



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	4 May 2017
Licensing Ref No:	16/14083/LIPV - Premises Licence Variation
Title of Report:	The Borderline Orange Yard Manette Street London W1D 4AR
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	21 December 2016		
Applicant:	DHP Family Ltd		
Premises:	The Borderline		
Premises address:	Orange Yard Manette Street London W1D 4AR	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a Night Club.		
Variation description:	<p>To amend the hours for the provision of licensable activities on Sundays until 02:00 on the day following with an increase in the commencement hour for the sale of alcohol on Sunday from noon until 10:00am</p> <p>All existing hours on Mondays to Saturdays to remain the same.</p> <p>To amend the conditions, restrictions and limitations applicable to the licence.</p> <p>To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(6) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application.</p> <p>To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application.</p> <p>To amend the layout of the premises as shown on the plan submitted in support of the application numbered 110 rev B. The changes include relocation of the bar servery, additional toilet provision and amendment to the raised stage area.</p> <p>To remove conditions 10 to 36 inclusive.</p>		
Premises licence history:	The premises has been licensed since June 2005.		

Applicant submissions:	<p>The licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.</p> <p>The proposed variation will promote the licensing objectives in accordance with the Section 182 Guidance.</p> <p>The premises will operate in accordance with all relevant legislation.</p>
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1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of live music – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Recorded music – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Currently unrestricted		09:00	03:00	Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday			09:00	03:00		
Wednesday			09:00	03:00		
Thursday			09:00	06:00		
Friday			09:00	06:00		
Saturday			09:00	06:00		
Sunday			09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Performance of Dance – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Anything of a Similar Description – Indoors

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Late night refreshment – Indoors

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	23:00	03:30				
Wednesday	23:00	03:30				
Thursday	23:00	05:00				
Friday	23:00	05:00				
Saturday	23:00	05:00				
Sunday			23:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			Both
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	10:00	03:00				
Wednesday	10:00	03:00				
Thursday	10:00	04:00				
Friday	10:00	04:00				
Saturday	10:00	04:00				
Sunday	12:00	22:30	10:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional 30 minutes after the non-standard finishing timings for the licensable activities.</p>	

1-C Layout alteration

To amend the layout of the premises as shown on the plan ref: 110 rev B.

The changes include relocation of the bar server. Additional toilet provisions and amendments to the raised stage area.

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p><u>Condition 10</u></p> <p>On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p>	<p>Proposed to be removed</p>
<p><u>Condition 11</u></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 Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.</p>	<p>Proposed to be removed</p>
<p><u>Condition 12</u></p> <p>Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.</p>	<p>Proposed to be removed</p>

<p><u>Condition 13</u></p> <p>On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:</p> <ul style="list-style-type: none"> (a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); or (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or (c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or (d) Artistes or person employed on the premises; or (e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; or (f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities. 	<p>Proposed to be removed</p>
<p><u>Condition 14</u></p> <p>No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing districts of Westminster except when tickets are sold through Ticketmaster, Ticketweb and Star Green.</p>	<p>Proposed to be removed</p>

Condition 15

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

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

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

Proposed to be removed

Condition 15 (incorrect numbering on current Licence)

If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to

Proposed to be removed

<p>prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,</p> <p>(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and</p> <p>(c) to take all other reasonable precautions for the safety of the children.</p>	
<p><u>Condition 16</u></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>Proposed to be removed</p>
<p><u>Condition 17</u></p> <p>The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.</p>	<p>Proposed to be removed</p>
<p><u>Condition 18</u></p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p>	<p>Proposed to be removed</p>
<p><u>Condition 19</u></p> <p>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:</p> <p>(a) all crimes reported to the venue</p> <p>(b) any complaints received regarding crime disorder</p> <p>(c) any incidents of disorder</p>	<p>Proposed to be removed</p>

