



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 29th October, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tim Mitchell (Chairman), Louise Hyams and Jan Prendergast

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MELE E PERE, 46 BREWER STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Metropolitan Police, 1 Ward Councillor, 2 Residents' Associations and 2 local residents.

Also Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Peter Hughes (Applicant Company), Ms Sally Thomas (Environmental Health), PC Toby Janes (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing The Soho Society and Great Pulteney Street and Bridle Lane Tenants Association), Ms Marina Tempia (The Soho Society)

and Ms Veronique Jack and Mr and Mrs Hardcastle (Great Pulteney Street and Bridle Lane Tenants Association).

Mele E Pere, 46 Brewer Street, W1 15/07073/LIPV					
1.	Regulated Entertainment – Playing of recorded music				
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	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas advised during the hearing that the proposed extension of hours for recorded music in respect of the current application was being withdrawn.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn by the Applicant.</p>				
2.	Late Night Refreshment - Indoors				
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Monday to Saturday 23:00 to 00:00	Monday to Saturday 23:00 to 01:00 Sunday 23:00 to 23:30				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee initially heard from Mr Thomas, representing the Applicant. He stated that there were four specific aspects to the application. The first was the change of layout at the premises including the redesigning of the bar, re-arrangement of the seating layout on the ground floor and the conversion of office space which was now part of the premises. The converted area did not add to the existing 120 capacity. Mr Thomas informed Members the works had already taken place. It was his understanding that there was no objection to this aspect of the application and Ms Thomas, representing Environmental Health, confirmed that she had cleared the works having visited the premises and there</p>				

were no concerns in terms of public safety.

The second aspect of the application as referred to by Mr Thomas was the earlier commencement hour (08.00) for the sale of alcohol and the earlier opening hours (08.00) on Sunday. He commented that the earlier start time for licensable activities was not a crucial aspect of the application for his client but that Mr Hughes was keen to be able to open earlier for non-licensable activities. During the course of the hearing Mr Thomas indicated that the applicant had decided that it was prepared to withdraw all aspects of the application relating to the earlier commencement hour for the sale of alcohol. The effect of that was that the commencement hour for the sale of alcohol on all days of the week would remain at noon.

The third aspect of the application was for the sale and consumption of alcohol which was not ancillary to substantial table meals by up to 20 customers at any one time in the areas hatched black on the plans (in the basement and ground floor) between 10:00 and 21:00 hours. It was proposed that drinks would be served by waiter or waitress and customers would be seated. Mr Hughes was requesting this as he stated he was finding that staff were having to turn potential customers away when they wanted a glass of wine without a table meal.

Mr Thomas and Mr Hughes brought to Members' attention that they were willing to compromise in terms of when the areas hatched black would have to operate as a restaurant as defined in the Council's Model Condition 66, suggesting this could be 20:00 hours. Mr Thomas and Mr Hughes commented that they were also willing to compromise over how many people would be permitted to have a drink in the areas hatched black without it being ancillary to a substantial table meal with 12 (potentially 6 in the basement and 6 on the ground floor) being the lowest number that would make this aspect of the application viable. A condition had been agreed with the Police that patrons permitted to temporarily leave the premises would not take drinks outside with them.

Mr Thomas stated that the fourth aspect of the application was an extension by one hour in respect of the terminal hour for the licensable activities and the opening hours (until 01.00 Monday to Saturday and 23.30 on Sunday). Mr Hughes and Mr Thomas explained that the later terminal hour was sought to allow customers to spend more time in the restaurant and provide them with an option post theatre.

Mr Hughes expressed the view that when customers were dispersing from Mele E Pere they would turn right and cross the road to reach Piccadilly Circus. He believed customers would hail taxis on Brewer Street or walk to Regent Street. He did not believe that customers would disperse via Great Pulteney Street. Mr Thomas added that he was not aware of any complaints to the Council's Noise Team in respect of the premises.

Mr Thomas referred to the Council's licensing policy. He made the point that whilst the bar aspect of the application was subject to policy PB2, he believed the 20:00 cut off time when the bar would become a restaurant was in keeping with the suggested timing set out for bar use in the stress areas in the Council's

recent policy consultation. He stated that restaurants in the stress areas were considered on their merits. He added that 01:00 terminal hour well run restaurants were often granted in the stress areas.

The Sub-Committee heard from PC Janes and Ms Thomas representing the Police and Environmental Health respectively. They stated that they had maintained their representations as Mele E Pere is located in the West End Stress Area and the application was for beyond Core Hours. PC Janes made the point that the bar aspect of the application, whilst closing at 20:00, was contrary to policy. In addition to having no concerns regarding public safety, Ms Thomas confirmed that there had been no recorded noise complaints and that she did not have any concerns regarding the operation of the premises.

The Sub-Committee was next addressed by Mr Brown and the local residents. Mr Brown stated that the main concern of the residents was the extension of the terminal hour and the proposed bar use. He added that the Applicant's suggested withdrawal of the earlier commencement hour for licensable activities would be welcomed. Mr Brown advised that in respect of the restaurant aspect of the application, it was necessary for the Applicant to demonstrate that it would not add to cumulative impact. He referred to 2.4.6 of the Statement of Licensing Policy that 'the nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises'. In this case there is a significant level of residential accommodation in proximity to the premises. Mr Brown explained that where Mele E Pere is located is the less busy part of Brewer Street in contrast to the end which joins Wardour Street and has 03:00 terminal hour nightclubs. Whilst each case was decided on its merits, the Sub-Committee needed to look carefully at applications with a terminal hour of 01:00, particularly within the stress areas, as it was likely to encourage other licensed premises in an area to seek later hours. If the application was granted until 01:00 hours, there would be no underground trains available. Mr Brown made the point that whilst it might be the case that some customers would potentially disperse in the manner Mr Hughes had suggested, the nearest roads to the north towards Oxford Street are those where the residents live, Great Pulteney Street and Bridle Lane.

Mr Brown stated that the bar use aspect of the application was contrary to policy and genuinely exceptional circumstances would need to be demonstrated as to why this should be granted. There was a concern on the part of residents as to how the transition was managed between when up to twenty people were allowed to drink without this being ancillary to food up until 20:00 and when this area became subject to the Council's model restaurant condition. It was possible that patrons could buy alcohol immediately prior to 20:00 and continue to consume it later into the evening. He referred to the fact that it was not a holding bar where alcohol would be consumed either before or after a meal. A further concern was that if hours were granted that were less than core hours as was being proposed for the bar, there was no presumption against variation applications to extend the hours within core hours.

Mr Brown expressed the view that in the case of the current application, the policy tests relating to cumulative impact and bar use could not be overcome due to the late hour, the location and the impact on residents in the vicinity. He added that residents were of the view that the current terminal hour of midnight Monday to Saturday was sufficient to maintain a balance between the needs of the local community and the premises.

Mr Hardcastle stated that Mele E Pere was a good restaurant and well run. However, the restaurant could not control the actions of customers once they were dispersing from the premises. The location of the restaurant was such that it was next to 24 family dwellings. If another hour was added to the terminal hour for the premises, that would mean later activity which would exacerbate the issues which residents were already experiencing. There would be later taxis, people smoking and urinating and due to the way noise travelled in the area, conversations could be heard in Great Pulteney Street from Brewer Street. Mrs Hardcastle expressed her concern regarding the 01:00 terminal hour 'being a creep into our sleeping hours'. Taxis parked outside 35-40 Pulteney Street and kept their engines running. Patrons that were heading north were more likely to disperse from the restaurant through Great Pulteney Street. Problems were caused by large groups of inebriated people heading up Great Pulteney Street and there were concerns that a bar at the premises that was not ancillary to food would add to the issues. The issues included urination in doorways. Mrs Hardcastle queried whether patrons would be permitted to carry on drinking in the bar area after 20:00 or 21:00 hours even if they were no longer able to purchase alcohol. She made the point that noise would be caused by people going outside to smoke and congregate with voices inevitably being raised with alcohol having been consumed.

Ms Jack informed Members of the Sub-Committee that a couple of weeks previously she and her husband had returned to their residence at 23:30 and one of two people who had been smoking outside Mele E Pere had then walked down Great Pulteney Street and urinated in the doorway. He and his friend had then walked back into the restaurant. She stressed that she thought Mele E Pere was a good restaurant and that she was of the view that customers of Bill's Soho Restaurant had done something similar. Residents were adversely affected by urination in doorways on a regular basis. It was in her view likely that the customer had decided to relieve himself in the street rather than go back inside to the basement level of Mele E Pere.

Ms Tempia spoke about the issues in Bridal Lane. It was very quiet and had no licensed premises but residents suffered from a lot of crime and disorder and anti-social behaviour. There was also drug dealing and drug taking. It was felt that more people out late at night would continue to feed the drug problem that residents were adversely affected by. There was a corner behind the back of the restaurant around John Woodward House which was a magnet for people urinating. She had not personally experienced noise or disturbance from the restaurant but what it was not possible to control was what customers did after they left the premises. To add an additional hour to the time the premises remained open was of great concern to residents. She added that Mele E Pere had not the previous evening been open at 23:20 so it was not even making use of all the hours permitted on its current licence.

