



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** Committee held on **Thursday 9th November, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Melvyn Caplan (Chairman), Susie Burbridge and Aziz Toki

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interests.

3 SOHO HOUSE, 40 GREEK STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police, The Soho Society and Two Local Residents.

Present: Ms Lana Tricker (Solicitor, representing the applicant), Mrs Sumeet Anand-Patel (LT Law), Mr Andrew Purcell (General Manager), Ms Beth Gallagher (Development Manager), Mr Daniel Thompson (Operations Manager), Mr Dave Nevitt (Environmental Health), PC Adam Deweltz (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing

residential objectors and The Soho Society) and Ms Christine Beal (representing Mr Peter Cliffe).

Soho House, 40 Greek Street, London, W1D 4ED (“The Premises”) 17/09916/LIPN	
1.	<p>Regulated Entertainment: Exhibition of a Film, Performance of Live Music, Playing of Recorded Music, Performance of Dance, Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance - Indoors</p> <p>Monday to Friday: 08:00 to 03:00 Saturday: 10:00 to 03:00 Sunday: 10:00 to 23:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day (2) one hour before and one hours after a live broadcast of the annual (American) Oscars event.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Soho House UK Ltd for a new premises licence in respect of Soho House, 40 Greek Street, London, W1D 4ED.</p> <p>With the agreement of all parties present the Sub-Committee decided to hear the applications for Soho House, Soho Kitchen and Bar, Kettners Townhouse and Café Boheme simultaneously as they had all been submitted by Soho House UK Ltd who were the current Premises licence holders for all four Premises.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee. The Sub-Committee was advised of the following amendments to the reports:</p> <ul style="list-style-type: none">• That with regards to the Soho House application the terminal hour for late

night refreshment had been reduced to 03:00 and the terminal hour for the sale of alcohol on Sundays had also been reduced to 22:30. This was the existing terminal hour for these activities.

- That with regards to the Soho Kitchen and Bar application the start time for the retail sale of alcohol had been amended to 10:00 Monday to Wednesday.

In response to a request from the Sub-Committee Ms Tricker, representing the applicant, provided an overview of the licensing plans for all four applications. The Sub-Committee noted that the location of all existing entrances would remain unchanged and that all four units would remain separate with no interconnection between them. However, the biggest alteration related to the third floor of Soho House where it was proposed to increase its capacity from 100 to 246 customers. It was submitted that this would be achieved by increasing the floor space of the Premises and redesigning the back-of-house areas.

Ms Tricker highlighted that food would be available at all times at each Premises and alcohol would be supplied by waiter/waitress service. It was stated that the operator was very experienced and knew the Soho area very well. Kettners Townhouse would operate as a hotel so it was in the applicant's interests to ensure the development did not create any disturbance. In terms of the City Council's Statement of Licencing Policy ("SLP") all four Premises currently benefited from Premises licences with paragraph 2.4.6 of the policy particularly relevant in dealing with when exceptions to the policy could be granted and the surrendering of an existing licence.

Ms Tricker explained the reasons why the applications would not add to cumulative impact in the area. Overall the capacity for all four Premises was being reduced from 1,463 customers to 1,151 which represented a total reduction of 312 therefore constituting a reduction in cumulative impact. Café Boheme and Kettners Townhouse were both reducing their capacity significantly. The licensable area for Kettners Townhouse was being restricted to just the ground floor only and the basement for Café Boheme, which had a capacity of 100, would not be included in the application. Another significant benefit of the application included removing the provision of off sales from Soho House. The Soho Kitchen and Bar would have no increase in its hours for regulated entertainment or the sale of alcohol and its capacity would remain unchanged. The Soho Kitchen and Bar and Café Boheme applications both applied to exhibit films and Ms Tricker confirmed that there would be no cinema style showing of movies. This provision had been applied for solely as the Premises attracted customers from the media industry.

The Sub-Committee expressed concern that Café Boheme customers would have the ability to purchase alcohol up to 03:30 and then consume it until 05:00. Ms Tricker confirmed that customers were already able to do this as permitted on the current licence, however it was highlighted that Café Boheme would be a food-led establishment. Soho Kitchen and Bar was also food-led, the hours for regulated entertainment and the sale of alcohol would remain unchanged with the only significant difference being the removal of the basement from the

application. The applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

With regards to Soho House there was no cinema provision and the exhibition of films had been requested in order to cater for customers from the media and creative industries. It was also proposed to extend the provision of recorded music to 03:00. The sale of alcohol would start at the earlier time of 08:00 Monday to Friday and 10:00 Saturday and Sunday to cater for the breakfast trade and the applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

Ms Tricker explained that the Kettners Townhouse application was requesting a small extension to the terminal hour for the sale of alcohol to 01:30 Monday to Saturday which would be in accordance with the planning permission granted. Off sales of alcohol were restricted to the outside tables and chairs area and enforced through including the relevant model condition on to the licence.

The Sub-Committee noted that Soho House was a members' club which could not be traditionally classified as a bar or restaurant. It had a membership scheme in place which required a prospective member to complete a membership form after having been nominated by two existing members. At a quarterly membership meeting all applications were then reviewed by members. It was noted that the membership of existing members was also reviewed annually. The Premises employed self-regulation to ensure the good conduct of its members. Different styles of membership were available according to the level of annual fee paid.

Ms Tricker described in detail and answered questions in relation to the proposed amendments to the conditions for each application.

PC Deweltz, representing the Metropolitan Police, confirmed that their representation was maintained based on policy grounds. Constructive discussions had been held with the applicant with regards to all four applications and conditions had been agreed. PC Deweltz confirmed that levels of crime and disorder at the Premises was very low. With regards to the Soho Kitchen and Bar the Police had proposed that two extra conditions be added to the licence. One condition had been agreed with the applicant however agreement had not been reached on the second which related to customers consuming alcohol outside the Premises.

Mr Nevitt, representing Environmental Health (EH), confirmed that the redevelopment of the four Premises constituted a major development work. Having assessed all four applications Mr Nevitt was of the opinion that overall, taken together, the proposals were unlikely to add to cumulative impact in the area. Generally, there had been a broad agreement with the applicant on the proposed conditions and this provided an opportunity to ensure the licences were better regulated. The updated conditions along with the development to the building ensured an improvement to public safety and emergency facilities. Mr Nevitt did highlight an area of concern which remained with regards to the Soho House application. There were external terrace areas which could be a source of nuisance, it was recognised other sites in Soho operated similar terraces but

they needed to be conditioned and controlled sufficiently to ensure they did not give rise to potential problems in respect of nuisance. Overall EH was content with the conditions proposed and the practicalities of the operation however the representation was maintained due to the size of the site and in order to allow the Sub-Committee to decide if the applications were appropriate.

Mr Sycamore, representing the Licensing Authority, confirmed that its representations for all four Premises was maintained. Concern was expressed that the hours requested were far in excess of core hours, however if EH and the Police were content that there would be no overall increase in cumulative impact then this could potentially address paragraph 2.4.6 of the SLP. It was noted that taken together there would be a reduction in capacity but concern remained over the increase in capacity at Soho House as it was felt this could still be contrary to paragraph 2.4.6 of the SLP.

Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society and residential objectors, addressed the Sub-Committee. It was stated that the level of disruption experienced by residents due to the on-going building works was detailed. Of particular concern though was the significant disturbance previously encountered by residents when the Premises previously operated. The importance of addressing these problems was stressed as before the development had commenced their concerns had been raised with Soho House but no action had been taken. Concerns had also been expressed over the significant increase in the capacity at Soho House. Residents lived in close proximity to the development and the proposed extension in hours for the sale of alcohol had the potential to be a source of disturbance. What steps the applicant would take to ensure there was no noise disturbance needed clarifying. Mr Brown highlighted that paragraph 2.4.6 and 2.4.7 of the SLP were both applicable for this application.

Mr Brown highlighted the following general issues which related to all four Premises:

- The commencement time for licensable activities would be earlier. This raised concerns with residents that with the operation of the night tube people could now potentially drink alcohol in Soho throughout the night and continue into the mornings. This would bring with it an expected increase in foot fall leading to disturbance and crime and disorder.
- Clarification was required on the proposed windows and doors condition. When windows were open residents experienced significant noise disruption. As the condition wouldn't require the windows to be closed until 23:00 hours this could have a potentially very negative impact on residents' amenity.
- A minor change to one of the conditions which would permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment. This could mean that substantial refreshment was not required however this required clarifying.
- Concern was expressed that deliveries and collection of waste could take place at 06:00 hours. It was felt this was too early and would cause noise disturbance to residents, it was therefore suggested this be altered to

07:00 hours.

- Smoking, clarification was requested on what controls would be in place for customers leaving the Premises to smoke.
- Kettners Townhouse would operate as a hotel and this raised concerns over the potential increase in traffic in the area. This would increase pollution and noise levels in the local area.
- Clarification on the plant equipment to be used for Soho House and Kettners Townhouse was requested so as to ensure it did not cause any noise or odour disturbance to local residents.

Mr Brown then raised the following specific concerns on each application:

Soho House:

- Further clarity was requested on what activities would take place on the ground floor of the Premises.
- The capacity of Soho House was a major concern. The Sub-Committee had been advised that the capacity of Soho House would increase but this would be offset by the reduction in capacity at Café Bohème. However, it was queried whether this constituted a like-for-like swap.
- The use of a roof terrace was also a cause for concern and further information was required on how the applicant would contain any noise in this area in order to prevent nuisance.

Kettners Townhouse:

- It was proposed to extend the sale of alcohol by thirty minutes. It was queried why this was considered necessary and Mr Brown was of the opinion that the terminal hour should remain at 01:00 as currently licenced.

Café Bohème:

- It was requested that a condition be imposed on the licence to ensure all doors and windows be kept closed in order to minimise noise disruption to local residents.

Soho Kitchen and Bar:

- It was requested that model condition 57 be added to the licence in order to stop any vertical drinking from occurring.

Ms Beale, representing local resident Mr Peter Cliffe addressed the Sub-Committee. The Sub-Committee noted the close proximity of the residential properties to the development. One of the major areas of concern for residents was the noise from deliveries. Permitting them to take place from 06:00 did impact on residents' amenity and whilst it was acknowledged that Soho was a busy area residents hoped to receive some respite at that hour. It was suggested that waste collections and deliveries for the four Premises be consolidated as much as possible to minimise any noise disturbance to

residents. Historically the outside tables and chairs located outside Kettners Townhouse had a been a source of disturbance, not only from customers using them but from members of staffing putting them out and rough sleepers using them during the evening. Ms Tricker confirmed that a table and chairs licence had been applied for at Kettners Townhouse but had not yet been granted. It was planned for the tables and chairs to be in use from 09:00 hours to 23:00 hours for seated customers taking a meal. Following extensive pre-application advice from the Council's Planning Department the chairs would be designed to address the issues raised and would also be brought inside the Premises on an evening. Mr Beale requested reassurance that the Premises would not encourage the use of pedicabs. Ms Tricker confirmed that this would be the case and the Premises would have a taxi service available. In terms of waste collection, the Premises intended to use the service provided by Westminster City Council. Permitting collections from 06:00 had been requested as this was one of the specified time periods when the Council undertook collections in this area.

In response to other questions raised Ms Tricker detailed the sound works that had been undertaken at the four Premises to improve their acoustic integrity. With regards to changes to the conditions to permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment, this had been done deliberately. The slight change to the wording was designed so that the Premises' could provide food without music. The Sub-Committee was reminded that two of the four units were food-led. In terms of smoking Soho House had an external terrace that provided customers with a dedicated, secure place to smoke and ensured customers didn't spill out onto the street. It had a capacity of seventy people and the doors to it would be closed after 23:00 hours. With regards to deliveries the Premises' constituted a twenty-four operation and the applicant would ensure they were consolidated across all four venues. The 06:00 start had been requested as the Premises' would open for breakfast from 07:30. Finally, the ground floor area at Soho House was a reception area with only background music played. The applicant confirmed that the ground floor could be conditioned if it provided the Sub-Committee with further reassurance of how it would be used.

The Sub-Committee noted that with regards to Kettners Townhouse an additional thirty minutes to permit the sale of alcohol on Sundays to 00:00 had been requested. Ms Tricker confirmed that the applicant would be willing to accept it remaining at 23:30 if the Sub-Committee deemed it necessary. In response to a question from the Sub-Committee it was confirmed that a glass compactor would be in operation at the development. Concern was raised by the Sub-Committee over the outside tables and chairs and how rendering them unusable, or bringing them inside, at a late hour could cause disturbance to residents. Ms Tricker explained that Soho Bar and Kitchen and Café Boheme both currently benefited from a tables and chairs licence. The tables and chairs at Soho Kitchen and Bar were brought in at 23:00 whilst at Café Boheme they were left outside but rendered unusable from 23:00 hours. It was stated that a tables and chairs application had been submitted for Kettners Townhouse and it was proposed to bring them in from 23:00 hours. Soho House had no tables and chairs outside. The applicant stressed the importance of ensuring it was a good neighbour to local residents. To provide reassurance the applicant offered to

meet with the residents before the development opened and display how the Premises would operate. The importance of open dialogue between all parties was recognised and as such residents would be provided with a phone number to enable them to contact the management of the Premises if they had any issues.

