one another.

### **The application**

I made relevant representations/objections in respect of the applications made in 2016 by Sophisticats for a new premises licence; for a variation of their SEV licence; and for the renewal of the SEV licence. All these applications, along with the SEV transfer application, were heard together by Licensing Sub-Committee on 1 December 2016.

The renewal application and the transfer application were granted as applied for. The new premises licence application and the SEV variation application were granted in part.

The written Decision Notice with reasons has not yet been promulgated.

As far as is relevant to this application, the decision of the Sub-Committee in respect of both applications was to grant the new premises licence and the new SEV but only to what were the hours permitted on the existing premises licence and existing SEV licence. The proposal to provide licensable activities and 'relevant entertainment' to as late as 6am was refused, as was the proposal for non-standard timings. In particular, the applications sought a terminal hour of 5am on Sundays (an increase of 5 ½ hours on the premises licence, and 6 hours on the SEV licence). This was refused, and the hours therefore remain as on the previous permissions: 11.30pm for sale of alcohol,

and 11pm for the provision of 'relevant entertainment'.

Although residents were disappointed with some aspects of the decision at the time, we were at least reassured by the fact that the hours would not change and, in particular, that the on Sunday were unchanged.

The pending applications in effect seek to go behind the decision reached by the Licensing Sub-Committee only last month, in extending the hours on a Sunday very significantly.

I object to the application the basis that:

1. The likely effect of the application if granted will be to harm the licensing objectives of 'prevention of public nuisance'; 'prevention of crime and disorder'; 'public safety'; and 'protection of children from harm.'
2. The applications are contrary to the City Council's Statement of Licensing Policy 2016 ('the Policy') and the City Council's SEV Statement of Licensing Policy ('the SEV Policy')

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

### **Background**

I live at Flat 7, 1 Brewer Street, W1F 0RD. My flat is on the 4<sup>th</sup> floor of the building, which is in the middle and on the north side of the small block bounded by Wardour Street, Brewer Street, Tisbury Court and Rupert Street.

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

### **Reasons for objections**

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

If granted, the application is likely to impact adversely on all 4 licensing objectives, for the following reasons, which are non-exhaustive:

1. Sunday nights in Soho are considerably quieter than other nights of the week. Therefore, an extension of hours beyond those currently permitted on Sunday would have an even more disproportionate effect than it might do during other nights of the week, when Soho in general is busier.
2. This is reflected in the hours permitted on the former 'Shadow Lounge' licence

(and on many other similar licences in Soho). This permitted sale of alcohol and other licensable activities to 3am Mon-Sat, but only 11.30 on Sundays. The SEV licence permitted provision of 'relevant entertainment' to 11pm on Sundays.

3. It is also reflected in the hours granted by the Licensing Sub-Committee last month for the new licence to be operated by Sophisticats. No extension to those hours was granted. Residents do not understand why an application to seek to, in effect, go behind that decision has been made only 3 weeks later.
4. It is also reflected in the hours permitted for many of the other late night licences in the vicinity. As stated, this is a residential area - increasingly so, given the development of 6 Brewer Street opposite into an apartment building and other neighbouring developments such as those on Rupert Street completed within the last two-to-three years - and as a residential area, it should have a daily time of peace. Street noise ends only once the bars and clubs have closed. Few licences operate beyond 11-11.30pm on a Sunday. Bear in mind too that there are 22 (twenty-two!) dwellings facing into the very short Tisbury Court, a narrow alley in which is located the Sophisticats rear entrance, which is used as the night time exit for the 50-80 staff that typically work in the venue.
5. Dispersal of both customers *and staff* will be more problematic on Sunday night/early hours of Monday morning. The night tube does not run on Sunday nights, nor am I aware of any immediate proposals for it to do so. Buses are less frequent. Taxis are less easily available. I am therefore concerned about an increase in nuisance outside the premises. This is supported by para 2.3.3 of the Council's Statement of Licensing Policy (see below).
6. The other premises operated by the licence holder, on Welbeck Street/Marylebone Lane, does not have a licence beyond 11pm on Sundays. Therefore Sophisticats' customers do not have the option of visiting the Welbeck Street/Marylebone Lane premises, potentially increasing the intensity of use at the Brewer Street location.
7. The applicant was refused an extension of hours on Sundays at a hearing which took place only last month. The hearing was lengthy, and the Sub-Committee gave detailed consideration to all the points made by the various parties before concluding *inter alia* that an extension of hours on Sunday would not promote the licensing objectives and therefore there should be no extension whatsoever. There is nothing submitted by the applicant which demonstrates a good reason - or, indeed, any reason - why that decision should be impugned in this way.
8. In effect, the applicant is seeking to appeal the decision of the Sub-Committee on 1 December 2016 by way of a variation application.

The proposed extensions will be particularly intrusive due to noise on the street in the early hours of Monday morning, a new working week for most and a night on which residents can rightly expect a respite from problem which occur on other nights. This is

exacerbated by the changing nature of the locality.