Mr Thomas responded to some of the points that had been made by the objectors. The premises would only remain open when there were customers on the premises who were still eating and drinking. If it was a quiet night, management were likely to close the premises. Friday was the busiest evening of the week when the additional hour was particularly required. He apologised for the incident of the customer who had urinated in the doorway but expressed the view that this was unlikely to be commonplace. He believed that rather than attracting drug use, a well-run restaurant was a useful deterrent in displacing the use. Mr Hughes added that he had taken measures to deter drug use in the vicinity of the restaurant. Ms Tempia wished to disagree with Mr Thomas' point about restaurants deterring drug use as she stated that there were a number of good restaurants in Soho but still significant drug use. A late night economy meant there was a market for it.

Mr Thomas' also responded to Mr Brown's comments on cumulative impact. He stated that cumulative impact needed to be taken in the context of the whole West End Stress Area and not just the local area. He did not believe that the restaurant use for the hours applied for would add to cumulative impact. There had been no complaints in relation to the premises.

The Sub-Committee, having taken into account written representations and the comments of those present at the hearing, noted that the restaurant was well run. However, they had read and heard powerful evidence from residents regarding the issues they were experiencing late at night. Mele E Pere, as residents had emphasised, is located next to a row of houses containing residential dwellings with residents of all ages including young children. It was therefore important to balance the needs of the business and the residents at this location in the West End Stress Area. Members were of the view that the increased late night activity from the dispersal of up to 120 customers until 01:00 would disturb residents and therefore did not grant the extension by one hour of the terminal hour for licensable activities and the closing time. It was noted that the current licensable hours were not being used in their entirety. Members were not specifically swayed in their decision by the unfortunate incident brought to their attention of a customer urinating in a doorway. This they accepted was likely to be a rare occurrence.

The Sub-Committee also gave careful thought to the proposed bar use in the hatched areas on the ground and basement floors. Members were familiar with the Council's consultation on the review of the statement of licensing policy 2015 which sought views on the point that if the sale of alcohol is limited to 20:00 hours then the premises are unlikely to add to cumulative impact in the stress area. Members considered that in this instance if the number in the hatched areas was limited to 12 as offered by the Applicant (which is 10% of the capacity) and the operation of the hatched areas was limited to 20:00 hours which the Applicant had also offered as an option, this could be operated without having a negative impact on cumulative impact or the licensing objectives providing food was also provided and it was served by waiter or waitress to seated customers. The food provided would not have to take the form of a substantial table meal.

3.	Sale by Retail of Alcohol (On the premises)				
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	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas offered during the hearing that his client would withdraw the aspect of the application relating to the extension of the commencement hour for the sale of alcohol.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was refused in its entirety. The Sub-Committee did not extend the proposed hours for on-sales. The earlier commencement hour was withdrawn by the Applicant and the extension by an hour of the terminal hour was refused (see reasons for decision in Section 2).</p>				
4.	Non-Standard Timings				
	<p><u>Playing of recorded music, Sale by Retail of Alcohol (On the premises), Opening Hours</u></p> <p>Sundays before Bank Holidays: 08:00 to 01:00 on the following day.</p> <p><u>Late Night Refreshment</u></p> <p>Sundays before Bank Holidays: 23:00 to 01:00 on the following day.</p>				
	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas offered during the hearing that his client would withdraw the aspect of the application relating to the extension of the commencement hour for the sale of alcohol. He also was not seeking an extension to the hours for recorded music.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was refused in its entirety. The Sub-Committee did not extend the proposed terminal hours for licensable activities or the closing</p>				

	time beyond those on the existing licence. The premises could be open on Sundays from 08.00 in any event in accordance with the decision taken in respect of the general opening hours (see section 5 below).	
5.	Opening Hours	
	<p><u>From</u></p> <p>Monday to Saturday 08:00 to 00:00 Sunday 12:00 to 22:30</p>	<p><u>To</u></p> <p>Monday to Saturday 08:00 to 01:00 Sunday 08:00 to 23:30</p>
	Amendments to application advised at hearing:	
	None	
	Decision (including reasons if different from those set out in report):	
	The Sub-Committee granted the earlier opening time of the premises on Sundays but refused the extension of the terminal hour Monday to Sunday (see reasons for decision in Section 2).	
6.	Layout alteration	
	Change the layout including relocation of bar, re-arrangement of seating as per the proposed plans attached at Appendix 1 of the report.	
	Amendments to application advised at hearing:	
	None.	
	Decision (including reasons if different from those set out in report):	
	Granted, subject to conditions as set out below (see reasons for decision in Section 2).	
7.	Conditions being varied, added or removed	
	<p>9. The supply of alcohol on the premises shall only be to people taking table meals there and for consumption by such a person as ancillary to their meal.</p>	<p>The premises shall only operate as a restaurant</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) which provide food in the form of substantial table meals that are</p>

	<p>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.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>
<p>11. The supply of alcohol shall be by waiter or waitress service only.</p>	<p>Notwithstanding condition 9, alcohol may be sold and consumed between 10:00 and 21:00 hours in the bar area hatched black on the plan by up to a maximum at any one time of 20 seated persons.</p>
<p>13. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately</p>	<p>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</p>

	<p>upon the request of Police or authorised officer.</p>	<p>the entire 31 day period.</p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee made a further amendment to condition 9 as set out above and deleted 11 as set out above. A new condition 10 was inserted into the list of conditions. This was to take into account that the premises would be operated as a restaurant except for the areas hatched black on the plans where alcohol could be sold to a maximum of 12 persons (6 on each floor) until 20.00 without the sale and consumption of the alcohol having to be ancillary to a substantial meal. Even in those areas, the alcohol would have to be accompanied by food of some sort. The remaining condition set out above was amended as applied for in keeping with the Council's model CCTV conditions, MC01 and MC02.</p> <p>The applicant also sought to remove some conditions on their current licence. The Sub-Committee agreed to remove existing conditions numbered 12, 15, 16, 17, 21 and 22 as set out on pages 33 and 34 of the report.</p>	

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

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

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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.

Additional Conditions

9. Save for the use of the areas hatched black on plans before 20:00

hours, 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.

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

10. Before 20:00 hours in the areas hatched black on the plan, the sale and consumption of alcohol shall only be by waiter or waitress service to persons seated; must be accompanied by food; and is limited to six persons on each floor at any one time.
11. Suitable beverages other than alcohol (including drinking water) shall be equally available with or otherwise as ancillary to meals served during the permitted hours in the licensed premises.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. 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.
14. All exit doors shall be regularly checked and all emergency escape doors maintained unobstructed and effectively self closing.
15. Staff shall be trained to ask customers to leave quietly in the evening when necessary.
16. The premises shall display notices asking customers to leave quietly in the

evening.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. Patrons temporarily leaving the premises or going to external areas of the premises for the purposes of smoking shall not take any drinks with them.
19. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council.
20. No rubbish including bottles shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. The capacity shall be a maximum of 120 people (excluding staff) at any one time.
23. The hours for licensable activities may be extended on New Year's Eve until the start of permitted hours on New Year's Day.
24. 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.
25. 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.
26. 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.

4 SHEPHERDS MARKET FINE WINE, 21 & 23 SHEPHERD MARKET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: 1 Ward Councillor, 1 Residents' Group and 2 local residents.

Present: Mr Nathan Lowry (Applicant Company).

Shepherds Market Fine Wine, 21 & 23 Shepherd Market, W1 15/06907/LIPN	
1.	Sale by retail of alcohol (On and Off)
	Monday to Saturday 08:00 to 23:00 Sunday 12:00 to 22:30.
	Amendments to application advised at hearing: The Applicant, Mr Lowry, had agreed a condition proposed by the Metropolitan Police that on-sales of alcohol would not commence before 10:00 hours from Monday to Saturday.
	Decision (including reasons if different from those set out in report): Mr Lowry, the Applicant, described the operation at the hearing. It would be a similar business to Pall Mall Fine Wine in Royal Opera Arcade which he stated had been in existence for three and a half years with good press reviews and no issues arising. There would be over 100 wines available to purchase from the shop and 40 of these could be consumed by the glass in the shop. The downstairs area would be used for wine tasting whilst the upstairs area would be where the wine was sold and some tables and chairs would be located. The food offering would include cheese and charcuterie. Wines would be priced from £23 with the average spend per head being £35. Mr Lowry confirmed that he had agreed conditions with Environmental Health and the Metropolitan Police prior to the Responsible Authorities withdrawing their representations. In response to questions from the Sub-Committee, Mr Lowry informed Members that he was seeking to have up to four tables and chairs on the public highway and intended to apply for a separate 'tables and chairs' licence. He had agreed a condition with Environmental Health that the capacity could increase beyond 30 people subject to the sanitary accommodation being improved to the satisfaction of Environmental Health. However, he assured Members that he would be content if the Sub-Committee attached a condition which limited the capacity to 30. The Sub-Committee noted, in granting the amended hours for the application (on-sales commencing at 10:00 hours Monday to Saturday), that this was an application for on and off sales with hours that were in keeping with the Council's Core Hours policy. 21 and 23 Shepherd Market was outside the Council's designated stress areas and the Applicant had agreed a significant number of conditions with Environmental Health and the Metropolitan Police which had addressed their concerns regarding the promotion of the licensing objectives and had led them to withdraw their representations. Members noted the

	<p>concerns of local residents but considered that there was no evidence to suggest that this particular application would result in an increase in noise 'from inebriated people' or from 'empty bottles crashing on waste trucks' if the application was granted. The Applicant had agreed conditions that the supply of alcohol for consumption on the premises would be by waiter or waitress service to seated customers. There were also conditions attached to prevent street drinkers being attracted to the premises including no super-strength beer, lagers, ciders or spirit mixtures of 5.5% alcohol by volume or above being sold at the premises, except for premium beers and ciders supplied in glass bottles. There would be no movement of waste or recyclable materials or deliveries after 23:00.</p>
2.	Opening Hours
	<p>Monday to Saturday 08:00 to 23:00 Sunday 12:00 to 22:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

Conditions attached to the Licence

Mandatory Conditions

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

by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

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

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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.

