

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 23 January 2020 |
| Licensing Ref No: | 19/13507/LIPN - New Premises Licence |
| Title of Report: | Borderline Orange Yard London W1D 4JB |
| 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: | Kevin Jackaman Senior Licensing Officer |
| Contact details | Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 17 October 2019 | | |
| Applicant: | Redefine Charing Cross Road Limited | | |
| Premises: | Borderline | | |
| Premises address: | Orange Yard London W1D 4JB | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | According to the application form the premises operates as a bar and nightclub. | | |
| Premises licence history: | <p>A premises licence is currently in existence at the premises under reference 18/14825/LIPVM (current reference 19/13640/LIPDPS). A copy of the current licence is attached at Appendix 2 of the Report.</p> <p>A complete licensing history of the premises appears at Appendix 3 of the Report.</p> | | |
| Applicant submissions: | <p>This is a shadow premises licence being applied for on behalf of the Landlord. The premises currently have the benefit of a premises licence, whereby the tenant of the Landlord, will be/is the premises licence holder.</p> <p>This application replicates the current premises licence.</p> <p>The applicant has provided supporting documentation and can be see at Appendix 2 of the Report.</p> | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|--|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | N/A |
| End: | 03:30 | 03:30 | 03:30 | 05:00 | 05:00 | 05:00 | N/A |
| Seasonal variations/ Non-standard timings: | | | The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day | | | | |
| Live Music, Performance of Dance and anything of a similar description | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:00 | 03:00 | 03:00 | 06:00 | 06:00 | 06:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | | 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). | | | | |

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|---|--------------|-------------|------------|-----------------------------------|------------|------------|------------|
| Recorded music: | | | | Indoors, outdoors or both: | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | Unrestricted | | | | | | |
| End: | | | | | | | |
| Seasonal variations/ Non-standard timings: | | | N/A | | | | |

| | | | | | | | |
|---|------------|-------------|---|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 03:00 | 03:00 | 03:00 | 04:00 | 04:00 | 04:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | | The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve | | | | |

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|---|------------|-------------|------------|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:30 | 03:30 | 03:30 | 06:00 | 06:00 | 06:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | | N/A | | | | |

2. Representations

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| 2-A Responsible Authorities | |
| Responsible Authority: | Environmental Health Service (Withdrawn 6 January 2020) |
| Representative: | Anil Dryan |
| Received: | 13 November 2019 |
| Representation is made to this application on the Public Nuisance licensing objective. | |
| Please contact me if you require further advice or information. | |
| A history check for the premises confirmed that there were no noise complaints against the premises. On the basis that the application is for a 'shadow' licence, the Environmental Health Service withdrew their representation on 6th January 2020. | |

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| 2-B Other Persons | |
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 5 November 2019 |

I object to the licencing hours as described. At present have a number of establishments who have high levels of noise around this development, which is causing a disturbance to the neighbours after 2am in the morning 7 days a week.

Complaints have already been made to the council and these are currently being investigated by the noise pollution team. This building has 12 Penthouses and the late licence if granted will have an affect on the quality of life and living standards of this neighbour hood and surrounding residential developments.

I object to this licence to have permission to operate longer hours , is already really noisy as it is and I hear loud screams and music from this bar past midnight in my flat , they did some noise barrier wall but doesn't work I can still hear people screaming drunk until very late, some times until 1 am is still very loud so no I don't need a open air discotheque behind my property .

3. Policy & Guidance

| The following policies within the City of Westminster Statement of Licensing Policy apply: | |
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| Policy CP1 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 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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p> |
| Policy PB2 applies | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. |
| Policy MD2 applies | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1. |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

5. Appendices

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| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |
| Report author: | Kevin Jackaman Senior Licensing Officer |
| Contact: | Telephone: 0207 641 8094 Email: kjackaman@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 January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service Representation (Withdrawn) | 13 November 2019 |
| 5 | Interested Party Representation | 5 November 2019 |

Supporting Document 1



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033537847

Premises licence

Regulation 33, 34

Premises licence number:

19/13640/LIPDPS

Original Reference:

