



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 18th December, 2014**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tim Mitchell (Chairman)
Susie Burbridge
Patricia McAllister

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic Services to report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. VANITY BAR & NIGHTCLUB, 4 CARLISLE STREET, W1 (SEV APPLICATION)

(Pages 1 - 142)

App No	Ward/	Site Name and Address	Application	Licensing Reference Number
1.	West End / Core CAZ North	Vanity Bar & Nightclub, 4 Carlisle Street, W1	To vary Sexual Entertainment Venue premises licence	14/06704/LISE VV

2. VANITY BAR & NIGHTCLUB, 4 CARLISLE STREET, W1 (LA03 APPLICATION)

(Pages 143 - 300)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	West End / West End	Vanity Bar & Nightclub, 4 Carlisle Street, W1	Variation	14/06652/LIPV

3. CUMBERLAND FOOD & WINE, 11 GREAT CUMBERLAND PLACE, W1

(Pages 301 - 356)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
3.	Bryanston And Dorset Square / not in stress area	Cumberland Food & Wine, 11 Great Cumberland Place, W1	Variation	14/09194/LIPV

4. CERU, BASEMENT AND GROUND FLOOR, 29 RATHBONE PLACE, W1

(Pages 357 - 400)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / not in stress area	Ceru, Basement And Ground Floor, 29 Rathbone Place, W1	New	14/09445/LIPN

5. PICKLE AND TOAST, 72 WARDOUR STREET, W1

(Pages 401 - 440)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
5.	West End / West End	Pickle and Toast, 72 Wardour Street, W1	New	14/09446/LIPN

Peter Large
Head of Legal & Democratic Services
12 December 2014

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster Licensing Sub-Committee

Meeting:	Licensing Sub-Committee
Date:	18 December 2014
Classification:	General Release
Premises:	Vanity Bar & Nightclub, 4 Carlisle Street, London, W1D 3BJ – 14/06704/LISEVV
Wards Affected:	West End, Core CAZ North
Financial Summary:	None
Report of:	Operational Director for Premises Management
Report Author:	Claire Hayes, Senior Licensing Practitioner chayes@westminster.gov.uk Tel: 020 7641 7816

1. Executive Summary

- 1.1 The Council has received an application from Nags Head Limited to vary the sexual entertainment venue premises licence for Vanity Bar, 4 Carlisle Street, London, W1D 3BJ. The application has received objections from the Environmental Health Service, Licensing Inspectors, 11 other interested parties. The interested parties include local residents, businesses, resident's association and a Councillor. The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
- 2.1.1 Vary the licence as specified on the application,
 - 2.1.2 Vary the licence in such other way as they think fit including the imposition of terms, conditions or restrictions other than those specified in the application, or
 - 2.1.3 Refuse the application

3. Application

3.1 On 06 August 2014 Nags Head Limited applied to vary the sexual entertainment venue licence to:

- To amend the plans and remove condition 25 to allow relevant entertainment on the ground and first floor of the premises. The licence currently restricts relevant entertainment to the basement.
- To increase the terminal hours for relevant entertainment Monday to Thursday by 3.5 hours from 23:30 to 03:00.
- To increase the terminal hours for relevant entertainment Friday to Saturday by 1 hour from 02:00 to 03:00.

Current hours for relevant entertainment	Proposed hours
Monday to Thursday - 09:00 to 23:30	Monday to Thursday - 09:00 to 03:00
Friday to Saturday – 09:00 to 02:00	Friday to Saturday – 09:00 to 03:00
Sunday – 09:00 to 23:00	Sunday – 09:00 to 23:00 (no change)
Current capacity for relevant entertainment	Proposed capacity
Basement 70	Basement 20
Ground floor 80	Ground floor 70
First floor 25	First floor 15

A copy of the application form is attached to this report as Appendix A1 and the premises plans at Appendix A2.

3.2 The application was listed for hearing on 23 October 2014 but adjourned by the Sub-Committee before the hearing at the request of the applicants.

3.3 The applicant's solicitor has submitted a list of proposed conditions in support of the application. Please see Appendix A3.

3.4 The applicant's solicitor has submitted further supporting documents which include the following:

- a Witness Statement of Manpal Singh, which contains as appendices
 - a Street Management Plan,
 - a Customer House Rules and
 - a Performers' Welfare Policy
- a proposed menu
- a report from expert witness Adrian Studd
- numbered photographs and annotated map showing Dean St / Carlisle St
- a copy of *R (ex p Christian Institute) v Newcastle-upon-Tyne City Council* [2001] LGR 165
- Nadler Hotel literature
- A cover letter providing an overview

Please see Appendix A4 to Appendix A10

4. Objections

- 4.1 The Environmental Health Service, the Licensing Inspectorate, local businesses, local residents, an amenity society and Councillors have submitted objections to the application.

Objector 1

- 4.2 The first objection is from Soho Society who have confirmed that they have waived their right to anonymity. The Society have objected on the grounds of prevention of crime and disorder, prevention of public nuisance, promoting improvement in the character of the city and that the application is inappropriate having regard to the character of the locality. Please see Appendix B1

Objector 2

- 4.3 The second objection is from Councillor Glenys Roberts who has waived her right to anonymity. Councillor Roberts is a Ward Councillor for the West End ward where the premises are situated. Councillor Roberts has stated that noise transfers and vibrates through the premises making it intolerable for residents of upper floors who are trying to sleep. In addition the premises are situated in a narrow cul de sac and patrons leaving disturb local residents. Please see Appendix B2

Objector 3

- 4.4 The third objection is from Alice Dugdale who has waived her right to anonymity. Ms Dugdale had objected on the grounds of public nuisance and resides above the premises on the 3rd floor. Ms Dugdale states that there has always been a noise problem both internally and externally and that music is transmitted through the premises making it impossible to sleep. In addition customers congregate outside in the cul de sac causing a nuisance. Please see Appendix B3

Objector 4

- 4.5 The fourth objection is a local business objection from Robert Nadler who is responsible for the Nadler Soho Hotel. Mr Nadler has confirmed that he has waived his right to anonymity. Mr Nadler has objected on the grounds of prevention of crime and disorder, prevention of public nuisance, protection of public safety and the protection of children from harm. Mr Nadler states that Carlisle Street is a short cul de sac and the increase of patrons arriving and leaving the premises will have a detrimental impact on the street. Please see Appendix B4

Objector 5

- 4.6 The fifth objection is from a local resident who has stated that they are concerned about noise levels on the street, possible disturbances from unhappy customers and noisy exits from the premises. Please see Appendix B5

Objector 6

- 4.7 The sixth objector is a Councillor who objects to the application. Please see Appendix B6

Objector 7

- 4.8 The seventh objector is a local resident who has objected on the grounds of public nuisance. The objector states that there are already huge numbers of people that drink outside the pub next door and that broken glass, rubbish, drunk aggressive behaviour and street urination are all common occurrences. Please see Appendix B7

Objector 8

- 4.9 The eighth objector is a local business who has objected on the grounds that children will not be protected from harm, public safety will be compromised and crime and disorder and public nuisance will increase. Please see Appendix B8

Objector 9

- 4.10 The ninth objection is from a local resident who objects on the grounds of public nuisance. The objector states that the street is already filled with large groups of people standing on the pavements and if this application is granted the number of people will vastly increase. Please see Appendix B9

Objector 10

- 4.11 The tenth objector is from a local resident who has stated that granting the application will add to the late night noise and disruption in the area. Please see Appendix B10

Objector 11

- 4.12 The eleventh objector is a Councillor who has stated that the increase from limited use of the basement to include the ground and first floors will lead to a

significant intensification of the use of the building and the activity around the premises. In addition that the staff of the premises would not be able to deal with customers causing a disturbance on nearby streets and that granting this application would contribute to crime and anti-social behaviour. Please see Appendix B11

- 4.13 The Environmental Health officer has stated that the increase of hours and allowing relevant entertainment in additional floors will have the likely effect of an increase of public nuisance. Additionally, removal of condition 25 will impact on public safety at the premises. Please see Appendix B12
- 4.14 The Licensing Inspectorate has objected on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance. The Inspector has stated that the increase in hours and areas for relevant entertainment requires additional door supervision which has not been included in the application. The current minimum door supervisor provision is currently specified in a condition on the Licensing Act 2003 premises licence but this number is inadequate. Please see Appendix B13
- 4.15 On 14 October the Licensing Inspectorate proposed amending the wording of proposed condition 35 which was subsequently agreed by the applicants. Appendix A3 has been amended to include the amended wording. Please see Appendix B13a

5. Sexual Entertainment Venue Licence History

- 5.1 A new sexual entertainment venue licence was granted by Licensing Sub-Committee on 12 June 2012 to Allied Promotions Ltd. The licence took effect on 01 October 2012 with an expiry date of 30 September 2013.
- 5.2 As a renewal application was not submitted before the licence expiry date the licence lapsed on 30 September 2013.
- 5.3 On 15 October 2013 an application for a new sexual entertainment venue licence was submitted by Allied Promotions Ltd. The application was granted by Licensing Sub-Committee on 17 December 2013.
- 5.4 On 16 June 2014 a transfer application submitted by Nags Head Limited was granted under delegated authority.

6 Licensing Act 2003 Premises Licence

- 6.1 The table below sets out the current activities and times permitted by the premises licence.

Please note: The applicants have, in addition to this application, applied to vary the Licensing Act 2003 premises licence so as to amend the plans and remove a number of conditions.

6.2 A copy of the current Premises Licence is attached to this report as Appendix C2.

<u>Existing Premises Licence (14/00491/LIPDPS) permitted Licensable Activities</u>
<p>Regulated Entertainment: Indoors</p> <p>Performance of Dance Provision of facilities for Dancing Provision of facilities for Making Music Performance of Live Music Provision of facilities for entertainment of a similar description to making music or dancing Anything of a similar description to Live Music, Recorded music or Performance of Dance Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 02:00 Sunday 09:00 to 22:00</p> <p>Playing of Recorded Music Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to a profit Unrestricted</p>
<p>Late Night Refreshment: Indoors</p> <p>Monday to Saturday 23:00 to 03:30 Sunday 23:00 to 01:00</p>
<p>Sale of Alcohol: On the premises</p> <p>Monday to Saturday 10:00 to 03:00 Sunday 12:00 to 00:30</p>
<p>Non Standard Timings/Seasonal Variations</p> <p>Alcohol may be sold or supplied 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, midnight on 31st December).</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>Entertainment: On New Year's Eve the premises can remain open for the purpose of</p>

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).

Capacity:

Basement Floor 70
Ground Floor 80
First Floor 25

Please note: Striptease is currently restricted to the basement

Opening hours:

Monday to Saturday 09:00 to 03:30
Sunday 09:00 to 01:00

7. Policy Considerations

Character of the relevant locality – LO1

- 7.1 Carlisle Street is a small cul de sac with little or no vehicle traffic.

Use of premises in the vicinity – LO2

- 7.2 The main use of the premises in the immediate vicinity is residential with a few licensed premises (Licensing Act 2003). There are no other SEV premises, schools, or places of worship in a 100 metre radius of the premises. Please see map of premises in the vicinity at Appendix C3

Layout, character or condition of the venue – LO3

- 7.3 This premises is a smaller venue split over the basement ground and first floors.

Hours – HR1

- 7.4 Policy HRI states: 'Where a premises is licensed under the 2003 Act for hours beyond the core hours the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate.' Details of the premises licence for this premises can be found at paragraph 5 of this report.

Appendices

- A1 – Application Form
- A2 – Plan of the premises
- A3 – Applicant Submissions
- A4 – Witness Statement of Manpal Singh
- A5 – Proposed menu
- A6 – Report from expert witness Adrian Studd
- A7 – photographs and annotated map showing Dean St / Carlisle St
- A8 – a copy of *R (ex p Christian Institute) v Newcastle-upon-Tyne City Council* [2001] LGR 165
- A9 – Nadler Hotel literature
- A10 – Overview letter
- B1 to B11 – Objection local residents, businesses, Councillors and amenity society
- B12 – Objection from Environmental Health Service
- B13 – Objection from the Licensing Inspectorate
- B13a – Amended wording of condition proposed by Licensing Inspectorate
- C1 – Current Sexual Entertainment Licence
- C2 – Current Licensing Act 2003 Premises Licence
- C3 – Premises in the vicinity
- D1 – Pictures of the premises

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Claire Hayes on 020 7641 7816 or at chayes@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012
Home Office Sexual Entertainment Venues Guidance for England and Wales



City of Westminster



APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We We Nags Head Limited

(Insert name(s) of applicant)

apply to vary the Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name: Vanity Bar and Nightclub

Premises address: Basement to First Floor, 4 Carlisle Street, London, W1D 3BJ.

Licence reference number: 14/01806/LISEVT

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
WCC's Standard Conditions for Sexual Entertainment Venues
WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 - Applicant Details

Please state whether you are varying the Sexual Entertainment Venue licence as:

- a) an individual or individuals [] complete section (A)
b) a person other than an individual:
i. as a body corporate [x] complete section (B)
ii. as an unincorporated body [] complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Nags Head Limited
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/>
	Registered Number: 6251735
Is your business registered in another EEA state:	No <input type="checkbox"/>
	Yes <input type="checkbox"/>
	EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Company
Home Country: (the country where the headquarters of your business is located)	England/UK.
Registered Address:	NAGS HEAD LIMITED 17-19 WHITECHAPEL ROAD LONDON
Postcode:	E1 1DU

PART 2 – Premises Details

Premises name:	Vanity Bar (Formerly Candy Bar)
Premises address:	4 Carlisle Street London
Postcode:	W1D 3BJ
Premises telephone number:	c/o 020 7339 7000
Email:	ajc@jgrlaw.co.uk
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	

PART 3 – Variation Details

State the nature of the proposed variation:

This application is to increase the hours and area for Relevant Entertainment to bring into line with the existing Premises Licence 14/00491/LIPDPS.

The area will be increased as shown on plan SEV1. The hours will be increased as shown below.

The Applicant also requests the removal of condition 25 “Relevant Entertainment shall be restricted to the stage area in the basement only”.

Amendment to hours for relevant entertainment:

If the variation is to amend the hours for relevant entertainment, specify the proposed hours below:

Day:	Start:	Finish:
Monday	09:00	00:00
	00:00	03:00
Tuesday	09:00	03:00
	00:00	03:00
Wednesday	09:00	00:00
	00:00	03:00
Thursday	09:00	00:00
	00:00	03:00
Friday	09:00	00:00
	00:00	03:00
Saturday	09:00	00:00
	00:00	03:00
Sunday	09:00	23:00
	00:00	03:00

Amendment to condition attached to the licence / standard conditions

If the variation is to add / remove a condition (including standard conditions), state the condition and the reasons for adding / removing the condition below:

Condition:	Reason for adding / removing the condition:
Condition 25 Relevant Entertainment shall be restricted to the stage area in the basement only.	The applicant seeks to provide tableside dancing to customers seated in booths on the First Floor and in the Basement as well as podium/stage dancing on the Ground Floor.

Please use a separate sheet if necessary

PART 4 – Policy

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your variation application will promote the following licensing objectives:

Prevention of crime and disorder:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Public safety:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Prevention of public nuisance:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Protection of children from harm:

The premises currently has no problem with under-age drinking on the premises, or under-age persons accessing adult entertainment. The move to a full time Sexual Entertainment Venue operation will ensure that the rigorous standards applied to the verification of age will continue in a consistent environment.

Improvement in the character and function of the city, or areas of it:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
Special policy on cumulative impact - Stress Areas - Policy STR1	The applicant submits that this application supports policy STR1. This application does not seek to increase the hours of operation for the premises. Rather, it seeks to displace the current bar/nightclub style of operation with that of a table-dancing venue.

Please use a separate sheet if necessary

PART 5 – Convictions / Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

PART 6 - Checklist


Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 8 of this form)	<input checked="" type="checkbox"/>
Where the variation relates to a change of layout, a plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
The current licence has been returned with this application	<input checked="" type="checkbox"/>

PART 7 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE VARIATION OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

‡ We Jeffrey Green Russell Limited declare that the information given above is true and complete in every respect.

Signed	
Date:	06/08/14
Capacity:	Solicitors and Authorised Agents

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes

No

If yes, please provide the following:

<u>Agent name:</u>	Jeffrey Green Russell Limited
<u>Agent Address:</u>	Waverly House 7-12 Noel Street London
<u>Postcode:</u>	W1F 8GQ
<u>Agent Telephone Number:</u>	020 7339 7296
<u>Agent Email:</u>	mcl@jgrlaw.co.uk

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	Jeffrey Green Russell Limited, FAO Marcus Lavell
Address:	Waverly House 7-12 Noel Street London
Postcode:	W1F 8GQ
Telephone Number:	020 7339 7296
Email:	mcl@jgrlaw.co.uk

PART 8 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

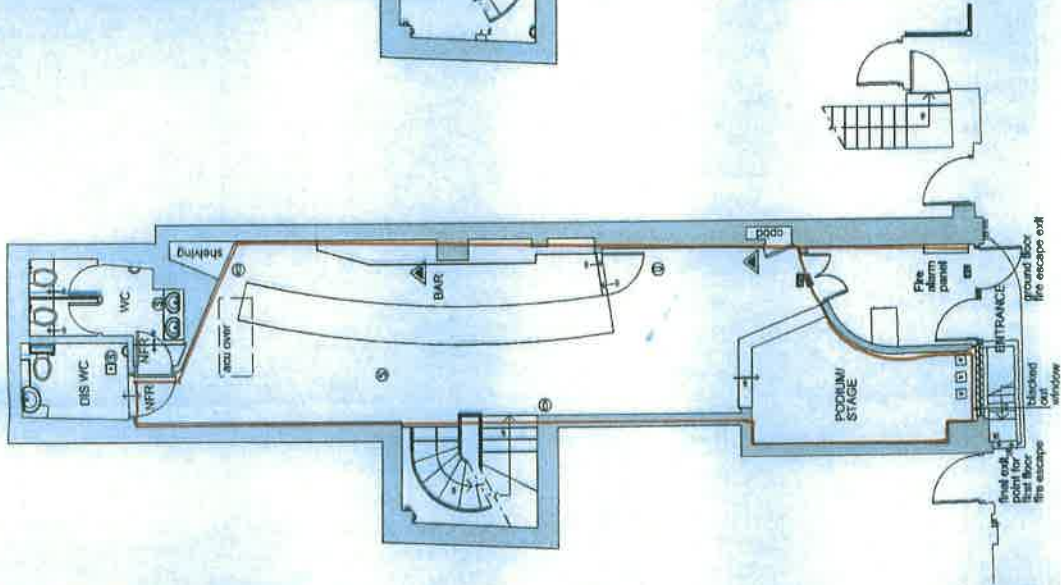
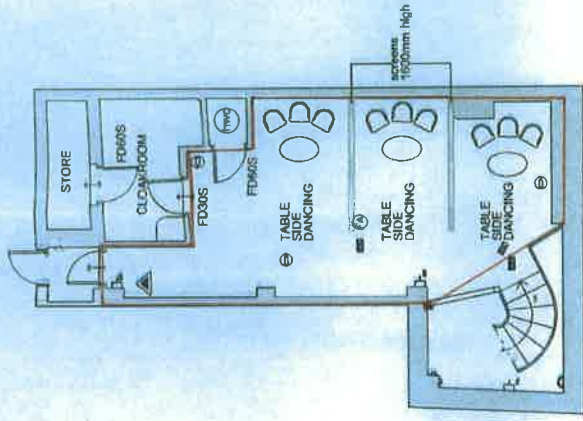
If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>																				
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/> Delta <input type="checkbox"/>																				
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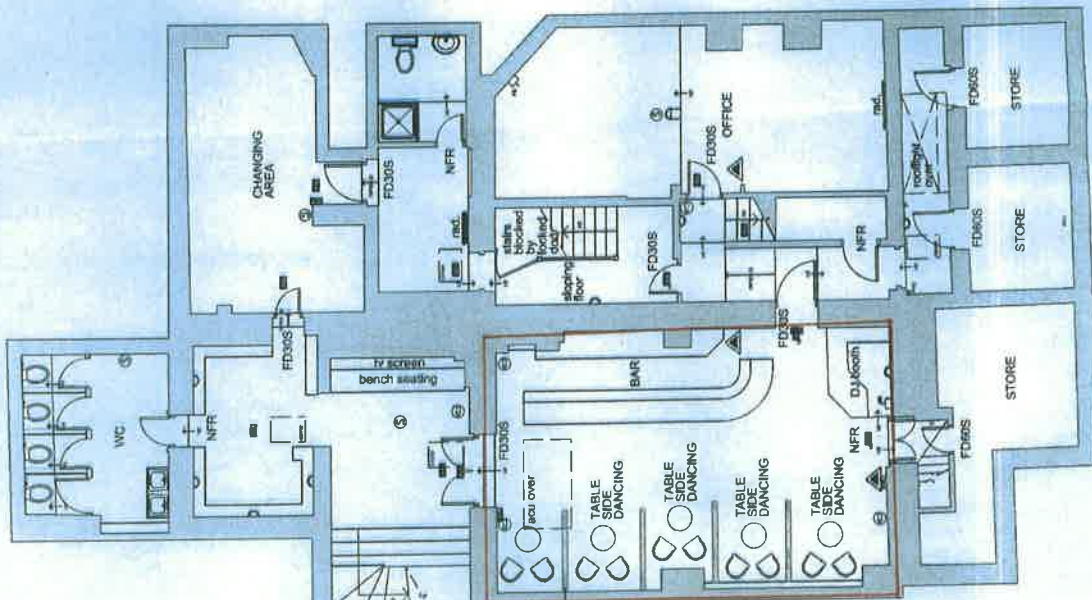
THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.

Notes
 1. All work shall be carried out in accordance with the Building Regulations and all other relevant legislation.
 2. Check all dimensions and report any discrepancies to the Architects before commencing with the work.
 3. All work shall be carried out in accordance with the Building Regulations and all other relevant legislation.

- new walls
- existing walls
- dismantled walls
- cctv
- Break glass unit
- Fire alarm
- smoke detector
- Emergency lighting
- Carbon dioxide extinguisher
- Emergency Exit Signage
- Fire Door rating



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

rev P2 June 2014 Preliminary Issue
Toko Manton / Architects

20 Avenue Road, London NW1 2AF
 Tel: 020 7434 1000 Fax: 020 7434 1001
 www.tokomanton.com

01
 VANITY BAR
 4 CARLISLE STREET
 LONDON W1

01
 PROPOSED FLOOR PLANS

NO.	DATE	DESCRIPTION
1	01/06/14	REV
2	01/06/14	REV
3	01/06/14	REV

SEVI

Relevant Entertainment may take place anywhere within the red line.
 Loose furniture is shown for indicative diagrammatic purposes only.

Fire equipment is shown as of 05.10.14 and may be subject to change following consultation with the Fire Officer

Hayes, Claire

From: Marcus Lavell [mcl@jgrlaw.co.uk]
Sent: 16 September 2014 18:26
To: Sollars, Jim; Watson, Ian; Rowe, Steven; Hayes, James; Hayes, Claire
Cc: Mary Hennessy
Subject: Vanity Bar - Variation Applications
Attachments: 4825120_1.DOC.DOC; 4825121_1.DOC.DOC

Importance: High

Dear Sirs

Following consultation with the Authorities, the applicant has compiled the attached proposed draft conditions in support of their applications.

We hope that these conditions address the concerns raised by those officers making representations in this matter and would be most grateful for your comments by return.

Thank you for your time so far in considering this application.

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



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Our address for service is above.

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SEV LICENCE

Suggested Appendix D

[Explanatory Note: save for conditions shown in **bold**, the conditions replicate the existing licence]

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention

Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

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 to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received;
- (d) any incidents of disorder;
- (e) 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;
- (i) any breach of licence conditions reported by a Performer

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be

readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. No Relevant Entertainment shall take place until CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the ~~stage area in the basement only~~ **area outlined in red. On the ground floor performers may only perform on the stage area.**

~~26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 70 persons in the basement, 80 persons on the ground floor and 25 persons on the first floor.~~

26. Replacement for Condition 26. Whilst Relevant Entertainment is taking place at the premises, the maximum number of persons accommodated at any one time (excluding staff and dancers) shall not exceed 20 persons in the basement, 70 persons on the ground floor and 15 persons on the first floor.

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

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

29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

30. 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.

31. 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.

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

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.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

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

35. There shall be at least one SIA registered door supervisor on duty on any floor that is providing Relevant Entertainment. – ***Proposed by applicant and amended and agreed with the Licensing Inspectorate.***

36. Works:

a. Applying to the basement only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.**
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.**

b. Applying to the ground floor only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.

- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.**

c. Applying to the first floor/mezzanine only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.**
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority**

**Westminster City Council
Licensing Sub-Committee**

On the Matter of Vanity Bar – Application for a Sexual Entertainment Venue Licence
Premises Licence under the Licensing Act 2003

WITNESS STATEMENT OF MANPAL SINGH

My name is Manpal Singh and I am a Director of the Nag's Head Limited, the Applicant of the above mentioned matter. I have been involved in the licensed trade for 13 years. I have gained substantial experience with licensed premises as part of my family's business, and I have personally operated five out of their seven premises. I currently run four licensed premises, one of which is a Sexual Entertainment Venue in Tower Hamlets, the Nag's Head. This particular premises has been in my family for over 30 years and has operated as gentleman's club since 1986.

I identified Vanity Bar as a great opportunity to operate a similar premises in an exciting location in Westminster, in the heart of the entertainment capital. Soho has a long history of striptease and sexual entertainment and operating Vanity Bar is an opportunity to bring a comparable, well managed venue to the area. Angel's Bar, situated on Wardour Street (W1F 8ZH) is approximately 165 metres away from Vanity Bar and currently has an SEV variation application open for consultation with Westminster. Sunset Strip (W1D 3SA) is approximately 147 metres away on Dean Street, and have a SEV renewal currently open for consultation. La Capannina (W1D 3AL) on Bateman Street is also located within approximately 172 metres of Vanity Bar and currently operates under a valid SEV.

I met with various officers of Westminster City Council and the Police on the following dates:

- 3 April 2014
- 18 July 2014
- 20 August 2014

There was also a site visit with Officers on the 9 June 2014.

Vanity Bar had been operating occasional sexual entertainment in the basement of the premises since 9 April 2014. On 10th July 2014, I was forced to suspend the use of the basement area as the Landlord was carrying out works to run new services (water mains, gas mains) through the basement area up to the flats he owns above.

Having considered the various representations received in relation to the application, I instructed Adrian Studd, the former head of the Metropolitan Police Clubs and Vice licensing unit and the Association of Chief of Police Officer's spokesperson, to prepare a report and I am adopting his suggestions in relation to promoting the licensing objectives. It is my aim to bring my experience of operating the Nag's Head to Soho.

My own experience of operating a gentleman's club has demonstrated that patrons arrive at and leave from the premises in an orderly manner. The average age of customers is over 30 years old, most of whom are professional people already working in the area. Such premises would not draw in patrons from further afield and, as such, would not bring additional stress to the area. Furthermore, Vanity Bar is located further into Soho, unlike similar venues such as Sunset Strip and Angels.

I will work in partnership with the police and licensing authority to ensure that best practice is maintained at the premises throughout its operation, and I hope that the conditions and policies proposed within the application can address their concerns.

The Applications for Consideration by the Committee

In essence, the applications before the Committee are intended to allow a late bar/nightclub as a Tableside Dancing Club.

The premises already benefits from a Premises Licence permitting, amongst other forms of Licensable Activity, the sale of alcohol from 10:00 to 03:00 Monday to Saturday and 12:00 to 00:30 Sundays. The Premises Licence also allows the playing of Recorded Music and provision of Private Regulated Entertainment, 24 hours a day. These permissions would allow me to run a nightclub from the premises. Indeed, when I was attempting to buy the leasehold of the premises, those competing against me were not interested in the existing Sexual Entertainment Venue Licence (SEV); rather, they wanted to make use of one of the "latest" Premises Licences in Soho. The application to vary the Premises Licence is made to allow lap dancing/striptease on all three floors of the premises, something currently restricted by Conditions 15 and 47:

15. Dancing and striptease shall only take place in the basement.

47. * Striptease entertainment may only be provided in the basement area of the premises.
(Please note: * Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises)

Although the premises does hold an SEV, the scope of the permission is narrow, allowing Relevant Entertainment (Lap dance/Striptease) to take place only on the stage in the basement. The Premises has a long history of providing sexual entertainment but in the last years of operating as the Candy Bar, focused more on providing a late night drink led hang-out for members of the lesbian community, with striptease provided as a secondary attraction. By increasing the permission to allow Relevant Entertainment to take place on all 3 floors, I will be able to operate as a Tableside Dancing Club, rather than the high volume vertical drinking establishment the premises became.

Benefits of the Change in Operation

Adrian Studd speaks in his report of a number of benefits associated with moving from a drink led operation to one based on the provision of tableside dancing; I do not propose to reiterate those benefits here.

I would like to set out the specific benefits that these applications will bring to Carlisle Street. By moving to a tableside dancing model, I can create a viable business based on far fewer customers attending the premises at any one time. You will see from the conditions proposed at Appendix D, I have agreed to reduce the capacity figures on all 3 floors by 75 (55%). Specifically:

<u>Current</u>	<u>Proposed</u>
Basement - 70,	20
Ground Floor - 80,	70
First Floor - 25.	15

The second direct benefit to the Street is that, unlike many Soho licenced premises, tableside dancing clubs do not allow customers to drink on the street. I and other operators find that customers do not feel that they receive value from purchasing their drinks in such a premises and then standing outside to socialise with their friends. Previously, the Candy Bar attracted a large number of customers and noncustomers who would stand in the street socialising due to the nature of the premises as a social hub for the lesbian community.

Response to representations

I thank the Licensing Authority, Environmental Health, Police and local residents and businesses for their representations and I note their concerns in relation to our application. I hope to be able to address the issues raised below in light of the licensing objectives. I would also refer you again to the report by Adrian Studd.

- **The prevention of public nuisance**

I note that many of the representations, particularly those submitted by residents, raise the issue of additional noise from patrons causing a disturbance in the area surrounding Vanity Bar, as well as the vibrations that music inside may cause to nearby premises.

Within the conditions I have suggested as set out in Appendix D, Condition 34 requires that I ensure that "no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance." We shall also ensure that all equipment is maintained in good condition and in full working order to allow us to best manage any potential nuisance in relation to sound (Condition 30). I have also adopted Model Condition 11 in relation to noise limiters on the premises licence as Condition 14 to address the issue with noise emanating from the premises.

As for noise outside the premises, the adoption of a Street Management Plan, as referred to in Condition 10 of the Suggested Appendix D of the Premises Licence (Appendix A), will require patrons to remain inside the premises whilst waiting for taxis. Taxi drivers will be asked to turn off their engines whilst waiting outside the premises to prevent noise nuisance from disturbing local residents and businesses. Anyone wishing to hail a black cab shall be directed onto Dean Street to avoid causing a disturbance. Door supervisors shall be employed to monitor patron noise and actively discourage any unacceptable behaviour by patrons entering or leaving the premises. The Street Management Plan requires any patrons wishing to smoke to be directed to and remain in a designated smoking area. As supported by both Adrian Studd's report and my own experience as a licensed operator, patrons attending sexual entertainment venues are a more controlled and older than those attending nightclub venues.

We will also benefit from the presence of SIA-trained door supervisors at the Nelly Dean pub who can help to ensure we have better control of the immediate area on Carlisle Street.

As made clear by proposed Condition 31 of the Premises Licence, the capacity of Vanity Bar whilst the Relevant Entertainment is taking place is substantially less than permitted whilst the nightclub licence is in effect. Therefore, there will be no intensification of use and subsequent increase in number of patrons in the area outside the premises. The increase in hours of the SEV licence is to bring them in line with the current premises licence hours.

- **The prevention of crime and disorder**

Condition 9 of the SEV Suggest Appendix D requires that a licence holder or named responsible person shall be present throughout the time any Relevant Entertainment takes place. A comprehensive CCTV system and incident log shall allow the premises better deal with any potential crime in disorder at the present or its surroundings (Conditions 10 to 12).

Please also see my above point in relation to intensification of use and the limit on capacity at the premises.

In response to concerns in relation to the removal of Condition 30 from the premises licence and suitability of licensees, the National Entertainment Licensees Certificate is not available now, and therefore any changes to such provision was a modification to ensure that Vanity Bar had a fully qualified Personal Licence Holder on duty at all times.

- **The protection of children from harm**

As previously mentioned; Soho has a long history as a vibrant area for entertainment, including gentleman's clubs, and Vanity Bar is situated in heart of the area. I acknowledge concerns regarding the protection of children and I highlight Conditions 1 to 4 and Condition 6 of the proposed SEV licence which strictly prohibits any person under 18 from visiting the premises and the promotion of the proposed activities taking place inside. Relevant entertainment will not be visible from outside the premises.

I am aware that some of the representations received refer to the morality and potential exploitative nature of the operation of sexual entertainment venues. Whilst these issues do not form part of the licensing objectives, we have ensured that the welfare of performers and conduct of patrons are governed through the use both conditions and internal policies, which are fully compliant with Westminster City Council's Sex Establishment standard conditions. A Code of Conduct has already been submitted as part of the application and I have attached Vanity Bar's Customer House Rules and Performers' Welfare Policy (Appendix A).

Recommendations from Adrian Studd

Adrian Studd has made the following recommendations that I have incorporated within this application by way of condition:

- a) The adoption of a street management and dispersal plan. I have offered this as Condition 10 of the premises licence Appendix D.
- b) All incidents to be recorded in an incident log. I proposed this as Condition 12 of the SEV licence Appendix D.
- c) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained. I have proposed this as Condition 11 of the SEV licence Appendix D and Condition 33 of the premises licence Appendix D.
- d) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents. I have proposed this as Condition 29 of the premises licence Appendix D.
- e) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place. Proposed Condition 35 within the SEV licence

Appendix D requires that an SIA registered door supervisor be on duty on any floor that is providing Relevant Entertainment.

- f) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed. I have adopted this as proposed Condition 30 in the premises licence Appendix D.
- g) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers. A Code of Conduct has been submitted as part of the application and is specified by Condition 13 in the SEV licence Appendix D.

Adrian Studd has also made further recommendations in relation to the management of the outside area, which has been adopted as part of the Street Management Plan (see Appendix A).

I believe the facts in the above statement to be true.



.....

Manpal Singh

4/12/14
.....

Date

Appendix A

1. Street Management Plan
2. Customer House Rules
3. Performers' Welfare Policy

VANITY BAR

STREET MANAGEMENT POLICY

1. Management of Vanity Bar take responsibility for the orderly arrival and dispersal of customers. In order to promote public safety and prevent public nuisance, the key events for noise to be generated by patrons arriving at and leaving the premises will be managed.
2. At least 1 door supervisor will monitor the roadside area to assist in the safe and orderly arrival and dispersal of patrons.
3. This policy shall be supported by all security staff who will be wearing distinctive uniforms at all times to distinguish them from customers and members of the public.
4. Door-staff shall be trained to monitor patron noise and prevent any unacceptable behaviour, encouraging customers to consider local residents when making their way home.
5. Vanity Bar shall display signage at the exit reminding customers to leave quietly and have respect for residents.
6. That staff shall monitor and where possible control traffic on Carlisle Street in line with this Plan.
7. Customers arriving by car are to be met at the kerbside and directed to the entrance. The customer will always be held within the entrance whilst entry is approved.
8. Once a car has dropped off a passenger, the driver is to be encouraged to leave Carlisle Street without lingering.
9. Private Hire vehicles are to be parked away from Carlisle Street and shall be required to switch off their engines whilst waiting for patrons.
10. Vanity Bar works in partnership with Private hire vehicles are to be held in Dean Street and brought around to Carlisle Street upon being booked by patrons of Vanity Bar.
11. Once a private hire vehicle arrives at Vanity Bar for the purpose of collecting a customer, said customer is to be directed to the car without delay, having been held within the premises until the vehicle arrives. If necessary, customers will be accompanied to vehicles to prevent 'touting'.
12. Patrons wishing to hail a black cab shall be directed onto Dean Street to avoid causing a nuisance on Carlisle Street.

VANITY BAR

13. Any patron entering the street from Vanity Bar in order to smoke shall be redirected to a smoking area outside the premises. Patrons are not to take drinks outside the premises under any circumstance. Only four smokers are permitted to use the smoking area at any one point.
14. A dedicated telephone number for the DPS or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence which shall be provided to the licensing authority and local residents associations. Any change to the number shall be notified to the licensing authority and to local residents associations within 7 days of the change.

VANITY BAR

CUSTOMER HOUSE RULES

VANITY BAR

(To be displayed in reception and throughout the club premises and is available for scrutiny at all times by the relevant authorities).

- The premises operates a smart casual dress code to which you must conform (clearly stated in reception). You must be decently attired on arrival and departure from the premises.
- No person under the age of 18 will be admitted.
- We operate a challenge 21 policy. If you are lucky enough to look under 21 you will be required to produce a valid I.D (either a passport or driving licence).
- You must remain fully clothed coming in and leaving the club premises.
- You are required to contribute a minimum of £1 for each and every stage dance.
- You may not take any photograph inside the premises. (Please keep your camera phone in your pocket).
- You should behave in an appropriate manner outside the premises so as not to cause disturbance to any local residents in the neighbourhood.
- Management reserves the right to refuse admission and to remove customers who fail to comply with the stated rules of the club including causing disturbance to any local residents in the neighbourhood.

The following rules must be followed whilst any performer is dancing for you:

- Before a dancer may perform, you must be seated with your back against the back of the seat and your hands by your side. You must remain seated for the duration of the dance.
- You must not touch the performer during her performance.
- You must not attempt to arrange to meet any performer privately or to give your telephone number or business card for that purpose.

VANITY BAR

- You should not ask the performer to perform any sexual favour or use any profane language.
- You must not perform any act of masturbation or indulge in other sexual behaviour.
- Failure to comply with this code may result in you being asked to leave the premises without refund of any monies paid.

VANITY BAR

PERFORMERS WELFARE POLICY

VANITY BAR

1. Each performer will undergo a preliminary interview with the Manager and will provide two forms of identification, including a utility bill and photographic identification and, if appropriate, any proof of entitlement to work in the UK.
2. During induction, the House Rules, Welfare Policy and Code of Conduct together with a copy of any conditions on the Premises Licence or Sexual Entertainment Venue Licence will be explained. The dancer will be required to sign and confirm their understanding.
3. Appropriate health and safety training will be provided in relation to the layout of the premises and the procedures in case of emergency.
4. Training will be provided in relation to working schedules, changing room etiquette, payments and charging, disciplinary procedure, customer relations and conflict management, incident reporting and arrival and exit procedures.
5. Any performer concerned about the behaviour of a customer shall report the incident to the Manager or door supervisor who will take immediate action to investigate and take appropriate action.
6. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the "House Rules" or otherwise causing alarm or distress to a performer.
7. Performers shall be provided with free tap drinking water on request; there is no requirement for performers to drink alcohol.
8. Secure dressing room facilities are provided. Performers will use the dressing room facilities for changing before and after the performance period and for rest breaks as agreed with the Manager.
9. There is a designated smoking area for performers on the first floor. No more than two smokers are permitted in such area at any one time.
10. All areas of the premises to which the public have access will have adequate supervision via CCTV and/or a SIA registered door supervisor.
11. For their safety, performers will be required to stay until the end of the performance period and if required will be escorted by a door supervisor to their vehicle on departure from the premises.
12. Taxis can be provided for performers on request in order to leave the premises. There is no requirement for the performer to pay the fare of such taxi.

VANITY BAR AND NIGHTCLUB MENU

ON TAP	Pint	half pint	CHAMPAGNE	175ML	BTL
Fosters	£9.00	£5.00	Moet and Chandon	£15.00	£80.00
Kronenbourg	£10.00	£6.00	Veuve Clicquot		£100
Strongbow	£9.00	£5.00	Laurent Perrier Rose		£150
Guinness	£10.00	£6.00	Dom Perignon		£300

By The Bottled

Budweiser	£10.00
Corona	£10.00
Becks	£10.00
Peroni	£10.00
Bulmers	£10.00

Spirits (Per 25ml) + Free Mixer

Whisky/Bourbons

Jack Daniels	£12.00
Jameson	£12.00
JW Black Label	£13.00
Chivas	£13.00
Glenmorange	£13.00
Laphroaig 10 Year	£13.00
Glenfiddich	£13.00

Vodka

Smirnoff Vodka	£12.00
Grey Goose	£15.00

Gin

Gordons	£12.00
Bombay Sapphire	£14.00
Hendricks	£14.00

Rum

Bacardi	£12.00
Captain Morgan	£12.00
Sailor Jerry Spice	£12.00

SHOTS 25ml

Tequila Gold	£15.00
Sambuca	£15.00

WINE

125ml 250ml BTL

White

NV Trebbiano	£8.00	£15.00	£44.00
2011 Chardonnay Reserve	£9.00	£17.00	£49.00

Red

2012 Lote 44 Malbec	£10.00	£19.00	£55.00
NV Sangiovese	£9.00	£17.00	£49.00

Rose

2011 Carignan Rose	£8.00	£15.00	£44.00
2011 Mas Amor Rosado	£8.50	£15.50	£45.00

Soft Drinks

Orange & Passion J20	£2.50
Apple @ Mango J20	£2.50
Coca Cola 250ml	£2.50

Hot Drinks

Espresso	£2.50
Americano	£2.50
Cappuccino	£2.50
Latte	£2.50
Hot Chocolate	£2.50
Tea	£2.50

HOT FOOD(Available all day)

Noodles chicken flavour	£9.00
Noodles Beef and Tomato	£9.00
Noodles Piri Piri Chicken flavour	£9.00

We have a local pizza takeaway which delivers delicious hot pizzas to us. Please find a Menu at the bar or ask staff. Orders can be placed at the bar

Introduction.

I have been instructed to prepare an independent report in connection with the application to vary the premises and SEV licence at Vanity Bar and Nightclub 4, Carlisle Street, London, W1D 3BJ.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.

In addition to leading my team, I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, in order to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs to implement the initiative. I am a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years, I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended a large number of internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement, I set up a licensing consultancy to provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, Sexual Entertainment, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

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1. Vanity Bar.
2. Sexual Entertainment.
3. Impact on Licensing Objectives.
4. Conditions.
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Vanity Bar.

- 1) I am familiar with the premises at 4 Carlisle Street, having conducted licensing visits a number of times in the past when it was known as Candy Bar. I went to Carlisle Street on 2nd October 2014 and observed the Vanity bar, which was not open, and the area.
- 2) The Nellie Dean public house next door was busy, and as it was a warm evening, customers were outside drinking. The premises are located in a busy part of Soho, close to the junction with Dean Street and its many bars and restaurants. At the far end of Carlisle Street is the Nadler Hotel.
- 3) I have been provided with copies of the applications and also the objections that have been submitted. I have considered the proposed variation and conditions from an independent, evidence based point of view.

Sexual Entertainment.

- 4) Between 2002 and 2004, as Inspector in charge of the Metropolitan Police Clubs and Vice licensing unit, I was in charge of a number of high profile investigations into premises that provided what would now be called 'sexual entertainment.' At the time, this was quite a new and developing form of entertainment and there were concerns about the impact such premises may have.
- 5) During the course of these investigations, my team and I visited a large number of such premises, not only in London but in some cases travelling across the country. Covert policing techniques were used posing as customers to observe behaviour of dancers and customers both inside and outside the premises.
- 6) In addition to this, I undertook research into crime patterns around various premises that were providing sexual entertainment as it had been suggested that levels of crime rose around lap dancing venues, in particular crimes of a sexual nature. However, despite extensive research, we were unable to identify an increase in crime of any sort attributed to such premises.