Additional Conditions

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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for sales to seated customers at the tables and chairs located immediately outside the premises and licensed by the city council.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
13. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
14. 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.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
17. 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.
18. The "On" sale of alcohol shall only take place between 10:00 – 23:00 hours (Monday-Saturday) and 12:00-22:30 hours (Sunday).
19. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

20. The supply of alcohol for consumption 'on' the premises shall be to persons seated and by waiter or waitress service only.
21. The number of persons seated and benefiting from 'on' sales at the premises (excluding staff) shall not exceed 30 persons.
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. 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.
25. 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.
26. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

5 BLADE SOHO, 26 FRITH STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: 3 representations in support of the application.

3 representations objecting to the application received from Environmental Health, The Metropolitan Police and The Soho Society.

Also Present: Ms Lana Tricker (Solicitor, representing the Applicant), Mr Stroo Olofsson and Mrs Julija Olofsson (Applicant Company), Ms Sally Thomas (Environmental Health), Sergeant Richard Bunch (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing The Soho Society) and Ms Marina Tempia (The Soho Society).

Blade Soho, 26 Frith Street, W1 15/06965/LIPN	
1.	Sale by retail of alcohol (On sales only)
	Monday to Saturday 12:00 to 22:00 Sunday 12:00 to 20:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee initially heard from Ms Tricker, representing the Applicant, having already read her written submission dated 23 rd October 2015. She stated that Blade Soho currently operates as a hair salon providing hairdressing facilities on both the ground and basement floors. On the ground floor there are six styling stations plus wash basins and in the basement there are three styling stations plus two wash basins. There is a coffee bar on the ground floor where patrons are served non-alcoholic drinks and could utilise iPads. Ms Tricker explained that her clients were seeking to have a premises licence in place to also allow the facility to sell alcohol within the venue. It was being proposed that a bar would be built in the basement. The purchase of alcohol would be limited to (a) patrons having a haircut with all alcohol to be served by waiter or waitress service from the basement bar area or (b) members of the 'Blade Precision Club' and up to three guests within a dedicated member's area in the basement. Ms Tricker made the point that it was her understanding that there were no objections to the concept of alcohol being ancillary to customers having a haircut with waiter or waitress service. The concerns related to the sale of alcohol to members in the basement area. There had been representations of support for the application from local businesses and residents.

Mr Olofsson and Ms Tricker described the operation of the members club. The 'Blade Precision Club' was intended as a loyalty scheme for regular customers. It would encourage members to bring their friends and bring new business to the premises. The membership scheme had been in place since 2012 and there would be a two day window between applying for membership and becoming a member. Mr Olofsson informed Members that he was considering introducing pricing for membership and potentially requiring identification for members. Ms Tricker added that the hairdressing salon was located in the West End Stress Area but the proposed hours for on sales was well within the Council's Core Hours policy and would not commence until midday. There was no regulated entertainment. Alcohol would be kept in a locked area in the basement and would not be displayed on the ground floor. Staff would serve the drinks. This was likely to take the form of reception staff covering the two floors. A condition was proposed that the overall capacity would not exceed 30 persons excluding staff and the basement capacity would not exceed 25 persons excluding staff. She made the point that it was highly unlikely that there would be the full capacity of 25 people in the basement given its size, particularly with the hairdressing also taking place on the ground floor.

In response to questions from the Sub-Committee, Ms Tricker and Mr Olofsson advised that a few events had been held in the past under Temporary Event Notices but these had been limited to two or three a year for the last three years. These were promotional events which had involved the playing of music. It was not envisaged that there would be a significant increase in TENs and these were likely to conclude at 22:00 hours. They informed Members that if the current application was granted, the alcohol served would not be cheap and would differ from that available in high street stores.

The Sub-Committee were addressed by Sergeant Bunch on behalf of the Metropolitan Police. He confirmed he had no concerns regarding alcohol being served to those who had or were receiving haircuts. The issue was the creation of a bar in the West End Stress Area with the possibility of crime and disorder and the addition to cumulative impact. He stated that it was a small bar in the basement and the proposed hours for alcohol were restricted. However, he expressed the concern that once the premises licence was granted, there was the potential for the development of the bar area into something other than a membership scheme connected with the hairdressing business.

The Sub-Committee next heard from Ms Thomas, representing Environmental Health. She also advised Members that her key concerns were in respect of the members' bar in the basement with the potential for public nuisance and the adding to cumulative impact in the West End Stress Area. She had proposed conditions to minimise the potential for the licensing objectives being undermined. These included no noise being permitted to emanate from the premises, no self-service of alcohol and the capacity restrictions. She was no longer seeking a condition that there would be no fixed bar at the premises as this was not practical in terms of the operation. Ms Thomas added that a capacity could in theory be placed on the members' bar but introducing a number of different capacities would make it more difficult for the licence holder to manage and enforcement officers to assess. The public safety capacity was 25. The hairdressing stations were fixed on the plan so if there were future

plans to have purely a bar in the basement there would need to be a variation application with the hairdressing stations removed from the plan. She informed Members that there had been no complaints associated with the premises.

Mr Brown, representing The Soho Society, confirmed that their concerns related to the members' club in the basement. He stated that The Soho Society's view was that it would be a retrograde step if a bar, albeit with limited numbers, was granted in the West End Stress Area. The proposed hours were within the Council's Core Hours but in policy terms PB1 and STR1 applied. This meant that exceptional circumstances for granting the application had to be put forward by the Applicant. His reading of the Council's consultation on the revised policy was that being a private members' club was not sufficient in itself to bypass the impact of being a bar in the stress areas. Mr Brown made the point that once an application was granted as an exception for less than Core Hours, there was then no presumption against an application to vary the hours within Core Hours. Mr Brown asked whether it was intended that the bar would be used prior to or after having a haircut or was it independent of this albeit to members of the club. He also asked whether it was possible to become a member without being a regular user of Blade Soho. He raised the point that in his view a capacity could operate purely for the bar area, similar to a bar in a restaurant.

Ms Tempia stated that this would be a new bar in the stress area and it was of great concern if there were up to 25 people drinking in the basement. It was a busy area and noise could be caused by patrons at an earlier hour than midnight. She wished to be assured that more people would not be drinking in the streets.

Ms Tricker responded to some of the points that had been raised by objectors at the hearing. There would be a list of members on the premises and the bar would not be available to the public who were not members or their guests. There would be no drinking on the street as the application was for on-sales only and it was not permitted for alcohol to be removed from the premises. She stated that the low capacity had to be taken into account. She did not believe that the hours applied for would lead to dispersal issues and adversely affect residents. It would be necessary for the Applicant, or another operator in the event of the transfer of the premises licence, to make a variation application should they wish to operate the basement purely as a bar. Mr Olofsson made the point that the members were already hairdressing clients. Ms Tricker advised that it was not intended to have a condition that any customer who wished to become a member should have to have had a certain number of haircuts before they were admitted. She was content for the number of guests of members to be reduced from three to two should Members consider that this would be of assistance in terms of limiting the number of customers in the premises. Ms Tricker clarified that the bar in the basement would only operate when hairdressing was taking place, though members and their guests using the dedicated area would not have to avail themselves of any hairdressing services.

Members of the Sub-Committee considered in reaching their decision that it was being proposed that there would be a bar in the basement in the West End Stress Area. There is a policy presumption against applications for bars in the stress areas and that policy equally applied to members' clubs. The membership

scheme proposed was such that membership could easily be obtained by any customer using the premises so it was not considered that club members would behave any differently to members of the public who were not members. The issue was whether or not it was appropriate to allow the operation of a bar at all.

Members were only minded to grant the application as an exception to policy if appropriate hours and conditions were imposed which would prevent cumulative impact. They considered that a terminal hour of 20:00 for on sales Monday to Saturday in addition to Sunday would significantly limit the adverse effects of cumulative impact. The concern about allowing the sale of alcohol beyond those hours was based on the fact that there was the potential for 25 persons to use the basement whilst the premises were still operating as a hairdressing salon and members of the club using the bar area did not have to be served by waiter or waitress service. There was the potential for vertical drinking to take place, albeit that the dedicated area in the basement was very small. It was accepted that there was no intention for the premises to operate that way but the potential existed and that meant there was a potential for the premises to add to cumulative impact. That concern was alleviated by limiting the hours for the sale of alcohol to 20.00 hours.

In reaching this decision, members recognized the point that had been made by Mr. Brown to the effect that, once the application had been granted as an exception to policy, there would no longer be a policy presumption against a further application to vary the licence so as to allow the sale of alcohol within core hours. That did not mean that such an application had to be granted. It would still have to be determined on its merits and it would still have to be demonstrated that it did not add to cumulative impact. The decision to allow the operation of a basement bar until 20.00 was made on the basis that the operation of the bar until that time and subject to the further conditions imposed would not add to cumulative impact. It was considered that the operation of a bar beyond those hours, even in accordance with the conditions, would be likely to add to cumulative impact.