05/03705/LIPC

Part 1 – Premises details

Postal address of premises:

The Borderline
Borderline
Orange Yard
London
W1D 4JB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
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 Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Performance of Live Music

| | |
|-----------------------|----------------|
| Monday to Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Playing of Recorded Music

Unrestricted

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

| | |
|-----------------------|----------------|
| Monday to Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Late Night Refreshment

Monday to Wednesday: 23:00 to 03:30
Thursday to Saturday: 23:00 to 05:00

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

Monday to Wednesday: 10:00 to 03:00
Thursday to Saturday: 10:00 to 04:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Wednesday: 09:00 to 03:30
Thursday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 23:00

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:**

Up Space Events Limited
19-20 Bourne Court Southend Road
Woodford Green
United Kingdom
IG8 8HD

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

12197162

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

Name: Aygun Kaz Goksel-farrell

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: 050010
Licensing Authority: London Borough Of Redbridge

Date: 30 October 2019

This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy)

to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

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

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

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

Where -

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

the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

Conditions relating to Regulated Entertainment

- 10. 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).
- 11. 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 Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.

Conditions related to the Sale of Alcohol

- 12. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 13. On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:
 - (a) Persons attending a live music event or have paid an admission fee or presented a ticket on the door.
 - (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or
 - (c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or
 - (d) Artistes or person employed on the premises; or
 - (e) Bona fide guests of the proprietor (not exceeding 30 persons), a list of whom shall be kept at reception for inspection by appropriate authorities.
 - (f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.

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

14. 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.

15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
16. 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

17. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
20. Customers shall not enter or leave the premises from any emergency only exit except in the event of an emergency.
21. All external emergency only exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened²². When considered necessary following a risk assessment by the designated premises supervisor and/or premises management, all persons entering or re-entering the premises shall be physically searched, which will include a pat down search and a full bag search, by SIA licensed door staff and monitored by the premises CCTV system.
22. When considered necessary following a risk assessment by the designated premises supervisor and/or premises management, all persons entering the premises shall have their documentary identification scanned on entry (or be subject to a biometric scanning system when fingerprint scanning will be required for all customers who have previously shown identification at the premises) or they will be required to allow their facial image to be recorded and provide their personal details (full name, address and date of birth) to be recorded and retained at the premises.
23. All drinking vessels used in the venue shall be non-glass.
24. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

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

25. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday 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 Monday to Wednesday or 04:00 Thursday to Saturday, 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 05.00 for references to 04.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (a) The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

- (ii) Sunday

- (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).

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.

- 26. 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.
- 27. Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.

28. Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.
29. Striptease entertainment may be provided by male performers only.
30. The striptease entertainment shall only be given by the performers and the audience shall not be permitted to participate.
31. All performances must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience.
32. The area proposed for striptease shall be in a position where the performance cannot be seen from the street.
33. Except with the consent of the Council, there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metres radius of the premises.
34. Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED.
35. The licensee, performer and any person concerned in the organisation or management of the premises shall not encourage or permit others to encourage customers to throw money at or otherwise give gratuities to the performers.
36. The number of nights per year on which the waiver may be operated is restricted to 40 and these occasions to be identified to the Metropolitan Police and the Licensing Authority.
37. The entertainment to be provided when the waiver applies is limited to a talent style entertainment show, which is to last no more than one and a half hours on each occasion. There shall be no physical contact between the performers during the entertainment.
38. A registered door supervisor is to be present in the lower basement whenever striptease entertainment is provided.
39. At least two registered door supervisors shall be stationed at the entrance to the premises whenever the premises are used for striptease entertainment, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
40. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
41. There will be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within club premise before that time of 03:00 hours.