After careful consideration the Sub-Committee agreed to grant the application subject to various amendments to the conditions. The Sub-Committee acknowledged the premises was located within a Cumulative Impact Area however the nature of the establishment as a private members' club with stringent membership rules in place provided reassurance that it would not add to cumulative impact or become a source of disturbance or crime and disorder. The Sub-Committee also noted the extensive refurbishment of the Premises which included improving its acoustic integrity and this provided reassurance that the application would help reduce noise disturbance previously experienced by local residents. The Sub-Committee considered that the increase in capacity was partially offset by the reduction in capacity at both café Boheme and Kettners Townhouse and was therefore of the opinion that increasing its capacity would not add to cumulative impact in the area. It was also noted that it was not proposed to change the terminal hour for the sale of alcohol from what was already permitted under the existing licence. The start time for the sale of alcohol had been extended though but this was considered appropriate as the consumption of alcohol between 08:00 and 10:00 Monday to Saturday and 10:00 to 12:00 on Sundays would be ancillary to taking a substantial table meal. The conditions proposed by the applicant were considered appropriate and it was felt that with the amendments listed below they would ensure that the Premises upheld and promoted the licencing objectives. With regards to the terrace area on the 4th floor ensuring the doors to it were closed after 23:00 hours was considered appropriate and would help prevent it from generating any noise disturbance. The Sub-Committee was also of the opinion that its use by customers smoking would ensure customers did not congregate and obstruct the pavement area outside.

Having heard all the evidence, the Sub-Committee was satisfied that the Premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to following amendments to the conditions:

- Condition 14 be replaced with model condition 12;
- Condition 40 be removed from the licence;
- Condition 41 be amended to read "The number of persons accommodated (excluding staff) at the premises shall not exceed:
1st Floor – 140
2nd Floor – 200
3rd Floor – 246
4th Floor – 70
Total: 664" (**Now condition 40**);
- A condition be added to the licence to read: "No licensable activities shall take place on the ground floor."; (**Now condition 57**)
- A condition be added to the licence to read: "Save for bread, dairy and

	<p>newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.”; (Now condition 58)</p> <ul style="list-style-type: none"> • A condition be added to the licence to read: “Alcohol sales and consumption between 08:00 and 10:00 Monday to Friday and 10:00 to 12:00 on Sunday shall be ancillary to a substantial table meal.” (Now condition 59) • Condition 48 be amended to read: “The sale of alcohol must be ancillary to the use of the premises for the provision of substantial refreshment or for music and dancing and substantial refreshment at all times.” (Now condition 47)
2.	<p>Private Entertainment Consisting of Dancing, Music or Other Entertainment of a Like Kind for Consideration and with a View to Profit - Indoors</p> <p>Monday to Sunday: Unrestricted</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
3.	<p>Late Night Refreshment - Indoors</p> <p>Monday to Saturday: 23:00 to 03:30</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day (2) one hour before and one hours after a live broadcast of the annual (American) Oscars event.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee noted that the terminal hour for late night refreshment had been reduced to 03:00 hours.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>4.</p>	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Friday: 08:00 to 03:00 Saturday – 10:00 to 03:00 Sunday: 10:00 to 23:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day (2) one hour before and one hours after a live broadcast of the annual (American) Oscars event.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>5.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Friday: 08:00 to 03:30 Saturday – 10:00 to 03:30 Sunday: 10:00 to 23:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p>

	<p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day (2) one hour before and one hours after a live broadcast of the annual (American) Oscars event.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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. <ul style="list-style-type: none"> (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— <ol style="list-style-type: none"> (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions Consistent with the Operating Schedule

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

12. There shall be a personal licence holder on duty on the premises, Thursday to Saturday from 9pm until close, when the premises are authorised to sell alcohol.

13. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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

15. Loudspeakers shall not be located outside the premises building.

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.

19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

22. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

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

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

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame
- strobe lighting

25. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

26. The approved arrangements at the premises, including means of escape

provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

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

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

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

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

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

32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

33. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

34. Alcohol may only be sold for consumption by (a) members of a private club and their bona fide guests, not exceeding 4 guests per member, and / or (b) by persons attending any private pre-booked event, by invitation only, organised by a member with a guest list provided in advanced which will be retained for a period of 31 days following the event and be made available for inspection by the relevant authorities.

35. No persons shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission. A member's guest(s) may not enter the club without the member being present.

36. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book/electronic record showing the names and dates of attendance of any guests introduced by members. Both the list and the book/electronic record shall be produced on demand for inspection by the police or an authorised officer of the Council.

37. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

38. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day (2) one hour before and one hours after a live broadcast of the annual (American) Oscars event.

39. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

40. The number of persons accommodated (excluding staff) at the premises shall not exceed:

1st Floor – 140

2nd Floor – 200

3rd Floor – 246

4th Floor – 70

Total: 664

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

42. All deliveries shall take place either at the Greek Street entrance or via the fire exit on Old Compton Street.

43. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

44. Waiter / waitress service shall be available throughout the whole of the premises.

45. Members of any private club operated by Soho House UK Ltd. must comply with the Soho House membership rules applicable at Soho House Greek Street, a current version of which must be kept on the premises at all times and be made available for immediate inspection by the responsible authorities.

46. The licensable activities authorised by this licence can only be carried on at this premises by Soho House UK Ltd.

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

48. The reception desk on the ground floor shall be staffed at all times the premises are in operation.

49. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

50. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by

staff so as to ensure that there is no public nuisance or obstruction of the public highway.

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

52. The supply of alcohol on the terraces shall be by waiter or waitress service only.

53. There shall be no regulated entertainment permitted on the 4th floor terrace.

54. No licensable activities shall take place at the premises until premises licence 12/03369/LIPVM (or such other number subsequently issued for the premises) has been surrendered.

55. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

56. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

57. No licensable activities shall take place on the ground floor.

58. Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.

59. Alcohol sales and consumption between 08:00 and 10:00 Monday to Friday and 10:00 to 12:00 on Sunday shall be ancillary to a substantial table meal.

4 SOHO KITCHEN AND BAR, 19-21 OLD COMPTON STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police, The Soho Society and Two Local Residents.

Present: Ms Lana Tricker (Solicitor, representing the applicant), Mrs Sumeet Anand-Patel (LT Law), Mr Andrew Purcell (General Manager), Ms Beth Gallagher (Development Manager), Mr Daniel Thompson (Operations Manager), Mr Dave Nevitt (Environmental Health), PC Adam Deweltz (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing residential objectors and The Soho Society) and Ms Christine Beal (representing Mr Peter Cliffe).

**Soho Kitchen and Bar, 19-21 Old Compton Street, London, W1D 5JJ (“The Premises”)
17/09943/LIPN**

1. Exhibition of Films and Playing of Recorded Music - Indoors

Monday to Saturday: 09:00 to 03:00

Sunday: 09:00 to 23:00

Seasonal Variations:

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00

Non-Standard Timings:

The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day.

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Soho House UK Ltd for a new premises licence in respect of Soho Kitchen and Bar, 19-21 Old Compton Street, London, W1D 5JJ.</p> <p>With the agreement of all parties present the Sub-Committee decided to hear the applications for Soho House, Soho Kitchen and Bar, Kettners Townhouse and Café Bohème simultaneously as they had all been submitted by Soho House UK Ltd who were the current Premises licence holders for all four Premises.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee. The Sub-Committee was advised of the following amendments to the reports:</p> <ul style="list-style-type: none"> • That with regards to the Soho House application the terminal hour for late night refreshment had been reduced to 03:00 and the terminal hour for the sale of alcohol on Sundays had also been reduced to 22:30. This was the existing terminal hour for these activities. • That with regards to the Soho Kitchen and Bar application the start time for the retail sale of alcohol had been amended to 10:00 Monday to Wednesday. <p>In response to a request from the Sub-Committee Ms Tricker, representing the applicant, provided an overview of the licensing plans for all four applications. The Sub-Committee noted that the location of all existing entrances would remain unchanged and that all four units would remain separate with no interconnection between them. However, the biggest alteration related to the third floor of Soho House where it was proposed to increase its capacity from 100 to 246 customers. It was submitted that this would be achieved by increasing the floor space of the Premises and redesigning the back-of-house areas.</p> <p>Ms Tricker highlighted that food would be available at all times at each Premises and alcohol would be supplied by waiter/waitress service. It was stated that the operator was very experienced and knew the Soho area very well. Kettners Townhouse would operate as a hotel so it was in the applicant's interests to ensure the development did not create any disturbance. In terms of the City Council's Statement of Licencing Policy ("SLP") all four Premises currently benefited from Premises licences with paragraph 2.4.6 of the policy particularly relevant in dealing with when exceptions to the policy could be granted and the surrendering of an existing licence.</p> <p>Ms Tricker explained the reasons why the applications would not add to cumulative impact in the area. Overall the capacity for all four Premises was</p>

being reduced from 1,463 customers to 1,151 which represented a total reduction of 312 therefore constituting a reduction in cumulative impact. Café Boheme and Kettners Townhouse were both reducing their capacity significantly. The licensable area for Kettners Townhouse was being restricted to just the ground floor only and the basement for Café Boheme, which had a capacity of 100, would not be included in the application. Another significant benefit of the application included removing the provision of off sales from Soho House. The Soho Kitchen and Bar would have no increase in its hours for regulated entertainment or the sale of alcohol and its capacity would remain unchanged. The Soho Kitchen and Bar and Café Boheme applications both applied to exhibit films and Ms Tricker confirmed that there would be no cinema style showing of movies. This provision had been applied for solely as the Premises attracted customers from the media industry.

The Sub-Committee expressed concern that Café Boheme customers would have the ability to purchase alcohol up to 03:30 and then consume it until 05:00. Ms Tricker confirmed that customers were already able to do this as permitted on the current licence, however it was highlighted that Café Boheme would be a food-led establishment. Soho Kitchen and Bar was also food-led, the hours for regulated entertainment and the sale of alcohol would remain unchanged with the only significant difference being the removal of the basement from the application. The applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

With regards to Soho House there was no cinema provision and the exhibition of films had been requested in order to cater for customers from the media and creative industries. It was also proposed to extend the provision of recorded music to 03:00. The sale of alcohol would start at the earlier time of 08:00 Monday to Friday and 10:00 Saturday and Sunday to cater for the breakfast trade and the applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

Ms Tricker explained that the Kettners Townhouse application was requesting a small extension to the terminal hour for the sale of alcohol to 01:30 Monday to Saturday which would be in accordance with the planning permission granted. Off sales of alcohol were restricted to the outside tables and chairs area and enforced through including the relevant model condition on to the licence.

The Sub-Committee noted that Soho House was a members' club which could not be traditionally classified as a bar or restaurant. It had a membership scheme in place which required a prospective member to complete a membership form after having been nominated by two existing members. At a quarterly membership meeting all applications were then reviewed by members. It was noted that the membership of existing members was also reviewed annually. The Premises employed self-regulation to ensure the good conduct of its members. Different styles of membership were available according to the level of annual fee paid.

Ms Tricker described in detail and answered questions in relation to the proposed amendments to the conditions for each application.

PC Deweltz, representing the Metropolitan Police, confirmed that their representation was maintained based on policy grounds. Constructive discussions had been held with the applicant with regards to all four applications and conditions had been agreed. PC Deweltz confirmed that levels of crime and disorder at the Premises was very low. With regards to the Soho Kitchen and Bar the Police had proposed that two extra conditions be added to the licence. One condition had been agreed with the applicant however agreement had not been reached on the second which related to customers consuming alcohol outside the Premises.

Mr Nevitt, representing Environmental Health (EH), confirmed that the redevelopment of the four Premises constituted a major development work. Having assessed all four applications Mr Nevitt was of the opinion that overall, taken together, the proposals were unlikely to add to cumulative impact in the area. Generally, there had been a broad agreement with the applicant on the proposed conditions and this provided an opportunity to ensure the licences were better regulated. The updated conditions along with the development to the building ensured an improvement to public safety and emergency facilities. Mr Nevitt did highlight an area of concern which remained with regards to the Soho House application. There were external terrace areas which could be a source of nuisance, it was recognised other sites in Soho operated similar terraces but they needed to be conditioned and controlled sufficiently to ensure they did not give rise to potential problems in respect of nuisance. Overall EH was content with the conditions proposed and the practicalities of the operation however the representation was maintained due to the size of the site and in order to allow the Sub-Committee to decide if the applications were appropriate.

Mr Sycamore, representing the Licensing Authority, confirmed that its representations for all four Premises was maintained. Concern was expressed that the hours requested were far in excess of core hours, however if EH and the Police were content that there would be no overall increase in cumulative impact then this could potentially address paragraph 2.4.6 of the SLP. It was noted that taken together there would be a reduction in capacity but concern remained over the increase in capacity at Soho House as it was felt this could still be contrary to paragraph 2.4.6 of the SLP.

Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society and residential objectors, addressed the Sub-Committee. It was stated that the level of disruption experienced by residents due to the on-going building works was detailed. Of particular concern though was the significant disturbance previously encountered by residents when the Premises previously operated. The importance of addressing these problems was stressed as before the development had commenced their concerns had been raised with Soho House but no action had been taken. Concerns had also been expressed over the significant increase in the capacity at Soho House. Residents lived in close proximity to the development and the proposed extension in hours for the sale of alcohol had the potential to be a source of disturbance. What steps the applicant would take to ensure there was no noise disturbance needed clarifying. Mr Brown highlighted that paragraph 2.4.6 and 2.4.7 of the SLP were both applicable for this application.