The conditions were further tightened to provide additional clarification as to how the ground floor and basement would operate. These included that on sales would only be provided at the premises at times when both floors of the premises are operating as a hairdressers and alcohol would only be sold to and consumed by (a) patrons attending the premises for, and ancillary to, haircuts and hairstyling and/or (b) in the hatched area in the basement area by members of a private club and their bona fide guests (not exceeding 2 guests per member). The Sub-Committee was satisfied with the Applicant's suggestion that no person would be admitted to membership of the private club unless they are customers of the hairdressing salon or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

2. Opening Hours
Monday to Saturday 10:00 to 22:00 Sunday 12:00 to 20:00.

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application. The opening hours relate to those for hairdressing. The hours permitted for on sales were Monday to Sunday 12:00 to 20:00 (see Section 1).</p>

Conditions attached to the Licence

Mandatory Conditions

2. 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.

Additional Conditions

9. The licensable activities authorised by this licence may only be provided at the premises at times when both floors of the premises are operating as a hairdressers.

10. Alcohol may only be sold to and consumed by (a) patrons attending the premises for, and ancillary to, haircuts and hairstyling and/or (b) in the hatched area in the basement area by members of a private club and their bona fide guests (not exceeding 2 guests per member). No person shall be admitted to membership of the private club unless they are customers of the hairdressing salon or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

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

12. 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.

13. 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 are 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.

14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. 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.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
22. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day
23. 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.
24. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

25. 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.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. 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.
28. 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.
29. The basement capacity shall not exceed 25 persons (excluding staff) with the overall premises capacity not exceeding 30 persons (excluding staff).
30. There shall be no self-service of alcohol.
31. All drinks served at hairdressing stations shall be done so by waitress/waiter service.
32. No licensable activities shall take place at the premises until the 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 shall be removed from the licence by the licensing authority
33. Prior to the Licence taking effect, 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 LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

6 THE KNIGHTSBRIDGE CAFE, GROUND FLOOR, 7 WILLIAM STREET, SW1

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health and 2 local residents.

Also Present: Mr Jack Spiegler (Solicitor, representing the Applicant), Mr Haeder Al Yassriy (Applicant Company), Mr Dave Nevitt (Environmental Health) and Mr C J Hughes (local resident, also representing Ms Gillian Harwood).

The Knightsbridge Café, Ground Floor, 7 William Street, SW1 15/06889/LIPN	
1.	Late Night Refreshment (indoors)
	Monday to Thursday 23:00 to 00:30 Friday to Saturday 23:00 to 01:00 Sunday 23:00 to 00:30. Sunday preceding a bank holiday Monday 23.00 to 01.00 From the terminal hour for Late Night Refreshment on New Year's Eve to 05.00 on New Year's Day.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Mr Spiegler, representing the Applicant, provided an update on the premises and the application. He confirmed that the aspect of the original application relating to the sale of alcohol had been withdrawn by his client. The Applicant was also amenable to Environmental Health's proposal that there would be no take-away of hot food and drink after 23:00 hours and was offering to surrender the premises licence at 75 Knightsbridge, which was not currently operating, if the current application was granted. The hours being requested for The Knightsbridge Café were identical to those on the licence for 75 Knightsbridge. Mr Spiegler believed that an issue with noise emanating from a temporary

kitchen at the back which had been experienced by Ms Harwood, a local resident, had now been resolved. The temporary kitchen had been required whilst a large scale development was taking place in the area and a window had previously been left open. He apologised for this and stated that this window was now being kept shut. The kitchen would soon be re-located within the premises. Mr Spiegler requested that Environmental Health's proposed condition that tables and chairs were rendered unusable at 23:00 was not imposed. He added that this condition was not attached to the premises licence for 5 – 6 William Street which the Applicant also owned. In response to a question from Mr Wroe, Mr Spiegler commented that his client was content for the Council's model restaurant condition to be attached to the licence with the references to alcohol being removed as this was no longer being applied for.

The Sub-Committee next heard from Mr Nevitt for Environmental Health. He advised Members that The Knightsbridge Café was currently undergoing refurbishment and he was therefore seeking a works condition. It was also his understanding that the issue with noise emanating from the temporary kitchen had been resolved. Mr Nevitt stated that his main concern was that the Applicant was seeking to operate until 01:00 on Fridays and Saturdays which is beyond core hours (his concerns regarding the sale of alcohol and takeaway after 23:00 had been addressed). 7 William Street was not located in one of the designated stress areas but he believed that given the proposed hours it was a matter which should be considered at a Sub-Committee hearing. He referred to Mr Spiegler's earlier point that the premises at 75 Knightsbridge had operated to the same hours as were being requested for the current application. However, he expressed the view that they differed in that 75 Knightsbridge was a busy road with ambient noise whilst William Street was a quieter side street. He believed that there were residential windows above and overlooking the frontage where it was envisaged there would be an outside area. This was mitigated somewhat by a canopy which would provide some separation from residents and that the small frontage would only be able to cater for limited numbers. Mr Nevitt confirmed that the premises next door which was owned by the Applicant had more tables and chairs outside than was envisaged for this application and there had been no complaints. He added that even premises which did not sell alcohol could cause nuisance in their outside areas if there was loud conversation, including whilst customers were smoking.

In response to questions from the Sub-Committee, Mr Spiegler and Mr Al Yassriy stated that whilst shisha would be available, the primary use of the premises was as a restaurant. Shisha would only be available to customers later in the evening outside. The Knightsbridge Café would not be a shisha bar. Mr Al Yassriy informed Members that 5-6 and 7 William Street would be operated as separate businesses. Mr Spiegler clarified that the outside area was part of the premises and the late night refreshment was being provided inside to be taken and consumed outside. This was the reason that only late night refreshment indoors had been applied for.

Mr Hughes, who was also representing Ms Harwood, stated at the hearing that the removal of the sale of alcohol from the application was appreciated as was the re-location of the temporary kitchen. He confirmed that the windows were being kept shut in the temporary kitchen. His and Ms Harwood's preference was

	<p>that any grant of the application would be within core hours. His concern was that any increase in opening hours would lead to increased noise late at night. He was not aware if there were residents overlooking the frontage. He was not personally experiencing any issues with the use of the outside tables and chairs at 5-6 William Street from his residence in Kinnerton Street.</p> <p>The Sub-Committee, in granting the application, took into account that it was for a restaurant outside the Council’s designated stress areas. There was no sale of alcohol which could potentially lead to customers making more noise outside the premises. There was also no takeaway so; having regard to the other conditions agreed, there was no question of the premises being operated as a fast food premises. Conditions were attached to the licence to promote the licensing objectives including that noise would not be permitted to emanate from the premises. Members gave careful consideration to the use of the tables and chairs outside. Bearing in mind that the two representations by local residents referred to issues raised by the temporary kitchen, there had not been sufficient evidence to suggest that the hours of use of the outside tables and chairs should be curtailed. There had been no evidence of any complaints in relation to the use of outside tables and chairs at 5-6 William Street. The Sub-Committee however made the point to the Applicant that if there were any issues with the noise emanating from the outside tables and chairs there was the potential for a review of the premises licence.</p>
2.	Opening Hours
	<p>Monday to Thursday 07:00 to 00:30 Friday and Saturday 07:00 to 01:00 Sunday 07:00 to 00:30. Sunday preceding a bank holiday Monday 07.00 to 01.00</p> <p>From the terminal hour on New Year’s Eve to 07.00 on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

Conditions attached to the Licence

Mandatory Conditions

3. 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.

Additional Conditions

9. The premises shall only operate as a restaurant:
- (a) in which customers are shown to their table;
 - (b) 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;
- (c) which do not provide any take away service of food or drink for immediate consumption;
 - (d) which do not provide any take away service of food or drink for immediate consumption after 23:00 hours.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and / or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
 15. 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.
 16. 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.
 17. 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.
 18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
 19. An incident log shall be kept at the premises, and made available on request to

an authorised officer of the City Council or the Police, which will record the following:

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

20. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
21. No licensable activities shall take place at the premises until premises licence 07/04865/WCCMAP at 75 Knightsbridge (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

7 REVUE BAR AND PEEP SHOW, 1 TISBURY COURT, W1 - REVIEW APPLICATION

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Also Present: Mr Leo Charalambides (Counsel, representing Metropolitan Police, the Applicant), Detective Superintendent Kevin Southworth, Detective Inspector Phillip McInerney and Detective Constable Hadyn Thoms (Metropolitan Police), Mr Kenneth White (local resident and witness on behalf of the Metropolitan Police), Mr Richard Barca (Solicitor, representing the Licence Holder) and Mr Dominic South (Licence Holder).

**Revue Bar And Peep Show, 1 Tisbury Court, W1 – Application for a review of the premises licence under the Licensing Act 2003
15/02078/LIREVP**

An application submitted by the Metropolitan Police Service for a review of the premises licence for the Revue Bar And Peep Show was received on 20th March 2015 on the grounds of the Prevention of Crime and Disorder, public nuisance and public safety.

Decision:

The Sub-Committee considered all of the material received from the parties involved carefully. The Sub-Committee also heard submissions and evidence at a hearing lasting for approximately six hours.