There are existing social housing blocks on Brewer Street, significant housing on Berwick Street and – as previously stated – many (22) residential dwellings on Tisbury Court (the rear entrance / exit to the venue). But this is changing rapidly. The Walker Court development by Soho Estates is building a new and refurbishing an existing residential block directly across the road from the venue, they are adding residential to the top floors of the building undergoing refurbishment on the corner of Old Compton St and Wardour St, there are several recently-completed new residential projects on Wardour St and of course the new Trenchard House development just behind Berwick St market. There is also a major residential development, replacing what used to be a backpackers hostel further along Brewer Street. This area is changing rapidly in this respect – the immediate locality is becoming more residential.

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

2. The applications are contrary to the City Council's Statement of Licensing Policy 2016 ('the Policy'); and to the City Council's SEV Statement of Licensing Policy 2012 ("the SEV Policy")

The application is contrary to Policy CIP1(i), which states that it is the licensing authority's policy 'to refuse applications in the Cumulative Impact Areas' for this type of premises. This policy was properly applied by the Sub-Committee on 1 December 2016 in that they did not permit any extension of hours from those previously permitted. Nothing has changed in the (short) intervening period.

The application is contrary to Policy HRS1. The 'core hours' on a Sunday is 10.30pm. HRS1 states that 'Applications for hours outside the core hours set out below in this policy will be considered on their merits...'. For the reasons given, I would urge the licensing authority to conclude that this application does not come close to that threshold.

The application is contrary to Policy PN1. The factors identified as potentially giving rise to nuisance in PN1 (2.2.9 onwards of the Policy) should be considered even more strictly on a Sunday night.

Para 2.3.3 of the Policy states that the licensing authority is generally prepared to 'grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tub, train, bus or taxi, while retaining opportunities for residents to have an additional respite on Sunday.'

Para 2.5.3 of the SEV Policy is worded identically.

The application therefore flies in the face of this part of the Policy.

### **Conclusion**

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

As a resident of this increasingly residential neighbourhood in the heart of London, I believe that the City Council has a duty to strike a balance and protect residents' interests when considering applications for licences. Residents are entitled to a certain amount of peace as part of this 'balance'.

Para 2.2.10 of the Policy states that the role of the licensing authority is 'to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents...'

I would ask therefore that the applications are refused.

<b>Name:</b>	Grant Gillespie		
<b>Address and/or Residents Association</b>	1 Brewer Street London W1F		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	19 <sup>th</sup> January 2017		

I have concerns regarding the extended opening hours of Sophisticats.

Sunday is the only night where there is some respite from the noise. The other venues in the area shut at 11pm. It isn't the noise from the venue that would be a problem, it's people leaving the venue and the taxis hanging around etc.

I believe that other extensions for opening hours in the area have been denied and I can only assume it's for these reasons.

<b>Name:</b>		Soho Society	
<b>Address and/or Residents Association</b>		The Soho Society St Annes Tower 55 Dean Street London W1D 6AF	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	18 <sup>th</sup> January 2017		

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

### **About The Soho Society**

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

### **Application summary**

The application is described in Westminster Licensing News (10 January edition) as follows:

*The application proposes to extend the permitted hours for licensable activities until 03:00am on Sunday nights (i.e. the following Monday morning) consistent with the terminal hour for licensable activities on Monday - Saturday*

### **Extension of out-of-core-hours activities**

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

The existing permission includes licensable activities well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to

resist any increase in the operating hours.

### **Statement of Licensing Policy**

The following are section of Westminster City Council is appropriate in this case:

2.4.23 'The extension of hours beyond core hours is of concern as there are greater problems of late night transport and disturbance. Late at night there is less masking background noise and disturbance is greater if people are trying to sleep or are woken up.

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

### **Licensing policy and cumulative impact**

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

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

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

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

### **Conclusion**

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

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

### 3. Policy & Guidance

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

<p><b>Policy HRS1 applies</b></p>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<p><b>Policy CIA1 applies:</b></p>	<p>(i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p><b>Policy PVC2 applies:</b></p>	<p>Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>