Mr Brown highlighted the following general issues which related to all four Premises:

- The commencement time for licensable activities would be earlier. This raised concerns with residents that with the operation of the night tube people could now potentially drink alcohol in Soho throughout the night and continue into the mornings. This would bring with it an expected increase in foot fall leading to disturbance and crime and disorder.
- Clarification was required on the proposed windows and doors condition. When windows were open residents experienced significant noise disruption. As the condition wouldn't require the windows to be closed until 23:00 hours this could have a potentially very negative impact on residents' amenity.
- A minor change to one of the conditions which would permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment. This could mean that substantial refreshment was not required however this required clarifying.
- Concern was expressed that deliveries and collection of waste could take place at 06:00 hours. It was felt this was too early and would cause noise disturbance to residents, it was therefore suggested this be altered to 07:00 hours.
- Smoking, clarification was requested on what controls would be in place for customers leaving the Premises to smoke.
- Kettners Townhouse would operate as a hotel and this raised concerns over the potential increase in traffic in the area. This would increase pollution and noise levels in the local area.
- Clarification on the plant equipment to be used for Soho House and Kettners Townhouse was requested so as to ensure it did not cause any noise or odour disturbance to local residents.

Mr Brown then raised the following specific concerns on each application:

Soho House:

- Further clarity was requested on what activities would take place on the ground floor of the Premises.
- The capacity of Soho House was a major concern. The Sub-Committee had been advised that the capacity of Soho House would increase but this would be offset by the reduction in capacity at Café Bohème. However, it was queried whether this constituted a like-for-like swap.
- The use of a roof terrace was also a cause for concern and further information was required on how the applicant would contain any noise in this area in order to prevent nuisance.

Kettners Townhouse:

- It was proposed to extend the sale of alcohol by thirty minutes. It was queried why this was considered necessary and Mr Brown was of the opinion that the terminal hour should remain at 01:00 as currently licenced.

Café Boheme:

- It was requested that a condition be imposed on the licence to ensure all doors and windows be kept closed in order to minimise noise disruption to local residents.

Soho Kitchen and Bar:

- It was requested that model condition 57 be added to the licence in order to stop any vertical drinking from occurring.

Ms Beale, representing local resident Mr Peter Cliffe addressed the Sub-Committee. The Sub-Committee noted the close proximity of the residential properties to the development. One of the major areas of concern for residents was the noise from deliveries. Permitting them to take place from 06:00 did impact on residents' amenity and whilst it was acknowledged that Soho was a busy area residents hoped to receive some respite at that hour. It was suggested that waste collections and deliveries for the four Premises be consolidated as much as possible to minimise any noise disturbance to residents. Historically the outside tables and chairs located outside Kettners Townhouse had a been a source of disturbance, not only from customers using them but from members of staffing putting them out and rough sleepers using them during the evening. Ms Tricker confirmed that a table and chairs licence had been applied for at Kettners Townhouse but had not yet been granted. It was planned for the tables and chairs to be in use from 09:00 hours to 23:00 hours for seated customers taking a meal. Following extensive pre-application advice from the Council's Planning Department the chairs would be designed to address the issues raised and would also be brought inside the Premises at the end of the evening. Mr Beale requested reassurance that the Premises would not encourage the use of pedicabs. Ms Tricker confirmed that this would be the case and the Premises would have a taxi service available. In terms of waste collection, the Premises intended to use the service provided by Westminster City Council. Permitting collections from 06:00 had been requested as this was one of the specified time periods when the Council undertook collections in this area.

In response to other questions raised Ms Tricker detailed the sound works that had been undertaken at the four Premises to improve their acoustic integrity. With regards to changes to the conditions to permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment, this had been done deliberately. The slight change to the wording was designed so that the Premises' could provide food without music. The Sub-Committee was reminded that two of the four units were food-led. In terms of smoking Soho House had an external terrace that provided customers with a dedicated, secure place to smoke and ensured customers didn't spill out onto the street. It had a capacity of seventy people and the doors to it would be closed after 23:00 hours. With regards to deliveries the Premises' constituted a twenty-four operation and the applicant would ensure they were consolidated across all four venues. The 06:00 start had been requested as the Premises' would open for breakfast from 07:30. Finally, the ground floor area at Soho House was a reception area with

only background music played. The applicant confirmed that the ground floor could be conditioned if it provided the Sub-Committee with further reassurance of how it would be used.

The Sub-Committee noted that with regards to Kettners Townhouse an additional thirty minutes to permit the sale of alcohol on Sundays to 00:00 had been requested. Ms Tricker confirmed that the applicant would be willing to accept it remaining at 23:30 if the Sub-Committee deemed it necessary. In response to a question from the Sub-Committee it was confirmed that a glass compactor would be in operation at the development. Concern was raised by the Sub-Committee over the outside tables and chairs and how rendering them unusable, or bringing them inside, at a late hour could cause disturbance to residents. Ms Tricker explained that Soho Bar and Kitchen and Café Bohème both currently benefited from a tables and chairs licence. The tables and chairs at Soho Kitchen and Bar were brought in at 23:00 whilst at Café Bohème they were left outside but rendered unusable from 23:00 hours. It was stated that a tables and chairs application had been submitted for Kettners Townhouse and it was proposed to bring them in from 23:00 hours. Soho House had no tables and chairs outside. The applicant stressed the importance of ensuring it was a good neighbour to local residents. To provide reassurance the applicant offered to meet with the residents before the development opened and display how the Premises would operate. The importance of open dialogue between all parties was recognised and as such residents would be provided with a phone number to enable them to contact the management of the Premises if they had any issues.

After careful consideration the Sub-Committee agreed to grant the application subject to various amendments to the conditions on the licence. The Sub-Committee noted that the Premises was located within a Cumulative Impact Area however the application was not seeking to change the hours of licensable activities for the ground floor and in addition was seeking to remove all licensable activities from the basement area. The Premises would continue to be a food-led establishment and there was no proposed increase in capacity. The Sub-Committee was therefore of the opinion that due to the nature of the Premises and the removal of the basement from the application it would not add to cumulative impact in the area. The proposed conditions were considered appropriate and proportionate by the Sub-Committee and would ensure that the licensing objectives were upheld and promoted. To provide further reassurance however an additional condition was added to the licence requiring the consumption of alcohol on Monday to Wednesday to cease by 01:30. This would address any potential concerns that with the Premises remaining open until 03:30 on these days' customers had the potential to stockpile drinks and consume them for two hours. It was considered that this additional condition would prevent such behaviour and preclude customers from drinking to even earlier in the morning. The Sub-Committee also noted the extensive refurbishment of the Premises which included improving its acoustic integrity and this provided reassurance that the application would help reduce noise disturbance previously experienced by local residents. Concern was expressed however that allowing deliveries to take place from 06:00 was too early in the morning and had the potential to cause noise disturbance to residents. As the Premises was food-led however the Sub-Committee felt it was appropriate to

restrict deliveries until 07:00 save for bread, dairy and newspaper products. No restrictions were placed on the collection of waste as it was noted that waste collections in the area were already regularly undertaken at 03:00 hours. The applicant's acknowledgement that a bottle compactor would also be used at the Premises was welcomed. Careful consideration had been given to imposing a condition restricting the operation of the outside tables and chairs but on balance the Sub-Committee did not feel this was proportionate. There was no historical evidence of the Premises being a source of any crime and disorder and therefore it was felt it would be unnecessary to impose further restrictions. However, residents were urged to make a formal complaint if they did experience any disturbance and the importance of ensuring there was constructive dialogue between all parties was stressed.

Having heard all the evidence, the Sub-Committee was satisfied that the Premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to the following amendments to the conditions:

- Condition 22 be removed from the licence;
- Condition 25 be removed from the licence;
- Condition 27 be removed from the licence;
- Condition 28 be removed from the licence;
- A condition be added to the licence to read: "No licensable activities shall take place in the basement."; **(Now Condition 47)**
- A condition be added to the licence to read: "Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day."; **(Now Condition 48)**
- Condition 42 be amended to read "The sale of alcohol must be ancillary to the use of the premises for the provision of substantial refreshment or for music and dancing and substantial refreshment at all times."; **(Now Condition 38)**
- An additional condition be added to the licence to read: "Alcohol consumed outside the building shall only be consumed by patrons seated at tables."; **(Now condition 149)**
- An additional condition be added to the licence to read: "Alcohol sales and consumption between 11:00 to 12:00 on Sunday shall be ancillary to a substantial table meal."; **(Now condition 50)**
- Model condition 57 be added to the licence; **(Now condition 51)**
- Model condition 93 be added to the licence to read "The consumption of alcohol on the premises shall cease on Monday to Wednesday at 01:30." **(Now condition 52)**

2. Performance of Live Music, Performance of Dance, Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance - Indoors

Monday to Saturday: 09:00 to 01:00
 Sunday: 09:00 to 23:00

	<p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>3.</p>	<p>Private Entertainment Consisting of Dancing, Music or Other Entertainment of a like kind for Consideration and with a View to a Profit – Indoors</p> <p>Monday to Sunday – Unrestricted</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<p>4.</p>	<p>Late Night Refreshment - Indoors</p> <p>Monday to Wednesday: 23:00 to 01:00 Thursday to Saturday: 23:00 to 03:00 Sunday: 23:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>5.</p>	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>On Sales:</p> <p>Monday to Wednesday: 09:00 to 01:00 Thursday to Saturday – 10:00 to 03:00 Sunday: 11:00 to 23:30</p> <p>Off Sales:</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 11:00 to 23:30</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p>

	<p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee noted that the start time for the retail sale of alcohol had been amended to 10:00 hours Monday to Wednesday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
6.	<p>Hours Premises Are Open to the Public</p> <p>Monday to Saturday: 08:00 to 03:30 Sunday: 08:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

Conditions attached to the Licence
<u>Mandatory Conditions</u>

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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions Consistent with the Operating Schedule

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

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting

11. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

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

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

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

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

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

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

18. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

19. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

20. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

21. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

24. Signage to be placed prominently in the reception and staff areas and in the toilets indicating a zero tolerance to drug use or supply at the premises and stating

that offenders will be handed over to the Police.

25. The number of persons accommodated (excluding staff) at the premises shall not exceed: Ground Floor 120.

26. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

27. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

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

32. No unaccompanied person under the age of 18 shall be permitted in the premises after 21:00.

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

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

35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

37. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

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

39. No licensable activities shall take place at the premises until premises licence 15/04634/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.

40. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

41. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

42. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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

44. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
45. The premises holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
46. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
47. No licensable activities shall take place in the basement.
48. Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.
49. Alcohol consumed outside the building shall only be consumed by patrons seated at tables.
50. Alcohol sales and consumption between 11:00 to 12:00 on Sunday shall be ancillary to a substantial table meal.
51. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
52. The consumption of alcohol on the premises shall cease on Monday to Wednesday at 01:30.

5 KETTNERS TOWNHOUSE, 29 ROMILLY STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police, The Soho Society and One Local Resident.

Present: Ms Lana Tricker (Solicitor, representing the applicant), Mrs Sumeet Anand-Patel (LT Law), Mr Andrew Purcell (General Manager), Ms Beth Gallagher (Development Manager), Mr Daniel Thompson (Operations Manager), Mr Dave Nevitt (Environmental Health), PC Adam Deweltz (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing residential objectors and The Soho Society) and Ms Christine Beal (representing Mr Peter Cliffe).

Kettners Townhouse, 29 Romilly Street, London, W1D 5HP (“The Premises”) 17/09956/LIPN

1. Exhibition of Films - Indoors

Monday to Sunday: 00:00 to 00:00

Further Details:

There shall be no cinema style showing of films.

The exhibition of film is permitted in the hotel bedrooms and as an ancillary to other licensable activities throughout the premises, subject to the condition above.

Seasonal Variations:

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00

Non-Standard Timings:

The premises may remain open for the sale of alcohol, regulated entertainment

	<p>and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Soho House UK Ltd for a new premises licence in respect of Kettners Townhouse, 29 Romilly Street, London, W1D 5HP.</p> <p>With the agreement of all parties present the Sub-Committee decided to hear the applications for Soho House, Soho Kitchen and Bar, Kettners Townhouse and Café Bohème simultaneously as they had all been submitted by Soho House UK Ltd who were the current Premises licence holders for all four Premises.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee. The Sub-Committee was advised of the following amendments to the reports:</p> <ul style="list-style-type: none"> • That with regards to the Soho House application the terminal hour for late night refreshment had been reduced to 03:00 and the terminal hour for the sale of alcohol on Sundays had also been reduced to 22:30. This was the existing terminal hour for these activities. • That with regards to the Soho Kitchen and Bar application the start time for the retail sale of alcohol had been amended to 10:00 Monday to Wednesday. <p>In response to a request from the Sub-Committee Ms Tricker, representing the applicant, provided an overview of the licensing plans for all four applications. The Sub-Committee noted that the location of all existing entrances would remain unchanged and that all four units would remain separate with no interconnection between them. However, the biggest alteration related to the third floor of Soho House where it was proposed to increase its capacity from 100 to 246 customers. It was submitted that this was to be achieved by increasing the floor space of the Premises and redesigning the back-of-house areas.</p> <p>Ms Tricker highlighted that food would be available at all times at each Premises and alcohol would be supplied by waiter/waitress service. It was stated that the operator was very experienced and knew the Soho area very well. Kettners Townhouse would operate as a hotel so it was in the applicant's interests to ensure the development did not create any disturbance. In terms of the City Council's Statement of Licencing Policy ("SLP") all four Premises currently benefited from Premises licences with paragraph 2.4.6 of the policy particularly relevant in dealing with when exceptions to the policy could be granted and the</p>

surrendering of an existing licence.