- 7) It is my experience, both as a police officer and as an independent licensing consultant, that a well-managed premises that provides sexual entertainment generates less crime, crime and disorder and nuisance than a traditional nightclub of comparative size. There are a number of reasons for this, including;
- Fewer customers when compared to a nightclub of similar size,
 - A high ratio of door supervisors to customers,
 - A more controlled, less crowded environment,
 - An older customer base more able to handle alcohol,
 - A more relaxed atmosphere, music tends to be at lower volume and slower tempo.
- 8) Queuing outside nightclubs is often encouraged by a club in the belief that it gives the premises a more exclusive feel. This queuing is often the cause of nuisance to residents and passers-by, particularly later in the night when customers may be arriving from other premises having already been drinking and are required to wait outside for admission.
- 9) Lap dancing clubs do not encourage queuing and customers are generally admitted quickly into the premises, minimising the potential for noise and nuisance outside.
- 10) Another common source of noise and nuisance at night clubs is the smoking area. With a traditional nightclub, this is often used as an opportunity for socialising between the sexes and after consuming alcohol these conversation can become loud, boisterous and prolonged. It is often the case that the music is so loud inside that conversation is hardly possible so it is only in the smoking area that it can take place.
- 11) In contrast, at a lap dancing venue the customers tend to be mainly male so there is less inclination to stand outside chatting. The music volume inside tends to be lower to allow conversation between the customers and between the customers and dancers, this makes it possible for customers to chat inside the club and goes some way to taking away the incentive to loiter outside the premises chatting and potentially disturbing the residents.
- 12) Para 2.4.8 of the Westminster statement of licensing policy recognises that Customers who have been seated in premises which are not crowded will behave differently; they are less

likely to have been talking at a high volume and will leave the premises more quietly than the greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

- 13) Lap dancing premises have a high ratio of seating for customers as it is a standard condition that customers have to be seated before a dance can take place; customers generally go to the premises for the entertainment rather than for vertical drinking. This and the generally more relaxed atmosphere make it easier for door supervisors to manage a swift and quiet dispersal with minimum nuisance to residents.

Impact on Licensing Objectives.

14) Prevention of Crime and Disorder and Prevention of Public Nuisance.

With a more controlled atmosphere inside and a reduction in areas that generate nuisance and friction such as queuing, it is my view that allowing this variation will lead to a reduction in noise, nuisance and crime and disorder related to the premises. It will therefore promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

15) Public safety.

Public Safety will be enhanced due to there being generally fewer customers in the premises, the increased provision of seating, an older clientele, improved control inside the premises and reduced alcohol consumption.

16) Protection of children from harm.

Lap dancing premises very rarely have a problem with under-age drinking or young people attempting to gain entry. Maintaining a robust approach to age verification will ensure that this continues. Externally the premises are required to be discrete and conditions preventing flyers or any indecent displays or advertising will ensure that children are protected from harm and this objective is promoted.

Conditions.

- 17) I recommend the following best practice be put into agreed conditions;

- a) The adoption of a street management and dispersal plan.
- b) The smoking area to be supervised by a member of staff at all times the area is in operation.
- c) Notices shall be displayed at the premises near the exits asking customers to respect the venue's neighbours and leave quickly and quietly.
- d) All incidents to be recorded in an incident log,
- e) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained.
- f) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents.
- g) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place.
- h) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed.
- i) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers.

Objections.

I have been provided with the report from the Westminster Licensing sub-committee in respect of the application to vary the licence at Vanity bar and nightclub dated 23rd October 2014. This report includes Eleven (11) numbered objections plus objections from the Environmental Health and Licensing Service.

- 1) David Gleeson, Soho Society,
- 2) Councillor Glenys Roberts,
- 3) Alice Dugdale,
- 4) Robert Nadler,
- 5) Unnamed local resident,
- 6) Unnamed MP or Councillor,
- 7) Unnamed local resident,
- 8) Unnamed, local resident,

- 9) Unnamed local resident,
- 10) Unnamed local resident,
- 11) Unnamed Councillor,
- 12) Environmental health, Ian Watson and Ola Owojori.
- 13) James Hayes, Licensing Inspector.

1. Objector 1. David Gleeson, The Soho Society.

- 1.1 Mr Gleeson raises a number of objections relating to the promotion of the licensing objectives and improvements in the function and character of the city, or areas of it. In my view these objections are not supported by the evidence.
- 1.2 Prevention of crime and disorder and prevention of public nuisance. The premises is currently licensed for the sale or supply of alcohol until 03.00 Mon to Sat and 00.30 on Sunday and to open until 03.30 Mon to Sat and 01.00 on Sunday. This application does not seek to change that but to change the style of operation from a drink led bar and nightclub to one that offers entertainment with alcohol ancillary to that.
- 1.3 While trading as the Candy bar the premises regularly attracted 'celebrity' customers and queuing outside was encouraged as a sign of its popularity and exclusiveness. This style of operation inevitably leads to noise and nuisance outside the premises by customers waiting to get in, often having been drinking at other premises.
- 1.4 In contrast Lap dancing clubs seek to admit customers as quickly as possible with a minimum of queuing. This leads to a quieter environment outside the premises. Various conditions and policies to manage the external environment, include queuing, smoking and dispersal have been proposed that will reduce the noise or nuisance outside.
- 1.5 The change in the style of operation from an alcohol led bar to a table dancing club will reduce the potential for crime and disorder and public nuisance. Lap dancing bars operate in a more controlled environment than tradition nightclubs with a higher ratio of door supervisors to customers. Customers are required to be seated during the performance of dance.
- 1.6 It is acknowledged that customers who have been seated in a quieter, more controlled atmosphere are less likely to cause noise and nuisance on leaving the premises. Customers are attracted to the premises primarily for the entertainment and not just to consume alcohol, this leads to less drunkenness and reduces the potential for crime and disorder either inside the premises or when leaving.

1.7 Mr Gleeson states that having such a venue opened until late at night would disturb the general, harmonious peace. This does not appear to take account of the fact that the premises is currently entitled to operate until 03.30 and until recently did do so, as an alcohol led bar that regularly attracted noisy customers outside. As evidenced above the proposed changes will reduce the potential for nuisance and crime and disorder.

1.8 Whether or not a lap dancing bar will lead to improvements in the function and character of the city is a subjective view that will vary from individual to individual. The area around Carlisle Street provides a vibrant, busy and mixed night time economy. A well run lap dancing club will add to that mix and, based on the evidence of operation of such premises and my experience, will lead to a reduction in crime and disorder and public nuisance.

2. Objector 2, Councillor Roberts.

2.1 Councillor Roberts raises concerns about noise and disturbance from customers leaving the premises. This application does not seek to increase capacity of the premises or to extend the opening hours so in that respect there will be no change from the existing licence.

2.2 As stated previously the evidence indicates that a well-run lap dancing club generates less noise and nuisance than a regular night club. The application includes conditions and policies on management of the external environment that comply with best practice. These will ensure that the potential for noise and nuisance is minimised.

3. Objector 3, un-named resident of 4 Carlisle Street.

3.1 I understand the residents concern about internal noise transfer, in my experience lap dancing clubs tend to play music at a lower volume than regular night clubs in order that customers can talk among themselves and to the dancers.

3.2 I understand a noise expert and the environmental health officer have been consulted to ensure that the building is adequately sound insulated. The proposed increase in facilities for sexual entertainment inside the premises is not visible outside and will have no effect on residents in other parts of the building.

3.3 The residents highlight historical problems of noise and nuisance that have been caused at the premises when it was run as a drink led bar and club, these are common to such premises. The application to change the premises to a lap dancing bar, and the proposed conditions, will lead to a decrease in customers outside queuing, a decrease in those smoking and a generally much quieter and more controlled environment.

3.4 This resident highlights concerns about the premises operating as lap dancing bar while their niece is staying, in particular about men hanging around the front door. As previously stated

customers at lap dancing bars do not hang around outside and are admitted and leave the premises quickly. There are new policies proposed, in line with best practice, to manage the external environment and minimise impact on residents.

3.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

4. Objector 4, MR Robert Nadler, Nadler hotel.

4.1 Mr Nadler refers to the proposal to remove conditions 32 and 34 from the existing licence. These require substantial food to be available during permitted hours and puts restrictions on who can be sold or supplied intoxicating liquor after 23.00. It refers to a Special Hours Certificate under previous licensing legislation.

4.2 These conditions do not have the effect of requiring all customers at the premises after 23.00 to take a table meal but require only that substantial food is available during the whole of permitted hours and that customers who are not eating have to pay the admission charge.

4.3 Following discussion with police I understand that agreement has been reached that conditions 32 and 41(e) will not be removed but will be suspended when the premises trades as a lap-dance club. This has the effect of ensuring that the provision of alcohol will always be ancillary to either lap-dancing or music and dancing and is a sensible precaution.

4.4 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.

4.5 While it is recognised that the consumption of food can reduce the effect of alcohol these conditions do nothing to require customers to consume food. There is no evidence that the removal of condition 34 and suspension of condition 41(e) when sexual entertainment is taking place will have a negative impact on the promotion of the licensing objectives.

4.6 Mr Nadler refers to the improvements in the character of Soho over the last 40 years and as a Londoner and ex-police officer who has visited and worked in Soho for many years I agree with this. Soho continues to be an exciting place and offers a bustling, vibrant and above all mixed environment where a broad range of premises operate alongside each other within a regulatory framework that is strictly controlled.

- 4.7 Whether or not an individual chooses to go to a premises offering sexual entertainment is a personal, often moral, choice. However, there is no evidence to support the assertion that lap dancing bars encourage a threatening or sexually charged atmosphere that has a negative impact on the licensing objectives.
- 4.8 The evidence indicates there is less crime and disorder and less nuisance associated with such premises when compared to alcohol led bars and clubs and the proposed conditions and management plans will ensure this is the case with this application.
- 4.9 Mr Nadler raises concerns about the potential increase in noise and disturbance in Carlisle Street from the proposed variation. As previously stated the proposed new style of operation, together with the improved management of the external environment, will lead to less noise and disturbance.
- 4.10 Protection of Children from Harm. The SEV standard conditions ensure that externally there is no nudity or relevant entertainment ensuring that children outside are protected from any potential harm. There is no evidence that lap dancing bars create an atmosphere or potential for violence, the extra control measures, higher ratio of door supervisors to customers and generally more relaxed atmosphere lead to less violence, nuisance, crime and disorder than a regular nightclub.
- 4.11 It is not proposed to increase the capacity of the premises, the proposed changes relate to the style of operation and are likely to lead to a reduction in the overall number of customers. The proposed management plans for the external environment, in line with best practice, will lead to reductions in noise and nuisance outside the premises.
- 4.12 Mr Nadler raises concerns about the removal of specific conditions:
- 4.13 There is no evidence that the removal of Condition 15 that allows dancing and striptease to take place only in the basement will have an adverse effect on the licensing objectives. The increase in relevant entertainment will ensure customers are attracted for the entertainment with alcohol consumption ancillary to this. This will reduce the potential for crime and disorder or nuisance to residents.
- 4.14 With regard to the removal of condition 30, It is proposed that there will be at least one Personal Licence Holder present during the whole time that intoxicating liquor is sold, supplied or consumed. This is a sensible condition that ensures proper supervision of the premises and together with the increased ratio of door supervisors and improved management policies is sufficient to ensure the premises promotes the licensing objectives.
- 4.15 It is now proposed that condition 32 not be removed but is suspended when the premises operates as lap-dancing venue. This is a sensible approach that ensures that the premises does not become an alcohol led bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.

- 4.16 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.
- 4.17 This condition has little effect on the promotion of the licensing objectives and the removal, in the context of the proposed change to a lap-dancing club, will not have a negative impact on the promotion of the licensing objectives.
- 4.18 It is now proposed that condition 41(e) is not removed but is suspended when the premises is used for lap-dancing. This is a sensible approach that ensures that the premises does not become an alcohol lead bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.
- 4.19 The removal of condition 47 will allow sexual entertainment in a larger area of the premises, however this will not be visible to those outside the premises and will have no impact on the promotion of the licensing objectives as is not relevant to the protection of children.
- 4.20 As previously stated the evidence indicates that the premises operating as a lap dancing club, with all the additional management policies proposed, will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity. There are standard conditions covering SEVs that must be complied with and additional conditions have been agreed to cover specific concerns.
- 4.21 This application does not seek to extend the hours permitted by the existing licence. It is my view that the evidence indicates that the proposed change to a lap-dancing club, with the additional conditions, will bring about a reduction in crime and disorder and the nuisance to residents that has been caused in the past.

5. Objector 5, un-named local resident.

- 5.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.
- 5.2 There are other similar premises such as Sunset Strip close by of which the author appears unaware. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

6. Objector 6, un-named Councillor or MP.

6.1 This objection merely states that the author objects to the application, no reason and no evidence is given.

7. Objector 7, un-named local resident.

7.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the areas in which it can be provided. There are other similar premises such as Sunset Strip close by of which the author appears unaware.

7.2 There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type. The concerns raised relating to the Nellie Dean public house are common problems at pubs and regular nightclubs.

7.3 However, due to the different style of operation and increased regulation at lap dancing clubs, and the conditions proposed in this application to manage the external environment, this application will reduce the potential for such problems.

8. Objector 8, un-named objector, local resident?

8.1 There is no evidence to support the assertions of this objector that children will not be protected from harm, crime and disorder will increase, public nuisance will increase and public safety will be compromised. The available evidence indicates that all the licensing objectives will be promoted and crime and disorder and public nuisance will decrease.

9. Objector 9, un-named resident during university holidays.

9.1 This objector does not provide any evidence that the licensing objectives will not be promoted by granting the application. As with other residents the author points to nuisance caused by the Nellie Dean and draws the conclusion that these will be made worse by this application. This is not the case.

9.2 The standard conditions for SEV premises and those additionally proposed, including the management plans for dispersal and smoking restrictions in line with best practice, will ensure that this application does not cause the same issues that are created by some other licensed premises in the vicinity. It provides positive benefits to the external environment when compared to the operation of a pub or regular nightclub.

10. Objector 10, un-named resident.

10.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

11. Objector 11, un-named Councillor.

11.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises is currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.

11.2 The premises has operated to capacity as a bar and nightclub in the past and this application is likely to lead to fewer rather than more customers. There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

12. Objector 12, Environmental Health, Ian Watson and Ola Owojori.

12.1 **Response to Ian Watson.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

12.2 The proposal to use all three floors for relevant entertainment will change the style of operation from an alcohol led bar and club to a premises that provides entertainment with alcohol ancillary. This will lead to a decrease in public nuisance. There is no evidence that increasing the space used for entertainment will have any impact on public safety.

12.3 There is no evidence provided that removal of Condition 25 to allow regulated entertainment in areas other than the basement will have any impact on public safety. It is not proposed to increase the capacity of the premises and with the greater supervision provided by addition door supervisors public safety will be improved.

12.4 **Response to Ola Owojori.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

- 12.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.
- 12.6 There is another SEV nearby, Sunset Strip at 30 Dean Street. I walked past on 2nd October 2014 and the doors were open giving a good view of the interior, including the scantily clad dancers. Unlike the discrete Vanity bar exterior, Sunset Strip has a clear indication of what goes on inside with the illustrations in the first floor windows, these leave the casual passer-by under no illusion what entertainment is provided.
- 12.7 Concern has been raised about customers and dancers smoking together at the front of the premises. This has been considered and there is a smoking area provided for customers at the front of the building and a completely separate area for dancers on the first floor. This is covered in paragraph 9 of the dancer welfare policy.
- 12.8 Concern is raised about what is referred to as a vulnerable hostel at 91 Dean Street. This is close to Sunset Strip and I am not aware that there has been any adverse effect in the past. I do not consider that Vanity Bar, which has a discrete, managed entrance and is around a corner in another road, will have any impact on this hostel.
- 12.9 With regard to concerns raised about the potential for prostitution, touting and 'clipping', these are issues that many of the premises in the West End face and are not unique to SEV premises. I consider that the policies and procedures proposed, such as the extensive use of Door Supervisors and the management plan for the external environment, accord with best practice and will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity.
- 12.10 There is no evidence that extending the area where entertainment is permitted will lead to inadequate supervision at the premises. The increased levels of security and CCTV coverage will ensure that the whole premises are supervised and the dancer and customer codes of conduct are adhered to.
- 12.11 In relation to hours, what is proposed will ensure that entertainment is provided when the premises is open for the sale or supply or intoxicating liquor ensuring that the intoxicating liquor is ancillary to the entertainment at all times. This is an improvement over the existing licence which effectively allows the use of the premises as a drink led bar provided the entry fee is paid and food, (which does not have to be consumed) is available.

12.12 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses.

12.13 In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

13. Objector 13, James Hayes, Licensing Inspector.

13.1 The applicant has proposed an increase in door supervisors when the premises is used for relevant entertainment as follows:

- a. Entrance – 1
- b. Basement when in operation – 1 per 35 customers
- c. First floor/Mezzanine when in operation – 1

This number of door supervisors will ensure a good level of supervision with a door supervisor on every floor of the premises and is significantly more than was previously required.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,
Independent Licensing Consultant,
7/10/14.







The Soho Station



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3



4





8/9
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DOCTOR	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 2:00 - 4:30pm	Dr H Mistry 11:00 - 12:30 Dr P Reid 2:00 - 4:30pm	Dr S Ramadan 2:00 - 4:30pm
DRUGS & ALCOHOL MENTAL HEALTH NURSE Ms Liz Abrahams	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	2:00 - 4:30pm
DENTIST Dr C Brazil Ms F Askarioust		By Appointment		By Appointment	
ADVICE WORKER INCLUDING BENEFITS, DEBT, IMMIGRATION, SOCIAL HOUSING Mr Nico Vial	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm
PSYCHIATRIST		By Appointment 11:00 - 1:00pm			
COUNSELLING Mr John Conolly (Please ask of reception for details)	Drop-in 10:00 - 12:00	Drop-in 2:00 - 4:30pm	By Appointment 10:00 - 4:30pm		
PODIATRIST Ms Alison Gardiner					9:30 - 12:30
BENEFITS ADVICE (DWP) Ms Zoe Simmons				By Appointment 10:00 - 2:30pm	



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Regina v Newcastle upon Tyne City Council, ex parte Christian Institute

a

QUEEN'S BENCH DIVISION: 5 SEPTEMBER 2000

b COLLINS J

Licensing — Sex establishment — Sex shop — Local authority granting licence to organiser of sex exhibition — Exhibition to be made up of a number of stalls run by individuals not employed by organisers — Whether morality a relevant factor in exercise of local authority's discretion to grant licence — Whether appropriate for licence to be granted to organiser of exhibition or individual stall holders — Local Government (Miscellaneous Provisions) Act 1982 (c30), Sched 3

A company planned to organise a "sex exhibition" on premises within the area of the local authority. The exhibition was to consist of a number of stalls at which various items would be sold or displayed, some of which would be "sex articles" as defined in paragraph 4(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. The stall holders were individuals permitted to operate their stalls by the organisers, and not employees of the organisers. The local authority granted the company a licence to use the premises as a sex establishment under paragraph 8 of the Schedule, subject to conditions. The applicant, a local organisation concerned to promote the Christian ethic who opposed the exhibition on moral grounds, sought judicial review of the local authority's decision to grant a licence.

On the application for judicial review,

Held, refusing the application, that the provisions of paragraph 12(3)(c) and (d) of Schedule 3 to the 1982 Act, which gave grounds on which a local authority had a discretion to refuse a licence, did not enable a local authority to have regard to the morality of the proposed sex establishment, but entitled it to take account of any strong body of feeling in the locality which objected to the existence of a sex establishment in that locality; that it was the effect on the locality and on those living nearby which had to be taken into account as distinct from the morality of the activities involved; that when determining whether the organisers of the exhibition were the appropriate licensees as opposed to the individual stall holders, the primary consideration was whether the exhibition could properly be described as use of the premises by the organisers as a sex establishment;

that for the purposes of Schedule 3 the organisers were using the premises as a sex establishment and although the individual stalls were also being used by the individual exhibitors, they did not need separate licences; and that accordingly, the local authority was acting lawfully in granting the licence.

APPLICATION for judicial review

By an application dated 18 August 2000 the applicant, the Christian Institute, applied for judicial review in the form of: (1) a declaration that a sex establishment licence for a sex shop did not allow its holder to cause or permit third parties to use the premises licensed or parts thereof for the conduct and management of sex shop businesses on their own accounts; and (2) an order of certiorari to quash the decision of Newcastle City Council, made on 7 August 2000, to grant to Xsensual Ltd a sex establishment licence for a sex shop at the Telewest Arena, Newcastle upon Tyne, pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The facts are stated in the judgment.

Charles Holland (instructed by John O'Neill & Co, Newcastle upon Tyne) for the applicants.

Nigel Peters QC (instructed by the Director of Legal Services, Newcastle upon Tyne City Council) for the local authority.

Alex Milne (instructed by Kay Tesler) for Xsensual Ltd, an interested party.

COLLINS J. There is due to be held this weekend in Newcastle at the Telewest Arena what is described as a sex exhibition. This is being organised by a company called Xsensual Ltd.

In order to enable this event to go ahead, Xsensual applied on 25 of this year to the Newcastle upon Tyne City Council for the grant of a licence to use the premises as a sex establishment. The application was made pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. That Schedule contains a code for the licensing of or, as the Act puts it, control of sex establishments.

A "sex establishment" is defined, in paragraph 2, as "a sex cinema or a sex shop". We are not here concerned with a sex cinema, but with a sex shop which paragraph 4(1) of the Schedule defines to mean:

"any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—(a) sex articles; or (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—(i) sexual activity; or (ii) acts of force or restraint which

restraint which are associated with sexual activity; and (b) anything to which subparagraph (4) below applies."

a

Subparagraph (4) applies:

"(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and (b) to any recording of vision or sound, which—(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions."

b

The proposed arrangements, broadly speaking, are that Xsensual will hire the arena and will obtain the necessary licence. In the arena there will be a number of stalls which are manned by individuals who either sell or display items which might or might not come within the definition "sex articles". In addition there will be at least one, and possibly more than one stall which is engaged in the sale of videos which are described as R18. The importance of those is that it is against the law to sell any such videos unless from a licensed sex shop. That is provided for by section 12 of the Video Recordings Act 1984.

d

Xsensual's application was duly advertised in the local press, as it had to be in accordance with the Schedule.

I do not need to go through the provisions in any detail; suffice it to say, there is a provision for advertisement and for the receipt by the local authority of objections, so those can be considered, provided they are received within 28 days of the application being made for the licence. Having received and considered such objections as there might be, the local authority will then decide whether it is appropriate to grant a licence.

e

So far as the application is concerned, it is very much up to the local authority what particulars it requires to be given in relation to an application for a licence. The only particulars that must be provided, by virtue of paragraph 9(3), where the application is made by a body corporate, as was the case here, are: "(a) the full name of the body; (b) the address of its registered or principal office; and (c) the full names and private addresses of the directors or other persons responsible for its management."

f

There are by paragraph 12 some mandatory and some discretionary grounds for refusing a licence. The mandatory grounds for refusing are, that the applicant is under 18 or is disqualified as a result of a revocation of a previous licence; is (so far as a body corporate is concerned) not incorporated in the United Kingdom or, if an individual, is not resident in the United Kingdom; or was not so resident throughout the period of six months immediately preceding the date when the application was made;

g

That, of course, is a very wide power to refuse a licence.

"(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;"

Pausing there, that, no doubt, is to avoid the use of front people in order to obtain licences when the real person in charge is, for whatever reason, unfit.

"(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality."

As subparagraph (4) indicates, the appropriate number may, in any given case, be nil.

"The relevant locality" is defined, in subparagraph (5), as meaning the locality where the premises are situated, which perhaps is not overly helpful and has led to a degree of litigation in the past. Finally at (d):

"that the grant or renewal of the licence would be inappropriate, having regard—(i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made."

It will therefore be apparent that the local authority is granted a very wide discretion by the provisions of the Schedule in deciding whether or not a licence should be granted. Furthermore, as I have already indicated, the details which the local authority require of an applicant and the investigations that it chooses to make are very much a matter for it. There is nothing laid down in the Schedule which determines precisely what steps should be taken in any given case by the local authority.

The applicants in this case are a company registered by guarantee, known as the Christian Institute. They are a local organisation in Newcastle and, as their name suggests, they are concerned to promote the Christian ethic. They oppose, on moral grounds, the activities which are intended to be carried on in the course of this sex exhibition. It is a view which is, no doubt, held by many other people than themselves but, equally, it is a view which is not agreed to by many others.

So far as I and the local authority are concerned, in carrying out the provisions of this Act, approval or disapproval of sex shops is not a matter which can be put into the equation. It is a question only of applying the provisions of the Schedule.

Mr Holland has suggested that the provisions of paragraph 12(3)(c) and (d), do enable the authority and the court to take account of what he has

a objects to the existence of a sex shop in that locality. Equally, paragraph (d) makes plain that, in addition to the character of the relevant locality, the use to which any premises in the vicinity are put is also a relevant consideration. Thus, for example, it might be perfectly reasonable to refuse a licence for a sex shop which is in the vicinity of a school or some religious building. That is a recognition that sex shops may attract a particular clientele whose presence may not be considered desirable in some areas and that is something again which can be taken into account, but it has nothing to do with the morality of sex shops as such. It is the effect on the locality and on those living nearby which has to be taken into account and that is the distinction which is drawn. Thus, straightforward objections on the ground that sex shops should not be allowed to exist have no part to play in my or a local authority's consideration of the case. Whether I approve or disapprove is nothing to the point. Whether the local authority approves or disapproves is equally nothing to the point, except insofar as the provisions of paragraph 12 are applicable.

b The matter was considered by the relevant licensing committee on 7 August 2000. The applicants were able to attend through a representative and there were at least two, maybe three, councillors who also made and put forward objections.

c The committee received a substantial number of objections, (I think the figure of 94 or thereabouts is in the papers) but, in the end, they decided that the licence should be granted to Xsensual, subject to a number of conditions. The conditions that may be prescribed are covered by paragraph 13 of Schedule 3 which entitles: "(1) ... the appropriate authority [to] make regulations prescribing standard conditions [if they wish to do so]."

d That has not been done, so far as Newcastle is concerned; certainly, there is no evidence before me that that has happened. What the local authority did here was to decide what conditions would be appropriate. Furthermore, they made inquiries of the police to see whether there were any police objections to the applicants or to the application: there were none. The applicants indicated that there had been similar fairs held in, I think, Wembley Stadium and at Kensington Olympia, and no doubt the local authority were able to, if they wished, make inquiries to discover whether there had been any problems in relation to those. The evidence before me is that there have been no problems and there is nothing to gainsay that.

e The conditions amount to 33 in all. It is not necessary for me to go through them in detail, but they include, for example, a requirement that "the licensee should maintain good order on the premises at all times"; "no person under 18 years of age shall be admitted ...; whilst the premises are open as a sex establishment they shall not be used for any other purpose."; "... [there shall be available] without charge ... literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems

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soliciting or immoral purpose.”; there should be no distribution of advertising material promoting the establishment in the city in the vicinity of the establishment without prior consent: “Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned, displayed, advertised or demonstrated...”; there should be no “total nudity [except] on stage...”

There is, as part of the exhibition, to be a stage event. Perhaps the only one I need read specifically is condition 28, which states:

“No person convicted of an offence connected to a sex establishment either licensed or unlicensed may be employed at the premises or be involved in supplying entertainment or goods to be included in the exhibition.”

The Schedule contains paragraphs which deal with “enforcement” and create offences. The most relevant of those is paragraph 20 which provides, amongst other things:

“(1) A person who—(a) ... (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or (c) being the holder of a licence under this Schedule without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.”

It is apparent from the wording of that paragraph that it is only someone acting as the licence holder’s servant or agent who can render him guilty of an offence. Thus, what is said by Mr Holland, who has appeared on behalf of the applicants, is that the stall holders will not be either the servants or agents of the licensee, Xsensual, and therefore there can be no prosecution of Xsensual for their misdeeds, if any misdeeds are established. This means that the control which Parliament has obviously regarded as important will be lacking.

Before I come to the main submissions, I should deal with two subsidiary points which have been raised by the applicants and with a further important point which was to have been part of the argument but which has fallen away, namely whether the applicants have a sufficient interest to enable them properly to be permitted to make this application at all.

So far as that third point is concerned, at the outset of the hearing, Mr Peters, on behalf of the authority and Mr Milne on behalf of Xsensual, did not argue against the proposition that the applicants did have sufficient interest. It appears that there is evidence showing their local connections,

a told by counsel, to go behind their concession. Accordingly, that issue I have not had to determine and I proceed on the basis that the applicants do indeed have locus standi to maintain these proceedings, for which they were granted leave last week by Elias J.

b The two subsidiary points are these. First, an allegation that there was a procedural impropriety. The way it is put is that the initial letters to objectors wrongfully fettered the discretion, which undoubtedly exists in the local authority to afford the objectors a hearing. Whether or not there is anything in that (and, frankly, I do not think there is) the fact is that these applicants did attend and were heard. Therefore, it hardly lies in their mouths to complain that they were adversely affected by any alleged impropriety.

c In fairness to Mr Holland, he did not pursue either of these points with any vigour at all, and he accepted, in the course of argument, that this particular one was really one which he could not, on the material available, place any reliance upon. Accordingly, I need go no further into it.

d The second subsidiary ground was that in a newspaper report of a radio interview, it was said that the responsible officer of the local authority indicated that the local authority had not taken into account what might be considered moral values in determining the application. I have already gone into that to some extent earlier in this judgment, and it seems to me he was right in what he said, if he meant—and I have no reason to believe he meant anything different—that moral values as such on their own were not a basis for reaching any decision under the Schedule.

e Again, I understand why the applicants are concerned to raise that point, but I am afraid it is not a point that has any validity in law. Accordingly that point too, I reject.

f I turn, therefore, to the real basis for this application. The starting point is paragraph 6 of Schedule 3 which reads, by subparagraph (1):

“Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.”

g The point that is essentially being made is this: albeit the arena is clearly “premises”, and is being hired by the organisers Xsensual, the use as a sex establishment is the use by each individual stall holder of his stall. The organisers are not using the premises as a sex establishment, they are merely permitting others, that is to say, the stall holders to use the individual stalls. Accordingly, a licence to the organisers Xsensual is not appropriate in order to licence the use of the individual stalls which need licences because they are sex establishments. I should say, it is the case, so I am told, that by no means all the individual stalls qualify as sex establishments because many of them are not, within the meaning of

articles, but which one can understand might perhaps go with sex articles in an exhibition such as is proposed on this occasion. ^a

I am told, that it is the view of the organisers that only some three or four stalls will be selling sex articles and thus would, if looked at in isolation, qualify as sex shops within the meaning of paragraph 4. Of course, that includes, as it has to, those who are proposing to sell the R18 videos because of the provisions of section 12 of the Video Recordings Act 1984. ^b

Mr Holland develops the point by saying that, in any event, this sort of licensing (that is to say, of organisers where the users are not going to be either employees or agents) is contrary to the purpose of the Schedule. ^c

First, it means that there is a delegation by the local authority of their responsibility to vet the applicants for licences, in particular to vet those who are going to be involved in selling the items or in running the individual stalls. They have a responsibility, limited though it is, in the express terms of the Act, to make inquiries about and to vet those who apply for licences. The individual stall holders will not have to apply, and so it is left entirely to Xsensual to decide who should be allowed in to the exhibition and run stalls there. Thus the authority is putting out of its control the responsibility that it ought to carry for ensuring that only fit and proper people are running the stalls in the exhibition. ^d

Secondly, Mr Holland points to paragraph 20 (to which I have already referred) and to the limitation of offending under that paragraph to be laid at the door of the licence holder to the activities of its employees or agents. This indicates, he submits, that Parliament quite clearly did not envisage that there should be a licence given to an organiser where he has no direct control, because they are not employees or agents, over the activities of the individual stall holders. ^e

Mr Peters submits that that is too narrow a construction of the provisions of the Schedule and points to the provisions also of paragraph 8 which provide that: ^f

“the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.” ^f

There is nothing in paragraph 8, submits Mr Peters, which suggests that the individual to whom the licence is granted must himself be using the premises for the sex establishment, in the sense that he must be the one who is actively involved in the individual stall. ^g

As it seems to me, the primary consideration must be whether what is proposed here can properly be described as use of the premises by Xsensual as a sex establishment. There is, as I have said, no question but that the premises as a whole are capable of amounting to a sex establishment because of the nature of what is on there. albeit a

exchanging, lending, displaying or demonstrating the articles which qualify.

a The word "use" is a wide word. It seems to me, as a matter of ordinary English, that a person who organises an exhibition and has general control over who shall come there, it being his decision whether he accepts a stall holder or not, and who imposes, as must happen because of the terms and conditions of the licence that has been granted, upon the stall holders certain obligations which they must comply with in the exhibition and in running their stalls can properly be described as using the premises as a whole. He sets up, he organises, he essentially runs the exhibition that is going on and it is envisaged, of course, that he will have someone on site, always keeping an eye on what is happening.

b I have no direct knowledge of the individual arrangements or contracts between the organisers and the stall holders, but I do know that the authority has laid down the conditions, to which I have referred, and those conditions will, no doubt, have been drawn to the attention of the individual stall holders. Indeed, they clearly must be drawn to the attention of the individual stall holders, so that they can comply with them. As I say, in those circumstances, it seems to me, as a matter of ordinary English usage, that the organisers, in this case Xsensual, are using the premises as a sex establishment. Of course, the individual stalls are also being used by the individual exhibitors, but if the licence is appropriate to cover that use, they do not need any separate licence.

c Mr Holland has drawn my attention to various decisions under the Licensing Acts. Mr Peters submits that that is a different regime which is clearly intended to require that an individual should have control over the day-to-day activities in licenced premises. Thus it is the responsibility of the individual licensee to ensure, for example, that there is no drunkenness on the premises, that drunken people are not served, that underaged people are not served and so on. All these are matters which are personal to the licence holder. It is no good that there may be a licensee on the premises if the reality is that that licensee has no ability to control anything that goes on in the premises. There are authorities to which I have been referred which make that plain. It is no good, as it were, putting up a stooge and sitting him in the corner of the bar and saying, "there is your licence holder, therefore, the people who are actually engaged in running the premises can do so without fear of committing any offence".

d It seems to me it all depends upon the proper construction of the individual licensing provisions, in this case Schedule 3 to the 1982 Act and, for reasons I have given, it seems to me plain from that, that the arrangement which has been entered into here is one which is permitted by its terms. As I have already said, it seems to me that both for the purposes of paragraphs 6 and 8, Xsensual can properly be said to be using the premises.

authority, provided it does not act irrationally, to determine what information is required on any application and how it should approach its licensing function. It is given a very wide discretion. The conditions it has imposed show it is alive to the need to ensure that there is a proper control kept in the premises. Indeed, Mr Peters has submitted that the reality is that there is a greater degree of control likely where the organisers, a single individual or a body corporate as here, have the responsibility to ensure that things go as they ought to. If they want to organise any further fairs, it is clearly in their interests that what is done should never transgress the law, because otherwise, obviously, the next application they make in any other venue in the United Kingdom will be met, when investigations are made, with the knowledge that things went wrong in Newcastle. I would not expect in those circumstances the next local authority to look kindly upon an application for a licence. Thus, they have a clear interest to ensure that the conditions are complied with.

Of course, no one can guarantee that an individual who is permitted to run a stall will always be as honest as he should or will not break the conditions. Nothing can be guaranteed, but nothing equally can be guaranteed with an employee or an agent. The arguments that have been raised by Mr Holland about the lack of vetting seem to me to be arguments which would run equally with employees and agents.

Furthermore, it is to be noted that in paragraph 20(1)(c), a knowing contravention or the knowing permitting of a contravention of term, condition or restriction specified in the licence is an offence by the licence holder. Thus, any breach by a stall holder will, if done with the knowledge of the licensee, render the licensee guilty of an offence. It will not be any answer for the licensee to say that he did not draw the conditions to the attention of the stall holder because, clearly, that would mean that he was failing in his duty and, furthermore, would amount, I am sure, to constructive knowledge and thus create an offence.

Accordingly, I am satisfied that what has been done in this case is lawful. It was open within the terms of Schedule 3 to the local authority to grant the licence, subject to the conditions to Xsensual. It may be that with hindsight, condition 28 could have been drawn somewhat more tightly so that, for example, it caught not only the person convicted of an offence, connected to a sex establishment, but also anyone who was disqualified. Possibly it should extend, for example, to anyone convicted of a particular sort of offence (obviously one would exclude motoring offences) it might be desirable to exclude anyone who had committed a sex offence or an offence of dishonesty. That is a matter for the local authority. I do not regard the conditions that they in fact imposed, as in any way falling short so as to amount, in law, to an abnegation of whatever duties they had under the provisions of the Act.

I should say that there has been a suggestion that there might be the grant

a bound to say I had some reservations, as I indicated in argument, about whether waiver was appropriate in circumstances such as these, but as I say, I need not go into that issue now because, in my judgment, the course adopted by the local authority was not unlawful in any way and, accordingly, this application must fail.

b *Reported by Brendan Wright, Barrister.*

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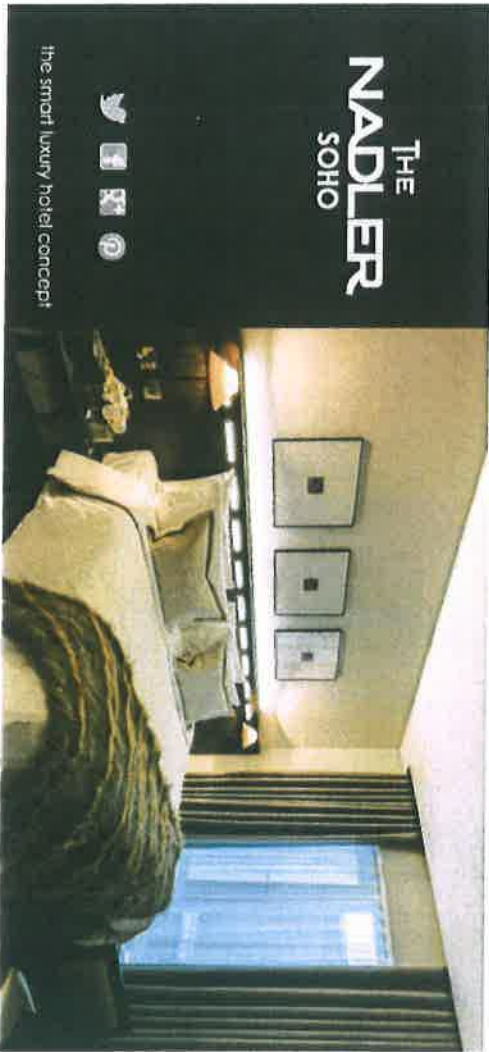
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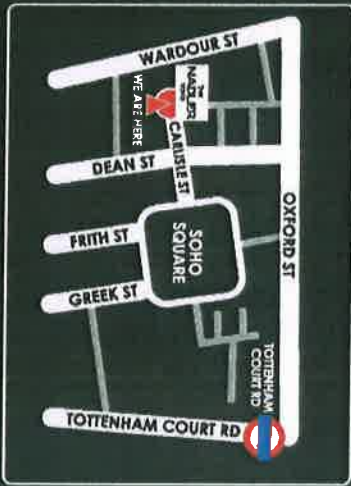
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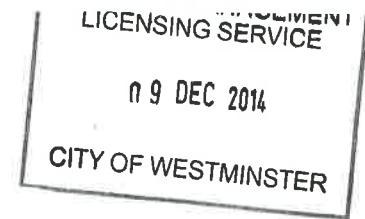
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Licensing Service
 City of Westminster
 4th Floor
 64 Victoria Street
 London
 SW1E 6QP

Direct Email: jms@jgrlaw.co.uk
 Direct Fax No: 020 7307 0245
 Direct Dial No: 020 7339 7018

8 December 2014

Our Ref: JMS/TXB/21340.00005

Dear Sirs

Re; Vanity Bar, 4 Carlisle Street, London - Application for a Sexual Entertainment Venue Licence

I thought it might be helpful to the Committee if I were to give an overview of the applications for variation of the Sexual Entertainment Venue Licence and of the Premises Licence. The committee will be receiving a plethora of papers but the application itself is straightforward. At the time of writing this letter the Agenda papers have not been issued and I am therefore unable to provide convenient page number references.

Within the papers will be a copy of the existing Premises Licence (14/00491/LIPDPS). The Premises Licence authorises the sale of alcohol from 09:00 to 03:00 the following day except on Sundays which are 12:00 until 12:30 the following morning.

The Sexual Entertainment Venue Licence (SEV) number 14/01806/LISEVT authorises "relevant entertainment" Monday to Thursday 09:00 to 23:30, Friday and Saturday 09:00 to 02:00 and Sunday 09:00 to 23:00 which entertainment is confined to the basement of the premises.

The purpose of the application as set out in the notice of application is to bring the SEV hours and area within the premises, to be coterminous with the Premises Licence. Therefore the application is in accordance with your policy

At paragraph 2.5.1 of the SEV Statement of Licensing Policy 2012 states –

“where a premises is licensed under the 2003 Act (Premises Licence) for hours beyond the “core hours” the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate. Where a proposal is made to

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operate outside these “core hours” each application will be considered on its merits and with reference to the policy aims and objectives”.

Other proposed changes to the licensing conditions, whether they are for the SEV licence or the Premises Licence are consequential changes or provide additional conditions which flow from the stated objective of matching the SEV to the Premises Licence.

SEV licences were introduced by the Policing and Crime Act 2009 which then shoe horned the new SEV licensing into the confines of Local Government (Miscellaneous Provisions) Act 1982. Local Authorities were then able to adopt the legislation in relation to existing premises which offered lap-dancing (referred to in Westminster as “premises with a waiver of rule 4”). The existing Premises Licences all had provisions which dealt with the (sexual) entertainment and those conditions were copied onto the new SEV licence.

Applying for the new SEV Licence did not require any variation of the Premises Licence and therefore many Premises Licences (such as these in question) had similar conditions on both the SEV licence and the Premises Licence. In these circumstances Licensing Authorities were instructed that any conditions on the Premises Licence were to be of no effect where there was a similar condition on the SEV licence. In order to try and accommodate the legislative provisions Westminster adopted the practice of putting a box around any condition on the Premises Licence which controlled the sexual entertainment and annotating the licence “conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises”. Guidance anticipated these conditions being removed as variation of the Premises Licences being made. We have therefore removed those conditions from the Premises Licence and I will endeavour to explain those variations at the hearing.

We wanted to make it clear to the Committee from the outset that the applications are confined to achieving the purpose mentioned above, which is to bring the Sexual Entertainment Venue Licence in line with the Premises Licence. The volume of papers would belie that, but the Committee is asked to confine the application as being made for that purpose only.

Doubtless the committee will wish to read all the papers before the hearing and I will not go over the merits of the application here. I propose to do that at the hearing and address the committee in relation to other Policy considerations.

I mentioned above that the nature of the application fell squarely within Policy (2.5.1). That the application is in the spirit of the Policy and can be found in the Mission Statement. As can be seen from Mr. Hugh Matheson’s representation the application Premises was operating as “The Dolls House Striptease and Nude Review” prior to 1985, cheek by jowl with other commercial uses and some residential accommodation.

The Mission Statement states:-

“we want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within the safe, orderly and attractive environment; valued by those who live here, work here and come to visit”.

We have provided photographs which show that Carlisle Street offers a wide choice. From Carlisle Street junction with Dean Street is a traditional Soho public house, the Nellie Dean, next to that is the application premises which, in more recent history, operated as a lesbian lap-dancing club and late bar. Next is a hairdressing salon and next to that the head office of the magazine Private Eye. Next is a non-descript commercial premises which is then next to Vizible and then, the Nadler Hotel. An alleyway then separates the hotel from money transferors/or lenders and then after a non-descript premises (probably empty) is the iconic Pizza Express Jazz restaurant which is on the other side of Dean Street.

