



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>06 April 2017</i>
Classification:	<i>General Release</i>
Premises:	<i>Sophisticats, 3-7 Brewer Street, London, W1F 0RD – 16/14145/LISEVV</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

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

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
- 2.1.1 Vary the licence as applied for.
 - 2.1.2 Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit,
or
 - 2.1.3 Refuse the application

3. Application

3.1 On 22 December 2016 Devine Restaurants Limited applied to vary the sexual entertainment venue premises licence to:

- Extend the terminal hour for relevant entertainment on Sunday's until 03:00 the following morning.

and to add the following condition:

- At times when a Temporary Event Notice under the Licensing Act 2003 is in force extending the permitted hours for the premises, the hours for the provision of relevant entertainment (as defined by the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate application in respect of this licence. The licence holder will make clear in writing in the Temporary Event Notice that the effect of the notice will also be to extend the hours for the provision of relevant entertainment.

A copy of the application are attached as **Appendix A1**

4. Objections

4.1 The Environmental Health Service, the Licensing Authority, the Metropolitan Police and local residents have submitted objections to the application.

4.2 Objector 1

Application to vary 'sexual entertainment venue' ('SEV') licence ref:
16/14145/LIPSEVV

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

Introduction

I write to object under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA') to the above application. I am also intending to submit a relevant representation in respect of the pending application for a variation of the premises licence under s34 Licensing Act 2003, ref: 16/14154/LIPV. The objection/representation should be read in conjunction with one another.

Please note that I would like to attend the hearing for this and the other related application for this premises, but I am out of the country on business 15-27 January inclusive, 12-16 February inclusive and 4-11 March inclusive.

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 variation would be inappropriate, having regard to the character of the relevant locality
2. The variation would be inappropriate, having regard to the use to which other premises in the vicinity are put
3. The variation would be inappropriate, having regard to the layout, character or condition of the premises
4. The application is contrary to the specific aims and objectives of the City Council's Statement of Licensing Policy 2016 ('the Policy') and the SEV Statement of Licensing Policy 2012 ('the SEV Policy') particularly:
 - 4.1 prevention of crime and disorder
 - 4.2 prevention of public nuisance
 - 4.3 promoting improvement in the character and function of the city, or areas of it.
5. The requested condition is not one which should be added to an SEV licence.

Background

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 variation would be inappropriate, having regard to the character of the relevant locality

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 Tisbury Court, the short alley which contains the rear exit of the venue, has 22 (twenty-two!) residential dwellings with windows into it. The rear exit is used as the means by which the 50-80 staff of Sophisticats must leave the premises at the end of their shifts. The noise of even a single voice echos through this alley and it is currently wonderful that there is no - or very little - noise after 11pm on Sunday nights. Extending the hours would destroy this one peaceful night for a large number of residents.

5. Dispersal of customers will also 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 the aforementioned 22 residential dwellings that face onto Tisbury Court. But even 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 variation would be inappropriate, having regard to the use to which other premises in the vicinity are put This ground for refusal contains considerable overlap with the above. Please therefore refer to my comments above, to avoid repetition.
3. The variation would be inappropriate, having regard to the layout, character or condition of the premises. This ground for refusal contains considerable overlap with the above. Please therefore refer to my comments above, to avoid repetition.
4. 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.

5. Requested additional condition The applicant has requested a condition that will permit an extension of the hours for 'relevant entertainment' on any day of the week when a Temporary Event Notice (TEN) is in force.

Therefore, on up to 21 occasions per year 'relevant entertainment' could be provided throughout the night without residents having any knowledge of the events, or any ability to make their views known.

The legislation was amended some years ago specifically to give residents more of a say in the licensing of such establishments. Such a condition would permit the premises to operate in a way entirely removed from the purposes of the legislation, as local residents will have no say over increased hours on up to 21 occasions per year. We would ask the licensing authority to consider is a) lawful; and b) appropriate.

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

4.3 Objector 2

**Application to vary 'sexual entertainment venue' ('SEV') licence ref: 16/14145/LIPSEVV
Shadow Lounge/'Sophisticats', Basement and part Ground Floor, 3-7
Brewer Street, London W1F 0RD ('the premises')**

I appreciate that the relevant 28 day expiration period has recently ended, but I am advised that the relevant case law enables the authority to take in to account objections to the SEV application made after this period. The 28-day period has only just passed, and there would therefore be no prejudice to the applicants as they will have ample time to consider the content of this objection prior to the hearing.

