



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 12th October, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tim Mitchell (Chairman)
Murad Gassanly
Rita Begum

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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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. G-A-Y LATE, GROUND FLOOR, 5 GOSLETT YARD, WC2

(Pages 1 - 108)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact area	G-A-Y Late, Ground Floor, 5 Goslett Yard, WC2	Variation of a Premises Licence	17/08651/LIPV

2. KAZU RESTAURANTS 1 LTD, BASEMENT AND GROUND FLOOR, 61-63 BEAK STREET, W1 (VARIATION APPLICATION)

(Pages 109 - 134)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative	Kazu Restaurants 1 Ltd, Basement	Variation of a Premises Licence	17/08781/LIPV

	Impact area	And Ground Floor, 61-63 Beak Street, W1		
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3. KAZU RESTAURANTS 1 LTD, BASEMENT AND GROUND FLOOR, 61-63 BEAK STREET, W1 (NEW APPLICATION)

(Pages 135 - 174)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact area	Kazu Restaurants 1 Ltd, Basement And Ground Floor, 61-63 Beak Street, W1	New Premises Licence	17/06730/LIPN

4. MIABELLA LONDON, BASEMENT, 12-13 GREEK STREET, W1

(Pages 175 - 200)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact area	Miabella London, Basement, 12-13 Greek Street, W1	Variation of a Premises Licence	17/09067/LIPV

5. PILGRIM HOTEL, 25 LONDON STREET, W2

(Pages 201 - 224)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	Hyde Park Ward / not in cumulative impact area	Pilgrim Hotel, 25 London Street, W2	Variation of a Premises Licence	17/09121/LIPV

6. STAYCITY APARTMENTS, 73-75 STRAND, WC2

(Pages 225 - 242)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	St James's Ward / not in cumulative impact area	StayCity Apartments, 73-75 Strand, WC2	New Premises Licence	17/09205/LIPN

7. 55 FRITH STREET, W1

(Pages 243 - 256)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
7.	West End Ward / West End Cumulative Impact Area	55 Frith Street, W1	New Premises Licence	17/07932/LIPN

Charlie Parker
Chief Executive
5 October 2017

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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.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	12 th October 2017
Licensing Ref No:	17/08651/LIPV - Premises Licence Variation
Title of Report:	G-A-Y Late Ground Floor 5 Goslett Yard London WC2H 0EE
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:	1 August 2017		
Applicant:	G-A-Y Group Limited		
Premises:	G-A-Y Late		
Premises address:	Ground Floor 5 Goslett Yard London WC2H 0EE	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a nightclub.		
Variation description:	The applicant has applied to extend the terminal hour for all licensable activities from 03:00 to 04:00.		
Premises licence history:	The premises has been licensed since July 2005. A full history can be found at Appendix 2.		
Applicant submissions:	None.		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films					Indoors, Outdoors or Both:	Indoors.
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	09:00	03:00	09:00	04:00	No change.	
Tuesday	09:00	03:00	09:00	04:00		
Wednesday	09:00	03:00	09:00	04:00		
Thursday	09:00	03:00	09:00	04:00		
Friday	09:00	03:00	09:00	04:00		
Saturday	09:00	03:00	09:00	04:00		
Sunday	22:00	03:00	12:00	04:00		
Seasonal variations: Non-standard timings:	Current:				Proposed:	
	See conditions at Appendix 3				None.	

Performance of live music					Indoors, Outdoors or Both:	Indoors.
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	09:00	03:00	09:00	04:00	No change.	
Tuesday	09:00	03:00	09:00	04:00		
Wednesday	09:00	03:00	09:00	04:00		
Thursday	09:00	03:00	09:00	04:00		
Friday	09:00	03:00	09:00	04:00		
Saturday	09:00	03:00	09:00	04:00		
Sunday	12:00	03:00	12:00	04:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See conditions at Appendix 3				None.	

Performance of Dance					Indoors, Outdoors or Both:	Indoors.
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	09:00	03:00	09:00	04:00	No change.	
Tuesday	09:00	03:00	09:00	04:00		
Wednesday	09:00	03:00	09:00	04:00		
Thursday	09:00	03:00	09:00	04:00		
Friday	09:00	03:00	09:00	04:00		
Saturday	09:00	03:00	09:00	04:00		
Sunday	12:00	03:00	12:00	04:00		
Seasonal variations: Non-standard timings:	Current:				Proposed:	
	See conditions at Appendix 3				None.	

Recorded Music					Indoors, Outdoors or Both:	Indoors.
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	00:00	00:00	No Change		No change.	
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations: Non-standard timings:	Current:				Proposed:	
	See conditions at Appendix 3				None.	

Late night refreshment					Indoors, Outdoors or Both:	Indoors.
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	23:00	03:30	23:00	04:30	No change.	
Tuesday	23:00	03:30	23:00	04:30		
Wednesday	23:00	03:30	23:00	04:30		
Thursday	23:00	03:30	23:00	04:30		
Friday	23:00	03:30	23:00	04:30		
Saturday	23:00	03:30	23:00	04:30		
Sunday	23:00	03:00	23:00	04:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See conditions at Appendix 3				None.	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		Both
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	03:00	10:00	04:00	No change.
Tuesday	10:00	03:00	10:00	04:00	
Wednesday	10:00	03:00	10:00	04:00	
Thursday	10:00	03:00	10:00	04:00	
Friday	10:00	03:00	10:00	04:00	
Saturday	10:00	03:00	10:00	04:00	
Sunday	12:00	03:00	12:00	04:00	
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		See conditions at Appendix 3			None.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	03:30	09:00	04:30	No Change.
Tuesday	09:00	03:30	09:00	04:30	
Wednesday	09:00	03:30	09:00	04:30	
Thursday	09:00	03:30	09:00	04:30	
Friday	09:00	03:30	09:00	04:30	
Saturday	09:00	03:30	09:00	04:30	
Sunday	12:00	03:30	12:00	04:30	
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		See conditions at Appendix 3			None.

1-C Layout alteration	
No Change.	

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p><u>Condition 22</u></p> <p>There is to be no entry to the premises after 01:00 on Sundays except for Sundays immediately preceding a bank holiday and the Sunday when the Gay Pride Festival takes place.</p>	To be deleted	
<p><u>Condition 27</u></p> <p>There shall be no entry after 03:00</p>	To be added	
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	25 th August 2017
<p>I refer to the variation application for the Premises Licence, 16/00325/LIPV, for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant is seeking the following variations:</p> <ol style="list-style-type: none"> Extend terminal hour of the following Regulated Entertainments, Monday to Sunday to 04:00 hours: <ul style="list-style-type: none"> • Live Music 'Indoors' • Films 'Indoors' • Performances of Dance 'Indoors' Extend terminal hour for Late Night Refreshment 'Indoors', Monday to Sunday to 04:30 hours Extend terminal hour for Sale by Retail of Alcohol 'On' and 'Off' the premises, Monday to Sunday to 04:00 hours Removal of condition 22 	

I wish to make the following representations:

1. The proposed extension in the terminal hour for the stated Regulated Entertainments may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area
2. The proposed extension in the terminal hour for Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area
3. The proposed extension in the terminal hour for The Supply of Alcohol may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area.
4. Removal of condition 22 may have the effect of increasing Public Nuisance in the West End Cumulative Impact Area.

It is unclear from the application if the extension in the terminal hour also applies to the licensable activity of 'Anything of a similar description to Live Music, Recorded Music or Performance of Dance'.

The extension in hours requested will result in licensable activities being permitted further beyond the 'core hours' as stated in Westminster's Statement of Licensing policy.

Prior to any hearing for determination of the application Environmental Health shall provide a premises history check of Council records, approximately over the last 2 years, of any engagements with the premises with regards to the licensing objectives.

The applicant has submitted an additional condition in the operating schedule in support of the application. This is under consideration.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	23 rd August 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.

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	25 th August 2017

I write in relation to the application to vary the premises licence for the above mentioned premises. This variation application seeks to extend the terminal hour for all licensable activities by one hour. This will allow Films, Live Music, Performance of Dance and the sale of alcohol until 04:00hr every day of the week. Late Night refreshment and the opening hours will be until 04:30hr every day of the week. The premises are located within the West End Cumulative Impact Area and as such a number of policy points must be considered.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The City Council's current Statement of Licensing Policy ("SLP") under the Licensing Act 2003 was approved by the Council in November 2015 and took effect in January 2016.

It contains the following policies which are relevant to the application to vary the G-A-Y Late premises licence:

Special policy on cumulative impact in Cumulative Impact Areas - Policy CIP1

- (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.
- (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.

Hours - Policy HRS1

- (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 and with particular regard to the following:

- (a) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.
- (b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.
- (c) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- (d) The proposed hours when any music, including incidental music, will be played.
- (e) The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- (f) The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
- (g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- (h) The capacity of the premises.
- (i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs.
- (j) The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- (k) Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- (l) The council acting as the Licensing Authority may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- (m) Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non specific days are expected to be covered by Temporary Event Notices or variation applications.

Core hours when customers are permitted to be on the premises (see Policy HRS1)

- 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

Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas - Policy MD2

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

Accordingly, the application should be granted, under the Council's Policy, only in "exceptional circumstances".

The application as it currently stands is contrary to the Westminster Statement of Licensing Policy's set out above. It is the Licensing Authority policy to refuse this application within the Cumulative Impact area as no exceptional circumstances have been provided. The Licensing Authority expects applicants to provide an operating schedule which sets out how they intend to promote the licensing objectives and how granting the extension of hours would be an exception to the Council's Policies.

The Licensing Authority is formally making a representation to this application for the reasons stated above. We request that additional information is submitted as soon as possible that sets out the justification as to why this application should be granted as an exemption the current policies.

2-B Other Persons	
Name:	Peter Tatchell
Address and/or Residents Association:	
In Support or Opposed:	Support
Received:	15 th August 2017

I am aware that G-A-Y Late has made an application for later operating hours because of their concern that rent and rate rises risk making the premises no longer commercially viable. It would a loss to the LGBT community if it was forced to close.

We really need to keep all of our central London LGBT venues to ensure that the Soho and Covent Garden areas remain culturally diverse and meet the social needs of London's LGBT community.

I understand that Westminster has a licensing policy that normally refuses applications for later extensions. However, I very much doubt that giving G-A-Y Late an extra hour is going to increase problems in the area relating to public nuisance or crime and disorder. These premises are not troublesome at the moment and there is no reason to suppose that extra opening hour would suddenly turn them into problematic premises.

It is very important thing to preserve LGBT venues and cultural diversity in this area at a time when many other premises are closing.

I therefore ask you to look favourably on G-A-Y Late's application for a one hour extension.

Name:	Cllr Paul Church
Address and/or Residents Association:	Westminster City Councillor For West End Ward Deputy Cabinet Member For Adult Social Services & Public Health Lead Member For Mental Health Lead Member For LGBTQ+
In Support or Opposed:	Support
Received:	15 th August 2017

I would like to start by saying that I do not support late night terminal hour licence extensions in Soho as a rule. The stress area designation, with presumption not to grant a later licence, is there for a reason and I think it would be catastrophic to the area were this precedent to be compromised in any way, shape or form.

In this particular instance, it is my belief that the applicant has a well-run business which provides a safe venue for London's LGBTQ+ population and has done some excellent work with the Council's commissioned sexual health service at 56 Dean Street to encourage and facilitate testing. This business has also got an important track record of fundraising for a number of charities, including the Elton John Aids Foundation. This particular venue serves a predominantly LGBTQ+ clientele and I am conscious that the owner, Mr. Joseph, makes a conscious effort to work with the Council and the police so as to not be a nuisance to neighbours and to tackle crime and anti-social behaviour. I have not received a single complaint about this business, and rather exceptionally (and most importantly), G-A-Y Late is located in Goslett Yard, an unusually isolated part of West End Ward with no residents on the electoral roll. Equally, it does not back onto residential properties nor have any above or below. I am also comforted by the fact that the applicant has offered a condition to prevent new customers entering the venue after the current closing time of 3 a.m. Therefore, in this particular instance alone, I am minded not to object to the proposal.