The Sub-Committee was required to deal initially with some preliminary points. It was agreed by all parties that submissions for item 5 on the agenda relating to the review of the premises licence application for Revue Bar and Peep Show submitted by the Police and item 6, the renewal of the Sexual Entertainment Venue ('SEV') premises licence application for the same premises submitted by Mr Dominic South, the licence holder, would be heard together. Members of the Sub-Committee would then make a decision on the separate applications on the basis of the evidence before them.

The Sub-Committee was also required to consider whether specific evidence should be taken into account. These included one of the objections to the SEV application from Kenneth White which Mr Barca, representing Mr South, believed to have been submitted after the deadline for representations and a representation from Councillor Church which was objecting to the renewal of the SEV licence and supporting the police review of the premises licence. Mr Barca was also objecting to the submission of a witness statement by a Police inspector, Richard Jary, which had been submitted by the Police on 22nd October, a brief report of incidents witnessed by PC Burrows which had been submitted by the Police on 27th October and video footage from Operation Demontere which the Police wished to show at the hearing. Mr Barca commented that the witness statement and the report related to information from 2011 and 2013 and it was not reasonable to submit this within a week of the hearing. He was not able to cross examine Police Inspector Jary or PC Burrows as they were not at the hearing. The video evidence was also from 2013 and Mr Barca was of the view that this had been submitted late as the original SEV application had been submitted in September 2014.

Mr Barca provided clarification, having had initial concerns, that he was prepared to accept that Mr Kenneth White's SEV representation was received within the 28 day deadline. Mr Panto, the Legal Adviser to the Sub-Committee, advised that it was possible for the Sub-Committee to have regard to late representations received in response to the SEV applications provided no prejudice was caused to the licence holder as a result. This was in accordance with the decision of the House of Lords in *Miss Behavin' v Belfast City Council* in 2007. It was not possible to consider late representations under the Licensing Act 2003. Although Mr White had not made any representation in support of the review application, the Police had nevertheless advised that they wanted to call Mr White as a witness at the hearing in support of

their case.

Mr Charalambides, representing the Police, stated the video footage from Operation Demondere needed to be shown for a number of reasons. These included countering some of the evidence included in Mr South's witness statement included in the review papers that had responded to Police allegations of criminal activity. The video evidence had been submitted on 14 July 2015 the day after Mr South's witness statement had been sent by e-mail. The footage would also show how the character of the area had changed which was particularly relevant to the SEV application and to reflect the relevance of Operation Demondere. It had also taken until the current time to conclude the Police actions in response to the operations undertaken.

The Sub-Committee sought advice from Mr Panto, the Legal Adviser. He stated that it was important that the Licence Holder was not at a disadvantage. To the extent that there was a discretion to consider the evidence (as opposed to representations that were out of time under the Licensing Act 2003), he recommended that the Sub-Committee should be provided with the evidence available that had been received by the licence holder in advance of the hearing. In terms of the ability of Mr Barca to cross examine, this was not a court of law and Members would be able to give the evidence as much weight as was considered appropriate in the circumstances.

The Sub-Committee decided that it would consider all the evidence submitted but that it would ignore the representation from Councillor Church to the extent that it was out-of-time under the Licensing Act 2003. The video footage would be seen. Mr Barca had been offered the opportunity to view the footage in July 2015 and therefore had been given ample time to comment. Police Inspector Jary's witness statement would be admissible. It was a general description of the area rather than referring to the premises itself and it had been served one week before the hearing. Mr Barca would still have the opportunity to comment on it when presenting his case. Mr White's representation would be taken into account in relation to the renewal of the SEV licence as it was submitted within time. It did not specifically refer to the review of the premises licence under the Licensing Act 2003 and could not be considered for that purpose, though it was noted that the police intended to call Mr White as a witness in any event. PC Burrows' reports were referring to the local area and had been submitted a sufficient time before the hearing to be taken into consideration.

The Chairman made the point to Mr Barca that representations were often received from residents who did not attend the hearings and were not available to be cross examined.

The Sub-Committee then heard the Police's evidence. Mr Charalambides stated that under the Licensing Act 2003 the emphasis was on the promotion of the licensing objectives and preventing crime and disorder. In this case Mr South, the Licence Holder, was responsible for promoting the licensing objectives and preventing crime and disorder. There had already been significant failure in this regard as crime had already taken place at the premises. Under the 1982 legislation, a key aspect was the suitability of the applicant. Mr Charalambides referred to Mr South's response to the statement of Detective Superintendent Kevin Southworth as being an example of it being highly questionable as to whether he was meeting the responsibilities of his position and should hold a premises or SEV licence. These included that Mr South's

response when Police concerns were expressed that a member of the public was over 100 times more likely to be a victim of theft from their person and over 25 times more likely to be robbed or violently assaulted in front of the Revue Bar and Peep Show than anywhere else in London, was that it was not accepted that this was true. His response to '73 people being arrested and convicted for drug-supply offences within the sex district of Soho during as a result of Operations Jolt and Rense, the majority of the 43 subjects in Operation Rense being concentrated in front of the premises, where 30 other drug dealers had been arrested only a matter of months earlier' was that 'Soho naturally attracted a higher level of crime, including the supply of drugs, than other boroughs'. Also 'Tisbury Court is an alleyway and will therefore always attract a higher level of crime, including the supply of drugs'. It was a case of there being a higher concentration of dealers outside the Groucho Club in Dean Street, rather than looking to address any issues. This in Mr Charalambides' submission was far below the standard that the local authority should expect.

Mr Charalambides brought to Members' attention the witness statement of Detective Constable Thoms who had gone to the premises to conduct an arrest enquiry in relation to Operation Demontere for a lady whose name was believed to be Jenny. Mr Charalambides stated that she had been employed at the premises but that Mr South had been unable to provide any details to the Police. It was felt by DC Thoms that management and staff had not co-operated with the Police.

Mr Charalambides wished to stress that whilst the Peep Show had been sub-let under a management agreement and had closed around July 2014, Mr South had been the licence holder and he therefore had responsibility for what took place there. During the hearing he pointed to instances where he believed Mr South had not kept an eye on the necessary details that would be expected of a licence holder and made his suitability to hold a SEV licence questionable. These included not appearing to inform the Council of his change of address on the licences and not revising the premises plans and applying for a variation application when the ground floor Peep Show lease was surrendered in July 2014. He was now applying for a SEV licence for both the ground and basement floors when the ground floor area where the Peep Show had been was now being re-let by the landlord.

Mr Charalambides emphasised that there were different types of sex establishments and asked Members to consider whether it was suitable to have what he described as a clip bar or hostess bar in the vicinity. In his submission, the style of the operation sought to exploit sexuality with women employed outside the premises in order to entice patrons to enter rather than celebrate it which was the case with other venues providing for instance cabaret or burlesque.

The Sub-Committee heard from Detective Superintendent Kevin Southworth. He stated that on arrival in his previous role as Head of CID at Westminster he identified that a location outside the door of Revue Bar and Peep Show in Tisbury Court was the epicentre of street crime not only in the borough but also for the whole of London and that this needed to be tackled. Three large scale covert operations had been carried out under his leadership in the crime hotspot. His team had sought to establish why the drug dealers had returned to this location after there had been arrests in Operation Jolt only a few months earlier. Operation Demontere found the draw was that the premises in Tisbury Court were actively involved in the handling of stolen goods. The aim had been to arrest the handlers of the stolen goods and

unravel the network of premises which were taking in the stolen goods. Detective Superintendent Kevin Southworth referred to the fact that the Police had addressed the Sub-Committee in the past in relation to The Pleasure Lounge when the premises licence for the Pleasure Lounge had been revoked. This was, he stated, located about four feet away from Revue Bar and it was his submission that the two premises were definitively linked. He added that the locality continued to be a challenge for Westminster Police in terms of the street crime in the area but there had been a significant step change in the Police's ability to drive this type of crime out of the area.

Detective Inspector Phillip McInerney provided commentary of the Police's perception of the evidence from video footage of Operation Demontere. This involved the deployment of undercover officers into Soho presented as Class A drug users. It was asserted on the part of the Police that in the first clip of footage dated 13 March 2013, a known drug dealer on the corner of Tisbury Court was pointing to the premises and effectively saying that if you have goods, these can be converted into cash and then it would be possible to purchase the drugs from him. This was challenged by Mr Barca who stated that the drug dealer was pointing to the prostitutes' flats which now no longer existed. DI McInerney advised the Sub-Committee that on the basis of the information given by the drug dealer, the Police deployed undercover officers to venues in order to present stolen goods for purchase. For the second clip dated 3 May 2013, DI McInerney stated that the same undercover officer as the first clip had been deployed and was speaking to two women at the Revue Bar, one of whom was certainly a member of staff. Vodka and perfume had been sold by the undercover officer to them on the premises and money obtained. The women shown in the clip who was definitely working at the Revue Bar had been arrested and cautioned following this incident. The other woman had not been identified by management. Mr Charalambides referred to the evidence in this clip which gave credence to the view that the two women were familiar with activity of this nature. This included the unidentified woman referring to having been offered fake perfumes in the past and the two women turning their backs to the CCTV cameras whilst the incident took place. The second unidentified woman was sufficiently trusted by the woman who was certainly a member of staff to be given £10 to buy the perfume. DC Thoms added that when he had attended the Revue Bar in October 2014 to conduct the arrest enquiry a manager had informed him that the unidentified woman had worked at the premises but no longer worked there. She was unable to provide any further details. Another employee on the premises had called her 'Jenny'.

