

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

9 November 2017

17/09956/LIPN - New Premises Licence

Kettners Townhouse 29 Romilly Street London W1D 5HP

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Miss Yolanda Wade Senior Licensing Officer

Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises									
Application Type:	New Premises Licence, Li	icensing Act 200	3						
Application received date:	6 September 2017								
Applicant:	Soho House UK Limited								
Premises:	Kettners Townhouse								
Premises address:	29 Romilly Street Ward: West End								
	London								
	W1D 5HP Cumulative West End								
	Impact Area:								
Premises description:	The premises currently op	perates as a hote	l with						
	restaurant and bar								
Premises licence history:	The premises benefits from a premises licence (16/11756/LIPT) found at Appendix 6 of the report. A new application has been sought as the premises will be incorporated into the new Soho House scheme. The current licence will be surrendered.								
Applicant submissions:	None								
Plans	Plans are available upon re and will be available at the								

1-B Pr	oposed lic	ensable a	ctivities and	d hours					
Exhibition of Films				Indoors,	outdoors o	or both	Indoors		
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun		
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00		
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00		
	variations	T a t E E t t t	The exhibition ind as an and hroughout th On the mornin British Summ erminal hour he premises inctivities and/ 01:00	permitted in her licensab subject to enwich Mea e hour will b vities and to existing terr hour for the	the hotel l ble activitie <u>the condit</u> an Time ch be added t b the closin ninal hour premises	bedrooms is ion above. nanges to o the ng time for for the ends after			
Non-standard timings:			The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day						

Performa	Performance of Live Music:				Indoors, outdoors or both Indoors				
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun	
Start:	07:00	07:00		07:00	07:00	07:00	08:00	08:00	
End:	01:30	01:30	(01:30	01:30	01:30	01:30	00:00	
	variations		Briti tern the acti 01:0	ish Summ ninal hour premises ivities and/ 00	ng that Greenwich Mean Time changes to her Time one hour will be added to the of any activities and to the closing time for where the existing terminal hour for the /or closing hour for the premises ends after				
Non-standard timings:			The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day						

Playing o	Playing of recorded Music:				Indoors, o	r both	Indoors		
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun	
Start:	07:00	07:00		07:00	07:00	07:00	08:00	08:00	
End:	01:30	01:30		01:30	01:30	01:30	01:30	00:00	
			Br tei the ac 01	rminal hour e premises tivities and/ :00	her Time one hour will be added to the of any activities and to the closing time for where the existing terminal hour for the l/or closing hour for the premises ends after				
Non-standard timings:			The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day						

Playing of re (Hotel Resid			Indoors, o	Indoors			
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

Late Night Refreshment:				Indoors,	Indoors		
Day:	Mon	Tues	Wed	Thur Fri		Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:00
Seasonal	variations	:	On the morning	ng that Gre	enwich Mea	an Time ch	anges to

	British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00
Non-standard timings:	The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day

Sale by re	Sale by retail of alcohol				On or off	oth:	Both		
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun	
Start:	07:00	07:00		07:00	07:00	07:00	08:00	08:00	
End:	01:30	01:30		01:30	01:30	01:30	01:30	00:00	
	terminal hou the premises activities and 01:00				ner Time one hour will be added to the r of any activities and to the closing time for s where the existing terminal hour for the d/or closing hour for the premises ends after				
			The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day						

Sale by retai	l of alcoho	idents):	On or off s	Both			
Day:	Mon Tues Wed			Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

Hours pre	Hours premises are open to the public									
Day:	Mon	Tues	5	Wed	Thur	Fri	Sat	Sun		
Start:	00:00	00:00		00:00	00:00	00:00	00:00	00:00		
End:	00:00	00:00		00:00	00:00	00:00	00:00	00:00		
			On the morning that Greenwich Mean Time chang British Summer Time one hour will be added to the terminal hour of any activities and to the closing tim the premises where the existing terminal hour for t activities and/or closing hour for the premises ends 01:00					the time for or the		
Non-standard timings:				The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1)the terminal hour for those activities on New Year's Eve through to the commencement time						

for those activities on New Year's Day	
	for those activities on New Year's Day

Opening times for restaurant and Bar to patrons										
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun			
Start:	07:00	07:00	07:00	07:00	07:00	08:00	08:00			
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:00			