I would like to record my strongest possible objection to the licence variation application, noted above, as the owner of a flat in the building 1-3 Brewer Street, London W1F 0RD.

I find it extremely hard to believe that the applicant can think that anything has changed in the few weeks since the last hearing in early December 2016 when very specific rulings were made regarding their previous application. I am also surprised that this was lodged with the council in what to me seems a rather distasteful manner - that is right in the middle of the festive holiday when it was perhaps expected most of the people affected by it would be on holiday or at least taking a festive season break.

I made relevant 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.

I would thus request the council/committee to read this objection in conjunction with the three I submitted in October 2016 with regard to the establishment of a strip club adjacent to our building. These objections will of course be on the council files for this matter.

In addition I would like to object specifically to the **Extension of Sunday hours and the alteration of the terms of the TEN.**

In the intervening few weeks it seems clear to me that absolutely nothing has changed in terms of the negative effects this new establishment will have on all of us living in close proximity. Thus all the points made then still stand now. The most poignant of all in my view is that the sub-committee granted a lesser hour on Sunday for a very good reason: this is to give residents, especially those living in our building right next

4.4 Objector 3

16/14145/LISEVV – Sophisticats, 3-7 Brewer Street.

I am writing to object to the above license request.

..... 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!

4.5 Objector 4

I write to make a relevant representation to the above application on behalf 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.

Application summary

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

To extend the terminal hour for relevant entertainment on Sunday's until 03:00 and to add the following condition: At times when a Temporary Event Notice under the Licensing Act 2003 is in force extending the permitted hours for the premises, the hours for the provision of relevant entertainment (as defined by the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate application in respect of this licence. The licence holder will make clear in writing in the Temporary Event Notice that the effect of the notice will also be to extend the hours for the provision of relevant entertainment. 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

Cumulative Impact of Sexual Entertainment Venues

The current licence already permits relevant entertainment outside of core hours. This proposal to extend those hours is objected to on the following grounds:

The grant would be inappropriate, having regard to the character of the area as a conservation area and Cumulative Impact Area

The grant would be inappropriate, having regard to for the use of premises in the area, in particular the cumulative impact of such premises

The grant would be inappropriate, having regard to the layout, character or condition of the premises which has been used a bar business

The application is contrary to the aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 (para 1.7), particularly i) prevention of crime and disorder ii) prevention of public nuisance and iii) promoting improvement in the character and function of the city, or areas of it, and that the application is contrary to the Policy HR1 (Hours) in its SEV Statement of Licensing Policy. Policy LO2 (use of premises in the vicinity) makes clear (2.4.22) that a concentration of sex establishment premises can 'have a cumulative impact on the locality in which they are situated which is greater than the sum of the impact of the individual premises...'

Licensing policy and cumulative impact

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

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and

drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1). The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

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

Conclusion

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

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

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

4.6 Objector 5 : Environmental Health – Anil Drayan:

This representation is based on the details provided.

The applicant is seeking the following:

1. To extend the permitted hours for relevant entertainment to allow such licensable activities from 9.00 hours to 03.00 hours on Sunday.
2. To extend the permitted hours at times when a temporary event notice under the licensing act 2003 is in force by way of the following additional condition:

“At times when a Temporary Event Notice under the Licensing Act 2003 is in force extending the permitted hours for the premises, the hours for the provision of relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate variation application in respect of this licence.”

I wish to make the following representations:

1. The additional hours requested for the provision of relevant entertainment may have the likely effect of causing an increase in Public Nuisance within the area.
2. The extension of hours at times when a TEN is in force may have the likely effect of causing an increase in Public Nuisance within the area.

The premises current operation only started in December 2016 and whether there has been sufficient time to assess the public nuisance impact is not clear.

4.7 Objector 6: Licensing Authority – David Sycamore :

I write in relation to the application submitted to vary the SEV Premises Licence for the above premises.

The Licensing Authority objects to this application as it contravenes Westminster City Council’s SEV Statement of Licensing Policy. The application as proposed exceeds the hours specified in Policy HR1. In addition, the new proposed operation of the venue will require assessment in terms of policies LO1, LO2 and LO3.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions.

4.8 Objector 7: Metropolitan Police – PS Paul Hoppe:

As a responsible authority Police are objecting to the application (reference 16/1415/LISEVL) on the ground of Prevention of Crime and Disorder and Public Nuisance.

