

Licensing Sub-Committee Report

Item No:	
Date:	2 November 2017
Licensing Ref No:	17/09953/LIPV - Premises Licence Variation
Title of Report:	Cafe Boheme Basement and Ground Floor 13 - 17 Old Compton Street London W1D 5JH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	6 September 2017		
Applicant:	Soho House UK Ltd		
Premises:	Cafe Boheme		
Premises address:	Basement and Ground Floor 13 - 17 Old Compton Street London W1D 5JH	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>According to the application, the variation seeks:</p> <p>1) To vary the plans to reflect the changes to the proposed plans. The full details of these changes can be found at Section 1C of this report.</p> <p>2) To delete conditions 10, 11, 12, 17 and 18</p> <p>4) To amend condition 14</p> <p>5) To add a number of conditions</p>		
Premises licence history:	The premises has been licensed since 2001. The full details of the premises licence history can be found at Appendix 2.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours

Exhibition of films

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	09:00	05:00				
Wednesday	09:00	05:00				
Thursday	09:00	05:00				
Friday	09:00	05:00				
Saturday	09:00	05:00				
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Performance of dance

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	09:00	05:00				
Wednesday	09:00	05:00				
Thursday	09:00	05:00				
Friday	09:00	05:00				
Saturday	09:00	05:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Performance of live music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	09:00	05:00				
Wednesday	09:00	05:00				
Thursday	09:00	05:00				
Friday	09:00	05:00				
Saturday	09:00	05:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement and Ground Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement and Ground Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Anything of a similar description to live music, recorded music or performance of dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	09:00	05:00				
Wednesday	09:00	05:00				
Thursday	09:00	05:00				
Friday	09:00	05:00				
Saturday	09:00	05:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current: Please see condition 17			Proposed: Please see condition 34 and condition 40	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	23:00	05:00				
Wednesday	23:00	05:00				
Thursday	23:00	05:00				
Friday	23:00	05:00				
Saturday	23:00	05:00				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Please see condition 17			Please see condition 34 and condition 40	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	No change		Basement and Ground Floor	No change
Tuesday	10:00	03:00				
Wednesday	10:00	03:00				
Thursday	10:00	03:00				
Friday	10:00	03:00				
Saturday	10:00	03:00				
Sunday	12:00	00:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Please see condition 17			Please see condition 34 and condition 40	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	05:00	No change		Basement and Ground Floor	No change
Tuesday	09:00	05:00				
Wednesday	09:00	05:00				
Thursday	09:00	05:00				
Friday	09:00	05:00				
Saturday	09:00	05:00				
Sunday	12:00	00:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Please see condition 17			Please see condition 34 and condition 40	

1-C Layout alteration
To vary the plans to reflect the changes to the proposed plans as follows
<ul style="list-style-type: none"> a) Reconfiguration of fire exits on ground floor to the left of the plans as a result of refurbishment works to Soho House itself (approved by LFEPA and DS) b) Reconfiguration of seating on ground floor (fixed and loose) c) Moving of kitchen from ground floor to the basement of the premises d) Reconfiguration of toilets in the basement floor e) Reconfiguration of back of house/staff areas/office

1-D CONDITIONS BEING DELETED
<p>Condition 10</p> <p>This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p>
<p>Condition 11</p> <p>On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p>
<p>Condition 12</p> <p>Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 5am on the day following.</p>

Condition 17

17. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

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

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

(ii) Sundays

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 Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
 - (d) 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, 00.00 midnight on 31st December).
- (iii) 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 ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty 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;
- (i) 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.

Condition 18

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

1-E CONDITIONS BEING VARIED

Condition

Proposed variation

Condition 14

The number of persons accommodated (excluding staff) shall not exceed the following:

Basement - 100

Ground Floor - 125.

The number of persons accommodated (excluding staff) shall not exceed the following:

Ground Floor - 125

1-F CONDITIONS BEING ADDED

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

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

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.

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.

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

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

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

Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

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.

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.

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.

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.

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.

There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.

No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day.

All deliveries shall take place on Old Compton Street and Greek Street only.

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 06:00 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

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.

The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment at all times.

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.

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.

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, 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.

All windows and external doors shall be kept closed after 23:00 hours or at any time when regulated entertainment takes place, or except for the immediate access and egress of persons or in case of an emergency.