<p>(d) any faults in the CCTV system or searching equipment or scanning equipment</p> <p>(e) any refusal of the sale of alcohol</p> <p>(f) any visit by a relevant authority or emergency service.</p>	
<p><u>Condition 20</u></p> <p>20. (i) Monday to Saturday</p> <p>(a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday on the morning following, except that -</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 Monday to Wednesday or 04:00 Thursday to Saturday, 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 05.00 for references to 04.00.</p> <p>(c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(d) The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.</p>	<p>Proposed to be remove</p>

NOTE - The above restrictions do not prohibit:

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

In this condition, any reference to a person

residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

(ii) Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the

<p>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 be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p><u>Condition 21</u></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</p>	<p>Proposed to be removed</p>

<p>agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p>	
<p><u>Condition 22</u></p> <p>Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.</p>	<p>Proposed to be removed</p>
<p><u>Condition 23</u></p> <p>Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.</p>	<p>Proposed to be removed</p>
<p><u>Condition 24</u></p> <p>Striptease entertainment may be provided by male performers only.</p>	<p>Proposed to be removed</p>
<p><u>Condition 25</u></p> <p>The striptease entertainment shall only be given by the performers and the audience shall not be permitted to participate.</p>	<p>Proposed to be removed</p>
<p><u>Condition 26</u></p> <p>All performances must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience.</p>	<p>Proposed to be removed</p>
<p><u>Condition 27</u></p> <p>The area proposed for striptease shall be in a position where the performance cannot be seen from the street.</p>	<p>Proposed to be removed</p>

<p><u>Condition 28</u></p> <p>Except with the consent of the Council, there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metres radius of the premises.</p>	<p>Proposed to be removed</p>
<p><u>Condition 29</u></p> <p>Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED.</p>	<p>Proposed to be removed</p>
<p><u>Condition 30</u></p> <p>The licensee, performer and any person concerned in the organisation or management of the premises shall not encourage or permit others to encourage customers to throw money at or otherwise give gratuities to the performers.</p>	<p>Proposed to be removed</p>
<p><u>Condition 31</u></p> <p>The number of nights per year on which the waiver may be operated is restricted to 40 and these occasions to be identified to the Metropolitan Police and the Licensing Authority.</p>	<p>Proposed to be removed</p>
<p><u>Condition 32</u></p> <p>The entertainment to be provided when the waiver applies is limited to a talent style entertainment show, which is to last no more than one and a half hours on each occasion. There shall be no physical contact between the performers during the entertainment.</p>	<p>Proposed to be removed</p>

<p><u>Condition 33</u></p> <p>A registered door supervisor is to be present in the lower basement whenever striptease entertainment is provided.</p>	<p>Proposed to be removed</p>
<p><u>Condition 34</u></p> <p>At least two registered door supervisors shall be stationed at the entrance to the premises whenever the premises are used for striptease entertainment, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.</p>	<p>Proposed to be removed</p>
<p><u>Condition 35</u></p> <p>The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>	<p>Proposed to be removed</p>
<p><u>Condition 36</u></p> <p>There will be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within club premise before that time of 03:00 hours.</p>	<p>Proposed to be removed</p>
<p><u>Condition 37</u></p> <p>A CCTV system with recording shall be installed and maintained at the remises and operated with cameras in positions agreed with the Police. All recordings used</p>	<p>Proposed to be added</p>

<p>in conjunction with CCTV shall:</p> <p>a) Be evidential of quality in all lighting conditions</p> <p>b) Indicate the correct time and date</p> <p>c) Be retained for a period of 31 consecutive days</p> <p>A member of staff trained to use the system shall be on duty at all times, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.</p>	
<p><u>Condition 38</u></p> <p>All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.</p>	<p>Proposed to be added</p>
<p><u>Condition 39</u></p> <p>A bound and sequentially paginated incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such records are to be retained at the premises for at least 12 months.</p>	<p>Proposed to be added</p>
<p><u>Condition 40</u></p> <p>A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Details to show:</p> <p>a. The basis of the refusal;</p>	<p>Proposed to be added</p>

