



City of Westminster

Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>20 April 2023</i>
Classification:	<i>General Release</i>
Premises:	<i>Soho Original Adult Store, 12 Brewer Street, London W1F 0SF</i> <i>23/00824/LISEXV</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Director - Public Protection and Licensing</i>

1. Executive Summary

- 1.1 The Council has received an application for the variation of the Sex Establishment Licence (Sex Shop) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) for Soho Original Adult Store, 12 Brewer Street, London, W1F 0SF. The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

2. Powers of the Licensing Sub-Committee

- 2.1 That following consideration of the application and evidence given orally at the hearing and in writing by the applicant and objectors the Licensing Sub-Committee's powers are to:
- 2.1.1 Grant the application in full
 - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
 - 2.1.3 Refuse the application

3. Relevant History

- 3.1 The Premises has operated as a sex shop since 1993. The premises was originally licensed as 'The Soho Original Bookshop,' with the licence held by Mr James Alan Poulton. Following the grant of the sex establishment licence for The Soho Original Bookshop in 1993, annual renewal applications on behalf of Mr James Alan Poulton have been submitted and granted under delegated authority up until 2017.
- 3.2 In 2017, a new application was submitted for the sex shop licence from Alan Poulton Ltd. This was due to the previous applicant passing away and the family taking over, this was granted under delegated authority and renewals continued until a transfer was submitted in 2019.
- 3.3 On the 26 July 2019, the Licensing Service received an application to transfer the sex shop licence from Alan Poulton Ltd to HOS Holdings which was granted under delegated authority and renewals continued until the licence expired in 2021.
- 3.4 On the 6th January 2022, the Licensing Service received a new application for a sex shop licence from Mr Timothy Hemming. This was granted at Licensing Sub-Committee on the 3rd February 2022.
- 3.5 The last renewal application was submitted on 24th January 2023 and was granted under delegated authority. This licence (reference 23/00409/LISEXR) expires on 2nd February 2024. A copy of licence 23/00409/LISEXR is attached as **Appendix A**.
- 3.6 A copy of the full sex establishment licence history for this premises since 1999 is attached as **Appendix B**. The system doesn't hold information from before 1999.

4. Application being considered

- 4.1 On 6th February 2023 Mr Timothy Hemming submitted an application to vary the sex shop licence.
- 4.2 The application is to vary the opening hours from 10:00 to 00:00 Monday to Saturday to 10:00 to 01:00 Monday to Saturday. No changes to the Sunday hours have been proposed. A copy of the application form is attached as **Appendix C**.
- 4.3 As a valid application has been received prior to the expiry of the sex shop licence, the licence is deemed to continue until it is determined by the Council.
- 4.4 No submissions have been received by the applicant at the time of publication.

5. Objections

- 5.1 There has been an objection from Westminster's City Inspectors as a statutory authority set out at **Appendix E1**.
- 5.2 The application has received 4 objections from interested parties, set out at **Appendix E2**.

6. Premises in the Vicinity

- 6.1 The premises is situated on the corner of Brewer Street and Walkers Court. Brewer Street is in the heart of the West End with both pedestrian and vehicular access. Walkers Court is a pedestrianised street that runs between Peter Street in the north and the junction of east Brewer Street and Rupert Street in the Soho district.
- 6.2 Walker's Court dates from the early 1700s and from the late 1950s the street became associated with the Soho's sex trade. Walker's Court is crossed at first floor level by a bridge with leaded bay windows. After the extensive renovations this bridge is still in place and a second glass bridge is at Peter Street end of Walker's Court. In 2015 there was a redevelopment of the immediate area to include a new theatre, retail and nightclub premises.
- 6.3 Walker's Court is a narrow alley way which has two Sexual Entertainment Venues plus two sex shops which have neon illuminations.
- 6.4 There are 2 faith groups located within a 300 metre radius from this premises. The nearest place of religious worship is The City Gates Church, Soho (Ichthus). This church is located within 100 metres of the premises.
- 6.5 There is 1 school within 300 metres of the premises from this premises. The Soho Parish CE Primary School is the nearest school to the premises. This school is located within 100 metres from the premises.
- 6.6 There are 7 licensed sex shops premises within a 300 metre radius of these premises (**see Appendix F**).