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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 driving licence, passport or proof of age card with the PASS Hologram.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	15 September 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>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.</p>	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	4 October 2017
<p>I write in relation to the application submitted for a new premises licences for Kettners Townhouse, Soho House and Cafe Boheme.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>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.</p> <p>We look forward to working with the applicant to add conditions and amend the applications where appropriate.</p>	
Responsible Authority:	Environmental Health
Representative:	Mr Dave Nevitt
Received:	4 October 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	

2-B Other Persons

Name: The Soho Society

Received: 3 October 2017

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

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'.

- Reconfigure fire exits on Ground floor to the left of the plans
- Reconfigure seating ground floor (fixed and loose)
- Moving kitchen from ground to basement
- Reconfigure toilets in basement
- Reconfigure back of house/ staff areas/ office
- Delete condition 12,17,18 replace with - premises may remain open for sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour of those activities on New Years Eve through to commencement time for those activities in New Years Day
- To replace condition 11 with - number of persons accommodated (ex staff) shall not exceed ground floor 125
- No changes to the licensable activities

The existing licence has a condition on capacity for the ground floor of 125 and basement 100, however, as the plans are not available it is difficult to ascertain what if any effect the new layout changes will have. It is impossible to know if the kitchen will occupy the entire basement or whether part of it will still be open to the public and if so what the capacity will be. We object to any increase in capacity.

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. 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 crime and disorder and in particular drug dealing and drug taking on the streets, Old Compton Street is at the centre of this and other criminal activity which is attracted by the night time economy and high numbers of intoxicated people. Any increase in capacity will fail to promote the licensing objectives.

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 with any increase in capacity if granted, 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 the application.

3. Policy & Guidance

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

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Existing premises licence
Appendix 6	Pre-application advice report

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	Representation Metropolitan Police Service	15 September 2017
5	Representation Licensing Authority	4 October 2017
6	Representation Environmental Health	4 October 2017
7	Representation The Soho Society	3 October 2017
8	Pre-application advice report	5 September 2017

Applicant Supporting Documents

Appendix 1

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06819/LIPCV	This is the converted licence.	20.09.2005	Granted by Licensing Sub Committee
06/00225/LIPDPS	This was a request to vary the DPS.	08.12.2005	Granted under Delegated Authority
06/06838/LIPDPS	This was a request to vary the DPS.	04.08.2006	Granted under Delegated Authority
07/00737/LIPV	This was an application for a variation. The variation sought: 1. To remove condition 9 being "no person under the age of 18 shall be permitted entry to the premises" 2. To remove condition 13.	28.02.2007	Granted under Delegated Authority
07/04664/LIPDPS	This was a request to vary the DPS.	12.06.2007	Granted under Delegated Authority
06/07257/WCCMAP	This is the master copy of the licence.	13.02.2008	Granted under Delegated Authority
07/07706/LIPDPS	This was a request to vary the DPS.	12.09.2007	Granted under Delegated Authority
08/01000/LIPDPS	This was a request to vary the DPS.	19.02.2008	Granted under Delegated Authority
08/08439/LIPDPS	This was a request to vary the DPS.	30.09.2008	Granted under Delegated Authority
09/01051/LIPCHD	This was a request for a change of details on the licence.	16.04.2009	Granted under Delegated Authority
09/03724/LIPDPS	This was a request to vary the DPS.	07.10.2009	Granted under Delegated Authority

10/05171/LIPDPS	This was a request to vary the DPS.	26.07.2010	Granted under Delegated Authority
12/06905/LIPDPS	This was a request to vary the DPS.	10.09.2012	Granted under Delegated Authority
13/03432/LIPDPS	This was a request to vary the DPS.	02.07.2013	Granted under Delegated Authority
14/04417/LIPDPS	This was a request to vary the DPS.	23.06.2014	Granted under Delegated Authority
14/05913/LIPVM	<p>This was an application for a minor variation. The variation sought: To add conditions to Annex 2 of the premises licence as follows, so as to promote the licensing objectives.</p> <p>1. 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 made available immediately upon the request of Police or authorised officer throughout the proceeding 31 day period.</p> <p>2. A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay, when requested.</p> <p>3. An incident log shall be kept at</p>	28.07.2014	Granted under Delegated Authority