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 or not. This application gives no indication whether any local engagement has occurred. I have not as yet seen the full written decision from this meeting.

It is for the above reasons that Police object to this application. A more detailed objection shall be forthcoming.

5. SEV licence history

- 5.1 A new SEV licence was granted by the Committee on 12 June 2012 for one year. The licence took effect on 01 October 2012.
- 5.2 Applications to renew the licence were submitted in each of the years 2013, 2014, 2015 and were granted under delegated authority as no objections were received.
- 5.3 On 04 February 2014 an application was submitted to vary the premises plans so as to infill the dance floor, remove booth seating and reconfiguration of the stage area. The application was granted under delegated authority.
- 5.4 On 04 April 2014 an application was submitted to vary the premises plans so as to lower the floor level and install steps to the seating booths and entrances and exits. The application was granted under delegated authority.
- 5.5 On 14 September 2016 an application to transfer the licence to Devine Restaurants Limited was submitted. This application received objections and was granted by Licensing Sub-Committee.
- 5.6 On 14th September 2016 an application for vary the licence was submitted by Devine Restaurant Limited which received objections. The variation was for the extension of hours and this was not granted by Licensing Sub-Committee. However, the Committee did make some amendments to the conditions. An appeal to this application has been submitted which is currently pending. The decision for this application is attached at **Appendix B1**.
- 5.7 On 23 September 2016 an application to renew the licence was submitted by Devine Restaurants Limited. This application also received objections and was granted by the Licensing Sub-Committee.
- 5.7 A copy of the current SEV Licence is attached at **Appendix B2**.

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

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

Please note: The applicants have, in addition to this application, applied for a variation to the premises licence under the Licensing Act 2003 premises to extend the hours of licensable activities on a Sunday only until 03:00 the following day.

6.2 A copy of the current Premises Licence is attached to this report as **Appendix B3**.

<u>Existing Premises Licence (16/09817/LIPN) permitted Licensable Activities</u>
Regulated Entertainment: Indoors Performance of Dance Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded music or Performance of Dance Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00
Late Night Refreshment: Indoors Monday to Saturday 23:00 to 03:30
Sale of Alcohol: On & off the premises Monday to Saturday 09:00 to 03:00 Sunday 12:00 to 23:30
Opening hours: Monday to Saturday 09:00 to 03:00 Sunday 09:00 to 23:00

7. Policy Considerations

7.1 Character of the relevant locality – LO1

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

7.2 Use of premises in the vicinity – LO2

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

7.3 Policy HR1 – Hours

Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies. Core hours when customers are permitted to be on the premises:

Friday and Saturday:	09:00 to midnight
Sundays immediately prior to Bank Holidays:	09:00 to midnight
Other Sundays:	09:00 to 22:30
Monday to Thursday:	09:00 to 23:30

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

8. Legal Implications

8.1 The Licensing Committee using its powers above may determine to:

- (a) Vary the licence as applied for.
- (b) Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
- (c) Refuse the application.

8.2 Before refusing to vary the licence, the Licensing Authority shall give the applicant an opportunity to appear before it and of being heard by the Committee.

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

8.4 Should the Licensing Sub-Committee determine to refuse the application for the variation of the licence, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application.

9. Human Rights Act and Equality Implications

9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference

with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others, or in the case of Article 1, Protocol 1, can be justified in the general interest".

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

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

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

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

Appendices

- A1 – Application Form
- B1 – Decision of Licensing Sub-Committee 1st December 2016
- B2 – Current SEV Licence
- B3 – Current Premises Licence
- C1 – Map of the locality

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Heidi Lawrance on 020 7641 2751 or at hlawrance@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Sexual Entertainment Venues Statement of Licensing Policy 2012

Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012

Application Form



City of Westminster

APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

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

Devine Restaurants Ltd

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

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

Premises name: Sophisticats

Premises address: 3-7 Brewer Street, London, W1F 0RD

Licence reference number: 15/06700/LISEVR

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

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

PART 1 – Applicant Details

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

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

Section A – Individual Licensee Details

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

Additional Licensee Details (if necessary)

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

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Devine Restaurants Ltd
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/>
	Registered Number: 06048816
Is your business registered in another EEA state:	No <input type="checkbox"/>
	Yes <input type="checkbox"/>
	EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Private Limited Company
Home Country: (the country where the headquarters of your business is located)	UK
Registered Address:	109 Gloucester Place, London
Postcode:	W1U 6JW

PART 2 – Premises Details

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

PART 3 – Variation Details

State the nature of the proposed variation:

1. To vary the plans attached to the existing SEV licence to incorporate a change of layout as shown on the appended plans.
2. To remove conditions 24 and 25 in their entirety, so as to permit full nudity.
3. To amend condition 28 to reduce the capacity by 50% from the current maximum of 280 persons, to 140 persons (excluding staff and performers).
4. To increase the terminal hour for relevant entertainment to 6am Monday to Saturday and 5am on Sunday.