Ms Tricker explained the reasons why the applications would not add to cumulative impact in the area. Overall the capacity for all four Premises was being reduced from 1,463 customers to 1,151 which represented a total reduction of 312 therefore constituting a reduction in cumulative impact. Café Boheme and Kettners Townhouse were both reducing their capacity significantly. The licensable area for Kettners Townhouse was being restricted to just the ground floor only and the basement for Café Boheme, which had a capacity of 100, would not be included in the application. Another significant benefit of the application included removing the provision of off sales from Soho House. The Soho Kitchen and Bar would have no increase in its hours for regulated entertainment or the sale of alcohol and its capacity would remain unchanged. The Soho Kitchen and Bar and Café Boheme applications both applied to exhibit films and Ms Tricker confirmed that there would be no cinema style showing of movies. This provision had been applied for solely as the Premises attracted customers from the media industry.

The Sub-Committee expressed concern that Café Boheme customers would have the ability to purchase alcohol up to 03:30 and then consume it until 05:00. Ms Tricker confirmed that customers were already able to do this as permitted on the current licence, however it was highlighted that Café Boheme would be a food-led establishment. Soho Kitchen and Bar was also food-led, the hours for regulated entertainment and the sale of alcohol would remain unchanged with the only significant difference being the removal of the basement from the application. The applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

With regards to Soho House there was no cinema provision and the exhibition of films had been requested in order to cater for customers from the media and creative industries. It was also proposed to extend the provision of recorded music to 03:00. The sale of alcohol would start at the earlier time of 08:00 Monday to Friday and 10:00 Saturday and Sunday to cater for the breakfast trade and the applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

Ms Tricker explained that the Kettners Townhouse application was requesting a small extension to the terminal hour for the sale of alcohol to 01:30 Monday to Saturday which would be in accordance with the planning permission granted. Off sales of alcohol were restricted to the outside tables and chairs area and enforced through including the relevant model condition on to the licence.

The Sub-Committee noted that Soho House was a members' club which could not be traditionally classified as a bar or restaurant. It had a membership scheme in place which required a prospective member to complete a membership form after having been nominated by two existing members. At a quarterly membership meeting all applications were then reviewed by members. It was noted that the membership of existing members was also reviewed annually. The Premises employed self-regulation to ensure the good conduct of its members. Different styles of membership were available according to the level of annual fee paid.

Ms Tricker described in detail and answered questions in relation to the proposed amendments to the conditions for each application.

PC Deweltz, representing the Metropolitan Police, confirmed that their representation was maintained based on policy grounds. Constructive discussions had been held with the applicant with regards to all four applications and conditions had been agreed. PC Deweltz confirmed that levels of crime and disorder at the Premises was very low. With regards to the Soho Kitchen and Bar the Police had proposed that two extra conditions be added to the licence. One condition had been agreed with the applicant however agreement had not been reached on the second which related to customers consuming alcohol outside the Premises.

Mr Nevitt, representing Environmental Health (EH), confirmed that the redevelopment of the four Premises constituted a major development work. Having assessed all four applications Mr Nevitt was of the opinion that overall, taken together, the proposals were unlikely to add to cumulative impact in the area. Generally, there had been a broad agreement with the applicant on the proposed conditions and this provided an opportunity to ensure the licences were better regulated. The updated conditions along with the development to the building ensured an improvement to public safety and emergency facilities. Mr Nevitt did highlight an area of concern which remained with regards to the Soho House application. There were external terrace areas which could be a source of nuisance, it was recognised other sites in Soho operated similar terraces but they needed to be conditioned and controlled sufficiently to ensure they did not give rise to potential problems in respect of nuisance. Overall EH was content with the conditions proposed and the practicalities of the operation however the representation was maintained due to the size of the site and in order to allow the Sub-Committee to decide if the applications were appropriate.

Mr Sycamore, representing the Licensing Authority, confirmed that its representations for all four Premises was maintained. Concern was expressed that the hours requested were far in excess of core hours, however if EH and the Police were content that there would be no overall increase in cumulative impact then this could potentially address paragraph 2.4.6 of the SLP. It was noted that taken together there would be a reduction in capacity but concern remained over the increase in capacity at Soho House as it was felt this could still be contrary to paragraph 2.4.6 of the SLP.

Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society and residential objectors, addressed the Sub-Committee. It was stated that the level of disruption experienced by residents due to the on-going building works was detailed. Of particular concern though was the significant disturbance previously encountered by residents when the Premises previously operated. The importance of addressing these problems was stressed as before the development had commenced their concerns had been raised with Soho House but no action had been taken. Concerns had also been expressed over the significant increase in the capacity at Soho House. Residents lived in close proximity to the development and the proposed extension in hours for the sale of alcohol had the potential to be a source of disturbance. What steps the applicant

would take to ensure there was no noise disturbance needed clarifying. Mr Brown highlighted that paragraph 2.4.6 and 2.4.7 of the Council's Licensing Policy were both applicable for this application.

Mr Brown highlighted the following general issues which related to all four Premises:

- The commencement time for licensable activities would be earlier. This raised concerns with residents that with the operation of the night tube people could now potentially drink alcohol in Soho throughout the night and continue into the mornings. This would bring with it an expected increase in foot fall leading to disturbance and crime and disorder.
- Clarification was required on the proposed windows and doors condition. When windows were open residents experienced significant noise disruption. As the condition wouldn't require the windows to be closed until 23:00 hours this could have a potentially very negative impact on residents' amenity.
- A minor change to one of the conditions which would permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment. This could mean that substantial refreshment was not required however this required clarifying.
- Concern was expressed that deliveries and collection of waste could take place at 06:00 hours. It was felt this was too early and would cause noise disturbance to residents, it was therefore suggested this be altered to 07:00 hours.
- Smoking, clarification was requested on what controls would be in place for customers leaving the Premises to smoke.
- Kettners Townhouse would operate as a hotel and this raised concerns over the potential increase in traffic in the area. This would increase pollution and noise levels in the local area.
- Clarification on the plant equipment to be used for Soho House and Kettners Townhouse was requested so as to ensure it did not cause any noise or odour disturbance to local residents.

Mr Brown then raised the following specific concerns on each application:

Soho House:

- Further clarity was requested on what activities would take place on the ground floor of the Premises.
- The capacity of Soho House was a major concern. The Sub-Committee had been advised that the capacity of Soho House would increase but this would be offset by the reduction in capacity at Café Bohème. However, it was queried whether this constituted a like-for-like swap.
- The use of a roof terrace was also a cause for concern and further information was required on how the applicant would contain any noise in this area in order to prevent nuisance.

Kettners Townhouse:

- It was proposed to extend the sale of alcohol by thirty minutes. It was queried why this was considered necessary and Mr Brown was of the opinion that the terminal hour should remain at 01:00 as currently licenced.

Café Boheme:

- It was requested that a condition be imposed on the licence to ensure all doors and windows be kept closed in order to minimise noise disruption to local residents.

Soho Kitchen and Bar:

- It was requested that model condition 57 be added to the licence in order to stop any vertical drinking from occurring.

Ms Beale, representing local resident Mr Peter Cliffe addressed the Sub-Committee. The Sub-Committee noted the close proximity of the residential properties to the development. One of the major areas of concern for residents was the noise from deliveries. Permitting them to take place from 06:00 did impact on residents' amenity and whilst it was acknowledged that Soho was a busy area residents hoped to receive some respite at that hour. It was suggested that waste collections and deliveries for the four Premises be consolidated as much as possible to minimise any noise disturbance to residents. Historically the outside tables and chairs located outside Kettners Townhouse had a been a source of disturbance, not only from customers using them but from members of staffing putting them out and rough sleepers using them during the evening. Ms Tricker confirmed that a table and chairs licence had been applied for at Kettners Townhouse but had not yet been granted. It was planned for the tables and chairs to be in use from 09:00 hours to 23:00 hours for seated customers taking a meal. Following extensive pre-application advice from the Council's Planning Department the chairs would be designed to address the issues raised and would also be brought inside the Premises at the end of the evening. Mr Beale requested reassurance that the Premises would not encourage the use of pedicabs. Ms Tricker confirmed that this would be the case and the Premises would have a taxi service available. In terms of waste collection, the Premises intended to use the service provided by Westminster City Council. Permitting collections from 06:00 had been requested as this was one of the specified time periods when the Council undertook collections in this area.

In response to other questions raised Ms Tricker detailed the sound works that had been undertaken at the four Premises to improve their acoustic integrity. With regards to changes to the conditions to permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment, this had been done deliberately. The slight change to the wording was designed so that the Premises' could provide food without music. The Sub-Committee was reminded that two of the four units were food-led. In terms of smoking Soho House had an external terrace that provided customers with a dedicated, secure place to

smoke and ensured customers didn't spill out onto the street. It had a capacity of seventy people and the doors to it would be closed after 23:00 hours. With regards to deliveries the Premises' constituted a twenty-four operation and the applicant would ensure they were consolidated across all four venues. The 06:00 start had been requested as the Premises' would open for breakfast from 07:30. Finally, the ground floor area at Soho House was a reception area with only background music played. The applicant confirmed that the ground floor could be conditioned if it provided the Sub-Committee with further reassurance of how it would be used.

The Sub-Committee noted that with regards to Kettners Townhouse an additional thirty minutes to permit the sale of alcohol on Sundays to 00:00 had been requested. Ms Tricker confirmed that the applicant would be willing to accept it remaining at 23:30 if the Sub-Committee deemed it necessary. In response to a question from the Sub-Committee it was confirmed that a glass compactor would be in operation at the development. Concern was raised by the Sub-Committee over the outside tables and chairs and how rendering them unusable, or bringing them inside, at a late hour could cause disturbance to residents. Ms Tricker explained that Soho Bar and Kitchen and Café Bohème both currently benefited from a tables and chairs licence. The tables and chairs at Soho Kitchen and Bar were brought in at 23:00 whilst at Café Bohème they were left outside but rendered unusable from 23:00 hours. It was stated that a tables and chairs application had been submitted for Kettners Townhouse and it was proposed to bring them in from 23:00 hours. Soho House had no tables and chairs outside. The applicant stressed the importance of ensuring it was a good neighbour to local residents. To provide reassurance the applicant offered to meet with the residents before the development opened and display how the Premises would operate. The importance of open dialogue between all parties was recognised and as such residents would be provided with a phone number to enable them to contact the management of the Premises if they had any issues.

After careful consideration the Sub-Committee agreed to grant the application subject to various amendments to the conditions. It was recognised that the Premises was located within a Cumulative Impact Area (CIA) however the proposed changes to the operation of the Premises was noted by the Sub-Committee. With the first and second floor operation being changed from a licenced area for public trade to hotel rooms the Sub-Committee was satisfied that this style of operation would reduce cumulative impact in the area. The hotel operation could be expected to produce less noise and disturbance than what was currently permitted and along with the reduction in capacity provided reassurance it would promote the licensing objectives. The Sub-Committee did consider closely the extra thirty minutes requested for the sale of alcohol until 01:30 Monday to Saturday however and was of the opinion that it should remain at 01:00 and 23:30 on Sundays. If it was felt that these terminal hours were appropriate for the operation in a CIA and should be restricted accordingly. Concern was expressed that allowing deliveries to take place from 06:00 was too early and had the potential to cause noise disturbance to residents. As the Premises was food-led however the Sub-Committee felt it was appropriate to restrict deliveries until 07:00 save for bread, dairy and newspapers. No restrictions were placed on the collection of waste as it was noted that waste

collections in the area were already regularly undertaken at 03:00 hours. The applicant's acknowledgement that a bottle compactor would also be used at the Premises was welcomed. Careful consideration had been given to imposing a condition restricting the operation of the outside tables and chairs but on balance the Sub-Committee did not feel this was proportionate. There was no historical evidence of the Premises being a source of any crime and disorder and therefore it was felt it would be unnecessary to impose further restrictions. However, residents were reminded of their ability to make a formal complaint if they did experience any disturbance and the importance of ensuring there was constructive dialogue between all parties was stressed.

Having heard all the evidence, the Sub-Committee was satisfied that the Premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to following amendments to the conditions:

- Condition 10 (vi) be amended to read "Where alcohol shall not be sold or supplied for consumption on the premises, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.";
- Condition 20 be amended to read "Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.";
- Condition 22 be replaced with model condition 12;
- Condition 25 be replaced with model condition 57;
- Condition 30 be amended to read "The number of persons accommodated (excluding staff) at the premises shall not exceed:
Ground floor – Champagne Lounge – 90
Ground floor, Kettners Townhouse Restaurant/Bar – 160";
- Condition 45 be amended to read "The sale of alcohol must be ancillary to the use of the premises for the provision of substantial refreshment or for music and dancing and substantial refreshment at all times.";
- An additional condition be added to the licence to read: "Alcohol sales and consumption between 07:00 to 10:00 Monday to Friday, 08:00 to 10:00 on Saturday and 08:00 to 12:00 on Sunday shall be ancillary to a substantial table meal throughout the entire premises."; **(Now Condition 54)**
- Model condition 14 be added to the licence to read: "All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.";
- An additional condition be added to the licence to read: "No licensable activities shall take place in the upper and lower basement.";
- An additional condition be added to the licence to read "Save for the supply of alcohol in sealed containers the sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in the area appropriately authorised for the use of tables and chairs on the highway."