	<p>the premises, and made available on request to an authorised officer of the City Council or the Police, which will records the following:</p> <ul style="list-style-type: none"> a. all crimes reported to the venue b. any complaints received regarding crime disorder c. any incidents of disorder d. any faults in the CCTV system e. any refusal of the sale of alcohol f. any visit by the relevant authority or emergency service. 		
15/04626/LIPDPS	This was a request to vary the DPS.	20.06.2015	Granted under Delegated Authority

Temporary Event Notice history

Application	Details of Application	Date Determined	Decision
13/09360/LITENP	This was an application for a Temporary Event Notice.	04.12.2013	Notice granted
14/00923/LITENP	This was an application for a Temporary Event Notice.	14.04.2014	Notice granted
14/00924/LITENP	This was an application for a Temporary Event Notice.	14.04.2014	Notice granted
14/00925/LITENP	This was an application for a Temporary Event Notice.	14.04.2014	Notice granted
14/00927/LITENP	This was an application for a Temporary Event Notice.	14.04.2014	Notice granted
14/10070/LITENP	This was an application for a Temporary Event Notice.	24.11.2014	Notice granted

15/12101/LITENP	This was an application for a Temporary Event Notice.	07.03.2016	Notice granted
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There is no appeal history

Appendix 3

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 appropriate for the promotion of the licensing objectives.

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.

The applicant has proposed that Condition 10 be deleted

11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

The applicant has proposed that Condition 11 be deleted

12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 5am on the day following.

The applicant has proposed that Condition 12 be deleted

13. A personal licence holder shall be present at all times the premises are open.

14. The number of persons accommodated (excluding staff) shall not exceed the following:
Basement - 100
Ground Floor - 125

The applicant has proposed that Condition 14 be varied to the following:

The number of persons accommodated (excluding staff) shall not exceed the following:
Ground Floor - 125

15. All doors and windows shall be kept shut after 11pm except entry and egress of customers

Conditions for Sale of Alcohol

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

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

17. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

(ii) Sundays

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 Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
 - (d) 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, 00.00 midnight on 31st December).
- (iii) 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 ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty 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;
- (i) 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.

The applicant has proposed that Condition 17 be deleted

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

The applicant has proposed that Condition 18 be deleted

Annex 2 – Conditions consistent with the operating schedule

- 19. There shall be no persons under the age of 18 years on the premises after 21.30.
- 20. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue 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 immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.
- 21. 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. The staff member must be able to show a Police or authorised council recent footage with the absolute minimum of delay when requested.

22. An incident log shall be kept at the premises and made available upon request to an authorised Officer of the 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 regarding crime and disorder;
 - d) Any incidents of disorder;
 - e) Seizure of drugs or 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.