Please refer to the appended supporting material for further information and background.

Amendment to hours for relevant entertainment:

If the variation is to amend the hours for relevant entertainment, specify the proposed hours below:

Day:	Start:	Finish:
Monday	09:00	06:00
Tuesday	09:00	06:00
Wednesday	09:00	06:00
Thursday	09:00	06:00
Friday	09:00	06:00
Saturday	09:00	06:00
Sunday	09:00	05:00

Amendment to condition attached to the licence / standard conditions

If the variation is to add / remove a condition (including standard conditions), state the condition and the reasons for adding / removing the condition below:

Condition:	Reason for adding / removing the condition:
24. Authorised Relevant Entertainment shall consist only of dancers performing topless on the stage area or by table sides.	To remove the said condition so as to permit full nudity.
25. Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.	To remove the said condition so as to permit full nudity.
28. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 280 persons.	To amend as follows:- The maximum number of persons accommodated at any one time in the basement (excluding staff and performers) shall not exceed <u>140</u> persons.
Please use a separate sheet if necessary	

PART 4 – Policy

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your variation application will promote the following licensing objectives:

Prevention of crime and disorder:
The changes sought and conditions currently endorsed on the SEV licence and premises licence address the licensing objectives. Please refer to the appended supporting material for submissions on policy and the Appendix 11 submission.
Public safety:
Please see above.
Prevention of public nuisance:
Please see above.
Protection of children from harm:
Please see above.
Improvement in the character and function of the city, or areas of it:
Please see above.
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
	Please refer to the appended supporting material for submissions on policy.
Please use a separate sheet if necessary	

PART 5 – Convictions / Disqualifications

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

PART 6 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 8 of this form)	<input checked="" type="checkbox"/>
Where the variation relates to a change of layout, a plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
The current licence has been returned with this application	<input checked="" type="checkbox"/>

PART 7 - Declaration

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

I Mondrealm Ltd, declare that the information given above is true and complete in every respect.

Signed	<i>Thomas and Thomas</i>
Date:	14 September 2016
Capacity:	Solicitors on behalf of the applicant

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

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

Yes No

If yes, please provide the following:

Agent name:	Ryan Peermamode
Agent Address:	Thomas & Thomas Partners LLP 38A Monmouth Street London
Postcode:	WC2H 9EP
Agent Telephone Number:	0204 042 0410
Agent Email:	rpeermamode@tandtp.com

Decision of Sub Committee – 1st December 2016

LICENSING SUB-COMMITTEE No. 2

Thursday 1st 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 Metropolitan Police and two Ward Councillors.

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).

Sophisticats, 3-7 Brewer Street, London, W1F 0RD 16/09959/LISEVV	
1.	Variation of a Sexual Entertainment Venue Premises Licence
	<p>The application was to vary the sexual entertainment venue premises licence to:</p> <ul style="list-style-type: none"> • Extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday. • Extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. • To vary the plans attached to the existing licence to incorporate a change of layout as shown on the appended plans. • To remove conditions 24 and 25 in their entirety, so as to permit full nudity. <p>Condition 24 reads – Authorised Relevant Entertainment shall consist only of dancers performing</p>

	<p>topless on the stage area or by table sides.</p> <p>Condition 25 reads –</p> <p>Performers shall at all times wear at least a G-string or similar piece of clothing on the appropriate part of the body.</p> <ul style="list-style-type: none"> • To amend condition 28 to reduce the capacity by 50% from the current maximum of 280 persons, to 140 persons (excluding staff and performers).
	<p>Amendments to application advised at hearing:</p> <p>The applicant agreed to reduce the capacity to 100 persons (excluding staff and performers).</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Devine Restaurants Limited to vary the sexual entertainment venue premises licence in respect of Basement and Part Ground Floor, 3-7 Brewer Street, London, W1F 0RD.</p> <p>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.</p> <p>The Chairman gave a summary of how the proceedings were to be performed 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</p> <p>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.</p> <p>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.</p> <p>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 Committee noted that an abundance of 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</p>