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 010033537847

Regulation 33, 34

Premises licence number:

19/13640/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Borderline
Borderline
Orange Yard
London
W1D 4JB

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

| | |
|-----------------------|----------------|
| Monday to Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Performance of Live Music

| | |
|-----------------------|----------------|
| Monday to Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Playing of Recorded Music

Unrestricted

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

| | |
|-----------------------|----------------|
| Monday to Wednesday: | 09:00 to 03:00 |
| Thursday to Saturday: | 09:00 to 06:00 |
| Sunday: | 09:00 to 23:00 |

Late Night Refreshment

Monday to Wednesday: 23:00 to 03:30
Thursday to Saturday: 23:00 to 05:00

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

Monday to Wednesday: 10:00 to 03:00
Thursday to Saturday: 10:00 to 04:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Wednesday: 09:00 to 03:30
Thursday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 23:00

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:

Up Space Events Limited
19-20 Bourne Court Southend Road
Woodford Green
United Kingdom
IG8 8HD

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

12197162

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

Name: Aygun Kaz Goksel-farrell

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

Restricted

Date: 30 October 2019

This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.

Supporting Document 2

REES-GAY Christopher

Subject: FW: 19/13507/LIPN, Orange Yard [PM-AC.FID4121493]

From: Abbott, Karyn: WCC [<mailto:kabbott@westminster.gov.uk>]
Sent: 31 October 2019 15:10
To: REES-GAY Christopher
Cc: Jackaman, Kevin: WCC; Gadd, Daisy: WCC; Licensing: WCC
Subject: [EXTERNAL] 19/13507/LIPN, Orange Yard

Dear Sirs,

I write in relation to the application submitted for a new premises licence for Borderline, Orange Yard, London.

The application is made by the landlord of the premises for a 'shadow' licence of 19/13507/LIPN.

The Licensing Authority has reviewed the application against Licence number 18/14825/LIPVM and it has been made on the exact terms and conditions as the existing licence.

In this instance the Licensing Authority will not be making a representation against 19/13507/LIPN.

Many Thanks

Karyn Abbott
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department

Westminster City Council
15th Floor
64 Victoria Street
London SW1E 6QP

Direct Line 020 7641 8112
Mobile 07931 546328
Call Centre (for general queries) 020 7641 6500



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Supporting Document 3

REES-GAY Christopher

From: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Sent: 06 January 2020 11:23
To: Jackaman, Kevin: WCC
Cc: REES-GAY Christopher; Licensing: WCC
Subject: [EXTERNAL] RE: 19/13507/LIPN, Orange Yard - EHO Representation [PM-AC.FID4121493]

FilingDate: 06/01/2020 11:30:00

Hi Kevin

Following a history check and as this is 'shadow' licence application I withdraw Environmental Health representations to this application.

Regards

Anil

Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team
Regulatory Support Team 2

Dir. Tel : 0207 641 1774
E-mail : adrayan@westminster.gov.uk
Website : www.westminster.gov.uk

Westminster City Council
City Management & Communities
15th Floor
City Hall
64 Victoria Street, London
SW1E 6QP



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From: REES-GAY Christopher <Christopher.Rees-Gay@pinsentmasons.com>
Sent: 06 January 2020 10:39
To: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Cc: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>
Subject: 19/13507/LIPN, Orange Yard - EHO Representation [PM-AC.FID4121493]

Dear Anil,

We are instructed by Redefine Charing Cross Road Limited in relation to the Shadow Premises Licence application that was submitted in October 2019.

We have received the attached representation from you and are writing to you to please ask for more information.

Many thanks

Chris
Christopher Rees-Gay
Associate
for Pinsent Masons LLP

D: +44 113 294 5263 M: +44 7876 002 071 I: 825263

Christopher.Rees-Gay@pinsentmasons.com
www.pinsentmasons.com www.Out-Law.com

Winner – 'Law Firm of the Year' at The Legal Business Awards 2019

Winner – 'Law Firm of the Year' at The Lawyer Awards 2018

Winner – 'Energy & Infrastructure Team of the Year' 2016, 2018, 2019 at The Legal Business Awards

Proud to have been named Stonewall Employer of the Year in the Stonewall Top 100 Employers 2019

Pinsent Masons supports agile working, so please don't feel you need to respond to this email outside your working hours.

PLEASE NOTE: We have amended our Standard Terms of Business to cover the UK leaving the EU. There are limited changes to the data protection provisions. There are equivalent changes proposed for clients with non-standard terms. Please [click here](#) for full details of the changes.