In a nutshell the application is brought to bring the SEV Licence in line with the alcohol Licence because the existing SEV Licence is so restrictive that a Sexual Entertainment Venue could not survive the commercially. Reality dictates that if it can't operate as an SEV it will have to make full use of its Premises Licence and trade as a late night bar (without entertainment) to 03:00.

We hope that this overview is helpful to Committee.

Yours sincerely,



JULIAN SKEENS

Director

for Jeffrey Green Russell Limited

Hayes, Claire

From: Qureshi, Sabihah
Sent: 03 September 2014 13:46
To: General Licensing
Subject: FW: Objection: 14/06704/LISEVV, 4 Carlisle Street, Soho

From: David Gleeson [<mailto:dgleeson@live.co.uk>]
Sent: 02 September 2014 17:12
To: General Licensing; Premises Licensing
Cc: Marina Tempia; Margaret Bloomer; Richard Utting; John Raynham; Richard Brown
Subject: Objection: 14/06704/LISEVV, 4 Carlisle Street, Soho

Objections

Westminster Licensing Service

4th Floor (West) City Hall

64 Victoria Street

London SW1E 6QP

02 September 2014

Dear Sir/Madam

Ref: 14/06704/LISEVV – Vanity Bar and Nightclub, Basement to first floor, 4 Carlisle Street, London W1D 3BJ

Application to vary SEV licence under para 18 Sched 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)

I write to object under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society 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 City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy and the SEV Statement of Licensing Policy.

The Society objects to this application to vary the SEV licence to extend the hours for which it has effect and to remove condition 25 on the grounds that:

1. It is contrary to the aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 (para 1.7), particularly i) prevention of crime and disorder ii) prevention of public nuisance and iii) promoting improvement in the character and function of the city, or areas of it.

Prevention of crime and disorder – to use the ground floor for entertainment and dancing will undoubtedly establish the premises as an attraction and draw potential customers until the venue is closed (3am), thereby causing more activity, noise and potential crime in this residential street.

Prevention of public nuisance – the space immediately above the premises – as well as other parts of this small street - consists of domestic residencies and the sound created by music in such a venue will undoubtedly disturb the occupants. Carlisle Street is a very small cul-de-sac with the Nadler Hotel at the end: it is also likely that a sexual entertainment venue just yards from the main entrance and open until very late will have an adverse effect on this boutique hotel's business.

Promoting improvement in the character and function of the city, or areas of it – due to the comments above, we cannot see how this application would, if granted, promote such improvement. It not only seeks a later hour for relevant entertainment, but seeks to remove condition 25 which currently limits it to the basement only. I note that the application states that 'this application will facilitate the premises in attracting a clientele seeking out entertainment rather than seeing the consumption of alcohol as a major part of their night out.' This is highly debatable.

2. 2. The variation would be inappropriate, having regard to the character of the relevant locality, and to the use to which other premises in the vicinity are put- there is significant residential accommodation in the vicinity of the premises, including directly above. We are aware that individual residents have made their own objections, and we support these. The building in question is, in parts, centuries old and was originally built as living accommodation so the building itself is arguably completely unsuited for the purpose the applicants are intending. Carlisle Street, although in the stress area, is situated in one of the rare, quiet pockets of Soho and having such a venue opened until late in the night would disturb the general, harmonious peace which residents and businesses have negotiated carefully over the years.

Policy 2.5.7 further states that 'The effective dispersal of customers both from the premises and their locality is regarded by the council as a key principle of its policy to promote the policy aims and objectives.'

I confirm that I do not wish to exercise my right to anonymity under the Act.

I look forward to being kept up to date with developments.

Yours faithfully,

David Gleeson

Licensing Chair, The Soho Society

55 Dean Street

Soho

London W1D 6AF

Hayes, Claire

From: Roberts, Glenys (Cllr) CODE03
Sent: 01 September 2014 10:09
To: Nelson, Nicholas
Cc: Glanz, Jonathan (Cllr)
Subject: Re: 4 Carlisle Street, W1

As with my previous representation I support [redacted] in his objections to Sexual Entertainment use at this venue. There is a long history of inappropriate use in the lower floors of this building that has been regulated as a result of previous objections by the residential occupants supported by myself. This is a historic building quite unsuited to major destination activity because in the 18th century when it was built it was not designed for such use. Most importantly any noise transfers and vibrates through the structure making late night activities intolerable to those trying to sleep in the upper floors. In addition when patrons who may well be overexcited and inebriated later disperse down what is a narrow cul de sac residents are disturbed once more from noise on the street. This was recognised by previous licensing hearings and disruptive activities curtailed. Since then a hotel popular with families has been built in the street giving another reason why this use is inappropriate

Regards Cllr Roberts
Lead Member for Soho

Sent from my iPhone

I am writing to object to the variation to the Sexual Entertainment Venue Licence 14/06704/LISEVV, to increase the hours and the area for relevant entertainment and the removal of Condition 25 on the licence, on the grounds of Public Nuisance.

I have been a resident at no. 4 Carlisle Street since 1987 and bought my flat when the permitted use for the lower premises was a restaurant. Since then I have lived through a number of clubs in the lower floors. There are three flats above the club in 4 Carlisle Street. Westminster City Council has recently given permission for 5 Carlisle Street to be a family home on the upper floors; there is a residential property on the other side of the Carlisle Street and the Nadler hotel, which does not have public spaces, at the end of the cul-de sac. This is not like Dean Street, home of the Sunset Strip, a street lined with bars, restaurants and late night venues.

I strongly object to the variation of the Sexual Entertainment Venue Licence to the extension of the area for relevant entertainment and the removal of Condition 25, which was applied to the club to protect the residents.

There has always been a noise problem both internal and external with the use of the lower floors as a club. The core structure of 4 Carlisle Street was built in the 17th century and re-fronted in the 18th century and built as house. It is not suited to the use for club or bar as sound is easily transmitted through the building. My bedroom is on the 3rd floor and dance music from the basement was clearly audible there as well as the other flats until Westminster Council enforced a condition that dance music should only be in the basement and insisted that the previous tenant incorporated high class quality insulation to protect the residents. There had been previous attempts insulation but nothing satisfactory until then. Ambient music was allowed in Ground Floor bar and mezzanine. On the whole this has worked very well. Dance music by its nature has an insistent beat and this was transmitted through the structure and I assure it is virtually impossible to sleep once the beat gets into your brain. It was also possible to sing along with the karaoke three stories up.

Therefore having dance music for the table dancing on the first floor and strip tease on the ground floor will aggravate the noise problem which took 20 years to contain.

I also object to the hugely increased scale of the sexual entertainment business. When the Candy Bar had the licence, it was used for very occasional pole dancing and strip tease on the small stage area in the basement. This is now to be increased to three floors.

I am concerned also about the clientele this type of establishment will attract. There were always people hanging around outside the club outside front door but mainly Candy Bar Club members. The variations to the premises licence include the removal of all the conditions that govern the sale of alcohol (see conditions 32,34 and 41) despite the reiteration in the Sexual Entertainment Licence that 'this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out'.

Since the smoking ban, customers from the club/bar in the lower floors of 4 Carlisle Street spill out onto the pavement and street, as it is a cul-de-sac, smoking, drinking, dancing, shouting, playing music etc. etc. Again it will be a problem of scale as it was bad enough with the Candy Bar, which was a relatively small member's club, against a 3 floor sexual entertainment venue, with no restrictions on alcohol. The Candy Bar had a 3am licence but it did not regularly stay open until that

time. Despite having door staff, it seemed to be impossible for them to control the clientele outside and the staff would rather upset the residents rather than remonstrate with the customers.

For the next three years I will have my 18 year old niece from Fiji staying with me during the university holidays. Finding men out for an evening at a sexual entertainment venue hanging round the front door, particularly with no restrictions on availability of alcohol will definitely be intimidating and not just to my niece.

Finally, I am concerned about the length of the opening hours of the venue. The various owners of the club premises have usually wanted to be open until 3 am and for a number of years, the hours were limited to 11.30pm during the week and 2am at weekends balancing the rights of the residents to quiet enjoyment of their homes and the requirements of the club. Unfortunately, despite many objections, the club were allowed to extend their hours.

As the club will be open long after public transport has closed down, presumably the club clientele will be using taxis and minicabs to go home. We have had problems with taxis hanging around outside with their engines running and ringing our doorbells in the early hours, thinking that the flats had requested the pick-up.



Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Monday 1st September 2014

Dear Sirs,

Ref: Vanity, 4 Carlisle Street W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

I am writing on behalf of The Nadler Soho hotel, located at 10 Carlisle Street, W1D 3BR, to object to both Licence Variation Application 14/06652/LIPV and New Premises Licence Application 14/06704/LISEVV.

My grounds for objection cover all four licencing objectives: Protection of Children from Harm, Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance. Dealing firstly with the New Premises Licence Application no 14/06704/LISEVV, the applicants contend that their Application, if successful, will promote the above four licencing objectives. The reason stated for this for all bar Protection of Children is the same and set out in Part 4 of their application. It is misleading, and misrepresents the conditions under which the current licence operates. It was **not**, as implied, a bar/nightclub open to all patrons 'seeing (sic) the consumption of alcohol as a major part of their night out'. On the contrary, the present licencing condition 34 sets out strict and explicit criteria in respect of who can be admitted past 23.00 and the requirement for the sale of alcohol to be ancillary to the use of the premises where patrons must take a full table meal (see also condition 32). As the applicant is seeking to have these conditions removed, in Application 14/06652/LIPV, together with the removal of other existing conditions, the licencing objectives will be threatened, not promoted, by premises that have no restriction on entry and where the provision of food with alcohol is no longer a requirement.

Their contention that the use of the premises for Sexual Entertainment will improve the character and function of the city is palpably incomprehensible. Soho's character has improved dramatically over the last 40 years since I was a Police Officer (Special Constable SC122) stationed at Vine Street. Due to the efforts of WCC together with various amenity groups and landlords, Soho has gone from a sleazy and seedy area to a vibrant centre of entertainment

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and activity whilst being generally safe and welcoming to all. A user such as that proposed will be a regressive step in terms of the character of the neighbourhood. It will create a threatening, sexually charged atmosphere, especially for women and children, of whom there are an increasing number in Soho, even late at night, due to the positive change in the character of the area.

In terms of function, Carlisle Street, west from the Dean Street junction, is a tight and short cul-de-sac. As such, any activity has a greater impact, positive or negative, on the functioning of this part of the street. The increase in the scale of activity as proposed, particularly in respect of the late night, unrestricted entrance, will have a seriously detrimental impact on the functioning of Carlisle Street. Patrons arriving and leaving by taxis, which will struggle to come in, turn and exit this end of Carlisle Street, will cause mayhem late at night with potential for traffic noise, arguments and consequently violence. Together with inebriated clients leaving the premises, this is a recipe for disaster for residents and other occupiers of Carlisle Street.

The increase in noise from activities now spread over more area and floors is also a serious concern, especially later at night/early morning, constituting a public nuisance.

In respect of licencing objective 'The Protection of Children from Harm', as stated above, there are now more children in Soho late at night, as parents are presently comfortable that this is a safe part of the city. This includes not just visitors and tourists but also an increasing numbers of residents as well as hotel guests, many with young families, a demographic with whom our hotel is particularly popular. As I have said above, the atmosphere and potential for violence that the proposal will generate hardly promotes the stated objective, but rather undermines it.

In addition, the reasons given in the application for an exception to be made to the cumulative impact – Stress Areas – Policy STR1 are again unsupportable and misleading. They misrepresent the current conditions of operation, as explained above, and will intensify, not displace, the number of patrons, with an increase in the area of activities for Sexual Entertainment, thus having the opposite impact to that claimed.

In light of the above, I believe this application should be refused.

Looking at Application 14/06652/LIPV, we wish to object to this application also, on grounds of its negative impact on all four of the Licencing Objectives. Many of our objections are stated

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above, but turning to the requested changes to the existing licence conditions, we have further concerns, which I set out below.

The revisions to the layout, and the increase in areas where Sexual Entertainment can take place creates an intensification of use, and is likely to cause an increase in the number of patrons who are on the premises at any one time, with all the attendant consequences this will have on entry and exit, in a very restricted street/cul-de-sac. This is likely to lead to a direct threat to the objectives of the Stress Areas policy.

Turning to the application to remove specific existing conditions:

10. We do not see how removal of this condition will benefit the four licencing objectives, and indeed fear that it will undermine the objectives.

15. As already explained, this will generate an intensification of activity, with the attendant consequences described above.

30. We believe that removal of this condition will mean that the licensees will be unsuitable and untrained persons, without the experience and training to handle the increased number of patrons and that this will impact negatively on the Prevention of Crime and Disorder as well as Public Safety and Public Nuisance.

32. Without this condition that requires the provision of substantial food other than intoxicating liquor, the premises will become a late night drinking den. The provision of Sexual Entertainment is hardly likely to reduce the amount of alcohol consumed, a contention of the applicants with which we disagree and which we do not believe can be substantiated. The removal of the requirement to serve substantial food varies the nature of the Premises considerably, and will likely cause an increase in levels of drunkenness with associated public nuisance, and crime and disorder.

34. The removal of the restrictions on entry post 23.00 hours changes the type of clientele who will be permitted to enter, making it more difficult to control who enters, undermining the nature of the premises that had been in the realm of a private members club, thereby increasing the potential numbers of clients on the premises, intensifying the use late at night, at times when public transport will no longer be available, and therefore further increasing the likelihood that all four licencing objectives will be undermined.

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41(e). Requesting the removal of this condition undermines the applicant's assertion that the provision of Sexual Entertainment is the central activity, and not drinking. If this condition is removed, the sale of alcohol becomes a principle activity, and the likelihood of inebriated patrons behaving in a manner likely to cause a breach of the peace and undermining the licencing objectives of Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance increases significantly.

47. Removal of this condition will increase the intensification of the Sexual Entertainment activity, meaning more patrons on the streets arriving and leaving late at night. This will put residents and other visitors to Soho, especially children, at risk, being contrary to the licencing objective of Protection of Children from Harm, as well as the other three licencing objectives.

The only step proposed by the applicants to address the promotion of the four licensing objectives is to advise that they operate under a series of Codes of Conduct (undefined). In view of their desire to remove condition 30, this is a grave concern.

The application to extend the hours undermines the Licensing Authority's policy of deeming this area a "Stress Area". The Licensing Authority is clear that applications to vary licences within the stress area should only be limited to core hours of 10:00-00:00 Friday Saturday; 12:00-23:30 Sunday; 10:00-23:30 midweek. This application goes far beyond those core hours. The Licensing Policy refers to the need to "balance the legitimate aspirations of the entertainment industry with the needs of residents and other users of the city including visitors and businesses". These proposals skew that balance significantly and adversely.

Based on these objections, we believe this application should be refused.

It would be our intention to attend a hearing, if a hearing is held.

Yours faithfully,


Robert Nadler

Hayes, Claire

From: [REDACTED]
Sent: 31 August 2014 00:20
To: General Licensing
Cc: [REDACTED]
Subject: urgent - complaint re application for lap dancing club at 4 Carlisle Street, Soho, W1

Dear Sir/Madam,

It has just been brought to my attention plans have been submitted to operate a lap dancing club in 4 Carlisle Street which also happens to be a residential premises
[REDACTED]

While I've not spoken to them about this application, I am sure they will be appalled.

Indeed I am outraged at the prospect of such an odious, exploitative sex industry launching [REDACTED] in 4 Carlisle Street.

The area is largely residential, quiet and on the fringe of Soho where the sex industries do not operate.

I have several grounds for objection, not least of all a sleazy industry which at best exploits female sex workers and at worst titillates men getting them into a sexually aroused state before letting them loose on our streets.

I would urge you to refuse this application because it is at odds with the genteel environment now operating in and around the Carlisle Street area. This sort of business was something which thrived in the 70s and 80s and is no longer an industry which suits Soho's increasingly sophisticated environment.

Apart from the obvious dangers of sexually aroused male predators stalking the area, I am also concerned about noise levels which would almost certainly spill on to the streets, possible disturbances from unhappy customers, noisy exits from customers and the common practice of hanging around such establishments waiting for the staff to leave.

Kindest regards

[REDACTED]

Comments for Licensing Application 14/06704/LISEVV

Application Summary

Application Number: 14/06704/LISEVV

Address: Basement To First Floor 4 Carlisle Street London W1D 3BJ

Proposal: Sexual Entertainment Venue - Variation

Case Officer: Ms Claire Hayes

Customer Details

Name: 

Address: Westminster City Hall 64 Victoria Street London

Comment Details

Commenter Type: MP or Councillor

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 1:46 PM on 02 Sep 2014 I object to this application.

Hayes, Claire

From: Qureshi, Sabihah
Sent: 03 September 2014 14:11
To: General Licensing
Subject: FW: Licence 14/06704/LISEVV

From: [REDACTED]
Sent: 02 September 2014 23:42
To: Premises Licensing
Subject: Licence 14/06704/LISEVV

[REDACTED]

Dear Sir or Madam

I am writing to object to the application for the variation to the Sexual Entertainment Venue Licence 14/06704/LISEVV to the club "VANITY" that occupies the ground floor & basement of the building .

I have been a tenant at [REDACTED] since [REDACTED] this year & although I am quite relaxed about the compromises you have to make living in Soho I object strongly to club [REDACTED] becoming a sex establishment.

I moved in this [REDACTED] accepting there was a club [REDACTED] but would not have done so had it been at the time a strip club that these days is rebranded as "lapdancing"

It must be a public nuisance to increase the already huge numbers of people that drink (loudly) on the street outside the Nellie Dean pub next door. Broken glass , rubbish , drunk aggressive behaviour , foul language & urination in the street are common occurrences just to reach the front door.

It must be a public nuisance to encourage the exploitation of young girls as an acceptable form of entertainment .

I have known girls who work in that industry & there is a opportunity to engage in prostitution all the time & I do not want that happening in the [REDACTED] & would hope you would not want that occurring in any establishment you have approved a license to either.

If you want to lower the crime & disorder in this area reject this application.

Thank you

Yours sincerely

[REDACTED]

Hayes, Claire

From: Eaton, Sam
Sent: 02 September 2014 11:30
To: O'Leary, Darren
Cc: Hayes, Claire
Subject: FW: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Hi Darren

Please see below.

Kind Regards

Miss Sam Eaton
Environmental Health Case Officer
Environmental Health Licensing & Consultation - Premises Management Westminster City Council 4th
Floor West City Hall
64 Victoria Street
London
SW1E 6QP
Telephone 020 7641 1868
email: seaton1@westminster.gov.uk
Web: www.westminster.gov.uk

-----Original Message-----

From: [REDACTED]
Sent: 02 September 2014 11:16
To: Eaton, Sam
Cc: premiseslicensing@westminster.gov.uk generallicensing@westminster.gov.uk
Subject: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Dear Miss Eaton good morning [REDACTED] is the owner of [REDACTED] and a nearby property ([REDACTED]). Like many others we have invested in light of the ongoing improvement of the local area.

I wish to register our objections to the applications generally and specifically in view of the inevitability that :

Children will not be protected from harm Public Safety will be compromised Crime and Disorder will increase Public Nuisance will increase

Carlisle Street is a short cul-de-sac and the problems suffered by occupiers and owners will be exacerbated by the unacceptable intensification of use. I cannot imagine this is desirable in the context of the arrival of Crossrail 2 and the intended benefit to Soho and our great capital city.

[REDACTED]

[REDACTED]

To whom it may concern,

This letter is in regards to the Sexual Entertainment Venue Licence (14/06704/LISEVV) at 4 Carlisle Street W1D 3BJ. I object on the grounds of Public Nuisance and declare that this establishment in no way will be a benefit to Soho. My position is that it will be the complete opposite and prove to be an encumbrance for those that live and work on Carlisle Street.

I am an 18 year old girl who is currently living at [REDACTED] and I will be returning to this flat, my home in London, throughout my university holidays. If this license is given permission, I will in no doubt be returning home each day to find groups of people (I assume predominantly males, and men looking for sexual entertainment at that) outside [REDACTED]. It is safe to say I will not find comfort in Carlisle Street.

Carlisle Street is already filled with large groups of people standing along the pavements and on the road, especially on Thursday, Friday and Saturday evenings. This is due to the Nellie Dean being on the corner. Many people are outside the pub in the evenings smoking and returning home in the evening involves me asking random people to move off the doorstep so I can get into the [REDACTED]. If Vanity is granted a Sexual Entertainment Venue Licence then the amount of people crowding a predominantly residential street will vastly increase, something that those living near by do not wish for.

I sincerely hope that the licence is not granted for these reasons.

Your sincerely,

[REDACTED]

Hayes, Claire

From: [REDACTED]
Sent: 28 August 2014 13:01
To: General Licensing
Subject: 14/06704/LISEVV

TO WHOM IT MAY CONCERN.

Further to yours that I received this week - I strongly object to the granting of a New Licence for a ' Sexual Entertainments Venue ' to the Basement and 1st. Floor, at Vanity Bar and Nightclub, 4 Carlisle Street, London, W1D 3BJ.

This will be a great disruption and annoyance to the me as a neighbour.

This will only add to the late night noise and disruption in the area.

It will mean that more broken glasses will be left around and more mess to be removed the following morning.

There will be more likelihood of Fights and Scuffles which are always happening at ' Strip Clubs. '

It will mean the Security will be arguing and shouting, and be on mobile phones throughout the night.

We have within yards another Sexual Entertainment Venue which has been operating with full approval of the Police and Council for many years - we do NOT need another.

I very strongly object to the granting of this new licence.

Yours,

[REDACTED]

PS Please confirm that you have received

Hayes, Claire

From: [REDACTED]
Sent: 01 September 2014 08:51
To: Nelson, Nicholas
Cc: [REDACTED]
Subject: 4 Carlisle Street, W1

Dear Nick,

Further to our telephone conversation I am writing, in my capacity as [REDACTED] Councillor to object to the proposal to expand the operations and times for the Sexual Entertainment Venue Licence which currently subsists for 4 Carlisle Street.

When owned and operated as the Candy Bar it is my understanding that the licence was rarely or never used.

Whilst I have no objection in principle to sexual entertainment venues I believe that aggregating this building with the nearby Nelly Dean Pub in what is a quiet cul de sac in the process of transformation to a more residential enclave in anticipation of the completion of the Crossrail works at Dean Street etc... means that this is an inappropriate location to have a late night venue of this kind.

The proposed increase from limited use of the basement stage to use of the basement ground and first floor is likely to lead to a significant intensification of the use of the building, the comings and goings and activity in and around the premises themselves. Whilst it is possible to argue that a well-managed premises with suitable door staff could keep disturbance to a minimum the ability of those staff to manage behaviour on nearby streets is limited. SIA staff cannot deal with people other than those on the premises or immediately nearby. It is unrealistic and unacceptable to expect the police to pick up an additional burden in relation to this proposal.

As a result I think it is extremely likely that this would contribute to crime and anti-social behaviour and adversely to affect local residents and businesses and for that reason I would wish to object to the application. I would also like the opportunity of addressing the Committee in due course either in writing or orally.

Best wishes,

Yours sincerely,

[REDACTED]
[REDACTED]

Please follow me on:



CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 14/06704/LISEVV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 2nd September 2014

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009

Vanity Bar And Nightclub, 4 Carlisle St, W1

I refer to the application for variation of the Sexual Entertainment Venue Licence.

This representation is based on the details provided.

The applicant is seeking the following

1. To increase the hours for relevant entertainment Monday to Saturday to allow 09.00 – 03.00 hours and Sunday 09.00 – 00.00 hours.
2. To allow relevant entertainment within the basement, ground and mezzanine floors.
3. To remove condition 25 'Relevant entertainment shall be restricted to the stage area in the basement only'.

I wish to make the following representation

1. The increase in hours to provide relevant entertainment will have the likely effect of an increase in Public Nuisance.
2. To allow relevant entertainment within the basement, ground and mezzanine floors will impact on Public Safety and have the likely effect of an increase in Public Nuisance.
3. Removal of Condition 25 will impact on Public Safety at the premises.

The applicant has not provided any additional conditions in support of the application.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

**CITY OF WESTMINSTER
PREMISES LICENSING INSPECTOR**

MEMORANDUM

TO Ms Claire Hayes

REFERENCE 14/06704/LISEVV

FROM Premises Licensing Inspectors, 4th Floor, City Hall, x 3385

REFERENCE 14/034340/LIINSP

BEING DEALT WITH BY James Hayes

DATE 28 August 2014

**VANITY BAR AND NIGHTCLUB, BASEMENT TO FIRST FLOOR, 4 CARLISLE STREET,
LONDON**

The above application seeks to increase the hours and areas for Relevant Entertainment and the removal of condition 25.

The increase in hours and areas for Relevant Entertainment requires additional door supervision. This has not been specified in the application. Condition 16 of the Premises Licence (reference 14/00491/LIPDPS) specifies a minimum number of door supervisors but this number is inadequate due to the increase in hours and areas sought.

I therefore object to the application under the following licensing objectives: prevention of crime and disorder, public safety, and prevention of public nuisance.

I have contacted the agent for the application seeking further information.

My contact details are provided below if you have any questions regarding my comments.

James Hayes
Licensing Inspector

Hayes, Claire

From: Hayes, James
Sent: 28 August 2014 14:55
To: idoxlicensing
Cc: Hayes, Claire
Subject: Memo - 14/06704/LISEVV - Vanity Bar
Attachments: Vanity Bar Variation 28.08.14.docx

Please see attached memo.

Regards,

James Hayes

Licensing Inspector
Premises Management
Westminster City Council
4th Floor North Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 4428
Fax: 020 7641 3436
jhayes2@westminster.gov.uk
www.westminster.gov.uk
Please don't print this e-mail unless you really need to.



Hayes, Claire

From: Marcus Lavell [mcl@jgrlaw.co.uk]
Sent: 15 October 2014 10:54
To: Hayes, James
Cc: Hayes, Claire; McVitie, Martin
Subject: RE: Vanity Bar

Dear James

Yes, we would be happy to accept this. Will changes be made to the proposed Appendix D for inclusion with the committee report?

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



From: Hayes, James [mailto:jhayes2@westminster.gov.uk]
Sent: 14 October 2014 14:58
To: Marcus Lavell
Cc: Hayes, Claire; McVitie, Martin
Subject: RE: Vanity Bar

Dear Marcus, thanks for the email.

I have had a chance to read the proposed conditions. As my objection only related to door supervision on the sexual entertainment venue licence I will restrict my comment to that.

Would your client agree to the slightly modified wording of condition 35 below?:

35. There shall be ~~an~~ at least one SIA registered door supervisor on duty on any floor that is providing Relevant Entertainment.

That would address my concerns were the Licensing Sub-Committee minded to grant the application. I intend to attend the hearing next Thursday in case the Licensing Sub-Committee have any further questions for me. All being well I will see to you then.

Kind Regards,

James Hayes

Licensing Inspector
Premises Management
Westminster City Council
4th Floor North Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 4428
Fax: 020 7641 3436
jhayes2@westminster.gov.uk
www.westminster.gov.uk

Please don't print this e-mail unless you really need to.



From: Marcus Lavell [<mailto:mcl@jgrlaw.co.uk>]
Sent: 13 October 2014 13:17
To: Hayes, James
Subject: Vanity Bar
Importance: High

Dear James

I hope this email finds you well.

Have you had an opportunity to consider the draft proposed conditions for the above applications?

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	14/01806/LISEVT
Original Reference:	13/08022/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences:
to use the premises:

Nags Head Limited
Vanity Bar And Nightclub
4 Carlisle Street
London
W1D 3BJ

as a Sexual Entertainment Venue.

This licence commences from the 16th June 2014 and will expire on the 16th December 2014.

Relevant Entertainment may be provided during the following times:

Monday to Thursday	09:00 to 23:30
Friday to Saturday	09:00 to 02:00
Sunday	09:00 to 23:00

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

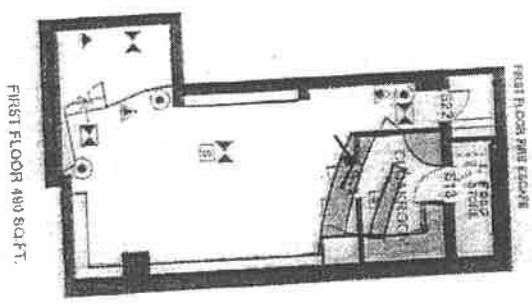
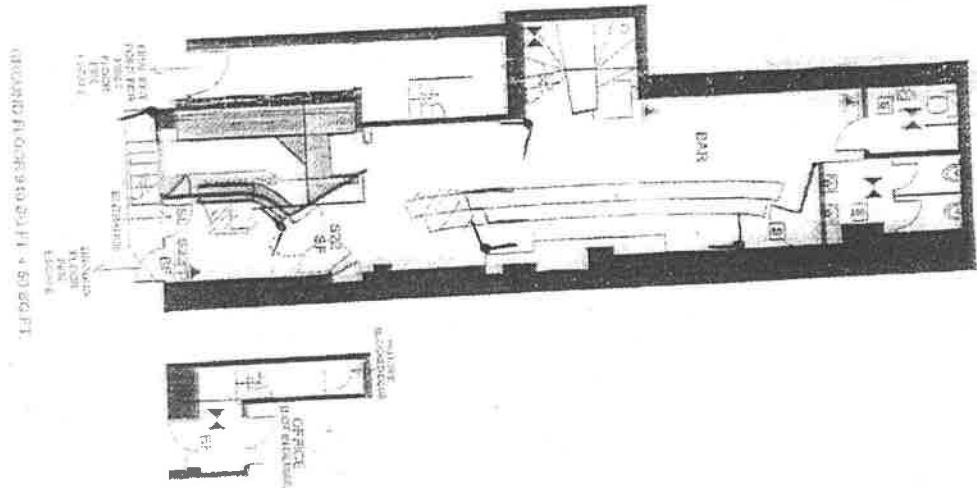
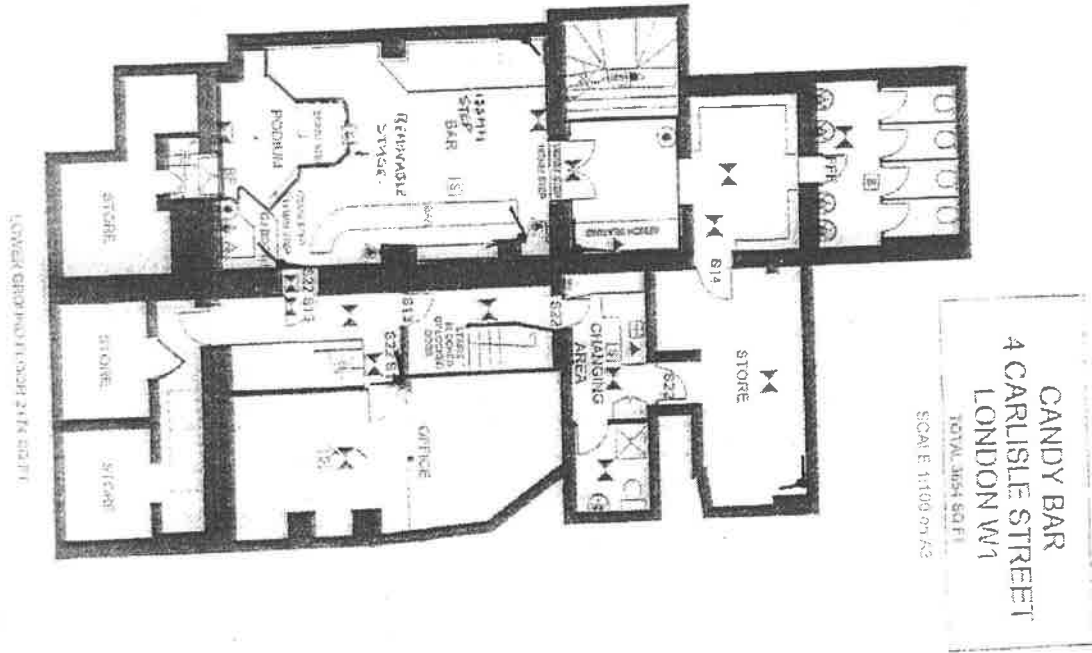
DATE: 16 JUNE 2014

SIGNED:



**On behalf of the Operational Director -
Premises Management**

Appendix 1 – Plans



- FIRE FIGHTING EQUIPMENT**
- ROOM FIRE EXTINGUISHER
 - ▲ FIRE BLANKET IN COMPASS
 - ▲ CARBON DIOXIDE EXTINGUISHER
 - Ⓛ AREA COVERED BY SMOKE DEFLECTORS
 - ▲ AREA COVERED BY ESCAPE LIGHTS
 - ▲ CONTROL PANEL BOUNDARY
 - ⊙ BREAK GLASS CALL POINT
 - Ⓜ FIRE ALARM POINT
- DOOR CODES**
- Ⓢ 3 BRAN PATTERNS SWICH
 - Ⓢ 7 3000 FIRE OF ALL PATTERN
 - Ⓢ 4 SECURITY LOCK
 - Ⓢ 2000 EMERGENCY EXIT DOOR
 - Ⓢ 1000 FIRE ESCAPE KEYPAD
 - Ⓢ 1000 FIRE ESCAPE KEYPAD
- CCTV
 ◀ FIRE ESCAPE

Appendix 2 – Conditions

Standard conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

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 to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) 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;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. No Relevant Entertainment shall take place until CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the stage area in the basement only
26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 70 persons in the basement, 80 persons on the ground floor and 25 persons to the first floor.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
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.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

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



Schedule 12
Part A

WARD: West End
UPRN: 010033531502

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

Premises licence

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Original Reference:

05/03985/LIPCV

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

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

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU
Electronic Mail : manpal_singh-clair@hotmail.com

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

06251735

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

Name: Manpal Singh

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: P00539
Licensing Authority: London Borough Of Redbridge

Date: 18th February 2014

Signed: pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

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

Conditions relating to regulated entertainment:

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 to 23:30 on each of the days Monday to Thursday and from 23:00 on each of the days Friday to Saturday to 02:00 on the day following.

13. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
14. All amplified music shall be played through a suitable new and modern sound limiting device which shall be set, sealed and maintained at all times at a level agreed by the Environmental Health Officer (to be checked on a spot basis by the Environmental Health Officer). The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
15. Dancing and striptease shall only take place in the basement.
16. In addition to at least one registered door supervisor and at least two registered door supervisors when striptease entertainment is provided, a steward shall be employed at the premises who will endeavour to ensure that customers will leave the vicinity quickly and quietly.
17. Only activities which have previously been agreed by the council shall take place.

18.* The agreed activities shall take place only in the designated areas approved by the Council. The approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.

19.* All performers 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 (NB, not to apply in the case of tableside dancing).

20.* The area proposed for striptease shall be in position where the performance can not be seen from the street.

21.* 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 metre radius of the premises.

22.* 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

23.* The Licensee, performer and any person concerned in the organisation or management of the premises or the entertainment shall not encourage, or permit others to encourage, the audience to throw money at or otherwise to give gratuities to the performers (except as may be permitted by special conditions relating to tableside dancing).

24. Cab operators shall be informed of the need to keep noise to a minimum and to switch their vehicles' engines off whilst waiting in Dean Street for clients.
25. The basement door going onto the street shall be kept closed at all times, except for emergency use.
26. No alteration or modification to any existing sound system(s) should be effected without prior consent of an authorised officer of the Environmental Health Department.
27. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

28. All doors giving access/egress to the premises shall not be fixed open after 23:00.
29. A 'hotline' telephone number to the licensee shall be available to local residents.
30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.
31. The number of persons accommodated (excluding staff) shall not exceed:
Basement - 70,
Ground Floor - 80,
First Floor - 25.

Conditions for Sale of Alcohol

32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
 33. A CCTV system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime Prevention Officer.
 34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-
 - (a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);
 - (b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police;
 - (c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);
 - (d) Artistes and persons employed at the premises;
 - (e) Notwithstanding (a) above, persons taking full table meals;
 - (f) Persons attending a private function at the premises.
 35. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
 36. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
 37. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
 38. Maximum (excluding staff) Ground Floor 80; Basement 70; First Floor 25
- | | |
|------|--|
| 39.* | No striptease, no nudity and all persons on the premises to be decently attired, save for persons performing striptease on the stage area. |
| 40.* | In relation to any striptease performed there shall be no touching or physical contact between any customer. |

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

41. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
 - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
 - (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (f) The permitted hours on New Year's Eve will extend to the start of 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.

42. 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.

43. 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.

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

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 2 – Conditions consistent with the operating Schedule

45. No Noise or vibration shall emanate from the premises in to adjacent residential premises.

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

Conditions relating to regulated entertainment:

- | | | |
|------|-----|--|
| 46.* | (a) | Striptease entertainment may be provided by both male and female performers |
| | (b) | The audience shall not be permitted to participate in striptease entertainment. |
| | (c) | The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day (09:00 to 00:00). |

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

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

47.* Striptease entertainment may only be provided in the basement area of the premises.

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

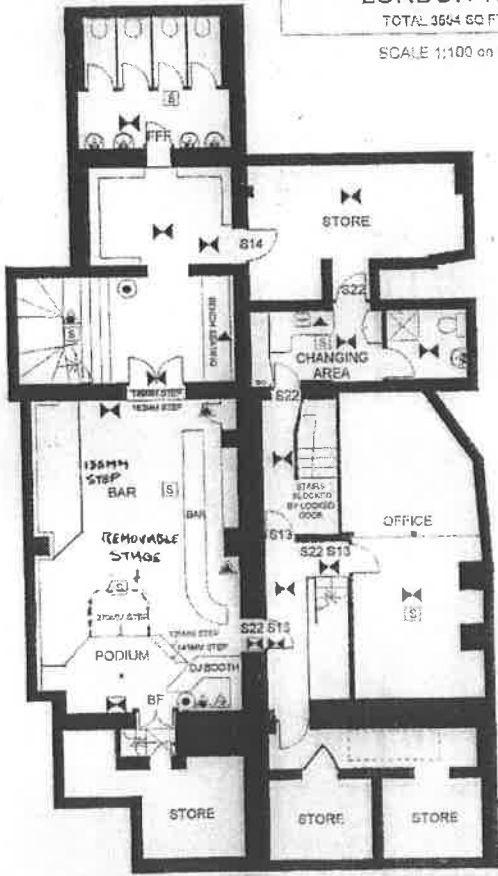
Annex 4 – Plans

Attached

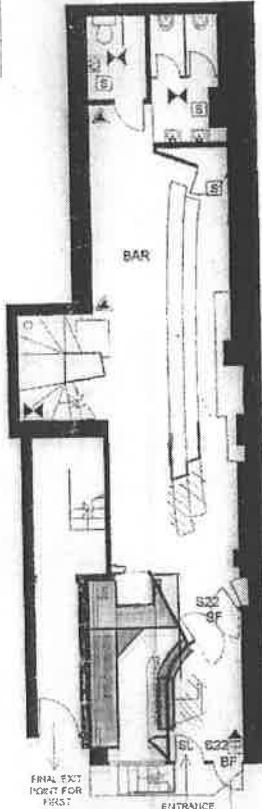
CANDY BAR
4 CARLISLE STREET
LONDON W1

TOTAL 3664 SQ FT

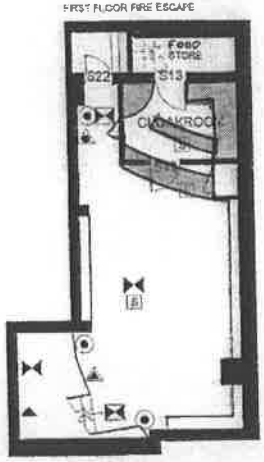
SCALE 1:100 on A3



LOWER GROUND FLOOR 2174 SQ FT



GROUND FLOOR 946 SQ.FT. + 50 SQ.FT.



FIRST FLOOR 480 SQ.FT.