However, this would be on the basis that granting it would not set any form of precedent whereby bars on surrounding Soho residential streets, such as: Dean Street, Frith Street, Old Compton Street, Rupert Street or Wardour Street could use it to obtain later licences, as this would be, in my opinion, as the elected Ward Member, wholly unfair in compromising residential amenity and would clearly compromise the prevention of crime and disorder and public nuisance and also compromise public safety.

I also believe, were the committee minded to grant this licence, that it should be personal to the current business operating there, rather than to the premises and that, should the premises be sold on at a later date, the licence be reverted to the current conditioned hours. Furthermore, I would hope that it would make clear that it does so on the basis of it being an exception, as a unique business in an unusually non-residential street and that, whilst we positively support the retention of as many LGBTQ+ venues as possible in Soho, this is not being granted so as to mitigate business rates/rent rises as has been suggested, which are not under the Council's control as, I feel, this would otherwise set a very dangerous precedent.

Name:	Amy Lame, Night Csar
Address and/or Residents Association:	Mayor Of London Office
In Support or Opposed:	Support
Received:	29 th August 2017

Thank you for meeting with me on 19 July to discuss the pressures that G-A-Y Late is facing, as well as broader issues impacting London's night time economy and culture.

The Mayor has pledged to make safeguarding London's night-time economy and culture a core priority. Protecting LGBT+ venues is a key part of this. They contribute to London's economy, generate stronger and more resilient communities and are vital for many people's freedom of expression.

In the capital, our vibrant and diverse night time economy and culture is recognised around the world, attracting domestic and international visitors. It is a key driver of the economic and cultural regeneration of town centres, worth £26.3bn to our economy and employing 700,000 people.

However, this is under threat. London has lost a quarter of its pubs and half of its nightclubs over the last ten years.

An alarming new report published by University College London (UCL) Urban Laboratory¹ shows that London's LGBT+venues are in crisis, with a 58% loss of spaces in the past decade. In 2006, there were 125 venues in operation, while in 2017 there are just 53 - a fall of 58%.

Despite LGBT+venues often being thriving and successful businesses, UCL's report finds that they are closing because of external pressures such as large-scale developments.

G-A-Y is a much-loved and long-running brand and G A-Y Late is one of the biggest LGBT+venues in the capital. It sees hundreds of thousands of people pass through its doors each year, and G-A-Y donates a significant amount to charities that benefits the LGBT+ community and beyond.

The Mayor and I want to ensure that London is a city where minority communities are able to meet and socialise in a safe space, and where their heritage is protected. Many communities have museums to preserve their histories and educate others, like the Jewish Museum in Camden and the Black Cultural Archives in Brixton.

No such museum yet exists for the LGBT+ community whose heritage lies in largely informal social settings as opposed to established institutions and archives. In a year where homophobic hate crime in the capital has risen by 12% to over 2,000 incidents it is a matter of urgency that we support the capital's remaining gay venues.

In order to stem closures of LGBT+spaces the Mayor has instructed me to make protecting LGBT+venues an urgent priority by acting as a mediator between venue owners, and developers and pub companies, and reaching out to venues in trouble to offer support from City Hall. I have been already working closely with a number of

venues and community groups in London, including G-A-Y.

The Mayor has also pledged to introduce the Agent of Change planning principle in his next London Plan to safeguard London's live music venues, clubs and pubs- including LGBT+ venues .

I am encouraging developers, venues, pub companies and others to sign up to new LGBT+Venues Charter (see Annex A). This five-point pledge is endorsed by Stonewall, Pride, UK Black Pride and a number of promoters and operators of LGBT+venues.

The Mayor has also recently published 'From Good Night to Great Night', his Vision for London as a 24-Hour City, which can be viewed at: www.london.gov.uk/24hour:vision. It sets out the ten principles that will guide the work of City Hall and focuses on building a night-time culture which serves the needs of all Londoners and visitors to the capital.

I hope a resolution can be found to enable G-A-Y Late to continue doing excellent work

Name:	Jonathan Glanz
Address and/or Residents Association:	Ward Cllr West End
In Support or Opposed:	Support
Received:	29 th August 2017

I am writing in my capacity as West End Ward Member, in which Ward this Application lies.

I am aware that the proposed Application to extend the opening hours is against Policy but would support a specific and discretionary approach to allow the Application for the following reasons:-

1. The Application Site is immediately adjacent to the Crossrail workings for part of the Tottenham Court Road Station. They have been materially adversely affected for many years and it has made trading conditions and visibility of the property much more difficult.
2. Although the Elizabeth Line is due to open later next year, the over-station development will continue for some period. It is also anticipated that Crossrail 2 will commence works, leading to a further extended and substantial period of disruption.
3. The premises are one of a dwindling number of LGBT venues in and around Soho. As a result of economic and social changes, we have lost a significant number of such venues which are part of the unique character and balance of the Soho area. Many of the remaining ones are owned by large corporations who take a very hard-nosed view on the use of their premises, particularly at a time of significant increase in rent and rate and other costs, and there are very few independently-owned businesses left in the area.
4. I have received no complaint in relation to the current operation of the business from residents, and indeed it is my understanding that there are few, if any,

residents in the immediate area.

5. I have visited the premises on a number of occasions and the owner of the bar Jeremy Joseph, is known to me. He maintains a high level of visibility within the LGBT Community, of which he has been a leading member for many years and has supported the work of the Safer London Business Crime Reduction Partnership which I chair and works with Police to minimise crime both within and around the venue.

I would generally not support the proliferation of later opening times in other areas or that could affect significant numbers of residents. I believe that these premises are unusual in this respect and would therefore urge you to make an exception to Policy and grant the Application.

Name:	Mr David Kaner
Address and/or Residents Association:	Covent Garden Community Association
In Support or Opposed:	Opposed
Received:	27 th August 2017

This representation is made on behalf of the Covent Garden Community Association (CGCA).

This application is to allow GAY to continue to operate until 04:30, with the sale of alcohol ending at 04:00. The current licence ends 1 hour earlier than this. The application includes a condition for the last entry at 03:00.

The premises are situated in Goslett Yard on the West side of Charing Cross Road. Customers arriving at or leaving the premises do so via Charing Cross Road and so have an impact on residents on the East side, especially in the residential buildings opposite Goslett Yard which fall within the CGCA's area.

The CGCA's view is that allowing the premises to operate 1 hour later will increase the level of Public Nuisance within the CIA compared to the current situation, which is already noisy. People leave the premises up until 03:30 and remain in the area for a period after this. Having the premises open until 04:30 will move the disturbance even later which will add to Public Nuisance.

The last entry condition will mean that there will not be new people arriving. Whilst this is better than having new people coming to the premises after 03:00 it does not have an impact on the noise made by people leaving during the extended hours of operation.

This Variation will cause harm to the Licensing Objective of the Prevention of Public Nuisance and we cannot imagine any conditions which could be imposed which would prevent this harm. We ask that it be refused.

Name:	Tyler Thorne
Address and/or Residents Association:	
In Support or Opposed:	Oppose
Received:	29 th August 2017

The application 17/08651/LIPV follows a previous hearing on 10/03/17, which denied the premises an application to extend the terminal hour to the hours applied for within this one.

Since then, there has been no change to the reasons why this variation should be granted. Considering this premises falls within a cumulative impact zone and there has not been a significant drop in crime rates relating to the premises compounded by the additional noise that this would bring to myself and my partner as neighbours, I strongly feel that the committee should deny the application.

In the application, the premises seems to not have given serious thoughts to how to combat the issues raised at the previous denied variation and adhere to the licensing objectives as seen in section M parts a-e of the application, by just suggesting no entry to the premises after 03:00 and offering no additional steps.

I also refer to 2 articles featuring an interview with Mr. Jeremy Joseph

The first dated 11/07/17 found at <http://www.pinknews.co.uk/2017/07/11/owner-of-g-a-y-nightclubs-says-their-venues-future-are-under-threat-due-to-rent-rises/> in which Mr. Joseph claims in an interview with BBC Radio London discusses rent rises at the premises and a second article dated 02/08/17 found at <http://www.pinknews.co.uk/2017/08/02/g-a-y-owner-launches-bid-to-save-soho-nightclub-after-extreme-rent-rises/> in which he states:

"Today I put in an application with Westminster Council to increase G-A-Y Late opening hours to 4am, that extra hour, 7 days a week, 364 days a year will cover the rent increase.

"I know, it is against Westminster Policy to increase hours in the stress area, but we didnt ask for rent and rates increases"

Mr. Joseph has rebuked the suggestion that alcohol prices, many which are £1.80 5 days a week, be increased to cover the costs, I do not believe the first port of call in dealing with a rent increase is to be granted something contrary to the local authorities licensing policy.

Name:	David Gleeson
Address and/or Residents Association:	Soho Society
In Support or Opposed:	Opposed
Received:	27 th August 2017

I write to make a relevant representation to the above application on behalf of The Soho Society.

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

About The Soho Society

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

Application summary

The application seeks to extend the terminal hour of operation on every night of the week.

Hours of operation

The applicant wishes to extend operating hours until 4.30am, seven days per week. The premises are currently licensed until 3.30am. Situated on the 'border' of Soho and Covent Garden, in the heart of the West End Cumulative Impact Area, the immediate neighbourhood includes many private residences. There are homes close by on Charing Cross Road and Denmark Street, and all residents in the surrounding area are subject to noise and general nuisance every night of the week. Access to the premises is located in Goslett Yard, a small cul-de-sac which opens into Charing Cross Road, which means all customers have to arrive and leave via Charing Cross Road, and Goslett Yard is directly opposite the residential block of Shaldon Mansions (132 Charing X Road, WC2H 0LA). If this application is successful, it will mean the general noise of people arriving and leaving, cars and taxis, etc, will continue for an extra hour into the morning, thus depriving nearby residents of one more hour of peace per night, every night.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious

problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application. Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

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

Policy 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 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>

Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that 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 equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Licensing Sub-Committee Decision 10 th March 2016