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

None

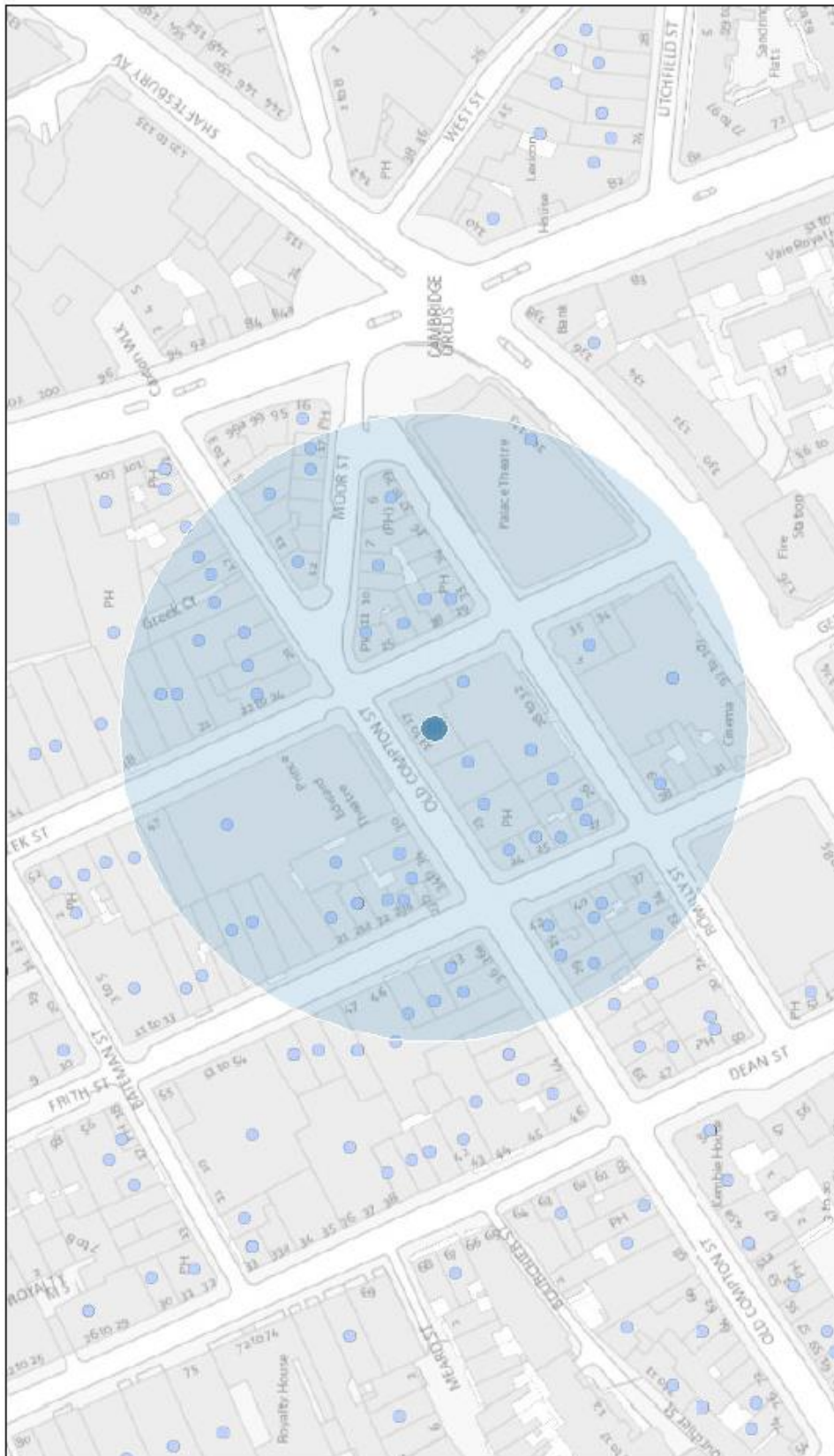
Conditions proposed by the applicant

23. 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
24. 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
25. 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.
26. 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.

27. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
37. No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day.
38. All deliveries shall take place on Old Compton Street and Greek Street only.
39. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 06:00 hours or as in compliance with Westminster City Council's own waste contractor collection hours.
40. 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.

41. The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment at all times.
42. 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.
43. 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.
44. 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, 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.
45. All windows and external doors shall be kept closed after 23:00 hours or at any time when regulated entertainment takes place, or except for the immediate access and egress of persons or in case of an emergency.
46. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
47. 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 driving licence, passport or proof of age card with the PASS Hologram.

Cafe Boheme



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Resident count = 109



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

Schedule 12
Part A

WARD: West End
UPRN: 010033554563

Premises licence

Regulation 33, 34

Premises licence number:	15/04626/LIPDPS
Original Reference:	05/06819/LIPCV

Part 1 – Premises details

<p>Postal address of premises:</p> <p>Cafe Boheme Basement And Ground Floor 13 - 17 Old Compton Street London W1D 5JH</p> <p>Telephone Number: 020 7734 0623</p>
--

<p>Where the licence is time limited, the dates:</p> <p>Not applicable</p>

<p>Licensable activities authorised by the licence:</p> <p>Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded Music or Performance of Dance Late Night Refreshment Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Sale by Retail of Alcohol</p>

The times the licence authorises the carrying out of licensable activities:	
Performance of Dance	
Monday to Saturday:	09:00 to 05:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 05:00
Sunday:	12:00 to 23:30
Performance of Live Music	
Monday to Saturday:	09:00 to 05:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 05:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 00:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 23:30

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 05:00
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 Ltd
72-74 Dean Street
London
W1D 3SG

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

2864389

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

Name: Antoine Marc Bodhant Melon

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: 15-167265-1

Licensing Authority: The Royal Borough Of Kensington And Chelsea

Date: 11 November 2015

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

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 5am on the day following.
13. A personal licence holder shall be present at all times the premises are open.
14. The number of persons accommodated (excluding staff) shall not exceed the following: Basement - 100, Ground Floor - 125.
15. All doors and windows shall be kept shut after 11pm except entry and egress of customers

Conditions for Sale of Alcohol

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

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

17. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

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

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

(ii) Sundays

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 Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
 - (d) 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, 00.00 midnight on 31st December).
- (iii) 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 ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty 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;
- (i) 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.