## 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Decision of Committee 1 <sup>st</sup> December 2016

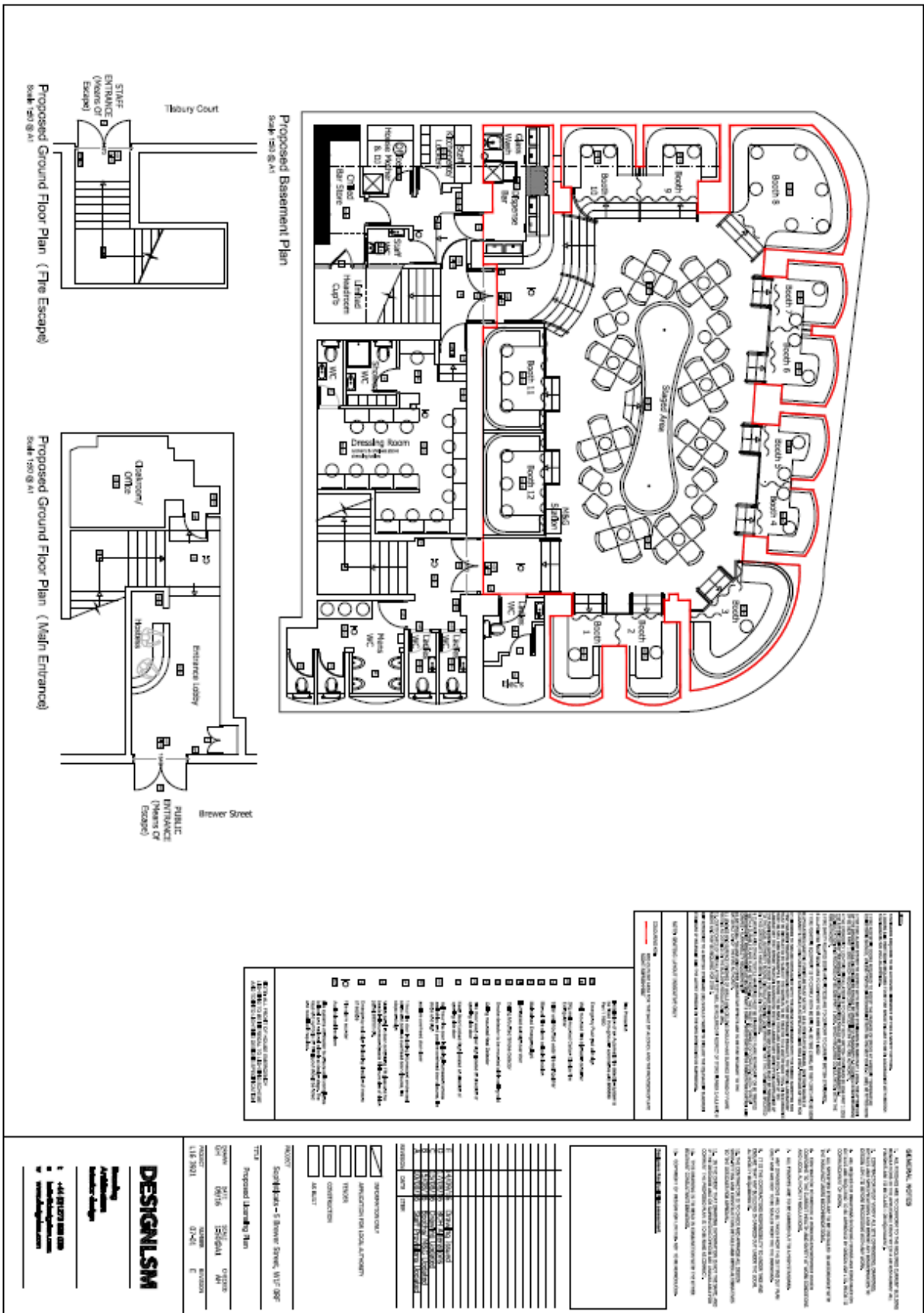
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2571 Email: hlawrance@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	22 <sup>nd</sup> December 2016
<b>5</b>	Representation – MET Police	4 <sup>th</sup> January 2017
<b>6</b>	Representation – Environmental Health	17 <sup>th</sup> January 2017
<b>7</b>	Representation – Ms S Nelson	14 <sup>th</sup> January 2017
<b>8</b>	Representation – Mr C Roeber	9 <sup>th</sup> January 2017
<b>9</b>	Representation – Mr G Gillespie	19 <sup>th</sup> January 2017
<b>10</b>	Representation – Soho Society	18 <sup>th</sup> January 2017

Premises Plans



**Applicant Supporting Documents**

None Submitted.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/09817/LIPN	Application for a new Premises Licence	1 <sup>st</sup> December 2017	Granted by Licensing Sub-Committee with amendments  (Appeal Pending)

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

None

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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst



the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.