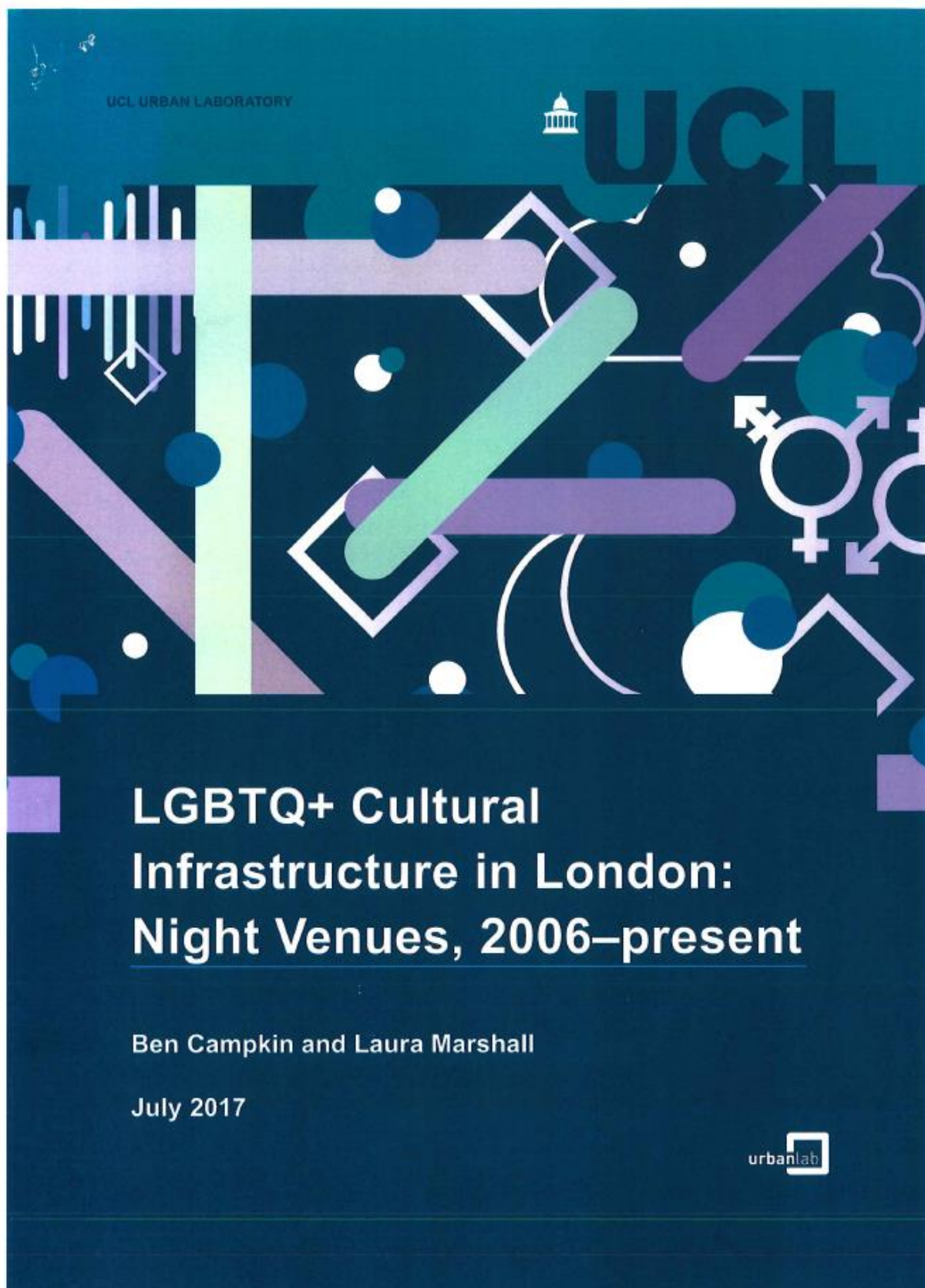
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	1 st August 2017
5	Representation – Environmental Health	25 th August 2017
6	Representation – MET Police	23 rd August 2017
7	Representation – Licensing Authority	25 th August 2017
8	Representation – Peter Tatchell	15 th August 2017
9	Representation – Cllr P Church	15 th August 2017
10	Representation – Amy Lane, Night Tsar	29 th August 2017
11	Representation – Cllr Glanz	29 th August 2017
12	Representation – CGCA	27 th August 2017
13	Representation – Tyler Thorne	29 th August 2017
14	Representation – Soho Society	27 th August 2017

Applicant Supporting Documents



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Executive Summary

Introduction and background

This research develops a pilot mapping of LGBTQ+ nightlife spaces published in the report *LGBTQ+ nightlife in London: 1986 to the present* (2016). Both projects have been undertaken by UCL Urban Laboratory, a university-wide centre for research, teaching and public engagement on cities worldwide. The pilot research was designed in collaboration with LGBTQ+ community organisations Raze Collective (representing LGBTQ+ performers) and Queer Spaces Network (a group interested in preserving and supporting spaces for the LGBTQ+ community).

The pilot research looked at LGBTQ+ nightlife in London from 1986 – when the Greater London Council was disbanded, marking a shift in urban regeneration policy – to the present day, a time of wide reporting and activism around the closure of commercial LGBTQ+ spaces. It evidenced, for the first time, the recent intensity of closures among London’s LGBTQ+ nightlife spaces, with significant impacts on the most longstanding and community-valued venues. It also highlighted that spaces catering to women and Black, Asian and Minority Ethnic (BAME) LGBTQ+ people have been disproportionately vulnerable to closure. The pilot project emphasised the continuing risk to many LGBTQ+ nightlife venues, including those that survey evidence showed the London LGBTQ+ community deemed to be of most value.

The research presented evidence of the diversity of the capital’s LGBTQ+ nightlife as an important contributor to neighbourhoods, the night-time economy and culture. It showed the importance of nightlife venues and events to community life, welfare and wellbeing.

New evidence to inform the Mayor's Cultural Infrastructure Plan

This report contains the findings of a second phase of work extending the pilot study.

UCL Urban Laboratory have undertaken an intelligence audit of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) night-time venues in London in order to develop a database of these venues covering the period 2006–2017, and have assessed the trends of openings and closures of these venues and identified opportunities and challenges related to these aspects of London's cultural and social infrastructure.

The Mayor of London has supported this work to further the development of The Cultural Infrastructure Plan. This is a manifesto commitment by the Mayor and will be published in 2018. The Plan will identify what London needs to sustain and develop culture up to 2030. The collection of quantitative data on venues openings and closures will be reflected within this as part of the capital's cultural infrastructure.

Venues: key findings

- Since 2006, the number of LGBTQ+ venues in London has fallen from 125 to 53, a net loss of 58% of venues.
- This compares to drops of 44% in UK nightclubs (2005–2015), 35% in London grassroots venues (2007–2016) and 25% in UK pubs (2001–2016).
- Of all venues counted in our study that were in operation between 2006 and 2017, bars make up the largest proportion of venues (44%), alongside nightclubs (34%); pubs (33%); performance venues (26%); cafés (4%); and other/ unspecified (4%).

- A further 25 non-LGBTQ+ specific venues that regularly host LGBTQ+ events have been counted, but since these venues were not the main focus of our research this is a partial representation.

Notes:

(i) UCL Urban Laboratory have searched for venues using a variety of sources. We expect that the publication of this data may prompt a number of omitted venues to be highlighted and these will be added to the dataset. We have recommended that closures are recorded on an on-going basis (see 'Recommendations', below).

(ii) We have only included venues as spaces designated as primarily LGBTQ+ and/or with primarily LGBTQ+ programming. For LGBTQ nightlife events see 'LGBTQ+ events', below.

LGBTQ+ nightlife venues: main drivers of closure

Over the period of study, there were 106 venues closures recorded. There are often multiple factors involved, and these are not always public knowledge. For 25% closed venues we have no data on why the venue closed. Based on the information available, we estimate that of all the closures in the period:

- 2% became a different LGBTQ+ venue.
- 30% continued to operate, sometimes under a different name, as a non-LGBTQ+ specific venue.
- 21% of venue closures were influenced by development with 6% linked to large-scale transport infrastructure development and 12% to mixed-use or residential development. This is significant when we consider the relatively small number of venues in the first place, and also the impact of development on clusters of venues.
- 6% of closed venues have been demolished, and 2% remain derelict following closure.


- 9% of venue closures featured lease renegotiations, frequently featuring unfavourable terms or disproportionate rent increases.
- In 6% of cases business-related financial issues were cited, including business rate increases and brewery price increases.
- In 5% cases there was a licensing dispute or a license was revoked.
- 2% were due to a choice made by the owner/manager. We expect that this figure is a low estimate and would also include a proportion of the 25% of closed venues for which we have no information.
- 10% of venue closures affected women's or BAME-specific LGBTQ+ venues.

On the basis of this information, as well as detailed case studies of venues, we highlight:

- the significant number of LGBTQ+ venues that have closed due to proposed or actual transport, residential or mixed-use development, sometimes with negative impacts on clusters of venues;
- that venues have often closed at a point of lease renewal on building leases, where tenant venue operators have been unable to negotiate reasonable terms to continue to lease venues;
- that operators and customers who have wanted and/or campaigned for venues to stay open have had severely limited negotiating power compared with large organisations leading development such as large pub companies, property owners, off-shore investors, developers and their mediating agents.

LGBTQ+ nightlife events: key findings

- Although this research focuses on LGBTQ+ venues, we also present findings related to LGBTQ+ nightlife events held at a range of venues. Solely examining LGBTQ+ venues, limited to established premises, would have excluded a variety of non-venue-specific LGBTQ+ nightlife events, therefore potentially misrepresenting the overall provision of spaces and scenes, and the provision for specific groups within the LGBTQ+ community.
- Longstanding events have had important social outreach and value to LGBTQ+ communities, within but also far beyond venues, appearing in multiple spaces and locations around the UK and internationally.
- Our database of nearly 200 events suggests a lack of provision of LGBTQ+ venues or spaces serving women, trans and Queer, Trans and Intersex People of Colour (QTPOC) communities. This is partially due to closures of spaces as well as a longer-standing dearth of permanent spaces owned by and/or run for women's, trans, non-binary and/or QTPOC communities.
- Including events data allows us to consider the nightlife scenes, spaces and cultures most closely associated with women, trans and QTPOC-oriented LGBTQ+ communities. The evidence we have gathered suggests that these communities, who over the period of the research have had fewer licensed venues marketed towards or designated for them, have been acutely affected by venue closures. Yet these groups have been notably under-represented in media reports about the closure of LGBTQ+ venues.
- Collecting events data highlights an emerging shift towards LGBTQ+ events happening in non-LGBTQ+ venues in south-east London.



Survey data: key findings

- As part of the research, 239 members of the LGBTQ+ community completed an in-depth survey about LGBTQ+ nightspaces. Detailed commentaries in response to the survey powerfully illustrate how the heritage of LGBTQ+ people is embedded in the fabric and specific cultures of designated LGBTQ+ venues and events. They also stress that venues are important spaces for education and intergenerational exchange.
- Anxiety and other negative emotional consequences of venue closures were consistently expressed in strong terms.
- Night-time and daytime spaces are desired by members of LGBTQ+ communities: night-time venues alone are not accessible and/or preferable to all.
- The most valued LGBTQ+ spaces were experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. These were sometimes described as 'safe spaces'. What this means to individuals varies, according to personal preferences, experiences and the specific forms of discrimination and oppression that people are vulnerable to (e.g. transphobia, homophobia, racism, ableism).
- Where they are found, safe spaces are extremely valuable to the LGBTQ+ communities who use them.
- Spaces that are/were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- Our survey respondents articulated support for the establishment of a new LGBTQ+ community centre in London.

Pubs, music venues, nightclubs: data for comparison

- According to Inter-Departmental Business Register data, the number of pubs in the UK fell by 25% from 2001 to 2016.
- GLA/CAMRA data shows a fall of 25% in the number of pubs in London between 2001 and 2016.
- There has been a 35% drop in London's grassroots music venues since 2007, with 94 venues extant in 2016.
- According to data from the Association of Licensed Multiple Retailers data, 44% of the UK's nightclubs closed from 2005 (3,114) to 2015 (1,733).

Introduction and background

This research develops a pilot mapping of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQ+) nightlife spaces published in the report *LGBTQ+ nightlife in London: 1986 to the present* (2016). Both projects have been undertaken by UCL Urban Laboratory, a university-wide centre for research, teaching and public engagement on cities worldwide. The pilot research was designed in collaboration with LGBTQ+ community organisations Raze Collective (representing LGBTQ+ performers) and Queer Spaces Network (a group interested in preserving and supporting spaces for the LGBTQ+ community).

The pilot research looked at LGBTQ+ nightlife in London from 1986 – when the Greater London Council was disbanded, marking a shift in urban regeneration policy – to the present day, a time of wide reporting and activism around the closure of commercial LGBTQ+ spaces. It evidenced, for the first time, the recent intensity of closures among London's LGBTQ+ nightlife spaces, with significant impacts on the most longstanding and community-valued venues. It also highlighted that spaces catering to women and Black, Asian and Minority Ethnic (BAME) LGBTQ+ people have been disproportionately vulnerable to closure (examples we cited in the report included Glass Bar, Blush Bar, Bar Titania, Candy Bar, Stokey Stop, First Out (spaces associated with women) and London Black Lesbian and Gay Centre, Busby's, Stallions (spaces associated with BAME LGBTQ+ communities)). The pilot project emphasised that many LGBTQ+ nightlife venues remain at risk, including those that survey evidence showed the London LGBTQ+ community deemed to be of most value.

The research presented evidence of the diversity of the capital's LGBTQ+ nightlife as an important contributor to neighbourhoods, the night-time economy and cultural production. It showed the importance of nightlife venues and events to community life, welfare and wellbeing.

New evidence to inform the Mayor's *Cultural Infrastructure Plan*

This report contains the findings of a second phase of work extending the pilot study.

UCL Urban Laboratory have undertaken an intelligence audit of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) night-time venues in London in order to develop a database of these venues covering the period 2006–2017, and have assessed the trends of openings and closures of these venues and identified opportunities and challenges related to these aspects of London's cultural and social infrastructure.