2. Policy & Guidance

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

Policy CIA1 applies:	(i)It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
	(ii)Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy HOT1 applies:	
Folicy from applies.	Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:
	(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.
	(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,
	(c) The exhibition of film, in the form of recordings or non- broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.
Policy PB2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to

	vary hours within the Core Hours under Policy HRS1.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

3. Representations

3-A Responsible Authorities			
Responsible Authority:	The Environmental Health Service		
Representative:	Mr Dave Nevitt		
Received:	4th October 2017		
I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.			
Responsible Authority:	The Metropolitan Police Service		
Representative:	PC Adam Deweltz		
Received:	15 th September 2017		
 With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application. The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. I have been through the operating schedule and note your conditions. 			
Responsible Authority:	The Licensing Authority		
Representative:	Mr David Sycamore		
Received:	4th October 2017		
I write in relation to the application submitted for a new premises licences for Kettners Townhouse, Soho House and Cafe Boheme.			
As a responsible a	uthority under section 13 (4) of the Licensing Act 2003 as amended		

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered. The applicants will need to justify how the premises, if granted to will not add to the cumulative impact CIP1. The Licensing Authority has met with the applicant, and other relevant authorities to promote the licensing objectives and address policy concerns. The applications seek to offer a range of licensing activities and times which will replace existing licences which have not traded for 2 years.

We look forward to working with the applicant to add conditions and amend the applications where appropriate.

3-B Other Persons				
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Received:	4 th October 2017			
3:42 PM on 04 Oct 2017 I would object to any extension of hours beyond those in the previous licence. These premises are within the cumulative impact zone. This area already has problems with crime and disorder, including but not limited to antisocial behaviour associated with drug dealing/use, robbery, etc. It is a residential area, and there is noise associated with people leaving premises, pedicabs (playing music) who position themselves outside licensed premises.				
Received:	application beyond core hours be refused. 3 rd October 2017			
I write to make a relevant representation to the above application on behalf of The Soho Society.				
The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.				
About The Soho Society				
The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.				

Application summary Live music: 07.00-01.30 Mon-Sat. 08.00-00.00 Sun Recorded music: 07.00-01.30 Mon-Sat. 08.00-00.00 Sun. For residents 00.00-00.00 Late night refreshment: 23.00-01-30 Mon-Sat. 23.00-00.00 Sun Supply of alcohol: 07.00-01.30 Mon-Sat. 08.00-00.00 Sun Hours open to the public: 00.00-24.00 Mon-Sun Restaurant and Bar to patrons: 07.00-01.30 Mon-Fri. 08.00-01.30 Sat. 08.00-00.00 Sun

The Application

Firstly, it is not clear from the face of the application what the changes are with respect to the current licence, it would have been helpful if the applicant had given an indication of the net effect of the application rather than interested parties having to determine this themselves, and furthermore the lack of plans on the website makes it difficult to determine layout and especially in relation to increases in capacity which is directly relevant to 'cumulative impact'.

With reference to the current premises licence issued to Soho House UK Ltd on 23rd January 2017, the overall effect of the new application is as follows,

• increase in hours for sale of alcohol by 30mins to 01-30

• addition of live music to 01.30

There is no mention of the restaurant capacity.

Issues of concern relate to the extension of hours.

There are private homes in nearby buildings, and residents in the surrounding area already subject to noise and general nuisance every night of the week. Greek Street / Old Compton Street is at the heart of Soho's late night economy with numerous restaurants, bars and entertainment establishments, the area is densely populated at night with people drinking on the street creating loud levels of noise, disturbance and anti social behaviour this is compounded by pedicabs parked outside premises playing amplified music adding to the noise nuisance. Over the past few years Soho has seen a significant increase in crime and disorder and particularly drug dealing and drug taking on the streets. The Greek Street intersection with Romilly Street is the favoured position for drug dealers to loiter and sell drugs, these and the surrounding streets is at the centre of criminal activity which is attracted by the night time economy and high numbers of intoxicated people. The proposed extended terminal hour will fail to promote the licensing objectives and therefore we feel it is necessary to keep to the current licensed operating hours and conditions with no increase in capacity.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