- Plan February 2007*
- FIRE FIGHTING EQUIPMENT**
- FOAM FIRE EXTINGUISHER
 - FIRE BLANKET IN CONTAINER
 - CARBON DIOXIDE EXTINGUISHER
 - AREA COVERED BY SMOKE DETECTOR
 - AREA COVERED BY ESCAPE LIGHTING
 - AREA COVERED BY ILLUMINATED EXT SIGN
 - CONTROL PANEL SOUNDER
 - BREAK GLASS CALL POINT
 - FIRE ALARM POINT
- DOOR CODES**
- BF = BREAK FASTENING DOOR
 - FFF = DOOR FREE OF ALL FASTENINGS
 - SL = SECURITY LOCK
 - S22 = EMERGENCY EXIT NOTICE
 - S13 = FIRE DOOR KEEP SHUT
 - S14 = FIRE DOOR KEEP LOCKED



Schedule 12
Part B

WARD: West End
UPRN: 010033531502

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Performance of Live Music

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU

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

06251735

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

Name: Manpal Singh

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

Restricted

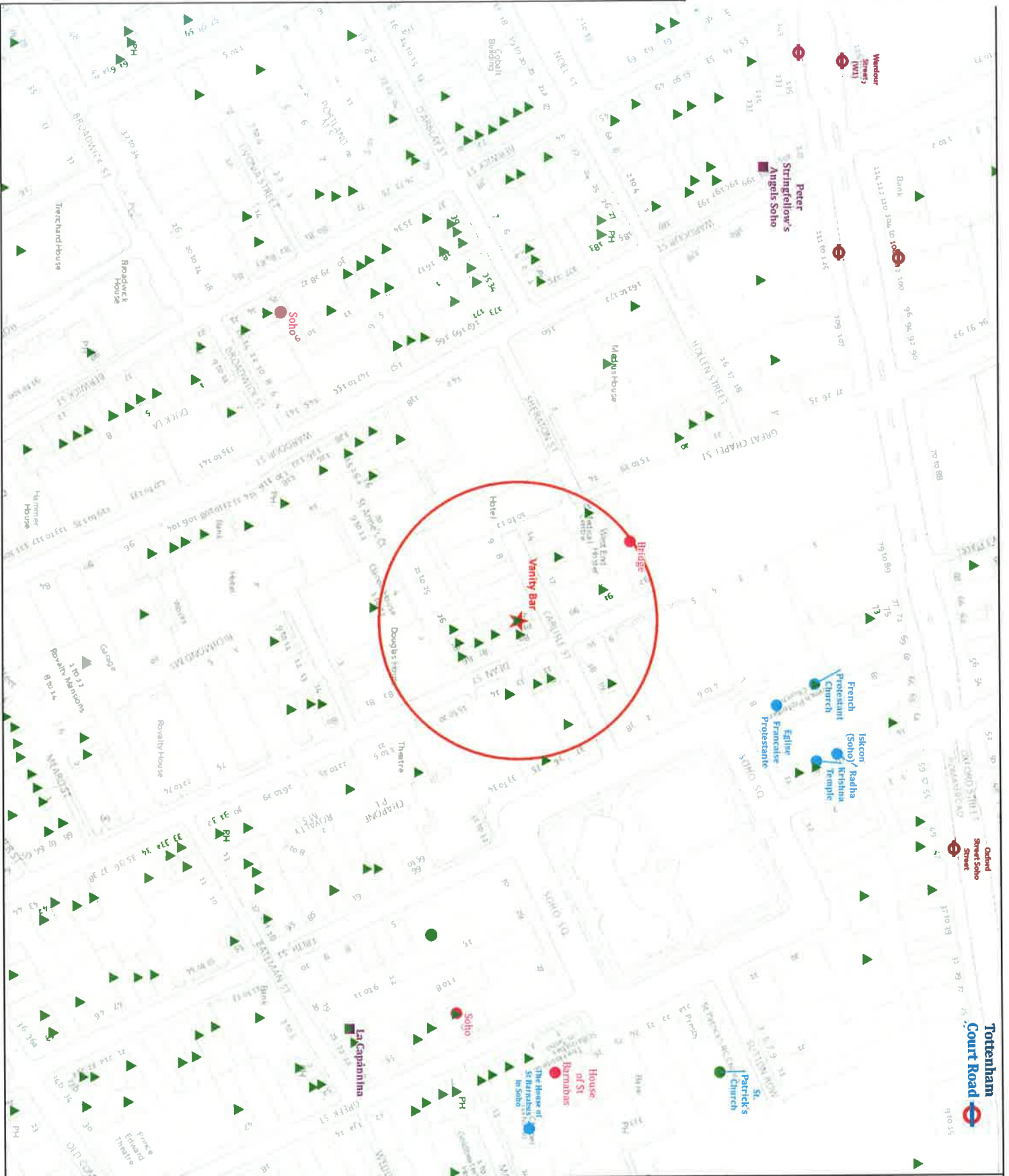
Date: 18th February 2014

Signed:

pp



Operational Director - Premises Management



**Vanity Bar,
4 Carlisle Street,
W1D 3BJ**

- Legend**
- Schools
 - Academies
 - Nursery
 - Primary Schools
 - Secondary Schools
 - Non-UK Schools
 - Independent schools
 - Other Types
 - Residential Dwellings
 - 50m Buffer
 - Vanity Bar
 - SEVs (Licensed issued)
 - Hospitals
 - Hospitals - Public Health
 - Ethnic Groups
 - Faith Groups
 - Hostels - Special Needs Schemes
 - Tube Stations
 - Bus Stops



Map produced by Corporate GIS Team
 Date: October 2014 Ref: 853
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City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/06652/LIPV
Date:	18 December 2014
Classification:	For General Release
Title of Report:	Vanity Bar & Nightclub 4 Carlisle Street London W1D 3BJ
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Claire Hayes, Senior Licensing Practitioner
Contact Details:	Telephone: 020 7641 7816 E-mail: chayes@westminster.gov.uk

1. APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	Nags Head Limited	Date Application Received:	06 August 2014
Premises Name and Address:	Vanity Bar and Nightclub Basement to First Floor 4 Carlisle Street London W1D 3BJ		
Ward Name:	West End	Stress Area	West End
Premises Description:	These premises operate as a bar and nightclub with a sexual entertainment venue premises licence that currently allows relevant entertainment in the basement		
Variation Description	To amend the plans and, To remove conditions 10, 15, 30, 32, 34, 41(e) and 47 from the licence.		
<i>Please note: The application was listed for hearing on 23 October 2014 but adjourned by the Sub-Committee before the hearing at the request of the applicants.</i>			
<i>Note: Where the committee is minded to grant the application it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
Proposed Licensable Activities, Proposed Hours:			References / Notes
1	<p>Change of plans</p> <p>(i) To amend the plans so as to</p> <p>a) Revise the layout of the basement, specifically removal of stage area and introduction of new fixed and removable booths;</p> <p>b) Install a podium/stage area on ground floor;</p> <p>c) Install new fixed and removable booths on the first floor.</p> <p>The application has been submitted in conjunction with a variation of the Sexual Entertainment Venue Licence (ref: 14/06704/LISEVV) to permit relevant entertainment to take place on the basement, ground and first floor. Please refer to amended plans at Appendix A4</p>		
	<p>Relevant representations and policies applicable:</p> <p>1A An adverse representation has been made against the application by the Environmental Health Service stating that the proposals will impact public safety at the premises and will have the likely effect of causing an increase in public nuisance in the West End Stress area. Please refer to Appendix B1</p> <p>1B An adverse representation has been made but the Police in order to prevent crime and disorder. Please refer to Appendix B2</p> <p>1C 4 local residents, 2 Ward Councillors, 2 local businesses and the Soho Society have made adverse representations to this application on the grounds of public nuisance, protection of children from harm,</p>		<p>Environmental Health representation</p> <p>Police Objection</p> <p>4 Local residents, 2 local businesses, an 2 ward Councillors</p>

	<ul style="list-style-type: none"> • protection of children from harm. 	
2.	<p>Remove the following conditions from the Premises Licence:</p> <p>10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p> <p>15. Dancing and striptease shall only take place in the basement.</p> <p>30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.</p> <p>32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.</p> <p>34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special Hours Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-</p> <ul style="list-style-type: none"> (a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables); (b) By prior invitation to a bona fide private function held at the premises, of which 24 hours' notice has been given to the police; (c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police); (d) Artistes and persons employed at the premises; (e) Notwithstanding (a) above, persons taking full table meals; (f) Persons attending a private function at the premises. <p>41.(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>47. Striptease entertainment may only be provided in the basement area of the premises.</p>	<p style="text-align: center;">Opposed by Environmental Health, Police, 4 local residents, 2 ward Councillors, 2 local businesses and the Soho Society</p>
	<p>Relevant representations and policies applicable:</p> <p>2A Please refer to 1A to 1F above.</p> <p>2B The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, • public safety and 	<p style="text-align: center;">Summary</p>

	<ul style="list-style-type: none"> • protection of children from harm. 	
<p align="center"><u>Licensable activities permitted under the existing Premises Licence 14/00491/LIPDPS</u></p>		<p><u>Proposed Licensable Activities</u></p>
<p>Regulated Entertainment:</p> <p>Recorded Music and Private Entertainment consisting of dancing, music or other entertainment of a kind for consideration and with a view to profit Unrestricted</p> <p>Performance of dance, Live music, Anything of a similar description to Performance of dance, live music or recorded music Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 02:00 Sunday 09:00 to 23:00</p>		<p>Regulated Entertainment:</p> <p>Recorded Music and Private Entertainment consisting of dancing, music or other entertainment of a kind for consideration and with a view to profit Unrestricted – no change</p> <p>Performance of dance, Live music, Anything of a similar description to Performance of dance, live music or recorded music Monday to Thursday 09:00 to 23:30 – no change Friday to Saturday 09:00 to 02:00 – no change Sunday 09:00 to 23:00 – no change</p>
<p>Late Night Refreshment</p> <p>Monday to Saturday 23:00 to 03:30 Sunday 23:00 to 01:00</p>		<p>Late Night Refreshment</p> <p>Monday to Saturday 23:00 to 03:30 – no change Sunday 23:00 to 00:00 - no change</p>
<p>Sale of Alcohol: On & Off the premises</p> <p>Monday to Saturday 10:00 to 03:00 Sunday 12:00 to 00:30</p>		<p>Sale of Alcohol: On & Off the premises</p> <p>Monday to Saturday 10:00 to 03:00 – no change Sunday 12:00 to 00:30 - no change</p>
<p>Capacity</p> <p>Basement - 70, Ground Floor - 80 First Floor - 25.</p>		<p>Capacity</p> <p>Basement - 70, Ground Floor - 80 First Floor - 25</p>
<p>Opening Hours</p> <p>Monday to Saturday 09:00 to 03:30 Sunday 09:00 to 01:00</p>		<p>Opening Hours</p> <p>Monday to Saturday - 09:00 to 03:30 – no change Sunday 09:00 to 01:00 - no change</p>
Current Licensing Position	The premises currently hold a premises licence 14/00491/LIPDPS (Appendix A1) and a Sexual Entertainment Venue licence 14/01806/LISEVT (Appendix A2)	
Current Planning Position	<p>On the 26 May 1998 a certificate of lawfulness was granted for use of the basement, ground and part first floor (rear) as a nightclub/bar (Class D2). There are no restrictions on the hours of operation or capacity. Therefore the variations to the licence would be lawful in planning terms, provided they remain ancillary to the overall nightclub use.</p> <p>There are no current planning applications or enforcement investigations relating to the premises</p>	
Residential Density:	61 of the 180 units within a 75m radius of the premises are residential and proposed residential (33.9%), refer to Appendix E	

List of Appendices:	A1 – Existing Premises Licence 14/00491/LIPDPS A2 - Sexual Entertainment Venue licence 14/01806/LISEVT A3 – Application Form A4 – Proposed plans A5 – Applicant’s list of proposed conditions A5a – Letter outlining the application A6 – Witness Statement of Manpal Singh A7 – Proposed menu A8 – Report from Adrian Studd A9 – numbered photographs and annotated map showing Dean St / Carlisle St A10 – copy of <i>R (ex p Christian Institute) v Newcastle-upon-Tyne City Council</i> [2001] LGR 165 A11 – Nadler Hotel literature B1 – Environmental Health Service representation B2 – Police representation B3 to B4 – Local business representations B5 to B6 – Ward Councillor representations B7 – Soho Society objections B8 to B11 – Local residents representations C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photographs of the premises
Relevant Representations:	Environmental Health Service Police 4 local residents 2 local businesses 2 Ward Councillors Soho Society

2. APPLICANT SUBMISSIONS AND EVIDENCE

- 2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendices A3 to A11**
- 2.2 The applicant’s solicitor has submitted a list of proposed conditions in support of the application. The suggested conditions have been incorporated in Appendix D but can also be viewed at Appendix A5 with the attached e-mail.
- 2.3 The applicants have submitted further supporting documents which include the following:
- a Witness Statement of Manpal Singh, which contains as appendices
 - a Street Management Plan, Customer House Rules and a Performers’ Welfare Policy.
 - a proposed menu
 - a report from expert witness Adrian Studd
 - numbered photographs and annotated map showing Dean St / Carlisle St
 - a copy of *R (ex p Christian Institute) v Newcastle-upon-Tyne City Council* [2001] LGR 165
 - Nadler Hotel literature

3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

- 3.1 The application history and any information relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)

- Amended Guidance issued under section 182 of the Licensing Act 2003 (October 2014)

Appendix A1



Schedule 12
Part A

WARD: West End
UPRN: 010033531502

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

Premises licence

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Original Reference:

05/03985/LIPCV

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

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

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU
Electronic Mail : manpal_singh-clair@hotmail.com

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

06251735

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

Name: Manpal Singh

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: P00539
Licensing Authority: London Borough Of Redbridge

Date: 18th February 2014

Signed: pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

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

Conditions relating to regulated entertainment:

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 to 23:30 on each of the days Monday to Thursday and from 23:00 on each of the days Friday to Saturday to 02:00 on the day following.

13. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
14. All amplified music shall be played through a suitable new and modern sound limiting device which shall be set, sealed and maintained at all times at a level agreed by the Environmental Health Officer (to be checked on a spot basis by the Environmental Health Officer). The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
15. Dancing and striptease shall only take place in the basement.
16. In addition to at least one registered door supervisor and at least two registered door supervisors when striptease entertainment is provided, a steward shall be employed at the premises who will endeavour to ensure that customers will leave the vicinity quickly and quietly.
17. Only activities which have previously been agreed by the council shall take place.
- 18.* The agreed activities shall take place only in the designated areas approved by the Council. The approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.
- 19.* All performers 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 (NB, not to apply in the case of tableside dancing).
- 20.* The area proposed for striptease shall be in position where the performance can not be seen from the street.
- 21.* 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 metre radius of the premises.
- 22.* 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
- 23.* The Licensee, performer and any person concerned in the organisation or management of the premises or the entertainment shall not encourage, or permit others to encourage, the audience to throw money at or otherwise to give gratuities to the performers (except as may be permitted by special conditions relating to tableside dancing).
24. Cab operators shall be informed of the need to keep noise to a minimum and to switch their vehicles' engines off whilst waiting in Dean Street for clients.
25. The basement door going onto the street shall be kept closed at all times, except for emergency use.
26. No alteration or modification to any existing sound system(s) should be effected without prior consent of an authorised officer of the Environmental Health Department.
27. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

28. All doors giving access/egress to the premises shall not be fixed open after 23:00.
29. A 'hotline' telephone number to the licensee shall be available to local residents.
30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.
31. The number of persons accommodated (excluding staff) shall not exceed:
 - Basement - 70,
 - Ground Floor - 80,
 - First Floor - 25.

Conditions for Sale of Alcohol

32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
33. A CCTV system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime Prevention Officer.
34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-
 - (a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);
 - (b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police;
 - (c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);
 - (d) Artistes and persons employed at the premises;
 - (e) Notwithstanding (a) above, persons taking full table meals;
 - (f) Persons attending a private function at the premises.
35. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
36. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
37. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
38. Maximum (excluding staff) Ground Floor 80; Basement 70; First Floor 25

39.*	No striptease, no nudity and all persons on the premises to be decently attired, save for persons performing striptease on the stage area.
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40.*	In relation to any striptease performed there shall be no touching or physical contact between any customer.
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Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

41. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
 - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
 - (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (f) The permitted hours on New Year's Eve will extend to the start of 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.

42. 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.

43. 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.

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

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 2 – Conditions consistent with the operating Schedule

45. No Noise or vibration shall emanate from the premises in to adjacent residential premises.

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

Conditions relating to regulated entertainment:

- | | | |
|------|-----|--|
| 46.* | (a) | Striptease entertainment may be provided by both male and female performers |
| | (b) | The audience shall not be permitted to participate in striptease entertainment. |
| | (c) | The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day (09:00 to 00:00). |

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

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

47.* Striptease entertainment may only be provided in the basement area of the premises.

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

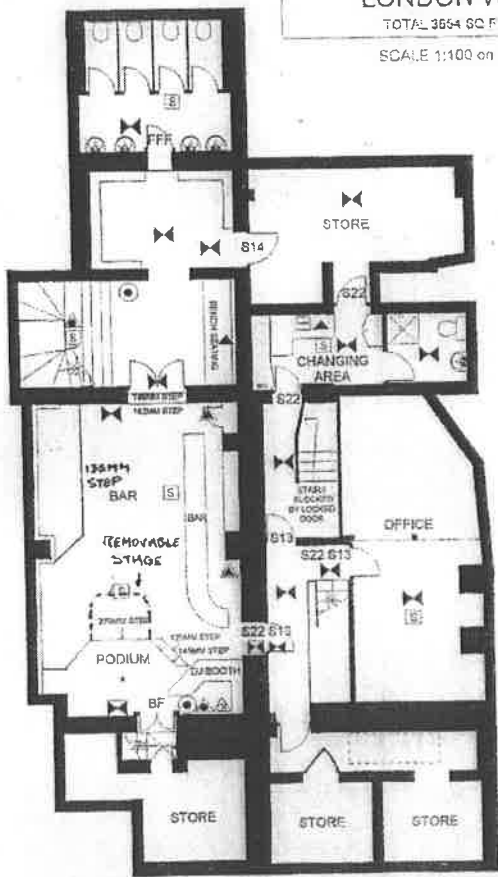
Annex 4 – Plans

Attached

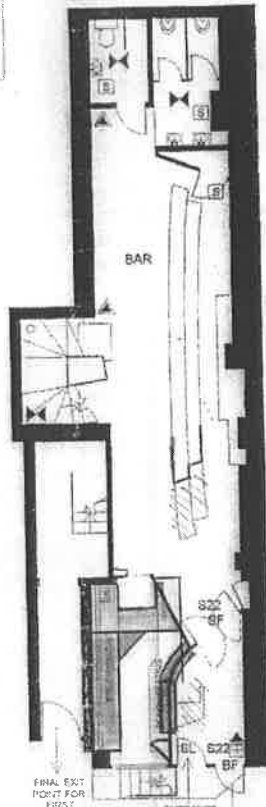
CANDY BAR
4 CARLISLE STREET
LONDON W1

TOTAL 3654 SQ.FT

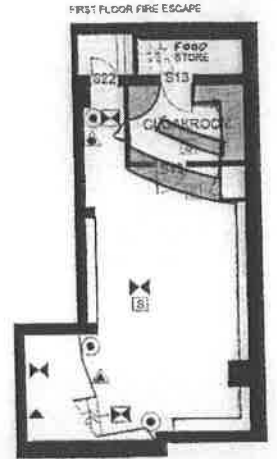
SCALE 1:100 ON A3



LOWER GROUND FLOOR 2174 SQ.FT



GROUND FLOOR 940 SQ.FT. + 50 SQ.FT.



FIRST FLOOR 480 SQ.FT.

Plan January 2007
FIRE FIGHTING EQUIPMENT

- FOAM FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- CARBON DIOXIDE EXTINGUISHER
- AREA COVERED BY SMOKE DETECTOR
- AREA COVERED BY ESCAPE LIGHTING
- CONTROL PANEL SOUNDER
- BREAK GLASS CALL POINT

DOOR CODES

- BF = BREAK FASTENING DOOR
- FFF = DOOR FREE OF ALL FASTENINGS
- SL = SECURITY LOCK
- S22 = EMERGENCY EXIT NOTICE
- S13 = FIRE DOOR KEEP SHUT
- S14 = FIRE DOOR KEEP LOCKED



Schedule 12
Part B

WARD: West End
UPRN: 010033531502

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

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Performance of Live Music

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 02:00
Sunday: 09:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU

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

06251735

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

Name: Manpal Singh

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

Restricted

Date: 18th February 2014

Signed: pp



Operational Director - Premises Management

SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	14/01806/LISEVT
Original Reference:	13/08022/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences:
to use the premises:

**Nags Head Limited
Vanity Bar And Nightclub
4 Carlisle Street
London
W1D 3BJ**

as a Sexual Entertainment Venue.

This licence commences from the 16th June 2014 and will expire on the 16th December 2014.

Relevant Entertainment may be provided during the following times:

Monday to Thursday	09:00 to 23:30
Friday to Saturday	09:00 to 02:00
Sunday	09:00 to 23:00

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

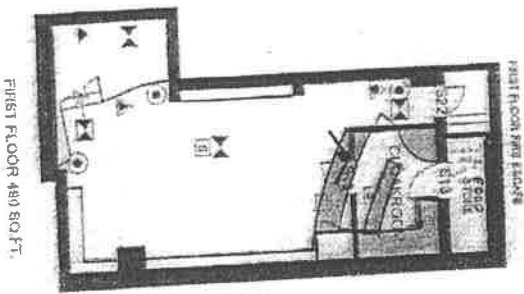
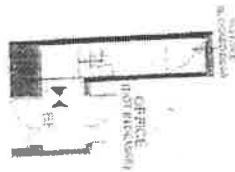
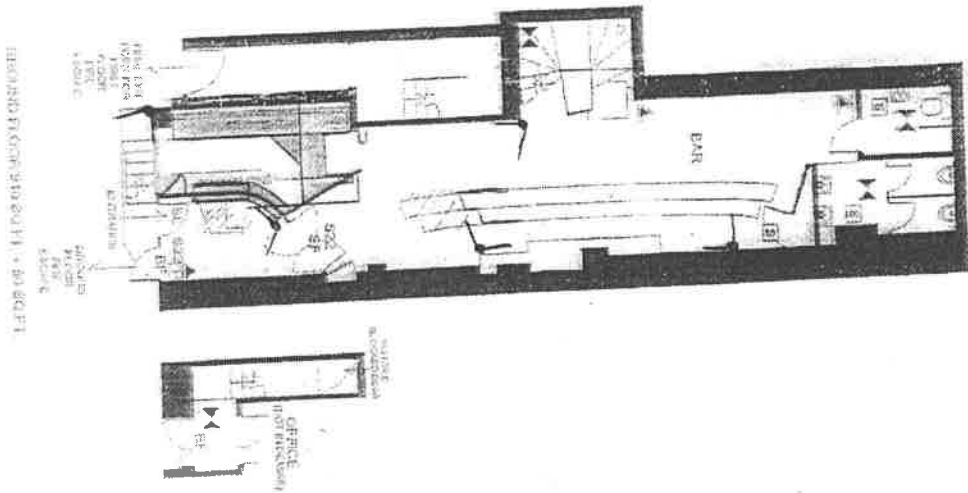
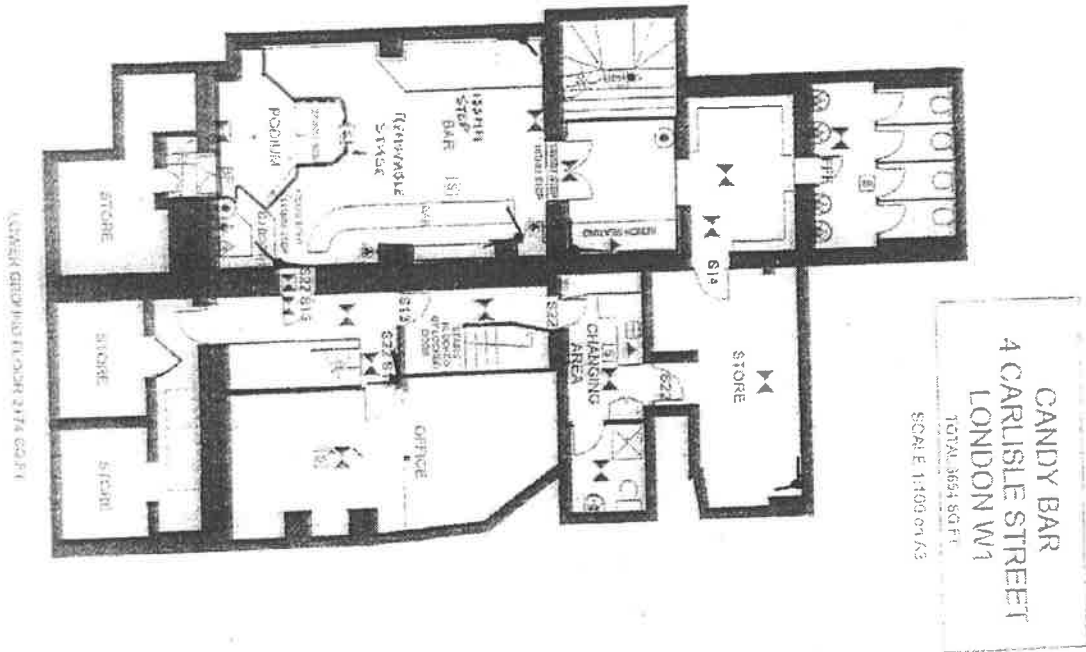
DATE: 16 JUNE 2014

SIGNED:



**On behalf of the Operational Director -
Premises Management**

Appendix 1 – Plans



- FIRE FIGHTING EQUIPMENT**
- ▶ FOUR FIRE EXTINGUISHER
 - ▶ FIRE BLANKET IN CONTAINER
 - ▶ CARBON DIOXIDE EXTINGUISHER
 - ▶ (5) AREA COVERED BY SMOKE DETECTOR
 - ▶ AREA COVERED BY ESCAPE LIGHTING
 - ▶ AREA COVERED BY ULTRAVIOLET SENS
 - ▶ CONTROL PANEL SOUNDER
 - ▶ BREAK GLASS CALL POINT
 - ▶ FIRE ALARM POINT
- DOOR CODES**
- ▶ 511 - BAR/FASTENESS DOOR
 - ▶ 512 - STOKS FREE OF ALL PARTITIONS
 - ▶ 513 - SECURITY LOCK
 - ▶ 514 - EMERGENCY EXIT NOTICE
 - ▶ 515 - FIRE EXHIBITION SILENT
 - ▶ 516 - FIRE EXHIBITION SILENT
 - ▶ 517 - FIRE EXHIBITION SILENT
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- KEY**
- ▶ CCTV
 - ▶ FIRE EXHIBITION SILENT

Appendix 2 – Conditions

Standard conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

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 to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) 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;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. No Relevant Entertainment shall take place until CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the stage area in the basement only
26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 70 persons in the basement, 80 persons on the ground floor and 25 persons to the first floor.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
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.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

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



* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name If the applicant's business is registered, use its registered name.

* VAT number Put "none" if the applicant is not registered for VAT.

* Legal status

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

68,000

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The application is made to change the plans of the premises attached to the licence. Such variation only to come into effect upon the successful variation of SEV Licence 14/01806/LISEVT to permit Relevant Entertainment to take place on the First Floor, Ground Floor and Basement in line with the plans attached to said application.

Proposed changes include:

- a) Revision of layout in basement, specifically removal of stage area and introduction of new fixed and removable booths;
- b) Installation of podium/stage area on ground floor;
- c) New fixed and removable booths to be installed on first floor.

Also, the Applicant requests that the following conditions are removed from the Premises Licence:

- 10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 15. Dancing and striptease shall only take place in the basement.
- 30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.
- 32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special

Continued from previous page...

House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-

- (a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);
- (b) By prior invitation to a bona fide private function held at the premises, of which 24 hours' notice has been given to the police;
- (c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);
- (d) Artistes and persons employed at the premises;
- (e) Notwithstanding (a) above, persons taking full table meals;
- (f) Persons attending a private function at the premises.

41.(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

47. Striptease entertainment may only be provided in the basement area of the premises.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 17

Continued from previous page...

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Provision of entertainment commonly known as Lap Dance and Strip Tease

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The Applicant requests that the following Conditions be removed:

10, 15, 30, 32, 34(a) (b) (c) (d) (e) (f), 41(e) and 47.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The premises licence has been misplaced during the takeover of the premises by the new operator. A cheque in the sum of £10.50 is attached by way of payment for a duplicate licence.

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This application is supported by a concurrent application to vary the existing Sexual Entertainment Venue licence. As this application is made to increase the facilities for the provision of Relevant Entertainment under the SEV regime, we operate under a series of Codes of Conduct.

b) The prevention of crime and disorder

See (a) above

c) Public safety

See (a) above

d) The prevention of public nuisance

See (a) above

e) The protection of children from harm

Continued from previous page...

See (a) above

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Jeffrey Green Russell Limited

* Capacity

Authorised solicitors acting on behalf of the applicant

* Date

06 / 08 / 2014
dd mm yyyy

Add another signatory

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/change-1> to upload this file and continue with your application.

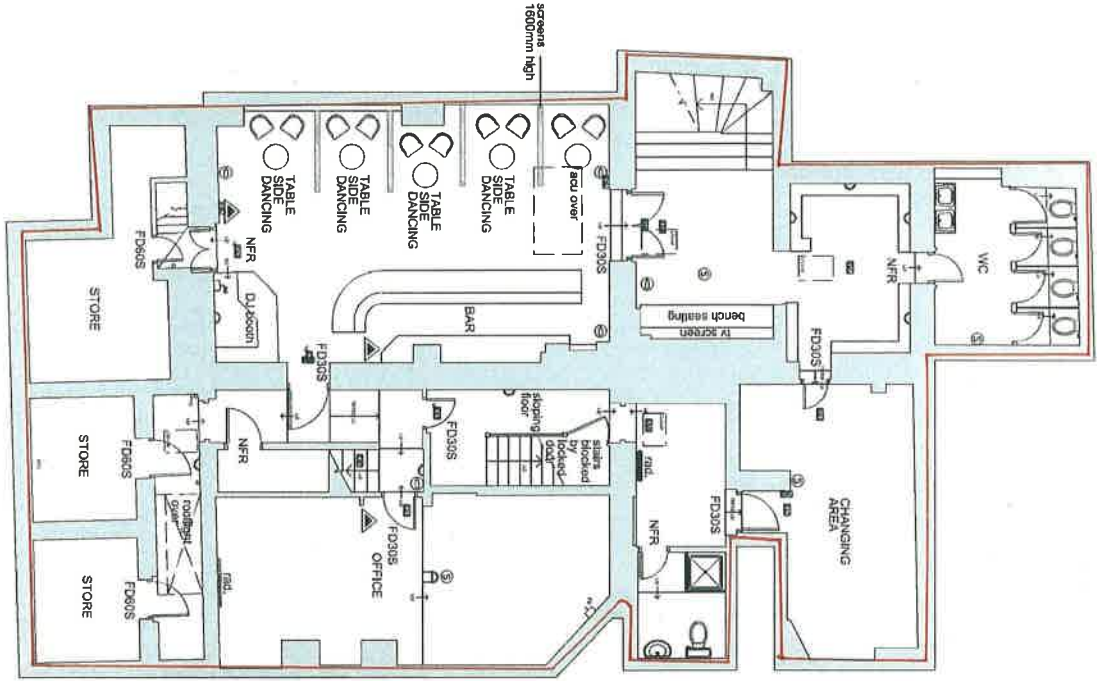
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

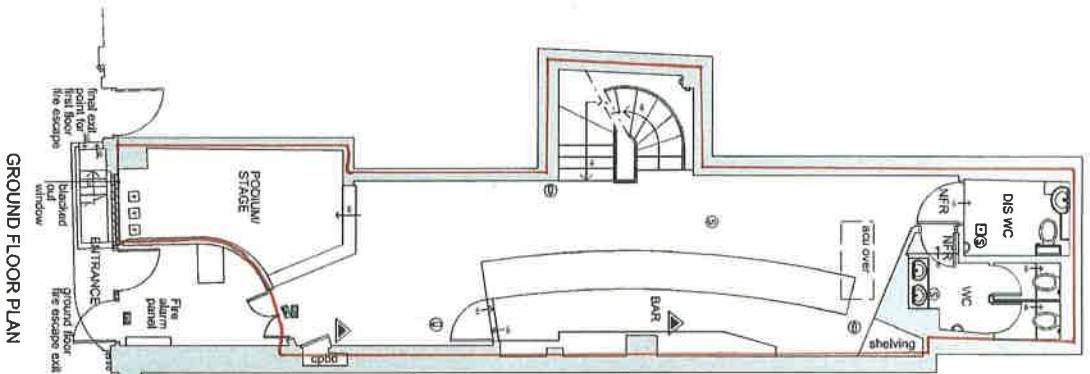
OFFICE USE ONLY

Applicant reference number	<input type="text" value="SVS/Vanity"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

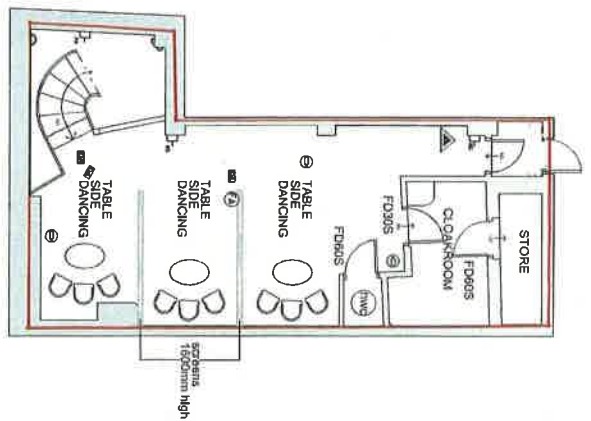
< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Next >



LOWER GROUND FLOOR PLAN



GROUND FLOOR PLAN



All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated 05/08/14

LIC1

- new walls
- existing walls
- demolished walls
- cdv
- Break glass unit
- Fire alarm
- smoke detector
- Emergency lighting
- Carbon dioxide extinguisher
- Emergency Exit Storage
- FD305 Fire Door rating

Drawn scale dimensions all in millimeters. All dimensions are to the center of the wall unless otherwise stated. All dimensions are to the center of the wall unless otherwise stated. All dimensions are to the center of the wall unless otherwise stated.

rev P2 June 2014 Preliminary Issue
Tuka Manton / Architects
 20 Regent Street, London, W1B 3AH
 W: www.tukamanton.com E: info@tukamanton.com
 Job: VANITY BAR
 4 CARLISLE STREET
 LONDON W1

DATE	DESCRIPTION	BY	CHKD BY
11/07/14	01	AM	AM
11/07/14	02	AM	AM
11/07/14	03	AM	AM
11/07/14	04	AM	AM
11/07/14	05	AM	AM

PROPOSED FLOOR PLANS

Hayes, Claire

From: Marcus Lavell [mcl@jgrlaw.co.uk]
Sent: 16 September 2014 18:26
To: Sollars, Jim; Watson, Ian; Rowe, Steven; Hayes, James; Hayes, Claire
Cc: Mary Hennessy
Subject: Vanity Bar - Variation Applications
Attachments: 4825120_1.DOC.DOC; 4825121_1.DOC.DOC

Importance: High

Dear Sirs

Following consultation with the Authorities, the applicant has compiled the attached proposed draft conditions in support of their applications.

We hope that these conditions address the concerns raised by those officers making representations in this matter and would be most grateful for your comments by return.

Thank you for your time so far in considering this application.

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



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PREMISES LICENCE

Suggested Appendix D

[Explanatory Note: references to Relevant Entertainment are references to entertainment falling within Paragraph 2A(1) and (2) Schedule 3 Local Government (Miscellaneous Provisions) Act 1982]

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

Conditions relating to regulated entertainment:

- ~~10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.~~
- 10. Replacement for Condition 10. The licensee will adopt a street management plan to be agreed with the Environmental Health Officer. Such plan to include the following:**
 - **Ordering taxis from inside the premises**
 - **Encouraging patrons waiting for taxis to remain inside the premises**
 - **Asking taxi drivers to turn off their engines whilst waiting**
 - **Control of smokers**
 - **Control of patrons leaving the premises**
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- ~~12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 to 23:30 on each of the days Monday to Thursday and from 23:00 on each of the days Friday to Saturday to 02:00 on the day following. **This Condition conflicts with the opening hours and hours for licensable activity detailed on this Premises Licence.**~~
13. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
- ~~14. All amplified music shall be played through a suitable new and modern sound limiting device which shall be set, sealed and maintained at all~~

~~times at a level agreed by the Environmental Health Officer (to be checked on a spot basis by the Environmental Health Officer). The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.~~

14 Replacement for Conditions 14, 26 and 27. MC11 - 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.

~~15. Dancing and striptease shall only take place in the basement.~~

~~16. In addition to at least one registered door supervisor and at least two registered door supervisors when striptease entertainment is provided, a steward shall be employed at the premises who will endeavour to ensure that customers will leave the vicinity quickly and quietly.~~

16. Replacement for Condition 16. Where the premises is used for Licensable Activities other than Relevant Entertainment, SIA registered security staff are to be employed on a 1:50 ratio (staff/customers).

17. Only activities which have previously been agreed by the council shall take place.

18.* The agreed activities shall take place only in the designated areas approved by the Council. The approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.

19.* All performers 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 (NB, not to apply in the case of tableside dancing).

20.* The area proposed for striptease shall be in position where the performance can not be seen from the street.

21.* 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 metre radius of the premises.

22.* 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

23.* The Licensee, performer and any person concerned in the organisation or management of the premises or the entertainment shall not encourage, or permit others to encourage, the audience to throw money at or otherwise to give gratuities to the performers (except as may be permitted by special conditions relating to tableside dancing).

~~24. Cab operators shall be informed of the need to keep noise to a minimum and to switch their vehicles' engines off whilst waiting in Dean Street for clients. To be included within Street Management Plan – See New Condition 10~~

25. The basement door going onto the street shall be kept closed at all times, except for emergency use.

~~26. No alteration or modification to any existing sound system(s) should be effected without prior consent of an authorised officer of the Environmental Health Department. See New Condition 14~~

~~27. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device. See New Condition 14~~

28. All doors giving access/egress to the premises shall not be fixed open after 23:00.

~~29. A 'hotline' telephone number to the licensee shall be available to local residents.~~

29 Replacement for Condition 29. The dedicated hotline telephone for anyone wishing to comment on the operation of the premises, will be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents.

- ~~30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.~~
- 30 Replacement for Condition 30. At least one Personal Licence Holder shall be present during the whole time intoxicating liquor is sold, supplied or consumed.**
31. **Except where Relevant Entertainment is provided**, the number of persons accommodated (excluding staff) shall not exceed:
- | | |
|--------------------|--|
| Basement - 70, | [Note: 20 with Relevant Entertainment] |
| Ground Floor - 80, | [Note: 70 with Relevant Entertainment] |
| First Floor - 25. | [Note: 15 with Relevant Entertainment] |

Conditions for Sale of Alcohol

- ~~32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied. See Condition 48~~
33. A CCTV system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime Prevention Officer.
- ~~34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-~~
- ~~(a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);~~
 - ~~(b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police;~~
 - ~~(c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);~~
 - ~~(d) Artistes and persons employed at the premises;~~
 - ~~(e) Notwithstanding (a) above, persons taking full table meals;~~
 - ~~(f) Persons attending a private function at the premises.~~
- ~~35. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed. See Replacement Condition 30.~~
36. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

37. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
38. ~~Maximum (excluding staff) Ground Floor 80; Basement 70; First Floor 25~~ **This is a duplication of Condition 31.**

39.* No striptease, no nudity and all persons on the premises to be decently attired, save for persons performing striptease on the stage area.

40.* In relation to any striptease performed there shall be no touching or physical contact between any customer.

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

41. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;

- (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday); the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- ~~(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. See **Condition 48**~~
- (f) The permitted hours on New Year's Eve will extend to the start of 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.

42. 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.

43. 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.

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

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 2 – Conditions consistent with the operating Schedule

~~45. No Noise or vibration shall emanate from the premises in to adjacent residential premises.~~

45. To Replace Condition 45. MC12 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

Conditions relating to regulated entertainment:

46.* (a) Striptease entertainment may be provided by both male and female performers

(b) The audience shall not be permitted to participate in striptease entertainment.

(c) The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day (09:00 to 00:00).

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

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

~~47.* Striptease entertainment may only be provided in the basement area of the premises.~~

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

48. The sale of alcohol shall be ancillary to the use of the premises for either, music and dancing and substantial refreshment or Relevant Entertainment.

49. Works:

a. Applying to the basement only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.**
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.**

b. Applying to the ground floor only:

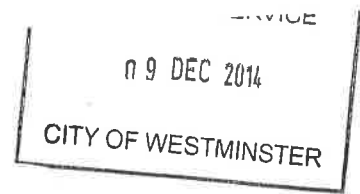
Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

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8 December 2014

Our Ref: JMS/TXB/21340.00005

Dear Sirs

Re: Vanity Bar, 4 Carlisle Street, London - Application for a Sexual Entertainment Venue Licence

I thought it might be helpful to the Committee if I were to give an overview of the applications for variation of the Sexual Entertainment Venue Licence and of the Premises Licence. The committee will be receiving a plethora of papers but the application itself is straightforward. At the time of writing this letter the Agenda papers have not been issued and I am therefore unable to provide convenient page number references.

Within the papers will be a copy of the existing Premises Licence (14/00491/LIPDPS). The Premises Licence authorises the sale of alcohol from 09:00 to 03:00 the following day except on Sundays which are 12:00 until 12:30 the following morning.

The Sexual Entertainment Venue Licence (SEV) number 14/01806/LISEVT authorises "relevant entertainment" Monday to Thursday 09:00 to 23:30, Friday and Saturday 09:00 to 02:00 and Sunday 09:00 to 23:00 which entertainment is confined to the basement of the premises.

The purpose of the application as set out in the notice of application is to bring the SEV hours and area within the premises, to be coterminous with the Premises Licence. Therefore the application is in accordance with your policy

At paragraph 2.5.1 of the SEV Statement of Licensing Policy 2012 states –

“where a premises is licensed under the 2003 Act (Premises Licence) for hours beyond the “core hours” the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate. Where a proposal is made to

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operate outside these “core hours” each application will be considered on its merits and with reference to the policy aims and objectives”.

Other proposed changes to the licensing conditions, whether they are for the SEV licence or the Premises Licence are consequential changes or provide additional conditions which flow from the stated objective of matching the SEV to the Premises Licence.

SEV licences were introduced by the Policing and Crime Act 2009 which then shoe horned the new SEV licensing into the confines of Local Government (Miscellaneous Provisions) Act 1982. Local Authorities were then able to adopt the legislation in relation to existing premises which offered lap-dancing (referred to in Westminster as “premises with a waiver of rule 4”). The existing Premises Licences all had provisions which dealt with the (sexual) entertainment and those conditions were copied onto the new SEV licence.

Applying for the new SEV Licence did not require any variation of the Premises Licence and therefore many Premises Licences (such as these in question) had similar conditions on both the SEV licence and the Premises Licence. In these circumstances Licensing Authorities were instructed that any conditions on the Premises Licence were to be of no effect where there was a similar condition on the SEV licence. In order to try and accommodate the legislative provisions Westminster adopted the practice of putting a box around any condition on the Premises Licence which controlled the sexual entertainment and annotating the licence “conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises”. Guidance anticipated these conditions being removed as variation of the Premises Licences being made. We have therefore removed those conditions from the Premises Licence and I will endeavour to explain those variations at the hearing.

We wanted to make it clear to the Committee from the outset that the applications are confined to achieving the purpose mentioned above, which is to bring the Sexual Entertainment Venue Licence in line with the Premises Licence. The volume of papers would belie that, but the Committee is asked to confine the application as being made for that purpose only.

Doubtless the committee will wish to read all the papers before the hearing and I will not go over the merits of the application here. I propose to do that at the hearing and address the committee in relation to other Policy considerations.

I mentioned above that the nature of the application fell squarely within Policy (2.5.1). That the application is in the spirit of the Policy and can be found in the Mission Statement. As can be seen from Mr. Hugh Matheson’s representation the application Premises was operating as “The Dolls House Striptease and Nude Review” prior to 1985, cheek by jowl with other commercial uses and some residential accommodation.

JEFFREY

GREEN

RUSSELL

Solicitors

8 December 2014

The Mission Statement states:-

“we want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within the safe, orderly and attractive environment; valued by those who live here, work here and come to visit”.

We have provided photographs which show that Carlisle Street offers a wide choice. From Carlisle Street junction with Dean Street is a traditional Soho public house, the Nellie Dean, next to that is the application premises which, in more recent history, operated as a lesbian lap-dancing club and late bar. Next is a hairdressing salon and next to that the head office of the magazine Private Eye. Next is a non-descript commercial premises which is then next to VISIBLE and then, the Nadler Hotel. An alleyway then separates the hotel from money transferors/or lenders and then after a non-descript premises (probably empty) is the iconic Pizza Express Jazz restaurant which is on the other side of Dean Street.

In a nutshell the application is brought to bring the SEV Licence in line with the alcohol Licence because the existing SEV Licence is so restrictive that a Sexual Entertainment Venue could not survive commercially. Reality dictates that if it can't operate as an SEV it will have to make full use of its Premises Licence and trade as a late night bar (without entertainment) to 03:00.

We hope that this overview is helpful to Committee.

Yours sincerely,



JULIAN SKEENS

Director

for Jeffrey Green Russell Limited

**Westminster City Council
Licensing Sub-Committee**

On the Matter of Vanity Bar – Application for a Sexual Entertainment Venue Licence
Premises Licence under the Licensing Act 2003

WITNESS STATEMENT OF MANPAL SINGH

My name is Manpal Singh and I am a Director of the Nag's Head Limited, the Applicant of the above mentioned matter. I have been involved in the licensed trade for 13 years. I have gained substantial experience with licensed premises as part of my family's business, and I have personally operated five out of their seven premises. I currently run four licensed premises, one of which is a Sexual Entertainment Venue in Tower Hamlets, the Nag's Head. This particular premises has been in my family for over 30 years and has operated as gentleman's club since 1986.

I identified Vanity Bar as a great opportunity to operate a similar premises in an exciting location in Westminster, in the heart of the entertainment capital. Soho has a long history of striptease and sexual entertainment and operating Vanity Bar is an opportunity to bring a comparable, well managed venue to the area. Angel's Bar, situated on Wardour Street (W1F 8ZH) is approximately 165 metres away from Vanity Bar and currently has an SEV variation application open for consultation with Westminster. Sunset Strip (W1D 3SA) is approximately 147 metres away on Dean Street, and have a SEV renewal currently open for consultation. La Capannina (W1D 3AL) on Bateman Street is also located within approximately 172 metres of Vanity Bar and currently operates under a valid SEV.

I met with various officers of Westminster City Council and the Police on the following dates:

- 3 April 2014
- 18 July 2014
- 20 August 2014

There was also a site visit with Officers on the 9 June 2014.

Vanity Bar had been operating occasional sexual entertainment in the basement of the premises since 9 April 2014. On 10th July 2014, I was forced to suspend the use of the basement area as the Landlord was carrying out works to run new services (water mains, gas mains) through the basement area up to the flats he owns above.

Having considered the various representations received in relation to the application, I instructed Adrian Studd, the former head of the Metropolitan Police Clubs and Vice licensing unit and the Association of Chief of Police Officer's spokesperson, to prepare a report and I am adopting his suggestions in relation to promoting the licensing objectives. It is my aim to bring my experience of operating the Nag's Head to Soho.

My own experience of operating a gentleman's club has demonstrated that patrons arrive at and leave from the premises in an orderly manner. The average age of customers is over 30 years old, most of whom are professional people already working in the area. Such premises would not draw in patrons from further afield and, as such, would not bring additional stress to the area. Furthermore, Vanity Bar is located further into Soho, unlike similar venues such as Sunset Strip and Angels.