7. Policy Considerations

- 7.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be 18.
- 7.2 Within the Soho locality, as defined, there are currently 10 licensed sex establishments all of which are sex shops. These are:

Licence Holder	Premises Name	Address
Heart of Soho Ltd	Prowler Soho	5-7 Brewer Street
Mr Timothy Hemming	Simply Pleasure.com	31 Brewer Street
Peter James Cooke	Regulation	13A Bateman Street
Harmony Limited	Harmony	99a Charing Cross Road
Harmony Limited	Harmony	109 Oxford Street
Simply Pleasure	Prowler Red	50 Old Compton Street
Nigel Moon	British Sex Shop	8 Green's Court
Unique Mood Limited	Adult World	5 Walkers Court

David Edwards	Clone Zone	35 Old Compton Street
Mr Timothy Hemming	The Soho Original Bookshop	12 Brewer Street

7.3 It should be noted that the Council's policy for maximum number of sex establishment premises in a locality may be exceeded at the discretion of Committee Members. However, the grant of the renewal application will not add to this number.

7.4 The Council's policy states that there should be a general policy presumption against permitting further sex-related activities in the following circumstances irrespective of locality:

- (a) adjacent to, or in the vicinity of schools
- (b) adjacent to, or in the vicinity of places of worship
- (c) adjacent to, or in the vicinity of community facilities or public buildings

8. Legal Implications

8.1 The Licensing Sub-Committee may determine to:

- (a) Grant the application in full
- (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
- (c) Refuse the application.

8.2 Before refusing to grant an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).

8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).

8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be appropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 8.5 If the Committee determine to grant the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded or otherwise varied pursuant to Para 13(4) to Schedule 3.
- 8.6 Should the Committee determine to refuse the application for the new sex establishment licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Paragraph 27(1) to Schedule 3.
- 8.7 Should the Committee determine to refuse the application for a grant or the renewal of a licence under either Paragraph 12(3)(c) or (d) of Schedule 3, shall not have a the right to appeal under Paragraph 27 (3) of Schedule 3.

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 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.
- 9.3 149 (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.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sunset Strip will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- A - Copy of existing sex establishment licence
- B - Sex establishment licence history 23/00409/LISEXR
- C - Application form
- D – Applicant Submissions
- E - Objections
- F – Map of locality

If you have any queries about this Report or wish to inspect any of the background papers please contact: Karyn Abbott on 020 7641 6500 or at kabbott@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
15 June 1999 Sex Shop Policy

1



City of Westminster

WARD : West End
UPRN: 100023470193

SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

hereby licences MR TIMOTHY HEMMING

to use the premises Soho Original Adult Store
12 Brewer Street
London
W1F 0SF

as a Sex Shop establishment.

This licence is in force up to 02 February 2024

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any) :

1. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
2. The premises shall not, for any purpose of the licence, be opened before 09:00 hours and shall not be kept open beyond 00:00 hours.
3. (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.

(c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.
4. (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

(b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

(c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

(d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

5. The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

(a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;

(b) Indecent behaviour, including sexual intercourse;

(c) The offer of any sexual or other indecent service for reward;

(d) Acts of violence against person or property and/or the attempt or threat of such acts.

(e) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

(f) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

(g) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

(h) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.