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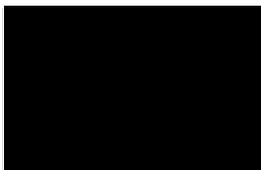
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<http://www.westminster.gov.uk/dont-be-idle>

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at
<https://t.co/P1KQhwgYTd>

Supporting Document 4



BY POST



Our Ref 111173315.1\CR24\664844.07021

DDI +44 113 294 5263

E christopher.rees-gay@pinsentmasons.com

13 January 2020

**SHADOW PREMISES LICENCE - THE BORDERLINE, ORANGE YARD, MANETTE STREET,
LONDON, W1D 4AR**

Dear Madam,

We are instructed by Redefine Charing Cross Road Limited (the applicant and landlord of the premises) in relation to the above premises licence application. We are aware that you submitted a representation in relation to this application on 5 November 2019.

Background - Shadow Premises Licence

This application is not an application for a new premises, instead it is an application for a 'shadow premises licence'. There is a granted premises licence in place already at the premises held by a tenant of the landlord and this shadow premises licence application is designed to mirror exactly that granted premises licence.

The applicant, as landlord, has submitted this application as a protection measure, so that should the tenant surrender the premises licence or the tenant go into liquidation; (if granted) the shadow premises licence will be able to be relied upon, instead of having to apply for a whole new premises licence.

Withdrawal of your representation

Your representation is the only representation in relation to this application, none of the responsible authorities are objecting to the application. Specifically the licensing authority did not object on the basis that this shadow premises licence application was made on the exact terms and conditions as the existing granted premises licence.

On the basis that this application is for a shadow premises licence, so as not to waste the time and money of Westminster City Council Councillors and licensing staff, we would ask that you please withdraw your representation, so that the hearing on 23 January 2020 does not need to take place. You can withdraw your representation by contacting Westminster City Council Licensing Team at the following email address: Licensing@westminster.gov.uk

Pinsent Masons LLP

1 Park Row Leeds LS1 5AB United Kingdom

T +44 (0)113 244 5000 F +44 (0)113 244 8000 DX 26440 Leeds 28

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Should you wish to discuss this matter at all, please do call or email Chris Rees-Gay, whose contact details are set out at the top of this letter.

Yours faithfully

Chris Rees-Gay
Pinsent Masons LLP

Premises History

Appendix 3

| Application | Details of Application | Date Determined | Decision |
|--------------------|---|------------------------|------------------------------------|
| 05/03705/LIPC | Conversion | 14.06.2005 | Granted under delegated authority |
| 05/12306/LIPDPS | Variation of designated premises supervisor | 06.12.2005 | Granted under delegated authority |
| 06/07785/WCCMAP | Master licence | 06.12.2005 | Granted under delegated authority |
| 08/04654/LIPV | Variation – extend terminal hour | 10.07.2008 | Granted by Licensing Sub Committee |
| 08/06179/LIPDPS | Variation of designated premises supervisor | 12.08.2008 | Granted under delegated authority |
| 09/07966/LIPVM | Minor variation – change of layout | 09.11.2009 | Granted under delegated authority |
| 10/10718/LIPV | Variation – increase capacity | 11.02.2011 | Granted under delegated authority |
| 12/10469/LIPDPS | Variation of designated premises supervisor | 11.02.2013 | Granted under delegated authority |
| 15/00619/LIPDPS | Variation of designated premises supervisor | 10.03.2015 | Granted under delegated authority |
| 16/05496/LIPT | Transfer – Mama New Music Limited to DHP Family Limited | 15.06.2016 | Granted under delegated authority |
| 16/06349/LIPDPS | Variation of designated premises supervisor | 01.07.2016 | Granted under delegated authority |
| 16/14083/LIPV | Variation – Amend Sunday hours and vary conditions | 05.05.2017 | Granted by Licensing Sub Committee |
| 17/01216/LIPVM | Minor variation – change of layout | 06.03.2017 | Granted under delegated authority |