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

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, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of Pre-App Report
Appendix 5	Copy of Existing Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.			
Background Documents – Local Government (Access to Information) Act 1972			
1	Licensing Act 2003	N/A	
2	City of Westminster Statement of Licensing Policy	7 th January 2016	
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017	
4	Application Form	6 th September 2017	
5	The Metropolitan Police Representation	15 th September 2017	
6	The Environmental Health Service Representation	4th October 2017	
7	The Licensing Authority	4th October 2017	
7	Representation	4th October 2017	
8	The Soho Society Representation	3 rd October 2017	

Applicant Supporting Documents

Appendix 1

(None)

Premises History

Appendix 2

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/07325/LIPCV	Conversion application	01.10.2005	Deemed decision
10/10103/LIPDPS	Application for a variation of the DPS	20.12.2010	Granted under delegated authority
11/04157/LIPDPS	Application for a variation of the DPS	06.07.2011	Granted under delegated authority
11/06536/LIPDPS	Application for a variation of the DPS	29.07.2011	Granted under delegated authority
16/11756/LIPT	Application for a transfer of the premises licence from PizzaExpress (Restaurants) Ltd to Soho House UK Limited	23.01.2017	Granted under delegated authority

There is no appeal history

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
13/00798/LITENP	Temporary Event Notice	12.02.2013	Notice allowed
13/03371/LITENP	Temporary Event Notice	11.07.2013	Notice allowed
13/03377/LITENP	Temporary Event Notice	28.05.2013	Notice allowed

14/00957/LITENP	Temporary Event Notice	27.02.2014	Notice allowed
14/01701/LITENP	Temporary Event Notice	02.07.2014	Notice allowed
14/02664/LITENP	Temporary Event Notice	16.04.2014	Notice allowed
14/04003/LITENP	Temporary Event Notice	03.07.2014	Notice allowed
14/06764/LITENP	Temporary Event Notice	09.09.2014	Notice allowed
15/05386/LITENP	Temporary Event Notice	14.08.2015	Notice allowed
15/10305/LITENP	Temporary Event Notice	24.11.2015	Notice allowed

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

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

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

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

Mandatory Conditions:

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

otherwise);

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

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

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

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

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

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

formula - P = D+(DxV)

Where -

- (i) P is the permitted price,
- 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
- V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of

alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

Conditions proposed by applicant and consistent with the operating schedule

- 10. The premises shall only operate as a restaurant *in the area hatched and labelled 'Kettner's restaurant' on the ground floor*
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - *(iv)* which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

- 11. (i) Notwithstanding the condition [10] above alcohol may be supplied and consumed prior to their meal in the bar area (**cross hatched on the plan**), by up to a maximum at any one time, of 14 persons dining at the premises.
 - (ii) Notwithstanding condition [10] and 11(i) above alcohol can be supplied and consumed to patrons not seated, who are attending a pre-booked private event where a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.
- 12. The supply of alcohol shall be by waiter or waitress service only in the Champagne Bar.
- 13. Alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions. A list of

residents shall be kept at reception and available for inspection by the authorities.

- 14. Each resident shall be permitted no more than four bona fide quests at any one time.
- 15. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
- 16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 17. 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.
- 18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 19. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

Above condition being amended following a discussion with EH to:

- 20. No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day.
- 21. All deliveries shall take place on Old Compton Street and Greek Street only.
- 22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to public nuisance.
- 23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 24. Notices shall be prominently displayed at all exits requesting patrons to respect the

needs of local residents and businesses and leave the area quietly.

- 25. Persons temporarily leaving the premises onto the public highway for the purposes of smoking shall not take any drinks with them.
- 26. 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.
- 27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 28. 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.
- 29. The reception desk on the ground floor shall be staffed at all times the premises are in operation.
- 30. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 31. The exhibition of film is permitted in the hotel bedrooms and as an ancillary to other licensable activities throughout the premises.
- 32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952. 42. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided."
- 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.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting
- 34. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment,

shall at all material times be maintained in good condition and full working order.