18. 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

19. There shall be no persons under the age of 18 years on the premises after 21.30.
20. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue 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 immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.
21. 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. The staff member must be able to show a Police or authorised council recent footage with the absolute minimum of delay when requested.
22. A incident log shall be kept at the premises and made available upon request to an authorised Officer of the 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 regarding crime and disorder;
 - d) Any incidents of disorder;
 - e) Seizure of drugs or 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.

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

None



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

Schedule 12
Part B

WARD: West End
UPRN: 010033554563

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/04626/LIPDPS

Part 1 – Premises details

Postal address of premises:

Cafe Boheme
Basement And Ground Floor
13 - 17 Old Compton Street
London
W1D 5JH

Telephone Number: 0207 734 0623

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance	
Monday to Saturday:	09:00 to 05:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 05:00
Sunday:	12:00 to 23:30
Performance of Live Music	
Monday to Saturday:	09:00 to 05:00
Playing of Recorded Music	Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 05:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 05:00
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 23:30
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Monday to Saturday:	09:00 to 05:00
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.

Name and (registered) address of holder of premises licence:
Soho House UK Ltd 72-74 Dean Street London W1D 3SG

Registered number of holder, for example company number, charity number (where applicable)
2864389

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Name: Antoine Marc Bodhant Melon

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

Date: 11 November 2015

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



Officer Name: Dave Nevitt
 Designation: EHO
 Date: 5.9.2017
 Contact number: 020 7641 3188
 Email: dnevitt@westminster.gov.uk
 Uniform Reference: 16/05872/PREAPM

Trading name of business and Address: SOHO HOUSE, 40 Greek Street		
Licence: 12/03369/LIPMV	Applicant: Lana Tricker lana@tlaw.co.uk	Cumulative Impact Area: WEST END
Type of Business: PRIVATE MEMBERS CLUB		
<p><u>PROPOSED:</u></p> <p>The original pre-app advice was for:</p> <p><i>'Current licence for Soho House is 12/03369/LIPMV The client has also acquired the premises licence for Kettners (11/06536/LIPDPS) next door and this licence will be surrendered as the Kettners space will be incorporated into the new Soho House scheme. Operation will not change as a result of this application- it will remain as a private members club. Discussion as to a new licence application, to take into account a large scale refurbishment and reconfiguration of the premises- 2 year refurbishment schedule is planned and premises is shut in the interim.'</i></p> <p><u>EH COMMENTS:</u></p> <p>This is a major refurbishment scheme which involves the following Licensed premises:</p> <p>SKB, 19-21 Old Compton Street Café Boheme, 13-17 Old Compton Street Kettners, 29 Romilly Street Soho House, 40 Greek Street</p> <p>The applicant has sought detailed advice from EH, District Surveyor, and LFB (David Doyle). A Public Safety/Fire Strategy scheme for each of the affected premises has been discussed and agreed. This has resulted in a set of floor plans for each premises which are acceptable to EH, District Surveyor, and London Fire Brigade.</p> <p>The applicant wishes to make applications for <u>New Premises Licenses</u> and <u>Variations</u> to replace current and existing Licenses:</p> <p>Café Boheme – <u>variation</u> as we are only tidying up the conditions SKB – demise is slightly changed so it will need to be a <u>new application</u> Kettners and Soho House – <u>new applications</u></p>		

From an 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 Licences 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 no increase in Cumulative Impact in the West End CIA. In this regard, it is noted that the current Licences already 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 comparison between the existing permitted hours and what is sought 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 COMMITTEE THE APPLICATION WILL BE DETERMINED IN RELATION TO THE CITY COUNCIL'S 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.