| | | | |
|-----------------|--|------------|-----------------------------------|
| 17/02920/LIPDPS | Variation of designated premises supervisor | 08.05.2017 | Granted under delegated authority |
| 17/05083/LIPV | Variation – amendment to conditions | 27.06.2017 | Granted under delegated authority |
| 18/14825/LIPVM | Minor variation – Add further conditions | 17.12.2018 | Granted under delegated authority |
| 19/10877/LIPT | Transfer – DHP Family Limited to RDI REIT Limited | 30.10.2019 | Granted under delegated authority |
| 19/13639/LIPT | Transfer – RDI REIT Limited to Op Space Events Limited | 30.10.2019 | Granted under delegated authority |
| 19/13640/LIPDPS | Variation of designated premises supervisor | 30.10.2019 | Granted under delegated authority |

Temporary Event Notices in the last 12 months

| Temporary Event Notices | Date of Event | Activities/Hours | Decision |
|-------------------------|--------------------------|--|-----------------|
| 19/03026/LITENP | 21.04.2019 to 22.04.2019 | Regulated entertainment, alcohol and late night refreshment 21:00 to 04:00 | Event permitted |
| 19/03301/LITENP | 05.05.2019 to 06.05.2019 | Regulated entertainment, alcohol and late night refreshment 21:00 to 04:00 | Event permitted |
| 19/17126/LITENP | 02.01.2020 | Regulated entertainment, alcohol and late night refreshment 03:00 to 05:00 | Event permitted |

There is no appeal history

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

Conditions relating to Regulated Entertainment

10. 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).
11. 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 Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.

Conditions related to the Sale of Alcohol

12. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
13. On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:
 - (a) Persons attending a live music event or have paid an admission fee or presented a ticket on the door.
 - (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or
 - (c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or
 - (d) Artistes or person employed on the premises; or
 - (e) Bona fide guests of the proprietor (not exceeding 30 persons), a list of whom shall be kept at reception for inspection by appropriate authorities.
 - (f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.

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

14. 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.
15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the

entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
- (c) to take all other reasonable precautions for the safety of the children.

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

Conditions consistent with the operating schedule

17. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
20. Customers shall not enter or leave the premises from any emergency only exit except in the event of an emergency.
21. All external emergency only exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened. When considered necessary following a risk assessment by the designated premises supervisor and/or premises management, all persons entering or re-entering the premises shall be physically searched, which will include a pat down search and a full bag search, by SIA licensed door staff and monitored by the premises CCTV system.
22. When considered necessary following a risk assessment by the designated premises supervisor and/or premises management, all persons entering the premises shall have their documentary identification scanned on entry (or be subject to a biometric scanning system when fingerprint scanning will be required for all customers who have previously shown identification at the premises) or they will be required to allow their facial image to be recorded and provide their personal details (full name, address and date of birth) to be recorded and retained at the premises.
23. All drinking vessels used in the venue shall be non-glass.
24. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be

carried out by the police; and

(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

25. (i) Monday to Saturday

(a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday 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 Monday to Wednesday or 04:00 Thursday to Saturday, 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 05.00 for references to 04.00.

(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 the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

(g) the taking of alcohol from the premises by a person residing there;

(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense,

or the consumption of alcohol by persons so supplied;

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

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

(ii) Sunday

- (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).

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.