<p>2.</p>	<p>Performance of Live Music - Indoors</p> <p>Monday to Friday: 07:00 to 01:30 Saturday: 08:00 to 01:30 Sunday: 08:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p>3.</p>	<p>Playing of Recorded Music - Indoors</p> <p>Monday to Friday: 07:00 to 01:30 Saturday: 08:00 to 01:30 Sunday: 08:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
4.	<p>Playing of Recorded Music (Hotel Guests) - Indoors</p> <p>Monday to Sunday: 00:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
5.	<p>Late Night Refreshment – Indoors</p> <p>Monday to Saturday: 23:00 to 01:30 Sunday: 23:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section</p>

	1.
6.	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>Monday to Friday: 07:00 to 01:30 Saturday – 08:00 to 01:30 Sunday: 08:00 to 00:00</p> <p>Seasonal Variations:</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year’s Eve through to the commencement time for those activities on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application for the following hours: 07:00 to 01:00 Monday to Friday, 08:00 to 01:00 on Saturday and 08:00 to 23:30 on Sunday. See reasons for decision in Section 1.</p>
7.	<p>Sale by Retail of Alcohol (Hotel Guests) – On and Off Sales</p> <p>Monday to Sunday 00:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
8.	<p>Hours Premises Are Open to the Public</p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Seasonal Variations:</p>

	<p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00</p> <p>Non-Standard Timings:</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from (1) the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
9.	<p>Opening Time for Restaurant and Bar to Patrons</p> <p>Monday to Friday: 07:00 to 01:30 Saturday: 08:00 to 01:30 Sunday: 08:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p>

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 subparagraph shall be taken to be the price actually given by that subparagraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions Consistent with the Operating Schedule

10. The premises shall only operate as a restaurant *in the area hatched and labelled 'Kettner's restaurant' on the ground floor*

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

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

11. (i) Notwithstanding the condition [10] above alcohol may be supplied and consumed prior to their meal in the bar area (**cross hatched on the plan**), by up to a maximum at any one time, of 14 persons dining at the premises.
- (ii) Notwithstanding condition [10] and 11(i) above alcohol can be supplied and consumed to patrons not seated, who are attending a pre-booked private event where a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

12. The supply of alcohol shall be by waiter or waitress service only in the

Champagne Bar.

13. Alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions. A list of residents shall be kept at reception and available for inspection by the authorities.

14. Each resident shall be permitted no more than four bona fide guests at any one time.

15. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

19. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

20. Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.

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

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

23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the

noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

29. The reception desk on the ground floor shall be staffed at all times the premises are in operation.

30. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Ground floor – Champagne Lounge – 90

Ground floor, Kettners Townhouse Restaurant/Bar – 160

31. The exhibition of film is permitted in the hotel bedrooms and as an ancillary to other licensable activities throughout the premises.

32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952. 42. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as

amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.

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

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting

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

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

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

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

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

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

40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

41. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

42. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

43. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

44. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

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

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

46. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

47. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

48. The licensable activities authorised by this licence can only be carried on at this premises by Soho House UK Ltd.

49. No licensable activities shall take place at the premises until premises licence 16/11756/LIPT (or such other number subsequently issued for the premises) has been surrendered.

50. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

51. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

52. There shall be no direct access to the Champagne Bar by patrons from the street at any time.

53. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

54. Alcohol sales and consumption between 07:00 to 10:00 Monday to Friday, 08:00 to 10:00 on Saturday and 08:00 to 12:00 on Sunday shall be ancillary to a substantial table meal throughout the entire premises.

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

56. No licensable activities shall take place in the upper and lower basement.

57. Save for the supply of alcohol in sealed containers the sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in the area appropriately authorised for the use of tables and chairs on the highway.

6 CAFE BOHEME, BASEMENT AND GROUND FLOOR, 13-17 OLD COMPTON STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and The Soho Society.

Present: Ms Lana Tricker (Solicitor, representing the applicant), Mrs Sumeet Anand-Patel (LT Law), Mr Andrew Purcell (General Manager), Ms Beth Gallagher (Development Manager), Mr Daniel Thompson (Operations Manager), Mr Dave Nevitt (Environmental Health), PC Adam Deweltz (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing residential objectors and The Soho Society) and Ms Christine Beal (representing Mr Peter Cliffe).

**Café Boheme, Basement and Ground Floor, 13-17 Old Compton Street,
London, W1D 5JH
17/09953/LIPV**

1. Layout Alteration

To vary the plans to reflect the changes to the proposed plans as follows:

- a) Reconfiguration of fire exits on ground floor to the left of the plans as a result of refurbishment works to Soho House itself (approved by LFEPA and DS);
- b) Reconfiguration of seating on ground floor (fixed and loose);
- c) Moving of kitchen from ground floor to the basement of the premises;
- d) Reconfiguration of toilets in the basement floor; and
- e) Reconfiguration of back of house/staff areas/office.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Soho House UK Ltd for a variation of a premises licence in respect of Café Boheme, Basement and Ground Floor, 13-17 Old Compton Street, London, W1D 5JH.

With the agreement of all parties present the Sub-Committee decided to hear the applications for Soho House, Soho Kitchen and Bar, Kettners Townhouse and Café Boheme simultaneously as they had all been submitted by Soho House UK Ltd who were the current Premises licence holders for all four Premises.

The Licensing Officer provided an outline of the application to the Sub-Committee. The Sub-Committee was advised of the following amendments to the reports:

- That with regards to the Soho House application the terminal hour for late night refreshment had been reduced to 03:00 and the terminal hour for the sale of alcohol on Sundays had also been reduced to 22:30. This was the existing terminal hour for these activities.
- That with regards to the Soho Kitchen and Bar application the start time for the retail sale of alcohol had been amended to 10:00 Monday to Wednesday.

In response to a request from the Sub-Committee Ms Tricker, representing the applicant, provided an overview of the licensing plans for all four applications. The Sub-Committee noted that the location of all existing entrances would remain unchanged and that all four units would remain separate with no interconnection between them. However, the biggest alteration related to the third floor of Soho House where it was proposed to increase its capacity from 100 to 246 customers. It was submitted that this would be achieved by increasing the floor space of the Premises and redesigning the back-of-house areas.

Ms Tricker highlighted that food would be available at all times at each Premises and alcohol would be supplied by waiter/waitress service. It was stated that the operator was very experienced and knew the Soho area very well. Kettners Townhouse would operate as a hotel so it was in the applicant's interests to ensure the development did not create any disturbance. In terms of the Council's Statement of Licencing Policy ("SLP") all four Premises currently benefited from Premises licences with paragraph 2.4.6 of the policy particularly relevant in dealing with when exceptions to the policy could be granted and the surrendering of an existing licence.

Ms Tricker explained the reasons why the applications would not add to cumulative impact in the area. Overall the capacity for all four Premises was being reduced from 1,463 customers to 1,151 which represented a total reduction of 312 therefore constituting a reduction in cumulative impact. Café Boheme and Kettners Townhouse were both reducing their capacity significantly. The licensable area for Kettners Townhouse was being restricted to just the ground floor only and the basement for Café Boheme, which had a capacity of

100, would not be included in the application. Another significant benefit of the application included removing the provision of off sales from Soho House. The Soho Kitchen and Bar would have no increase in its hours for regulated entertainment or the sale of alcohol and its capacity would remain unchanged. The Soho Kitchen and Bar and Café Bohème applications both applied to exhibit films and Ms Tricker confirmed that there would be no cinema style showing of movies. This provision had been applied for solely as the Premises attracted customers from the media industry.

The Sub-Committee expressed concern that Café Bohème customers would have the ability to purchase alcohol up to 03:30 and then consume it until 05:00. Ms Tricker confirmed that customers were already able to do this as permitted on the current licence, however it was highlighted that Café Bohème would be a food-led establishment. Soho Kitchen and Bar was also food-led, the hours for regulated entertainment and the sale of alcohol would remain unchanged with the only significant difference being the removal of the basement from the application. The applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

With regards to Soho House there was no cinema provision and the exhibition of films had been requested in order to cater for customers from the media and creative industries. It was also proposed to extend the provision of recorded music to 03:00. The sale of alcohol would start at the earlier time of 08:00 Monday to Friday and 10:00 Saturday and Sunday to cater for the breakfast trade and the applicant was content for a condition to be added to the licence requiring the sale of alcohol to be ancillary to taking a table meal.

Ms Tricker explained that the Kettners Townhouse application was requesting a small extension to the terminal hour for the sale of alcohol to 01:30 Monday to Saturday which would be in accordance with the planning permission granted. Off sales of alcohol were restricted to the outside tables and chairs area and enforced through including the relevant model condition on to the licence.

The Sub-Committee noted that Soho House was a members' club which could not be traditionally classified as a bar or restaurant. It had a membership scheme in place which required a prospective member to complete a membership form after having been nominated by two existing members. At a quarterly membership meeting all applications were then reviewed by members. It was noted that the membership of existing members was also reviewed annually. The Premises employed self-regulation to ensure the good conduct of its members. Different styles of membership were available according to the level of annual fee paid.

Ms Tricker described in detail and answered questions in relation to the proposed amendments to the conditions for each application.

PC Deweltz, representing the Metropolitan Police, confirmed that their representation was maintained based on policy grounds. Constructive discussions had been held with the applicant with regards to all four applications and conditions had been agreed. PC Deweltz confirmed that levels of crime and disorder at the Premises was very low. With regards to the Soho Kitchen and Bar

the Police had proposed that two extra conditions be added to the licence. One condition had been agreed with the applicant however agreement had not been reached on the second which related to customers consuming alcohol outside the Premises.

Mr Nevitt, representing Environmental Health (EH), confirmed that the redevelopment of the four Premises constituted a major development work. Having assessed all four applications Mr Nevitt was of the opinion that overall, taken together, the proposals were unlikely to add to cumulative impact in the area. Generally, there had been a broad agreement with the applicant on the proposed conditions and this provided an opportunity to ensure the licences were better regulated. The updated conditions along with the development to the building ensured an improvement to public safety and emergency facilities. Mr Nevitt did highlight an area of concern which remained with regards to the Soho House application. There were external terrace areas which could be a source of nuisance, it was recognised other sites in Soho operated similar terraces but they needed to be conditioned and controlled sufficiently to ensure they did not give rise to potential problems in respect of nuisance. Overall EH was content with the conditions proposed and the practicalities of the operation however the representation was maintained due to the size of the site and in order to allow the Sub-Committee to decide if the applications were appropriate.

Mr Sycamore, representing the Licensing Authority, confirmed that its representations for all four Premises was maintained. Concern was expressed that the hours requested were far in excess of core hours, however if EH and the Police were content that there would be no overall increase in cumulative impact then this could potentially address paragraph 2.4.6 of the SLP. It was noted that taken together there would be a reduction in capacity but concern remained over the increase in capacity at Soho House as it was felt this could still be contrary to paragraph 2.4.6 of the SLP.

Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society and residential objectors, addressed the Sub-Committee. It was stated that the level of disruption experienced by residents due to the on-going building works was detailed. Of particular concern though was the significant disturbance previously encountered by residents when the Premises previously operated. The importance of addressing these problems was stressed as before the development had commenced their concerns had been raised with Soho House but no action had been taken. Concerns had also been expressed over the significant increase in the capacity at Soho House. Residents lived in close proximity to the development and the proposed extension in hours for the sale of alcohol had the potential to be a source of disturbance. What steps the applicant would take to ensure there was no noise disturbance needed clarifying. Mr Brown highlighted that paragraph 2.4.6 and 2.4.7 of the Council's Licensing Policy were both applicable for this application.

Mr Brown highlighted the following general issues which related to all four Premises:

- The commencement time for licensable activities would be earlier. This raised concerns with residents that with the operation of the night tube

people could now potentially drink alcohol in Soho throughout the night and continue into the mornings. This would bring with it an expected increase in foot fall leading to disturbance and crime and disorder.

- Clarification was required on the proposed windows and doors condition. When windows were open residents experienced significant noise disruption. As the condition wouldn't require the windows to be closed until 23:00 hours this could have a potentially very negative impact on residents' amenity.
- A minor change to one of the conditions which would permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment. This could mean that substantial refreshment was not required however this required clarifying.
- Concern was expressed that deliveries and collection of waste could take place at 06:00 hours. It was felt this was too early and would cause noise disturbance to residents, it was therefore suggested this be altered to 07:00 hours.
- Smoking, clarification was requested on what controls would be in place for customers leaving the Premises to smoke.
- Kettners Townhouse would operate as a hotel and this raised concerns over the potential increase in traffic in the area. This would increase pollution and noise levels in the local area.
- Clarification on the plant equipment to be used for Soho House and Kettners Townhouse was requested so as to ensure it did not cause any noise or odour disturbance to local residents.

Mr Brown then raised the following specific concerns on each application:

Soho House:

- Further clarity was requested on what activities would take place on the ground floor of the Premises.
- The capacity of Soho House was a major concern. The Sub-Committee had been advised that the capacity of Soho House would increase but this would be offset by the reduction in capacity at Café Bohème. However, it was queried whether this constituted a like-for-like swap.
- The use of a roof terrace was also a cause for concern and further information was required on how the applicant would contain any noise in this area in order to prevent nuisance.

Kettners Townhouse:

- It was proposed to extend the sale of alcohol by thirty minutes. It was queried why this was considered necessary and Mr Brown was of the opinion that the terminal hour should remain at 01:00 as currently licenced.

Café Bohème:

- It was requested that a condition be imposed on the licence to ensure all doors and windows be kept closed in order to minimise noise disruption to

local residents.