I will work in partnership with the police and licensing authority to ensure that best practice is maintained at the premises throughout its operation, and I hope that the conditions and policies proposed within the application can address their concerns.

The Applications for Consideration by the Committee

In essence, the applications before the Committee are intended to allow a late bar/nightclub as a Tableside Dancing Club.

The premises already benefits from a Premises Licence permitting, amongst other forms of Licensable Activity, the sale of alcohol from 10:00 to 03:00 Monday to Saturday and 12:00 to 00:30 Sundays. The Premises Licence also allows the playing of Recorded Music and provision of Private Regulated Entertainment, 24 hours a day. These permissions would allow me to run a nightclub from the premises. Indeed, when I was attempting to buy the leasehold of the premises, those competing against me were not interested in the existing Sexual Entertainment Venue Licence (SEV); rather, they wanted to make use of one of the "latest" Premises Licences in Soho. The application to vary the Premises Licence is made to allow lap dancing/striptease on all three floors of the premises, something currently restricted by Conditions 15 and 47:

15. Dancing and striptease shall only take place in the basement.
47. * Striptease entertainment may only be provided in the basement area of the premises.
(Please note: * Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises)

Although the premises does hold an SEV, the scope of the permission is narrow, allowing Relevant Entertainment (Lap dance/Striptease) to take place only on the stage in the basement. The Premises has a long history of providing sexual entertainment but in the last years of operating as the Candy Bar, focused more on providing a late night drink led hang-out for members of the lesbian community, with striptease provided as a secondary attraction. By increasing the permission to allow Relevant Entertainment to take place on all 3 floors, I will be able to operate as a Tableside Dancing Club, rather than the high volume vertical drinking establishment the premises became.

Benefits of the Change in Operation

Adrian Studd speaks in his report of a number of benefits associated with moving from a drink led operation to one based on the provision of tableside dancing; I do not propose to reiterate those benefits here.

I would like to set out the specific benefits that these applications will bring to Carlisle Street. By moving to a tableside dancing model, I can create a viable business based on far fewer customers attending the premises at any one time. You will see from the conditions proposed at Appendix D, I have agreed to reduce the capacity figures on all 3 floors by 75 (55%). Specifically:

<u>Current</u>	<u>Proposed</u>
Basement - 70,	20
Ground Floor - 80,	70
First Floor - 25.	15

The second direct benefit to the Street is that, unlike many Soho licenced premises, tableside dancing clubs do not allow customers to drink on the street. I and other operators find that customers do not feel that they receive value from purchasing their drinks in such a premises and then standing outside to socialise with their friends. Previously, the Candy Bar attracted a large number of customers and noncustomers who would stand in the street socialising due to the nature of the premises as a social hub for the lesbian community.

Response to representations

I thank the Licensing Authority, Environmental Health, Police and local residents and businesses for their representations and I note their concerns in relation to our application. I hope to be able to address the issues raised below in light of the licensing objectives. I would also refer you again to the report by Adrian Studd.

- **The prevention of public nuisance**

I note that many of the representations, particularly those submitted by residents, raise the issue of additional noise from patrons causing a disturbance in the area surrounding Vanity Bar, as well as the vibrations that music inside may cause to nearby premises.

Within the conditions I have suggested as set out in Appendix D, Condition 34 requires that I ensure that "no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance." We shall also ensure that all equipment is maintained in good condition and in full working order to allow us to best manage any potential nuisance in relation to sound (Condition 30). I have also adopted Model Condition 11 in relation to noise limiters on the premises licence as Condition 14 to address the issue with noise emanating from the premises.

As for noise outside the premises, the adoption of a Street Management Plan, as referred to in Condition 10 of the Suggested Appendix D of the Premises Licence (Appendix A), will require patrons to remain inside the premises whilst waiting for taxis. Taxi drivers will be asked to turn off their engines whilst waiting outside the premises to prevent noise nuisance from disturbing local residents and businesses. Anyone wishing to hail a black cab shall be directed onto Dean Street to avoid causing a disturbance. Door supervisors shall be employed to monitor patron noise and actively discourage any unacceptable behaviour by patrons entering or leaving the premises. The Street Management Plan requires any patrons wishing to smoke to be directed to and remain in a designated smoking area. As supported by both Adrian Studd's report and my own experience as a licensed operator, patrons attending sexual entertainment venues are a more controlled and older than those attending nightclub venues.

We will also benefit from the presence of SIA-trained door supervisors at the Nelly Dean pub who can help to ensure we have better control of the immediate area on Carlisle Street.

As made clear by proposed Condition 31 of the Premises Licence, the capacity of Vanity Bar whilst the Relevant Entertainment is taking place is substantially less than permitted whilst the nightclub licence is in effect. Therefore, there will be no intensification of use and subsequent increase in number of patrons in the area outside the premises. The increase in hours of the SEV licence is to bring them in line with the current premises licence hours.

- **The prevention of crime and disorder**

Condition 9 of the SEV Suggest Appendix D requires that a licence holder or named responsible person shall be present throughout the time any Relevant Entertainment takes place. A comprehensive CCTV system and incident log shall allow the premises better deal with any potential crime in disorder at the present or its surroundings (Conditions 10 to 12).

Please also see my above point in relation to intensification of use and the limit on capacity at the premises.

In response to concerns in relation to the removal of Condition 30 from the premises licence and suitability of licensees, the National Entertainment Licensees Certificate is not available now, and therefore any changes to such provision was a modification to ensure that Vanity Bar had a fully qualified Personal Licence Holder on duty at all times.

- **The protection of children from harm**

As previously mentioned; Soho has a long history as a vibrant area for entertainment, including gentleman's clubs, and Vanity Bar is situated in heart of the area. I acknowledge concerns regarding the protection of children and I highlight Conditions 1 to 4 and Condition 6 of the proposed SEV licence which strictly prohibits any person under 18 from visiting the premises and the promotion of the proposed activities taking place inside. Relevant entertainment will not be visible from outside the premises.

I am aware that some of the representations received refer to the morality and potential exploitative nature of the operation of sexual entertainment venues. Whilst these issues do not form part of the licensing objectives, we have ensured that the welfare of performers and conduct of patrons are governed through the use both conditions and internal policies, which are fully compliant with Westminster City Council's Sex Establishment standard conditions. A Code of Conduct has already been submitted as part of the application and I have attached Vanity Bar's Customer House Rules and Performers' Welfare Policy (Appendix A).

Recommendations from Adrian Studd

Adrian Studd has made the following recommendations that I have incorporated within this application by way of condition:

- a) The adoption of a street management and dispersal plan. I have offered this as Condition 10 of the premises licence Appendix D.
- b) All incidents to be recorded in an incident log. I proposed this as Condition 12 of the SEV licence Appendix D.
- c) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained. I have proposed this as Condition 11 of the SEV licence Appendix D and Condition 33 of the premises licence Appendix D.
- d) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents. I have proposed this as Condition 29 of the premises licence Appendix D.
- e) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place. Proposed Condition 35 within the SEV licence

Appendix D requires that an SIA registered door supervisor be on duty on any floor that is providing Relevant Entertainment.

- f) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed. I have adopted this as proposed Condition 30 in the premises licence Appendix D.
- g) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers. A Code of Conduct has been submitted as part of the application and is specified by Condition 13 in the SEV licence Appendix D.

Adrian Studd has also made further recommendations in relation to the management of the outside area, which has been adopted as part of the Street Management Plan (see Appendix A).

I believe the facts in the above statement to be true.



Manpal Singh

4/12/14

Date

Appendix A

1. Street Management Plan
2. Customer House Rules
3. Performers' Welfare Policy

VANITY BAR

STREET MANAGEMENT POLICY

1. Management of Vanity Bar take responsibility for the orderly arrival and dispersal of customers. In order to promote public safety and prevent public nuisance, the key events for noise to be generated by patrons arriving at and leaving the premises will be managed.
2. At least 1 door supervisor will monitor the roadside area to assist in the safe and orderly arrival and dispersal of patrons.
3. This policy shall be supported by all security staff who will be wearing distinctive uniforms at all times to distinguish them from customers and members of the public.
4. Door-staff shall be trained to monitor patron noise and prevent any unacceptable behaviour, encouraging customers to consider local residents when making their way home.
5. Vanity Bar shall display signage at the exit reminding customers to leave quietly and have respect for residents.
6. That staff shall monitor and where possible control traffic on Carlisle Street in line with this Plan.
7. Customers arriving by car are to be met at the kerbside and directed to the entrance. The customer will always be held within the entrance whilst entry is approved.
8. Once a car has dropped off a passenger, the driver is to be encouraged to leave Carlisle Street without lingering.
9. Private Hire vehicles are to be parked away from Carlisle Street and shall be required to switch off their engines whilst waiting for patrons.
10. Vanity Bar works in partnership with Private hire vehicles are to be held in Dean Street and brought around to Carlisle Street upon being booked by patrons of Vanity Bar.
11. Once a private hire vehicle arrives at Vanity Bar for the purpose of collecting a customer, said customer is to be directed to the car without delay, having been held within the premises until the vehicle arrives. If necessary, customers will be accompanied to vehicles to prevent 'touting'.
12. Patrons wishing to hail a black cab shall be directed onto Dean Street to avoid causing a nuisance on Carlisle Street.

VANITY BAR

13. Any patron entering the street from Vanity Bar in order to smoke shall be redirected to a smoking area outside the premises. Patrons are not to take drinks outside the premises under any circumstance. Only four smokers are permitted to use the smoking area at any one point.
14. A dedicated telephone number for the DPS or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence which shall be provided to the licensing authority and local residents associations. Any change to the number shall be notified to the licensing authority and to local residents associations within 7 days of the change.

VANITY BAR

CUSTOMER HOUSE RULES

VANITY BAR

(To be displayed in reception and throughout the club premises and is available for scrutiny at all times by the relevant authorities).

- The premises operates a smart casual dress code to which you must conform (clearly stated in reception). You must be decently attired on arrival and departure from the premises.
- No person under the age of 18 will be admitted.
- We operate a challenge 21 policy. If you are lucky enough to look under 21 you will be required to produce a valid I.D (either a passport or driving licence).
- You must remain fully clothed coming in and leaving the club premises.
- You are required to contribute a minimum of £1 for each and every stage dance.
- You may not take any photograph inside the premises. (Please keep your camera phone in your pocket).
- You should behave in an appropriate manner outside the premises so as not to cause disturbance to any local residents in the neighbourhood.
- Management reserves the right to refuse admission and to remove customers who fail to comply with the stated rules of the club including causing disturbance to any local residents in the neighbourhood.

The following rules must be followed whilst any performer is dancing for you:

- Before a dancer may perform, you must be seated with your back against the back of the seat and your hands by your side. You must remain seated for the duration of the dance.
- You must not touch the performer during her performance.
- You must not attempt to arrange to meet any performer privately or to give your telephone number or business card for that purpose.

VANITY BAR

- You should not ask the performer to perform any sexual favour or use any profane language.
- You must not perform any act of masturbation or indulge in other sexual behaviour.
- Failure to comply with this code may result in you being asked to leave the premises without refund of any monies paid.

VANITY BAR

PERFORMERS WELFARE POLICY

VANITY BAR

1. Each performer will undergo a preliminary interview with the Manager and will provide two forms of identification, including a utility bill and photographic identification and, if appropriate, any proof of entitlement to work in the UK.
2. During induction, the House Rules, Welfare Policy and Code of Conduct together with a copy of any conditions on the Premises Licence or Sexual Entertainment Venue Licence will be explained. The dancer will be required to sign and confirm their understanding.
3. Appropriate health and safety training will be provided in relation to the layout of the premises and the procedures in case of emergency.
4. Training will be provided in relation to working schedules, changing room etiquette, payments and charging, disciplinary procedure, customer relations and conflict management, incident reporting and arrival and exit procedures.
5. Any performer concerned about the behaviour of a customer shall report the incident to the Manager or door supervisor who will take immediate action to investigate and take appropriate action.
6. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the "House Rules" or otherwise causing alarm or distress to a performer.
7. Performers shall be provided with free tap drinking water on request; there is no requirement for performers to drink alcohol.
8. Secure dressing room facilities are provided. Performers will use the dressing room facilities for changing before and after the performance period and for rest breaks as agreed with the Manager.
9. There is a designated smoking area for performers on the first floor. No more than two smokers are permitted in such area at any one time.
10. All areas of the premises to which the public have access will have adequate supervision via CCTV and/or a SIA registered door supervisor.
11. For their safety, performers will be required to stay until the end of the performance period and if required will be escorted by a door supervisor to their vehicle on departure from the premises.
12. Taxis can be provided for performers on request in order to leave the premises. There is no requirement for the House to pay the fare of such taxi.

VANITY BAR AND NIGHTCLUB MENU

ON TAP	Pint	half pint
Fosters	£9.00	£5.00
Kronenbourg	£10.00	£6.00
Strongbow	£9.00	£5.00
Guinness	£10.00	£6.00

By The Bottled

Budweiser	£10.00
Corona	£10.00
Becks	£10.00
Peroni	£10.00
Bulmers	£10.00

Spirits (Per 25ml) + Free Mixer

Whisky/Bourbons

Jack Daniels	£12.00
Jameson	£12.00
JW Black Label	£13.00
Chivas	£13.00
Glenmorange	£13.00
Laphroaig 10 Year	£13.00
Glenfiddich	£13.00

Vodka

Smirnoff Vodka	£12.00
Grey Goose	£15.00

Gin

Gordons	£12.00
Bombay Sapphire	£14.00
Hendricks	£14.00

Rum

Bacardi	£12.00
Captain Morgan	£12.00
Sailor Jerry Spice	£12.00

SHOTS 25ml

Tequila Gold	£15.00
Sambuca	£15.00

WINE

125ml 250ml BTL

White

NV Trebbiano	£8.00	£15.00	£44.00
2011 Chardonnay Reserve	£9.00	£17.00	£49.00

Red

2012 Lote 44 Malbec	£10.00	£19.00	£55.00
NV Sangiovese	£9.00	£17.00	£49.00

Rose

2011 Carignan Rose	£8.00	£15.00	£44.00
2011 Mas Amor Rosado	£8.50	£15.50	£45.00

CHAMPAGNE	175ML	BTL
Moet and Chandon	£15.00	£80.00
Veuve Clicquot		£100
Laurent Perrier Rose		£150
Dom Perignon		£300

Soft Drinks

Orange & Passion J20	£2.50
Apple @ Mango J20	£2.50
Coca Cola 250ml	£2.50

Hot Drinks

Espresso	£2.50
Americano	£2.50
Cappuccino	£2.50
Latte	£2.50
Hot Chocolate	£2.50
Tea	£2.50

HOT FOOD(Available all day)

Noodles chicken flavour	£9.00
Noodles Beef and Tomato	£9.00
Noodles Piri Piri Chicken flavour	£9.00

We have a local pizza takeaway which delivers delicious hot pizzas to us. Please find a Menu at the bar or ask staff. Orders can be placed at the bar

Introduction.

I have been instructed to prepare an independent report in connection with the application to vary the premises and SEV licence at Vanity Bar and Nightclub 4, Carlisle Street, London, W1D 3BJ.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.

In addition to leading my team, I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, in order to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs to implement the initiative. I am a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years, I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended a large number of internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement, I set up a licensing consultancy to provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, Sexual Entertainment, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Contents.

1. Vanity Bar.
2. Sexual Entertainment.
3. Impact on Licensing Objectives.
4. Conditions.
5. Objections.

Vanity Bar.

- 1) I am familiar with the premises at 4 Carlisle Street, having conducted licensing visits a number of times in the past when it was known as Candy Bar. I went to Carlisle Street on 2nd October 2014 and observed the Vanity bar, which was not open, and the area.
- 2) The Nellie Dean public house next door was busy, and as it was a warm evening, customers were outside drinking. The premises are located in a busy part of Soho, close to the junction with Dean Street and its many bars and restaurants. At the far end of Carlisle Street is the Nadler Hotel.
- 3) I have been provided with copies of the applications and also the objections that have been submitted. I have considered the proposed variation and conditions from an independent, evidence based point of view.

Sexual Entertainment.

- 4) Between 2002 and 2004, as Inspector in charge of the Metropolitan Police Clubs and Vice licensing unit, I was in charge of a number of high profile investigations into premises that provided what would now be called 'sexual entertainment.' At the time, this was quite a new and developing form of entertainment and there were concerns about the impact such premises may have.
- 5) During the course of these investigations, my team and I visited a large number of such premises, not only in London but in some cases travelling across the country. Covert policing techniques were used posing as customers to observe behaviour of dancers and customers both inside and outside the premises.
- 6) In addition to this, I undertook research into crime patterns around various premises that were providing sexual entertainment as it had been suggested that levels of crime rose around lap dancing venues, in particular crimes of a sexual nature. However, despite extensive research, we were unable to identify an increase in crime of any sort attributed to such premises.

- 7) It is my experience, both as a police officer and as an independent licensing consultant, that a well-managed premises that provides sexual entertainment generates less crime, crime and disorder and nuisance than a traditional nightclub of comparative size. There are a number of reasons for this, including;
- Fewer customers when compared to a nightclub of similar size,
 - A high ratio of door supervisors to customers,
 - A more controlled, less crowded environment,
 - An older customer base more able to handle alcohol,
 - A more relaxed atmosphere, music tends to be at lower volume and slower tempo.
- 8) Queuing outside nightclubs is often encouraged by a club in the belief that it gives the premises a more exclusive feel. This queuing is often the cause of nuisance to residents and passers-by, particularly later in the night when customers may be arriving from other premises having already been drinking and are required to wait outside for admission.
- 9) Lap dancing clubs do not encourage queuing and customers are generally admitted quickly into the premises, minimising the potential for noise and nuisance outside.
- 10) Another common source of noise and nuisance at night clubs is the smoking area. With a traditional nightclub, this is often used as an opportunity for socialising between the sexes and after consuming alcohol these conversation can become loud, boisterous and prolonged. It is often the case that the music is so loud inside that conversation is hardly possible so it is only in the smoking area that it can take place.
- 11) In contrast, at a lap dancing venue the customers tend to be mainly male so there is less inclination to stand outside chatting. The music volume inside tends to be lower to allow conversation between the customers and between the customers and dancers, this makes it possible for customers to chat inside the club and goes some way to taking away the incentive to loiter outside the premises chatting and potentially disturbing the residents.
- 12) Para 2.4.8 of the Westminster statement of licensing policy recognises that Customers who have been seated in premises which are not crowded will behave differently; they are less

likely to have been talking at a high volume and will leave the premises more quietly than the greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

- 13) Lap dancing premises have a high ratio of seating for customers as it is a standard condition that customers have to be seated before a dance can take place; customers generally go to the premises for the entertainment rather than for vertical drinking. This and the generally more relaxed atmosphere make it easier for door supervisors to manage a swift and quiet dispersal with minimum nuisance to residents.

Impact on Licensing Objectives.

14) Prevention of Crime and Disorder and Prevention of Public Nuisance.

With a more controlled atmosphere inside and a reduction in areas that generate nuisance and friction such as queuing, it is my view that allowing this variation will lead to a reduction in noise, nuisance and crime and disorder related to the premises. It will therefore promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

15) Public safety.

Public Safety will be enhanced due to there being generally fewer customers in the premises, the increased provision of seating, an older clientele, improved control inside the premises and reduced alcohol consumption.

16) Protection of children from harm.

Lap dancing premises very rarely have a problem with under-age drinking or young people attempting to gain entry. Maintaining a robust approach to age verification will ensure that this continues. Externally the premises are required to be discrete and conditions preventing flyers or any indecent displays or advertising will ensure that children are protected from harm and this objective is promoted.

Conditions.

- 17) I recommend the following best practice be put into agreed conditions;

- a) The adoption of a street management and dispersal plan.
- b) The smoking area to be supervised by a member of staff at all times the area is in operation.
- c) Notices shall be displayed at the premises near the exits asking customers to respect the venue's neighbours and leave quickly and quietly.
- d) All incidents to be recorded in an incident log,
- e) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained.
- f) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents.
- g) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place.
- h) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed.
- i) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers.

Objections.

I have been provided with the report from the Westminster Licensing sub-committee in respect of the application to vary the licence at Vanity bar and nightclub dated 23rd October 2014. This report includes Eleven (11) numbered objections plus objections from the Environmental Health and Licensing Service.

- 1) David Gleeson, Soho Society,
- 2) Councillor Glenys Roberts,
- 3) Alice Dugdale,
- 4) Robert Nadler,
- 5) Unnamed local resident,
- 6) Unnamed MP or Councillor,
- 7) Unnamed local resident,
- 8) Unnamed, local resident,

- 9) Unnamed local resident,
- 10) Unnamed local resident,
- 11) Unnamed Councillor,
- 12) Environmental health, Ian Watson and Ola Owojori.
- 13) James Hayes, Licensing Inspector.

1. Objector 1. David Gleeson, The Soho Society.

- 1.1 Mr Gleeson raises a number of objections relating to the promotion of the licensing objectives and improvements in the function and character of the city, or areas of it. In my view these objections are not supported by the evidence.
- 1.2 Prevention of crime and disorder and prevention of public nuisance. The premises is currently licensed for the sale or supply of alcohol until 03.00 Mon to Sat and 00.30 on Sunday and to open until 03.30 Mon to Sat and 01.00 on Sunday. This application does not seek to change that but to change the style of operation from a drink led bar and nightclub to one that offers entertainment with alcohol ancillary to that.
- 1.3 While trading as the Candy bar the premises regularly attracted 'celebrity' customers and queuing outside was encouraged as a sign of its popularity and exclusiveness. This style of operation inevitably leads to noise and nuisance outside the premises by customers waiting to get in, often having been drinking at other premises.
- 1.4 In contrast Lap dancing clubs seek to admit customers as quickly as possible with a minimum of queuing. This leads to a quieter environment outside the premises. Various conditions and policies to manage the external environment, include queuing, smoking and dispersal have been proposed that will reduce the noise or nuisance outside.
- 1.5 The change in the style of operation from an alcohol led bar to a table dancing club will reduce the potential for crime and disorder and public nuisance. Lap dancing bars operate in a more controlled environment than tradition nightclubs with a higher ratio of door supervisors to customers. Customers are required to be seated during the performance of dance.
- 1.6 It is acknowledged that customers who have been seated in a quieter, more controlled atmosphere are less likely to cause noise and nuisance on leaving the premises. Customers are attracted to the premises primarily for the entertainment and not just to consume alcohol, this leads to less drunkenness and reduces the potential for crime and disorder either inside the premises or when leaving.

1.7 Mr Gleeson states that having such a venue opened until late at night would disturb the general, harmonious peace. This does not appear to take account of the fact that the premises is currently entitled to operate until 03.30 and until recently did do so, as an alcohol led bar that regularly attracted noisy customers outside. As evidenced above the proposed changes will reduce the potential for nuisance and crime and disorder.

1.8 Whether or not a lap dancing bar will lead to improvements in the function and character of the city is a subjective view that will vary from individual to individual. The area around Carlisle Street provides a vibrant, busy and mixed night time economy. A well run lap dancing club will add to that mix and, based on the evidence of operation of such premises and my experience, will lead to a reduction in crime and disorder and public nuisance.

2. Objector 2, Councillor Roberts.

2.1 Councillor Roberts raises concerns about noise and disturbance from customers leaving the premises. This application does not seek to increase capacity of the premises or to extend the opening hours so in that respect there will be no change from the existing licence.

2.2 As stated previously the evidence indicates that a well-run lap dancing club generates less noise and nuisance than a regular night club. The application includes conditions and policies on management of the external environment that comply with best practice. These will ensure that the potential for noise and nuisance is minimised.

3. Objector 3, un-named resident of 4 Carlisle Street.

3.1 I understand the residents concern about internal noise transfer, in my experience lap dancing clubs tend to play music at a lower volume than regular night clubs in order that customers can talk among themselves and to the dancers.

3.2 I understand a noise expert and the environmental health officer have been consulted to ensure that the building is adequately sound insulated. The proposed increase in facilities for sexual entertainment inside the premises is not visible outside and will have no effect on residents in other parts of the building.

3.3 The residents highlight historical problems of noise and nuisance that have been caused at the premises when it was run as a drink led bar and club, these are common to such premises. The application to change the premises to a lap dancing bar, and the proposed conditions, will lead to a decrease in customers outside queuing, a decrease in those smoking and a generally much quieter and more controlled environment.

3.4 This resident highlights concerns about the premises operating as lap dancing bar while their niece is staying, in particular about men hanging around the front door. As previously stated

customers at lap dancing bars do not hang around outside and are admitted and leave the premises quickly. There are new policies proposed, in line with best practice, to manage the external environment and minimise impact on residents.

3.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

4. **Objector 4, MR Robert Nadler, Nadler hotel.**

4.1 Mr Nadler refers to the proposal to remove conditions 32 and 34 from the existing licence. These require substantial food to be available during permitted hours and puts restrictions on who can be sold or supplied intoxicating liquor after 23.00. It refers to a Special Hours Certificate under previous licensing legislation.

4.2 These conditions do not have the effect of requiring all customers at the premises after 23.00 to take a table meal but require only that substantial food is available during the whole of permitted hours and that customers who are not eating have to pay the admission charge.

4.3 Following discussion with police I understand that agreement has been reached that conditions 32 and 41(e) will not be removed but will be suspended when the premises trades as a lap-dance club. This has the effect of ensuring that the provision of alcohol will always be ancillary to either lap-dancing or music and dancing and is a sensible precaution.

4.4 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.

4.5 While it is recognised that the consumption of food can reduce the effect of alcohol these conditions do nothing to require customers to consume food. There is no evidence that the removal of condition 34 and suspension of condition 41(e) when sexual entertainment is taking place will have a negative impact on the promotion of the licensing objectives.

4.6 Mr Nadler refers to the improvements in the character of Soho over the last 40 years and as a Londoner and ex-police officer who has visited and worked in Soho for many years I agree with this. Soho continues to be an exciting place and offers a bustling, vibrant and above all mixed environment where a broad range of premises operate alongside each other within a regulatory framework that is strictly controlled.

- 4.7 Whether or not an individual chooses to go to a premises offering sexual entertainment is a personal, often moral, choice. However, there is no evidence to support the assertion that lap dancing bars encourage a threatening or sexually charged atmosphere that has a negative impact on the licensing objectives.
- 4.8 The evidence indicates there is less crime and disorder and less nuisance associated with such premises when compared to alcohol led bars and clubs and the proposed conditions and management plans will ensure this is the case with this application.
- 4.9 Mr Nadler raises concerns about the potential increase in noise and disturbance in Carlisle Street from the proposed variation. As previously stated the proposed new style of operation, together with the improved management of the external environment, will lead to less noise and disturbance.
- 4.10 Protection of Children from Harm. The SEV standard conditions ensure that externally there is no nudity or relevant entertainment ensuring that children outside are protected from any potential harm. There is no evidence that lap dancing bars create an atmosphere or potential for violence, the extra control measures, higher ratio of door supervisors to customers and generally more relaxed atmosphere lead to less violence, nuisance, crime and disorder than a regular nightclub.
- 4.11 It is not proposed to increase the capacity of the premises, the proposed changes relate to the style of operation and are likely to lead to a reduction in the overall number of customers. The proposed management plans for the external environment, in line with best practice, will lead to reductions in noise and nuisance outside the premises.
- 4.12 Mr Nadler raises concerns about the removal of specific conditions:
- 4.13 There is no evidence that the removal of Condition 15 that allows dancing and striptease to take place only in the basement will have an adverse effect on the licensing objectives. The increase in relevant entertainment will ensure customers are attracted for the entertainment with alcohol consumption ancillary to this. This will reduce the potential for crime and disorder or nuisance to residents.
- 4.14 With regard to the removal of condition 30, It is proposed that there will be at least one Personal Licence Holder present during the whole time that intoxicating liquor is sold, supplied or consumed. This is a sensible condition that ensures proper supervision of the premises and together with the increased ratio of door supervisors and improved management policies is sufficient to ensure the premises promotes the licensing objectives.
- 4.15 It is now proposed that condition 32 not be removed but is suspended when the premises operates as lap-dancing venue. This is a sensible approach that ensures that the premises does not become an alcohol lead bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.

- 4.16 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.
- 4.17 This condition has little effect on the promotion of the licensing objectives and the removal, in the context of the proposed change to a lap-dancing club, will not have a negative impact on the promotion of the licensing objectives.
- 4.18 It is now proposed that condition 41(e) is not removed but is suspended when the premises is used for lap-dancing. This is a sensible approach that ensures that the premises does not become an alcohol lead bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.
- 4.19 The removal of condition 47 will allow sexual entertainment in a larger area of the premises, however this will not be visible to those outside the premises and will have no impact on the promotion of the licensing objectives as is not relevant to the protection of children.
- 4.20 As previously stated the evidence indicates that the premises operating as a lap dancing club, with all the additional management policies proposed, will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity. There are standard conditions covering SEVs that must be complied with and additional conditions have been agreed to cover specific concerns.
- 4.21 This application does not seek to extend the hours permitted by the existing licence. It is my view that the evidence indicates that the proposed change to a lap-dancing club, with the additional conditions, will bring about a reduction in crime and disorder and the nuisance to residents that has been caused in the past.

5. Objector 5, un-named local resident.

- 5.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.
- 5.2 There are other similar premises such as Sunset Strip close by of which the author appears unaware. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

6. Objector 6, un-named Councillor or MP.

6.1 This objection merely states that the author objects to the application, no reason and no evidence is given.

7. Objector 7, un-named local resident.

7.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the areas in which it can be provided. There are other similar premises such as Sunset Strip close by of which the author appears unaware.

7.2 There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type. The concerns raised relating to the Nellie Dean public house are common problems at pubs and regular nightclubs.

7.3 However, due to the different style of operation and increased regulation at lap dancing clubs, and the conditions proposed in this application to manage the external environment, this application will reduce the potential for such problems.

8. Objector 8, un-named objector, local resident?

8.1 There is no evidence to support the assertions of this objector that children will not be protected from harm, crime and disorder will increase, public nuisance will increase and public safety will be compromised. The available evidence indicates that all the licensing objectives will be promoted and crime and disorder and public nuisance will decrease.

9. Objector 9, un-named resident during university holidays.

9.1 This objector does not provide any evidence that the licensing objectives will not be promoted by granting the application. As with other residents the author points to nuisance caused by the Nellie Dean and draws the conclusion that these will be made worse by this application. This is not the case.

9.2 The standard conditions for SEV premises and those additionally proposed, including the management plans for dispersal and smoking restrictions in line with best practice, will ensure that this application does not cause the same issues that are created by some other licensed premises in the vicinity. It provides positive benefits to the external environment when compared to the operation of a pub or regular nightclub.

10. Objector 10, un-named resident.

10.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

11. Objector 11, un-named Councillor.

11.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises is currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.

11.2 The premises has operated to capacity as a bar and nightclub in the past and this application is likely to lead to fewer rather than more customers. There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

12. Objector 12, Environmental Health, Ian Watson and Ola Owojori.

12.1 **Response to Ian Watson.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

12.2 The proposal to use all three floors for relevant entertainment will change the style of operation from an alcohol led bar and club to a premises that provides entertainment with alcohol ancillary. This will lead to a decrease in public nuisance. There is no evidence that increasing the space used for entertainment will have any impact on public safety.

12.3 There is no evidence provided that removal of Condition 25 to allow regulated entertainment in areas other than the basement will have any impact on public safety. It is not proposed to increase the capacity of the premises and with the greater supervision provided by addition door supervisors public safety will be improved.

12.4 **Response to Ola Owojori.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

- 12.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.
- 12.6 There is another SEV nearby, Sunset Strip at 30 Dean Street. I walked past on 2nd October 2014 and the doors were open giving a good view of the interior, including the scantily clad dancers. Unlike the discrete Vanity bar exterior, Sunset Strip has a clear indication of what goes on inside with the illustrations in the first floor windows, these leave the casual passer-by under no illusion what entertainment is provided.
- 12.7 Concern has been raised about customers and dancers smoking together at the front of the premises. This has been considered and there is a smoking area provided for customers at the front of the building and a completely separate area for dancers on the first floor. This is covered in paragraph 9 of the dancer welfare policy.
- 12.8 Concern is raised about what is referred to as a vulnerable hostel at 91 Dean Street. This is close to Sunset Strip and I am not aware that there has been any adverse effect in the past. I do not consider that Vanity Bar, which has a discrete, managed entrance and is around a corner in another road, will have any impact on this hostel.
- 12.9 With regard to concerns raised about the potential for prostitution, touting and 'clipping', these are issues that many of the premises in the West End face and are not unique to SEV premises. I consider that the policies and procedures proposed, such as the extensive use of Door Supervisors and the management plan for the external environment, accord with best practice and will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity.
- 12.10 There is no evidence that extending the area where entertainment is permitted will lead to inadequate supervision at the premises. The increased levels of security and CCTV coverage will ensure that the whole premises are supervised and the dancer and customer codes of conduct are adhered to.
- 12.11 In relation to hours, what is proposed will ensure that entertainment is provided when the premises is open for the sale or supply of intoxicating liquor ensuring that the intoxicating liquor is ancillary to the entertainment at all times. This is an improvement over the existing licence which effectively allows the use of the premises as a drink led bar provided the entry fee is paid and food, (which does not have to be consumed) is available.

12.12 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses.

12.13 In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

13. Objector 13, James Hayes, Licensing Inspector.

13.1 The applicant has proposed an increase in door supervisors when the premises is used for relevant entertainment as follows:

- a. Entrance – 1
- b. Basement when in operation – 1 per 35 customers
- c. First floor/Mezzanine when in operation – 1

This number of door supervisors will ensure a good level of supervision with a door supervisor on every floor of the premises and is significantly more than was previously required.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,
Independent Licensing Consultant,
7/10/14.

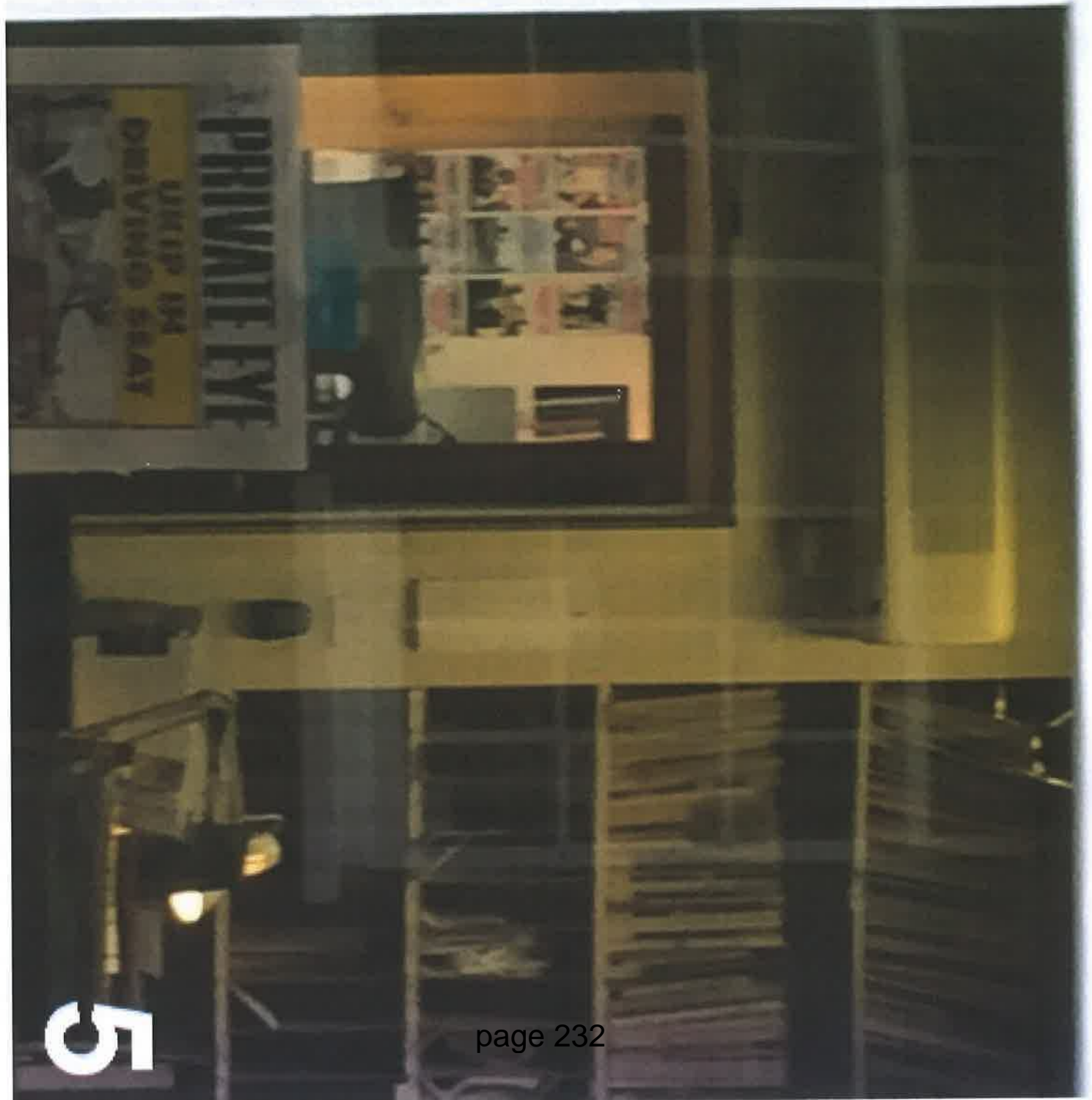








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NURSE Ms Brenda Hamilton Ms Maxine Radcliffe	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm
DOCTOR	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 2:00 - 4:30pm	Dr H Mistry 11:00 - 12:30 Dr P Reid 2:00 - 4:30pm	Dr S Ramsden 2:00 - 4:30pm
DRUGS & ALCOHOL MENTAL HEALTH NURSE Ms Liz Abrahams	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	2:00 - 4:30pm
DENTIST Dr C Brazil Ms F Adairidou		By Appointment		By Appointment	
ADVICE WORKER Helen Smith, Mary Widdowson, Joanne Owen Mr Nicky Mill	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm
PSYCHIATRIST		By Appointment 11:00 - 1:00pm		By Appointment 11:00 - 1:00pm	
COUNSELLING Mr John Connolly (Please call at reception for details)	Drop-in 10:00 - 12:00	Drop-in 2:00 - 4:30pm	By Appointment 10:00 - 4:30pm		
PODIATRIST Ms Alison Gardner					
BENEFITS ADVICE (DWP) Ms Zoe Simmons				By Appointment 10:00 - 2:30pm	



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17

**Regina v Newcastle upon Tyne
City Council, ex parte
Christian Institute**

a

b QUEEN'S BENCH DIVISION: 5 SEPTEMBER 2000
COLLINS J

c *Licensing — Sex establishment — Sex shop — Local authority granting licence to organiser of sex exhibition — Exhibition to be made up of a number of stalls run by individuals not employed by organisers — Whether morality a relevant factor in exercise of local authority's discretion to grant licence — Whether appropriate for licence to be granted to organiser of exhibition or individual stall holders — Local Government (Miscellaneous Provisions) Act 1982 (c30), Sched 3*

d A company planned to organise a "sex exhibition" on premises within the area of the local authority. The exhibition was to consist of a number of stalls at which various items would be sold or displayed, some of which would be "sex articles" as defined in paragraph 4(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. The stall holders were individuals permitted to operate their stalls by the organisers, and not employees of the organisers. The local authority granted the company a licence to use the premises as a sex establishment under paragraph 8 of the Schedule, subject to conditions. The applicant, a local organisation concerned to promote the Christian ethic who opposed the exhibition on moral grounds, sought judicial review of the local authority's decision to grant a licence.

e On the application for judicial review,

f *Held*, refusing the application, that the provisions of paragraph 12(3)(c) and (d) of Schedule 3 to the 1982 Act, which gave grounds on which a local authority had a discretion to refuse a licence, did not enable a local authority to have regard to the morality of the proposed sex establishment, but entitled it to take account of any strong body of feeling in the locality which objected to the existence of a sex establishment in that locality; that it was the effect on the locality and on those living nearby which had to be taken into account as distinct from the morality of the activities involved; that when determining whether the organisers of the exhibition were the appropriate licensees as opposed to the individual stall holders, the primary consideration was whether the exhibition could properly be described as use of the premises by the organisers as a sex establishment;

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that for the purposes of Schedule 3 the organisers were using the premises as a sex establishment and although the individual stalls were also being used by the individual exhibitors, they did not need separate licences; and that accordingly, the local authority was acting lawfully in granting the licence.

APPLICATION for judicial review

By an application dated 18 August 2000 the applicant, the Christian Institute, applied for judicial review in the form of: (1) a declaration that a sex establishment licence for a sex shop did not allow its holder to cause or permit third parties to use the premises licensed or parts thereof for the conduct and management of sex shop businesses on their own accounts; and (2) an order of certiorari to quash the decision of Newcastle City Council, made on 7 August 2000, to grant to Xsensual Ltd a sex establishment licence for a sex shop at the Telewest Arena, Newcastle upon Tyne, pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The facts are stated in the judgment.

Charles Holland (instructed by John O'Neill & Co, Newcastle upon Tyne) for the applicants.

Nigel Peters QC (instructed by the Director of Legal Services, Newcastle upon Tyne City Council) for the local authority.

Alex Milne (instructed by Kay Tesler) for Xsensual Ltd, an interested party.

COLLINS J. There is due to be held this weekend in Newcastle at the Telewest Arena what is described as a sex exhibition. This is being organised by a company called Xsensual Ltd.

In order to enable this event to go ahead, Xsensual applied on 25 of this year to the Newcastle upon Tyne City Council for the grant of a licence to use the premises as a sex establishment. The application was made pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. That Schedule contains a code for the licensing of or, as the Act puts it, control of sex establishments.

A "sex establishment" is defined, in paragraph 2, as "a sex cinema or a sex shop". We are not here concerned with a sex cinema, but with a sex shop which paragraph 4(1) of the Schedule defines to mean:

"any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—(a) sex articles; or (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—(i) sexual activity; or (ii) acts of force or restraint which

restraint which are associated with sexual activity; and (b) anything to which subparagraph (4) below applies."

Subparagraph (4) applies:

"(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and (b) to any recording of vision or sound, which—(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions."

The proposed arrangements, broadly speaking, are that Xsensual will hire the arena and will obtain the necessary licence. In the arena there will be a number of stalls which are manned by individuals who either sell or display items which might or might not come within the definition "sex articles". In addition there will be at least one, and possibly more than one stall which is engaged in the sale of videos which are described as R18. The importance of those is that it is against the law to sell any such videos unless from a licensed sex shop. That is provided for by section 12 of the Video Recordings Act 1984.

Xsensual's application was duly advertised in the local press, as it had to be in accordance with the Schedule.

I do not need to go through the provisions in any detail; suffice it to say, there is a provision for advertisement and for the receipt by the local authority of objections, so those can be considered, provided they are received within 28 days of the application being made for the licence. Having received and considered such objections as there might be, the local authority will then decide whether it is appropriate to grant a licence.

So far as the application is concerned, it is very much up to the local authority what particulars it requires to be given in relation to an application for a licence. The only particulars that must be provided, by virtue of paragraph 9(3), where the application is made by a body corporate, as was the case here, are: "(a) the full name of the body; (b) the address of its registered or principal office; and (c) the full names and private addresses of the directors or other persons responsible for its management."

There are by paragraph 12 some mandatory and some discretionary grounds for refusing a licence. The mandatory grounds for refusing are, that the applicant is under 18 or is disqualified as a result of a revocation of a previous licence; is (so far as a body corporate is concerned) not incorporated in the United Kingdom or, if an individual, is not resident in the United Kingdom; or was not so resident throughout the period of six months immediately preceding the date when the application was made;

That, of course, is a very wide power to refuse a licence.

