



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 9th March, 2017**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64
Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Tim Mitchell (Chairman)
Louise Hyams
Karen Scarborough

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. COMPTOIR CAFE & WINE, 21-22 WEIGHHOUSE STREET, W1

(Pages 1 - 22)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Comptoir Cafe & Wine, 21-22 Weighhouse Street, W1	New	17/00358/LIPN

2. BRITISH SEX SHOP, 8 GREEN'S COURT, W1

(Pages 23 - 38)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward	British Sex Shop, 8 Green's Court, W1	To renew sex establishment licence	16/05871/LISE XR

3. LONDON COCKTAIL CLUB, BASEMENT, PORTLAND HOUSE, 4 GREAT PORTLAND STREET, W1

(Pages 39 - 62)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	London Cocktail Club, Basement, Portland House, 4 Great Portland Street, W1	Variation of premises licence	17/00601/LIPV

**Charlie Parker
Chief Executive
3 March 2017**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



Licensing Sub-Committee Report

Item No:	
Date:	9 March 2017
Licensing Ref No:	17/00358/LIPN - New Premises Licence
Title of Report:	Comptoir Café & Wine 21-22 Weighhouse Street London W1K 5LY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 January 2017		
Applicant:	Contoir WS Ltd		
Premises:	Comptoir Café & Wine		
Premises address:	21-22 Weighhouse Street London W1K 5LY	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	The applicant stated that this premises shall operate as a specialist in Mediterranean cuisine and fine wine for consumption on and off the premises. Note: there is no offer of a restaurant condition making this premises a bar in accordance with the WCC policy.		
Premises licence history:	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	The applicant has provided an amended application summary. The hours below reflect the changes made by the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	Not applied for						
End:	Not applied for						
Seasonal variations/ Non-standard timings:			From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	9 th February 2017
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the Ground floor and Basement of the premises. This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Saturday 10.00 to 23.00 hours, Sunday 12.00 to 22.30 hours and from the end of permitted hours on New Years' Eve to start of permitted hours on New Year's Day. 2. To permit Late Night Refreshment 'Indoors' only From 23:00 hours on New Years' Eve to 05.00 hours on New Year's Day. <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> 1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety within the area. 2. No representation <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>Note: EH have proposed two works conditions that are attached at Appendix 4.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	20 th January 2017
Status:	Withdrawn
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The conditions shown on your application are agreed by police however, we require the following additional conditions:</p> <ol style="list-style-type: none"> 1. The supply of alcohol shall be to persons who are seated and by waiter or waitress service only. 2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. 	

3. 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. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.

Please let me know whether your client is willing to have the conditions added to the future operating schedule as this may enable us to withdraw our representation.

Note: following discussions with the applicant and the amendment to their application, the Police have withdrawn their representation.

2-B Other Persons	
Name:	Mr Peter Bullen
Address and/or Residents Association:	The Grosvenor Mayfair Residents Association c/o 32 Stalbridge Buildings London W1K 6TA
Received:	9 th February 2017
Status:	Withdrawn

The Grosvenor Mayfair Residents Association wish to register their objection in the strongest terms (on behalf of over 300 residents) to two of the proposals in this licensing application. The surrounding area is almost completely residential.

The addition of the delicatessen, adjacent to the proposed wine bar, has so far, not affected residents (it has no outside seating, or an alcohol license/doesn't stay open too late). However we believe that an alcohol license to operate until 11pm Mon/Sat / 10.30pm Sundays with outside tables would impact considerably on this residential area.

We are not an Association that objects to every similar application, however, we believe this location so close to Bond St. station & adjacent to the impending Crossrail operation, with increased footfall, coupled with the lack of toilet facilities, would increase the number of people already abusing the private residential gardens & add to noise from patrons/deliveries, in an area already suffering from vehicles using footpaths to unload, bottles being dumped outside late at night, along with restaurant refuse inevitably being collected at anti-social hours by private refuse companies.

This application does not sit well with our residents, some of whom are elderly and disabled, who would have difficulty negotiating the outside tables, (the local doctor's surgery is directly opposite). Further, the applicants failed to consult the association, which is the usual protocol & -so I am led to believe the applicant submitted the application without informing the landlords (The Grosvenor Estate) who would normally inform & meet with us to discuss any issues. The Association is concerned that this approach shows a lack of understanding & concern for the area and its residents, & reiterates its objection.

Note: following discussions with the applicant and conditions being agreed, the resident association have withdrawn their representation.

Name:	Derek Stratton
Address and/or Residents Association:	19 Moore Flats Gilbert Street London W1K 5HN
Received:	7 th February 2017

I act as licensing officer for and on behalf of the Residents Society of Mayfair & St. James's.

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to the proposed new premises licence of the above.

The Society firmly believes that to grant another licence for the late night terminal hour the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this predominately residential neighbourhood.

Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a sever public nuisance will surely ensue.

The Residents Society of Mayfair & St. James's therefore wishes to register a very strong objection for and on behalf of the residents on that basis.

Name:	Dave Brookfield
Address and/or Residents Association:	19 Stalbridge Flats Lumley Street London W1K 6TA
Received:	8 th February 2017

The premises in question are situated in a heavily populated residential area. There are residential flats immediately above the Cafe and Wine Bar, the opposite side of the road to the front and right of the premises, joining onto the rear and off to the left of the Cafe and Wine Bar. The residents of these flats will face disturbance from noise and other activities associated with the Cafe and Wine Bar. The aforementioned flats have private gardens attached to them which will be an attraction to patrons of the cafe and wine bar to sit in and consume their food and drink leaving behind empty glasses, cups and plates. If tables and chairs are placed outside the premises (planning application pending) the volume of noise will be higher.