Soho Kitchen and Bar:

- It was requested that model condition 57 be added to the licence in order to stop any vertical drinking from occurring.

Ms Beale, representing local resident Mr Peter Cliffe addressed the Sub-Committee. The Sub-Committee noted the close proximity of the residential properties to the development. One of the major areas of concern for residents was the noise from deliveries. Permitting them to take place from 06:00 did impact on residents' amenity and whilst it was acknowledged that Soho was a busy area residents hoped to receive some respite at that hour. It was suggested that waste collections and deliveries for the four Premises be consolidated as much as possible to minimise any noise disturbance to residents. Historically the outside tables and chairs located outside Kettners Townhouse had a been a source of disturbance, not only from customers using them but from members of staffing putting them out and rough sleepers using them during the evening. Ms Tricker confirmed that a table and chairs licence had been applied for at Kettners Townhouse but had not yet been granted. It was planned for the tables and chairs to be in use from 09:00 hours to 23:00 hours for seated customers taking a meal. Following extensive pre-application advice from the Council's planning department the chairs would be designed to address the issues raised and would also be brought inside the Premises at the end of the evening. Mr Beale requested reassurance that the Premises would not encourage the use of pedicabs. Ms Tricker confirmed that this would be the case and the Premises would have a taxi service available. In terms of waste collection, the Premises intended to use the service provided by Westminster City Council. Permitting collections from 06:00 had been requested as this was one of the specified time periods when the Council undertook collections in this area.

In response to other questions raised Ms Tricker detailed the sound works that had been undertaken at the four Premises to improve their acoustic integrity. With regards to changes to the conditions to permit the sale of alcohol ancillary to music and dancing and/or substantial refreshment, this had been done deliberately. The slight change to the wording was designed so that the Premises' could provide food without music. The Sub-Committee was reminded that two of the four units were food-led. In terms of smoking Soho House had an external terrace that provided customers with a dedicated, secure place to smoke and ensured customers didn't spill out onto the street. It had a capacity of seventy people and the doors to it would be closed after 23:00 hours. With regards to deliveries the Premises' constituted a twenty-four operation and the applicant would ensure they were consolidated across all four venues. The 06:00 start had been requested as the Premises' would open for breakfast from 07:30. Finally, the ground floor area at Soho House was a reception area with only background music played. The applicant confirmed that the ground floor could be conditioned if it provided the Sub-Committee with further reassurance of how it would be used.

The Sub-Committee noted that with regards to Kettners Townhouse an additional thirty minutes to permit the sale of alcohol on Sundays to 00:00 had

been requested. Ms Tricker confirmed that the applicant would be willing to accept it remaining at 23:30 if the Sub-Committee deemed it necessary. In response to a question from the Sub-Committee it was confirmed that a glass compactor would be in operation at the development. Concern was raised by the Sub-Committee over the outside tables and chairs and how rendering them unusable, or bringing them inside, at a late hour could cause disturbance to residents. Ms Tricker explained that Soho Bar and Kitchen and Café Bohème both currently benefited from a tables and chairs licence. The tables and chairs at Soho Kitchen and Bar were brought in at 23:00 whilst at Café Bohème they were left outside but rendered unusable from 23:00 hours. It was stated that a tables and chairs application had been submitted for Kettners Townhouse and it was proposed to bring them in from 23:00 hours. Soho House had no tables and chairs outside. The applicant stressed the importance of ensuring it was a good neighbour to local residents. To provide reassurance the applicant offered to meet with the residents before the development opened and display how the Premises would operate. The importance of open dialogue between all parties was recognised and as such residents would be provided with a phone number to enable them to contact the management of the Premises if they had any issues.

After careful consideration the Sub-Committee agreed to grant the application subject to various amendments to the conditions. It was recognised that the Premises was located within a CIA however the Sub-Committee also noted that it currently benefited from a premises licence. The was considered important as the application did not intend to vary the current hours permitting the sale of alcohol or regulated entertainment. It was noted the proposed change in layout would remove the basement area from the application and this would have the effect of lowering the capacity of the venue by 100 persons which the Sub-Committee felt would actually reduce the Premises cumulative impact on the local area. The Sub-Committee did recognise however that the sale of alcohol was permitted until 03:00 hours Monday to Saturday whilst the Premises could remain open until 05:00 hours. Concern was raised that this would allow customers to consume alcohol until 05:00 and therefore the Sub-Committee added a condition to the licence requiring all alcohol consumed on the premises to cease by 03:30 hours. This would provide customers with thirty minutes to finish their drinks and reduce the potential for nuisance and disorder to occur. The Sub-Committee also noted the extensive refurbishment of the Premises which included improving its acoustic integrity and this provided reassurance that the application would help reduce noise disturbance previously experienced by local residents. Concern was expressed that allowing deliveries to take place from 06:00 was too early and had the potential to cause noise disturbance to residents. As the Premises was food-led however the Sub-Committee felt it was appropriate to restrict deliveries until 07:00 save for bread, dairy and newspapers. The Sub-Committee was of the opinion that the amendments to the proposed conditions would ensure the Premises promoted the licensing objectives. No restrictions were placed on the collection of waste as it was noted that waste collections in the area were already regularly undertaken at 03:00 hours. The applicant's acknowledgement that a bottle compactor would also be used at the Premises was welcomed.

Having heard all the evidence, the Sub-Committee was satisfied that the

Premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to following amendments to the conditions:

- Condition 10 be removed from the licence;
- Condition 11 be removed from the licence;
- Condition 12 be removed from the licence;
- Condition 13 be replaced with model condition 03; **(Now condition 10)**
- Condition 14 to be replaced with the following condition: “The number of persons accommodated (excluding staff) shall not exceed the following: Ground Floor – 125”; **(Now condition 11)**
- Condition 15 be removed from the licence;
- Condition 16 be replaced with model condition 41; **(Now condition 12)**
- Condition 17 be removed from the licence;
- Condition 18 be removed from the licence;
- Condition 20 be replaced with model condition 01; **(Now condition 14)**
- Condition 21 be replaced with model condition 02; **(Now condition 15)**
- Condition 37 be amended to read “Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.”; **(Now condition 31)**
- Condition 41 be amended to read “The sale of alcohol must be ancillary to the use of the premises for the provision of substantial refreshment or for music and dancing and substantial refreshment at all times.”; **(Now condition 35)**
- Model condition 44 be added to the licence; **(Now condition 42)**
- Model condition 21 be added to the licence; **(Now condition 43)**
- Model condition 23 be added to the licence; **(Now condition 44)**
- Model condition 42 be added to the licence; **(Now condition 45)**
- Model condition 93 be added to the licence to read: “The consumption of alcohol on the premises shall cease at 03:30 hours.” **(Now condition 46)**

2. Conditions Being Removed

Current:	Proposed:
<p>Condition 10</p> <p>This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p>	<p>To be deleted</p>
<p>Condition 11</p> <p>On New Year's Eve the premises can</p>	<p>To be deleted.</p>

<p>remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p>	
<p>Condition 12</p> <p>Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 5am on the day following.</p>	<p>To be deleted.</p>
<p>Condition 17</p> <p>17. (i) Monday to Saturday</p> <p>(a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p>	<p>To be deleted.</p>

- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

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

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

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

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

(ii) Sundays

Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means:

(a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.

(b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.

(c) On New Year's Eve on a Sunday, 12.00 to 22.30.

	<p>(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).</p> <p>(iii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(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;</p> <p>(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;</p> <p>(d) the sale or supply of alcohol to</p>	
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	<p>or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(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;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(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;</p> <p>(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.</p> <p>In this condition, any reference to a person residing in the premises shall</p>	
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<p>be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p>Condition 18</p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p>	<p>To be deleted.</p>
<p>Condition Being Varied</p>	
<p>Condition 14</p> <p>The number of persons accommodated (excluding staff) shall not exceed the following:</p> <p>Basement - 100 Ground Floor - 125.</p>	<p>Proposed Variation</p> <p>The number of persons accommodated (excluding staff) shall not exceed the following:</p> <p>Ground Floor - 125</p>
<p>Conditions Being Added</p>	
<p>Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days' prior notice being given to the Licensing Authority where consent has not previously been given:</p> <ul style="list-style-type: none"> • dry ice and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • firearms • lasers • explosives and highly flammable substances. • real flame. • strobe lighting 	<p>To be added.</p>
<p>No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is</p>	<p>To be added.</p>

<p>intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.</p>	
<p>The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.</p>	<p>To be added.</p>
<p>The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans.</p>	<p>To be added.</p>
<p>All emergency doors shall be available at all material times without the use of a key, code, card or similar means.</p>	<p>To be added.</p>
<p>All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.</p>	<p>To be added.</p>
<p>The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.</p>	<p>To be added.</p>
<p>Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.</p>	<p>To be added.</p>
<p>All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be</p>	<p>To be added.</p>

<p>durably or inherently flameretarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.</p>	
<p>Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.</p>	<p>To be added.</p>
<p>The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.</p>	<p>To be added.</p>
<p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>	<p>To be added.</p>
<p>A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.</p>	<p>To be added.</p>
<p>There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.</p>	<p>To be added.</p>
<p>No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day.</p>	<p>To be added.</p>
<p>All deliveries shall take place on Old Compton Street and Greek Street only.</p>	<p>To be added.</p>

<p>No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 06:00 hours or as in compliance with Westminster City Council's own waste contractor collection hours.</p>	<p>To be added.</p>
<p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities/and or closing hour for the premises ends after 01:00.</p>	<p>To be added.</p>
<p>The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment at all times.</p>	<p>To be added.</p>
<p>The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.</p>	<p>To be added.</p>
<p>Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEP, Environmental Health Consultation Team, the Police and the Licensing Authority.</p>	<p>To be added.</p>
<p>A noise limiter must be fitted to the musical amplification system set at a level determined by and to the</p>	<p>To be added.</p>

	<p>satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limited shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.</p>	
	<p>All windows and external doors shall be kept closed after 23:00 hours or at any time when regulated entertainment takes place, or except for the immediate access and egress of persons or in case of an emergency.</p>	<p>To be added.</p>
	<p>No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>	<p>To be added.</p>
	<p>A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.</p>	<p>To be added.</p>
	<p>Amendments to application advised at hearing: None.</p>	

	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence

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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions Consistent with the Operating Schedule

10. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

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

Ground Floor - 125

12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

13. There shall be no persons under the age of 18 years on the premises after 21.30.

14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

16. An incident log shall be kept at the premises and made available upon request to an authorised Officer of the Council or the Police, which will record the following: -

- a) All crimes reported to the venue;
- b) All ejections of patrons;
- c) Any complaints received regarding crime and disorder;
- d) Any incidents of disorder;
- e) Seizure of drugs or weapons;
- f) Any faults in the CCTV system;
- g) Any refusal of the sale of alcohol;
- h) Any visit by a relevant authority or Emergency Service.

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

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame
- strobe lighting

18. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

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

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

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

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

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

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

25. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

27. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

28. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

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

31. Save for bread, dairy and newspaper products no deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.

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

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

34. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities/and or closing hour for the premises ends after 01:00.

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

36. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.

37. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

38. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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

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

41. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.

42. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

43. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

44. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

45. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

46. The consumption of alcohol on the premises shall cease at 03:30 hours.

7 LIBERTY, 25 GREAT MARLBOROUGH STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman) and Councillor Susie Burbridge

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Nick Nelson

Relevant Representations: The Licensing Authority, The Metropolitan Police and The Soho Society.

Present: Mr Heath Thomas (Solicitor, representing the Applicant), Mr Robert Rodriguez (Designated Premises Supervisor), Ms Johane Fleurantin (General Manager), Mr David Sycamore (Licensing Authority), PC Adam Deweltz (Metropolitan Police) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing residential objectors).

Liberty, 25 Great Marlborough Street, London, W1F 7HH 17/10271/LIPV			
1. Condition Being Varied	<table border="1"> <tr> <td> <p>Current:</p> <p>Condition 11</p> <p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. be ancillary to a substantial table meal</p> </td> <td> <p>Proposed:</p> <p>Condition 11</p> <p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.</p> </td> </tr> </table>	<p>Current:</p> <p>Condition 11</p> <p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. be ancillary to a substantial table meal</p>	<p>Proposed:</p> <p>Condition 11</p> <p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.</p>
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<p>Amendments to application advised at hearing:</p> <p>The applicant advised that following discussions with the responsible authorities' it was proposed to amend condition 11 to read:</p> <p>The supply of alcohol for consumption on the premises within the Heritage Suite on the third floor shall be:</p>			

- i) By waiter service only; and
- ii) Be ancillary to a substantial table meal.

Also, a new condition would be added to the licence to read:

The supply of alcohol for consumption on the premises within Café Liberty on the second floor shall be:

- i) By waiter services only;
- ii) Save for no more than 20 persons who may consume alcohol without taking a substantial table meal, all other supplies of alcohol to be ancillary to a table meal; and

Save for condition 10 above, the sale of alcohol within Café Liberty shall not be permitted beyond 20:00 hours.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Liberty Retail Ltd for a variation of a premises licence in respect of Liberty, 25 Great Marlborough Street, London, W1F 7HH.

The Licensing Officer provided an outline of the application to the Sub-Committee.