6. (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

(b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

7. No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g., a sex shop) to a different class of sex establishment (e.g., a sex encounter establishment).
8. No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

9. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
10. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.
11. No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

DATE: 11 APRIL 2023	SIGNED:  pp Director – Public Protection and Licensing
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**CITY OF WESTMINSTER, Licensing Service, 15th Floor, 64 Victoria Street, London, SW1E 6QP
Telephone : 020 7641 6500**

Sex Establishment Licence History**Appendix B**

<u>Application reference</u>	<u>Details of application</u>	<u>Date of determination</u>	<u>Decision</u>
Prior to 1999 the Licensing Service's system does not hold this information.			
99/00650/LISEXR	Application to renew the Sex Establishment Licence	01.02.1999	Granted under Delegated Authority
00/00687/LISEXR	Application to renew the Sex Establishment Licence	05.04.2000	Granted under Delegated Authority
01/00509/LISEXR	Application to renew the Sex Establishment Licence	18.12.2001	Granted under Delegated Authority
02/00650/LISEXR	Application to renew the Sex Establishment Licence	15.05.2002	Granted under Delegated Authority
03/00755/LISEXR	Application to renew the Sex Establishment Licence	10.10.2003	Granted under Delegated Authority
03/04015/LISEXV	Application to vary the Sex Establishment Licence.	24.02.2005	Granted under Delegated Authority
04/00763/LISEXR	Application to renew the Sex Establishment Licence	11.06.2004	Granted under Delegated Authority
05/00739/LISEXR	Application to renew the Sex Establishment Licence	24.02.2005	Granted under Delegated Authority
06/01041/LISEXR	Application to renew the Sex Establishment Licence	01.06.2006	Granted under Delegated Authority
07/01219/LISEXR	Application to renew the Sex Establishment Licence	07.08.2007	Granted under Delegated Authority
08/00918/LISEXR	Application to renew the Sex Establishment Licence	09.04.2008	Granted under Delegated Authority
09/00794/LISEXR	Application to renew the Sex Establishment Licence	23.04.2009	Granted under Delegated Authority
10/00743/LISEXR	Application to renew the Sex Establishment Licence	09.04.2010	Granted under Delegated Authority
11/00987/LISEXR	Application to renew the Sex Establishment Licence	18.05.2011	Granted under Delegated Authority

12/00631/LISEXR	Application to renew the Sex Establishment Licence	21.06.2012	Granted under Delegated Authority
13/00905/LISEXR	Application to renew the Sex Establishment Licence	09.01.2014	Granted under Delegated Authority
14/00963/LISEXR	Application to renew the Sex Establishment Licence	11.06.2014	Granted under Delegated Authority
15/01013/LISEXR	Application to renew the Sex Establishment Licence	05.10.2015	Granted under Delegated Authority
16/01277/LISEXR	Application to renew the Sex Establishment Licence	22.03.2016	Granted under Delegated Authority

New Application

17/01254/LISEXN	Application for a new Sex Establishment Licence	21.06.2017	Granted under Delegated Authority
19/01440/LISEXR	Application to renew the Sex Establishment Licence	17.06.2019	Granted under Delegated Authority
19/09366/LISEXT	Application to transfer the Licence Holder from Alan Poulton Ltd to HOS Holdings	30.08.2019	Granted under Delegated Authority
20/01833/LISEXR	Application to renew the Sex Establishment Licence	27.04.2020	Granted under Delegated Authority

New Application

22/00106/LISEXN	Application for a new Sex Establishment Licence	07.02.2022	Granted by Licensing Sub-Committee
23/00409/LISEXR	Application to renew the Sex Establishment Licence	23.03.2023	Granted under Delegated Authority



City of Westminster

For help contact
licensing@westminster.gov.uk
 Telephone: 020 7641 6500

APPLICATION TO VARY A SEX ESTABLISHMENT LICENCE

I/We apply to vary the licence for the premises in item 3.

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- Timothy Hemming Address:- ABS Holdings. Spring Lane Forest Gate Ringwood BH24 3FH
	(b) Tel No: (during normal office hours)	01202 868252
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	[REDACTED]
	(b) Place of Birth	[REDACTED]
3.	(a) Name and address of premises.	Name:- Soho Original Adult store. 12 Brewer Street London W1F 0SF.
	(b) Tel No:	020 7494 1615
4.	Give details of the proposed variation to the licence. (Use separate sheet if applicable)	Opening hours to increase to 1am Mon- Sat.