The Mayor of London has supported this work to further the development of The Cultural Infrastructure Plan. This is a manifesto commitment by the Mayor and will be published in 2018. The Plan will identify what London needs to sustain and develop culture up to 2030. The collection of quantitative data on venues openings and closures will be reflected within this as part of the capital's cultural infrastructure.

Methods and data sources

In our research we have intentionally combined qualitative and quantitative methods, including: surveys and workshops with venue owners and operators, performers, promoters, community members; archival work to retrieve and map listings magazines and ephemera related to LGBTQ+ venues; and detailed case studies of a range of closed, established and new venues, based on public documents, interviews with venue operators, media, archives and other sources.

The LGBTQ+ venues dataset we have created is a composite of many different sources, predominantly: city guide websites and blogs, neighbourhood listings, city guidebooks; Facebook and other social media sites; fashion and music media; LGBTQ+ history websites; LGBTQ+ archives; LGBTQ+ media; local

newspapers; national newspapers; pub guides; and venue websites.

We have sampled many different LGBTQ+ listings magazines, but these publications only provide a partial picture of the capital's LGBTQ+ nightlife. Patterns have to be understood as subject to distinct editorial policies, and different publications are linked to specific communities, scenes, clusters or neighbourhoods.

Although we have searched for venues using a variety of sources, we expect that the publication of this data may prompt a small number of omitted venues to be highlighted, which can be added to a map at <http://maps.london.gov.uk/lgbtq/>

Why are venues important? Evidence from London's LGBTQ+ communities

In this phase of work, in order to contextualise the audit of venues, we have undertaken an analysis of the survey we conducted with LGBTQ+ community members during the pilot phase of the project. Using the online Typeform platform, the communities survey included:

- Five questions relating to demographic information on gender, sexual orientation, ethnicity, age and other identity characteristics.
- Six questions on LGBTQ+ nightlife spaces, including whether they were important, if so how and why, and if not why not.
- Questions asking for respondents to identify spaces that were deemed to be, or have been, of most value personally and/or for reasons of heritage/LGBTQ+ heritage.

In total 239 people responded to the survey. These responses provide a wealth of information and insight into experiences of London's LGBTQ+ people. The following remarks summarise

the findings. The method of analysis is detailed in Appendix 1: LGBTQ+ Communities Survey – NVIVO Coding.

Consequences of closure

Concerns about the consequences of venue closures were wide-ranging. For the purposes of this report, we note that respondents were particularly concerned about:

The loss of LGBTQ+ individual and community history related to venue closures, especially given the connection between struggles for LGBTQ+ rights and nightlife venues. Respondents expressed anxiety about how closures would erase or invalidate heritage, a sense of common ownership, shared experiences and identities.

The loss of spaces of belonging. LGBTQ+ nightlife spaces were seen as important places to express LGBTQ+ rights and the community rituals that have helped people to survive forms of oppression and discrimination, from one generation to another. Venues were seen to contain, embed or communicate LGBTQ+ heritage in their fabric and atmospheres, and to provide a structure that holds specific communities together.

The importance of LGBTQ+ nightlife spaces to the formation and expression of identities. Respondents emphasised, in particular, places that had been important to coming out – and coping with associated anxiety or rejection. They also discussed how they had felt able to experiment in such spaces; forging or understanding their own identities and feeling acceptance and validation, personal development and the acquisition of self-confidence. Respondents also talked about being attracted to the city because of LGBTQ+ nightlife, and of its importance when they had newly arrived in the city and were therefore finding information, experiencing new scenes, meeting partners and friends. The narratives people expressed emphasised that LGBTQ+ identities are shaped both in relation to specific venues and through the network of venues across the city and in particular neighbourhoods. Respondents also talked about venues as places to escape homophobia, feel like they belonged to something worthwhile, and to have fun –

which was noted as being important to mental health and wellbeing.

The loss of 'safe spaces' and the consequences for LGBTQ+ communities and individuals was a strong concern for many respondents.

They remarked on various aspects of what 'safe space' might mean. Main themes included: safety for self-expression; to be with friends; protection from heteronormativity, homophobia, harassment, other forms of discrimination and threats or actual violence. Safe spaces were prized as being open, secure, non-threatening, refuges, inclusive, pockets within safe neighbourhoods, and spaces where cis- and heteronormativity do not dominate and/or are challenged. They engendered feelings of security and safety and freedom to be, without being challenged or having to explain oneself, e.g. to use the toilet without being questioned about one's gender; to not feel 'other' or in the minority; and to feel safe as part of a group. Such spaces were conceived as havens or substitute homes and it was important that they were dedicated LGBTQ+ spaces.

The negative emotional and wellbeing effects of venue closures on LGBTQ+ peoples' sense of identity and community.

The terms chosen to describe these effects were consistently strong, conveying the anxiety felt about the closure of venues (erasure, erosion, devastation, ostracization, stigma, 'the world closing down', pushing people 'back into the closet'). Some individuals stated that LGBTQ+ venues, specifically those in their own neighbourhoods, were the main spaces in the city where they felt a sense of belonging. Many respondents were specifically alarmed because of a perception that venues are completely disappearing rather than being replaced. Closures were seen to have potential to further exclude LGBTQ+ people, forcing them to live less social/public lives, and impacting on already marginalised groups within the LGBTQ+ communities, for example by eliminating spaces for QTPOC and women.

The importance of LGBTQ+ nightlife spaces as venues to learn about, experience and be entertained by performance, music, film, fashion and other forms of art and creativity, including those specific to LGBTQ+ people (e.g. drag

'Closure makes me depressed. We fought so hard in the '70s for our rights, and here in London were blessed with the open manifestation of these rights in our bars and clubs.'

'Venues shift and change over time, but if they disappear entirely, the LGBTQI community is poorer for it.'

'Something in the community dies with every closed door, from Madam Jojo's to the Black Cap to the Joiner's Arms.'

'If there are less places for queer people to connect and socialise on a normalised level, stigma returns and pushes the marginalised further into the margins and shadows.'

'Loss of community and the sense of shared ownership, shared experience, is devastating to marginalised individuals and groups.'

'[Closures] make the city less welcoming and less accessible for queer people and further marginalises us.'

Table 1: Survey respondents on the consequences of venue closures

performance). Venues were noted to be platforms for performers to launch and develop careers, and closures were therefore seen as a threat for the rise of new artists, art forms, and for the professional development of many artists.

The role of London, as a national and international exemplar of LGBTQ+ culture and community, with a large LGBTQ+ population. Respondents felt that the capital should be a positive example in terms of how LGBTQ+ venues and cultures are supported.

'[The] LGBTQI community still need safe places where they can connect with each other. LGBTQI people are still closeted, feel isolated and are discriminated against and LGBTQI nightlife spaces give the community a place to feel safe, express their sexuality freely and openly.'

'Having a safe and unprejudiced place to socialise and have fun is important for my mental health and wellbeing.'

'LGBT spaces provide a safe space for people to socialise, free from fear of harassment and discrimination.'

'These venues are not re-opening somewhere else. We're losing them altogether, and for me that is the most alarming. Where will we go?'

Critical commentaries on aspects of LGBTQ+ nightlife

Although respondents were overwhelmingly positive about the value of LGBTQ+ nightlife space to London, to LGBTQ+ communities, and to themselves, several respondents raised points that were directly critical of LGBTQ+ nightlife in London, and its consumers. For example, several respondents who commented on the scene's commercial focus felt it to be geared towards middle-class audiences and exclusionary through its economic profile or other forms of standardisation and/or discrimination. Soho, in particular, was associated by some respondents with commercial, unfriendly and 'sanitised' forms of LGBTQ+ nightlife. In a number of instances this was pitted against community-oriented nightlife, sometimes associated with earlier periods.

A high frequency of the respondents who were critical of aspects of LGBTQ+ nightlife noted the lack of spaces for LGBTQ+ women and lesbians, older lesbians, queer and bisexual women and trans nights and venues.

In observing that LGBTQ+ nightlife spaces were 'far from perfect', respondents remarked on specific exclusionary aspects including: racism, classism, ableism, sexism, transphobia and homophobia. Some respondents expanded on this with critical remarks on:

- an over-dominance of cis gay men (including in women's spaces) and venues/events that promoted idealised body type (hyper-masculine/muscular male)
- alcohol/drinking culture and drug use
- normativity/homonormativity
- loud music and crowds
- prohibitive prices
- a lack of venues outside Zone 1
- an uninspiring or boring atmosphere.

Venues or events that did not display these negatively perceived characteristics – e.g. not being alcohol-centred – were held up as positive examples.

Table 2: Most mentioned LGBTQ+ nightlife spaces, communities survey. Nine out of 20 of the spaces most cited are venues that have been closed.

LGBTQ+ Space (venues and events)	Status (Open/closed venue or active/inactive event)	Communities survey references
Royal Vauxhall Tavern	Open	67
Black Cap	Closed	44
Joiners Arms	Closed	33
The Glory	Open	27
Bar Wotever/Wotever World	Active	24
Dalston Superstore	Open	21
First Out	Closed	21
George and Dragon	Closed	19
Retro Bar	Open	17
Heaven	Open	14
The Ghetto	Closed	14
Candy Bar	Closed	13
The Yard	Open	13
G-A-Y	Open	12
Madame Jojo's	Closed	12
The Sombrero (Yours or Mine)	Closed	12
Duckie	Active	11
Soho Venues	n/a	11
Nelson's Head	Closed	10


Comparison with Open Barbers surveys

Our survey findings, which highlight the value of safe spaces in which members of LGBTQ+ communities feel affirmed in their identities, are supported by a client survey carried out in 2016 by Open Barbers, a queer- and trans-friendly hairdressers in East London (see Appendix 2 and Appendix 3). Respondents articulated overwhelmingly positive experiences at Open Barbers, in contrast to experiences with hairdressers that are less welcoming to LGBTQ+ clients and/or less oriented around their needs. Some questions asked respondents to highlight existing and closed (offline) LGBTQ+ 'spaces/services/projects' that they have or had found valuable.

When asked if they have 'ever used or wanted to use an LGBTQ+ space/service/project that no longer exists', four of the five most frequently referenced names were closed venues: First Out, Black Cap, Joiners Arms and the London Lesbian and Gay Centre. The other 'space/service/project' mentioned was LGBTQ+ mental health charity PACE, which closed in 2016.

When considered together, our communities survey and that of Open Barbers emphasise key issues relating to safe spaces for LGBTQ+ communities including:

- Night-time *and* daytime spaces are beneficial to, and desired by, members of LGBTQ+ communities. Night-time venues alone are not accessible and/or preferable to all. Research examining LGBTQ+ nightlife only is therefore limited in terms of the scope of spaces covered. While daytime spaces dedicated to LGBTQ+ communities are relatively rare, further research exploring the dynamics of spaces serving LGBTQ+ communities during the daytime would be valuable.
- For LGBTQ+ spaces to be safe, they must be experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. What this means to individuals varies according to personal preferences, experiences and the



specific oppressions people are vulnerable to (for example transphobia, homophobia, racism and ableism.)

- Where they are found, safe spaces are extremely valuable to the LGBTQ+ communities who use them.
- Spaces that are or were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- Findings from both surveys indicate strong support for the establishment of new LGBTQ+ community spaces in London.

Trends in venue openings and closures: 2006 to 2017

Looking at the period from 2006 to 2017, we identified 162 LGBTQ+ venues in total. This reached a peak of 125 venues operating in 2006, and a low of 53 venues operating in 2017. There has therefore been a net loss of 58% of venues.

Although we have methodically searched for venues using a variety of sources, we expect that the publication of our dataset may prompt a small number of omitted venues to come forward, and if that is the case they will be added to the data and an update of overall figures will be published as an addendum.

We also counted an additional 25 venues that we classify as non-LGBTQ+ venues that regularly host established LGBTQ+ events. This is an important category of space, but is not one that we have actively focused on in gathering data, so this number is inevitably an under-estimation. Such spaces are valuable, and if this figure is rising, then that could be positive for LGBTQ+ communities. However, it cannot be assumed without further research that these venues provide the kinds of space most valued or needed by LGBTQ+ people as expressed by the respondents to our communities survey. Examples of currently operating venues of this kind include Bethnal Green Working Men's Club, Hackney Showroom, Limewharf, The Macbeth, Oval House, and The Scala.