"(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;"

Pausing there, that, no doubt, is to avoid the use of front people in order to obtain licences when the real person in charge is, for whatever reason, unfit.

"(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality."

As subparagraph (4) indicates, the appropriate number may, in any given case, be nil.

"The relevant locality" is defined, in subparagraph (5), as meaning the locality where the premises are situated, which perhaps is not overly helpful and has led to a degree of litigation in the past. Finally at (d):

"that the grant or renewal of the licence would be inappropriate, having regard—(i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made."

It will therefore be apparent that the local authority is granted a very wide discretion by the provisions of the Schedule in deciding whether or not a licence should be granted. Furthermore, as I have already indicated, the details which the local authority require of an applicant and the investigations that it chooses to make are very much a matter for it. There is nothing laid down in the Schedule which determines precisely what steps should be taken in any given case by the local authority.

The applicants in this case are a company registered by guarantee, known as the Christian Institute. They are a local organisation in Newcastle and, as their name suggests, they are concerned to promote the Christian ethic. They oppose, on moral grounds, the activities which are intended to be carried on in the course of this sex exhibition. It is a view which is, no doubt, held by many other people than themselves but, equally, it is a view which is not agreed to by many others.

So far as I and the local authority are concerned, in carrying out the provisions of this Act, approval or disapproval of sex shops is not a matter which can be put into the equation. It is a question only of applying the provisions of the Schedule.

Mr Holland has suggested that the provisions of paragraph 12(3)(c) and (d), do enable the authority and the court to take account of what he has

a objects to the existence of a sex shop in that locality. Equally, paragraph (d) makes plain that, in addition to the character of the relevant locality, the use to which any premises in the vicinity are put is also a relevant consideration. Thus, for example, it might be perfectly reasonable to refuse a licence for a sex shop which is in the vicinity of a school or some religious building. That is a recognition that sex shops may attract a particular clientele whose presence may not be considered desirable in some areas and that is something again which can be taken into account, but it has nothing to do with the morality of sex shops as such. It is the effect on the locality and on those living nearby which has to be taken into account and that is the distinction which is drawn. Thus, straightforward objections on the ground that sex shops should not be allowed to exist have no part to play in my or a local authority's consideration of the case. Whether I approve or disapprove is nothing to the point. Whether the local authority approves or disapproves is equally nothing to the point, except insofar as the provisions of paragraph 12 are applicable.

b The matter was considered by the relevant licensing committee on 7 August 2000. The applicants were able to attend through a representative and there were at least two, maybe three, councillors who also made and put forward objections.

c The committee received a substantial number of objections, (I think the figure of 94 or thereabouts is in the papers) but, in the end, they decided that the licence should be granted to Xsensual, subject to a number of conditions. The conditions that may be prescribed are covered by paragraph 13 of Schedule 3 which entitles: "(1) ... the appropriate authority [to] make regulations prescribing standard conditions [if they wish to do so]."

d That has not been done, so far as Newcastle is concerned; certainly, there is no evidence before me that that has happened. What the local authority did here was to decide what conditions would be appropriate. Furthermore, they made inquiries of the police to see whether there were any police objections to the applicants or to the application: there were none. The applicants indicated that there had been similar fairs held in, I think, Wembley Stadium and at Kensington Olympia, and no doubt the local authority were able to, if they wished, make inquiries to discover whether there had been any problems in relation to those. The evidence before me is that there have been no problems and there is nothing to gainsay that.

e The conditions amount to 33 in all. It is not necessary for me to go through them in detail, but they include, for example, a requirement that "the licensee should maintain good order on the premises at all times"; "no person under 18 years of age shall be admitted ...; whilst the premises are open as a sex establishment they shall not be used for any other purpose."; "... [there shall be available] without charge ... literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems

soliciting or immoral purpose.”; there should be no distribution of advertising material promoting the establishment in the city in the vicinity of the establishment without prior consent; “Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned, displayed, advertised or demonstrated...”; there should be no “total nudity [except] on stage.”

There is, as part of the exhibition, to be a stage event. Perhaps the only one I need read specifically is condition 28, which states:

“No person convicted of an offence connected to a sex establishment either licensed or unlicensed may be employed at the premises or be involved in supplying entertainment or goods to be included in the exhibition.”

The Schedule contains paragraphs which deal with “enforcement” and create offences. The most relevant of those is paragraph 20 which provides, amongst other things:

“(1) A person who—(a) ... (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or (c) being the holder of a licence under this Schedule without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.”

It is apparent from the wording of that paragraph that it is only someone acting as the licence holder’s servant or agent who can render him guilty of an offence. Thus, what is said by Mr Holland, who has appeared on behalf of the applicants, is that the stall holders will not be either the servants or agents of the licensee, Xsensual, and therefore there can be no prosecution of Xsensual for their misdeeds, if any misdeeds are established. This means that the control which Parliament has obviously regarded as important will be lacking.

Before I come to the main submissions, I should deal with two subsidiary points which have been raised by the applicants and with a further important point which was to have been part of the argument but which has fallen away, namely whether the applicants have a sufficient interest to enable them properly to be permitted to make this application at all.

So far as that third point is concerned, at the outset of the hearing, Mr Peters, on behalf of the authority and Mr Milne on behalf of Xsensual, did not argue against the proposition that the applicants did have sufficient interest. It appears that there is evidence showing their local connections,

a told by counsel, to go behind their concession. Accordingly, that issue I have not had to determine and I proceed on the basis that the applicants do indeed have locus standi to maintain these proceedings, for which they were granted leave last week by Elias J.

b The two subsidiary points are these. First, an allegation that there was a procedural impropriety. The way it is put is that the initial letters to objectors wrongfully fettered the discretion, which undoubtedly exists in the local authority to afford the objectors a hearing. Whether or not there is anything in that (and, frankly, I do not think there is) the fact is that these applicants did attend and were heard. Therefore, it hardly lies in their mouths to complain that they were adversely affected by any alleged impropriety.

c In fairness to Mr Holland, he did not pursue either of these points with any vigour at all, and he accepted, in the course of argument, that this particular one was really one which he could not, on the material available, place any reliance upon. Accordingly, I need go no further into it.

d The second subsidiary ground was that in a newspaper report of a radio interview, it was said that the responsible officer of the local authority indicated that the local authority had not taken into account what might be considered moral values in determining the application. I have already gone into that to some extent earlier in this judgment, and it seems to me he was right in what he said, if he meant—and I have no reason to believe he meant anything different—that moral values as such on their own were not a basis for reaching any decision under the Schedule.

e Again, I understand why the applicants are concerned to raise that point, but I am afraid it is not a point that has any validity in law. Accordingly that point too, I reject.

f I turn, therefore, to the real basis for this application. The starting point is paragraph 6 of Schedule 3 which reads, by subparagraph (1):

“Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.”

g The point that is essentially being made is this: albeit the arena is clearly “premises”, and is being hired by the organisers Xsensual, the use as a sex establishment is the use by each individual stall holder of his stall. The organisers are not using the premises as a sex establishment, they are merely permitting others, that is to say, the stall holders to use the individual stalls. Accordingly, a licence to the organisers Xsensual is not appropriate in order to licence the use of the individual stalls which need licences because they are sex establishments. I should say, it is the case, so I am told, that by no means all the individual stalls qualify as sex establishments because many of them are not, within the meaning of

articles, but which one can understand might perhaps go with sex articles in an exhibition such as is proposed on this occasion. a

I am told, that it is the view of the organisers that only some three or four stalls will be selling sex articles and thus would, if looked at in isolation, qualify as sex shops within the meaning of paragraph 4. Of course, that includes, as it has to, those who are proposing to sell the R18 videos because of the provisions of section 12 of the Video Recordings Act 1984.

Mr Holland develops the point by saying that, in any event, this sort of licensing (that is to say, of organisers where the users are not going to be either employees or agents) is contrary to the purpose of the Schedule. b

First, it means that there is a delegation by the local authority of their responsibility to vet the applicants for licences, in particular to vet those who are going to be involved in selling the items or in running the individual stalls. They have a responsibility, limited though it is, in the express terms of the Act, to make inquiries about and to vet those who apply for licences. The individual stall holders will not have to apply, and so it is left entirely to Xsensual to decide who should be allowed in to the exhibition and run stalls there. Thus the authority is putting out of its control the responsibility that it ought to carry for ensuring that only fit and proper people are running the stalls in the exhibition. c

Secondly, Mr Holland points to paragraph 20 (to which I have already referred) and to the limitation of offending under that paragraph to be laid at the door of the licence holder to the activities of its employees or agents. This indicates, he submits, that Parliament quite clearly did not envisage that there should be a licence given to an organiser where he has no direct control, because they are not employees or agents, over the activities of the individual stall holders. d

Mr Peters submits that that is too narrow a construction of the provisions of the Schedule and points to the provisions also of paragraph 8 which provide that: e

"the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified." f

There is nothing in paragraph 8, submits Mr Peters, which suggests that the individual to whom the licence is granted must himself be using the premises for the sex establishment, in the sense that he must be the one who is actively involved in the individual stall.

As it seems to me, the primary consideration must be whether what is proposed here can properly be described as use of the premises by Xsensual as a sex establishment. There is, as I have said, no question but that the premises as a whole are capable of amounting to a sex establishment because of the nature of what is going on there. albeit a g

a exchanging, lending, displaying or demonstrating the articles which qualify.

b The word "use" is a wide word. It seems to me, as a matter of ordinary English, that a person who organises an exhibition and has general control over who shall come there, it being his decision whether he accepts a stall holder or not, and who imposes, as must happen because of the terms and conditions of the licence that has been granted, upon the stall holders certain obligations which they must comply with in the exhibition and in running their stalls can properly be described as using the premises as a whole. He sets up, he organises, he essentially runs the exhibition that is going on and it is envisaged, of course, that he will have someone on site, always keeping an eye on what is happening.

c I have no direct knowledge of the individual arrangements or contracts between the organisers and the stall holders, but I do know that the authority has laid down the conditions, to which I have referred, and those conditions will, no doubt, have been drawn to the attention of the individual stall holders. Indeed, they clearly must be drawn to the attention of the individual stall holders, so that they can comply with them. As I say, in those circumstances, it seems to me, as a matter of ordinary English usage, that the organisers, in this case Xsensual, are using the premises as a sex establishment. Of course, the individual stalls are also being used by the individual exhibitors, but if the licence is appropriate to cover that use, they do not need any separate licence.

d Mr Holland has drawn my attention to various decisions under the Licensing Acts. Mr Peters submits that that is a different regime which is clearly intended to require that an individual should have control over the day-to-day activities in licenced premises. Thus it is the responsibility of the individual licensee to ensure, for example, that there is no drunkenness on the premises, that drunken people are not served, that underaged people are not served and so on. All these are matters which are personal to the licence holder. It is no good that there may be a licensee on the premises if the reality is that that licensee has no ability to control anything that goes on in the premises. There are authorities to which I have been referred which make that plain. It is no good, as it were, putting up a stooge and sitting him in the corner of the bar and saying, "there is your licence holder, therefore, the people who are actually engaged in running the premises can do so without fear of committing any offence".

e It seems to me it all depends upon the proper construction of the individual licensing provisions, in this case Schedule 3 to the 1982 Act and, for reasons I have given, it seems to me plain from that, that the arrangement which has been entered into here is one which is permitted by its terms. As I have already said, it seems to me that both for the purposes of paragraphs 6 and 8, Xsensual can properly be said to be using the premises.

authority, provided it does not act irrationally, to determine what information is required on any application and how it should approach its licensing function. It is given a very wide discretion. The conditions it has imposed show it is alive to the need to ensure that there is a proper control kept in the premises. Indeed, Mr Peters has submitted that the reality is that there is a greater degree of control likely where the organisers, a single individual or a body corporate as here, have the responsibility to ensure that things go as they ought to. If they want to organise any further fairs, it is clearly in their interests that what is done should never transgress the law, because otherwise, obviously, the next application they make in any other venue in the United Kingdom will be met, when investigations are made, with the knowledge that things went wrong in Newcastle. I would not expect in those circumstances the next local authority to look kindly upon an application for a licence. Thus, they have a clear interest to ensure that the conditions are complied with.

Of course, no one can guarantee that an individual who is permitted to run a stall will always be as honest as he should or will not break the conditions. Nothing can be guaranteed, but nothing equally can be guaranteed with an employee or an agent. The arguments that have been raised by Mr Holland about the lack of vetting seem to me to be arguments which would run equally with employees and agents.

Furthermore, it is to be noted that in paragraph 20(1)(c), a knowing contravention or the knowing permitting of a contravention of term, condition or restriction specified in the licence is an offence by the licence holder. Thus, any breach by a stall holder will, if done with the knowledge of the licensee, render the licensee guilty of an offence. It will not be any answer for the licensee to say that he did not draw the conditions to the attention of the stall holder because, clearly, that would mean that he was failing in his duty and, furthermore, would amount, I am sure, to constructive knowledge and thus create an offence.

Accordingly, I am satisfied that what has been done in this case is lawful. It was open within the terms of Schedule 3 to the local authority to grant the licence, subject to the conditions to Xsensual. It may be that with hindsight, condition 28 could have been drawn somewhat more tightly so that, for example, it caught not only the person convicted of an offence, connected to a sex establishment, but also anyone who was disqualified. Possibly it should extend, for example, to anyone convicted of a particular sort of offence (obviously one would exclude motoring offences) it might be desirable to exclude anyone who had committed a sex offence or an offence of dishonesty. That is a matter for the local authority. I do not regard the conditions that they in fact imposed, as in any way falling short so as to amount, in law, to an abnegation of whatever duties they had under the provisions of the Act.

I should say that there has been a suggestion that there might be the grant

a bound to say I had some reservations, as I indicated in argument, about whether waiver was appropriate in circumstances such as these, but as I say, I need not go into that issue now because, in my judgment, the course adopted by the local authority was not unlawful in any way and, accordingly, this application must fail.

b *Reported by Brendan Wright, Barrister.*

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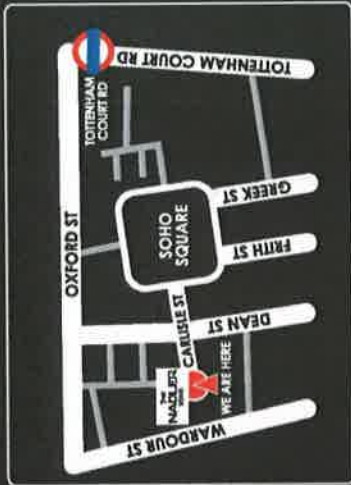
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CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 14/06652/LIPV

FROM EH Consultation Team

REFERENCE Ian Watson (iwatson@westminster.gov.uk)

BEING DEALT WITH BY 020 7641 3183

TELEPHONE 3rd September 2014

DATE

The Licensing Act 2003

Vanity Bar, 4 Carlisle St, W1

I refer to the application for variation of the Premises Licence.

The premises are located within the West End Stress area.

The applicant has submitted a plan LIC 1 dated Jun 2014 for the basement, ground and mezzanine floor.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. Revision of layout in basement to remove the stage and introduce fixed and removable booth seating. Installation of podium/stage on the ground floor and new fixed and removable booths to the mezzanine floor.
2. To remove the following conditions from the licence, 10, 15, 30, 32, 34 (a) (b) (c) (d) (e) (f), 41 and 47.

I wish to make the following representation

1. The proposed alterations will impact on Public Safety at the premises.
2. The removal of conditions 10, 15, 32, 34, 41 and 47 will impact on Public Safety and have the likely effect of causing an increase in public nuisance in the West End Stress area. No objection is made against the removal of condition 30.

No conditions have been proposed to support the application nor address the licensing objectives of Public Safety or Prevention of Public Nuisance.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Hayes, Claire

From: Sollars, Jim
Sent: 02 September 2014 12:42
To: Marcus Lavell
Cc: idoxlicensing; Eaton, Sam
Subject: 14/06652/LIPV

Police make a representation against the above application in order to prevent crime and disorder.

The operating schedule does not include sufficient details to prevent crime and disorder.

It may be possible to agree conditions, if a proper schedule of the intended conditions is created.

Jim Sollars PC 2142CW

Westminster Police Licensing Team
4th Floor Westminster City Hall,
64, Victoria Street,
LONDON
SW1E 6QP

Tel: 0207 641 3179

THE NADLER SOHO

Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Monday 1st September 2014

Dear Sirs,

Ref: Vanity, 4 Carlisle Street W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

I am writing on behalf of The Nadler Soho hotel, located at 10 Carlisle Street, W1D 3BR, to object to both Licence Variation Application 14/06652/LIPV and New Premises Licence Application 14/06704/LISEVV.

My grounds for objection cover all four licencing objectives: Protection of Children from Harm, Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance. Dealing firstly with the New Premises Licence Application no 14/06704/LISEVV, the applicants contend that their Application, if successful, will promote the above four licencing objectives. The reason stated for this for all bar Protection of Children is the same and set out in Part 4 of their application. It is misleading, and misrepresents the conditions under which the current licence operates. It was **not**, as implied, a bar/nightclub open to all patrons 'seeing (sic) the consumption of alcohol as a major part of their night out'. On the contrary, the present licencing condition 34 sets out strict and explicit criteria in respect of who can be admitted past 23.00 and the requirement for the sale of alcohol to be ancillary to the use of the premises where patrons must take a full table meal (see also condition 32). As the applicant is seeking to have these conditions removed, in Application 14/06652/LIPV, together with the removal of other existing conditions, the licencing objectives will be threatened, not promoted, by premises that have no restriction on entry and where the provision of food with alcohol is no longer a requirement.

Their contention that the use of the premises for Sexual Entertainment will improve the character and function of the city is palpably incomprehensible. Soho's character has improved dramatically over the last 40 years since I was a Police Officer (Special Constable SC122) stationed at Vine Street. Due to the efforts of WCC together with various amenity groups and landlords, Soho has gone from a sleazy and seedy area to a vibrant centre of entertainment

THE NADLER SOHO

and activity whilst being generally safe and welcoming to all. A user such as that proposed will be a regressive step in terms of the character of the neighbourhood. It will create a threatening, sexually charged atmosphere, especially for women and children, of whom there are an increasing number in Soho, even late at night, due to the positive change in the character of the area.

In terms of function, Carlisle Street, west from the Dean Street junction, is a tight and short cul-de-sac. As such, any activity has a greater impact, positive or negative, on the functioning of this part of the street. The increase in the scale of activity as proposed, particularly in respect of the late night, unrestricted entrance, will have a seriously detrimental impact on the functioning of Carlisle Street. Patrons arriving and leaving by taxis, which will struggle to come in, turn and exit this end of Carlisle Street, will cause mayhem late at night with potential for traffic noise, arguments and consequently violence. Together with inebriated clients leaving the premises, this is a recipe for disaster for residents and other occupiers of Carlisle Street.

The increase in noise from activities now spread over more area and floors is also a serious concern, especially later at night/early morning, constituting a public nuisance.

In respect of licencing objective 'The Protection of Children from Harm', as stated above, there are now more children in Soho late at night, as parents are presently comfortable that this is a safe part of the city. This includes not just visitors and tourists but also an increasing numbers of residents as well as hotel guests, many with young families, a demographic with whom our hotel is particularly popular. As I have said above, the atmosphere and potential for violence that the proposal will generate hardly promotes the stated objective, but rather undermines it.

In addition, the reasons given in the application for an exception to be made to the cumulative impact – Stress Areas – Policy STR1 are again unsupportable and misleading. They misrepresent the current conditions of operation, as explained above, and will intensify, not displace, the number of patrons, with an increase in the area of activities for Sexual Entertainment, thus having the opposite impact to that claimed.

In light of the above, I believe this application should be refused.

Looking at Application 14/06652/LIPV, we wish to object to this application also, on grounds of its negative impact on all four of the Licencing Objectives. Many of our objections are stated

above, but turning to the requested changes to the existing licence conditions, we have further concerns, which I set out below.

The revisions to the layout, and the increase in areas where Sexual Entertainment can take place creates an intensification of use, and is likely to cause an increase in the number of patrons who are on the premises at any one time, with all the attendant consequences this will have on entry and exit, in a very restricted street/cul-de-sac. This is likely to lead to a direct threat to the objectives of the Stress Areas policy.

Turning to the application to remove specific existing conditions:

10. We do not see how removal of this condition will benefit the four licencing objectives, and indeed fear that it will undermine the objectives.

15. As already explained, this will generate an intensification of activity, with the attendant consequences described above.

30. We believe that removal of this condition will mean that the licensees will be unsuitable and untrained persons, without the experience and training to handle the increased number of patrons and that this will impact negatively on the Prevention of Crime and Disorder as well as Public Safety and Public Nuisance.

32. Without this condition that requires the provision of substantial food other than intoxicating liquor, the premises will become a late night drinking den. The provision of Sexual Entertainment is hardly likely to reduce the amount of alcohol consumed, a contention of the applicants with which we disagree and which we do not believe can be substantiated. The removal of the requirement to serve substantial food varies the nature of the Premises considerably, and will likely cause an increase in levels of drunkenness with associated public nuisance, and crime and disorder.

34. The removal of the restrictions on entry post 23.00 hours changes the type of clientele who will be permitted to enter, making it more difficult to control who enters, undermining the nature of the premises that had been in the realm of a private members club, thereby increasing the potential numbers of clients on the premises, intensifying the use late at night, at times when public transport will no longer be available, and therefore further increasing the likelihood that all four licencing objectives will be undermined.

THE NADLER SOHO

41(e). Requesting the removal of this condition undermines the applicant's assertion that the provision of Sexual Entertainment is the central activity, and not drinking. If this condition is removed, the sale of alcohol becomes a principle activity, and the likelihood of inebriated patrons behaving in a manner likely to cause a breach of the peace and undermining the licencing objectives of Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance increases significantly.

47. Removal of this condition will increase the intensification of the Sexual Entertainment activity, meaning more patrons on the streets arriving and leaving late at night. This will put residents and other visitors to Soho, especially children, at risk, being contrary to the licencing objective of Protection of Children from Harm, as well as the other three licencing objectives.

The only step proposed by the applicants to address the promotion of the four licensing objectives is to advise that they operate under a series of Codes of Conduct (undefined). In view of their desire to remove condition 30, this is a grave concern.

The application to extend the hours undermines the Licensing Authority's policy of deeming this area a "Stress Area". The Licensing Authority is clear that applications to vary licences within the stress area should only be limited to core hours of 10:00-00:00 Friday Saturday; 12:00-23:30 Sunday; 10:00-23:30 midweek. This application goes far beyond those core hours. The Licensing Policy refers to the need to "balance the legitimate aspirations of the entertainment industry with the needs of residents and other users of the city including visitors and businesses". These proposals skew that balance significantly and adversely.

Based on these objections, we believe this application should be refused.

It would be our intention to attend a hearing, if a hearing is held.

Yours faithfully,

Robert Nadler

Hayes, Claire

From: Jessica Weldhen [jessica@thenadler.com]
Sent: 01 September 2014 12:08
To: Eaton, Sam
Cc: Premises Licensing; Robert Nadler
Subject: Vanity, 4 Carlisle Street W1D 3BJ 14/06652/LIPV and 14/06704/LISEVV
Attachments: Vanity, 4 Carlisle Street W1D 3BJ 14 06652 LIPV and 14 06704 LISEVV - objection by The Nadler Soho hotel - 01 September 2014.pdf

Dear Sam,

Please find attached a letter of objection on behalf of The Nadler Soho hotel, relating to the above referenced licence applications for "Vanity" at 4 Carlisle Street, London W1D 3BJ.

A hard copy of the original letter will be dispatched today by First Class post.

Many thanks in advance for kindly acknowledging receipt of this message.

Kind regards,

Jessica

NADLER HOTELS		
Jessica Weldhen	2 Babmaes Street	DL: +44 (0) 20 7808 3976
On behalf of Robert Nadler	London	T: +44 (0) 20 7491 2948
	SW1Y 6HD	F: +44 (0) 20 7808 3971
www.thenadler.com	Kensington Liverpool Soho	

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Appendix B4

Hayes, Claire

From: Eaton, Sam
Sent: 02 September 2014 14:42
To: Premises Licensing; General Licensing
Subject: FW: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Follow Up Flag: Follow up
Flag Status: Completed

Miss Sam Eaton
Environmental Health Case Officer
Environmental Health Licensing & Consultation - Premises Management Westminster City Council 4th
Floor West City Hall
64 Victoria Street
London
SW1E 6QP
Telephone 020 7641 1868
email: seaton1@westminster.gov.uk
Web: www.westminster.gov.uk

-----Original Message-----

From: John Burbage [<mailto:John.Burbage@burbagerealty.com>]
Sent: 02 September 2014 11:16
To: Eaton, Sam
Cc: premiseslicensing@westminster.gov.uk generallicensing@westminster.gov.uk
Subject: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Dear Miss Eaton good morning Burbage Capital is the owner of 7 Carlisle Street and a nearby property (37 Soho Square). Like many others we have invested in light of the ongoing improvement of the local area.

I wish to register our objections to the applications generally and specifically in view of the inevitability that :

Children will not be protected from harm Public Safety will be compromised Crime and Disorder will increase Public Nuisance will increase

Carlisle Street is a short cul-de-sac and the problems suffered by occupiers and owners will be exacerbated by the unacceptable intensification of use. I cannot imagine this is desirable in the context of the arrival of Crossrail 2 and the intended benefit to Soho and our great capital city.

John Burbage
Burbage Capital

Sent from my iPad

Comments for Licensing Application 14/06652/LIPV

Application Summary

Application Number: 14/06652/LIPV

Address: Basement To First Floor 4 Carlisle Street London W1D 3BJ

Proposal: Premises Licence - Variation

Case Officer: Miss Samantha Eaton

Customer Details

Name: Mr Paul Church

Address: Westminster City Hall 64 Victoria Street London

Comment Details

Commenter Type: MP or Councillor

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 1:57 PM on 02 Sep 2014 I object to this application on the grounds of:

- Protection of Public Safety
- Prevention of Crime and Disorder
- Prevention of Public Nuisance

I am both the local Councillor for this area and a Soho resident and believe that the proposals submitted would increase noise and nuisance from this venue and will impact greatly and negatively on what is already a stress area.

I plan to make a full, oral representation at Licensing Committee.

Hayes, Claire

From: Roberts, G (cllr)
Sent: 28 August 2014 23:23
To: Premises Licensing
Subject: 14/06652/LIPV and 14/06704/LISEVV

Follow Up Flag: Follow up
Flag Status: Completed

As local councillor who is familiar with the history of these premises, I object to the above applications on grounds of increased noise and disturbance which will affect local residents especially.
Cllr Glenys Roberts

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Hayes, Claire

From: David Gleeson [dgleeson@live.co.uk]
Sent: 01 September 2014 01:53
To: Premises Licensing
Cc: Richard Utting; John Raynham; Marina Tempia; Margaret Bloomer; Richard Brown
Subject: Objection: 14/06652/LIPV - Vanity, 4 Carlisle Street, Soho

Follow Up Flag: Follow up
Flag Status: Completed

Objections
Westminster Licensing Service
4th Floor (West) City Hall
64 Victoria Street
London SW1E 6QP

01 September 2014

Dear Sir/Madam

Ref: 14/06652/LIPV Vanity, 4 Carlisle Street, Soho

I write to make a relevant representation to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society 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 City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

The 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 Stress Area.

The application appears to seek operating hours until 3.30am Mon-Sat, and 1am on Sundays. This is clearly way beyond core hours and I see no reasonable explanation for the premises to be considered an exception to policy. The applicant also seeks removal of certain conditions appended to the current licence, notably those:

- containing dancing and striptease within the basement (15, 47)
- ensuring sale of alcohol is ancillary to music, dancing and refreshment (41e)
- ensuring substantial food and beverages are available (32)
- carefully monitoring the sale of intoxicating liquor (34a-f)
- requiring all premises licensees to possess the National Entertainment Licensees certificate or equivalent (30)

These conditions have been arrived at after years of long and fraught negotiation between past owners of the premises and residents of Carlisle Street – in particular, the residents immediately above – in order to strive for a harmonious co-existence. There can be no possible benefit whatsoever towards the licensing objectives by their removal as this will likely lead to increased public nuisance and cumulative impact in the immediate area, and therefore increased potential for crime and disorder.

This area has been identified by the City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and

night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

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

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 Sub-Committee to reject this application.

Yours faithfully,

David Gleeson
Licensing Chair, The Soho Society
55 Dean Street
Soho
London W1D 6AF

Appendix B8

I am writing to object to the Premises Licence Variation (14/06652/LIPV) for Vanity at 4 Carlisle Street W1D 3BJ on the grounds of Public Nuisance and fail to see why the variation is thought to be improving the character and function of the city.

I have been a resident at no. 4 Carlisle Street since 1987 and bought my flat when the permitted use for the lower premises was a restaurant. Since then I have lived through a number of clubs in the lower floors.

There has always been a noise problem both internal and external. The core structure of 4 Carlisle Street was built in the 17th century and re-fronted in the 18th century and built as a house. It is not suited to the use for club or bar as sound is easily transmitted through the building. My bedroom is on 3rd floor and both dance music and karaoke from the basement were clearly audible there until Westminster Council enforced a condition that dance music should only be in the basement and insisted that the previous tenant incorporated high class quality insulation to protect the residents. There had been previous attempts at insulation but nothing satisfactory until then. You can still occasionally hear music from the basement but nothing on the previous scale. Ambient music was allowed in the Ground Floor bar and on the Mezzanine floor. On the whole this has worked very well. Dance music by its nature has an insistent beat and this was transmitted through the structure and I assure it is virtually impossible to sleep once the beat gets into your brain. It was also possible to sing along with the karaoke three stories up.

I am strongly against the change to condition 15, 24 and to changes to the layout by moving the stage to the ground floor and installing booths on ground and first floor. Having dance music on all three of the floors will be impossible to contain as the sound will be able to move through the voids of the staircase to all areas as well as through the structure. It will be particularly difficult for the first floor flat as the sound will be coming from the back of the flat as well as from underneath.

There will also be problems with external noise. There has always been a certain amount of activity from the club continuing out on the street but this increased substantially after the smoking ban. People went outside for a cigarette, then friends joined them and there they stay talking, laughing shouting, friends in cars come and join them and turn their music up, drinking. Carlisle Street is a cul-de-sac therefore no passing traffic, so customers stand or sit in the road, on the curb, on the steps of the empty building opposite and call across the street. The club owners always say that they can deal with this but they can't and don't. They will employ door staff but they do virtually nothing and may contribute to the problem. They don't want to remonstrate with customers because that is bad for business, they also say that it is not their customers causing the noise etc. etc.

There is the problem of people hanging around in our doorway both from the club and also the pub. The pub is now owned by Nag's Head, who do occasionally have a security person there but frequently I have to ask people to let me pass to get to my doorway or ask them to move from sitting on the doorstep or on opening the front door stumble over glasses and bags left on the doorstep. So this does not augur well for their control of noise and customers outside the club.

For the next three years I will have my 18 year old niece from Fiji staying with me during the university holidays. Finding men out for an evening at a sexual entertainment venue hanging round the front door, particularly with no restrictions on availability of alcohol will definitely be intimidating and not just to my niece.

As the club will be open long after public transport has closed down, presumably the club clientele will be using taxis and minicabs to go home. We have had problems with taxis hanging around outside with their engines running and ringing our doorbells in the early hours, thinking that the flats had requested the pick-up.

I am also against the changes to conditions 32, 34 and 41 which seem to be encouraging increases in alcohol consumption by allowing anybody to wander in off the street for a drink and by not providing any food to mop the alcohol up. This seems to contradict the Nag's Head variation application for a sexual entertainment licence in which they say that changing the club to a 'tableside dancing venue will facilitate the premises in attracting a clientele seeking entertainment rather than seeking the consumption of alcohol as a major part of their night out'.

Another concern is the request to remove condition 30 that 'all licensees possess the National Entertainment Licensees Certificate', which does not seem enhance the view of club owners as taking their responsibilities to their customers or neighbours seriously.

Finally, I am concerned about the length of the opening hours of the club. The various owners of the club premises have usually wanted to be open until 3 am and for a number of years, the hours were limited to 11.30pm during the week and 2am at weekends balancing the rights of the residents to quiet enjoyment of their homes and the requirements of the club.

In this application, there is no recognition of the rights of residents or the recognition of the disruption and difficulties that a club of this nature would cause and the applicant has made no effort to contact residents or businesses to discuss the proposals.

Hayes, Claire

From: Alice Dugdale [alice.dugdale@btinternet.com]
Sent: 30 August 2014 17:55
To: Eaton, Sam
Cc: Premises Licensing
Subject: RE: Vanity, 4 Carlisle Street W1D 3BJ 14/06652/LIPV
Attachments: Objection to Premises Licence Variation 14 06652 LIPV.docx

Dear Sam,

I attach my objection to the licence application 14/06652/LIPV. Please let me know if there is anything else I should do.

Many thanks for your advice.

With best wishes
Alice

From: Eaton, Sam [<mailto:seaton1@westminster.gov.uk>]
Sent: 20 August 2014 10:58
To: Alice Dugdale
Subject: RE: Vanity, 4 Carlisle Street W1D 3BJ 14/06652/LIPV and 14/06704/LISEVV

Hi Alice,

As stated on the phone this morning you will need to submit your representation against the application in writing. Please send it to me via email (if you can copy premiseslicensing@westminster.gov.uk into the representation for 14/06652/LIPV and generallicensing@westminster.gov.uk for the representation 14/06704/LISEVV).

With regards to the representation for the premises licence (14/06652/LIPV) please ensure it relates to one or more of the following licensing objectives:

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

You can object to the Sexual Entertainment Variation (14/06704/LISEVV) on any grounds.

I hope I alleviated some of your concerns, if you need anything further please do not hesitate to contact me.

Kind Regards

Miss Sam Eaton
Environmental Health Case Officer
Environmental Health Licensing & Consultation - Premises Management

Westminster City Council
4th Floor West
City Hall
64 Victoria Street

Hayes, Claire

From: Yvonne Ridley [yvonne@yvonneridley.org]
Sent: 31 August 2014 10:20
To: Premises Licensing
Cc: alice.dugdale@btinternet.com; hugh.matheson@gmail.com
Subject: Urgent - complaint re application for lap dancing club at 4 Carlisle Street, Soho, W1 - ref: 14/06652/LIPV

Follow Up Flag: Follow up
Flag Status: Completed

ref: PUBLIC NUISANCE

Dear Sir/Madam,

It has just been brought to my attention plans have been submitted to operate a lap dancing club in 4 Carlisle Street which also happens to be a residential premises where I and two other sets of neighbours live.

While I've not spoken to them about this application, I am sure they will be appalled.

Indeed I am outraged at the prospect of such an odious, exploitative sex industry launching underneath my flat also in 4 Carlisle Street - in short, this constitutes a public nuisance and that will be the main grounds of my objection.

The area is largely residential, quiet and on the fringe of Soho where the sex industries do not operate.

I have several grounds for objection, not least of all a sleazy industry which at best exploits female sex workers and at worst titillates men getting them into a sexually aroused state before letting them loose on our streets.

I would urge you to refuse this application because it is at odds with the gentile environment now operating in and around the Carlisle Street area. This sort of business was something which thrived in the 70s and 80s and is no longer an industry which suits Soho's increasingly sophisticated environment.

Apart from the obvious dangers of sexually aroused male predators stalking the area, I am also concerned about noise levels which would almost certainly spill on to the streets, possible disturbances from unhappy customers, noisy exits from customers and the common practice of hanging around such establishments waiting for the staff to leave.

Kindest regards

Yvonne Ridley

Hayes, Claire

From: Hugh Matheson [hugh.matheson@gmail.com]
Sent: 30 August 2014 18:16
To: Premises Licensing; Alice Dugdale; kevin price
Subject: Premises Licence (14/06652/LIPV)

My name is Hugh Matheson. In 1985 I bought the freehold of No 4 Carlisle St from Paul Raymond and closed the Toulouse L'Autrec drinking club on the Ground Floor and the Doll's House Striptease and Nude Revue which was operating in the basement. I subsequently sold the freehold to My Conglomerate Ltd to operate a Tapas Bar and private members club with a licence to close at 11.00pm. I retained the second floor flat and have either occupied it or let it out off and on for the ensuing 28 years. I have objected to every extension of the licensed hours and to the various increases in the "right" to make disruptive noise under the music and dancing licence and since 1997 to the street noise from the smokers and their companions making merry in the cul de sac of Carlisle st. We have almost always been the losers in this process.

My principal objection is that when I arrived in Soho it was in the words of social and architectural historian Dan Cruikshank a "socially crunchy" area with many sex workers and drinking clubs with an air of Bohemian irresponsibility. Sadly Jeffrey Bernard is dead and his world has been replaced with far removed commercial organisations intent on exploiting the raffish history for maximum profit from drink and ersatz sex. The applicants have no stake in Soho. They do not live here and they do not have day jobs which start at 08.00. I doubt if the committee which hears this application will have any personal rather than political stake in Carlisle St and its spoliation. I do not like the building Robert Nadler has put up at the end of the street but he has put his mouth where his money is and I applaud his robust defence of the civil liberties of the residents.

I note that my objection should refer to;

1. Protection of Children from Harm. The sight of adults shouting and puking in the street (Whilst smoking) harms children. The sight of sad people in macs queueing to watch other men and women take their clothes off before all of them, watchers and strippers, go home to the suburbs, leaving the Council to clear up the mess with only our Council Tax to pay the bill probably harms children too. I did not send my son to the primary school 25 years ago for this reason.
2. Protection of public safety. Do fights happen outside pubs? ...er. you answer that.
3. Do people nick stuff and damage property when drunk? ...er. you answer that.
4. Prevention of public nuisance ... er. Am I describing a quiet well behaved cul de sac where retired gentry would like to live. Am I heck.

Many thank for reading this far.

Hugh Matheson

Appendix B11

To whom it may concern,

This letter is in regards to the Premises Licence Variation (14/06652/LIPV) for Vanity at 4 Carlisle Street W1D 3BJ. I object to this variation on grounds of Public Nuisance and I do not see in anyway how the change in Vanity is in the interest of the current residents and workers on Carlisle Street.

I am writing as the occupant of the flat on the 3rd floor on Carlisle Street where I live with my Aunt - Alice Dugdale, the owner. I am an 18 year old girl and will be living in the flat, my home in London, during my university holidays. If these changes are granted I will not find comfort in having the floors below me occupied by those drinking alcohol in the midst of sexual entertainment.

Currently, there are already noise problems experienced in the flat I occupy, which is on the top floor. These noises are not internal, but are from the general crowds that gather outside the Nellie Dean pub in the evenings. Fortunately this crowd tends to disperse around 11pm, however, as I understand it Vanity hopes to remain open till 3am. It would not befit a mainly residential street to have crowds of smokers in the street in the early morning hours. It is not the smoking that is the problem. It is the fact that there is always loud conversations that accompanies large groups of smokers outside establishments that serve alcohol.

I also assume that many of the customers attending Vanity will need taxis to leave after 12am. If this is the case, Carlisle street is very short and that taxi services will very quickly become a nuisance in the later evening to the residences in their homes. This is because there are rarely cars driving on Carlisle Street in the later evenings and these homes are not designed to keep out the noises of drunk people loudly getting into vehicles or taxis beeping their horns.

I sincerely hope that the changes are not permitted,

Yours sincerely,
Charlotte.

Hayes, Claire

From: Charlotte Dugdale (via Google Docs) [charlottekmmd27@gmail.com]
Sent: 02 September 2014 17:56
To: Premises Licensing
Cc: Eaton, Sam
Subject: Objection to Premises Licence Variation (14/06652/LIPV)
(premiseslicensing@westminster.gov.uk)
Attachments: Objection to Licence Variation.docx

Follow Up Flag: Follow up
Flag Status: Completed

Attached: Objection to Licence Variation

Dear Miss Eaton,

My name is Charlotte Dugdale and I am sending a copy of my letter objecting to the changes on 4 Carlisle Street. I am currently living in the flat with my aunt, Alice Dugdale.

Kind regards,
Charlotte

Google Docs: Create and edit documents online.



Licence & Appeal History (Licensing Act 2003)

Application	Details of Application	Date Determined	Decision
Conversion & Variation	Application to convert the existing Justices' On Licence and vary the licence by Ms Ms Kim Lucas	05.07.2005	Granted by Licensing Sub-Committee
Transfer	Application to transfer licence to Soho Clubs & Bars Ltd	29.08.2006	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	09.05.2007	Granted under delegated authority
Variation	Application to vary the plans attached to the premises licence	09.05.2007	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	27.06.2007	Granted under delegated authority
Transfer	Application to transfer licence to Cash Properties Limited	07.07.2007	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	04.08.2008	Granted under delegated authority
Transfer	Application to transfer licence to Candy Bar Limited	27.04.2009	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	20.01.2010	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	07.02.2011	Granted under delegated authority
Transfer	Application to transfer licence to Allied Promotions Ltd	10.02.2011	Granted under delegated authority
Minor Variation	Application to remove condition 19 of the Premises Licence which restricted the provision of striptease entertainment to female performers only. To add the following conditions to the Premises Licence a) Striptease entertainment may be provided by both male and female performers. b) The audience shall not be permitted to participate in striptease entertainment. c) The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day.	20.02.2012	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	07.04.2012	Granted under delegated authority
Transfer	Application to transfer licence to Nags Head Limited	10.02.2014	Granted under delegated authority
Vary DPS	Application to vary the designated premises supervisor	10.02.2014	Granted under delegated authority

Appeal History

CANDY BAR, 4 CARLISLE STREET WC2

On 12th May 2005 application was received from Ms Lucas for conversion of the existing licence(s) under the Licensing Act 2003 and variation of that licence in respect of Candy Bar, 4 Carlisle Street WC2. The variation application sought to:

- (1) allow striptease entertainment provided by female performers in the basement stage area
- (2) allow the provision of licensable activities on Friday and Saturday to 3am on the day following
- (3) allow the provision of licensable activities on Monday to Thursday to midnight
- (4) allow the provision of licensable activities on Sunday preceding a Bank Holiday (except Easter Sunday) to 2am on the day following
- (5) allow the provision of licensable activities up to 2am for 12 events per calendar year on 48 hours notice to Police (such as Pride Weekend and Valentine's Day)
- (6) remove condition (8) from the Premises Licence which states "Striptease entertainment may only be provided in the basement area and shall only be permitted from 19 February 2005 to 19 August 2005"

Representations were made by the Police, the Environmental Health Consultation Team, the Soho Society; Association of Soho Residents and Businesses; Meard & Dean Street Residents' Association and one local resident.

On 5 July 2005 the Licensing Sub-Committee refused in part the variation application granting only variations 1 and 6 (as set out above). The application for conversion was granted.

Notice of appeal was lodged against the decision of the Licensing Sub-Committee. The Soho Society appeared as a party in their own right. The full hearing took place on 20 and 21 June 2006 at Horseferry Road Magistrates Court. The District Judge came to the conclusion that no exceptional circumstances had been made out, and the appeal was therefore dismissed. The Appellant was ordered to pay the City Council's costs in the total sum of £15,000.