On the plans with the application that shows where tables and chairs are hoped to be located it states " Bin store under the stairs" if bins are to be stored under the stairs then the bins would have to be very small as the gap between the foot of the stairs and the wall is only 2 or 3 feet wide, the stairs are open metal stairs, if bins are squeezed in under the stair then residents in the flats above the stairs are at risk of being disturbed from the clatter of the bins being used and moved for emptying, there is also the risk of the smell of waste food and other items drifting up into the flats, during the warmer weather there will be the added risk of flies and other vermin. There is a door at the base of the steps leading into the cafe and wine bar which MIGHT be a fire exit, there is a gap of about 5 foot square between the door and the foot of the stairs which leaves no room for bins.

Alcohol will be permitted to be consumed on and off the premises, there will be a high risk of patrons taking their drinks away from the premises and consuming them in the streets surrounding the cafe and wine bar and causing disturbance to residents, there

will also be the risk of anti-social behaviour outside residents flats.

Object to this licence for the reasons stated above.

If the licence is granted to help reduce disturbance to residents I ask that the following conditions are put in place.

1. No collections or deliveries between 8pm and 8am
2. Tables and chairs outside only to be used between 8am and 7pm.
3. Take away alcohol to be sold in sealed containers.
4. No consumption of alcohol or food in Weighhouse Street, Binney Street or Gilbert Street including the gardens.
5. Rubbish only to be left out 2 hours before collection.
6. Contact details for the Cafe and Wine Bar including the duty manager to be displayed in large print that can be seen from the street

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	13 th January 2017
5	Plans	13 th January 2017
6	EH Representation	9 th February 2017
7	Police Representation	20 th February 2017
8	Mr Bullen Representation	9 th February 2017
9	Mr Brookfield Representation	8 th February 2017
10	Mr Stratton Representation	7 th February 2017

Thomas & Thomas
Partners LLP

Your ref:
Our ref: AT/CON.60.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

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

03 March 2017

Dear Sirs

**19-21 Weighhouse Street, W1
17/00358/LIPN**

We act for the applicant in the above matter.

The company will be represented at the hearing by Xavier Rousset, the director and owner of the business. Xavier is a uniquely talented sommelier who co-founded Texture (Michelin Star), 28-50 (which have two premises in Westminster in Marylebone and Maddox Street) and more recently, Comptoir in Blandford Street. All of his premises have been operated without complaint or issue.

This application, which is supported by the landlord, Grosvenor, is for a Comptoir which, in English, is a small brasserie wine, lounge and shop. Menus and a concept presentation will be made at the hearing.

The premises has the benefit of planning permission and as members will see, the proposed hours are within the council's core hours and the premises are situate outside the cumulative impact area.

The applicant has met with the Grosvenor and Mayfair Residents Association who, as a result of amended conditions and a reduction of external seating to 8 covers, have withdrawn their representation, as have the Police. Conditions are agreed with EHCT, subject to the addition of a 'works' condition.

Yours faithfully

Thomas & Thomas Partners LLP
tel: 020 7042 0412
email: athomas@tandtp.com

Application for Premises Licence

Bond Street Comptoir, 21-22 Weighhouse Street W1K 5LY

AMENDED APPLICATION SUMMARY

Proposed Hours

Sale of Alcohol	Monday – Saturday: 10:00 – 23:00 Sunday: 12:00 – 22:30 Non-Standard Hours: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day
Late Night Refreshment	Non-standard hours: From 23:00 hours on New Year’s Eve to 05:00 hours on New Year’s Day
Opening Hours	Monday – Saturday: 10:00 – 23:00 Sunday: 12:00 – 22:30 Non-Standard Hours: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day

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Proposed Conditions

1.-8. Mandatory Conditions

9. 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.
10. The number of persons accommodated at the premises (excluding staff) shall not exceed 40 internally and 8 in the external seating area.
11. Save for alcohol consumed in any external seating area, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. All outside tables and chairs shall be rendered unusable by 23.00 each day.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. 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.

Deleted: (TO BE AGREED).

17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. 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.
23. 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.
24. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

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

26. The supply of alcohol shall only be by way of waiter/waitress service only.

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Thomas & Thomas Partners LLP
 1 March 2017

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Premises History

Appendix 3

There is no licence & appeal history for this premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the

- permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. 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.
10. The number of persons accommodated at the premises (excluding staff) shall not exceed 40 internally and 8 in the external seating area.
11. Save for alcohol consumed in any external seating area, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. All outside tables and chairs shall be rendered unusable by 23.00 each day.
(alternative condition proposed by D Brookfield at condition 30)
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. 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.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. **(alternative condition proposed by D Brookfield at condition 33)**
22. 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. **(alternative condition proposed by D Brookfield at condition 29)**
23. 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.
24. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
25. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. The supply of alcohol shall be by way of waiter/waitress service only.