The brief for this project was to concentrate on the past decade (from 2006 to 2017). However, following the pilot project, we have a larger historical dataset and we can see from this that the number of venues rises steadily from 1986 to 2001, before dropping slightly, then peaking in 2006, then – with the exception of 2008 – dropping year on year until 2017, with notably sharp falls in 2007

(23 venues closed), 2009 (17 venues closed), and 2016 (11 venues closed).

The fall in provision of LGBTQ+ venues is demonstrated further when we compare this data with the population of London over time. Using Office for National Statistics data showing mid-year population estimates for London there were 15.11 LGBTQ+ venues per million population in 2006, falling to 6.71 in 2016 (conservatively calculated using the 2015 mid-year estimate). As the population of London has risen from 8.3 million to 9 million people over the last decade, it might be expected that the provision to LGBTQ+ venues would also have increased. Instead, the relative number of venues has dropped by 58%.

This significant drop in LGBTQ+ venues is also alarming when seen alongside other recent data. For instance, according to Metropolitan Police data, homophobic hate crime in London rose by 12% over the year to March 2017, to over 2,000 recorded incidents. Furthermore, National Institute for Mental Health in England research indicates that LGBTQ+ people experience higher rates of mental ill health than the rest of the population, and this is supported by research by Public Health England and PACE (London Assembly Health Committee; and see also Meyer, 2003). Stonewall have also identified barriers to LGBTQ+ people accessing healthcare – a context of exclusion in which communal spaces deemed safe spaces by LGBTQ+ communities play a fundamental role, as our survey data emphasises.

Although our research focuses on night-time venues, there are of course many other kinds of space associated with LGBTQ+ communities in London and the UK (Historic England, 2016). In general, we have not included data on venues such as restaurants or theatres, since these are both day and night venues; and we have not included data on saunas, as a specific type of venue used both by day and night and is subject to specific types of license. Our research suggests that the number of non-commercial and/or community-oriented daytime

spaces in London has also diminished – two notable examples mentioned in our survey and other data are First Out café and PACE, a long-standing mental health service for LGBTQ+ people which recently closed after 31 years of operation due to cuts to local authority funding (*Pink News*, 2016).

How does the overall fall in numbers of LGBTQ+ venues compare with data on pubs, grassroots music venues and nightclubs?

For comparison, according to Inter-Departmental Business Register data, the number of pubs in the UK fell by 25% from 2001 to 2016. GLA/CAMRA data shows a fall of 25% in the number of pubs in London between 2001 and 2016. According to GLA/Nordicity data, there has been a 35% drop in London's grassroots music venues since 2007, with 94 venues extant in 2016. According to data from the Association of Licensed Multiple Retailers, nearly 50% of the UK's nightclubs closed from 2005 (3,114) to 2015 (1,733).

Breakdown of venue types

Table 3 shows the distribution of venue types in the period 2006 to 2017, which is similar to the distribution in the dataset overall, including our pilot data going back to 1986. Bars make up the biggest proportion of venues (44%), followed by nightclubs (34%) and pubs (33%). Performance venues (26%) are another important category. Non-LGBTQ+ specific venues that regularly host LGBTQ+ events make up 25 of the total (16%), a higher figure than seen in the overall dataset going back to 1986 (3%).

Table 3: Distribution of LGBTQ+ venue types, 2006 to 2017

Type of venue	2006–2017 total number of venues	% of total
Unspecified	7	4
Nightclub	54	34
Bar	70	44
Pub	53	33
Cafe	6	4
Performance/ cabaret space	42	26

Geographical clustering: shifting scenes

London's LGBTQ+ nightlife has been widely dispersed across London, with larger concentrations in some specific areas.

There are distinctive clusters of LGBTQ+ venues associated with Earls Court/Shepherd's Bush in the 1970s and 1980s and King's Cross in the 1980s/1990s; and, continuing into the present, Soho from the 1990s; Vauxhall from the late 1990s and early 2000s, Shoreditch/Dalston/Bethnal Green from the 2000s, and both closures and openings in Bermondsey/Lewisham/Peckham/Deptford from the 2010s (see map, below).

An interactive map has been created using the data from the audit of venues we have conducted and this will be made publicly available.

Mapping shifting scenes




A: Angel, EC: Earls Court, EL: East London, KX: Kings Cross, S: Soho, V: Vauxhall, SE: South East

Map: LGBTQ+ venue clusters in London.

The interactive map emphasises that as well as the larger clusters, in the period of study numerous smaller clusters are also evident, as well as individual venues in many neighbourhoods across London.

The map also indicates the net loss of venues on a borough by borough basis, comparing the relative density through each year of the study. From this we see that boroughs such as Camden and Tower Hamlets, which started with higher densities of >11 in 2006 have lower densities by 2017.

By 2016 there are only two boroughs with venue counts of >11, which are Westminster and Lambeth. There are 10 boroughs that have no recorded LGBTQ+ venues in 2006 and 19 in 2016. In some cases there was only a



very small number of venues which have been lost but these losses are nonetheless significant given the evidence we have gathered on the important community and neighbourhood functions of LGBTQ+ venues.

Venue client groups

Of the venues documented in the period from 2006 to 2017, we have recorded the clientele group as expressed in listings. These designations may be derived from venue operators or promoters themselves, or be determined by listings magazine copywriters. Where the researchers have personal knowledge of venues, this has been used to refine the data. Although the results can only be indicative – the actual clientele may differ from that reported by venues or by listings magazines – overall we see a bias towards venues that cater for 'gay' clients over lesbian, bisexual, trans or queer people, and this correlates with other evidence gathered through the project. 'Gay' is an identity that is primarily associated with gay men, but we note that 'gay' does not only include male-identifying people, and may be used by venue operators and promoters to target people of all genders.

Table 4: LGBTQ+ Venues, Target Clientele, 2006 to 2017, all venues

LGBTQ+ venues' target clientele	Number of venues with designation towards specific client group (% of all venues, 2006–17)
Unspecified	25 (15%)
Lesbian	46 (28%)
Gay	123 (74%)
Bisexual	30 (18%)
Trans	22 (13%)
Transvestite/Crossdressing	9 (5%)
Queer	16 (10%)
Queer, Trans and Intersex People of Colour	1 (1%)

Note: some venues in our data have targeted multiple client groups.

Diversity within LGBTQ+ communities

In our data only one venue (now closed) was recorded as being oriented around QTIPOC (Queer, Trans and Intersex People of Colour) or BAME (Black, Asian, Minority Ethnic) LGBTQ+ communities.

Based on our communities survey and data on LGBTQ+ venues and venue closures, sensitivity to intersectionality and diversity within LGBTQ+ communities is especially important in planning, licensing and support for culture. Multiple and overlapping discrimination and oppressions and related issues of accessibility are experienced differently by members of communities depending upon sexuality, gender, ethnicity, class, abilities, age and faith (Crenshaw, 1991; Doan, 2015; Irazábal and Huerta,



2016). It is vital that LGBTQ+ is not understood as synonymous with gay, and that it is understood that gay bars are not necessarily inclusive or accessible to all members of gay communities, let alone LGBTQ+ communities. This has implications in terms of how the current provision of LGBTQ+ scenes and spaces are understood, including by planners and members of local authorities. For example, that existing, opening and closing spaces benefit particular communities in ways that are not equally inclusive to all within LGBTQ+ communities. They are not, therefore, simply interchangeable or easily replaced.



Events: overview

During our research it has become increasingly clear that collecting data on LGBTQ+ venues only, rather than venues *and* events, is unhelpful in capturing the actual profile of spaces and scenes. Specifically, we are concerned that examining venue data only – limited to established premises – overlooks certain LGBTQ+ people and groups, especially those who have seen venues serving their communities close and/or have experienced a long-standing lack of access to spaces owned and managed by and for them. Those most affected by closures and absences of community-specific venues are women, trans people and queer, trans and intersex people of colour (QTIPOC). Nightlife created by and for these communities tends to take the form of club nights and events of varying regularity rather than full-time and/or established LGBTQ+ premises.

As the findings show in greater detail, on one hand this signals a level of resilience, since members of women's, trans and QTIPOC communities have created and used spaces temporarily within LGBTQ+ and non-LGBTQ+ venues. On the other hand, this also signals a lack of secure access to permanent space operated by, and oriented around the needs of, LGBTQ+ women, trans and QTIPOC communities. Events by and for women, trans and QTIPOC communities appear to exist despite lack of access to permanent community-specific spaces, rather than because community-specific spaces are not considered valuable, desirable or beneficial to mental health and emotional wellbeing (Hope 2017; Mohammad 2017; Meyer 2003). The status quo regarding LGBTQ+ nightlife venues does not provide dedicated spaces for members of LGBTQ+ communities equally, with those who experience overlapping and intersecting forms of oppression and discrimination (including homophobia, transphobia, racism and sexism) most adversely affected by a lack of access to community-specific spaces. This raises complex issues around power disparities within LGBTQ+ communities regarding the ownership of, and

access to, spaces that are free from sexism, transphobia and racism. Such issues were raised in multiple aspects of this research, including our communities surveys, our panel discussions, and events, as well as related events by organisations including UK Black Pride (2017).

Events: findings

Evidence produced through our research (including archival research, mapping, surveys and interviews) suggests that LGBTQ+ women, trans people and QTPOC experience barriers to establishing and/or owning venues – and even, in some cases, to running events. This is not to say that venues cannot or do not host nightlife serving different groups across LGBTQ+ communities in London. Our dataset of venues from 2006 to 2017 demonstrates an overall absence of spaces owned and/or run by and for QTPOC communities. It also highlights closures of spaces such as Busby's, London Black Lesbian and Gay Centre, Stallions, Glass Bar, Candy Bar and Blush Bar, as well as longer-standing absences of permanent spaces owned by and/or run for trans and QTPOC communities.

However, the dataset of events suggest a growing number of club nights and other events serving QTPOC communities. Although some of these events are held in LGBTQ+ venues, this is not universally the case. Our events data highlights an emerging shift towards LGBTQ+ events happening in non-LGBTQ+ venues in south-east London, which reflects both the lack of LGBTQ+ venues in those neighbourhoods and a demand for LGBTQ+ nightlife in south London, serving different communities to Vauxhall's gay male-centric clubbing scenes.

There are observable disparities regarding who owns and manages venues serving LGBTQ+ communities – and which members of LGBTQ+ communities have most access to space. Specifically, venues tend to be owned




and managed by – and to predominantly serve – white, cis, gay men, and this contributes to limiting access to these spaces for members of communities, promoters and performers who are women, trans and QTPOC. Issues relating to this power asymmetry and lack of access to, and ownership of, spaces have been emphasised in public discussions on LGBTQ+ spaces by women, trans and QTPOC promoters (for example, by promoters BBZ and performer Mzz Kimberley during an Urban Lab panel discussion at Peckham Festival in 2016 as well as the recent UK Black Pride event on QTPOC nightlife in 2017). During the latter event, panel and audience members expressed concerns regarding accessing and creating QTPOC nightlife spaces. These included: the exclusion of people of colour by white promoters and club owners; racism within LGBTQ+ communities; prejudices about black music and clientele leading to harsher policing and security requirements; and questioning of the need for QTPOC-specific spaces or events by non-QTPOC business owners.

This evidence of lack of access to permanent and dedicated spaces for LGBTQ+ women, trans and QTPOC communities supports calls from our performers, promoters and communities survey for the value of, and need for, new LGBTQ+ community spaces in London.

Value of incorporating venue and event data

With these points in mind, we have incorporated venue data in order to:

- Highlight non-LGBTQ+ venues hosting LGBTQ+ nightlife that would otherwise be overlooked. This means that we can feature club nights that have played significant roles in London's scenes, from Club Kali, a long-standing event created for and by South



Asian and Desi LGBTQ+ communities, to relative newcomers like Maricumbia, a Latinx queer dance party.