The Police showed the third footage clip dated 4 July 2013 on the grounds that they believed it to be evidence of the link between the Revue Bar and the Pleasure Lounge. A woman who had sought to have the Pleasure Lounge premises licence transferred to her had stated at the Sub-Committee hearing relating to the Pleasure Lounge that she had no knowledge of the purchasing of stolen goods which had taken place. The footage of 4 July 2013, the fourth clip dated 1 October 2013 and the fifth clip dated 4 June 2013 appeared to clearly show otherwise. DI McInerney informed the Sub-Committee that she had then worked at the Revue Bar and Peep Show after she had been arrested for perverting the course of justice as a result of her claims at the Sub-Committee meeting which reviewed the premises licence for the Pleasure Lounge. Mr Barca wished to stress that she had not been formally charged after the arrest. During the third footage clip, DI McInerney made the point

that the woman who had purchased the vodka from the undercover officer in the second footage clip appeared to be the person who was shown to be in the foyer of the Pleasure Lounge. In the sixth clip dated 4 June 2013, the Sub-Committee saw footage which DI McLnerney stated appeared to show one of the Polish nationals arrested at the Pleasure Lounge obtaining cash from the Revue Bar or the Peep Show to pay for stolen goods from the undercover officer. This he added demonstrated the intrinsic links between the two premises. This was contested by Mr Barca who responded that there was no evidence who the Polish national obtained the money from. Mr Charalambides added that it was not for the Sub-Committee to determine criminality but to consider whether or not the licensing objectives were being promoted or undermined in the case of the review application and whether Mr South was suitable to hold a SEV licence.

The Sub-Committee also heard from Mr White, appearing as a witness of the Police. He made the point that the character of the relevant locality had changed significantly. There was some drug dealing and thefts but these incidents had greatly reduced. He stated that he had a good knowledge of the sex industry in his working capacity with the Police prior to retiring. He described the Revue Bar as a hostess bar or clip joint and went on to describe the practices he was aware had taken place in such establishments where males were induced to enter, they were unaware of racking up a huge bill for services, including paying for drinks for girls. They were then told to pay up or the Police were called. He was of the view that the premises would have been closed had the premises not obtained a SEV licence and he believed that the Revue Bar contributed significantly to crime and disorder in the area. Mr Barca wished to make the points in response that Mr White's evidence was historic as he had not been in a clip bar for many years and the Revue Bar was not a clip or hostess bar. He also questioned why Mr White had not opposed the original SEV licence. Mr White replied that he was not aware of the application at the time.

The Sub-Committee was addressed by Mr Barca. He stated that the Police's evidence was at least two years old. The video evidence was a case of evidence creation rather than evidence gathering. The undercover officer, he asserted, had sold vodka and perfume to a low level manager. He believed, that as set out in Police Inspector Jary's witness statement, this was being viewed as one of the last of the hostess bars and the Police wanted to find a way to close it. There was a lack of evidence connecting any of the crimes to his client and in Mr Barca's opinion the video footage had suggested that when the vodka and perfume had been purchased they had wanted to conceal it from Mr South who may have viewed the CCTV cameras. There had been occasions when stolen goods had been offered by undercover officers' and these had not been purchased by staff. The Police representatives at the hearing, in response to suggestions of entrapment, wished to put on the record that the covert activity was the result of powerful intelligence received and that it did take time for the undercover officers to be accepted in this environment which may have been a reason why the stolen goods had not been purchased initially.

Mr South then gave evidence in the form of responses to questions from Mr Barca. He stated that he fully supported Police efforts to remove crime in the locality and was able to supply Police with the necessary CCTV footage. He had instructed staff not to go near stolen goods after becoming aware of Operation Demondere and would not employ any staff involved in criminal activity. The woman member of staff

who had purchased the vodka had not worked at the premises since 2013. Mr South made the point that the woman who had been arrested for perverting the course of justice as a result of her comments to the Sub-Committee had worked in the Revue Bar just prior to December 2013 and was not employed there after being arrested. He could not recall whether she had been employed in the Peep Show after that. Mr South was of the view that the closure of the Pleasure Lounge had given drug dealers a place to loiter because it had become a dark area. There was no threatening of customers when they entered. The Revue Bar was not a clip or hostess bar. He was pleased that the Peep Show on the ground floor had been closed 15 months ago because he had been unhappy with the way it had been managed. The trigger point for the surrender of the lease was a water leak from the ground floor to the basement. The Peep Show part of the premises was now being re-let by the landlord.

In response to the point from Mr Charalambides that Mr South had not applied for a variation after surrendering the lease for the Peep Show and the premises subsequently being re-let by the landlord, Mr Barca replied that his client was unable to apply to vary the premises licence until the review application was determined. Mr South was willing to give an undertaking that he would not use the ground floor. It was Mr Charalambides' assertion that the Licensing Act empowered a holder of a premises licence to be able to make an application at any time. Mr South no longer had any control over the fire exit provision through the property. Mr South replied to a question from Mr Charalambides that he had seen the unidentified woman that the Police wished to question but he had not employed her.

Members of the Sub-Committee in reaching their decision, accepted the Police evidence as set out in Mr Charalambides' summing up that there was a cycle of crime in the locality of theft followed by stolen goods being exchanged for cash followed by the cash being exchanged for drugs. Members did not doubt the view of Detective Superintendent Kevin Southworth that Tisbury Court was the epicentre of crime. There had been 73 people arrested as a result of Operations Jolt and Rense. It was also clear from the Police's video footage from covert operations that the premises had been associated with serious crime as a result of the handling of stolen goods. The premises had therefore assisted in perpetuating the cycle of crime. It was of concern to the Sub-Committee that the two women, including one who was certainly a member of staff, were obviously familiar with the practice of handling stolen goods. Members were able to conclude from evidence, including the video footage and that of DI McInerney that the people employed by the premises at the Revue Bar and the Peep Show had links to staff of the Pleasure Lounge who were subsequently convicted of crimes. There was clear evidence that the Prevention of Crime and Disorder licensing objective had been undermined.

In his closing submissions, Mr Barca suggested that the police wanted the premises closed simply because of their assertion that it was one of the last remaining clip joints in the area. He said that was apparent from the late statement provided by Inspector Jary. There was very little evidence that the premises were associated with any crime or disorder apart from the evidence on 3rd May 2013 when there was a sale of some vodka and perfume by members of staff who had clearly indicated that such transactions would not be approved by the licence holder himself. There was no evidence at all of his client's involvement. Mr Barca suggested that the other evidence against his client was not that significant and did not justify revocation of

the licence. He submitted that the application for review by the police was misconceived.

The two applications had been considered together but a different legal approach had to be taken to each of them. As far as the review application was concerned, it was only necessary for the grounds to be relevant to one or more of the licensing objectives. The Members were of the view that it was sufficient to take some action against the premises if there was evidence that they were associated with crime and disorder, irrespective of whether or not the licence holder actually had any knowledge of such matters. Bearing in mind that Mr South had himself asserted that the area naturally attracted a higher level of crime and that Tisbury Court was an alleyway that will always attract a higher level of crime, including the supply of drugs, the Members were surprised that there was very little, if any, evidence of his proactive involvement in the day to day management of the premises, despite his assertion that he visited them at least once every day. The Members were of the opinion that he was either negligent or reckless in the way that he managed the premises or that he had turned a blind eye to what was happening. In any event, however, there was enough evidence to show that his premises were clearly being used to some extent by persons who were involved in criminal activity in the area and there was also evidence that some of the staff involved at the Revue bar had a connection with the Pleasure Lounge. There was also evidence that the staff involved at the Review Bar habitually handled stolen goods. The overall evidence was that the Review Bar was involved in the serious criminal activity taking place in that part of Soho, albeit not to the same extent as the Pleasure Lounge itself.

The Sub-Committee did consider the various options open to it under the legislation but noted that the premises licence did not add that much to the SEV licence itself in that it did not authorise the sale of alcohol or late night refreshment and most if not all of the "entertainment" taking place was authorised by the SEV licence itself. In those circumstances, there was little point in removing any licensable activities or suspending the licence. The Sub-Committee therefore decided that the only appropriate action was to revoke the premises licence.

8 REVUE BAR AND PEEP SHOW, 1 TISBURY COURT, W1 - SEV APPLICATION

LICENSING SUB-COMMITTEE No. 1

Thursday 29th October 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Jan Prendergast

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Representations: Mr Kenneth White (local resident) and Councillor Paul Church.

Also Present: Mr Richard Barca (Solicitor, representing the Applicant), Mr Dominic South (Applicant), Mr Leo Charalambides (Counsel, representing Metropolitan Police), Detective Superintendent Kevin Southworth, Detective Inspector Phillip McInerney and Detective Constable Hadyn Thoms (Metropolitan Police).

**Revue Bar And Peep Show, 1 Tisbury Court, W1 – Application for the renewal of the Sexual Entertainment Venue Licence
14/07832/LISEVR AND 15/08490/LISEVR**

On 12th September 2014, the Council received an application for renewal of the sexual entertainment venue premises licence to provide relevant entertainment namely full nudity in the designated area between the hours of 09:00 to 00:00 on each of the days Sunday to Thursday and 09:00 to 01:00 on each of the days Friday and Saturday. The Applicant did not request to change the relevant entertainment or make any changes to the conditions.