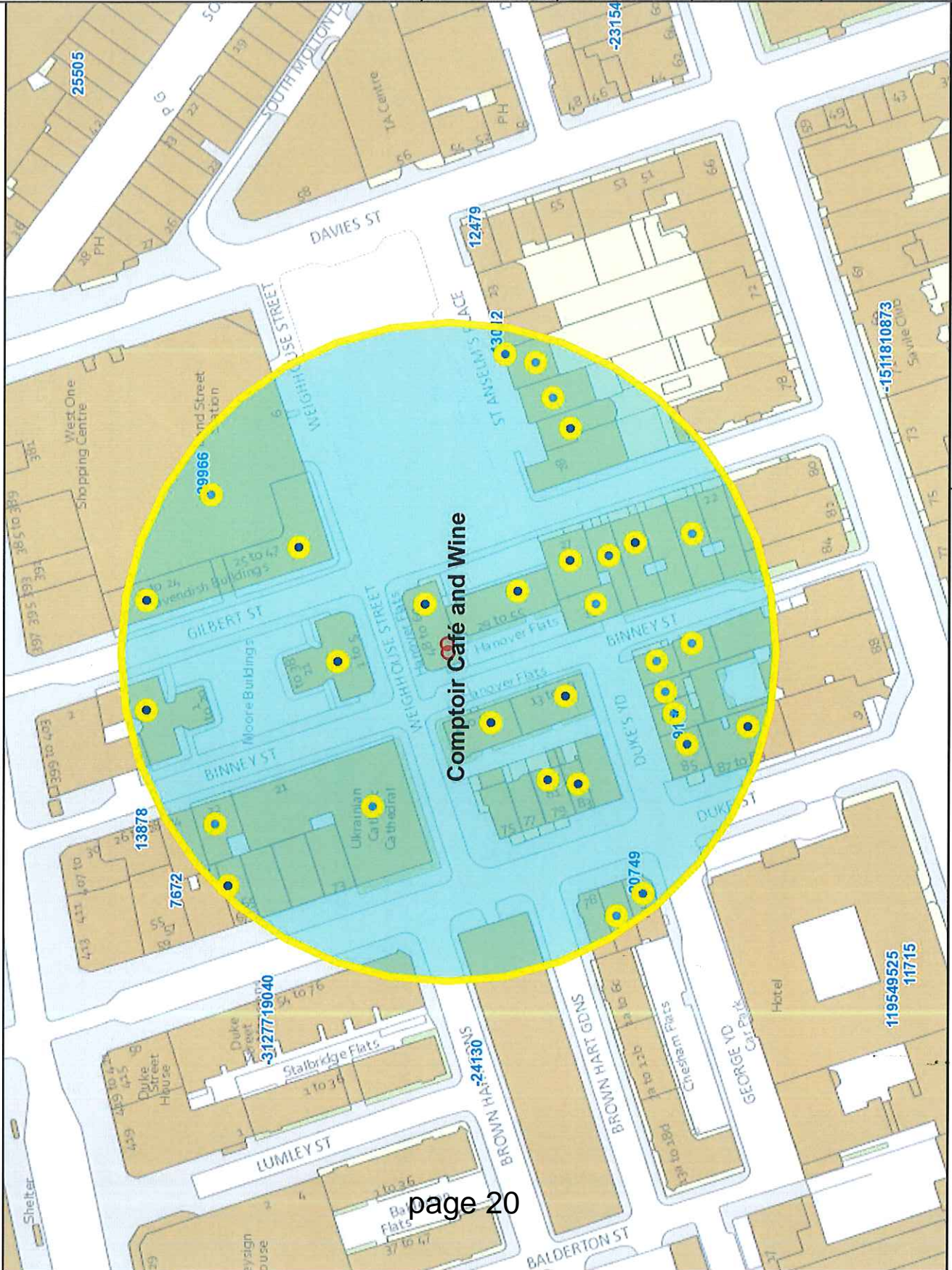
Conditions proposed by the Environmental Health

27. 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.
28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Conditions proposed by Dave Brookfield

29. No collections or deliveries between 8pm and 8am.

30. Tables and chairs outside only to be used between 8am and 7pm.
31. Take away alcohol to be sold in sealed containers.
32. No consumption of alcohol or food in Weigh house Street, Binney Street or Gilbert Street including the gardens.
33. Rubbish only to be left out 2 hours before collection.
34. Contact details for the Cafe and Wine Bar including the duty manager to be displayed in large print that can be seen from the street



Residential / Proposed Residential	220
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None

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Data Source: Uniform Database
Date: 20/02/2017

Premises within 75 metres of: Comptoir Café & Wine, 21 Weighhouse Street

p / n	Name of Premises	Premises Address	Licensed Hours
29966	Marks & Spencer - Simply Food	Unit C4 West One Shopping Centre 381 Oxford Street London W1C 2JS	Monday to Sunday 07:00 - 23:00
-9150	West One Food Fayre	85 Duke Street London W1K 5PG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
13012	The Running Horse	50 Davies Street London W1K 5JE	Monday to Thursday 07:30 - 00:30 Friday 07:30 - 00:30 Saturday 09:30 - 00:30 Sunday 10:00 - 00:00
20749	Barley Mow	82 Duke Street London W1K 6JF	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30

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AGENDA ITEM No.



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>9th March 2017</i>
Classification:	<i>General Release</i>
Premises:	<i>British Sex Shop, 8 Green's Court London W1F 0HH - 16/05871/LISEXR</i>
Wards Affected:	<i>West End</i>
Financial Summary:	<i>None</i>
Report of:	<i>Director of Public Protection and Licensing</i>

1. Executive Summary

- 1.1 The Council has received an application to renew the sex establishment licence from Mr Nigel Moon for the sex shop at British Sex Shop, 8 Green's Court London W1F 0HH. This report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee ("The Committee") requires to determine this application under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("The 1982 Act") as amended by section 27 of the Policing and Crime Act 2009.

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
 - 2.1.1 Renew the licence in full
 - 2.1.2 Renew with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - 2.1.3 Refuse the application

3. Application

- 3.1 On 8th June 2016 the licence holder, Mr Nigel Moon, applied to renew the Sex Shop licence for the premises at 8 Green's Court, London W1F 0HH (see **Appendix A1**).
- 3.2 The current licence for the premises is attached at **Appendix A2**. This licence expired on 18th June 2016. Under Paragraph 11(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 11982, as a renewal application was made prior to its expiry, this licence remains in force until the withdrawal of the application or its determination by the Council.
- 3.3 The premises has held a Sex Establishment licence to operate as a Sex Shop since 18th June 2015. The original application was unopposed.
- 3.4 The licence is subject to the Standard Conditions for Sex Establishments, attached at **Appendix B**.

4. Objections

- 4.1 The application has received one objection, attached as **Appendix C**. The objection is from a local resident. As permitted by paragraph 10(17) of Schedule 3 to the Act, personal details of the objector have been redacted. At the time of publication, the objector has not waived their right to anonymity.