18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

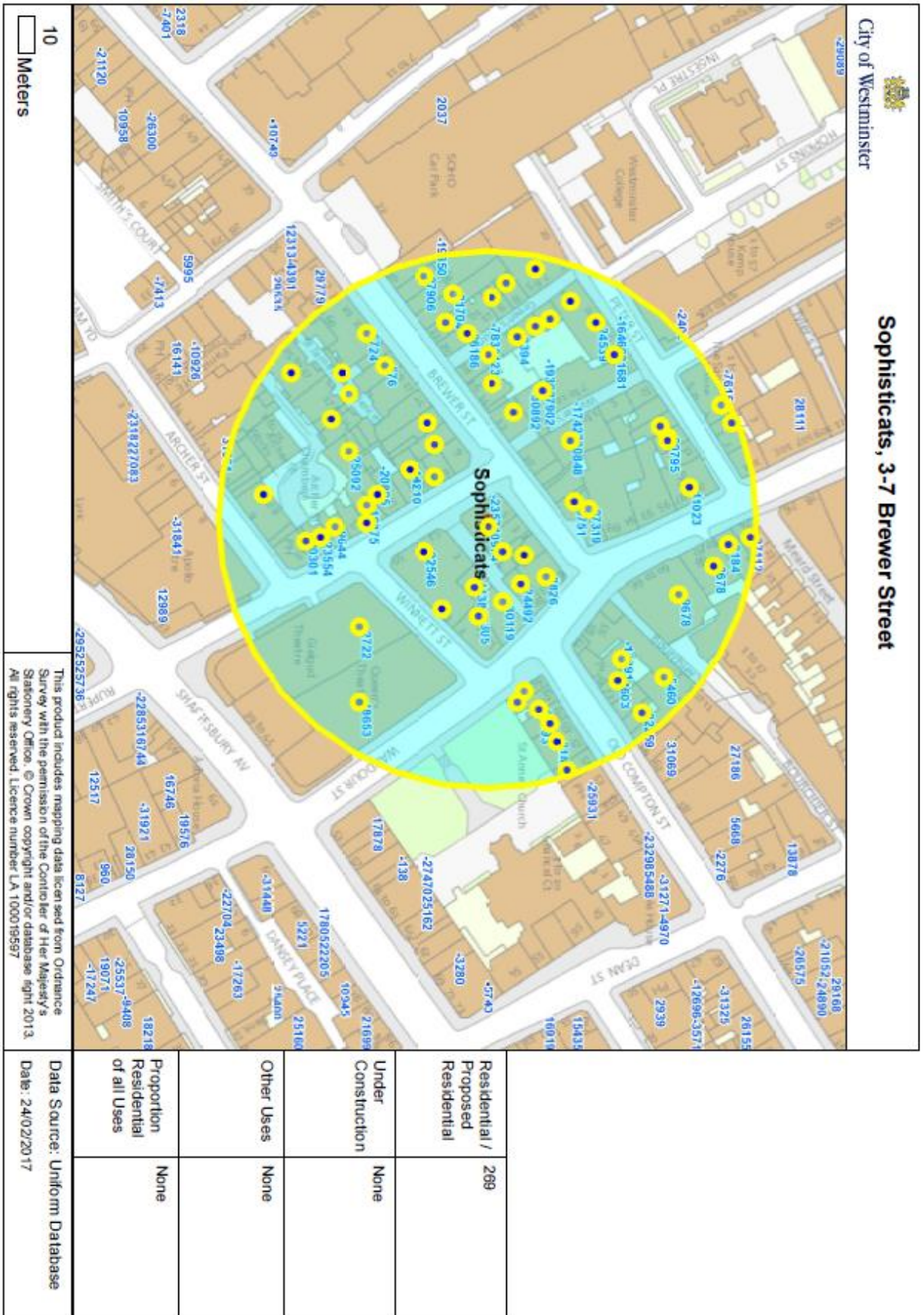
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
- Dry ice and cryogenic fog
  - Smoke machines and fog generators
  - Pyrotechnics including fire works
  - Firearms
  - Lasers
  - Explosives and highly flammable substances
  - Real flame
  - Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. The approved arrangements at the premises, including means of escape
35. provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
36. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.

39. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
40. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
41. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
42. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
43. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - a) Any emergency lighting battery or system
  - b) Any electrical installation
  - c) Any emergency warning system
44. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
45. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
46. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
47. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate

reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.

51. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.

**Residential Map and List of Premises in the Vicinity**



**Premises within 75 metres of: Sophisticats, Basement and Part  
Ground Floor 3-7 Brewer Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
3826	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
20193	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27319	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
-30119	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-25092	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-24492	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-16466	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-16062	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-13391	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-11383	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
-10636	l Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-9644	Bubbleology	49 Rupert Street London W1D 7PJ	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-2722	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Monday to Sunday 09:00 - 00:00
-2357	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
3183	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
5460	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
8184	Pickle And Toast	72 Wardour Street London W1F 0TD	Friday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:00 Thursday 07:00 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
15232	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

21704	Chilango	24 Brewer Street London W1F 0SN	Saturday 10:00 - 00:00 Monday to Friday 10:00 - 23:00 Sunday 12:00 - 22:30
25751	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
27112	Bunnychow	74 Wardour Street London W1F 0TE	Sunday 07:30 - 23:00 Monday to Saturday 07:30 - 23:30
30795	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
30848	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
31681	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-30892	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-24539	Absurd Bird	25 Peter Street London W1F 0AG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-23554	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
-20825	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-18375	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
-17427	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-11023	Byron	99 Wardour Street London W1F 0UF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-9678	Freedom	Basement And Ground Floor National House 60-66 Wardour Street London W1F 0TA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-7833	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 00:00 - 00:00 Saturday 00:00 - 00:00 Sunday 00:00 - 00:00
-1936	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
576	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
3394	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3678	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:00

4603	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
5724	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
6305	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10974	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
12389	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
14210	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
18653	Queens Theatre	Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA	Monday to Sunday 09:00 - 00:00
20301	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
22259	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
22546	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
26186	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Monday to Wednesday 09:30 - 21:00 Thursday 09:30 - 22:00 Friday 09:30 - 23:00 Saturday 10:00 - 23:00 Sunday 11:00 - 21:30
27902	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
27906	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00



**Licensing Sub-Committee Decision of 1<sup>st</sup> December 2017****LICENSING SUB-COMMITTEE No. 2***Thursday 1<sup>st</sup> December 2016*

Membership: Councillor Nickie Aiken (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Horatio Chance  
 Policy Adviser: Chris Wroe  
 Committee Officer: Tristan Fieldsend  
 Presenting Officer: Heidi Lawrence

Relevant Representations: The Licensing Authority, Environmental Health, the Metropolitan Police, three Ward Councillors, nine local residents and the Soho Society.

Present: Miss Sarah Le Fevre (Counsel, Representing the Applicant), Mr John McKeown and Simon Langer (Applicants), Ms Carmen Alonso (Proposed DPS), Mr Richard Vivian (Acoustic Consultant for the Applicants), Mr Anil Drayan (Environmental Health "EH"), Sgt Paul Hoppe (Metropolitan Police "The Police"), Mr Steve Rowe (Licensing Authority), Councillors Glenys Roberts, Jonathan Glanz and Paul Church (Ward Councillors), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents and the Soho Society) and Mr Conrad Roeber, Mr Grant Gillespie, Ms Shivaun Nelson (local residents).