That application was opposed by the Metropolitan Police and was originally listed for hearing on 5th March 2015. That hearing was adjourned at the request of the police so as to allow them an opportunity to also review the premises licence held under the Licensing Act 2003. The SEV licence was due to expire on 30th September 2015. The opposed renewal of that licence had not been determined by that date so the SEV licence was deemed to continue in force. On 30th September 2015, the licence holder submitted a further renewal application which technically means that the Sub-Committee has to determine two renewal applications.

Decision:

The Sub-Committee considered all of the material received from the parties involved carefully. The Sub-Committee also heard submissions and evidence at a hearing lasting for approximately six hours.

The Sub-Committee was required to deal initially with some preliminary points. It was agreed by all parties that submissions for item 5 on the agenda relating to the review of the premises licence application for Revue Bar and Peep Show submitted by the Police and item 6, the renewal of the Sexual Entertainment Venue ('SEV') premises licence application for the same premises submitted by Mr Dominic South, the licence holder, would be heard together. Members of the Sub-Committee would then make a decision on the separate applications on the basis of the evidence before them.

The Sub-Committee was also required to consider whether specific evidence should be taken into account. These included one of the objections to the SEV application from Kenneth White which Mr Barca, representing Mr South, believed to have been submitted after the deadline for representations and a representation from Councillor Church which was objecting to the renewal of the SEV licence and supporting the police review of the premises licence. Mr Barca was also objecting to the submission of a witness statement by a Police inspector, Richard Jary, which had been

submitted by the Police on 22nd October, a brief report of incidents witnessed by PC Burrows which had been submitted by the Police on 27th October and video footage from Operation Demontere which the Police wished to show at the hearing. Mr Barca commented that the witness statement and the report related to information from 2011 and 2013 and it was not reasonable to submit this within a week of the hearing. He was not able to cross examine Police Inspector Jary or PC Burrows as they were not at the hearing. The video evidence was also from 2013 and Mr Barca was of the view that this had been submitted late as the original SEV application had been submitted in September 2014.

Mr Barca provided clarification, having had initial concerns, that he was prepared to accept that Mr Kenneth White's SEV representation was received within the 28 day deadline. Mr Panto, the Legal Adviser, advised that it was possible for the Sub-Committee to have regard to late representations received in response to the SEV applications provided no prejudice was caused to the licence holder as a result. This was in accordance with the decision of the House of Lords in *Miss Behavin' v Belfast City Council* in 2007. It was not possible to consider late representations under the Licensing Act 2003. The Police had advised that they wanted to call Mr White as a witness at the hearing in relation to the review of the premises licence under the Licensing Act 2003.

Mr Charalambides, representing the Police, stated the video footage from Operation Demontere needed to be shown for a number of reasons. These included countering some of the evidence included in Mr South's witness statement included in the review papers that had responded to Police allegations of criminal activity. The video evidence had been submitted on 14 July 2015 the day after Mr South's witness statement had been sent by e-mail. The footage would also show how the character of the area had changed which was particularly relevant to the SEV application and to reflect the relevance of Operation Demontere. It had also taken until the current time to conclude the Police actions in response to the operations undertaken.

The Sub-Committee sought advice from Mr Panto, the Legal Adviser. He stated that it was important that the Licence Holder was not at a disadvantage. To the extent that there was a discretion to consider the evidence (as opposed to representations that were out of time under the Licensing Act), he recommended that the Sub-Committee should be provided with the evidence available that had been received by the licence holder in advance of the hearing. In terms of the ability of Mr Barca to cross examine, this was not a court of law and Members would be able to give the evidence as much weight as was considered appropriate in the circumstances.

The Sub-Committee decided that it would consider all the evidence submitted but that it would ignore the representation from Councillor Church to the extent it was out-of-time under the Licensing Act 2003. The video footage would be seen. Mr Barca had been offered the opportunity to view the footage in July 2015 and therefore had been given ample time to comment. Police Inspector Jary's witness statement would be admissible. It was a general description of the area rather than referring to the premises itself and it had been served one week before the hearing. Mr Barca would still have the opportunity to comment on it when presenting his case. Mr White's representation would be taken into account in relation to the renewal of the SEV licence as it was submitted within time. It did not specifically refer to the review of the premises licence under the Licensing Act 2003 and could not be

considered for that purpose, though it was noted that the police intended to call Mr White as a witness in any event. PC Burrows' reports were referring to the local area and had been submitted a sufficient time before the hearing to be taken into consideration.

The Chairman made the point to Mr Barca that representations were often received from residents who did not attend the hearings and were not available to be cross examined.

The Sub-Committee then heard the Police's evidence. Mr Charalambides stated that under the Licensing Act 2003 the emphasis was on the promotion of the licensing objectives and preventing crime and disorder. In this case Mr South, the Licence Holder, was responsible for promoting the licensing objectives and preventing crime and disorder. There had already been significant failure in this regard as crime had already taken place at the premises. Under the 1982 legislation, a key aspect was the suitability of the applicant. Mr Charalambides referred to Mr South's response to the statement of Detective Superintendent Kevin Southworth as being an example of it being highly questionable as to whether he was meeting the responsibilities of his position and should hold a premises or SEV licence. These included that Mr South's response when Police concerns were expressed that a member of the public was over 100 times more likely to be a victim of theft from their person and over 25 times more likely to be robbed or violently assaulted in front of the Revue Bar and Peep Show than anywhere else in London, was that it was not accepted that this was true. His response to '73 people being arrested and convicted for drug-supply offences within the sex district of Soho during as a result of Operations Jolt and Rense, the majority of the 43 subjects in Operation Rense being concentrated in front of the premises, where 30 other drug dealers had been arrested only a matter of months earlier' was that 'Soho naturally attracted a higher level of crime, including the supply of drugs, than other boroughs'. Also 'Tisbury Court is an alleyway and will therefore always attract a higher level of crime, including the supply of drugs'. It was a case of there being a higher concentration of dealers outside the Groucho Club in Dean Street, rather than looking to address any issues. This in Mr Charalambides' submission was far below the standard that the local authority should expect.

Mr Charalambides brought to Members' attention the witness statement of Detective Constable Thoms who had gone to the premises to conduct an arrest enquiry in relation to Operation Demontere for a lady whose name was believed to be Jenny. Mr Charalambides stated that she had been employed at the premises but that Mr South had been unable to provide any details to the Police. It was felt by DC Thoms that management and staff had not co-operated with the Police.

Mr Charalambides wished to stress that whilst the Peep Show had been sub-let under a management agreement and had closed around July 2014, Mr South had been the licence holder and he therefore had responsibility for what took place there. During the hearing he pointed to instances where he believed Mr South had not kept an eye on the necessary details that would be expected of a licence holder and made his suitability to hold a SEV licence questionable. These included not appearing to inform the Council of his change of address on the licences and not revising the premises plans and applying for a variation application when the ground floor Peep Show lease was surrendered in July 2014. He was now applying for a SEV licence for both the ground and basement floors when the ground floor area where the Peep

Show had been was now being re-let by the landlord.

Mr Charalambides emphasised that there were different types of sex establishments and asked Members to consider whether it was suitable to have what he described as a clip bar or hostess bar in the vicinity. In his submission, the style of the operation sought to exploit sexuality with women employed outside the premises in order to entice patrons to enter rather than celebrate it which was the case with other venues providing for instance cabaret or burlesque.

The Sub-Committee heard from Detective Superintendent Kevin Southworth. He stated that on arrival in his previous role as Head of CID at Westminster he identified that a location outside the door of Revue Bar and Peep Show in Tisbury Court was the epicentre of street crime not only in the borough but also for the whole of London and that this needed to be tackled. Three large scale covert operations had been carried out under his leadership in the crime hotspot. His team had sought to establish why the drug dealers had returned to this location after there had been arrests in Operation Jolt only a few months earlier. Operation Demontere found the draw was that the premises in Tisbury Court were actively involved in the handling of stolen goods. The aim had been to arrest the handlers of the stolen goods and unravel the network of premises which were taking in the stolen goods. Detective Superintendent Kevin Southworth referred to the fact that the Police had addressed the Sub-Committee in the past in relation to The Pleasure Lounge when the premises licence for the Pleasure Lounge had been revoked. This was, he stated, located about four feet away from Revue Bar and it was his submission that the two premises were definitively linked. He added that the locality continued to be a challenge for Westminster Police in terms of the street crime in the area but there had been a significant step change in the Police's ability to drive this type of crime out of the area.

Detective Inspector Phillip McInerney provided commentary of the Police's perception of the evidence from video footage of Operation Demontere. This involved the deployment of undercover officers into Soho presented as Class A drug users. It was asserted on the part of the Police that in the first clip of footage dated 13 March 2013, a known drug dealer on the corner of Tisbury Court was pointing to the premises and effectively saying that if you have goods, these can be converted into cash and then it would be possible to purchase the drugs from him. This was challenged by Mr Barca who stated that the drug dealer was pointing to the prostitutes' flats which now no longer existed. DI McInerney advised the Sub-Committee that on the basis of the information given by the drug dealer, the Police deployed undercover officers to venues in order to present stolen goods for purchase. For the second clip dated 3 May 2013, DI McInerney stated that the same undercover officer as the first clip had been deployed and was speaking to two women at the Revue Bar, one of whom was certainly a member of staff. Vodka and perfume had been sold by the undercover officer to them on the premises and money obtained. The women shown in the clip who was definitely working at the Revue Bar had been arrested and cautioned following this incident. The other woman had not been identified by management. Mr Charalambides referred to the evidence in this clip which gave credence to the view that the two women were familiar with activity of this nature. This included the unidentified woman referring to having been offered fake perfumes in the past and the two women turning their backs to the CCTV cameras whilst the incident took place. The second unidentified woman was

sufficiently trusted by the woman who was certainly a member of staff to be given £10 to buy the perfume. DC Thoms added that when he had attended the Revue Bar in October 2014 to conduct the arrest enquiry a manager had informed him that the unidentified woman had worked at the premises but no longer worked there. She was unable to provide any further details. Another employee on the premises had called her 'Jenny'.