Please note: the objector refers to two separate premises operating from this address. The City Inspectors have confirmed that:

"8 Green's Court has been known to the City Inspectors (previously Licensing Inspectors) for a number of years.

The ground floor at 8 Green's Court has held a sex establishment licence since 2011, and a number of visits have been carried out since then to ensure compliance with the relevant standard and special conditions.

The basement of Green's Court is an unlicensed sex shop and enforcement visits have been undertaken using a range of powers.

There is not a known link for us between the operators of the ground floor and the operators in the basement"

- 4.2 On 16th June 2016, a local resident made an objection to the application on the basis that the noise has increased around the area due to staff and visitors at the premises beyond their opening and closing hours. This is a breach of Condition 4 of the licence (see **Appendix A2**).

5. Policy Considerations

- 5.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments (excluding Sexual Entertainment Venues) under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and the appropriate maximum number of sex establishments within that locality should be 18. As this is a renewal application, determination of this application will not affect this cap.
- 5.2 Within Soho locality as defined there are currently 12 licensed sex establishments. These are:

Licence Holder:	Premises Name:	Address:
Heart of Soho Ltd	Prowler Soho	5-7 Brewer Street
Mr James Poulton	Soho Original Bookshop	12 Brewer Street
Mr Timothy Hemming	Simply Pleasure.Com	31 Brewer Street
Swish Publications Ltd	Super Mags	33 Brewer Street
Harmony Limited	Harmony	99A Charing Cross Road
Simply Pleasure Ltd	Fifty & Dean	50 Old Compton Street
Mr James Poulton	Soho Original Bookshop	121-125 Charing Cross Road
Harmony Limited	Harmony Adult Centre	4-4A Walker's Court
Mr David Edwards	Clone Zone	64 Old Compton Street
Harmony Limited	Harmony Adult Centre	103A Oxford Street
Mr Nigel Moon	British Sex Shop	8 Green's Court
Mr Stephen Squire	Adult World	5 Walker's Court

6. Legal Implications

- 6.1 The Committee using its powers as aforesaid may determine to:
- (a) Renew the application in full
 - (b) Renew with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 6.2 Before refusing to renew the licence, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Committee under Para 10(19) to Schedule 3.
- 6.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period under Para 10(18) Schedule 3.

- 6.4 The Committee may refuse to renew the licence for the following reasons:
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments in the relevant locality at the time the application is *made* [determined] is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 6.5 If the Committee determine to renew the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded otherwise varied pursuant to Para 13(4) to Schedule 3.
- 6.6 Should the Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application Para 27(1) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Para 27(1) to Schedule 3.

7. Human Rights and Equalities Implications Act

- 7.1 In making a decision consideration will need to be given to the applicants rights under the Human Rights Act 1998 (incorporating the European Convention on Human Rights). The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest".

7.2 The Council in its capacity as Licensing Authority has a duty to ensure that all applications for Sex Establishments are dealt with in accordance with its public sector duty under section 149 of the Equalities Act 2010 ("The 2010 Act"). In summary section 149 provides:-

- (1) "A public Authority must, in the exercise of its functions, have due regard to the need to –
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
 - (b) advance of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)....."

7.3 Accordingly, section 149 (7) of the 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.4 This duty places an obligation on the Committee to ensure that the need to promote equality is taken into consideration with regard to every aspect of its decision making, this will include the circumstances of each individual application, the findings of fact once the application has been considered, including the taking into account of any objection and response the applicant may choose to make.

Appendices

- A1 – Application Form
- A2 – Current Sex Establishment Licence
- B – Standard Conditions for Sex Establishments
- C – Local resident objection
- D – Map of the locality

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Sumeet Anand-Patel 020 7641 2737 or at sanandpatel@westminster.gov.uk.

BACKGROUND PAPERS

- Local Government (Miscellaneous Provisions) Act 1982
- Report to Planning and Transportation Committee of 15 June 1999
- Rules of Procedure governing Sex Establishment Licensing
- Standard conditions for Sex Establishment Premises



City of Westminster

PREMISES MANAGEMENT
LICENSING SERVICE

08 JUN 2016

CITY OF WESTMINSTER

APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the Director of Legal & Administrative Services, City of Westminster, 4th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP (Telephone: 020 7641 1090) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

CASH SHOULD NOT BE SUBMITTED.

Fee Paid:	
Date Received:	
Initials:	
Cheque/Receipt No:	
App. No.	

I/We apply for renewal of a licence for the premises in item 2.

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- NIGEL MOON Address:- 123 KENMORE ROAD KENTON, MIDDX HA3 9EY
	(b) Tel No: (during normal office hours)	0780 987 4066
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	31. 07. 1972
	(b) Place of Birth	UK.
3.	(a) Name and address of premises.	Name:- BRITISH SEX SHOP Address:- 8 GREEN'S COURT LONDON W1F 0HH
	(b) Tel No:	0780 987 4066
4.	Give details of the total turnover of the business during the 12 months immediately prior to this application.	AWAITS FINAL ACCOUNTS CIRCA £52,000
5.	Give details of the anticipated turnover of the premises for the next 12 months.	AWAITS FINAL ACCOUNTS CIRCA £52,000
6.	Give details of the articles which are to be offered for sale at the premises.	R18 VIDEOS SEX TOYS

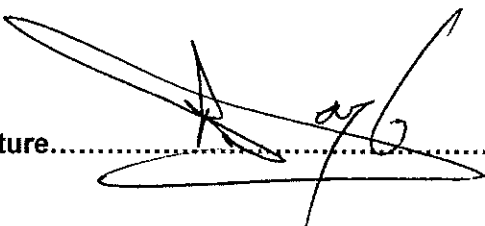
IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

7.	Has the management of the premises in the absence of the licence holder changed?	Yes/No (If yes, the following details need to be supplied on a separate sheet). (a) Full Name (b) Private Address (c) Date of Birth (d) Place of Birth (e) Four photos of them
8.	(a) Name of newspaper in which application was advertised.	WEST END EXTRA
	(b) Date of newspaper: (See Note B)	3RD JUNE 2016
9.	Date poster exhibited at the premises: (See Note C)	2ND JUNE 2016.
10.	Have you sent a copy of the application to the Metropolitan Police Service as required by the Act. (See Note D)	Yes/ No
11.	Address to which licence and correspondence should be sent.	P.J.L CONSULTANTS LTD UNIT 9 WESTFIELD COURT PORTSMOUTH ROAD SURBITON, AT6 4HG

WARNING

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

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

Signature..... 