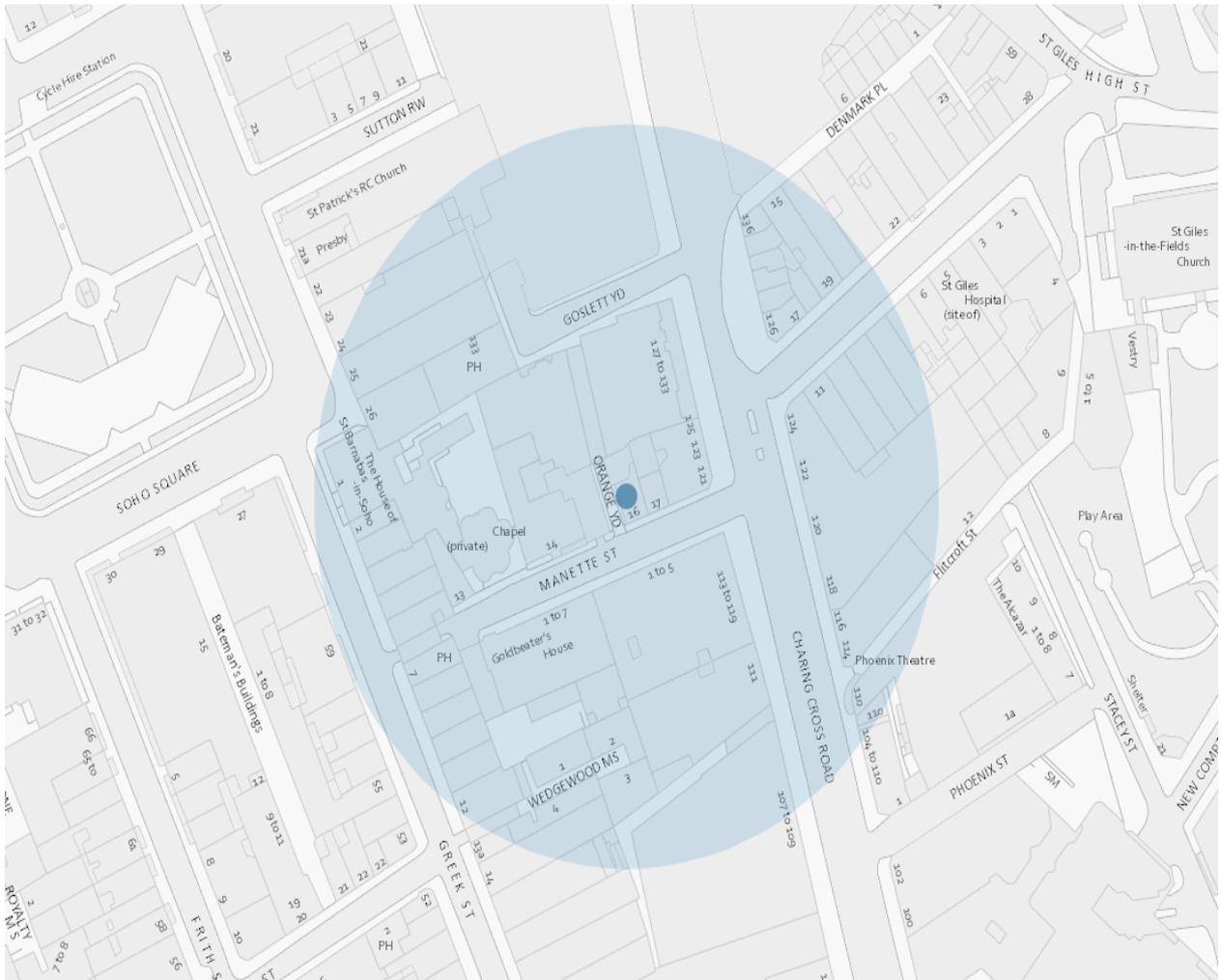
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 26. 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.
- 27. Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.
- 28. Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.
- 29. Striptease entertainment may be provided by male performers only.
- 30. The striptease entertainment shall only be given by the performers and the audience shall not be permitted to participate.
- 31. All performances must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience.
- 32. The area proposed for striptease shall be in a position where the performance cannot be seen from the street.
- 33. Except with the consent of the Council, there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metres radius of the premises.
- 34. Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED.
- 35. The licensee, performer and any person concerned in the organisation or management of the premises shall not encourage or permit others to encourage customers to throw money at or otherwise give gratuities to the performers.
- 36. The number of nights per year on which the waiver may be operated is restricted to 40 and these occasions to be identified to the Metropolitan Police and the Licensing Authority.
- 37. The entertainment to be provided when the waiver applies is limited to a talent style entertainment show, which is to last no more than one and a half hours on each occasion. There shall be no physical contact between the performers during the entertainment.