In response to a question from the Sub-Committee, Mr Thomas representing the Applicant, confirmed that there would be no changes to the Heritage Suite on the third floor and the application only related to Café Liberty located on the second floor. Liberty was a world famous department store which had been licenced for a number of years. The cafe had a limited alcohol menu, it was not a bar or alcohol-led establishment and no vertical drinking was permitted. The café contained a bar area which people could dine at along with a mixture of booths and fixed seating. Historically, Café Liberty did have the ability to provide alcohol which was not ancillary to food as long as substantial refreshment was available. This changed when a variation application was submitted in 2016 which made the provision of alcohol ancillary to food. The Premises was not a source of public nuisance or crime and disorder and the representations received all related to policy considerations.

Mr Howard informed the Sub-Committee that an agreement had been reached between the applicant and the responsible authorities on the variation to condition 11 and the addition of a new condition to the licence. The proposed variation to condition 11 would now read:

“The supply of alcohol for consumption on the premises within the Heritage Suite on the third floor shall be:

- iii) By waiter service only; and
- iv) Be ancillary to a substantial table meal.”

The proposed new condition would read:

“The supply of alcohol for consumption on the premises within Café Liberty on the second floor shall be:

- iii) By waiter services only;
- iv) Save for no more than 20 persons who may consume alcohol without taking a substantial table meal, all other supplies of alcohol to be ancillary to a table meal; and
- v) Save for condition 10 above, the sale of alcohol within Café Liberty shall not be permitted beyond 20:00 hours.”

Mr Thomas explained to the Sub-Committee that the application could be considered an exception to the Council’s Licensing Policy. Restricting the terminal hour for the sale of alcohol to 20:00 was acknowledged under paragraph 2.4.2 of the policy as making the application an exception to policy. The reduced hours were also looked favourably on under paragraph 2.4.7. Finally, paragraph 2.4.21 of the policy specifically stated that establishments which prohibited on sales of alcohol after 20:00 and were appropriately conditioned were unlikely to add to cumulative impact. For all these reasons the application before the Sub-Committee could be considered an exception to policy.

In response to a question from the Sub-Committee Mr Howard confirmed that the twenty people which would be permitted to consume alcohol without taking a substantial meal could be located at both the bar area and within the booths. Both areas would be closely monitored by members of staff.

PC Deweltz, representing the Metropolitan Police, confirmed that its representation was maintained as the Premises was located within a Cumulative Impact Area (CIA). The Premises was not a source of crime and disorder and if the Sub-Committee was minded to grant the application all the proposed conditions had been agreed with the Applicant. The proposed reduction in hours to 20:00 was noted and welcomed.

Mr Sycamore, representing the Licensing Authority, explained that constructive discussions had taken place with the Applicant. The new proposed terminal hour for the sale of alcohol of 20:00 was noted and this addressed most of the concerns which had been raised.

Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society, confirmed that their objection was based on policy grounds. If the Sub-Committee deemed that the application fell within the policy now the terminal hour had been reduced to 20:00 then their objection would not be maintained. Concern was raised however that whilst the sale of alcohol would be restricted to 20:00 the consumption of it could continue until 23:00. Mr Thomas confirmed that the condition could be altered to ensure all consumption of alcohol at Café Liberty ceased by 20:30. The Sub-Committee noted however that Cafe Liberty did close at 20:00.

In response to a query from the Council’s Policy Adviser Mr Thomas confirmed that the new proposed condition should read “save for condition 10 (c)” to allow the supply of alcohol to members of the public attending a pre-arranged event by

ticket or prior invitation.

In summary Mr Thomas explained that the application could be considered an exception to policy as it historically had sold alcohol to customers not taking a substantial meal for which there were no complaints or any evidence it added to cumulative impact. Also, due to the restricted terminal hour of 20:00 paragraphs 2.4.20, 2.4.21, and 2.4.22 of the City Council's Statement of Licensing Policy ("SLP") all recognised that this type of application would not add to cumulative impact.

After careful consideration the Sub-Committee agreed to grant the application. The Sub-Committee considered that the proposed new condition relating to Café Liberty, which included the amendment to prohibit the sale of alcohol after 20:00 hours, was very significant as this allowed the application to be regarded as an exception to policy as laid out in paragraphs 2.4.20, 2.4.21 and 2.4.22 of the SLP. The Sub-Committee welcomed this restriction but to provide further reassurance that the Premises would not add to cumulative impact the Sub-Committee altered the proposed new condition slightly to ensure no consumption of alcohol could take place in the Café after 20:30 hours. It was recognised that the Café closed at 20:00 however it was considered that this further restriction was proportionate and appropriate. The conditions as agreed with all the Responsible Authorities were considered appropriate and proportionate and would ensure that the licensing objectives were upheld and promoted.

Having heard all the evidence, the Sub-Committee was satisfied that the Premises would not add to cumulative impact in the area and would uphold and promote the licensing objectives. As such it was agreed to grant the application accordingly.

In order to update the licence accordingly, the following conditions were amended as such:

- Condition 11 be amended to read "The supply of alcohol for consumption on the premises within the Heritage Suite on the third floor shall be:
 - v) By waiter service only; and
 - vi) li) Be ancillary to a substantial table meal."

- A new condition (**Now Condition 12**) be added to the licence to read "The supply of alcohol for consumption on the premises within Café Liberty on the second floor shall be:
 - i) By waiter services only;
 - ii) Save for no more than 20 persons who may consume alcohol without taking a substantial table meal, all other supplies of alcohol shall be ancillary to a table meal;
 - iii) Save for the sale and supply of alcohol under condition 10 (c) above, the sale of alcohol within Café Liberty shall not be permitted beyond 20:00 hours; and
 - iv) Consumption of alcohol within Café Liberty shall cease at 20:30 hours."

Conditions attached to the Licence

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 subparagraph 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.

Conditions Consistent with the Operating Schedule

9. The sale of alcohol shall be ancillary to the premises remaining a Departmental Store.

10. The sale and supply of alcohol to members of the public shall be restricted to:

(a) for consumption "On" the premises within: -

- (i) The Margareth Dabbs Spa on the Lower Ground Floor,
- (ii) Café Liberty on the Second Floor and
- (iii) The Heritage Suite on the Third Floor

(b) When persons are attending 'tastings' by ticket or invitation, alcohol may be sold or supplied for consumption 'On' the premises within: -

- (i) The Carnaby Room on the Ground Floor;
- (ii) The West Atrium and West Atrium Annex on the Third Floor;
- (iii) The Central Atrium and East Atrium on the Fourth Floor.

(c) Persons attending a pre-arranged event by ticket or prior invitation (in the entirety of) the Lower Ground Floor, Ground Floor, First Floor, Second Floor,

Third Floor and Fourth Floor subject to the capacity not exceeding 500 persons (excluding staff).

(d) For consumption "Off" the premises anywhere within the Lower Ground Floor to 4th Floor.

11. The supply of alcohol for consumption on the premises within the Heritage Suite on the third floor shall be:

- i) By waiter service only; and
- ii) Be ancillary to a substantial table meal.

12. The supply of alcohol for consumption on the premises within Café Liberty on the second floor shall be:

- i) By waiter services only;
- ii) Save for no more than 20 persons who may consume alcohol without taking a substantial table meal, all other supplies of alcohol shall be ancillary to a table meal;
- iii) Save for the sale and supply of alcohol under condition 10 (c) above, the sale of alcohol within Café Liberty shall not be permitted beyond 20:00 hours; and
- iv) Consumption of alcohol within Café Liberty shall cease at 20:30 hours.

13. Substantial food and non-intoxicating beverages, including drinking water, shall be available at the Café Liberty on the Second Floor and The Heritage Suite on the Third Floor where alcohol is sold or supplied for consumption "On" the premises.

14. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption "On" the premises.

15. No more than 10% of the sales area is to be used at any one time for the sale or display of alcohol for consumption "Off" the premises.

16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

17. All sales of alcohol for consumption "Off" the premises shall be in sealed containers only, and shall not be consumed on the premises.

18. Alcohol may only be sold for consumption in the Margaret Dabbs Spa on the Lower Ground Floor to customers having booked and receiving a treatment.

19. No drinks shall be served in glass containers at any time in the Margaret Dabbs Spa on the Lower Ground Floor.

20. When licensable activities are carried out at pre-arranged events throughout the Lower Ground Floor, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor of the premises, the maximum number of persons accommodated at any one time shall not exceed 500 persons (excluding staff). Attendance at these events to be by pre-booked ticket or invitation only.

21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 31-day period.

22. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

24. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

25. No regulated entertainment shall take place in the entrance areas on the ground floor.

26. All windows and external doors on the ground floor shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

27. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

28. Save for members of staff, all persons shall depart from the premises by 23:30 hours Monday to Saturday and 22:30 hours on Sundays.

29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

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

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

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

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

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

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

37. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) all crimes reported to the venue,
- b) all ejections of patrons,
- c) any complaints received concerning crime and disorder,
- d) any incidents of disorder
- e) any faults in the CCTV system,
- f) any refusal of the sale of alcohol, and
- g) any visit by a relevant authority or emergency service.

38. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8 KARAOKE BOX, 12-14 MADDOX STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 9th November 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, The Metropolitan Police and the Licensing Authority.

Present: Mr Philip Kolvin QC (Representing the Applicant), Mr Philip Doyle (Solicitor, representing the Applicant), Mr Nobuaki Moriyama (Owner/Designated Premises Supervisor), Mr Adrian Studd (Independent Licensing Consultant, representing the Applicant), PC Adam Deweltz (The Metropolitan Police). Mr Dave Nevitt (Environmental Health) and Mr David Sycamore (The Licensing Authority).

Karaoke Box, 12-14 Maddox Street, London, W1S 1PH (“The Premises”) 17/08548/LIPN	
1.	Late Night Refreshment - Indoors Monday: 23:00 to 23:30 Tuesday to Wednesday: 23:00 to 01:30 Thursday to Saturday: 23:00 to 04:30 Sunday: 23:00 to 23:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Karaoke Box Limited for a new premises licence in respect of 12-14 Maddox Street, London, W1S 1PH. The Licensing Officer provided an outline of the application to the Sub-Committee. In response to a question from the Sub-Committee Mr Kolvin QC, representing the applicant, clarified that the hours permitting the sale of alcohol on Tuesdays and Wednesdays would remain as permitted on the current licence. Mr Kolvin recognised that the hours requested were extensive and the Applicant had to show that granting the application would not add to cumulative impact. The Premises had previously applied to extend its hours which had been rejected and following this the Applicant had now reconsidered the application. Fifteen conditions would be added to the licence to ensure there was sufficient controls and restrictions in place at the Premises to prevent any public nuisance from being caused by clients entering and leaving the Premises. The proposed conditions would make the application an exception to policy and went far beyond what had been offered in the previous application. Mr Kolvin explained the reasons why the new application before the Sub-Committee would not add to cumulative impact in the area and would make it an exception to policy: <ul style="list-style-type: none"> • The operator was a very experienced karaoke operator who had been running the Premises since 2011. Before the applicant had taken over the Premises it had been a drink-led establishment but the applicant had transformed it into a comfortable karaoke bar operation. The

establishment had a small bar area and several karaoke booths and was located in a very discrete basement area which did not attract walk-in customers. The style of the venue ensured it was not alcohol-led, customers attended to participate in karaoke with alcohol only forming part of the experience. To provide further reassurance a condition had been proposed which would require the provision of alcohol to be ancillary to the use of the Premises as a karaoke bar. The establishment was not a busy, crowded bar but would attract small groups who would be shown to a booth by a member of staff. All drinks would be supplied to customers seated by waiter/waitress service. Mr Kolvin suggested that paragraph 2.4.16 of the City Council's Statement of Licensing Policy was relevant as it looked favourably upon premises such as this which reduced vertical drinking.

- A karaoke bar was a niche activity which attracted repeat customers who had a proven track record of good behaviour. The typical customer was aged between 20 to 50 and made up equally of males and females.
- The application would have no impact on the local area. The Police had stated that the Premises did not create any crime or disorder and all the representations made were based on policy grounds.
- The hours requested had already been successfully tested. The Premises had operated thirty-six Temporary Event Notices (TENs) previously which had created no disturbance or disorder. An Independent Licensing Consultant had inspected the Premises during the operation of one of these TENs and had reported no concerns, this was reinforced through the fact that no resident representations had been received.
- There was to be no increase in the Premises capacity. On Sunday and Monday, the ability to provide karaoke would be reduced by five hours which would partially offset the increase in hours on Thursdays, Fridays and Saturdays. It was recognised that Sundays were considered different in the SLP and subsequently no alteration to the hours on the existing licence was proposed on this day.
- The style of operation partitioned the customers into booths which with the heavily conditioned licence ensured the Premises effectiveness in controlling any potential impact it could have.
- Dispersal was controlled through a staggered departure process which was set out in the conditions. Any booking of the karaoke booths after 00:00 hours would be required to be booked at least four hours in advance with a last entry time of 02:30. The Sub-Committee was advised that if customers booked a booth at these later hours they would have to agree to leave the Premises by taxi or they would be refused entry. New controls over the exterior area would be enforced including ensuring an SIA door supervisor was employed after midnight on any evening when the Premises operated beyond 01:00. The SIA staff member would ensure customers leaving the Premises stayed inside the lobby area whilst they waited for their taxi to arrive. If the Sub-Committee was minded to grant the application the Applicant was willing to employ a second SIA, one to operate inside the venue and a second to be in attendance outside of the Premises. This staged exit procedure, including ensuring a staggered dispersal of the booths, would provide reassurance that the Premises would not create any disturbance or impact in the local

area giving rise to nuisance.