Date..... 31ST MAY 2016.....

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.





City of Westminster

WARD : West End
UPRN: 010033557010

SEX ESTABLISHMENT LICENCE

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

hereby licences MR NIGEL MOON

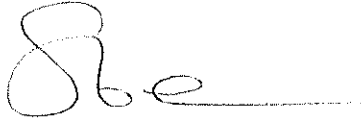
to use the premises BRITISH SEX SHOP
 8 GREEN'S COURT
 LONDON
 W1F 0HH

as a establishment.

This licence is in force up to 18 JUNE 2016

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

None

<p>DATE: 18 JUNE 2015</p>	 <p>SIGNED: pp Operational Director - Premises Management</p>
----------------------------------	---

Schedule of Conditions

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues)

Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

Standard Condition 5:

- (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Standard Condition 6:

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

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

Standard Condition 7:

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

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

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Standard Condition 8:

- (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an

altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Standard Condition 9:

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Standard Condition 10:

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

Standard Condition 29:

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

Standard Condition 30:

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

Standard Condition 31:

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Reference - 16/05871/LISEXR

June 13, 2016 Appendix C

PREMISES MANAGEMENT
LICENSING SERVICE

16 JUN 2016

CITY OF WESTMINSTER

Dear Sir,

The British Sex Shop in the ground floor and the British Sex shop in the basement in No. 8 Greens Court are two different ownership. They open at 7:00 A.M. and close at 4:00 A.M. Sometimes 3:00 A.M.

at 9:00 or 9:30 A.M. the staff of the 2 shops are outside in front of the shop talking loudly.

at around 12:30 P.M. a lot of people outside the shop hanging around the British Sex Shop in the ground floor talking to the staff of the British Sex Shop basement.







I live in

since 2002. Please Sir could you help us and do something about our problem. We can not open our window because of the noise of talking so loud. I talked to them several times asking them not to talk so loud but still the same. Some people who live here are and temporary but we live here permanent. Please help us to solve our problem.

P.S MOST OF THE TIME STAFF
BRITISH SEX SHOP SLEEP INSIDE THE
SHOP.

Respectfully yours,

British Sex Shop

-  Westminster Boundary
-  Schools
-  Primary
-  Secondary
-  Faith Groups
-  Live Sex Establishments