- Give a more comprehensive understanding of nightlife at LGBTQ+ venues, as demonstrated by the presence of Duckie and Wotever at the Royal Vauxhall Tavern (RVT) – two initiatives that have outreach and social value to LGBTQ+ communities within but also far beyond the venue, appearing in multiple spaces and locations around the UK and internationally.
- Trace emerging scenes and nights in areas of London where LGBTQ+ nightlife has otherwise been uncommon or existed historically but then declined. This applies to nights such as BBZ and Fruité, hosted in non-LGBTQ+ venues in south-east London.
- Ensure the inclusion of LGBTQ+ nightlife scenes, cultures and communities oriented around women, trans, non-binary and QTPOC, who are acutely affected by venue closures and absences and yet have featured less frequently in media reports that have focused largely on established premises operated by cis, white, gay men.

Table 5: Significant long-standing clubnights/events

Name	Year est.	Description
Blessence	2003	Events for older women of colour in south and east London.
Wotever	2003	Trans-inclusive queer events in South and East London at the RVT (Vauxhall), Hackney Attic and The Glory (Hackney).
Unskinny Bop	2002	Women, Feminist, queer, body-positive night at the Star of Bethnal Green, East London.
Bootylicious	2001	LGBT black music rave/club night at Union (Vauxhall) and previously elsewhere.
Club Kali	1995	Desi, South Asian LGBTQ+ community. Located in The Dome (Tufnell Park), Kolia (Archway), Scala (King's Cross).
Duckie	1995	LGBTQ+/queer cultural production that is accessible and addresses social barriers and exclusions (QTIPOC, youth and older people, homelessness communities, mental health and wellbeing). Various locations, including RVT (Vauxhall), Rich Mix (Bethnal Green), elsewhere.
Exilio Latino	1995	Latin LGBTQ+ and Latinx dance club, Various locations, including Soho, Latimer Road.
Way Out Club	1993	Club night for trans women, drag queens, cross-dresses and transvestites. Based at The Minories, City of London.
Long Yang Club	1983	Social events for gay east Asian men in west London.

Table 6: Events run by and for women, trans and QTPOC communities established in recent years

Name	Year est.	Description
Cocoa Butter Club	2016	Showcases and celebrates performers of colour, Her Upstairs (Camden).
Fruité	2016	LGBTQ+ night in Peckham, south-east London.
Maricumbia	2015	Night for Latinx communities, requires accessible venue (Limewharf).
BBZ	2016	Night for QTPOC women and non-binary people in south-east London.
Butch, Please!	2015	Women's night celebrating female masculinities, RVT (Vauxhall).
Femme Fraîche	2015	Night for femme women, Dalston Superstore (Dalston).
Desi Boys	2014	Night for gay South Asian men.
Pout (Glass Bar)	2013	Events for women in King's Cross, organised by people behind Glass Bar.
Boi Box	2013	Drag King nights across London LGBT venues, She Bar (Soho), Her Upstairs (Camden), The Glory (Hackney).
Club Lesley	2013	Night for queer women and lesbians, Dalston Superstore, The Glory (Hackney).



Introduction to case study venues

As part of our research, we have constructed extensive case studies of ten specific venues. We chose venues that were in various locations and that exemplified different periods, neighbourhoods and clientele groups. We included long-standing, recently open and recently closed venues.

In collating this information, our sources included interviews, public documents, planning applications and supporting documents, other archives, plans and other architectural and technical drawings, photographs and media articles.

We would note the absence of economic data and attendance numbers, although where possible we have searched Companies House listings and have asked operators/licensees about venue capacities, turnover and the current status of the businesses they operate.

Table 7: Main case studies and rationale for choice

Name	Year open	Year closed	Rationale for case study
The Black Cap	1965	2015	Longstanding venue in consistent LGBTQ+ use until closure. Now a site of LGBTQ+ community campaign to reopen the venue as an LGBTQ+ space.
Bloc Bar	2015	2017	Part of a network of spaces with a common entrepreneur/operator; links to Black Cap campaign.
Bloc South	2017	<i>n/a</i>	Part of a network of spaces with a common entrepreneur/operator. Newly opened venue and representative of large nightclubs in railway arches associated with Vauxhall scene.
Central Station	1992	<i>n/a</i>	Established venue that has survived the King's Cross regeneration and expanded its customer-base whilst maintaining a strong LGBTQ+ identity and clientele.
City of Quebec	1946	<i>n/a</i>	Historic venue for older gay men with heritage as London's oldest gay bar. Recent refurbishment by pubco.

East Bloc	2011	<i>n/a</i>	Basement nightclub that is part of a network of spaces with an entrepreneur/operator in common.
First Out	1986	2011	Popular co-operatively run cafe and bar that closed due to Crossrail project/St Giles regeneration. Originally established with support from Camden Council.
Her Upstairs/ Them Downstairs	2016/ 2017	<i>n/a</i>	New performance-oriented space in Camden with links to Black Cap. Creating space for, and supporting, queer and QTPOC performance and promoters. Replaced Bloc Bar.
Joiners Arms	1997	2015	Early venue established in what evolved into an east London LGBTQ+ scene. Closed and currently part of a redevelopment scheme. Community campaign to reopen an LGBTQ+ space.
The Yard	1995	<i>n/a</i>	Long-running successful Soho venue that has recently resisted redevelopment with strong LGBTQ+ community backing.

Table 8: Case studies: data gathered

Case study venues: data gathered

Landowner/freeholder

Building owner (leaseholder)

Venue lessee/tenant

Licensee

Planning use class

Area

Capacity

Accessibility (entrance/bathroom)

Gender-neutral bathrooms

Building date and style

Distinctive architectural, aesthetic and spatial features

Current use

Target clientele

Majority clientele

Marketing

Annual turnover

Staffing

Performers

Connections with other venues

Current status

Special factors allowing venue to open

Challenges to opening

Reasons for closure

Heritage value

Venue types: scale, space and location

The venues ranged from an annual turnover of £450,000 to £2m according to indicative estimates provided by operators. The range of business types varied greatly, from a socialist cooperative with a local authority as a financial guarantor (First Out), to more entrepreneurial models (Bloc bars), independent and pubco-managed pubs (Central Station, The City of Quebec).

The venues employed between 5 and 18 full-time equivalent staff, as well as part-time and casual staff, performers, promoters, security and cleaning staff.

The venues we researched occupied a range of building types in different locations in the north, south, east and West End. These included pubs, basement and railway arch clubs, a Victorian coaching inn, a Victorian carriage house and courtyard, and a hi-tech industrial shed. A number of these buildings were 'unlisted buildings of merit' and/or in conservation areas (The Yard, The City of Quebec). These are recognised as built heritage, but as everyday rather than exceptional buildings. Accessibility was an issue in older building stock as well as in underground spaces (e.g. Central Station's Underground Club, East Bloc).

Three of the case studies were purpose-built as pubs (The Joiners Arms, The City of Quebec and The Black Cap). In a number of other cases, ordinary and former industrial buildings have been creatively and successfully repurposed as LGBTQ+ venues. The venues, overall, varied in scale from approximately 103 m² to 1,800 m² with capacity levels ranging from 110 to 300. Often the type of space was an essential attribute helping to define the use of the space. For example, the enclosed outside courtyard at The Yard provides a protected outdoor space, an internal courtyard, and this feature that was

important in the heritage and social value arguments put forward to defend the space against development proposals.

The level of visibility and sense of enclosure were important to operators who pointed to customers' need to feel secure in using the space. In one case the building had been physically attacked in homophobic incidents (Central Station), leading to it being shuttered, and in another the exterior had been designed with the expectation of it being attacked (First Out). The discussion of the visibility or enclosure of venues, and the retention of façades as historical reference points, featured in a number of planning applications related to development and refurbishment (The Joiners Arms, City of Quebec, First Out, The Yard) and a controversial refurbishment scheme by which long-standing clientele felt threatened (The City of Quebec).

In many cases, subtle uses of interior aesthetics were important to creating atmospheres with the attraction of specific client groups in mind, as with the use of references to industrial New York City spaces (Bloc Bar, Bloc South).

Closures and threats: contexts and drivers: summary

Over the period of study, there were 106 venues closures recorded. There are often multiple factors involved, and these are not always public knowledge. For 25% closed venues we have no data on why the venue closed. Based on the information available, we estimate that of all the closures in the period:

- 2% became a different LGBTQ+ venue.
- 30% continued to operate, sometimes under a different name, as a non-LGBTQ+ specific venue.

- 21% of venue closures were influenced by development with 6% linked to large-scale transport infrastructure development and 12% to mixed-use or residential development. This is significant when we consider the relatively small number of venues in the first place, and also the impact of development on clusters of venues.
- 6% of closed venues have been demolished, and 2% remain derelict following closure.
- 9% of venue closures featured lease renegotiations, frequently featuring unfavourable terms or disproportionate rent increases.
- In 6% of cases business-related financial issues were cited, including business rate increases and brewery price increases.
- In 5% cases there was a licensing dispute or a license was revoked.
- 2% were due to a choice made by the owner/ manager. We expect that this figure is a low estimate and would also include a proportion of the 25% of closed venues for which we have no information.
- 10% of venue closures affected women's or BAME-specific LGBTQ+ venues.

On the basis of this information, as well as detailed case studies of venues, we note:

- the significant number of LGBTQ+ venues that have closed due to proposed or actual transport, residential or mixed-use development, sometimes with negative impacts on clusters of venues;
- that venues have often closed at a point of lease renewal on building leases, where tenant venue operators have been unable to negotiate reasonable terms to continue to lease venues;
- that operators and customers who have wanted and/ or campaigned for venues to stay open have had

severely limited negotiating power compared with large organisations leading development such as large pub companies, property owners, off-shore investors, developers and their mediating agents.

Closures and threats: contexts and drivers: discussion

It is difficult to match trends in the provision and closure of venues to specific phenomena, and our case studies demonstrate that closures must be understood through attention to particular circumstances.

However, it is also evident that the shape of provision of LGBTQ+ venues has to be understood within the macro scale context of the neoliberalisation of strategic planning (Acuto, 2013; Brenner and Theodore, 2002; Olesen, 2013; Raco, 2014). Closures therefore can be elucidated by paying attention to the changing landscape of government, Mayoral and local government agendas and policies insofar as they have shaped London's property market and specific forms of development in the period, impacting on permitted development, housing and infrastructure. What is clear from our case studies and broader survey of venues and events is that during the longer period of initial pilot study, and continuing into the period between 2006 and 2017, which the present report focuses on, there has been a shift away from more favourable conditions – in particular for community-focused venues. In recent years even long-established venues are finding it difficult to operate or succumbing to development aimed at maximisation of profit from a plot or building.

The significant drop in the number of venues, and the closure of long-standing venues, in the later 2000s, has to be understood in relation to a complex configuration of conditions such as: the banking crisis of 2008 and an associated period of economic instability; the Conservative-led coalition government's (2010–2015)

austerity programme, launched in 2010; and a period of overall loosening of the planning system in favour of development under the coalition government.

At the London level, sustainability analysts have noted that Boris Johnson's tenure as Mayor of London (2008–2016) was a period during which the strategic policy focus on sustainable development subsided with fewer specific requirements for social sustainability, community and local economic support (Homan, 2010; Lees et al, 2016; Raco, 2014). The revised London Plan (2011) had a more explicit focus on economic growth and welcoming development, a rhetorical emphasis on the minimisation of local government and process (Wilson, 2015), and a focus on the delivery of major transport infrastructure projects including the 2012 Olympic Games (Lees et al, 2016). At the same time there have been extensive cuts to local authorities' budgets under the Coalition and Conservative governments' fiscal austerity agendas.

These phenomena should be set against an overall longer-term shift, from the 1980s to the present, in the concept and practice of regeneration towards a real-estate, property-led approach, which replaced the more community-centred plans supported by the Greater London Council in the 1980s. This shift has been widely critiqued for its impact on social and cultural diversity (Campkin, 2013; Campkin, Roberts and Ross, 2013; Healey, 1992; Imrie and Thomas, 1993; Lees et al 2016).