<b>Sophisticats, Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD 16/09817/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment – Indoors</b>  Monday to Sunday: 23:00 – 05:00  <b>Seasonal Variations/Non-Standard Timings:</b>  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's day.  An additional hour when British summer time commences.
	Amendments to application advised at hearing:  None
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by Devine Restaurants Limited for a new premises licence in respect of Basement and Part Ground Floor, 3-7 Brewer

Street, London, W1F 0RD.

The Chairman confirmed that the applicant had submitted four different applications for the premises and all parties present agreed that they should be heard simultaneously. The Sub-Committee noted that the applications were covered by separate legislation, namely, the Licensing Act 2003 for a new premises licence and the Local Government (Miscellaneous Provisions) Act 1982 relating to the transfer, grant and renewal applications of the SEV.

The Chairman gave a summary of how the proceedings were to be conducted during the course of the hearing and reminded all parties that had made representations they would only be allowed to participate in respect of those applications where they had made a valid representation.

The Licensing Officer provided an outline of the applications to the Sub-Committee and confirmed that all the residents in attendance had waived their right to anonymity.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Miss Le Fevre, representing the applicant, addressed the Sub-Committee and explained that the applicants were very professional operators and had between them a total of some eighty-five years' experience in running similar types of premises. Significant investment of £1.78 million had been undertaken at the premises which reflected the structural and acoustic improvements carried out to ensure the property was upgraded to become a model sexual entertainment venue (SEV). The Sub-Committee noted that an abundance of detailed evidence had been submitted in support of the application to highlight that if it was granted the premises was capable of, and likely to, reduce its cumulative impact in the area. The capacity of the premises was 140 customers for which there would be thirty to forty staff. This equalled a high level of supervision inside and outside the premises and ensured it could be managed and controlled in an effective and efficient way. A CCTV system would be installed consisting of seventy-eight cameras which equalled one per two customers and this would be subject to constant monitoring by a dedicated member of staff. The Sub-Committee noted that the premises would be very particular about the type of clientele it attracted. It was accepted that it owed a duty of care for customers, residents and staff and had developed a track record which showed that it was a professional and serious operator.

The Sub-Committee was informed by Miss Le Fevre that a structural solution had been sought by the applicant to address concerns raised. This had been developed in consultation with the responsible authorities and an acoustic engineer. Advice had been sought from EH and the Police to develop a proposal which would be acceptable. It had been agreed that there would be no customer use of the Tisbury Court rear area, this area would be closely monitored by CCTV and door staff would be present at all times. Staff would also be present in the external areas at the front of the premises and granting the application would have a positive impact for the residents as these areas would now be properly supervised and scrutinised. It was recognised that concerns had been raised about the level of engagement which had taken place with residents. Miss Le Fevre explained that the applicant had sought from the vendor of the premises, and the landlord of the premises, confirmation and

clarification of the extent of residential amenity immediately above the premises. In response incorrect information regarding the residential area above had been received which the applicant tried to rectify through correspondence with residents. This misinformation explained why consultation had not been extended beyond the pre-application period.

Clarification was provided by Miss Le Fevre regarding various issues that had been identified in the various representations. Claims had been made that the applicant's other premises condoned prostitution and was of a seedy nature. Miss Le Fevre in her submissions to the Sub-Committee rigorously denied these claims and highlighted the Police's representation which remarked on the professional nature of the operation.

By way of background Miss Le Fevre detailed the history of the premises. It had previously been known as the Shadow Lounge which had closed in September 2016 and had been operating since 2002. It was a busy and successful premises with a capacity of 280 customers. The premises had been in receipt of a sexual entertainment licence for forty years and the use of it as a sexual entertainment venue was historical. A brief description of Soho and its characteristics was also provided and it was explained that the landlord supported the application.

It was suggested by Ms Le Fevre that there was no obvious consensus from the representations about the concerns raised over the Shadow Lounge. Issues over the sound system had been raised but these had now been addressed through sound insulation improvements. It was unlikely there would be any anti-social behaviour as the applicant would only allow small groups to enter and these would be highly controlled, by security staff. It was submitted that the applicant had already proven with their existing premises how much that they were a professional operator as there had been no record of disturbance or nuisance issues. The capacity of the venue would be reduced and the Sub-Committee's attention was drawn to the Council's Statement of Licensing Policy ("SLP") which recognised that a reduction in capacity would decrease the impact in an area. It was stressed that different types of premises had different impacts and Sophisticats could be compared to a small restaurant as it was not an alcohol led premises. Noise measurements had also been taken during the evening and there had been a decrease in noise emanating from the premises which was consistent with the noise report commissioned by the residents.

Miss Le Fevre stated that it was a professionally operated premises which would permanently reduce its capacity and operate hours which were appropriate for the night time economy. It was suggested that there was ample evidence to support the application and the belief that, if granted, it would have a positive impact on the area.