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

When determining an application for variation of 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 existing licence at Appendix A1 – 14/00491/LIPDPS

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) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
 6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 7.
 - (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.
 8. 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 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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions relating to regulated entertainment:

10. **This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998**

and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001. – application to remove

Proposed by applicant

- 10a. *Replacement for Conditions 10 & 24. The licensee will adopt a street management plan to be agreed with the Environmental Health Officer. Such plan to include the following:*
- *Ordering taxis from inside the premises*
 - *Encouraging patrons waiting for taxis to remain inside the premises*
 - *Asking taxi drivers to turn off their engines whilst waiting*
 - *Control of smokers*
 - *Control of patrons leaving the premises*
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 to 23:30 on each of the days Monday to Thursday and from 23:00 on each of the days Friday to Saturday to 02:00 on the day following. - ***Applicant has also asked for this to be removed as it conflicts with existing hours on the licence.***
13. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
14. All amplified music shall be played through a suitable new and modern sound limiting device which shall be set, sealed and maintained at all times at a level agreed by the Environmental Health Officer (to be checked on a spot basis by the Environmental Health Officer). The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department. – ***Applicant proposes replacement by condition 14a***

Proposed by applicant

- 14a *Replacement for Conditions 14, 26 and 27. MC11 - 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.*

15. **Dancing and striptease shall only take place in the basement.** - – *application to remove*
16. In addition to at least one registered door supervisor and at least two registered door supervisors when striptease entertainment is provided, a steward shall be employed at the premises who will endeavour to ensure that customers will leave the vicinity quickly and quietly. - ***Applicant proposes replacement by condition 16a***

Proposed by applicant

16a. *Replacement for Condition 16. Where the premises is used for Licensable Activities other than Relevant Entertainment, SIA registered security staff are to be employed on a 1:50 ratio (staff/customers).*

17. Only activities which have previously been agreed by the council shall take place.

18.* The agreed activities shall take place only in the designated areas approved by the Council. The approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.

19.* All performers 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 (NB, not to apply in the case of tableside dancing).

20.* The area proposed for striptease shall be in position where the performance can not be seen from the street.

21.* 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 metre radius of the premises.

22.* 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

23.* The Licensee, performer and any person concerned in the organisation or management of the premises or the entertainment shall not encourage, or permit others to encourage, the audience to throw money at or otherwise to give gratuities to the performers (except as may be permitted by special conditions relating to tableside dancing).

24. Cab operators shall be informed of the need to keep noise to a minimum and to switch their vehicles' engines off whilst waiting in Dean Street for clients. - ***Applicant proposes replacement by condition 10a***

25. The basement door going onto the street shall be kept closed at all times, except for emergency use.

26. No alteration or modification to any existing sound system(s) should be effected without prior consent of an authorised officer of the Environmental Health Department. - ***Applicant proposes replacement by condition 14a***

27. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device. - ***Applicant proposes replacement by condition 14a***

28. All doors giving access/egress to the premises shall not be fixed open after 23:00.
29. A 'hotline' telephone number to the licensee shall be available to local residents. - **Applicant proposes replacement by condition 29a**

Proposed by applicant

- 29a. *Replacement for Condition 29. The dedicated hotline telephone for anyone wishing to comment on the operation of the premises, will be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents.*
30. **All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification. -- Applicant proposes replacement by condition 30a**

Proposed by the applicant

- 30a. *Replacement for Condition 30. At least one Personal Licence Holder shall be present during the whole time intoxicating liquor is sold, supplied or consumed.*

Amendment proposed by the applicant

31. **Except where Relevant Entertainment is provided** The number of persons accommodated (excluding staff) shall not exceed:
- Basement - 70,
Ground Floor - 80,
First Floor - 25.

Conditions for Sale of Alcohol

32. **Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied. – application to remove**
33. A CCTV system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime Prevention Officer.
34. **On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-**
- (a) **Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);**
 - (b) **By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police;**
 - (c) **Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);**
 - (d) **Artistes and persons employed at the premises;**
 - (e) **Notwithstanding (a) above, persons taking full table meals;**
 - (f) **Persons attending a private function at the premises. – application to remove**

35. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed. - ***Applicant proposes replacement by condition 30a***
36. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
37. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
38. Maximum (excluding staff) Ground Floor 80; Basement 70; First Floor 25 – ***This is a duplicate of condition 31 and can be deleted***

39.*	No striptease, no nudity and all persons on the premises to be decently attired, save for persons performing striptease on the stage area.
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40.*	In relation to any striptease performed there shall be no touching or physical contact between any customer.
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Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

41. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
- (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;

- (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) **The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.** – *application to remove and replace with condition 48*
- (f) The permitted hours on New Year's Eve will extend to the start of 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.

42. 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.

43. 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.
44. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

<p>* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises</p>
--

Annex 2 – Consistent with the operating scheduled

45. No Noise or vibration shall emanate from the premises in to adjacent residential premises - *Applicant proposes replacement by condition 45a*

Proposed by the applicant

- 45a. *To Replace Condition 45. MC12 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

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

Conditions relating to regulated entertainment:

- | | | |
|------|-----|--|
| 46.* | (a) | Striptease entertainment may be provided by both male and female performers |
| | (b) | The audience shall not be permitted to participate in striptease entertainment. |
| | (c) | The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day (09:00 to 00:00). |

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 3 – Conditions attached after a hearing by a Licensing Authority

47.* **Striptease entertainment may only be provided in the basement area of the premises. - application to remove**

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Additional conditions proposed by the applicant:

48. *The sale of alcohol shall be ancillary to the use of the premises for either, music and dancing and substantial refreshment or Relevant Entertainment.*

49. *Works:*

a. *Applying to the basement only:*

- i. *Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.

ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

b. Applying to the ground floor only:

iii. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is 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.

iv. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

c. Applying to the first floor/mezzanine only:

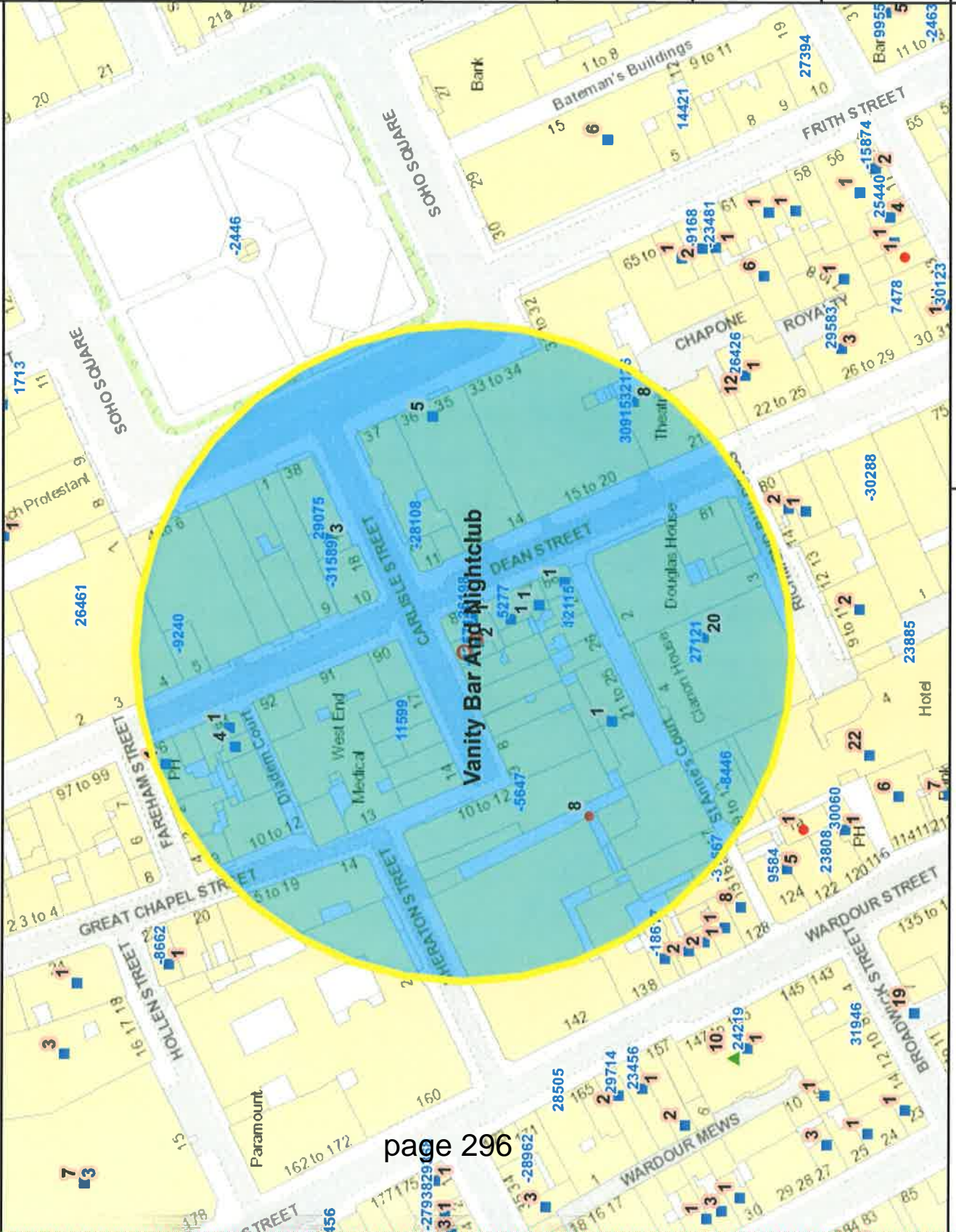
v. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards 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.

vi. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority



Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ

City of Westminster



Appendix E

Residential / Proposed Residential	61
Under Construction	0
Other Uses	119
Proportion Residential of all Uses	33.9%

Data Source: Uniform Database

Date: 07/10/2014

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Premises within 75 metres of: Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ

p / n	Name of Premises	Premises Address	Licensed Hours
26198	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
27121	Samck Deli	2 St Anne's Court London W1F 0AZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-32571	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
-28108	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-8446	Piccolo Fomo Pizzeria	9-12 St Anne's Court London W1F 0BB	Sunday 10:00 - 22:30 Monday to Saturday 10:00 - 23:30
-9240	Pierre Victoire Restaurant	Ground Floor 5 Dean Street London W1D 3RQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5277	Rippon Newsagents	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
32126	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
29075	The Toucan	19 Carlisle Street London W1D 3BY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
30915	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30
-31589	Pizza Express	Basement And Ground Floor 10 Dean Street London W1D 3RW	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-5647	Base2Stay Hotel	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
11599	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
12115	Thai Square	27 - 28 St Anne's Court London W1F 0BN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00



11/08/2014



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City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/09194/LIPV
Date:	18 December 2014
Classification:	For General Release
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7AL
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Taruna Adnath, Environmental Health Case Officer
Contact Details:	Telephone: 020 7641 1496 E-mail: tadnath@westminster.gov.uk

APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	European Retail Limited	Date Application Received:	24.10.2014
		Date Application Validated:	27.10.2014
Premises Name and Address:	Cumberland Food & Wine, 11 Great Cumberland Place, London, W1H 7AL		
Ward Name:	Bryanston And Dorset Square	Stress Area	No
Premises Description:	The premises currently operates as a convenience store with Off sales.		
	There is no tables and chair licence for these premises and the applicant has stated that the outside area is private forecourt.		
Variation description	To permit the sale of alcohol for consumption on the premises, provided the alcohol is supplied by waiter or waitress service and the consumption is ancillary to a table meal". Please also note that the application hours for on-sales do not match the hours for off-sales as the commencement hours are less (following an amendment agreed with the police).		
Preliminary Note:	Following agreement of conditions with Police, the hours have now been amended to Monday to Saturday 10:00 to 23:00 and Sunday 12:00 to 22:30		

1. Proposed Licensable Activities and Proposed Hours:

1.1 The variation seeks to add On Sales as detailed below.

<u>Licensable activities permitted under the existing Premises Licence 13/03692/LIPVM</u>	<u>Variation to Licensable Activities</u>
Regulated Entertainment: Playing of Recorded Music Unrestricted Private Entertainment Unrestricted	Regulated Entertainment: All no change
Sale of Alcohol: Off the premises	Sale of Alcohol: Off the premises

Monday – Saturday 08:00 to 23:00 Sunday 10:00 to 22:30	No change On Sales: Monday – Saturday 10:00 to 23:00 Sunday 12:00 to 22:30
Opening Hours Monday – Saturday 08:00 to 23:00 Sunday 10:00 to 22:30	Opening Hours No change

2. Relevant representations

- 2.1 The Environmental Health Service has made an adverse representation on the grounds of causing an increase in Public Nuisance in the area. Conditions have been proposed to the applicant for consideration. Applicant has agreed the proposed conditions
- 2.2 Police originally made an adverse representation and following agreement of conditions with the applicant, their representation is now withdrawn.
- 2.3 4 local residents have made adverse representations to this application on the grounds of public nuisance and concerns have been raised in regards to sale of alcohol to children.

3. Policies Applicable

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

- Prevention of crime and disorder (CD1)
- Public Safety (PS1)
- Prevention of public nuisance (PN1)
- Protection children from harm (CH1)
- Hours (HRS1)
- Restaurants outside the stress area (RNT1)

3.2 **Policy HRS1 applies:** (i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:

3.4 **Policy RNT1 applies:**

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Summary

4.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix B to this report.

5. Current Licensing Position

5.1 These premises currently hold a Premises Licence 12/00801/LIPVM.

6. Residential Density

90 of the 148 units within a 75m radius of the premises are residential or proposed residential, (61.59%), refer to **Appendix C**.

7. Current Planning Position

Unable to confirm usage of this premises.

List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)

Background Documents supplied with this report

- Application form and Plan
- Existing Premise Licence inc plans
- Representations received : Environmental Health Service, Police and conditions agreed and local residents
- Photos

APPENDIX A**Licence & Appeal History**

Application	Details of Application	Date determined	Decision
Conversion variation application 05/10250/LIPC	Convert the Justices Off Licence	15.11.2005	Conversion granted,
Transfer 10/01573/LIPT	To change the licence holder	06.04.2010	Granted under delegated authority
Vary 10/08979/LIPDPS	To vary the Designated Premises Supervisor	07.12.2010	Granted under delegated authority
Minor Variation 13/03692/LIPVM	The applicant is seeking to add 13 conditions to help meet the objectives of the Prevention of Crime and Disorder and Protection of Children from Harm following discussions with the Police.	11.06.2013	Granted under delegated authority
14/08680/LIPT	To change the licence holder	Pending –licence to be issued	
Current variation	To permit On sales	Pending	

Appeal details

No appeal comments

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

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

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

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

Conditions: attached to the existing premises licence (background document)
- 13/03692/LIPVM

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 hold a personal licence.
4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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 a holographic mark.

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

5. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;

- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) 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;
 - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) 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.
6. Alcohol shall not be sold in an open container or be consumed in the licensed premises. **(Police have agreed to have this condition removed)**

Annex 2 – Conditions consistent with the operating Schedule

7. The premises 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 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. **(To be replaced by condition 20 below)**
8. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested. **(To be replaced by condition 21 below)**
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. 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.
11. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. There shall be no self service of spirits on the premises.
13. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
14. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training

undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.

15. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
16. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
17. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. 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 or passport.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale

Conditions agreed between Police and Applicant:

20. 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.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
24. The supply of alcohol shall be by waiter or waitress service only.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
26. The supply of alcohol for consumption on the premises shall not commence until 10.00hrs Monday to Saturday and midday on Sundays

Conditions proposed by Environmental Health Team:

27. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
28. The maximum capacity (excluding staff) shall not exceed xxx persons.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
32. 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.
33. All tables and chairs shall be removed from outside the premises by 23.00 hours.
34. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
37. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

If Committee is minded to grant this application, the conditions below will be added to the licence:

38. (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).
39. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
40. (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.
41. 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.

41(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.

41(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.

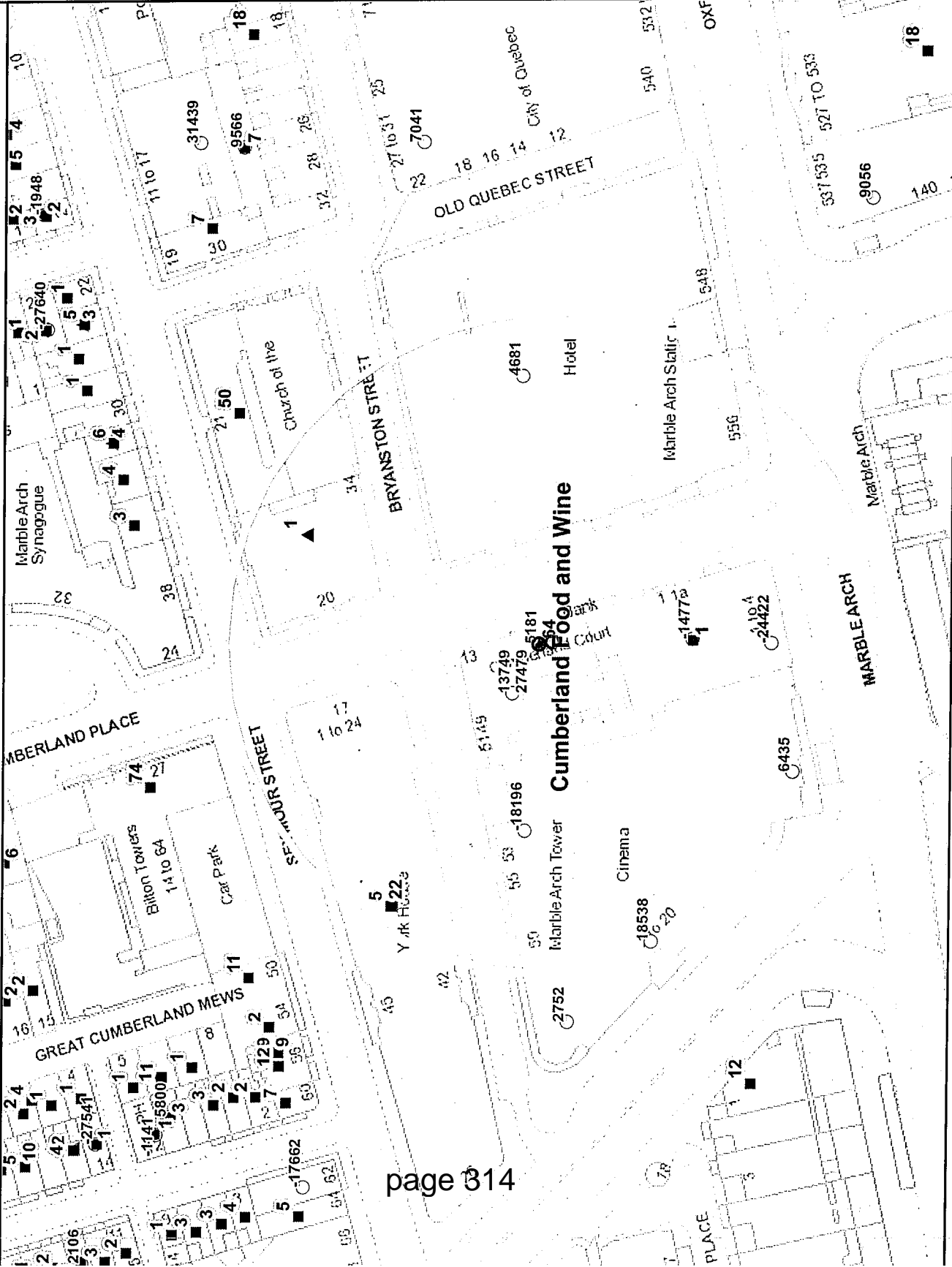
41(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 41(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.

BACKGROUND DOCUMENTS



Cumberland Food and Wine 11 Great Cumberland Place, W'H



Appendix C

Residential / Proposed Residential	70
Under Construction	20
Other Uses	58
Proportion Residential of all Uses	61.59%

Data Source: Uniform Database
 Date: 02/12/2014

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Premises within 75 metres of: Cumberland Food and WINE, 11 Great Cumberland Place

p / n	Name of Premises	Premises Address	Opening Hours
27479	Prezzo	7-9 Great Cumberland Place London W1H 7BE	Mon to Sat 12:00 to 23:30 Sun 12:00 to 22:30
-18196	BCS City Lounge	Ground Floor Marble Arch Tower 53 Bryanston Street London W1H 7AA	Mon to Fri 12:00 to 23:00 Sat 12:00 to 21:00
-1477	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Mon to Sat 08:00 to 23:00 Sun 10:00 to 22:30
4681	Cumberland Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Mon to Sat 10:00 to 03:00 Sunday 12:00 to 01:00
18538	Odeon Cinema	10 Edgware Road London W2 2EN	Mon to Sun 09:00 to 05:00
-24422	McDonald's Restaurants	2-4 Marble Arch London W1H 7EJ	Sun to Wed 23:00 to 01:00 Thurs to Sat 23:00 to 02:00
5181	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7AL	Mon to Sat 08:00 to 23:00 Sun 10:00 to 22:30
6435	Sainsbury's	7 Marble Arch London W1H 7EL	Mon to Sat 08:00 to 23:00 Sun 10:00 to 22:30
13749	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Mon to Sat 10:00 to 23:30 Sun 12:00 to 22:30

BACKGROUND DOCUMENTS

Application to vary a premises licence under the Licensing Act 2003

PREMISES MANAGEMENT LICENSING SERVICE
 24 OCT 2014
 CITY OF WESTMINSTER

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Chelsea Food and Wine Company Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 13/03692/LIPVM
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Cumberland Food and Wine 11 Great Cumberland Place			
Post town	London	Postcode	W1H 7AL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£BAND C

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

Yes

No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

PART A

To permit the sale of alcohol for consumption on the premises in the area hatched black on the attached plan.

PART B

To add the following conditions in order to promote the licensing objectives:

- 1) The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- 2) The supply of alcohol shall be by waiter or waitress service only.
- 3) The number of persons permitted in the area hatched black (excluding staff) shall not exceed 31.
- 4) The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.

PART C

To remove condition 6 (Alcohol shall not be sold in an open container or be consumed in the licensed premises) from the premises licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 5)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 4)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) NO CHANGE		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	10:00	22:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 6 (Alcohol shall not be sold in an open container or be consumed in the licensed premises)

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The premises licence was recently returned to the Council with a transfer application and the updated licence has not yet been received.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- 1) The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- 2) The supply of alcohol shall be by waiter or waitress service only.
- 3) The number of persons permitted in the area hatched black (excluding staff) shall not exceed 31.
- 4) The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.

b) The prevention of crime and disorder

Please refer to box a) above

c) Public safety

Please refer to box a) above

d) The prevention of public nuisance

Please refer to box a) above

e) The protection of children from harm

Please refer to box a) above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Thomas & Thomas</i>
Date	24/10/2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) AC/CHE.39.3 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Post code	WC2H 9EP
Telephone number (if any)	020 7042 0418		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) acatlin@tandtp.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

13/03692/LIPVM

Original Reference:

05/10250/LIPC

Part 1 – Premises details

Postal address of premises:

Cumberland Food & Wine
11 Great Cumberland Place
London
W1H 7AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

European Retail Limited
14 Poland Street
London
W1F 8QD
Business Phone Number : 0207 724 6627

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

01355936

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

Name: Rima Volterkumar Mekwan

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

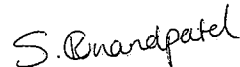
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LB Wands/02781
Licensing Authority: London Borough of Wandsworth

Date: 11th June 2013

Signed:

pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.

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

5. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00;
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30;
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (d) On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) 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;
 - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) 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.
6. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

7. The premises 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 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
8. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. 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.
11. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. There shall be no self service of spirits on the premises.
13. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
14. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
15. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced. All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
16. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
17. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who reused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. 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 or passport.

19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

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

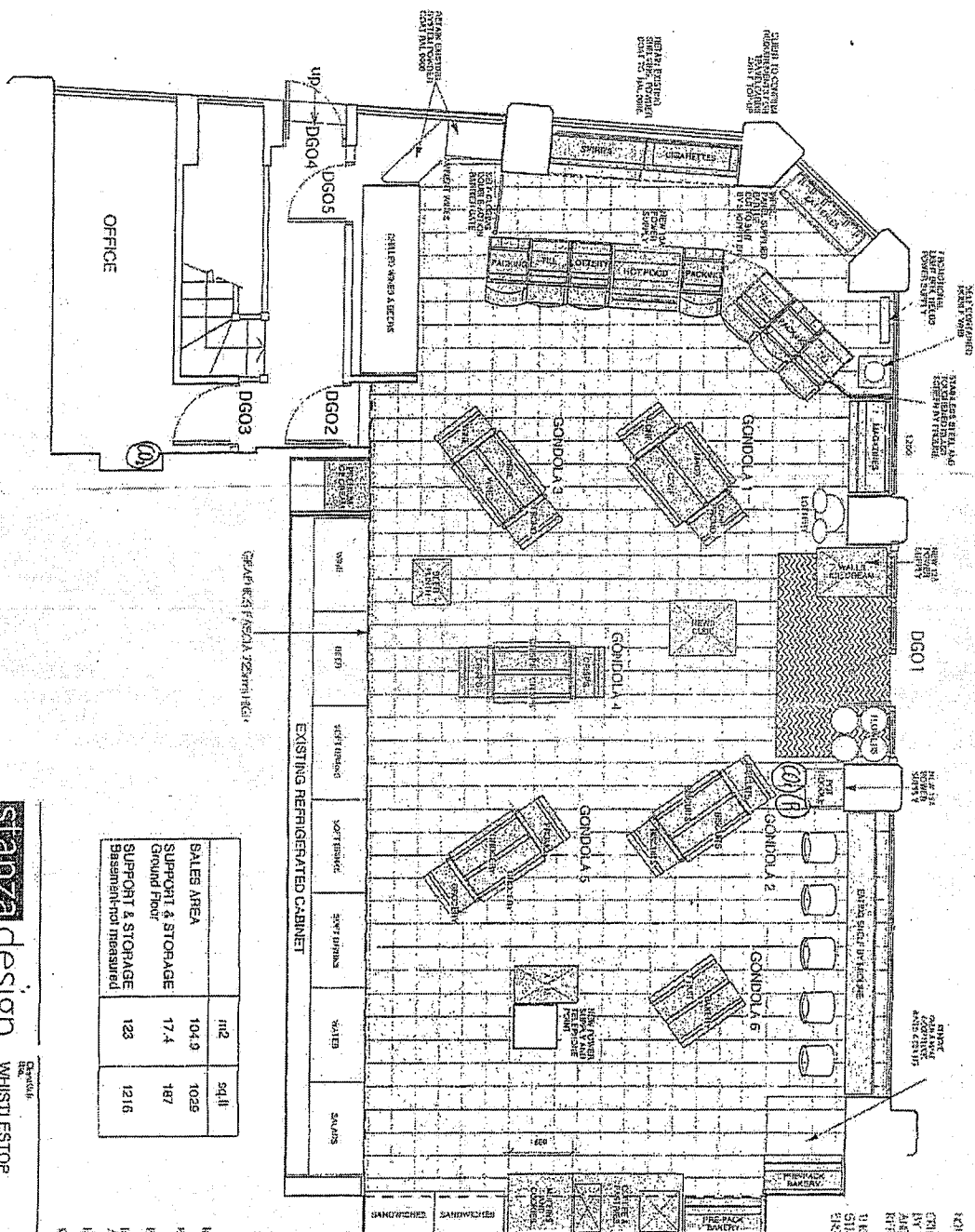
None

Annex 4 – Plans

Attached

Annex 4 - Plans

This unit forms part of the railway station, which as a public place is fully compliant with all Fire Precaution legislation



Room Name	sq ft	Room No.
SALES AREA	104.9	1025
SUPPORT & STORAGE Ground Floor	17.4	187
SUPPORT & STORAGE Basement-not measured	123	1216

W = Water Type
 CO2 = Carbon Dioxide Type
 F = Foam Type
 DP = Dry Powder Type
 FB = Fire Blanket

Stanza design
 11005 YARD, EMINENCE AVENUE
 CHESTER, LONDON W14 1SE
 TEL: 020 8991 0079, Fax: 020 8991 0082
 email: info@stanza-design.co.uk

Client: WHISTLESTOP
 11005 YARD PLACE
 LONDON W14
 Proposed Plan

Scale: 1:50 Date: 25-05-04
 Drawn by: JK
 Checked by: JK
 Date: SD0403 3.1 F

REF: F.01/2004 (CONTRACTS) IN AGREEMENT
 REF: F.02/2004 (CONTRACTS) IN AGREEMENT
 REF: F.03/2004 (CONTRACTS) IN AGREEMENT
 REF: F.04/2004 (CONTRACTS) IN AGREEMENT
 REF: F.05/2004 (CONTRACTS) IN AGREEMENT
 REF: F.06/2004 (CONTRACTS) IN AGREEMENT
 REF: F.07/2004 (CONTRACTS) IN AGREEMENT
 REF: F.08/2004 (CONTRACTS) IN AGREEMENT
 REF: F.09/2004 (CONTRACTS) IN AGREEMENT
 REF: F.10/2004 (CONTRACTS) IN AGREEMENT

NOTE: THIS UNIT FORMS PART OF THE RAILWAY STATION, WHICH AS A PUBLIC PLACE IS FULLY COMPLIANT WITH ALL FIRE PRECAUTION LEGISLATION



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

Schedule 12
Part B

WARD: Bryanston And
Dorset Square
UPRN: 200001911787

Premises licence
summary

Regulation 33, 34

Premises licence number:

13/03692/LIPVM

Part 1 – Premises details

Postal address of premises:

Cumberland Food & Wine
11 Great Cumberland Place
London
W1H 7AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Name and (registered) address of holder of premises licence:

European Retail Limited
14 Poland Street
London
W1F 8QD

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

01355936

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

Name: Rima Volterkumar Mekwan

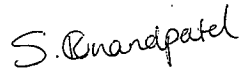
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 11th June 2013

Signed:

pp



Operational Director - Premises Management

TO Licensing Officer

REFERENCE 14/09194/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 18th November 2014

The Licensing Act 2003

Cumberland Food & Wine, 11 Great Cumberland Place, W1

I refer to the application for variation of the Premises Licence for the above premises.

The applicant has submitted plans of the ground and basement dated Sept 2014

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday 08.00 and 23.00 hours and Sunday between 10.00 to 22.30 hours.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has provided additional information with the application but this does not fully address the concerns of Environmental Health.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

TO Licensing Officer

REFERENCE 14/09194/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 4th December 2014

The Licensing Act 2003

Cumberland Food & Wine, 11 Great Cumberland Place, W1

I refer to the application for variation of the Premises Licence for the above premises.

The following conditions are proposed by Environmental Health.

- Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- The maximum capacity (excluding staff) shall not exceed xxx persons.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 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.
- All tables and chairs shall be removed from outside the premises by 23.00 hours.
- The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Adnath, Taruna

From: Russell, Sandy
Sent: 29 October 2014 14:09
To: Thomas O'Maoileoin; Amy Catlin; idoxlicensing
Subject: RE: 14/09194/LIPV Cumberland Food and Wine, 11 Gt Cumberland Street.

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Thomas,

Police withdraw our representation.

Best Wishes,

Sandy

From: Thomas O'Maoileoin [<mailto:TOMaoileoin@tandtp.com>]
Sent: 29 October 2014 13:32
To: Amy Catlin; Russell, Sandy; idoxlicensing
Subject: RE: 14/09194/LIPV Cumberland Food and Wine, 11 Gt Cumberland Street.

Dear Sandy

We confirm that we agree to amend our application to include the police conditions.

With kind regards
Thomas

From: Russell, Sandy [<mailto:srussell@westminster.gov.uk>]
Sent: 29 October 2014 13:05
To: Amy Catlin
Cc: idoxlicensing; sandy.russell@met.police.uk
Subject: 14/09194/LIPV Cumberland Food and Wine, 11 Gt Cumberland Street.

Dear Ms Catlin,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reason that we are objecting to the application at this stage in the application process.

Police would be in a position to withdraw our representation if the following conditions could be agreed by yourself and added to any future operating schedule. Please note that the two CCTV conditions are the updated versions:

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

The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be 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.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.

3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

4. The supply of alcohol shall be by waiter or waitress service only.

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

6. The supply of alcohol for consumption on the premises shall not commence until 10.00hrs Monday to Saturday and midday on Sundays.

We agree to the removal of condition 6 from the current licence.

I look forward to hearing from you.

Best Wishes,

PC Sandy Russell 4167CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3179

The way you register to vote has changed. Find out what you need to do here. <http://bit.ly/1slv9lv#>

If you have a business in Westminster, we can take care of your commercial waste or recycling. Visit <http://cleanstreets.westminster.gov.uk> or call 020 7641 6180.

How can we make it easier for you to be involved in council decisions? Let us know by completing an online survey <http://www.surveygizmo.com/s3/1729127/Community-Engagement-Survey> or come along to a drop-in session <https://www.westminster.gov.uk/future-area-forums>.

Westminster City Council: www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster

City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

Details of public representations relating to 14/09194/LIPV

Comments received electronically via PublicAccess:

- **Mr Patrick Steel - Cumberland Court, Great Cumberland Place, London**

Received: 20 Nov 2014

OBJECTION

I have been a resident at 48 Great Cumberland Place, London, W1H 7DP and object to the sale and consumption of alcohol at this premises, as already there is a nuisance due to the sale of alcohol and I am worried that this will lead to underage people being served at this address as well.

This will also cause a big noise problem, which is already an ongoing issue at this premises.

- **Sakina Mehmood - Not Supplied, ,**

Received: 21 Nov 2014

OBJECTION

I have noticed a display in the window of Cumberland Food & News at 12, Great Cumberland place, W1H.

I am very concerned to note that they are asking for permission to serve alcohol on the premises at the same time when they are trading as a convenience store.

This will have a very bad effect for the children's shopping at these premises. It will make a lot of noise and influence rowdy behaviour of the people drinking on the premises and walking on the road.

It is not common for a convenience store to have a drinking license on the premises while trading and this could create a bad precedent for similar businesses.

- **Ash Sahni - 1A Great Cumberland Place, London, W1H 7AL**

Received: 20 Nov 2014

OBJECTION

I am very concerned to find out that Cumberland Food and Wine are applying for a License to consume alcohol on the premises. I believe this to be a catastrophic situation as we are already suffering with nuisance of noise of people just buying alcohol from this premises as they stand outside waiting for their friends shouting etc..I feel that the noise levels are going to increase dramatically. The other issue is that on concert days this is going to cause more of a issue.

I would also like to put on record that the grant of this licence may cause for under age drinking to carry out in this premises and will also cause an issue when children come into the shop to buy sweets but will be surrounded by people drinking alcohol which will encourage them to do the same.

I would also like to put on record that previously Mr Shah has made representations stating the same issues that I have mentioned which you can check on the council records therefore this has made me more worried as he feels the same way I do. Therefore this licence should not be granted.

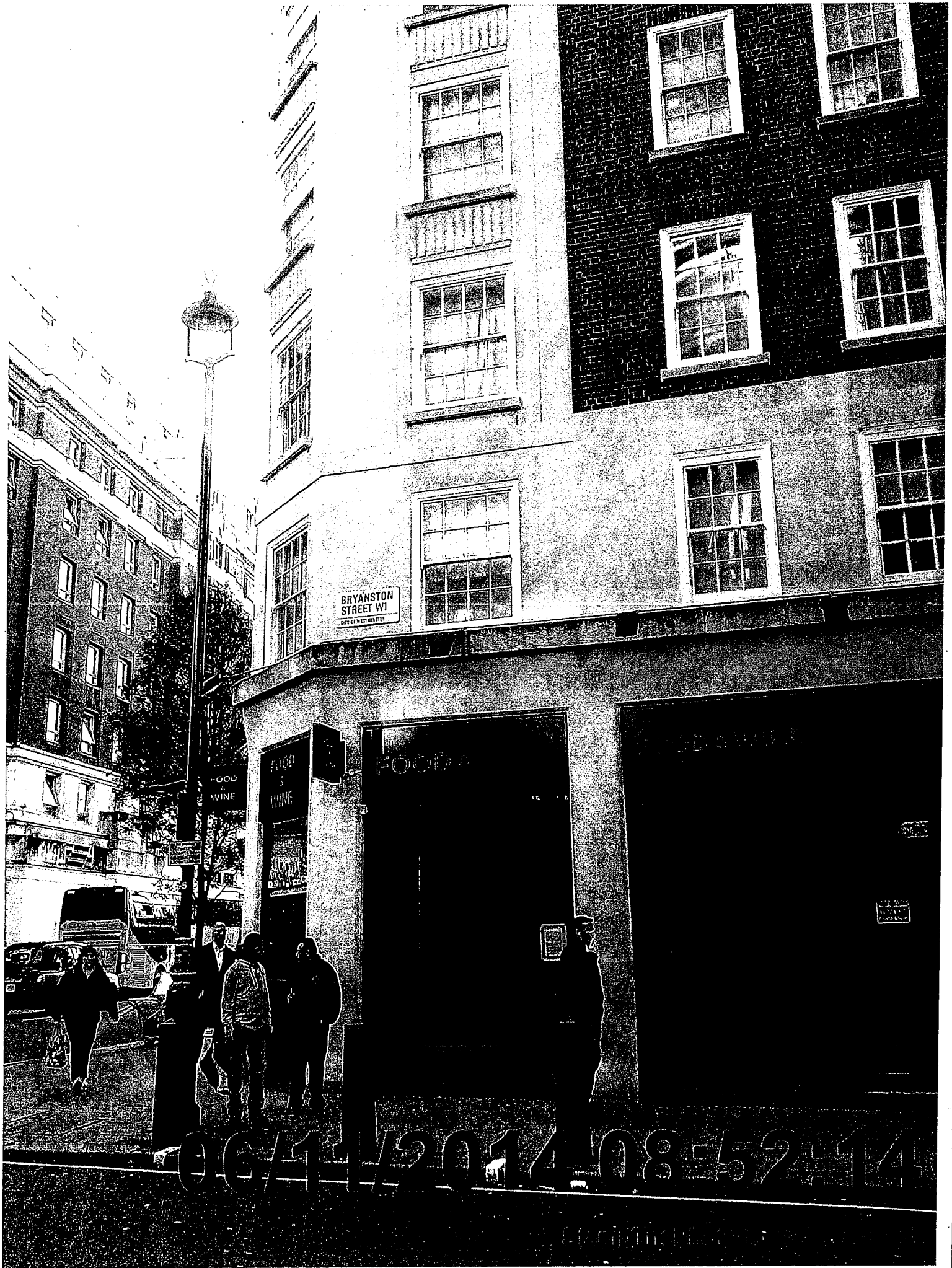
I have never heard of a supermarket selling alcohol and consuming alcohol on the same premises and judging by the other applications he has put in I am worried that he is trying to change his use of the premises through the back door.

- **Mr Omar Labban - Cumberland Court, Great Cumberland Place, London**
Received: 20 Nov 2014
OBJECTION

I have been a resident at 48 Great Cumberland Place, London, W1H 7DP and object to the sale and consumption of alcohol at this premises, as already there is a nuisance due to the sale of alcohol and I am worried that this will lead to underage people being served at this address as well.

This will also cause a big noise problem, which is already an ongoing issue at this premises.

Comments received via other means:



BRYANSTON
STREET W1
CITY OF WEST HILL DUBLIN

FOOD
&
WINE

FOOD
&
WINE

FOOD

06/11/2014 08:52:14

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/09445/LIPN
Date:	18 December 2014
Classification:	For General Release
Title of Report:	Ceru Basement And Ground Floor 29 Rathbone Place London W1T 1JG
Report of:	Operational Director of Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton, Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 1868 E-mail: seaton1@westminster.gov.uk

APPLICATION DETAILS

Application Type:	A new premises licence application under the Licensing Act 2003.		
Applicant:	Ceru Restaurants Limited	Date Application Received:	31 October 2014
Premises Name and Address:	Ceru Basement And Ground Floor 29 Rathbone Place London W1T 1JG		
Ward Name:	West End	Stress Area:	No
Description of Premises:	The application states that the premises will be operated as a bar and restaurant providing alcohol and late night refreshment. The premises intends to operate over the Basement and Ground Floors.		
Preliminary Note:	A tables and chairs licence has been applied for but is currently invalid.		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
Proposed Licensable Activities, Proposed Hours:			
<u>1.1 Sale of Alcohol: On and Off the premises</u>			
Monday to Thursday – 10:00 to 23:30 Friday to Saturday – 10:00 to 00:00 Sunday – 12:00 to 22:30 Sunday Before Bank Holiday - 12:00 to 00:00			
<u>1.2 Late Night Refreshment: Indoors</u>			
Monday to Thursday - 23:00 to 23:30 Friday to Saturday – 23:00 to 00:00 Sunday Before Bank Holiday – 23:00 to 00:00			
<u>1.3 Non-Standard Timings:</u>			
<i>The hours the premises are opening to the public and the hours for Late Night Refreshment and sale of alcohol are permitted may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</i>			
<u>1.4 Opening Hours:</u>			
Monday to Thursday – 08:00 to 23:30 Friday to Saturday – 08:00 to 00:00 Sunday – 08:00 to 22:30 Sunday Before Bank Holiday – 08:00 to 00:00			
<i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i>			

	Relevant representations and policies applicable:	References / Notes
1A	The Environmental Health Service has made an adverse representation on the grounds of causing an increase in Public Nuisance and will impact on Public Safety in the area. Conditions have been proposed and agreed and can be found in Appendix B . Subsequently, the Environmental Health representation has been withdrawn.	Environmental Health Service representation, Conditions & Withdrawal
1B	The Metropolitan Police Service had made an adverse representation to this application on the grounds that the proposals would undermine the Licensing Objectives. Conditions have been proposed and agreed and can be found in Appendix B . The Metropolitan police service have subsequently withdrawn their representation.	Metropolitan Police Service Representation, Agreed Conditions and Withdrawal
1C	One resident has made an adverse representation against this application as they have concerns that this premises will open later than the surrounding premises in the area. The resident has concerns that the premises are likely to be a bar rather than a restaurant and may increase the noise and disruption which the residents already experience.	Residential representation
1D	The following policies within the City Of Westminster Statement of Licensing Policy apply: Prevention of crime and disorder (CD1) Public Safety (PS1) Prevention of public nuisance (PN1) Protection children from harm (CH1) Hours (HRS1) Restaurants outside the Stress Area (RNT1)	Policies applicable
1E	Policy HRS1 applies: (i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:	
1F	Policy RNT1 applies: Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.	
1G	The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of: <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, 	Summary

	<ul style="list-style-type: none"> • public safety and • protection of children from harm. 	
Current Licensing Position	These premises do not hold a premises licence. Please refer to Appendix A.	
Residential Density:	66 of the 191 units within a 75m radius of the premises are residential, under construction or proposed residential, (35%), refer to Appendix C.	
Planning Position:	Unable to locate any planning information for these premises.	
List of Appendices:	A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity	

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- Application form
- Plan
- Representations received
- Photos

Licence & Appeal History

There are no previous Licensing Act 2003 applications for these premises.

An application was submitted relating to this premises for Buta Lounge. However, the application was withdrawn by the applicant on 24.05.2012.

There is no appeal history

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

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

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

Mandatory Conditions

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

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

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

8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -

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

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

Conditions proposed by Police Licensing Team and agreed with the Applicant:

- 9. 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.

10. 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
11. The premises shall only operate as a restaurant
 - (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 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, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking 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.