<p>b. The person making the decision to refuse; and</p> <p>c. The date and time of the refusal</p> <p>Such books/records to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officers of a Responsible Authority, immediately upon request.</p>	
<p><u>Condition 41</u></p> <p>Training records shall be kept to record staff training and advice including the following areas:</p> <p>a) preventing underage sales of alcohol</p> <p>b) preventing proxy sales of alcohol to underage persons</p> <p>c) preventing sales of alcohol to a person who is drunk</p> <p>These records shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request and all such records are to be retained at the premises for at least 12 months</p>	<p>Proposed to be added</p>
<p><u>Condition 42</u></p> <p>Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.</p>	<p>Proposed to be added</p>
<p><u>Condition 43</u></p> <p>The Designated Premises Supervisor or nominated person shall take all reasonable steps to ensure that</p>	<p>Proposed to be added</p>

<p>patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises</p>	
<p><u>Condition 44</u></p> <p>A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport, driving licence, Military Identity Card or PASS accredited card).</p>	<p>Proposed to be added</p>
<p><u>Condition 45</u></p> <p>Challenge 21 notices will be displayed in prominent positions throughout the premises</p>	<p>Proposed to be added</p>
<p><u>Condition 46</u></p> <p>A minimum of 3 Security Industry Authority registered door supervisor(s) shall be employed at the premises on club nights from 23:00 hours until close.</p>	<p>Proposed to be added</p>
<p><u>Condition 47</u></p> <p>Additional door supervisors shall be employed at the premises on occasions as deemed necessary by the Designated Premises Supervisor and/pr premises management following a risk assessment and on occasions when requested by, and following consultation with the Police.</p>	<p>Proposed to be added</p>
<p><u>Condition 48</u></p> <p>The Designated Premises Supervisor or nominated person shall ensure that any</p>	<p>Proposed to be added</p>

door supervisors employed at the premises wear and clearly display, their SIA registration badge at all times whilst on duty.		
<p><u>Condition 49</u></p> <p>A bound and sequentially paginated book or electronic record shall be maintained at the premises contained the names, home address, dates of birth and SIA registration number of door supervisors employed on any particular day. These records shall be kept at the premises for at least 12 months and shall be made available for inspection and copying by the Police immediately upon request.</p>		Proposed to be added
<p><u>Condition 50</u></p> <p>There shall be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within the premises before 03:00 hours.</p>		Proposed to be added
Adult entertainment:	Current position:	Proposed position:
	Not Applicable	Not Applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Nicola Curtis
Received:	6 th January 2017
<p>The premises are located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.</p> <p>The applicant has submitted the following plans for the premises:</p> <ul style="list-style-type: none"> ◆ Licensing Plan: drawing number 110, Rev A, Dated 7.12.16 	

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following variations:

1. To vary the layout of the premises in accordance with the submitted plans.
2. To extend the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday from 2300 hours to 0200 hours.
3. To vary the hours for the Playing of Recorded Music 'indoors' from 'Unrestricted' to 0900 to 0200 hours on Sunday.
4. To add the provision of Late Night Refreshment 'indoors' on Sunday from 2300 to 0200 hours.
5. To vary the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday from 1200 to 2230 hours to 1000 to 0200 hours.
6. To remove conditions 10 to 36 inclusive from the premises licence.

I wish to make the following representations in relation to the above application:

1. Any alterations to the layout of the premises are required to be assessed and inspected by Environmental Health and the District Surveyor in relation to addressing the licensing objectives of Public Safety and Prevention of Public Nuisance. The proposed changes will be assessed by under the Technical Standards for Places of Entertainment which may impact upon the capacity of the premises.
2. The extension of the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
3. The variation of the hours for the Playing of Recorded Music 'indoors' will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
4. The provision of Late Night Refreshment 'indoors' on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
5. The variation of the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
6. The removal of 26 conditions from the premises licence will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises and to discuss the application.