38. A registered door supervisor is to be present in the lower basement whenever striptease entertainment is provided.
39. At least two registered door supervisors shall be stationed at the entrance to the premises whenever the premises are used for striptease entertainment, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
40. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
41. There will be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within club premise before that time of 03:00 hour

Conditions proposed by the Environmental Health Service

None



Resident count: 29

| Licensed premises within 75 metres of Orange Yard, London, W1D 4JB | | | | |
|--|---------------------|---|---------------------------|---|
| 19/13640/LIPDPS | The Borderline | Borderline Orange Yard London W1D 4JB | Night clubs and discos | Monday to Wednesday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 23:00 |
| 09/00739/LIPCH | Crobar | Ground Floor 17 Manette Street London W1D 4AS | Night clubs and discos | Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00 |
| 12/10955/LIPDPS | The Gallery Soho | Basement and Ground Floor 125 Charing Cross Road London WC2H 0EW | Shop | Monday to Sunday; 00:00 - 00:00 |

| | | | | |
|-----------------|---------------------------|--|--------------------------------------|---|
| 15/00514/LIPVM | Royal George Public House | Royal George 133 Charing Cross Road London WC2H 0EA | Public house or pub restaurant | Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 01:30 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00 |
| 17/09329/LIPST | Unit 1 | 113 - 119 Charing Cross Road London W1D 4AT | Restaurant | Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30 New Year's Eve; 00:00 - 00:00 |
| 17/09312/LIPST | Unit 3 | 113 - 119 Charing Cross Road London W1D 4AT | Restaurant | Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30 New Year's Eve; 00:00 - 00:00 |
| 18/03136/LIPV | G-A-Y Late | Royal George 133 Charing Cross Road London WC2H 0EA | Night clubs and discos | Monday to Saturday; 09:00 - 04:30 Sunday; 12:00 - 04:30 |
| 16/00325/LIPV | G-A-Y Late | Royal George 133 Charing Cross Road London WC2H 0EA | Night clubs and discos | Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 03:30 |
| 19/14734/LIPDPS | House Of St Barnabas | The House Of St Barnabas In Soho 1 Greek Street London W1D 4NQ | Civic/public building | Monday to Sunday; 08:00 - 01:30 |
| 19/04396/LIPDPS | Gamma Gamma | Basement And Ground Floor 6 Greek Street London W1D 4DE | Restaurant | Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 |

| | | | | |
|-----------------|--------------------|---|--|---|
| 19/09015/LIPDPS | Bar Hercules | 7 Greek Street London W1D 4DF | Pub or pub restaurant with lodge | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 19/00395/LIPDPS | 68 And Boston | 4 Greek Street London W1D 4DB | Night clubs and discos | Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 02:00 Sundays before Bank Holidays; 09:00 - 02:30 |
| 17/13397/LIPV | Milroys Of Soho | Basement And Ground Floor 3 Greek Street London W1D 4NX | Shop | Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 18/07780/LIPT | The Gay Hussar | 2 Greek Street London W1D 4NB | Restaurant | Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 22:30 |
| 06/05103/WCCMAP | Jazz After Dark | Ground Floor 9 Greek Street London W1D 4DQ | Night clubs and discos | Monday to Thursday; 09:00 - 02:30 Monday to Saturday; 10:00 - 00:30 Friday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 00:00 |

| | | | | |
|-----------------|----------------------------------|--|------------|--|
| 19/06444/LIPCH | 10 Greek Street | 10 Greek Street London W1D 4DH | Restaurant | Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30 |
| 09/09864/LIPN | Bibimbap Korean Restaurant | 11 Greek Street London W1D 4DJ | Restaurant | Monday to Wednesday; 17:00 - 00:00 Monday to Sunday; 12:00 - 15:00 Thursday to Saturday; 17:00 - 02:00 Sunday; 17:00 - 00:00 |
| 17/09330/LIPST | Unit 2 | Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London | Restaurant | Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30 |
| 17/09323/LIPST | Unit 4 | Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London | Restaurant | Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30 |
| 17/09067/LIPV | Miabella London | Basement 12 - 13 Greek Street London W1D 4DL | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 |
| 16/10525/LIDPSR | Miabella | Basement 12 - 13 Greek Street London W1D 4DL | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 |