The Police showed the third footage clip dated 4 July 2013 on the grounds that they believed it to be evidence of the link between the Revue Bar and the Pleasure Lounge. A woman who had sought to have the Pleasure Lounge premises licence transferred to her had stated at the Sub-Committee hearing relating to the Pleasure Lounge that she had no knowledge of the purchasing of stolen goods which had taken place. The footage of 4 July 2013, the fourth clip dated 1 October 2013 and the fifth clip dated 4 June 2013 appeared to clearly show otherwise. DI McInerney informed the Sub-Committee that she had then worked at the Revue Bar and Peep Show after she had been arrested for perverting the course of justice as a result of her claims at the Sub-Committee meeting which reviewed the premises licence for the Pleasure Lounge. Mr Barca wished to stress that she had not been formally charged after the arrest. During the third footage clip, DI McInerney made the point that the woman who had purchased the vodka from the undercover officer in the second footage clip appeared to be the person who was shown to be in the foyer of the Pleasure Lounge. In the sixth clip dated 4 June 2013, the Sub-Committee saw footage which DI McInerney stated appeared to show one of the Polish nationals arrested at the Pleasure Lounge obtaining cash from the Revue Bar or the Peep Show to pay for stolen goods from the undercover officer. This he added demonstrated the intrinsic links between the two premises. This was contested by Mr Barca who responded that there was no evidence who the Polish national obtained the money from. Mr Charalambides added that it was not for the Sub-Committee to determine criminality but to consider whether or not the licensing objectives were being promoted or undermined in the case of the review application and whether Mr South was suitable to hold a SEV licence.

The Sub-Committee also heard from Mr White who had made a valid representation in response to the applications for the renewal of the SEV licences but who was also appearing as a witness for the Police in relation to their application for a review of the premises licence under the Licensing Act 2003. He made the point that the character of the relevant locality had changed significantly. There was some drug dealing and thefts but these incidents had greatly reduced. He stated that he had a good knowledge of the sex industry in his working capacity with the Police prior to retiring. He described the Revue Bar as a hostess bar or clip joint and went on to describe the practices he was aware had taken place in such establishments where males were induced to enter, they were unaware of racking up a huge bill for services, including paying for drinks for girls. They were then told to pay up or the Police were called. He was of the view that the premises would have been closed had the premises not obtained a SEV licence and he believed that the Revue Bar contributed significantly to crime and disorder in the area. Mr Barca wished to make the points in response that Mr White's evidence was historic as he had not been in a clip bar for many years and the Revue Bar was not a clip or hostess bar. He also questioned why Mr White had not opposed the original SEV licence. Mr White replied that he was not aware of the application at the time.

The Sub-Committee was addressed by Mr Barca. He stated that the Police's evidence was at least two years old. The video evidence was a case of evidence creation rather than evidence gathering. The undercover officer, he asserted, had sold vodka and perfume to a low level manager. He believed, that as set out in Police Inspector Jary's witness statement, this was being viewed as one of the last of the hostess bars and the Police wanted to find a way to close it. There was a lack of evidence connecting any of the crimes to his client and in Mr Barca's opinion the video footage had suggested that when the vodka and perfume had been purchased they had wanted to conceal it from Mr South who may have viewed the CCTV cameras. There had been occasions when stolen goods had been offered by undercover officers' and these had not been purchased by staff. The Police representatives at the hearing, in response to suggestions of entrapment, wished to put on the record that the covert activity was the result of powerful intelligence received and that it did take time for the undercover officers to be accepted in this environment which may have been a reason why the stolen goods had not been purchased initially.

Mr South then gave evidence in the form of responses to questions from Mr Barca. He stated that he fully supported Police efforts to remove crime in the locality and was able to supply Police with the necessary CCTV footage. He had instructed staff not to go near stolen goods after becoming aware of Operation Demondere and would not employ any staff involved in criminal activity. The woman member of staff who had purchased the vodka had not worked at the premises since 2013. Mr South made the point that the woman who had been arrested for perverting the course of justice as a result of her comments to the Sub-Committee had worked in the Revue Bar just prior to December 2013 and was not employed there after being arrested. He could not recall whether she had been employed in the Peep Show after that. Mr South was of the view that the closure of the Pleasure Lounge had given drug dealers a place to loiter because it had become a dark area. There was no threatening of customers when they entered. The Revue Bar was not a clip or hostess bar. He was pleased that the Peep Show on the ground floor had been closed 15 months ago because he had been unhappy with the way it had been managed. The trigger point for the surrender of the lease was a water leak from the ground floor to the basement. The Peep Show part of the premises was now being re-let by the landlord.

In response to the point from Mr Charalambides that Mr South had not applied for a variation after surrendering the lease for the Peep Show and the premises subsequently being re-let by the landlord, Mr Barca replied that his client was unable to apply to vary the premises licence until the review application was determined. Mr South was willing to give an undertaking that he would not use the ground floor. It was Mr Charalambides' assertion that the Licensing Act empowered a holder of a premises licence to be able to make an application at any time. Mr South no longer had any control over the fire exit provision through the property. Mr South replied to a question from Mr Charalambides that he had seen the unidentified woman that the Police wished to question but he had not employed her.

Members of the Sub-Committee in reaching their decision, accepted the Police evidence as set out in Mr Charalambides' summing up that there was a cycle of crime in the locality of theft followed by stolen goods being exchanged for cash followed by the cash being exchanged for drugs. Members did not doubt the view of

Detective Superintendent Kevin Southworth that Tisbury Court was the epicentre of crime. There had been 73 people arrested as a result of Operations Jolt and Rense. It was also clear from the Police's video footage from covert operations that the premises had been associated with serious crime as a result of the handling of stolen goods. The premises had therefore assisted in perpetuating the cycle of crime. It was of concern to the Sub-Committee that the two women, including one who was certainly a member of staff, were obviously familiar with the practice of handling stolen goods. Members were able to conclude from evidence, including the video footage and that of DI McInerney that the people employed by the premises at the Revue Bar and the Peep Show had links to staff of the Pleasure Lounge who were subsequently convicted of crimes. There was clear evidence that the Prevention of Crime and Disorder licensing objective had been undermined.

In his closing submissions, Mr Barca suggested that the police wanted the premises closed simply because of their assertion that it was one of the last remaining clip joints in the area. He said that was apparent from the late statement provided by Inspector Jary. There was very little evidence that the premises were associated with any crime or disorder apart from the evidence on 3rd May 2013 when there was a sale of some vodka and perfume by members of staff who had clearly indicated that such transactions would not be approved by the licence holder himself. There was no evidence at all of his client's involvement. Mr Barca suggested that the other evidence against his client was not that significant and did not justify revocation of the licence. He submitted that the application for review by the police was misconceived.

The two applications had been considered together but a different legal approach had to be taken to each of them. As far as the review application was concerned, it was only necessary for the grounds to be relevant to one or more of the licensing objectives. The members were of the view that it was sufficient to take some action against the premises under the Licensing Act 2003 if there was evidence that they were associated with crime and disorder, irrespective of whether or not the licence holder actually had any knowledge of such matters.

The applications for renewal of the SEV licences could only be refused on one or more of the grounds specified in paragraph 12(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Although it was suggested that the renewal of the licence might not be appropriate having regard to the character of the immediate locality and the use to which other premises were put in that vicinity, it was clear that the primary ground relied on by the Police for objecting to the renewal applications was that Mr South was not suitable to continue to hold the SEV licence.

There was enough evidence to show that his premises were clearly being used to some extent by persons who were involved in criminal activity in the area and there was also evidence that some of the staff involved at the Revue bar had a connection with the Pleasure Lounge. There was also evidence that the staff involved at the Review Bar habitually handled stolen goods. The overall evidence was that the Review Bar was involved in the serious criminal activity taking place in that part of Soho, albeit not to the same extent as the Pleasure Lounge itself.

There was no evidence of any criminal convictions against Mr South, so the question arising for the Sub-Committee was whether there was enough evidence to show that

Mr South was not suitable to continue to hold the SEV licence for some other reason. The Sub-Committee took the view that the local authority should expect a high threshold of responsibility on the part of SEV licence holders. Mr South had failed to fulfil his duties as a licence holder as demonstrated by a lax attitude to the licences in terms of updating plans and addresses and even more importantly, in not adequately monitoring and supervising his staff. Bearing in mind that Mr South had himself asserted that the area naturally attracted a higher level of crime and that Tisbury Court was an alleyway that will always attract a higher level of crime, including the supply of drugs, the Members were surprised that there was very little, if any, evidence of his proactive involvement in the day to day management of the premises, despite his assertion that he visited them at least once every day. The Members were of the opinion that he was either negligent or reckless in the way that he managed the premises or that he had turned a blind eye to what was happening. In those circumstances, the Sub-Committee concluded that he was not suitable to continue to hold an SEV licence and decided to refuse both renewal applications.