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IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

5.	Address to which licence and correspondence should be sent.	scampey@absholdings.com Sophie Campey ABS Holdings Spring Lane Forest Gate Ringwood BH24 3FH
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WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

I (please print full name) declare that the information given above is true and complete in every respect.

Signature Timothy Hemming

Date 30/01/2023

GDPR and Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Bi-Borough Legal Services, The Town Hall, Hornton Street, W8 7NX. Email dpo@westminster.gov.uk



Applicant Submissions

None

Appendix D

"In relation to the extension of hours there is an increased presence of people in the area, especially customers etc of the various late night premises that are in the immediate vicinity. I can see no real benefit as to why they want to extend the hours to 1am. There is a lot of ASB in the area with drunk persons and others loitering in the area. This may increase the chance of the premises being targeted by shoplifters etc. Hence if permitted I would suggest the use of SIA store security from 21:00hrs onwards.

Kind Regards

Tony Miah

City Inspector – City Management

Public Protection and Licensing

Westminster City Council

City Hall, 15th Floor

64 Victoria Street

London SW1E 6QP

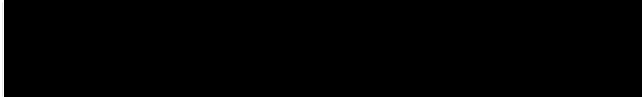
Tele: 07971092783

tmiah1@westminster.gov.uk

www.westminster.gov.uk

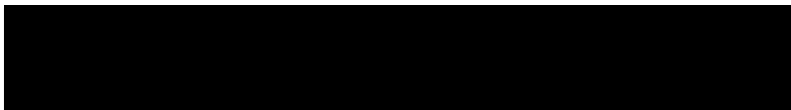
Details of public representations relating to 23/00824/LISEXV

Comments received electronically via PublicAccess:



05/03/2023 9:30 AM I am objecting to this application for the extension of hours.

My objection is based on the high number of late licences in the area, which is causing numerous issues both for residents and visitors to Soho, specifically the area around Walker's Court. As a resident we get woken up at all hours thanks to the screaming and shouting drunk revellers who come to Soho and act extremely badly. The visitors to Soho are also affected by late night licences like this application is for; the types of criminals that hang around Walker's Court, Brewer Street and Peter Street, targeting those coming out of venues, like The Box and who are drunk/on drugs in the early hours. Later licences like this application is for will lead to more people on the street late at night and increase even higher levels of crime, disorder and noise.



05/03/2023 11:52 AM I am objecting to this application for the extension of hours. My objection is based on the high number of late licences in the area which is causing numerous issues both for residents and visitors to Soho including in the area around Walker's Court. As long term residents, my partner and I get woken up at all hours thanks to the screaming and shouting drunk revellers who come to Soho and are anti social. The visitors to Soho are also affected by late night licences like this application is for; the types of criminals that hang around Walker's Court, Brewer Street and Peter Street, targeting those coming out of venues like The Box and who are drunk/on drugs in the early hours. Later licences like this application will very likely lead to more people on the street late at night and increase even higher levels of crime, disorder and noise which we don't want.

Comments received via other means:



*The Application Variation of hours, sex shop licence. Monday to Saturday: 1am Representation
The [redacted] objects to the extension of hours until 1am Monday to Saturday on the following grounds.*

Extension of Hours

The current closing time of 12am already falls outside the Sex Shop Standard Conditions document 1999, Part II, General Rules Relating to the Management, Conduct etc, which states;

Hours of Opening and Closing. 4. 'The premises shall not, for any purpose of the licence, be opened before 0900 and shall not be kept opened beyond 2300hrs.'

We find no justification to extend the hours to 1am as this would result in an additional 2 hours beyond the standard condition. Any increase in hours into the night will have a negative impact creating more noise nuisance for residents and an increase in crime and disorder.

Location

This shop is situated on the junction of Walker's Court and Brewer Street and is in an area with a large number of sex related premises and late night alcohol licences as highlighted below.