The applicant has provided additional information and conditions with the operating schedule which is being considered but does not fully address the concerns of Environmental Health. The applicant has proposed replacing the 26 conditions with just 14 new conditions which do not address key public safety and public nuisance concerns.

The granting of the variation where representation is made would have the likely effect of causing an increase of Public Nuisance in the West End Cumulative Impact Area and may impact on Public Safety.

Responsible Authority:	Metropolitan Police Service
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Representative:	PC Toby Janes
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Received:	17 th January 2017
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Further comments from the Police:

The capacity and at this stage it will remain at 300 so until a different figure has been agreed by all responsible authorities, condition 17 should remain on the licence.

Police propose the following conditions, I have included some already offered by you:

1. 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.

2. 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.

3. 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.

4. A Minimum of 3 SIA` registered door supervisors shall be employed at the premises

from 2300 hours until close.

5. There shall be no admittance or re-admittance to the premises after 0300 except for patrons permitted to temporarily leave the premises to smoke.

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

7. 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.

8. 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.

9. 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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

10. a. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.

Responsible Authority:	Licensing Authority
Representative:	Mr Steven Rowe
Received:	18 th January 2017

I write in relation to the application submitted for variation of the Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application contravenes Westminster's Statement of Licensing Policies CIP1, HRS1, PB2 and MD2. The premises is located inside the Cumulative Impact Area.

The applicant has applied to:

- To vary the layout of the premises in accordance with the submitted plans.
- To extend the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday from 23:00 to 02:00.
- To add Playing of Recorded Music 'indoors' from 09:00 to 03:00 Monday to Wednesday, from 09:00 to 06:00 Thursday to Saturday and from 09:00 to 02:00 on Sunday.
- To add the provision of Late Night Refreshment 'indoors' on Sunday from 2300 to 02:00.
- To vary the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday from 12:00 to 22:30 to 10:00 to 02:00.
- To remove conditions 10 to 36 inclusive from the premises licence. The applicants have proposed conditions as part of their submissions in substitution of the 26 conditions removed in the application.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The variation application seeks depart from core hours on a Sunday:

Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance:

Sunday – extension of 3 hours from current licence and 3 hour 30 minutes beyond 'core hours'

Recorded Music:

Currently 'unrestricted' as unamplified background only. The applicant has advised that they would like occasional amplified music at various times below:

Monday to Wednesday – 3 hours 30mins beyond 'core hours'

Thursday – 7 hours 30mins beyond 'core hours'

Friday to Saturday – 6 hours beyond 'core hours'

Sunday – 3 hour 30 minutes beyond 'core hours'

Late Night Refreshment:

Sunday – 3 hour 30 minutes beyond 'core hours'

Alcohol:

Sunday – extension of 3 hours 30mins from current licence and 3 hour 30 minutes beyond 'core hours' and 2 hours extension of the commencement hour and 2 hours beyond commencement 'core hour'.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'. Policy MD2 which relates to music and dance premises and similar entertainment states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

2-B Other Persons			
Name:		Mr David Gleeson	
Address and/or Residents Association:		The Soho Society	
Status:	Valid	In support or opposed:	Opposed
Received:	18 th January 2017		
I write to make a relevant representation to the above application on behalf of The Soho Society.			

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

The application is described in Westminster Licensing News (10 January edition) as follows:

To amend the hours for the provision of licensable activities on Sundays. All existing hours on Mondays to Saturdays to remain the same. To amend the conditions, restrictions and limitations applicable to the licence. To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(6) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application. To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application. To amend the layout of the premises as shown on the plan submitted in support of the application numbered 110 rev B. The changes include relocation of the bar server, additional toilet provision and amendment to the raised stage area.

Extension of Sunday operating hours

These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area

The existing permission includes licensable activities well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to resist any increase in the operating hours.