Appendix D



City of Westminster

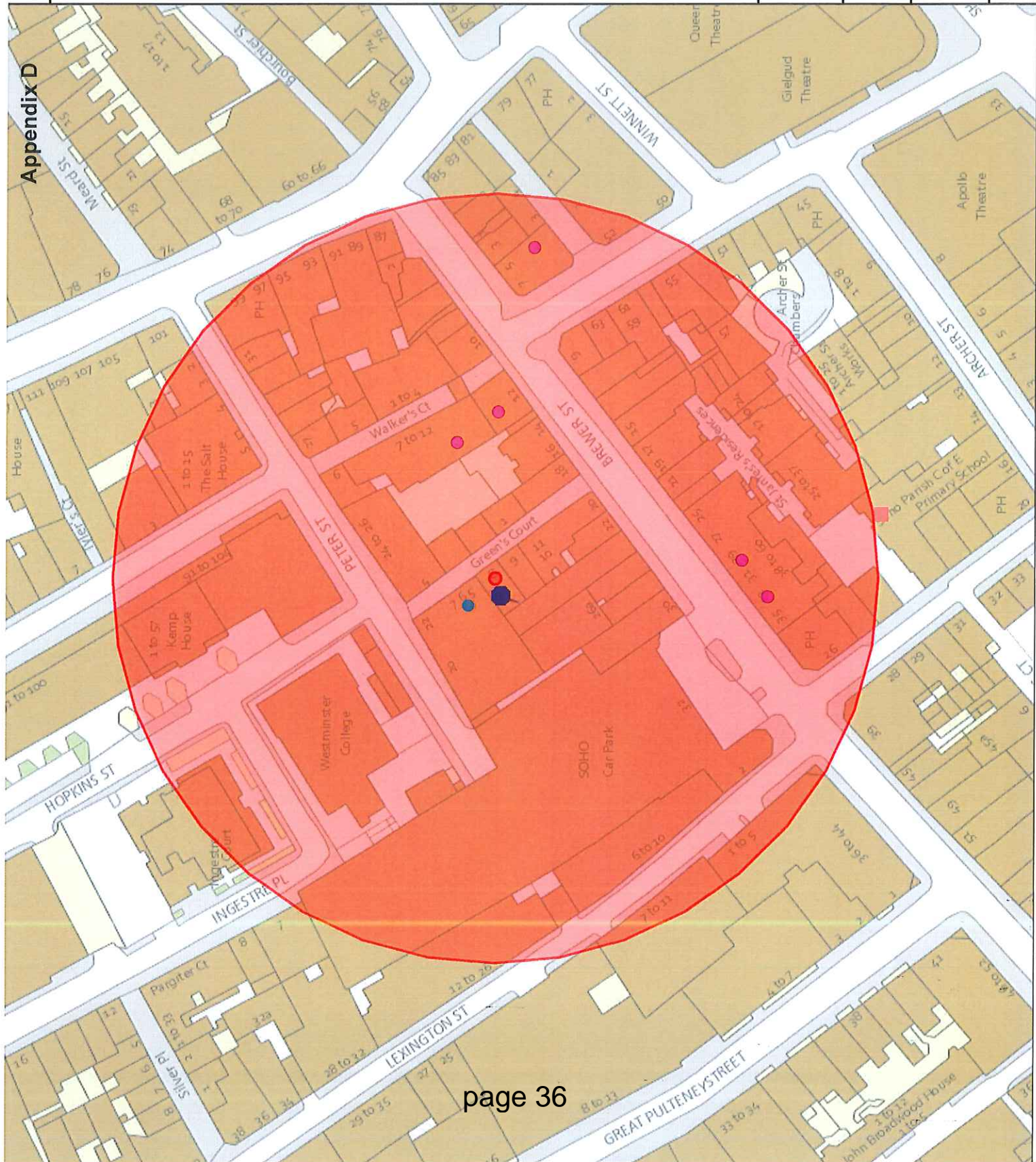


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Data Source:

Date: 05/01/2017

Appendix D



Premises within 75m of: British Sex Shop, 8 Green's Court			
p / n	Name of Premises	Premises Address	Premises Type
15/07952/LISEVR	The Boulevard	7 - 12 Walker's Court London W1F 0BS	Sexual Entertainment Venue
15/06091/LISEVR	The Box	11-12 Walker's Court London W1F 0ED	Sexual Entertainment Venue
15/08973/LISEVN	The Box	11-12 Walker's Court London W1F 0ED	Sexual Entertainment Venue
16/00459/LISEXR	Prowler Soho	The Shadow Lounge 5 - 7 Brewer Street London W1F 0RE	Sex Shop
16/01214/LISEXR	Super Mags	Ground Floor 33 Brewer Street London W1F 0RU	Sex Shop
15/12161/LISEXR	Simply Pleasure.Com	29 - 31 Brewer Street London W1F 0RU	Sex Shop
15/08960/LISEVN	The Box	11-12 Walker's Court London W1F 0ED	Sexual Entertainment Venue
15/06700/LISEVR	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sexual Entertainment Venue
16/01277/LISEXR	Soho Original Bookshop	Basement And Ground Floor 12 Brewer Street London W1F 0SF	Sex Shop

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	9 th March 2017
Licensing Ref No:	17/00601/LIPV - Premises Licence Variation
Title of Report:	London Cocktail Club Basement Portland House 4 Great Portland Street London W1W 8QJ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	18 January 2017		
Applicant:	The London Cocktail Club Limited		
Premises:	London Cocktail Club		
Premises address:	Basement Portland House 4 Great Portland Street London W1W 8QJ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a Cocktail Lounge.		
Variation description:	<p>The applicant has applied to vary the terminal hour from 23:30 until 01:00 on a Thursday for film, live music, recorded music, late night refreshment and retail sale of alcohol.</p> <p>To vary the terminal hour from 00:00 until 02:00 on a Friday and Saturday for film, live music, recorded music, late night refreshment and retail sale of alcohol.</p> <p>To add a number of conditions to the premises licence.</p>		
Premises licence history:	The premises has been licensed February 2014		
Applicant submissions:	None provided.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	02:00		
Saturday	10:00	00:00	10:00	02:00		
Sunday	12:00	22:30	No Change			
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>				<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30	23:00	01:00		
Friday	23:00	00:00	23:00	02:00		
Saturday	23:00	00:00	23:00	02:00		
Sunday			No Change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.				The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30	23:00	01:00		
Friday	10:00	00:00	23:00	02:00		
Saturday	10:00	00:00	23:00	02:00		
Sunday	12:00	10:00	23:30			

Seasonal variations/ Non-standard timings:	Current:	Proposed:
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>

Late night refreshment

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30	23:00	01:00		
Friday	23:00	00:00	23:00	02:00		
Saturday	23:00	00:00	23:00	02:00		
Sunday	23:00	00:00	No Change			

Seasonal variations/ Non-standard timings:	Current:	Proposed:
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British</p>

		Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.
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Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
					On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	02:00		
Saturday	10:00	00:00	10:00	02:00		
Sunday	10:00	22:30	No Change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>				<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:30		
Tuesday	10:00	23:30	10:00	23:30		
Wednesday	10:00	23:30	10:00	23:30		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	02:00		
Saturday	10:00	00:00	10:00	02:00		
Sunday	12:00	2:30	12:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>				<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

1-C Layout alteration
No variation to the layout proposed.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p><u>Condition 37:</u></p> <p>On Thursdays there shall be no admittance or re-admittance to the premises after 00:00 except for patrons permitted to temporarily leave the premises to smoke.</p>	To be added.	
<p><u>Condition 38:</u></p> <p>On Fridays and Saturdays there shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.</p>		
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Ayesha Bolton
Received:	15 th February 2017
<p>RE: London Cocktail Club, Basement, Portland House, 4 Great Portland Street, London, W1W 8QJ</p> <p>I refer to the application for the variation of Premises Licence for the above premises.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the application and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To extend the permitted hours for Regulated Entertainment of Films, Live Music and Recorded Music Thursday from 23.30 to 01.00 hours and Friday to Saturday from 	

00.00 to 02.00 hours.

2. To extend the permitted hours for Supply of Alcohol On the premises only Thursday from 23.30 to 01.00 hours and Friday to Saturday from 00.00 to 02.00 hours.
3. To extend the permitted hours for Late Night Refreshment 'Indoors' only Thursday from 23.30 to 01.00 hours and Friday to Saturday from 00.00 to 02.00 hours.

I wish to make the following representation.