Across the case studies, and drawing on knowledge from our wider dataset, we point to the following as principle factors in closures and threats to venues:

1. Negative impacts of proposed and actual residential and mixed use development

Many venues have been closed due to proposed or actual speculative residential or mixed use development. In all of these examples, the desirability of the neighbourhood and development value is a key factor, in

a city in which the built environment has become intensely commodified to the point where many social and cultural venues struggle to find affordable space.

Such property developments have often been strongly opposed by local and wider LGBTQ+ communities. Examples include The Yard, where a series of similar planning applications were submitted for a residential development in 2014 and 2015, leading to a high profile and successful campaign, 'Save the Yard'. One of these applications attracted 416 public comments with 395 objections. The campaign, driven by The Yard's operator, has resulted in a significant financial burden. The developer has resubmitted closely similar proposals even after previous proposals have failed. In such cases, given the level of opposition based on detailed narratives explaining the value that LGBTQ+ people associate with the venue, it is surprising that an Equality Impact Assessment has not been undertaken, forcing campaigners to oppose multiple, closely similar, schemes.

The Joiners Arms has also been subject to closure due to a controversial large mixed-use development. In response, campaigners formed the 'Friends of the Joiners Arms', successfully listed the venue as an Asset of Community Value; and continue to campaign for an LGBTQ+ venue to be reopened on the site of the original venue. Although there has been engagement with the LGBTQ+ community in relation to the currently proposed development, in the proposals the architects refer to the importance of the pub to the local community without specifying the importance to the LGBTQ+ community specifically (Design and Access statement, 5.7). The physical heritage of the building is prized with the retention of the original facade, albeit without the later shopfront additions; but the social heritage from the LGBTQ+ community's perspective is overlooked in the official documentation.

2. End of lease renegotiations involving dramatic rent increases

In evaluating case study venues we note that many venues have closed at a point of lease renewal on building leases, where tenant venue operators have been unable to negotiate reasonable terms on which to continue to lease venues. This is a feature in cases such as First Out, The Queen's Head, and The George and Dragon. For example, in the case of First Out, the operators were faced with a choice of extending the contract in the knowledge that they would have to continue to operate through construction works related to the Tottenham Court Road Crossrail development which had already negatively affected viability, in the knowledge that the café would subsequently have to close without compensation, or closing the business when they did, in 2011. This is an unusual case in that the lease had originally been accepted in the knowledge of the impending development, and so in some senses the owners benefited from the opportunity provided by a meanwhile use of the building; only then to be forced to close what had been a very successful business when the redevelopment proceeded.

3. Large-scale transport/infrastructure developments Large-scale transport/infrastructure developments have been a contributor to closures.

First Out is just one example of closure linked to large-scale transport infrastructure development. Other LGBTQ+ venues closed in association with the Crossrail Tottenham Court Road station development include The Edge, London Astoria, and Ghetto. A link can also be drawn between the Kings Cross and St Pancras/Channel Tunnel Rail Link-associated redevelopment and the more gradual closure of bars in the Kings Cross and Angel cluster that was a notable feature of 1980s and 1990s London (The Angel, Bagley's Studios, The Bell, The Cross, Glass Bar, The Green, King Edward IV). While

some of these closures were directly linked to the Argented development of King's Cross Central, in other cases indirect factors associated with gentrification, such as less availability of space and higher rents, are important to consider (Campkin, 2013). There are, however, counter examples, such as Central Station (opened 1991). This mixed venue (basement club, cabaret bar/pub and boutique hotel) has adapted to the new business environment through targeting non-LGBTQ+ customers from surrounding residential and office complexes along with their LGBTQ+ customer base.

It is also worth noting that many venues from the 1980s to the present have taken advantage of the spaces left over within ex-industrial transport infrastructure including Victorian stables and coaching inns (Central Station and The Yard) as well as railway arches (The Cross, Heaven, Bloc South, Area, Crash, Fire). Assessing the impact of transport development on LGBTQ+ spaces would require further detailed investigation but it seems likely that examples such as the opening of the East London Line extension of the London Overground in 2010 are typical in having had both beneficial and detrimental effects: both serving thriving and new spaces and contributing to the factors enabling spaces to open in previously underserved neighbourhoods, while simultaneously causing direct or indirect pressures on others (for instance through rent increases and decreasing available space).

4. Operators/customers who have wanted venues to stay open have had severely limited negotiating power compared with large organisations leading development, such as pubcos, property owners, off-shore investors, developers and their mediating agents.

Of the ten case studies in our original selection, five involved land owned by large property developers/landholders (Consolidated Developments [2], Sellar Property Group [2], Network Rail) and three of the ten

involved large pubcos (Greene King [2], Faucett Inns, Realpubs, Westminster Pub and Dining Company). The accumulative power of companies with multiple land and/or venue holdings far outweighs that of individual operators. In a number of cases we found that operators were not aware of who actually owns the freehold of buildings because of the complexity of layers of ownership, mediated by agents. Such opacity places limits on the capacity of communities, customers and/or operators to respond effectively when development proposals are tabled.

High-profile cases such as The Royal Vauxhall Tavern and Black Cap demonstrate how a lack of transparency about financial arrangements and lines of ownership pose significant risks for operators and community members in negotiating for spaces to remain open, or to be reopened when already closed.

5. Commercial imperatives to target non-LGBTQ+ clientele

A number of our case study venues (both independent and pubco-owned) featured an intentional emphasis on marketing to and welcoming non-LGBTQ+ clientele, and the purposeful reduction of LGBTQ+ visibility, such as removal of the rainbow flag/symbol, with commercial viability as the stated aim. With large pubcos it is difficult or impossible to request to examine accounts to understand the viability of specific venues, and venue owners are understandably reluctant to disclose details in some cases.

In one case the removal of visible LGBTQ+ markers, and reaching out to non-LGBTQ+ customers, was instigated by the LGBTQ+ operators themselves, working independently from the pubco. This was in response to the large-scale regeneration of the area, and was not perceived as having had negative impacts on the LGBTQ+ venue users because of careful programming of the venue and organisation of the space to ensure

continued LGBTQ+ use. In other cases, however, a strategy of reduced LGBTQ+ visibility, led by a pubco, has been highly unpopular with venues' LGBTQ+ users and has either led to closure or the controversial 'de-gaying' or gentrification of the venue (e.g. The Coleherne).

6. Need for access to professional networks

The question of access to knowledge and technical expertise also appears in various forms through our case studies, where overall the planning system seems to be working against, rather than with or for, LGBTQ+ communities. The prominent role of private consultants (planning, heritage etc.) is notable, and in some cases the ability to employ them on a paid or voluntary basis has been an important factor in driving forward development proposals or campaigns to oppose development. For example, in The Yard Soho, heritage consultants were employed both by the developer/ planning applicant and opponents (the 'Save the Yard' campaign initiated by the venue operator and licensee) with these consultants presenting specialist architectural historical evidence with contrasting conclusions.

In contexts of contested development, campaigners, customers, and/or venue operators have had to mobilise different kinds of social, cultural and professional capital in order to be effective, and so their existing contacts and ability to create and utilise new networks has been key to success. In the case of the Save the Joiners campaign, the campaign has benefitted from a wide range of expertise available within the group's core membership, which includes, for example, charity fundraisers, administrators, marketing professionals, academics, office and project managers. This has been in addition to *pro bono* advice from professionals in local planning, heritage management, architecture, law, business planning, and licensing. However, looking across the different campaigns, it is evident that not all have been equally able to mobilise a support network and the forms

of professional expertise required to analyse and respond to particular situations with recourse to precedents and technical knowledge.

We would also point to the important role played by experienced venue operators and event organisers – both within campaign groups, and in setting up new venues where operators and/or staff have been forced to move or have moved voluntarily. The expertise of such individuals has played an important part in licensing decisions in setting up new spaces, and in two cases this occurred in contexts where a non-LGBTQ+ venue had been closed and the license revoked due to a violent incident. As successful venue operators and event organisers move from between venues, we see the legacies of closed spaces transferring to new venues. This is a feature of many recently opened venues (Her Upstairs/Them Downstairs, Queen Adelaide). Many venues particularly prized by LGBTQ+ communities, such as First Out, also have their roots in earlier spaces (The Bell) and can be traced through to later initiatives (Duckie) via particular staff or strategies.

7. A shift away from policy and planning environment supportive of community-oriented businesses and activities

Our case study research, in common with the other forms of evidence we have gathered, has highlighted a shift away from a period of active city government and local council support –boroughs such as Camden and Lambeth – in the mid-1980s to the harsher commercial realities of the present in which community-focused venues, in particular, find it hard to survive. For example, in the case of First Out, Camden Council were actively supportive in helping to establish the venue, acting as a guarantor on the lease. In the same period, the London Lesbian and Gay Centre and the London Black Lesbian and Gay Centre were also important daytime and night-time venues that were actively supported by local authorities and the Greater London Council.



8. Individual circumstances and responses to changing conditions

Our case studies have highlighted the need to pay attention to the very specific circumstances of each venue. It is apparent from our interviews and case study research that in many cases there is a lack of consensus between venue operators and campaigners in their analysis of situations where venues have closed, or in interpretations of why non-LGBTQ+ clientele are being targeted. This also includes markedly different positions on the likely consequences of certain actions by campaigners, such as the use of Asset of Community Value status and/or architectural listing; or on the financial and other reasons that have led operators, in some cases, to accept venue closure. In the various cases we examined these included ill health, retirement and new business ventures.

While campaigners have been notably more vocal about LGBTQ+ community heritage arguments for supporting LGBTQ+ venues and preventing or reversing closures, in a number of campaigns they have made strong arguments for viability through extensive business plans, again drawing on readily available expertise within their own networks.

Recommendations

On the basis of the findings of this research we appeal to the UK Government, the Mayor of London, Greater London Authority, London Assembly, local authorities, Historic England, LGBTQ+ charities, NGOs and community groups to respond and collaborate in order to protect and nurture LGBTQ+ venues and events into the future. In light of the specific data we have presented on the dramatic rate of venue closures and the continued need for LGBTQ+ venues, we make the following recommendations:

1. The Mayor, Night Czar and other relevant bodies, including LGBTQ+ community organisations and charities, should support the wide dissemination of these research findings to all London local authorities, including planning and licensing and culture departments, to alert them to the falling provision of LGBTQ+ venues, and the value of and need for these spaces.

2. Measures that support the retention, re-provision and promotion of LGBTQ+ spaces should be included within Mayor's London Plan, and the Mayor's Draft Culture and the Night-time Economy Supplementary Planning Guide. This should include:
 - a. A requirement for local authorities to recognise the importance of LGBTQ+ venues in their borough plans.
 - b. Encouragement, support and guidance for LA's to undertake a Equality Impact Assessment when an LGBTQ+ venue, or one which regularly hosts LGBTQ+ events is proposed for development.
 - c. This would lead to a more consistent city-wide practice of supporting LGBTQ+ venues to stay in

operation or be re-provided when they are closed through development.

3. For the purposes of such evaluation, in order to fulfil the duties set out in the Equality Act (2010), the Mayor should encourage and support local authorities to conduct an Equality Impact Assessment for any development which affects an existing LGBTQ+ venue or a venue that regularly hosts events designated for the LGBTQ+ community. In performing Equality Impact Assessments, recognising intersectionality within the LGBTQ+ community is vital. For example, if a space predominantly serves LGBTQ+ women, this clientele embody *at least* two protected characteristic under the Equality Act 2010 (sex, sexual orientation and/or gender reassignment) and potentially more (race, disability, age).
4. The Mayor and GLA should produce a good practice guide which draws attention to the need to protect LGBTQ+ venues in reference to the public duties bound into the Equality Act (2010) – including the Public Sector Equality Duty, which requires public bodies to consider protected characteristics including gender, sexuality, ethnicity and disability.
5. Given that all existing LGBTQ+ venues are considered 'at risk', the *number* and from hereon the *location* of venues be should be monitored by the Greater London Authority and local boroughs in order to prevent a further fall in borough-by-borough or city-wide provision.
6. A confidential mechanism for venue owners/managers to report imminent threats to LGBTQ+ venues to the Night Czar and GLA should be established and widely publicised.