Mr Kolvin QC suggested that if the application was granted it would not set a precedent. This was due to the unique style of operation in place, the layout of the Premises and the fact any sales of alcohol would be ancillary to karaoke. Attention was drawn to the CCTV condition which had been proposed by the applicant who was willing to adapt this to the Council's model CCTV condition. It was acknowledged that the hours requested were significant however if the Sub-Committee was minded to grant the application the Applicant would accept a slight reduction if the Sub-Committee deemed it appropriate. Therefore, on the basis of all the evidence before it the Sub-Committee was requested to grant the application as it would not add to cumulative impact in the area.

The Sub-Committee recognised that the Council's Licensing Policy, MD2, expressed concern over new applications for music and dance venues located within a Cumulative Impact Area (CIA). In response Mr Kolvin QC confirmed that the Premises would be classified as a music and dance venue. However, this application's style of operation ensured that the music played was very cellular in nature which made it easier to consider it as an exception to policy.

PC Deweltz, confirmed that the Metropolitan Police's representation was maintained as the application was contrary to the SLP Conditions had been agreed with the Applicant and in terms of crime and disorder the Premises was of no concern.

Mr Nevitt, representing Environmental Health (EH), confirmed that the Premises was well-managed and there had been no record of it causing any complaints or concerns. Numerous TENs had been operated at the venue successfully and the venue had good acoustic integrity. The Premises was not a drink-led operation and the clientele mainly constituted of repeat customers with sales of alcohol ancillary to karaoke. Mr Nevitt explained that karaoke bars were generally not associated with causing any disturbance. This Premises was relatively small and had a system in place to help with the dispersal of the small groups who had booked the booths. The conditions proposed by the Applicant were considered appropriate and proportionate and the application was far more robust than the previous application submitted. The Sub-Committee noted that several residential properties were situated on Maddox Street however no residential representations had been received and therefore it's impact could be viewed as minimal. The areas of concern for EH centered on the hours requested and how what was proposed could be interpreted as being contrary to the SLP.

Mr Sycamore, representing the Licensing Authority, confirmed that it's representation was maintained as the proposal was contrary to the Council's Licensing Policy MD2. It was submitted that constructive discussions had been held with the Applicant and the conditions proposed did highlight that the Applicant was attempting to alleviate any concerns raised. The conditions requiring advance booking, implementing a last entry time and employing two SIA staff were acknowledged as being particularly useful. However, a query was raised regarding how staff would enforce customers leaving the Premises to take a taxi when departing? Overall the representation was policy based and the

Sub-Committee had to decide if the conditions proposed by the Applicant addressed all the concerns raised and made it an exception to policy.

The Sub-Committee was interested to learn why customers wanting to book a booth after 00:00 would have to do this four hours in advance and not twenty-four hours? Mr Kolvin explained that the condition was designed to prevent people from leaving an alcohol-led establishment in the CIA and then entering the Premises to continue drinking.

The Council's Policy Adviser requested clarification on whether it was conditioned that the provision of alcohol would be by waiter/waitress service. After assessing the proposed conditions Mr Kolvin QC clarified that this had been omitted by mistake and proposed condition 13 could be amended to ensure this would be the case. The Council's Adviser also explained that several of the proposed conditions could be replaced with the Council's model conditions. Mr Kolvin confirmed that the applicant was happy for these to be altered accordingly. With regards to the employment of a second SIA Mr Kolvin QC explained that instead of an SIA this could be altered to state a designated member of staff. Finally, the Sub-Committee noted that on Friday, Saturday and Sunday the sale of alcohol would stop one hour before the Premises closed. Mr Kolvin QC confirmed that this was the case and it was intended for customers to finish their drinks during this time period.

The Sub-Committee carefully considered the application and had regard to the Council's Licensing Policy MD2 which stated that music and dance venues located within a CIA should only be granted in exceptional circumstances. Regard was also given to the fact that the application was seeking to permit the sale of alcohol for hours in excess of those prescribed in the core hours' policy. The Sub-Committee had taken into account all the evidence provided before it and had heavily scrutinised whether the application could be considered an exception to policy. All responsible authorities had stated that the Premises was a well-run operation with no record of any instances of crime or nuisance emanating from the Premises including when it was operating under recent TENs. It was located in a basement, was very discrete in nature and would not seek to attract passing trade from the street. The conditions proposed and agreed between the Applicant and the Responsible Authorities were also considered appropriate and proportionate and ensured there was a high degree of control in place to manage customers and ensure their dispersal would not impact on the local area. This evidence all provided reassurance to the Sub-Committee that the Premises would uphold and promote the licensing objectives.

The Sub-Committee next had to consider if the premises could be considered an exception to policy. The Sub-Committee noted the unique nature of the operation as a karaoke bar, it was not an alcohol-led Premises and it catered for a niche market with a regular clientele. Therefore, due to the nature of the Premises and the way it operated the Sub-Committee was of the opinion that the application could be granted subject to the conditions imposed. All the evidence provided confirmed that the Premises was an exceptional circumstance and could be considered as an exception to policy. Of particular importance to the Sub-Committee was the fact that the Premises could only sell alcohol ancillary to

	<p>the Premises operating as a karaoke bar. The Sub-Committee therefore was confident that the Premises would promote the licensing objectives and as such it was agreed to grant the application accordingly.</p> <p>The Sub-Committee deliberated on the proposed hours permitting the sale of alcohol and considered them appropriate due to the nature of the operation and the controls in place at the Premises. This included the small capacity and the staggered dispersal of customers to ensure no disruption was caused in the local area. The Sub-Committee also acknowledged that customers would have to pre-book to use a karaoke booth which would prevent customers from walking in off the street. However, to provide further reassurance the Sub-Committee agreed to extend the pre-booking period for booths after 00:00 to twenty-four hours in order to ensure there were even more extensive controls in place on the licence to prevent any disturbance so that the public nuisance licensing objective was promoted. The Sub-Committee also agreed to implement the Applicant’s suggestion that one SIA and one designated member of staff be on duty after midnight on any night that the venue operated beyond 01:00 hours on Thursday, Fridays and Saturdays.</p> <p>In order to update the licence, the following conditions were amended as such:</p> <ul style="list-style-type: none"> • Proposed condition 13 be amended to read “The provision of food and alcohol shall be by waiter/waitress service only.” • Proposed condition 21 to be replaced by Model Condition 44. • Proposed condition 43 be amended to read “The provision of Late Night Refreshment and the Sale of Alcohol shall only be provided as ancillary to the use of the premises for karaoke”. • Proposed conditions 44 and 45 to be replaced with Model Conditions 01 and 02. • Proposed conditions 49 and 50 to be deleted. • Proposed condition 53 be amended to read “An SIA door supervisor and an additional dedicated member of staff will be employed from 12 midnight until the terminal hour on Thursdays, Fridays and Saturdays when the premises operate beyond 01:00.” (Now Condition 51) • Proposed condition 61 be amended to read “All clients booking karaoke rooms commencing after 00:00 will be required to book at least twenty-four hours in advance.” (Now Condition 59)
<p>2.</p>	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday: 10:00 to 23:00 Tuesday to Wednesday: 10:00 to 01:00 Thursday to Saturday: 10:00 to 04:00 Sunday: 10:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	<p>Films - Indoors</p> <p>Monday: 10:00 to 23:30 Tuesday to Wednesday: 10:00 to 01:30 Thursday to Saturday: 10:00 to 04:30 Sunday: 10:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
4.	<p>Recorded Music - Indoors</p> <p>Monday: 10:00 to 23:30 Tuesday to Wednesday: 10:00 to 01:30 Thursday to Saturday: 10:00 to 04:30 Sunday: 10:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
5.	<p>Anything of a Similar Description to live Music or Recorded Music</p> <p>Monday: 10:00 to 23:30 Tuesday to Wednesday: 10:00 to 01:30 Thursday to Saturday: 10:00 to 04:30 Sunday: 10:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

	The Sub-Committee granted the application (see reasons for decision in Section 1).
6.	Hours Premises Are Open to the Public Monday: 10:00 to 00:00 Tuesday to Wednesday: 10:00 to 02:00 Thursday to Saturday: 10:00 to 05:00 Sunday: 10:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or</p>

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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the

film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. 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 Consistent with the Operating Schedule

11. Persons under the age of 16 shall not be present on the premises from 21:00 hours.

12. Films shall be background to other entertainment and as part of karaoke in private karaoke rooms.

13. The provision of food and alcohol shall be by waiter/waitress service only.

14. Every bottle of wine, spirits or champagne ordered by a customer shall be signed for by the customer on a form that clearly states the price of the bottle.

15. Customers shall be informed as soon as their bill reaches £200 and customers should sign at this point to confirm their agreement. This shall be repeated as the bill reaches £400, £600 and so on.

16. A full itemised list of all purchases made shall be presented on request and in any event when the bill reaches £200 or more. Customers' authorisation of all final bills over £200 shall be recorded on CCTV. (These figures may be adjusted by agreement with the Metropolitan Police and or Licensing Authority to take account of inflation).

17. The sale by retail of alcohol and the provision of regulated entertainment (as listed above) are to be permitted from 10:00 on 31 December until the beginning of permitted hours on the following day.

18. Late Night Refreshment are to be permitted from 23:00 on 31 December until 05:00 the following day.

19. A manager shall be present during operating hours.

20. Substantial food and suitable beverages other than alcohol (including drinking water) shall be equally available during the permitted hours.

21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

22. Clearly worded notices requesting patrons to leave quietly shall be prominently displayed.

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

24. A noise limited to control the volume must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limited shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limited cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limited shall not be altered without prior agreement with the Environmental Health Service.

25. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.

26. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. Note: This rule does not apply to exhibitions given under the provisions of section 2(1A) and 5 of the Hypnotism Act 1952.

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

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

30. No changes shall be made to the approved layout of the premises without the consent of the Licensing Authority.

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

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

33. Only hangings, curtains, upholstery and temporary decorations complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and retreated as necessary.

34. Staff with specific responsibilities in the event of fires or other emergencies, together with deputies, shall receive training and written instruction appropriate to their role.

35. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.

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

- a) Dry ice and cryogenic fog;
- b) Smoke machines and fog generators;
- c) Pyrotechnics including fireworks;
- d) Firearms;
- e) Lasers;
- f) Explosives and highly flammable substances;
- g) Real flame;
- h) Strobe lighting.

37. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

38. After 23:00 hours on Monday-Saturday and after 22:30 hours on Sunday the supply of alcohol shall be ancillary to the provision of a table meal or the provision of entertainment.

39. The certificates listed below shall be submitted to the Licensing Authority on request:

- a) Any emergency lighting battery of system;
- b) Any electrical installation;
- c) Any fire alarm system.

40. A member of staff will be on duty at the main entrance from 20:00.

41. The maximum number of persons accommodated at any one time (excluding staff) shall be 50 persons.

42. Alcohol shall only be sold to persons actually performing Karaoke or waiting to use Karaoke facilities during a period of up to 30 minutes prior to the stated time of a confirmed booking.

43. The provision of Late Night Refreshment and the Sale of Alcohol shall only be provided as ancillary to the use of the premises for karaoke

44. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in

any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

45. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

46. There must be constant monitoring of the CCTV monitor screens by authorised trained personnel, during the hours the premises are open to the public. The toilet lobby area must be one of the areas constantly displayed on screen. There must be CCTV warning signage throughout the licensable area. The signage in the toilet lobby area will be prominent and clearly state this area is constantly monitored by CCTV.

47. 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 and disorder
- c) Any incidents of disorder
- d) Any faults in the CCTV system
- e) Any refusal of the sale of alcohol
- f) Any visit by a relevant authority or emergency service.

48. All front of house staff shall receive a minimum of one training session per six months in respect of the 2003 Licensing Act. A record of the training provided should be kept on file.

49. On every Thursday, Friday and Saturday nights each of the karaoke booths will be closed, in turn, so as to require clients to leave, at 10-minute intervals up to 04:30, thus ensuring that between 7 and 10 people leave the premises at 10 minute intervals up to the closing time at 05:00. The first room will close at 03:30, the second at 03:40, the third at 03:50, the fourth at 04:00, the fifth at 04:10, the sixth at 04:20 and the seventh at 04:30.

50. The sale of alcohol will cease 30 minutes before the closure hour for each room on Thursday, Friday and Saturday, and at the times specified on the face of the licence on all other days.

51. An SIA door supervisor and an additional dedicated member of staff will be employed from 12 midnight until the terminal hour on Thursdays, Fridays and Saturdays when the premises operate beyond 01:00.

52. Every person leaving the premises after 01:00 will be required to accept, at the time of booking and as a condition of the booking, that all members of the group using the room will leave the premises by pre booked taxi(s).

53. Clients leaving the premises after 01:00 will be held inside the premises until they are 'called up' by the SIA door supervisor when their taxi is ready for them.

54. During the waiting period, clients will be offered free coffee, water or a soft drink while they settle their bill and until their taxi arrives and they are 'called up' by the door supervisor.

55. There will be no entry or re-entry to the premises after 02:30, save for persons leaving to smoke.

56. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

57. No more than seven people will be allowed to leave the premises to smoke at any one time.

58. The licence holder shall ensure that any clients leaving the premises for a smoke break will behave in an orderly manner. They will be supervised by the SIA door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

59. All clients booking karaoke rooms commencing after 00:00 will be required to book at least twenty-four hours in advance.

60. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

61. A policy will be in place to ensure no public nuisance shall be caused by clients entering or leaving the premises (see Appendix 5).

The Meeting ended at 4.26 pm

CHAIRMAN: _____

DATE _____