1. The hours requested for the Regulated Entertainment will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.
2. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.
3. The hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	4 th February 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

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

3. Policy & Guidance

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

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

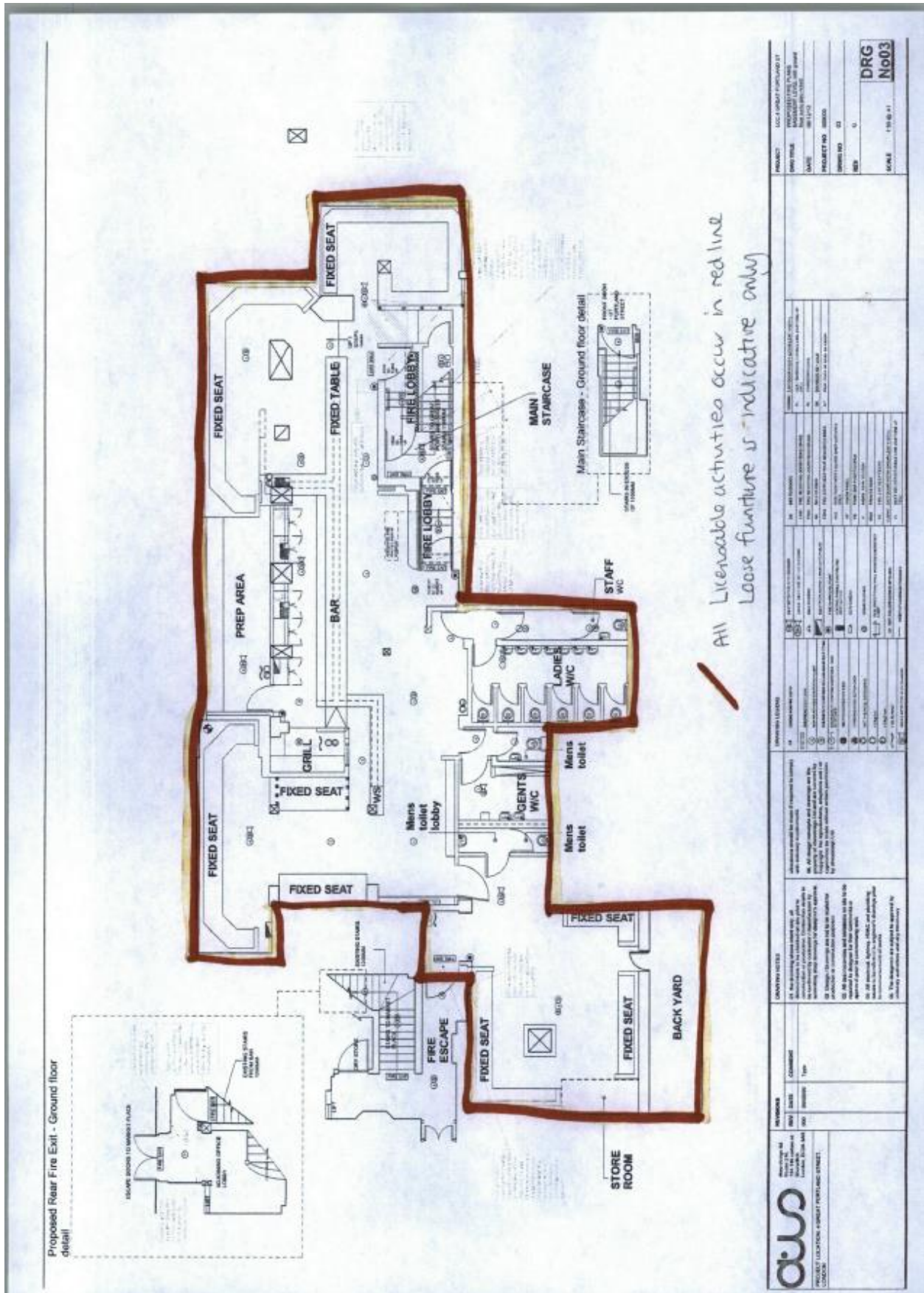
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	18 th January 2017
5	Representation – Environmental Health	15 th February 2017
6	Representation – MET Police Service	6 th February 2017

Premises Plans



Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/10160/LIPN	Application for a new premises licence	13/02/2014	Granted by Licensing Sub-Committee
15/06997/LIPCH	Change of details	14/08/2015	Granted under Delegated Authority

TEN History

15/03307/LITENP	Temporary Event Notice	08.07.2015	Notice Granted
15/06750/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/07342/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/10438/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10438/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10440/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10442/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
16/00765/LITENP	Temporary Event Notice	28.01.2016	Notice Granted
16/05417/LITENP	Temporary Event Notice	07.06.2016	Notice Granted

16/07725/LITENP	Temporary Event Notice	29.07.2016	Notice Granted
16/08649/LITENP	Temporary Event Notice	19.08.2016	Notice Granted
16/09222/LITENP	Temporary Event Notice	26.09.2016	Notice Granted
16/09656/LITENP	Temporary Event Notice	02.12.2016	Notice Granted
16/12094/LITENP	Temporary Event Notice	20.12.2016	Notice Granted
16/12102/LITENP	Temporary Event Notice	20.12.2016	Notice Granted
16/13203/LITENP	Temporary Event Notice	20.12.2016	Notice Granted

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 200 persons.
12. There shall be waiter/waitress service throughout the premises at all times.
13. There shall be no sales of alcohol for consumption off the premises.
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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
21. 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.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. 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.
25. There shall be no cinema style showing of films.
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. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
 28. The food bar shown on the plans shall be maintained functioning and available to patrons at all times the premises are trading.
 29. A taxi service shall be available to patrons.
 30. There shall be no draught beer sold at the premises.
 31. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
 32. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
 33. 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.
 34. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
 35. The premises shall operate as a cocktail lounge, and a minimum percentage of cocktail drinks on any given day sold at the premises shall be 75% of total sales.
 36. There shall be a minimum of one SIA security person on duty Friday and Saturday from 9pm until 15 minutes after the premises closes.