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 Committee noted that the premises would be very particular about the type of clientele it attracted. It was recognised that it had a duty of care towards its 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 Environmental Health 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 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 brought up in the 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 to the Sub-Committee. 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 and therefore well established. 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 Miss 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. 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 Committee's attention was drawn to the City 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 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 Committee 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 and potential crime and disorder that could occur within the area. The Sub-Committee would therefore have to be confident 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 bear in mind 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 was reminded that this was situated in a very different, and less sensitive, location. Issues around the narrowness of the pavement of the premises were 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 Committee should not be considering this issue as an exceptional ground . It was stressed that both properties were very different. 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 and 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 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 decision making of the Committee. 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 all aspects of the application and took into account all the information received from the applicant and the parties making representations. The Sub-Committee decided not to extend the permitted terminal hours by three hours for relevant entertainment to allow licensable activities from 09:00 to 06:00 on the day following Mondays to Saturday or extend the permitted terminal hours by five hours for relevant entertainment to allow licensable activities from 09:00 to 05:00 on the day following Sunday. 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 that of 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 Monday to Saturday and to 05:00 on Sundays in this locality would be appropriate.

The Sub-Committee granted the aspect of the application to vary the plans attached to the existing licence to incorporate a change of layout as shown on the appended plans.

The Sub-Committee considered that it was appropriate to remove condition 25 in its entirety. Members amended condition 24, removing the word 'topless' so that the full

sentence reads ‘Authorised Relevant Entertainment shall consist only of dancers performing on the stage area or by table sides’.

In keeping with the offer of the Applicant, the Sub-Committee decided to reduce the capacity from 280 persons, to 100 persons (excluding staff and performers).

Sexual Entertainment Venue Licence - Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures

all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:

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

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.

19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.

25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.

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

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

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

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

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

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

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

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

Current SEV Licence

SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	16/09959/LISEVV
Original Reference:	12/02456/LISEVN

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

hereby licences:
to use the premises:

DEVINE RESTAURANTS LTD
SOPHISTICATS
3-7 BREWER STREET
LONDON
W1F 0RD

as a Sexual Entertainment Venue.

This licence commences from the 01 October 2016 and will expire on the 30 September 2017.

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

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

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

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



DATE: 28.03.2017

SIGNED:

On behalf of the Operational Director -
Premises Management



Appendix 2 – Conditions

Standard Conditions:

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

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

23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.
25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. 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
34. Special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. Fire-arms
 - iii. Lasers
 - iv. Explosives and highly flammable substances.
 - v. Real flame
 - vi. Strobe lighting
35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

Current Premises Licence

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

Schedule 12
Part A

WARD: West End
UPRN: 010033540855

Premises licence

Regulation 33, 34

Premises licence number:

16/09817/LIPN

Original Reference:

16/14154/LIPV

Part 1 – Premises details

Postal address of premises:

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

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Performance of Live Music

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

Playing of Recorded Music

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Late Night Refreshment

Monday to Saturday:	23:00 to 03:00
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Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Sale by Retail of Alcohol

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

The opening hours of the premises:

Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 05:00
New Year's Eve:	00:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Devine Restaurants Ltd
109 Gloucester Place
London
W1U 6JW
Business Phone Number : Not Supplied

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

06048816

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

Name: Maria Carmen Alonso Fernandez

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 83025
Licensing Authority: London Borough Of Islington

Date: 27th March 2017

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

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

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

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

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:
 - o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. The approved arrangements at the premises, including means of escape provisions, 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.
35. 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.
36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
41. 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.
42. 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
43. 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).
44. 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.
45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises.
47. 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.

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.



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

Schedule 12
Part B

WARD: West End
UPRN: 010033540855

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/09817/LIPN

Part 1 – Premises details

Postal address of premises:

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

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Performance of Live Music

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

Playing of Recorded Music

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Late Night Refreshment

Monday to Saturday: 23:00 to 03:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Sale by Retail of Alcohol

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

The opening hours of the premises:

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 05:00
New Year's Eve: 00:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Devine Restaurants Ltd
109 Gloucester Place
London
W1U 6JW

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

06048816

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

Name: Maria Carmen Alonso Fernandez

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

Restricted

Date: 27th March 2017

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.