In response to a question the applicant, Mr McKeown, provided the Sub-Committee with details on how the premises would be operated. Customers would enter the premises and be informed of how the premises operated; they would then be seated, have conversations with the dancers and could then request a dance. There were also VIP areas where customers could request private dances. The premises had sets of security, one inside which managed the internal and dance areas and a second set which managed the outside areas. The outside security team helped with dispersal of customers and effectively stewarded the street area. Each VIP booth had CCTV installed and staff would be able to reach the booths within fifteen seconds if any inappropriate behaviour took place. The award of the hours requested would make it easier to manage the premises and allow a more staggered dispersal of customers on

to the street.

Mr Drayan, representing EH explained that the applicant had engaged with EH to seek pre-application advice. It was felt that the new applicant would reduce public nuisance and reduce the impact in a cumulative impact area. Music would be played at lower levels and the premises had undergone significant refurbishment. When the application had been submitted EH had sent one of the resident's representations containing an acoustic report to the applicant advising them of previous noise issues. An analysis of noise issues regarding the previous operation did indicate that there had only been a few noise complaints submitted with the last one recorded in 2011. Mr Drayan was of the opinion that the new operation if granted would cause less nuisance than the former operation known as the Shadow Lounge.

EH did have objections to the application though, most significantly the increase in hours. Mr Drayan stated that the Shadow Lounge was allowed to operate until 03:00 but the new application was proposing to operate until 06:00 which was a significant extension in the hours. Improved sound proofing would be required and a noise limiter could be installed to try to limit any impact on residents. It was recognised though that SEV's did not have the same impact as nightclubs as customers were less likely to remain outside the premises loitering and often left in smaller numbers. For these reasons it was considered that the premises would not create public nuisance in the local area. However, the hours applied for were in excess of other premises in the area and the Sub-Committee had to decide on balance if sufficient controls were in place by the applicant to allow the premises to operate beyond its current hours.

PC Hoppe of the Police addressed the Sub-Committee and informed the members that the Police's representation was to be maintained. It was recognised that not everyone was of the opinion that this type of application was appropriate but that was why SEV licences were in place to ensure they were controlled and properly monitored. PC Hoppe advised the Sub-Committee that he had undertaken an unannounced inspection to the existing premises in Marylebone and was impressed by the professional manner of the operation. No issues had been identified and the applicant had ensured the licensing objectives had been upheld and promoted.

PC Hoppe did express concerns over the hours of operation requested. It was considered that extending the hours to 06:00 was a significant increase bearing in mind that Police resources were often reduced from 03:00. In determining the matter, the Sub-Committee considered this to be a material factor that could not be ignored as this went to the very heart of the Crime and Disorder licensing objective and the ability of the Police to tackle effectively any potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident that that the applicant was able to properly control and manage the premises, in particular the external areas. Having inspected the applicant's other premises it was felt that the applicant could potentially be capable of this. Another particular concern was the issues raised by residents and the apparent lack of engagement that had taken place with the local community. PC Hoppe was of the opinion that extending the hours of a premises usually resulted in increased consumption of alcohol and hence an increased chance of crime and disorder occurring. The applicant had also not addressed the issue around dispersal of customers fully particularly how this was to operate in practice and any potential impact, given the residential character of the area and this would be required to be resolved if the Sub-Committee was minded to grant the application.

Mr Steven Rowe, representing the Licensing Authority, maintained its objection to the new premises licence application. The applicant was considered suitable to hold a licence and was experienced in operating this type of venue. It was not considered though that experience and a reduction in capacity would warrant an extension in hours and make it an exception to policy.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that the strength of feeling amongst the residents regarding the application was evident. It was recognised that the applicant had approximately 80 years of experience but the local residents had significantly more experience of living in the area. It was acknowledged that the applicant had expertise in running this type of venue but equally the residents had expertise and experience in the problems associated with late night premises. The residents were united in their objection to the application on the basis that the premises would not improve the character and function of the local area and was inappropriate having regard to the grounds for refusal contained under Paragraph 27 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. It was also highlighted that it was this statutory provision which enabled residents to have more input into these types of applications; specifically concerning the hours requested and type of use. The application was for an extension in the hours until 06:00 in the heart of a cumulative impact area, which was a very sensitive location with residents living above the premises. These were all material issues that the Sub-Committee needed to consider during the decision making process.

Mr Brown drew the Sub-Committees attention to section 2.4.22 of the Sexual Entertainment Venue Licensing Policy which stated that "...the Council will take opportunities which may arise to reduce existing concentrations of licensed premises, particularly in Soho". The applicant had stated that they had been initially misinformed when seeking assurances about residential properties in proximity to the premises. Mr Brown asserted that simply by looking at the premises it was obvious there were residential properties above and this raised questions over the suitability of the applicant. It was stated that a future residential development was also intended opposite the premises. The Sub-Committee was informed that they were entitled to take into account future changes to the area and in this case the new development was wholly relevant.

Mr Brown stated to the Sub-Committee that there had been a general decrease in the levels of crime and disorder in the area however a recent increase had been noted with concern. Subsequently what was not required in the area was a brightly lit premises encouraging people into the local vicinity. One resident had expressed concern that he left his residence at 06:00 to go to work and was worried that he may encounter customers leaving a sexual entertainment venue. The nature of the other premises in the area should also be taken into account and it was explained how a school was located nearby. Noise disruption at the premises had been an issue for many years and the late realisation of this by the applicant had resulted in no noise testing taking place. The applicant had stated that their other premises had received no noise complaints but the Sub-Committee were reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises was highlighted as customers would congregate outside directly below residents windows causing a noise disturbance. It was felt that the dispersal policy submitted was purely aspirational.