Removal of conditions

The conditions that currently apply to this venue are intended to protect residential amenity and their removal is objected to. The existing permission includes licensable activities well outside of Westminster core hours. Removal of these conditions to a licensed premises in the West End Cumulative Impact Area will cause a loss of residential amenity and as such is not in line with the licensing objectives of Westminster City Council.

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

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

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
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	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Map of Local Area

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	21 st December 2016
5	Representation – Environmental Health	6 th January 2017
6	Representation – Met Police	17 th January 2017
7	Representation – Licensing Authority	18 th January 2017
8	Representation – Soho Society	18 th January 2017

Premises Plans - Proposed

Edged red - areas to be used for the supply of alcohol, provision of regulated entertainment and late night refreshment.
 The location of the fire safety and other safety equipment is subject to change in accordance with requirements of Responsible Authorities.
 Any detail shown on the plan that is not required by the licensing plans regulations (including capacity figures) is indicative only and subject to change at any time.

CHARING CROSS ROAD (A40)

REVISIONS		
Rev	Date	Comment
1	07/12/16	REVISIONS
2	07/12/16	ADDED FURNITURE
3	07/12/16	REVISIONS

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STATUS

Project: THE BORDERLINE
 Drawing Name: LICENSING PLAN
 Date: 07/12/16
 Scale: 1:1000
 Project No: 16051
 Drawing No: 110
 Rev: A
 Drawn By: NI
 Checked by: AL

Zopsigog Ltd
 Registered Office: 100, The Quadrant, London, E1 1RN
 Tel: 020 7461 1111

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/03705/LIPC	Conversion Application	14.06.2005	Granted Under Delegated Authority
05/12306/LIPDPS	Application to Vary the Designated Persons Supervisor	06.12.2005	Granted Under Delegated Authority
08/04654/LIPV	Variation Application	10.07.2008	Granted by Licensing Sub-Committee
08/06179/LIPDPS	Application to Vary the Designated Persons Supervisor	12.08.2008	Granted Under Delegated Authority
09/07966/LIPVM	Minor Variation Application	09.11.2009	Granted Under Delegated Authority
10/10718/LIPV	Variation Application	11.02.2011	Granted Under Delegated Authority
12/10469/LIPDPS	Application to Vary the Designated Persons Supervisor	11.02.2013	Granted Under Delegated Authority
15/00619/LIPDPS	Application to Vary the Designated Persons Supervisor	10.03.2015	Granted Under Delegated Authority
16/05496/LIPT	Transfer Application	15.06.2016	Granted Under Delegated Authority
16/06349/LIPDPS	Application to Vary the Designated Persons Supervisor	01.07.2016	Granted Under Delegated Authority
17/01216/LIPVM	Minor Variation	17.02.2017	Granted Under Delegated Authority
17/02920/LIPDPS	Application to Vary the Designated Persons Supervisor	03.04.2017	Granted Under Delegated Authority

11/02197/LITENN	Temporary Event Notice	14.03.2011	Notice Granted
11/02201/LITENN	Temporary Event Notice	14.03.2011	Notice Granted
11/02900/LITENN	Temporary Event Notice	31.03.2011	Notice Granted
12/02819/LITENP	Temporary Event Notice	16.04.2012	Notice Granted
12/04248/LITENP	Temporary Event Notice	28.05.2012	Notice Granted
12/06503/LITENP	Temporary Event Notice	31.07.2012	Notice Granted
12/10109/LITENP	Temporary Event Notice	22.11.2012	Notice Granted
13/01520/LITENP	Temporary Event Notice	13.03.2013	Notice Granted
13/02670/LITENP	Temporary Event Notice	02.05.2013	Notice Granted
13/02995/LITENP	Temporary Event Notice	15.05.2013	Notice Granted
13/05581/LITENP	Temporary Event Notice	30.07.2013	Notice Granted
14/02952/LITENP	Temporary Event Notice	27.05.2014	Notice Granted
14/03234/LITENP	Temporary Event Notice	28.05.2014	Notice Granted
14/06710/LITENP	Temporary Event Notice	16.12.2014	Notice Granted
15/01151/LITENP	Temporary Event Notice	20.02.2015	Notice Granted
15/01158/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
16/01747/LITENP	Temporary Event Notice	01.03.2016	Notice Granted