Brewer Street : section from Wardour Street to Lexington Street

Sexual Entertainment Venue: Sophisticates: 3am, capacity 100.

Sex Shops: Soho Original Adult Store, Prowler, Simply Pleasure. Registered Charity Number: 1146589 Company Number: 07899282

Massage Parlours:

2 x Thai Massage Parlours

Alcohol Licensed Premises: The Residence: 3am, capacity 388. Madame JoJos: 3am, capacity 300. El Camion: 3am, capacity 144.

Walkers Court

Sexual Entertainment Venue: The Box: 4am, 288 capacity. Boulevard: 1am, licensed as a theatre/sexual entertainment venue / bar / restaurant, 486 capacity.

Sex Shop: MOOD (Adult World)

Adult Shop: 18+

Greens Court

Sex Shop : British Sex Shop

2 x Brothels

Peter Street : 1x Massage Parlour. 1x Brothel

Rupert Street : 2 x Massage Parlours. 24 hour sweet/tobacco shop

Tisbury Court: 2 x Massage Parlours

Wardour Street corner with Brewer Street

Alcohol Licensed Premises : Freedom Bar: 3am, capacity 275. Village: 3am, capacity 400.

Adult Gaming Centre: Las Vegas

Of the 6 licensed sexual entertainment venues in Soho 3 are situated in this area and in close proximity to each other and 5 of the 6 licensed sex shops, with the inclusion of the unlicensed premises it provides clear evidence of a cluster of sex related premises. In our view the area has the character of a red light district where cumulative impact can apply. Cumulative impact is raised in the Sexual Entertainment Venues Statement of Licensing Policy 2011 (2.4.22) where it highlights the concentration of sex establishment premises can have a cumulative impact, we say this applies in this case.

The concentration and cumulative impact of sex related and alcohol licensed premises already creates an environment at night which is very unpleasant, intimidating and an area which feels very unsafe, its practically a no go area where touts, robbers, drug dealers and pedicab riders loiter on the junction of Walker's Court with Brewer Street, alongside others on the corner of Brewer Street with Rupert Street, and Tisbury Court with Rupert Street where they wait to approach people as they leave premises or pass by.

Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average. The level of crime, disorder and anti social behaviour is a huge concern in Soho, the crime figures are high and rising. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to the other areas within the Cumulative Impact Zone.

In Soho the majority of robberies take place at night where gangs target people as they leave premises, we are aware of this happening in Walker's Court. Alongside the robberies and as_saults there's drug dealing, dealers congregate on the streets approaching people as they walk by. There are more dealers in the area at night than during the day, this is directly linked to the large number of late night premises and people out on the streets which creates the drugs market. Pickpockets also operate in the area, some being part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

Residents

This sex shop is situated in an area with a large number of residential properties. We know residents living on Brewer Street are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, drug dealers in cars playing thumping bass music from sound systems. Residents are also subjected to anti-social behaviour with people vomiting and urinating in the street. We are concerned with a later closing hour people will be attracted to this shop with its bright lights and add to the existing noise nuisance in the street. With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in Appendix 1.

Summary

We object to this application to extend the hours to 1am, it is contrary to the Sex Shop Standard Conditions of 11pm, the premises is situated in a small area which has the highest concentration of sex related premises in Soho and it attracts people people with criminal intent. Residents who live along Brewer Street already suffer from noise disturbance at night, in our view the lat_er opening hours will cause further disturbance and increase crime and disorder. For all the above reasons we respectfully ask the Licensing Sub Committee to refuse this appli_cation.