It was recognised that the applicant had put forward reasons for why the application would be an exception to policy. Mr Brown expressed the opinion that although the applicant had successfully operated another SEV elsewhere, the Sub-Committee should not be considering this issue as an exceptional ground. . It was stressed that both properties were very different in scale and nature. The premises in Marylebone was not located in a cumulative impact area, it was not located below residential properties and was situated in a discreet location. To visit the Marylebone premises customers would have to make a deliberate journey whilst this would not be the case in Soho where the footfall in Brewer Street was significantly higher. The applicant had stated that they would reduce the capacity of the premises but the proposed extended hours would still mean a large number of customers and staff potentially being in a cumulative impact area until 06:00. The dispersal policy submitted would not work on Brewer Street and it was felt that the hours requested would attract more taxis into the area increasing the impact of the premises and potential public nuisance for residents. It was important that a balance was struck in the area and residents failed to understand how extending the hours until 06:00 and allowing full nudity to now take place would achieve this.

Councillor Glenys Roberts, ward member for the West End, informed the Sub-Committee that concerns still existed over potential noise disturbance. Councillor Glenys Roberts advanced the argument that the character of the area had changed and it was now far more residential which made the proposed hours applied for unacceptable.

Mr Conrad Roeber, a local resident, addressed the Sub-Committee and described the area around the premises. It was submitted that the premises was not in a discrete location and was surrounded by a mix of differing properties. The Sub-Committee was requested to note that this part of Soho had completely changed in character and was far more residential with residential blocks about to be developed opposite the premises. There had been a lack of consultation with local residents and no efforts had been made to engage with the local area. After visiting the Sophisticats website concerns were also raised over inappropriate business taking place at the premises. The noise disturbance suffered by residents was also explained and Mr Roeber described how it was possible to hear music and conversations from his flat during the early hours. Tisbury Court behind the premises was well known as a crime hot spot and the applicants' proposals to have staff members leaving the premises into this area also created significant concerns for their safety.

Miss Le Fevre requested that Mr Richard Vivian, a sound consultant, address the Sub-Committee to inform them of the noise testing undertaken by the applicant and to give his professional opinion on the various issues that had been raised regarding the outbreak of noise and sound generally. Mr Vivian explained that substantial refurbishment of the premises had been undertaken in order to improve its soundproofing. Mr Vivian had carried out a site survey and confirmed that all the work had been undertaken to a high standard. Whilst previously the premises had operated a nightclub sound system this had now been replaced with a system which restricted its bass output. Mr Vivian had not undertaken any sound testing from the residential properties above but the Sub-Committee's attention was drawn to a letter which had been sent to residents requesting access to undertake an acoustic survey.

Mr McKeown addressed the Sub-Committee to respond to the concerns raised. The security of the premises was detailed including how staff would operate outside the

venue to ensure there was an orderly dispersal of customers and help accompany them to nearby taxis. It was confirmed that staff would not be allowed to smoke outside the premises and customers would only be allowed to smoke to the right of the premises entrance in order to ensure this caused no disturbance to residents living above. In response to concerns over inappropriate business taking place at the premises Mr McKeown ensured the Sub-Committee that this was not the case and no evidence supported this accusation. It was also noted that the consumption of alcohol would be ancillary to table dancing. The dancing staff would not be offered alcohol and if any dancing staff were suspected to be intoxicated they would be removed from the premises. In response to a question Mr McKeown explained that the security staff would manage the outside area of the premises and described how the entrance was very discreet. The Sub-Committee noted that any staff exiting the premises via Tisbury Court would be accompanied by security staff at all times.

Ms Carmen Alonso, the proposed Sophisticats DPS, informed the Sub-Committee that patrons would be asked to leave the premises quietly. There was a provision to pre-arrange taxis for customers and security staff would accompany these customers to the relevant taxi area. The taxis would be situated in a location away from the premises in order to reduce noise disturbance to residents. Ms Alonso confirmed that she had worked in the industry for over fifteen years and was very experienced working in premises which offered alcohol and late night drinking.

In response to a question from the Sub-Committee Mr McKeown explained how the proposed closing hour of 06:00 would benefit the local area. Allowing longer hours would stagger the dispersal of customers leaving the premises therefore ensuring staff had a greater level of control in managing the outside area. This, plus the reduced capacity, would cause fewer disturbances for residents. It was confirmed that the proposed capacity was 140 persons however the applicant was happy to reduce this to 100 in order to address concerns.

The Sub-Committee questioned if the residents had received a letter from the applicant requesting access to their properties to conduct an acoustic survey. A local resident confirmed that the letter had been received but no reply had been provided as it was hoped the application would be refused.

Mr McKeown recognised that a greater degree of engagement with residents was required. An attempt to communicate had been instigated but not all residents were willing to accept this offer due to the nature of the premises. It was now hoped that this could be rectified and that in future the premises would be of benefit to the local community.