16/03295/LITENP	Temporary Event Notice	06.04.2016	Notice Granted
16/04307/LITENP	Temporary Event Notice	09.05.2016	Notice Granted
17/03374/LITENP	Temporary Event Notice	20.04.2017	Notice Granted

No appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

The applicant proposed that conditions 10 to 36 be removed:

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

Conditions relating to Regulated Entertainment

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.

Conditions related to the Sale of Alcohol

12. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
13. On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:

- (a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); or
 - (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or
 - (c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or
 - (d) Artistes or person employed on the premises; or
 - (e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; or
 - (f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.
14. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing districts of Westminster except when tickets are sold through Ticketmaster, Ticketweb and Star Green.

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

15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
16. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

17. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

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

20. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00 Monday to Wednesday or 04:00 Thursday to Saturday, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 05.00 for references to 04.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

- (d) The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

(ii) Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

- 21. 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.
- 22. Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.
- 23. Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.
- 24. Striptease entertainment may be provided by male performers only.

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

Proposed conditions from the applicant

37. A CCTV system with recording shall be installed and maintained at the remises and operated with cameras in positions agreed with the Police. All recordings used in conjunction with CCTV shall:
- a) Be evidential of quality in all lighting conditions
 - b) Indicate the correct time and date
 - c) Be retained for a period of 31 consecutive days
- A member of staff trained to use the system shall be on duty at all times, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.
38. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
39. A bound and sequentially paginated incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such records are to be retained at the premises for at least 12 months.
40. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Details to show:
- d. The basis of the refusal;
 - e. The person making the decision to refuse; and
 - f. The date and time of the refusal
- Such books/records to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officers of a Responsible Authority, immediately upon request.
41. Training records shall be kept to record staff training and advice including the following areas:
- d) preventing underage sales of alcohol
 - e) preventing proxy sales of alcohol to underage persons
 - f) preventing sales of alcohol to a person who is drunk
- These records shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request and all such records are to be retained at the premises for at least 12 months
42. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
43. The Designated Premises Supervisor or nominated person shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises

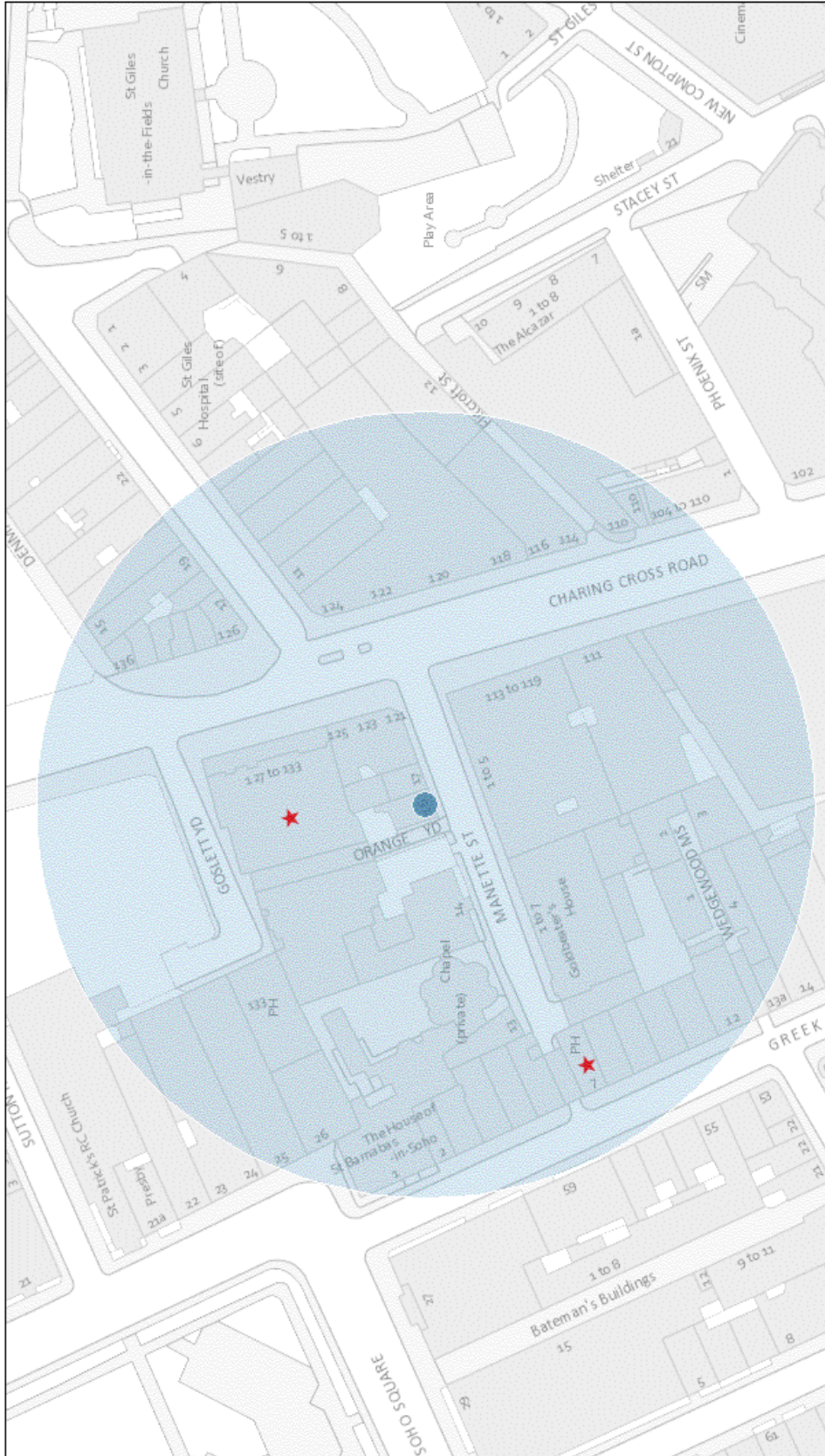
44. A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport, driving licence, Military Identity Card or PASS accredited card).
45. Challenge 21 notices will be displayed in prominent positions throughout the premises
46. A minimum of 3 Security Industry Authority registered door supervisor(s) shall be employed at the premises on club nights from 23:00 hours until close.
47. Additional door supervisors shall be employed at the premises on occasions as deemed necessary by the Designated Premises Supervisor and/pr premises management following a risk assessment and on occasions when requested by, and following consultation with the Police.
48. The Designated Premises Supervisor or nominated person shall ensure that any door supervisors employed at the premises wear and clearly display, their SIA registration badge at all times whilst on duty.
49. A bound and sequentially paginated book or electronic record shall be maintained at the premises contained the names, home address, dates of birth and SIA registration number of door supervisors employed on any particular day. These records shall be kept at the premises for at least 12 months and shall be made available for inspection and copying by the Police immediately upon request.
50. There shall be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within the premises before 03:00 hours.

Conditions proposed by MET Police Service

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 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.
53. 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.

54. A Minimum of 3 SIA` registered door supervisors shall be employed at the premises from 2300 hours until close.
55. There shall be no admittance or re-admittance to the premises after 0300 except for patrons permitted to temporarily leave the premises to smoke.
56. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
57. 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.
58. 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.
59. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
60.
 - a. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.

Boarderline



April 26, 2017

★ Public House