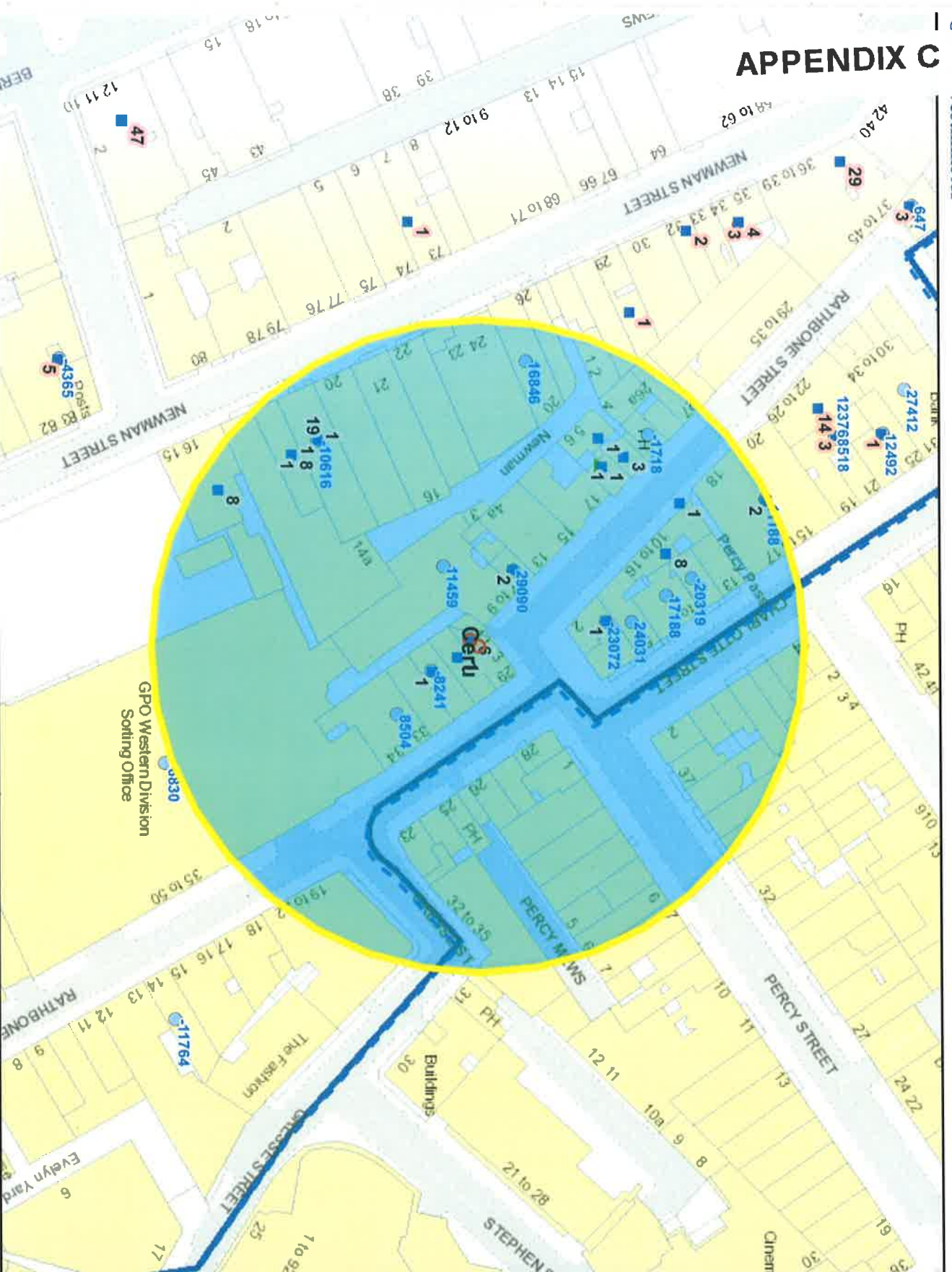
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. There shall be no self service of alcohol.
14. Save for persons seated at tables patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
15. 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) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

Conditions proposed by Environmental Health Service and agreed with applicant:

16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. The capacity of the premises shall not exceed 30 people (inclusive of staff).
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
20. 'Off' sales of alcohol shall be restricted to persons seated at the outside tables and chairs.

21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

APPENDIX C



10 Meters

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Residential / Proposed Residential	65
Under Construction	1
Other Uses	125
Proportion Residential of all Uses	35%

Data Source: Uniform Database
Date: 05/12/2014

Premises within 75 metres of: Ceru, 29 Rathbone Place, London

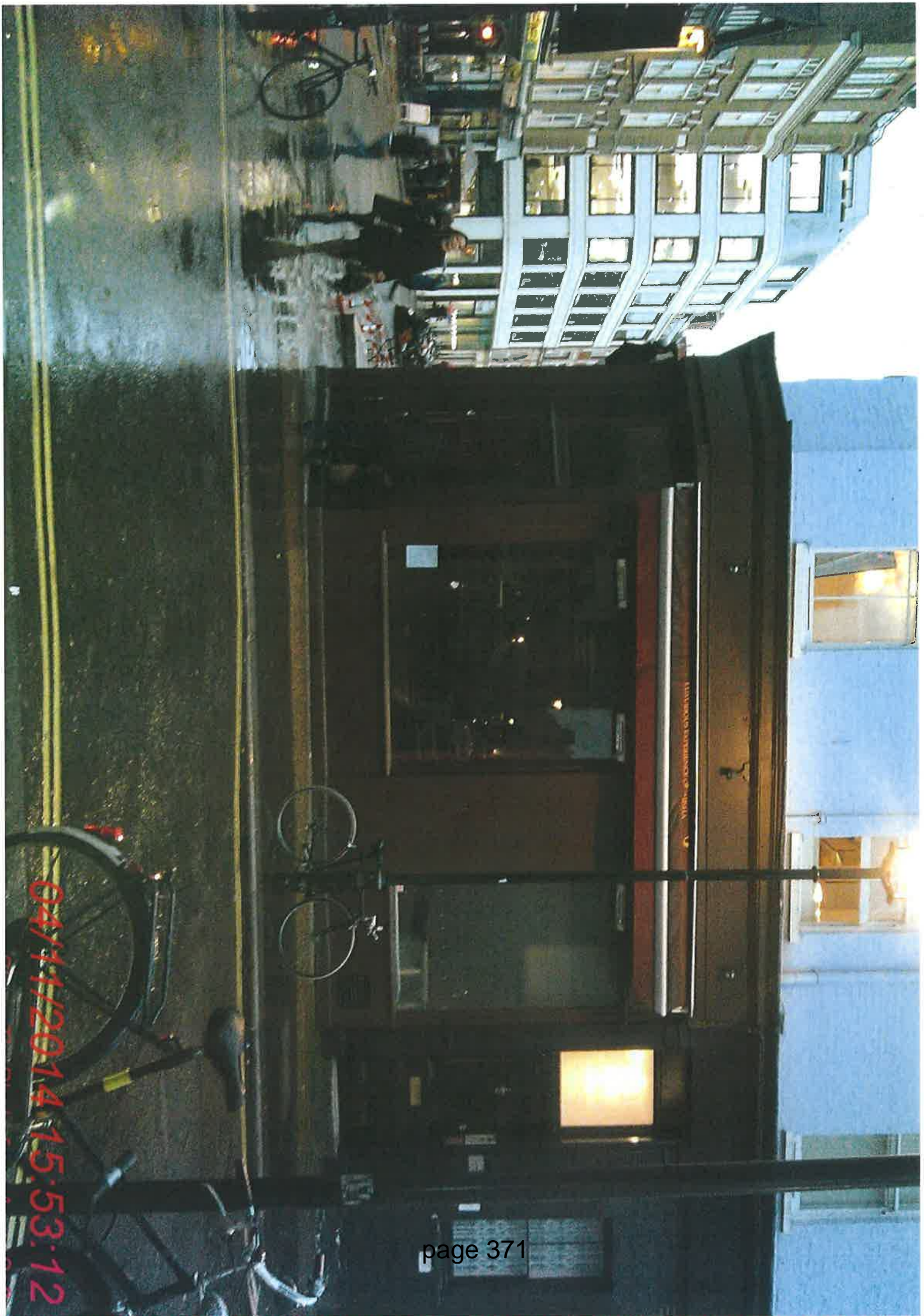
p / n	Name of Premises	Premises Address	Opening Hours
29090	Koba	11 Rathbone Street London W1T 1NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1718	Newman Arms Public House	23 Rathbone Street London W1T 1NG	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:30
8504	Jerusalem Bar & Restaurant	Basement County House 33-34 Rathbone Place London W1T 1JJ	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Sunday 09:00 - 00:00
16846	Nordic Bar	25 Newman Street London W1T 1PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 02:30 Sunday 12:00 - 23:00
17188	PizzaExpress	Ground Floor 7-9 Charlotte Street London W1T 1RG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
24031	Cote	5 Charlotte Street London W1T 1RE	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:30
-23072	Marquis Of Granby Public House	Marquis Of Granby 2 Rathbone Street London W1T 1NR	Monday to Saturday 07:00 - 23:30 Sunday 07:00 - 23:00
-20319	Obika	11 Charlotte Street London W1T 1RQ	Monday to Saturday 08:00 - 00:30 Sunday 08:00 - 00:00
-11188	Charlotte Street Hotel	15-17 Charlotte Street London W1T 1RJ	Monday to Sunday 00:00 - 00:00 (residents) Monday to Sunday 10:00 - 03:00 (private functions) Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-10616	Private Members Club & Restaurant	19 Newman Street London W1T 1PF	Sunday to Wednesday 07:00 - 00:00 Thursday to Saturday 07:00 - 03:00
-8241	Lima	31 Rathbone Place London W1T 1JH	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30
11459	CHI Club	7-9 Rathbone Street London W1T 1LY	Monday to Friday 18:00 - 23:00



04/11/2014 15:52:02



04/11/2014 15:52:59



04/11/2014 15:53:12

Background Papers

**Application for a premises licence to be granted
under the Licensing Act 2003**

PREMISES MANAGEMENT
LICENSING SERVICE

3 1 OCT 2014

CITY OF WESTMINSTER

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Ceru Restaurants Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ceru 29 Rathbone Place Fitzrovia			
Post town	London	Postcode	W1T 1JG
Telephone number at premises (if any)		n/a	
Non-domestic rateable value of premises		£18,700	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Ceru Restaurants Limited
Address 1 Vincent Square Westminster London SW1P 2PN
Registered number (where applicable) 09097079
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Bar and restaurant for sale of alcohol and late night refreshment.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

n/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) To permit the sale of hot food and beverages after 11pm.		
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Until 00:00h on any Bank Holiday Sunday.		
Sat	23:00	00:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30			
Fri	10:00	00:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Until 00:00h on any Bank Holiday Sunday.		
Sat	10:00	00:00			
Sun	12:00	22:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Barry Hilton	
Postcode	
Personal licence number (if known) PA0248	
Issuing licensing authority (if known) East Hertfordshire District Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Until 00:00h the morning after any Bank Holiday Sunday.
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	22:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Premises Licence will have no effect until the premises are constructed/alterd only in accordance with the appropriate provisions of the local licensing authority and this condition has been removed from the premises licence.
The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
Waiter/waitress service will always be available.
The premises shall predominantly be run as a licensed restaurant.
A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.
Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
All staff shall be suitably trained for their job function for the premises the training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

b) The prevention of crime and disorder

Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container. Off sales are to be taken off the area marked on the licensed plan in sealed containers only.
To be a member of Pubwatch or related scheme.
Crime prevention posters/material aimed at preventing theft/loss of personal possessions will be affixed/displayed in prominent positions (agreed by both Police and Management) within the premises.
A dispersal policy document is to be drawn up in consultation with Police and Council officers. Once agreed it is to be implemented in full. To include, but not *limited to*; (the monitoring of customers by (door) staff, the pre booking of mini cabs/taxis, orderly dispersal of patrons). This policy shall be reviewed on an annual basis to ensure it is still effective and shall be updated if necessary.
A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.

c) Public safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

d) The prevention of public nuisance

A refuse store of sufficient size shall be provided
 Late night refreshment is restricted to consumption on the premises.
 A designated, de-lineated and bordered smoking area will be allocated outside the premises. Suitable receptacles will be provided within this area for cigarette litter. The Premises Licence Holder or nominated person shall ensure that the smoking area is regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.
 The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

e) The protection of children from harm

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.
 All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.
 A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
 The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.
 Staff will be trained in this policy and records will be kept.
 There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

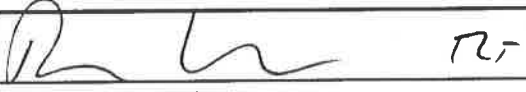
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	30/10/14
Capacity	SOLICITOR FOR THE APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Paul Uren
TLT Solicitors
One Redcliff Street

Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)	+44(0)3330 060213		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
paul.uren@tltsolicitors.com

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

TO Licensing Officer

REFERENCE 14/09445/LIPN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 26th November 2014

The Licensing Act 2003

Ceru, 29 Rathbone Place, W1

I refer to the application for a New Premises Licence.

The applicant has submitted floor plans of the Ground floor and Basement reference A02 A dated 25/10/2014.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 and 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 and 22.30 hours. Sundays before a Bank Holiday 12.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday between 23.00 and 23.30 hours and Friday and Saturday between 23.00 to 00.00 hours. Sundays before a Bank Holiday 23.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol 'On' and 'Off' the premises will have the likely effect of causing an increase in Public Nuisance in the area.
2. The provision and hours requested for Late Night Refreshment 'Indoors' will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has provided some conditions within the operating schedule in support of the application but these do not fully support the licensing objectives and further conditions will be proposed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

TO Licensing Officer

REFERENCE 14/09445/LIPN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 3rd December 2014

The Licensing Act 2003

Ceru, 29 Rathbone Place, W1

I refer to the application for a New Premises Licence.

The following conditions are proposed.

- Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- The capacity of the premises shall not exceed 30 people (inclusive of staff).
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 'Off' sales of alcohol shall be restricted to persons seated at the outside tables and chairs.

- The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Eaton, Sam

From: Watson, Ian
Sent: 10 December 2014 07:43
To: Matthew Phipps
Cc: Eaton, Sam
Subject: RE: Notice of Hearing - Ceru, 29 Rathbone Place, London - 14/09445/LIPN [TLT-TLT.FID3231950]

Morning Matthew

Thanks for that. Please be advised that the representation from Environmental Health is withdrawn.

Regards

Ian Watson

Senior Practitioner Environmental Health (Licensing)
EH Consultation and Licensing

Premises Management

Westminster City Council
City Hall, 4th Floor West
64 Victoria Street
London, SW1E 6QP

Tel: 020 7641 3183
Fax: 020 7641 3436
Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012



From: Matthew Phipps [<mailto:matthew.phipps@TLTsolicitors.com>]
Sent: 09 December 2014 18:00
To: Watson, Ian
Cc: Eaton, Sam
Subject: RE: Notice of Hearing - Ceru, 29 Rathbone Place, London - 14/09445/LIPN [TLT-TLT.FID3231950]

yes all agreed, apologies thought id replied!

Matthew

From: Watson, Ian [<mailto:iwatson@westminster.gov.uk>]
Sent: 09 December 2014 16:13
To: Matthew Phipps
Cc: Eaton, Sam
Subject: RE: Notice of Hearing - Ceru, 29 Rathbone Place, London - 14/09445/LIPN [TLT-TLT.FID3231950]

Matthew

Any movement on these conditions. Is your client content.

Regards

Ian Watson

Senior Practitioner Environmental Health (Licensing)
EH Consultation and Licensing

Premises Management

Westminster City Council
City Hall, 4th Floor West
64 Victoria Street
London, SW1E 6QP

Tel: 020 7641 3183

Fax: 020 7641 3436

Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012



From: Watson, Ian

Sent: 08 December 2014 10:01

To: 'Matthew Phipps'

Cc: Eaton, Sam

Subject: RE: Notice of Hearing - Ceru, 29 Rathbone Place, London - 14/09445/LIPN [TLT-TLT.FID3231950]

Matthew

That's fine. Modified conditions attached. Please advise if you are accepting these.

Regards

Ian Watson

Senior Practitioner Environmental Health (Licensing)
EH Consultation and Licensing

Premises Management

Westminster City Council
City Hall, 4th Floor West
64 Victoria Street
London, SW1E 6QP

Tel: 020 7641 3183

Fax: 020 7641 3436

Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012



Eaton, Sam

From: Russell, Sandy
Sent: 03 December 2014 08:42
To: Matthew Phipps; Eaton, Sam; Paul Uren
Subject: RE: CERU - 14/09445/LIPN (29, Rathbone Place) [TLT-TLT.FID3231950]

Thanks Matthew,

Police withdraw our rep.

Kind Regards,

Sandy

From: Matthew Phipps [<mailto:matthew.phipps@TLTsolicitors.com>]
Sent: 02 December 2014 14:36
To: Eaton, Sam; Russell, Sandy; Paul Uren
Subject: RE: CERU - 14/09445/LIPN (29, Rathbone Place) [TLT-TLT.FID3231950]

Sam,

Thanks

They look good to me and as agreed with Sandy

Matthew

From: Eaton, Sam [<mailto:seaton1@westminster.gov.uk>]
Sent: 02 December 2014 14:28
To: Russell, Sandy; Matthew Phipps; Paul Uren
Subject: RE: CERU - 14/09445/LIPN (29, Rathbone Place)

Hi All,

Have these conditions been agreed? If so Sandy have you withdrawn your representation?

Please advise.

Many Thanks

Miss Sam Eaton

Environmental Health Case Officer

Environmental Health Licensing & Consultation - Premises Management

Westminster City Council
4th Floor West
City Hall
64 Victoria Street

London
SW1E 6QP

Telephone 020 7641 1868
email: seaton1@westminster.gov.uk
Web: www.westminster.gov.uk



From: Russell, Sandy
Sent: 19 November 2014 12:37
To: Matthew Phipps
Cc: Paul Uren; idoxlicensing
Subject: RE: CERU - 14/09445/LIPN (29, Rathbone PLace)

Thanks Matthew,

Just to confirm that we are agreeing to the following wording:

3. The premises shall only operate as a restaurant (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 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, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking 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.

6. Save for persons seated at tables patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

Once you have confirmed your client is in agreement to all conditions we will be in a position to withdraw our representation.

Best Wishes,

Sandy

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Eaton, Sam

From: Russell, Sandy
Sent: 05 November 2014 12:52
To: Paul Uren
Cc: idoxlicensing
Subject: 14/09445/LIPN (29, Rathbone PLace)

Dear Mr Uren

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within a locality where there is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reason that we are objecting to the application at this stage in the application process.

Police would be in a position to withdraw our representation if the following conditions could be agreed and added to any future operating schedule:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be 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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
3. The premises shall only operate as a restaurant (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, supplied, or consumed on the premises otherwise than to 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.

4. A Challenge 21 or 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.
5. There shall be no self service of alcohol.
6. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
7. 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) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

Please let me know whether you are willing to agree to the above as soon as possible. Should you wish to discuss the matter further please contact me on **0207 641 1709** or via email srussell@westminster.gov.uk

Yours sincerely

Sandy Russell.

Details of public representations relating to 14/09445/LIPN

Comments received electronically via PublicAccess:

- **Mr Oscar Arias - Flat 4, 17 Rathbone Street, London**

Received: 20 Nov 2014

OBJECTION

10:25 AM on 20 Nov 2014 This bar/restaurant is located at the corner of Rathbone street, where I currently live. The street is primarily residential except for a couple of pubs which close at 11. Even though the pubs close at 11, the street does not typically quiet down until at least 11:30. As a result, it is quite difficult to go to bed before this time. My concern about the licensing application is that this would push residents' bedtime even later as a result of the noise these places generate. I worry that many of the people drinking outside the Marquis of Granby, the pub across the road from 29 Rathbone Place, would then head to the new venue to continue drinking after the pubs' closing time. As the street is already very loud up to 11, I worry this venue would extend the noisy period later into the night. If the new venue is planned to primarily function as a restaurant, I don't see why they would need to have a bar which serves alcohol past normal pub opening hours.

If granted extended hours, this venue would be open later than most restaurants in the area. I worry that the venue will function more as a bar than a restaurant, particularly since it seems to have such few tables to serve food. Extended hours will only serve to increase the noise and disruption residents already experience. Additionally it is already difficult to navigate onto Rathbone street from Charlotte street as patrons of The Marquis of Granby block the street, forcing pedestrians onto the road. If the patrons of this new venue are also standing out on the street smoking, this will further compound the problem.

Comments received via other means:

None.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/09446/LIPN
Date:	18th December 2014
Classification:	For General Release
Title of Report:	Pickle and Toast 72 Wardour Street London W1F 0TD
Report of:	Operational Director of Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Sumeet Anand-Patel, Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk

APPLICATION DETAILS

Application Type:	A new premises licence application under the Licensing Act 2003.		
Applicant:	FRCGB Limited	Date Application Received:	31 st October 2014
Premises Name and Address:	Pickle and Toast 72 Wardour Street London W1F 0TD		
Ward Name:	West End	Stress Area:	West End
Description of Premises:	The application proposes that the premises shall operate as a café/bar.		
<p><i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i></p>			
Proposed Licensable Activities, Proposed Hours:			
<p><u>1.1 Late Night Refreshment: Indoors</u></p> <p>Thursday to Saturday 23:00 to 01:00</p> <p><u>1.2 Sale of Alcohol: On and Off the premises</u></p> <p>Monday to Wednesday 11:00 to 23:00 Thursday to Saturday 11:00 to 01:00 Sunday 12:00 to 22:30</p> <p><u>1.3 Opening Hours:</u></p> <p>Monday to Wednesday 07:00 to 23:00 Thursday to Friday 07:00 to 01:00 Saturday 08:00 to 01:00 Sunday 08:00 to 22:30</p> <p><i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i></p>			
	Relevant representations and policies applicable:	References / Notes	
1A	The Environmental Health Service has made an adverse representation on the grounds that the proposals will have a likely effect of causing an increase in Public Nuisance in the West end Stress Area. Environmental Health have proposed conditions, in particular asking that alcohol being sold ancillary to food. Please	Environmental Health Service Representation and conditions	

	refer to Appendix B .	
1B	The Metropolitan Police Service has made an adverse representation to this application stating that the application as presented undermines the Licensing Objectives. Conditions been proposed by the police, in particular that the hours for the sale of alcohol be restricted to the Council's Core Hours and alcohol be ancillary to food. Please refer to Appendix B .	Police representation and conditions
1C	The following policies within the City Of Westminster Statement of Licensing Policy apply: Prevention of crime and disorder (CD1) Public Safety (PS1) Prevention of public nuisance (PN1) Protection children from harm (CH1) Hours (HRS1) Stress Areas (STR1) Public Houses and Bars in the Stress Areas (PB2)	Policies applicable
1D	Policy HRS1 applies: (i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:	
1E	Policy STR1 applies: (i) It is the Licensing Authority's policy to refuse applications in the Stress 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. (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.	
1F	Policy PB2 applies: It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.	
1G	The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of: <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, • public safety and • protection of children from harm. 	Summary
Current Licensing Position	No licence history.	
Planning	Unable to confirm usage of this premises.	

Residential Density:	195 of the 201 units within a 75m radius of the premises are residential or proposed residential, (49%), refer to Appendix C.
List of Appendices:	A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2014)
- Application form & amendment
- Plans
- Representations received
- Photos

Licence & Appeal History

There are no previous Licensing Act 2003 applications for these premises.

There is no appeal history

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

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

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

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

Mandatory Conditions

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

encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

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

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

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

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

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

Where -

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

Conditions consistent with the operating schedule

9. The number of persons permitted in the premises at any one time (including staff) shall not exceed 35 persons.

An alternative condition has been proposed by EH:

The number of persons permitted in the premises at any one time (including staff) shall not exceed 15 persons.

10. 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.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. All flat surfaces in the toilet cubicles, including any toilet roll holder ellipses, are to be designed-out in order to prevent drugs misuse.
13. Staff shall be trained in recognising the signs of drunkenness and drugs misuse. This training shall be documented and available to the Police and Council officials upon request. This training shall be refreshed every 6 months for all staff.

14. A comprehensive staff training programme shall be put together, which shall cover the Licensing Act 2003; fire evacuation procedures and critical incident best-practice. This training shall be clearly documented and any training for future staff shall also be organised at the appropriate time. Details of training are to be made available for inspection by Police or other Responsible Authorities upon request.
15. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises from 23.00 to the close of business on Thursdays, Fridays and Saturdays.
16. A designated taxi number shall be available.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. No waste or recyclable materials including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day. ***This condition has also been also proposed by EH.***
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. ***This condition has also been also proposed by EH.***
23. 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.
24. 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.
25. 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.
26. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
27. No deliveries to the premises shall take place between 2300 and 0800 on the following day.

Conditions proposed by the Police

28. No super strength beer, lager, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
29. Beers, lagers and ciders sold at the premise shall only be premium products in glass bottles.
30. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic cards, such as a driving licence or passport.
31. The premises shall only operate as a café where (i) customers are shown to their table, (ii) food is prepared on the premises and served and consumed at the table using non disposable crockery and (iii) intoxicating liquor is only sold, supplied or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such person is ancillary to eating food.

An alternative condition has been proposed by EH

The premises shall only operate as a restaurant

- (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, 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.*

32. There shall be no supply of draught beer.
33. There shall be no self service of alcohol on the premises.
34. Alcohol shall be sold within core hours only.

Conditions proposed by EH

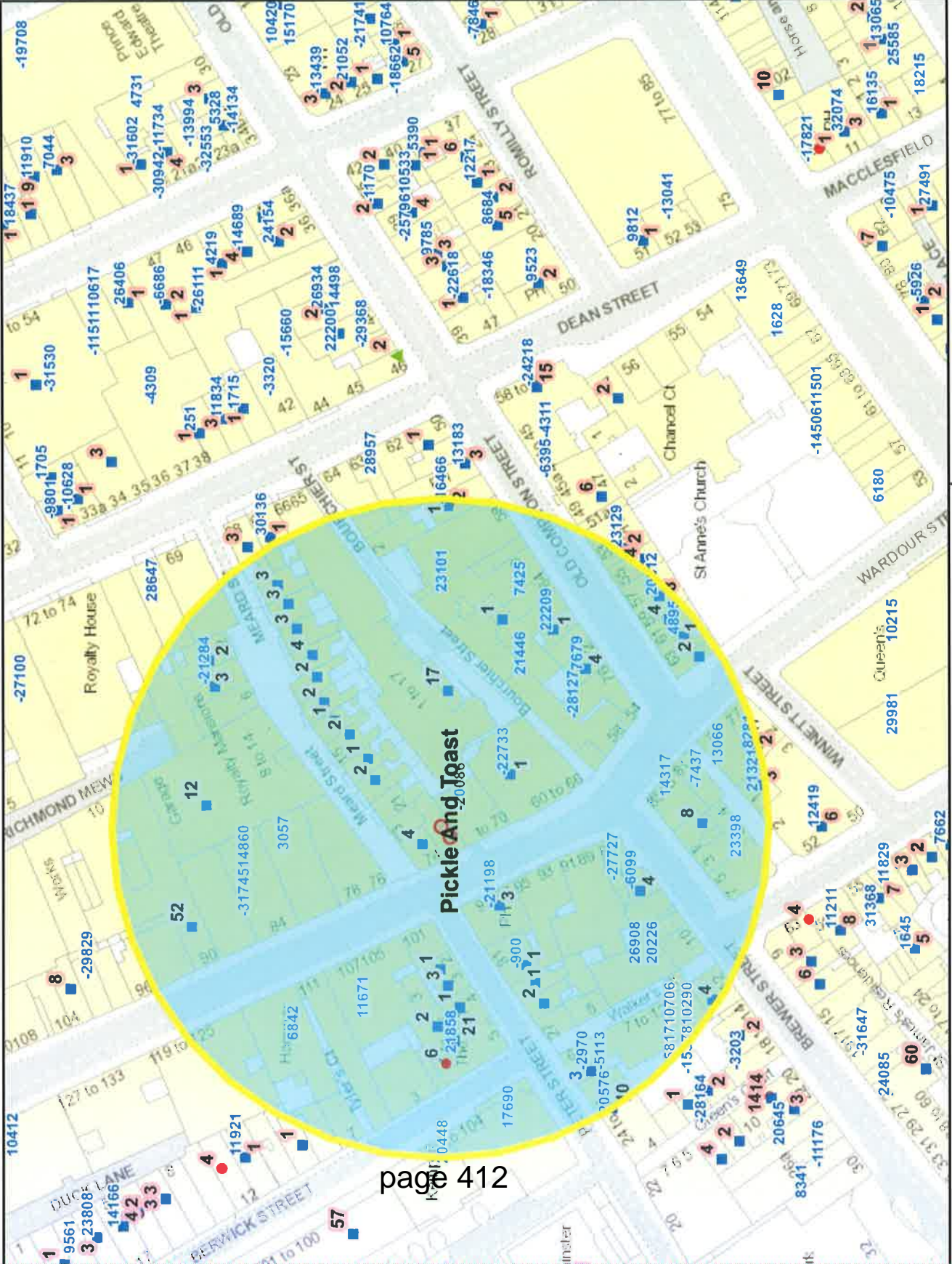
35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
36. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
37. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

40. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence
41. 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.
42. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.



Pickle And Toast, 72 Wardour Street, W1F 0TD

City of Westminster



Residential / Proposed Residential	195
Under Construction	
Other Uses	206
Proportion Residential of all Uses	49%

APPENDIX C

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Data Source: Uniform Database

Date: 03/12/2014

Premises within 75 metres of: Pickle And Toast, 72 Wardour Street, W1F 0TD			
p / n	Name of Premises	Premises Address	Opening Hours
-29001	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-27727	Soho Food And News	2 Brewer Street W1F 0SD	Monday to Sunday 09:00 - 03:00
-7437	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street W1D 6QD	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 00:00
4895	Cafe Espana	Basement To First Floor 63 Old Compton Street W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
6842	Amathus	Hammer House 113-117 Wardour Street W1F 0UN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
8281	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
11671	Banana Tree Restaurants Ltd	103 - 109 Wardour Street W1F 0UN	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
13066	The Friendly Society	Basement 79 Wardour Street W1D 6QB	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30
17690	Co-op	104-105 Berwick Street W1F 0QS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
20226	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
20812	The House Of Ho Ltd	55-59 Old Compton Street W1D 6HP	Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 01:00
21321	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
21446	Jackson + Rye	56 Wardour Street W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
21858	Foxcroft & Ginger	3 Berwick Street W1F 0DR	Monday to Thursday 08:00 - 23:00 Friday 08:00 - 00:00 Saturday 09:00 - 00:00 Sunday 09:00 - 00:00
22209	Selva Food & Wine	68 Old Compton Street W1D 4UJ	Monday to Sunday 00:00 - 00:00
23101	Balans Restaurant	Ground Floor 60-62 Old Compton Street W1D 4JG	Monday 09:00 - 03:30 Tuesday to Sunday 09:00 - 05:00
23398	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street W1F 0RD	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 00:00
26908	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-31745	Vapiano	84 - 86 Wardour Street W1F 0TG	Monday to Thursday 07:00 - 00:30 Friday to Saturday 07:00 - 01:30 Sunday 07:00 - 23:30 Sundays before Bank Holidays 07:00 - 00:30
-28127	Gerry's Wine & Spirits	74-76 Old Compton Street W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-22733	Freedom	Basement And Ground Floor National House 60-66 Wardour Street W1F 0TA	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 00:00
-21284	Honest Burgers	Basement And Ground Floor 4 Meard Street W1F 0EF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-21198	Byron	99 Wardour Street W1F 0UF	Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 00:00

-20235	The Box	11-12 Walker's Court W1F 0ED	Monday to Saturday 09:00 - 04:00 Sunday 09:00 - 00:30
-20086	Le Pain Quotidien	Basement And Ground Floor 68-70 Wardour Street W1F 0TB	Monday to Thursday 10:00 - 23:30 Saturday 10:00 - 00:00 Sunday 12:00 - 22:00
-16466	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street W1D 4UN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-15378	The Box	11-12 Walker's Court W1F 0ED	Monday to Saturday 09:00 - 04:00 Sunday 09:00 - 00:30
-6099	Wok To Walk	Ground Floor 4 Brewer Street W1F 0SB	Monday to Saturday 11:00 - 01:00 Sunday 11:00 - 00:00
-5817	The Box	11-12 Walker's Court W1F 0ED	Monday to Saturday 09:00 - 04:00 Sunday 09:00 - 00:30
-5113	(Restaurant)	Basement And Ground Floor 6 Walker's Court W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-2970	Restaurant	Basement And Ground Floor 6 Walker's Court W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-900	Bone Daddies	30-31 Peter Street W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3057	Wahaca	Ground Floor To First Floor 80-82 Wardour Street W1F 0UN	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
7425	La Polenteria	64 Old Compton Street W1D 4TL	Monday to Thursday 07:30 - 23:30 Friday 07:30 - 00:00 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
7679	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street W1D 4UN	Monday to Sunday 10:00 - 00:30
10290	The Boulevard Theatre	8 - 9 Walker's Court W1F 0BY	Monday to Sunday 09:00 - 22:00 Monday to Thursday 09:00 - 23:30 Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sunday 09:00 - 22:30
10706	Soho Cinema	8 - 9 Walker's Court W1F 0BY	Monday to Sunday 09:00 - 01:00
14317	O' Bar	83-85 Wardour Street W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
14860	Lo-Profile	Basement 84 - 86 Wardour Street W1F 0TG	Monday 09:00 - 01:30 Tuesday to Wednesday 09:00 - 02:30 Thursday 09:00 - 03:30 Friday to Saturday 09:00 - 04:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

Insert name and address of relevant licensing authority and its reference number (optional)

Licensing Team
Westminster City Council
City Hall
64 Victoria Street
London SW1E 6QP



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

XWe FRCGB Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and Xwe are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Pickle and Toast 72 Wardour Street	
Post town London	Post code W1F 0TD
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 28,250.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i as a limited company please complete section (B)
 - ii as a partnership please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name FRCGB Limited
Address c/o Sawhney Consulting No.1 Olympic Way Wembley Middlesex HA9 0NP
Registered number (where applicable) 06856189
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
a	s	a p

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

Cafe/bar

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick any that apply

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri				
Sat			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Sun				
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Mon				
Tue				
Wed				
Thur				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	23.00	01.00			
Fri	23.00	01.00			
Sat	23.00	01.00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11.00	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	01.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	12.00	22.30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Rajeeve Ahuja	
Address T	
Post code	
Personal licence number (if known) TBC	
Issuing licensing authority (if known) TBC	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	01.00	
Fri	07.00	01.00	
Sat	08.00	01.00	
Sun	08.00	22.30	

M - Describe the steps you intend to take to promote the four licensing objectives:

a) **General - all four licensing objectives (b, c, d and e)** (please read guidance note 9)

Please see Annex A .

b) **The prevention of crime and disorder**

Please see Annex A .

c) Public safety

Please see Annex A .

d) The prevention of public nuisance

Please see Annex A .

e) The protection of children from harm

Please see Annex A .

Checklist:

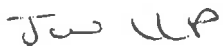
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	30 October 2014
Capacity	Joelson Wilson LLP Solicitors for and duly authorised agents on behalf of the Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Niall McCann Joelson Wilson LLP 30 Portland Place	
Post town London	Post code W1B 1LZ
Telephone number (if any)	020 7580 5721
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) nmm@joelsonwilson.com	

ANNEX A

1. The number of persons permitted in the premises at any one time (including staff) shall not exceed 35 persons.
2. 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.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. All flat surfaces in the toilet cubicles, including any toilet roll holder ellipses, are to be designed-out in order to prevent drugs misuse.
5. Staff shall be trained in recognising the signs of drunkenness and drugs misuse. This training shall be documented and available to the Police and Council officials upon request. This training shall be refreshed every 6 months for all staff.
6. A comprehensive staff training programme shall be put together, which shall cover the Licensing Act 2003; fire evacuation procedures and critical incident best-practice. This training shall be clearly documented and any training for future staff shall also be organised at the appropriate time. Details of training are to be made available for inspection by Police or other Responsible Authorities upon request.
7. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises from 23.00 to the close of business on Thursdays, Fridays and Saturdays.
8. A designated taxi number shall be available.
9. 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.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. No waste or recyclable materials including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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.

16. 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.
17. 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.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. No deliveries to the premises shall take place between 2300 and 0800 on the following day.

TO Licensing Officer

REFERENCE 14/09446/LIPN

FROM EH Consultation Team
EH Reference 14/047765/LIINSP
BEING DEALT WITH BY Stephen Smith (ssmith@westminster.gov.uk)
TELEPHONE 020 7641 7242

DATE 10 November 2014

The Licensing Act 2003

Pickle and Toast, 72 Wardour Street, London. W1F 0TD

I refer to the application for a New Premises Licence.

The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted a Ground Floor plan reference 193-03LD01 dated 4 October 2014

This representation is based on the plan and operating schedule submitted.

The applicant is seeking the following

1. To provide a supply of alcohol on the premises Monday to Wednesday between 11:00 and 23:00 hours. On Thursday to Saturday between 11:00 and 01:00 hours and on Sunday between 12:00 and 22:30 hours
2. To provide a supply of alcohol off the premises Monday to Wednesday between 11:00 and 23:00 hours. On Thursday to Saturday between 11:00 and 01:00 hours and on Sunday between 12:00 and 22:30 hours.
3. To provide late night refreshment on the premises Thursday to Saturday between 23:00 and 01:00 hours

I wish to make the following representation on the grounds of protecting public safety and preventing public nuisance:

1. The provision and hours requested for the supply of alcohol on the premises may have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
2. The provision and hours requested for the supply of alcohol off the premises may have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.

3. The provision and hours requested for the supply of late night refreshment on the premises may have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
4. Comparison with the sanitary provisions of BS 6465: 2006 +A1:2009 reveal the sanitary provision within the premises are inadequate for the number of patrons requested within the premises at any one time.
5. The arrangement of the sanitary provision as shown on the plan is unsatisfactory from a food hygiene perspective

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

Should you wish to discuss the matter further please do not hesitate to contact me.

Stephen Smith
Environmental Health Officer

14/09446/LIPN – Pickle and Toast, 72, Wardour Street, London

Application for Premises License

The application as presented is against policy PB2.

The applicant seeks a new Licence and seeks hours that are beyond the Core Hours for alcohol on Thursday to Saturday, and beyond the Core Hours for late night refreshment on Thursday to Saturday as defined in the City Council's Licensing Policy. The premises is located in the West End Stress Area. Environmental Health will maintain a Representation because of concerns about how the proposals may add to Cumulative Impact in the Stress Area.

I am particularly concerned that local residents may be adversely affected by noise and disturbance from use of the premises late at night. The later hours may have the effect of delaying late night dispersal by encouraging customers to remain in the area after Core Hours. There are residents in the nearby side street. The premises may need to prove that what is sought is an exception to Policy.

The application includes a number of helpful Conditions at Appendix A, Nos 2, 3, 6, 7, 8, 9 - 15. Environmental Health would seek to include the additional conditions set out below, if the licence is granted.

The proposed layout of the premises does not comply with the requirements of the Food Hygiene legislation in that there is no intervening ventilated space between a food room and the WC. There is also only 1 toilet for staff and customers, in accordance with the requirements of BS 6465:2009 if the premises are a restaurant the maximum capacity for the premises will be **15** persons. If the premises are a bar the maximum capacity for the premises will be **12** persons.

The applicant has requested the following hours:

For the supply of alcohol for consumption on the premises:

Monday to Wednesday: 11:00 to 23:00

Thursday to Saturday: 11:00 to 01:00

Sundays: Midday to 22:30

For the supply of alcohol for consumption off the premises:

Monday to Wednesday: 11:00 to 23:00

Thursday to Saturday: 11:00 to 01:00

Sundays: Midday to 22:30

For the provision of Late Night Refreshment:

Thursday to Saturday: 23:00 to 01:00

Environmental Health Consultation Team Conditions

1. The premises shall only operate as a restaurant
 - (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, 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.
2. The number of persons permitted in the premises at any one time (including staff) shall not exceed **15** persons.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
5. 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.
6. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
7. 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.
 8. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence
 9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

Stephen Smith
Environmental Health Officer

9 December 2014

From: "Janes, Toby" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=TJANES>
Sent: 26/11/2014 15:55:41
To: idoxlicensing </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=IDOXLICENSING>
Cc: idoxlicensing; Anand-Patel, Sumeet
Subject: Application - 14/09446/LIPN - Pickle and Toast, 72 Wardour Street, W1.

Dear Sir,

Application - 14/09446/LIPN - Pickle and Toast, 72 Wardour Street, W1.

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority have representations to this 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 contained within the operating schedule.

The venue is situated in the 'West End Stress area' a locality where there is traditionally high crime and disorder and there are concerns that this application will cause further policing problems in an already demanding area.

It is for these reasons that we are objecting to the application.

The following conditions listed below are those that Police would like you to attach to your premises licence as I believe they will address Police concerns in relation to crime and disorder.

1. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. Beers, lagers and ciders sold at the premises shall only be premium products in glass bottles
3. 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 or passport.
4. The premises shall only operate as a cafe where (i) customers are shown to their table, (ii) food is prepared on the premises and served and consumed at the table using non disposable crockery and (iii) intoxicating liquor is only sold, supplied, or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such persons is ancillary to eating food.
5. There shall be no supply of draught beer.
6. There shall be no self service of alcohol on the premises.

Alcohol to be sold within core hours only.

Kind regards

Toby



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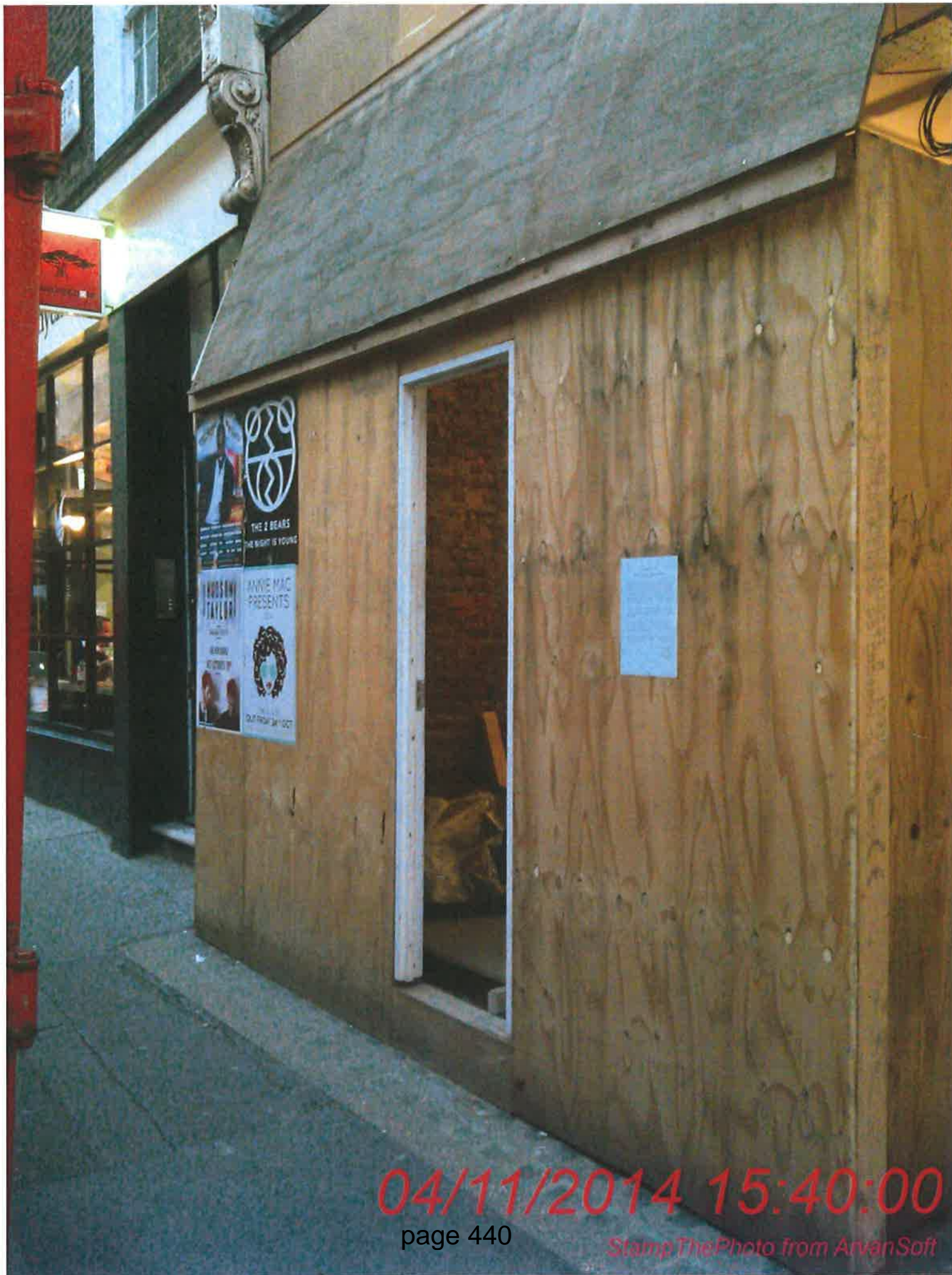


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