Miss Le Fevre described how the character of Soho was very mixed and a fundamental component of it included SEVs. The Sub-Committee was reminded to base its decision on the whole character of Soho and not just certain parts. It was also explained how the Police had made an unannounced inspection at the premises at Marylebone and were impressed with the professional and successful nature of the operation. Miss Le Fevre was aware that the experience of the operator did not make the application an exception to policy however it was a relevant context for the Committee's decision making. The SEV Policy recognised that operators who have experience in operating similar premises was significant and relevant as context. There should be no concern over the request for full nudity as the current conditions which permitted partial nudity only were just historic conditions based on the old

licence. The Sub-Committee was asked to take into account when making its decision the significant experience of the applicant in running this type of premises and the huge investment it had already undertaken in modernising the venue to ensure there would be no disturbance to residents.

Mr Brown advised that it was not just large groups which caused noise when leaving a premises. Currently no premises in the area were allowed to stay open until 06:00 and the dispersal of small groups up to this time would still cause disturbance to local residents. The applicant was an experienced operator but their other premises in Marylebone was located in an entirely different area and the SEV Policy did distinguish between different locations and it would not automatically follow that the application should be granted on this basis.

The Sub-Committee carefully considered the application and agreed to grant it; however it would only permit the terminal hours of licensable activities from Monday to Saturday until 03:00 and 23:00 on Sundays. The Sub-Committee had heard substantial evidence both in support and against the application but found the representation from the Police particularly powerful and highly persuasive. It was recognised that the applicant was a very professional operator and their premises at Marylebone was well managed. However, the Sub-Committee was of the opinion that the character of Marylebone was significantly different to Soho and could not be considered in the same light. This particular area of Soho was a recognised location where levels of crime and disorder were particularly high with on-going disturbance issues. The Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 would meet the licensing objectives. The Sub-Committee therefore granted the application but retained the existing hours on the current licence.

The Sub-Committee made it clear to all parties that under the provisions of the Licensing Act 2003 residents, in permitted circumstances did have the ability to bring a review of a premises to the Sub-Committee if they felt the Applicant was in breach of its licensing conditions and or the licensing objectives. The importance of establishing more effective communications between the operator and local residents was stressed. As part of this process local residents were urged to take up any further offers from the applicant to conduct acoustic testing at their properties.

The Sub-Committee agreed to amend or delete the following conditions on the licence in order to update the licence:

- Condition 9 be amended to read “The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.”
- Condition 37 be amended to read “Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.”
- Condition 39 be amended to read “Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.”
- Removal of Condition 41 from the premises licence;



- Condition 42 be amended to read “A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.”
- Condition 49 be amended to read “The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.”
- Condition 51 be amended to read “Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Venue application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.”
- An additional condition be added to the licence to read “There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.”
- An additional condition be added to the licence to read “Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.”
- An additional condition be added to the licence to read “No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.”

It was considered that the action taken by the Sub-Committee and the conditions imposed on the Premises Licence were appropriate and proportionate.

**2. On Sales by Retail of Alcohol**

Monday to Saturday: 09:00 – 06:00  
 Sunday: 09:00 – 05:00

**Seasonal Variations/Non-Standard Timings:**

From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.

An additional hour when British summer time commences.

Amendments to application advised at hearing:

None

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 10:00 to 03:00 Monday to Saturday and 12:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
<b>3.</b>	<p><b>Performance of Dance</b></p> <p>Monday to Saturday: 09:00 – 06:00  Sunday: 09:00 – 05:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
<b>4.</b>	<p><b>Live Music</b></p> <p>Monday to Saturday: 09:00 – 06:00  Sunday: 09:00 – 05:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>

<p><b>5.</b></p>	<p><b>Recorded Music</b></p> <p>Monday to Saturday: 09:00 – 06:00  Sunday: 09:00 – 05:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
<p><b>6.</b></p>	<p><b>Anything of a Similar Description</b></p> <p>Monday to Saturday: 09:00 – 06:00  Sunday: 09:00 – 05:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>
<p><b>7.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 09:00 – 06:00</p>

	<p>Sunday: 09:00 – 05:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day.</p> <p>An additional hour when British summer time commences.</p> <p>Adult Entertainment:</p> <p>The premises will operate as a sexual entertainment venue in accordance with the SEV Licence.</p> <p>The SEV Licence includes strict model conditions to ensure the protection of children from harm.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted 09:00 to 03:00 Monday to Saturday and 09:00 to 23:00 on Sunday.</p> <p>See reasons for decision in Section 1</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
	<ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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.</li> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>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. <p style="margin-left: 40px;">(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-</p> <ol style="list-style-type: none"> <li>(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;</li> </ol> </li> </ol>

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

(e) "value added tax" means value added tax charged in accordance with the Value

Added Tax Act 1994.

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

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

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

### **Conditions Consistent with the Operating Schedule**

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

preceding 31 day period.

63. 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.
64. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
65. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
66. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
67. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
68. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
69. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
70. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
71. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
72. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
73. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue



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

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

- Dry ice and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fire works
- Firearms
- Lasers
- Explosives and highly flammable substances
- Real flame
- Strobe lighting

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

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

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

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

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

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

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

82. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.

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

84. Performers/Dancers shall not be permitted to temporarily leave to smoke and then

re-enter the premises.

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

86. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

- d) Any emergency lighting battery or system
- e) Any electrical installation
- f) Any emergency warning system

88. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

89. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

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

91. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.

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

93. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.

94. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

95. Before the premises opens to the public, the plans as deposited will be checked by

the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.

96. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

97. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.

98. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.