Appendix 1: Sleep Survey Results

Appendix 1 : Sleep Survey Results

Sleep Survey Results - 31 October 2022

A recent survey conducted by the confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years
26% between 3 and 10 years
6% between 1 and 3 years and 9% have lived here less than a year
42% own their homes
20% are Soho Housing Association and the rest tenants with other landlords
10 respondents have children living at home with them
58% have double glazing
37% single glazing
5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week
16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years 69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho 68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents. There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting out side, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage

businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks, some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Received: 6 Mar 2023 by

Re: the above application, as a resident, I wish to object to this extension of hours in the strongest possible terms. The cumulative effect of more and more and later opening hours of various licensed premises, has made life for local people ever more unpleasant. I have lived in Soho since 1986 and am well used to the way of life around here. However, I have never experienced such disruption to my sleep. Here in well into the small hours and sometimes even later, we have to deal with amongst other things:

Noise:

Car horn honking competitions

Throaty motorbikes revving up their engines deliberately causing them to repeatedly backfire. This sounds like gunshot

Likewise with 'supercars'

Pedicabs that hang around playing loud music

Drunks arguing

Women screaming

Skunk dealers parked up waiting to catch people coming out of various establishments. They play loud, bassy music that penetrates the very fabric of the building in which I live.

Kids on clattering skateboards

Interestingly, I am seldom woken by sirens though.

Slamming car doors

Antisocial behaviour includes:

Graffiti

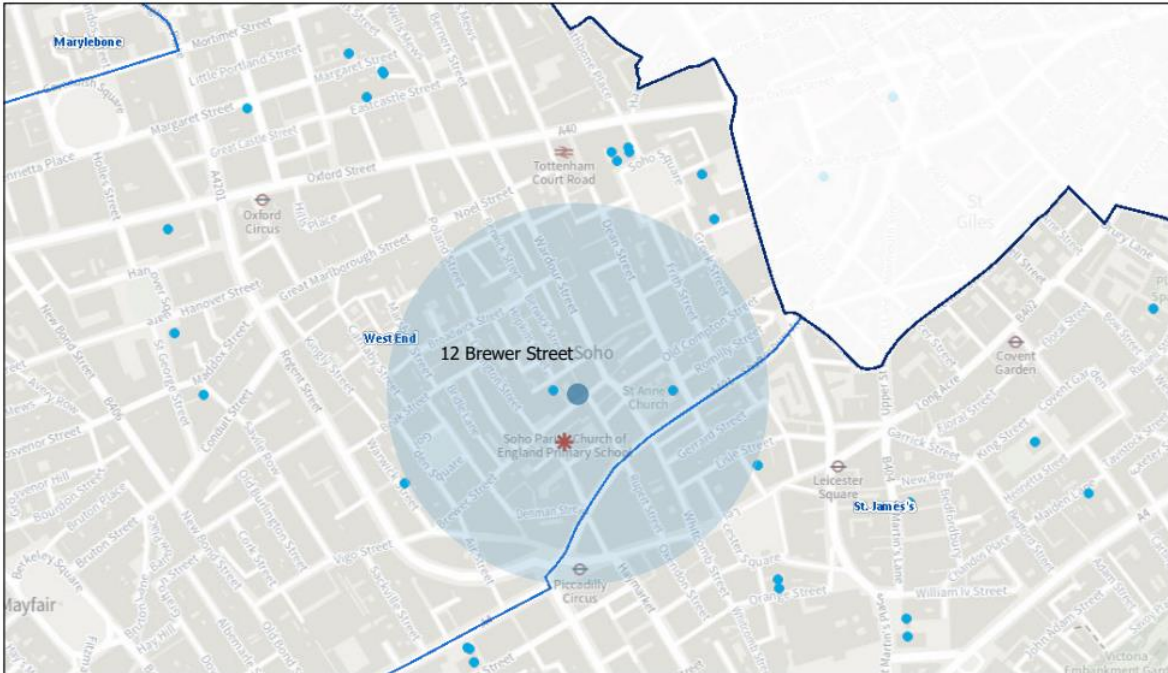
Urination

Vomiting

Sometimes, various individuals manage to gain access to our courtyard, and residents have been presented with littering and even defecation on their doorsteps.

All of the above produces a cumulative effect. The West End is in serious danger of becoming a lawless Wild West.

12 Brewer Street, London



Faith Groups: 2

Schools: 1

Sexual Entertainment Venues: 2

Sex Establishment: 7