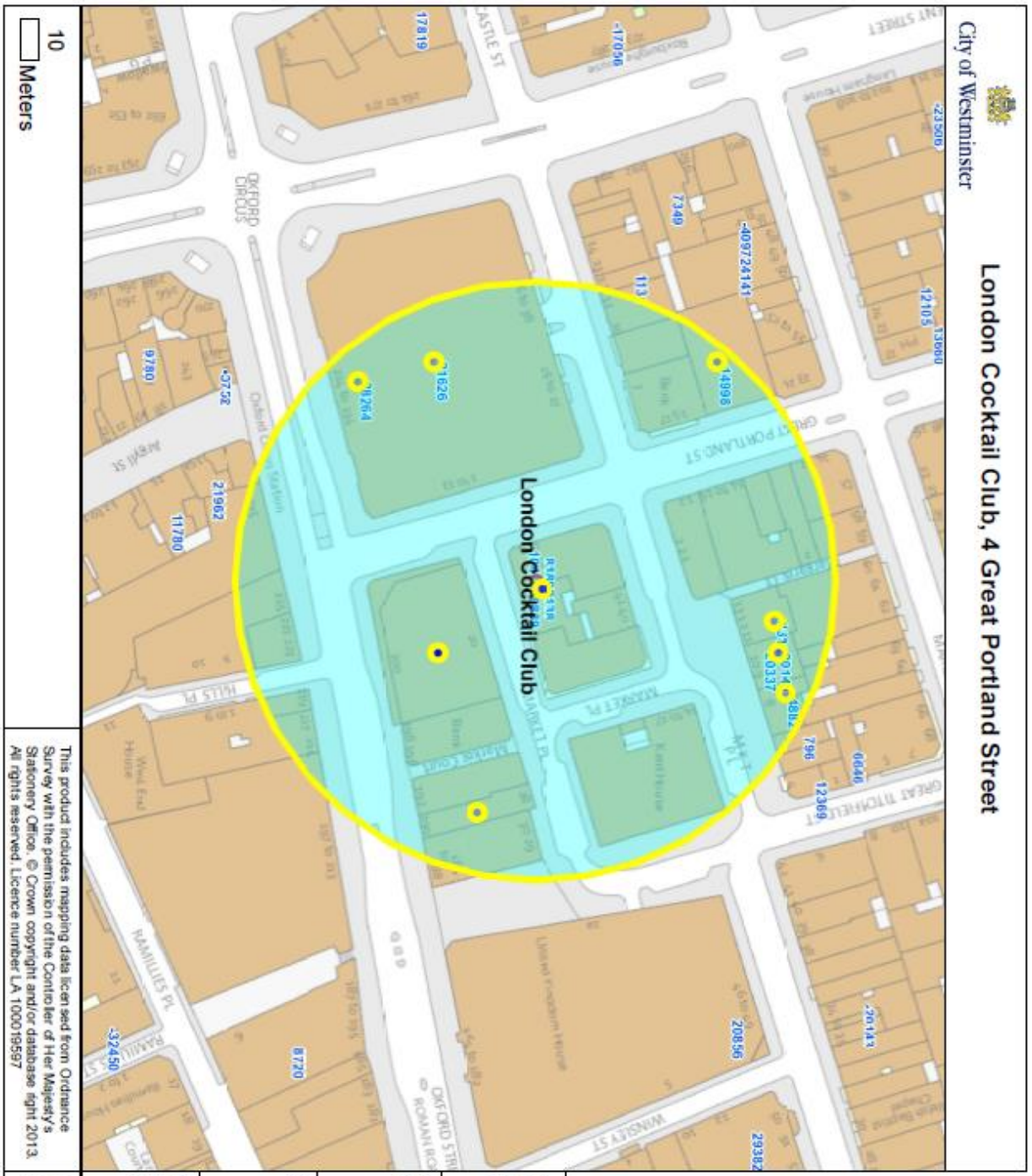
Conditions proposed by applicant:

37. On Thursdays there shall be no admittance or re-admittance to the premises after 00:00 except for patrons permitted to temporarily leave the premises to smoke.
38. On Fridays and Saturdays there shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.

Conditions Proposed by Metropolitan Police Service

39. There shall be a minimum of 2 SIA Security on Friday and Saturday night and 1 SIA Security on Thursday night between 9pm and 15 minutes after the premises closes. Their SIA licences shall be displayed at all times.
40. There shall be a 15 minute wind down period prior to the end of licensable activities on Thursday, Friday and Saturday trading nights. The style tempo and volume of any music shall be consistent with the wind down period.

Residential Map and List of Premises in the Vicinity



City of Westminster	London Cocktail Club, 4 Great Portland Street	
10 Meters	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597</p>	
Residential / Proposed Residential	13	
Under Construction	None	
Other Uses	None	
Proportion Residential of all Uses	None	
Data Source: Uniform Database	Date: 20/02/2017	

Premises within 75 metres of: London Cocktail Club, Basement Portland House 4 Great Portland Street

p / n	Name of Premises	Premises Address	Licensed Hours
-14998	Vapiano	19 - 21 Great Portland Street London W1W 8QB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00
20337	Strada	Ground Floor 9 - 10 Market Place London W1W 8AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-8313	Market Place	11 - 13 Market Place London W1W 8AH	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:30 Thursday to Saturday 08:00 - 02:30 Sunday 08:00 - 23:00
-4882	Carluccio's	7-8 Market Place London W1W 8AG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2138	Dego	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
20149	Coppa Club	Ground Floor 9 - 10 Market Place London W1W 8AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
21626	Eat Limited	36-38 Great Castle Street London W1W 8LW	Monday to Saturday 09:00 - 21:00 Sunday 11:00 - 18:00
28264	Top Shop	Whole Building 214 Oxford Street London W1C 1DA	Monday to Sunday 09:00 - 23:00
30839	Cote	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00