- 35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 36 All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
- 37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- 41. 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.
- 42. 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.
- 43. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- 44. 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. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 45. The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment at all times.
- 46. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
- 47. The premises may remain open for the sale of alcohol, regulated entertainment and the

provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

- 48. The licensable activities authorised by this licence can only be carried on at this premises by Soho House UK Ltd.
- 49. No licensable activities shall take place at the premises until premises licence xxxx/xxxxx/xxxx (or such other number subsequently issued for the premises) has been surrendered.
- 50. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
- 51. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
- 52. There shall be no direct access to the Champagne Bar by patrons from the street at any time.
- 53. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Copy of Pre-Application Report

Appendix 4



Officer Name: Dave Nevitt Designation: EHO Date: 5.9.2017 Contact number: 020 7641 3188 Email: <u>dnevitt@westminster.gov.uk</u>

Uniform Reference: 16/05872/PREAPM

Trading name of business and Address: SOHO HOUSE, 40 Greek Street			
Licence: 12/03369/LIPMV	Applicant: Lana Tricker	Cumulative Impact Area: WEST END	
	lana@ltlaw.co.uk		
Type of Business: PRIVATE MEN	IBERS CLUB		
PROPOSED:			
The original pre-app advice was for	or:		
door and this licence will l the new Soho House sch Operation will not change as a club. Discussion as to a ne	ed the premises licence for K be surrendered as the Kettner eme. result of this application- it w w licence application, to tak ion of the premises- 2 year re	ettners (11/06536/LIPDPS) next s space will be incorporated into vill remain as a private members ke into account a large scale furbishment schedule is planned	
EH COMMENTS:			
This is a major refurbishment scheme which involves the following Licensed premises:			
SKB, 19-21 Old Compton Stro Café Boheme, 13-17 Old Com Kettners, 29 Romilly Street Soho House, 40 Greek Street	npton Street		
A Public Safety/Fire Strategy s	cheme for each of the affecte in a set of floor plans for each	urveyor, and LFB (David Doyle). ed premises has been discussed n premises which are acceptable	
The applicant wishes to make applications for <u>New Premises Licenses</u> and <u>Variations</u> to replace current and existing Licenses:			
Café Boheme – <u>variation</u> a SKB – demise is slightly o Kettners and Soho House	as we are only tidying up the changed so it will need to be – <u>new applications</u>	e conditions e a <u>new application</u>	

From and EH perspective, this is an opportunity to improve the physical build and internal arrangements of each of the premises and to bring the public safety arrangements up to modern standards. It is also an opportunity for better regulation as more up to date Model Conditions are brought to bear and existing Licenses are tidied up.

The applicant will submit the recently agreed floor plans for each premises and a number of proposed Conditions for each Licence application.

It will be for the applicant to show that there will be <u>no increase in Cumulative Impact</u> in the West End CIA. In this regard, it is noted that the <u>current Licenses already</u> allow for many licensable activities to take place well beyond the Core Hours as defined in the City Council's Licensing Policy. It will be for the applicant to explain in detail to the Licensing Committee the <u>comparison between the existing permitted hours and what is sought</u> by way of New Applications or Variations.

The applicant has submitted a list of Proposed Conditions for each of the premises and these are broadly acceptable to EH. Some of the existing conditions have been repeated in the proposals and some new Model Conditions have been added. It should be noted that the Police are likely to seek additional conditions, for example for age verification. Again, this will be the subject of discussion at the Committee Hearing.

THE APPLICATIONS WILL BE ADJUDICATED AT A HEARING OF THE LICENSING SUB CTEE THE APPLICATION WILL BE DETERMINED IN RELATION TO THE CITY COUNCILS LICENSING POLICIES AND IT WILL BE FOR THE APPLICANT TO SHOW HOW THE LICENSING OBJECTIVES WILL BE PROMOTED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Copy of Existing Licence

X	Schedule 12 Part A	WARD: West End UPRN: 100023472517	
City of Westminst 64 Victoria Street, London, SW1E		Regulation 33, 34	
Premises licence number:	16/1175	6/LIPT	
Original Reference:	05/07325	/LIPCV	
Part 1 – Premises details			
Postal address of premises:			
Kettners 29 Romilly Street London W1D 5HP			
Telephone Number:			
Where the licence is time limit	ted, the dates:		
Not applicable			
Licensable activities authoris	ed by the licence:		
Playing of Recorded Music Late Night Refreshment Private Entertainment consistin consideration and with a view to Sale by Retail of Alcohol	g of dancing, music or other enter o profit	tainment of a like kind for	
The times the licence authori	ses the carrying out of licensat	ble activities:	
Playing of Recorded Music	Unrestricted		
Late Night Refreshment Monday to Saturday: Sunday:	23:00 to 01:3 23:00 to 00:0	-	
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted			
Sale by Retail of Alcohol Monday to Saturday: Sunday:	10:00 to 01:0 12:00 to 23:3	-	
For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1			
The opening hours of the pre	mises:		

 Monday to Saturday:
 10:00 to 01:30

 Sunday:
 12:00 to 00:00

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

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

Part 2

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

Soho House UK Limited Basement 72-74 Dean Street London W1D 3SG c/o LT Law, 18 Soho Square, London W1D 3QL Business Phone Number: c/o 020 3755 5138 E-mail: c/o lana@ltlaw.co.uk

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

02864389

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

Name:

Winston Matthews

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: 005251 Licensing Authority: Slough Borough Council

Date:

23rd January 2017

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

Annex 1 – Mandatory conditions

- 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.
- Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

- The responsible person shall ensure that no alcohol is dispensed 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).
- The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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;

- beer or cider: ¹/₂ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

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.

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

Conditions related to the Sale of Alcohol

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

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Monday to Saturday only:

(iii) (a)Alcohol may be sold or supplied until 01:00 in the morning following weekdays to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal. (b) That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.

(c) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

(d)This condition does not authorise any sale or supply to any person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end, except in accordance with condition number 9 (ii) above.

NOTE - The above restrictions do not prohibit:

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

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

- 10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans

Attached



City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence summary

Schedule 12

Part B

Regulation 33, 34

WARD: West End

UPRN: 100023472517

Premises licence number:

16/11756/LIPT

Part 1 – Premises details

Postal address of premises:

Kettners 29 Romilly Street London W1D 5HP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Sunday:

Licensable activities authorised by the licence:

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

The times the licence authorises the carrying out of licensable activities: Playing of Recorded Music Unrestricted Late Night Refreshment Monday to Saturday: 23:00 to 01:30 23:00 to 00:00 Sunday: Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted Sale by Retail of Alcohol Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:30 For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 The opening hours of the premises: Monday to Saturday:

10:00 to 01:30 12:00 to 00:00 Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

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

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

Soho House UK Limited Basement 72-74 Dean Street London W1D 3SG c/o LT Law, 18 Soho Square, London W1D 3QL

Registered number of holder, for example company number, charity number (where applicable) $\label{eq:company}$

02864389

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

Name:

Winston Matthews

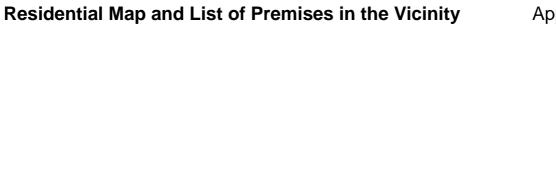
23rd January 2017

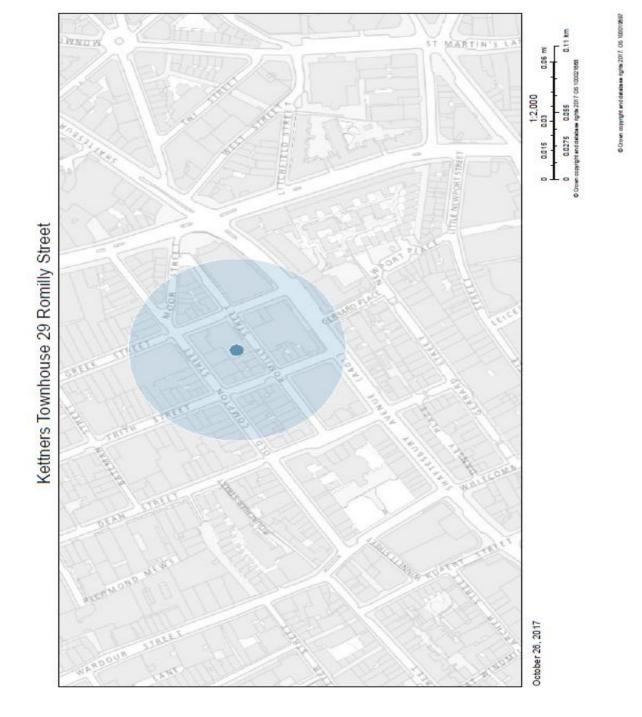
State whether access to the premises by children is restricted or prohibited:

Restricted

Date:

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





Resident count: 74