7. We are supportive of the Mayor and GLA's current initiative to develop criteria for the purposes of initiating new LGBTQ+ venues in contexts where development has led to LGBTQ+ venue closure (see Appendices 5 and 6). These are being developed in consultation with a range of organisations – including Queer Spaces Network and UCL Urban Laboratory. Once finalised, we recommend that the criteria are widely publicised, with the aim of informing built environment professionals and others involved in developments that risk reducing the number of LGBTQ+ venues, and with a view to replacing venues that are lost during development.

8. Local authorities should consider provision of LGBTQ+ spaces as potential cultural and social infrastructure within new developments as they arise, working with LGBTQ+ community organisations to identify potential venue operators to work with developers; and actively working with community organisations provide new LGBTQ+ spaces within existing social and cultural venues when opportunities arise.

9. In liaison with LGBTQ+ communities and Historic England, the Mayor and Greater London Authority should develop criteria to define LGBTQ+ spaces of special heritage value to those communities, to be used by local authorities in parallel with the criteria for new LGBTQ+ venues.

10. The Mayor, Night Czar and other relevant bodies, including LGBTQ+ community organisations and charities, should work to promote networking among LGBTQ+ venue owners and managers, night-time entrepreneurs and civil society organisations, to build capacity and a supportive environment so that operators/ owners facing development can share information and be better equipped to act in the interests of LGBTQ+ communities; and able to foster increasingly inclusive

LGBTQ+ nightlife.

11. The Mayor, Night Czar and other relevant bodies, including LGBTQ+ community organisations and charities, should work to establish secure and dedicated community space for LGBTQ+ communities, and work with those communities to foster a programme that supports LGBTQ+ women, trans, non-binary, QTPOC and other communities disproportionately affected by a lack of provision of venues and/or venue closures.

12. The UK Government, the Mayor of London, the Night Czar, Greater London Authority and other relevant bodies, including LGBTQ+ community organisations and charities, should commission further research to better understand key issues including:
 - a. the profile of LGBTQ+ venues in the UK and their value to the UK's culture, heritage, economy, mental health and wellbeing;
 - b. nightlife events, daytime and community spaces not captured in data on licensed LGBTQ+ nightlife premises;
 - c. the efficacy of Equality Impact Assessments and Asset of Community Value status in protecting LGBTQ+ venues;
 - d. issues pertaining to licensing and policing insofar as they have specific impacts on LGBTQ+ venues and events;
 - e. the limits of planning powers in protecting venues and heritage associated with minority communities and the specific uses, users and occupiers they are associated with, as opposed to the Use Classes defined in the Use Classes Order;
 - f. potential for community land or property ownership through an LGBTQ+ charity dedicated to protecting and nurturing LGBTQ+ venues and

events and in order to counter the negative effects of exclusionary land and property prices and unaffordable rents on LGBTQ+ venue owners and event operators;

- g. comparison with other cultural and social infrastructure including losses of venues and models for re-providing space (e.g. theatres, artists' studios) and potential for collaboration.

Glossary

Ableism: interconnected ideas, processes and practices that privilege and accommodate particular people whose bodies and abilities are considered typical. These forms of discrimination happen at the expense of people who do not fit and are disabled by these social standards.

BAME: Black, Asian, Minority Ethnic.

Cisnormativity: the assumption that all individuals' genders match their birth-assigned sex, privilege given to cisgender male/female binaries, and neglect of the possibility and legitimacy of gender/sex diversity.

Cis/cisgender: A person whose gender identity corresponds with the sex they were assigned at birth. A cis/cis/gender person who is not trans.

Heteronormativity: assumptions that privilege dominant forms of heterosexual kinship and gendered practices, norms and relations have historically become culturally accepted as constituting the 'natural' social order.

Homonormative: practices and assumptions that, rather than challenging heteronormative, neo-liberal capitalist institutions – e.g. marriage and monogamy – support and sustain them, while upholding a depoliticised gay culture oriented around consumption and domesticity.

Intersectionality: a concept describing the ways in which oppressions (racism, sexism, homophobia, transphobia, ableism, classism, etc.) interconnect and should not be examined in isolation.

LGBTQ+: Lesbian, Gay, Bisexual, Trans, Queer. The +/plus sign refers to further minority identities relating to gender, sex and sexuality, including intersex and asexual people.

Non-binary: identifying as a gender that is in-between or beyond the categories 'man' and 'woman', moves between 'man'



and 'woman', or as having no gender, all or some of the time. Some, but not all, non-binary people identify as trans.

Pubco: A large pub company owning multiple pubs.

QTIPOC: Queer, Trans and Intersex People of Colour.

Trans: An umbrella term for people whose gender identity and/or gender expression does not fully correspond with their birth-assigned sex. This includes, but is not limited to, people who *self-identify* as trans, transgender, transsexual, non-binary, agender and gender queer.

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Research team

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Interactive map: Greater London Authority.


Open Barbers Survey commentary written by Tim Crocker-Buqué.

Pilot research co-designed with Raze Collective and Queer Spaces Network with contributions by Tim Crocker-Buqué and Ben Walters.

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Biographies

Dr Ben Campkin is the author of *Remaking London: Decline and Regeneration in Urban Culture* (IB Tauris, 2013), which was awarded a commendation in the Royal Institute of British Architects President's Awards for Research, 2014, and won the Urban Communication Foundation's Jane Jacobs Award, 2015. He is co-editor of *Dirt: New Geographies of Cleanliness and Contamination* (IB Tauris, 2007), the series *Urban Pamphleteer* (2013-), *Engaged Urbanism: Cities and Methodologies* (IB Tauris, 2016) and *Sexuality and Gender at Home: Experience, Politics, Transgression* (Bloomsbury, 2017). Ben is Senior Lecturer in Architectural History and Theory at the Bartlett School of Architecture, University College London, and has been Director of UCL's trans-disciplinary Urban



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Laura Marshall is a postgraduate researcher in the Department of Geography at University College London. Influenced by her background in urban studies, Laura's interdisciplinary research interests coalesce around gender diversity, sexuality and space, as well as, using visual and participatory methodologies to produce scholar/activist research. Beyond research, her activist commitments include volunteering with trans youth organisation Gendered Intelligence. Laura is a contributing author to *Sexuality and Gender at Home: Experience, Politics, Transgression* (Bloomsbury, 2017) and co-author of the UCL Urban Laboratory report *LGBTQI nightlife spaces in London: 1986 to the present*.

Acknowledgments

Thanks!

We gratefully acknowledge funding provided by Sadiq Khan, Mayor of London, without which this research would not have been possible.

Special thanks, also to the Night Czar, Amy Lamé and Ed Bayes, Adam Cooper and Rachael Roe in the Greater London Authority Culture and Creative Industries Team.

We would like to thank all those who responded to our surveys and participated in our research in other ways.

Special thanks also to the following for their contributions to and support for the research.

Bishopsgate Institute; Robert Clinton; Raze Collective; Malcolm Comley; Peter Cragg; Tim Crocker-Buqué; Anna Gibson; Steve Hignell; R. Justin Hunt; Duncan Irvine; Andy Jones; Robert Kincaid; Rob Krzyszowski; Ralph Lane; London Metropolitan Archives; London School of Economics Hall-Carpenter Archive; Open Barbers; Bob Mills; Joe Parslow; Planning Out; qUCL; Queer Spaces Network; DJ Ritu; Rebecca Ross; Jordan Rowe; Wayne Shires; Terry Stewart; Maria Tejada; Rachel Tyler; Cristián Valenzuela; Ben Walters.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/04175/LIPC	Application for a new premises licence	12/07/2005	Granted under delegated authority
05/12308/LIPDPS	Application to Vary the Designated Premises Supervisor	07/12/2005	Granted under delegated authority
06/02641/LIPV	Application to vary the premises licence. To extend the hours for the sale of alcohol, regulated entertainment, and late night refreshment from 09:00 to 04:00 Monday to Sunday and to remove the condition indicated.	06/07/2006	Granted by Licensing Sub-Committee
06/02677/LIPDPS	Application to Vary the Designated Premises Supervisor	10/04/2006	Granted under delegated authority
08/03284/LIPV	Application to vary the premises licence. 1) Condition 23 (Annex 3) provides that the varied hours on Sunday for alcohol from 22.30 - 03:00 and regulated entertainment from 23:00 to 03:00 will be in operation until 1 March 2007 after which it will be made permanent unless an objection is raised by	15/05/2008	Granted under delegated authority

	<p>the Metropolitan Police or the Environmental Health Service.</p> <p>2) Condition 24 (Annex 3) provides that if the London Astoria remains open beyond 22:50 on any Sunday until 1 March 007, then the varied Licence will be rescinded with immediate effect on notice from the Metropolitan Police or Environmental Health Service.</p>		
10/08903/LIPVM	<p>Application for a Minor Variation</p> <p>To remove all reference to the Rules of Management from the current premises licence</p>		Application Withdrawn
12/11336/LIPT	<p>Application to Transfer the Premises Licence</p>	19/02/2013	Granted under delegated authority
13/05294/LIPVM	<p>Application for a Minor Variation</p> <p>To vary the existing premises licence so as to add conditions which are deemed to better promote the licensing objective of The prevention of crime and disorder, following discussion with Westminster Police Licensing team.</p>	01/08/2013	Granted under delegated authority

16/00325/LIPV	<p>Application to Vary the Premises Licence</p> <p>To remove the requirement for admission charges to the premises (Condition 23)</p> <p>To remove the requirement that the premises operate as a membership club on Sundays (Condition 24)</p> <p>To remove the requirement that the last entry time of 01:00 on Sundays (Condition 26)</p> <p>To remove condition 25 to provide for the police approved scan system to apply to members attending the premises.</p> <p>To add a new condition to permit the club members priority admission to the premises.</p> <p>To permit a terminal hour for licensable activities of 04:00 Tuesdays to Saturdays</p> <p>To change the registered office at the premises.</p>	10/03/2016	Granted by Licensing Sub-Committee
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There is no appeal history

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
15/00404/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00407/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00408/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00410/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00411/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00413/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/00414/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
16/00103/LITENP	Temporary Event Notice	10.03.2016	Notice Granted
16/00106/LITENP	Temporary Event Notice	02.02.2016	Notice Granted
16/00109/LITENP	Temporary Event Notice	02.02.2016	Notice Granted
16/00111/LITENP	Temporary Event Notice	02.02.2016	Notice Granted
16/00114/LITENP	Temporary Event Notice	04.02.2016	Notice Granted
16/00117/LITENP	Temporary Event Notice	04.02.2016	Notice Granted
16/00119/LITENP	Temporary Event Notice	04.02.2016	Notice Granted

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

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

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. The number of people accommodated at any one time (excluding staff) shall not exceed 300.
12. Substantial food and suitable non-intoxicating beverages, including drinking water shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
13. 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.
14. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.

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

16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.

17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. On the week-end of the Gay Pride Festival, the terminal hour for the provision of late night refreshment is extended to 04.30 on the Sunday morning.

18. 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.

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

20. 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
 - (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.
21. Admission for or by members shall be gained by use of a police approved scan system.

Applicant proposed to delete condition 22:

22. There is to be no entry to the premises after 01:00 on Sundays except for Sundays immediately preceding a bank holiday and the Sunday when the Gay Pride Festival takes place.
23. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00 the permitted hours shall end when the music and dancing end
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00.
- (c) On Sunday the permitted hours shall commence at 12:00 and extend until 03:00 on the following day, with the exception of the Sunday of the Gay Pride Festival when the permitted hours shall extend to 04.00 on the Sunday morning.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
 - (f) the taking of alcohol from the premises by a person residing there;
 - (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
 - (i) In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.
24. The license holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
25. Queuing outside the premises shall be restricted to a designated area located behind the barriers erected for this purpose.
26. Patrons permitted to temporarily leave and re-enter the premises to smoke shall be restricted to a designated smoking area behind the barriers erected for this purpose.

Applicant proposes to add:

27. There shall be no entry after 03:00

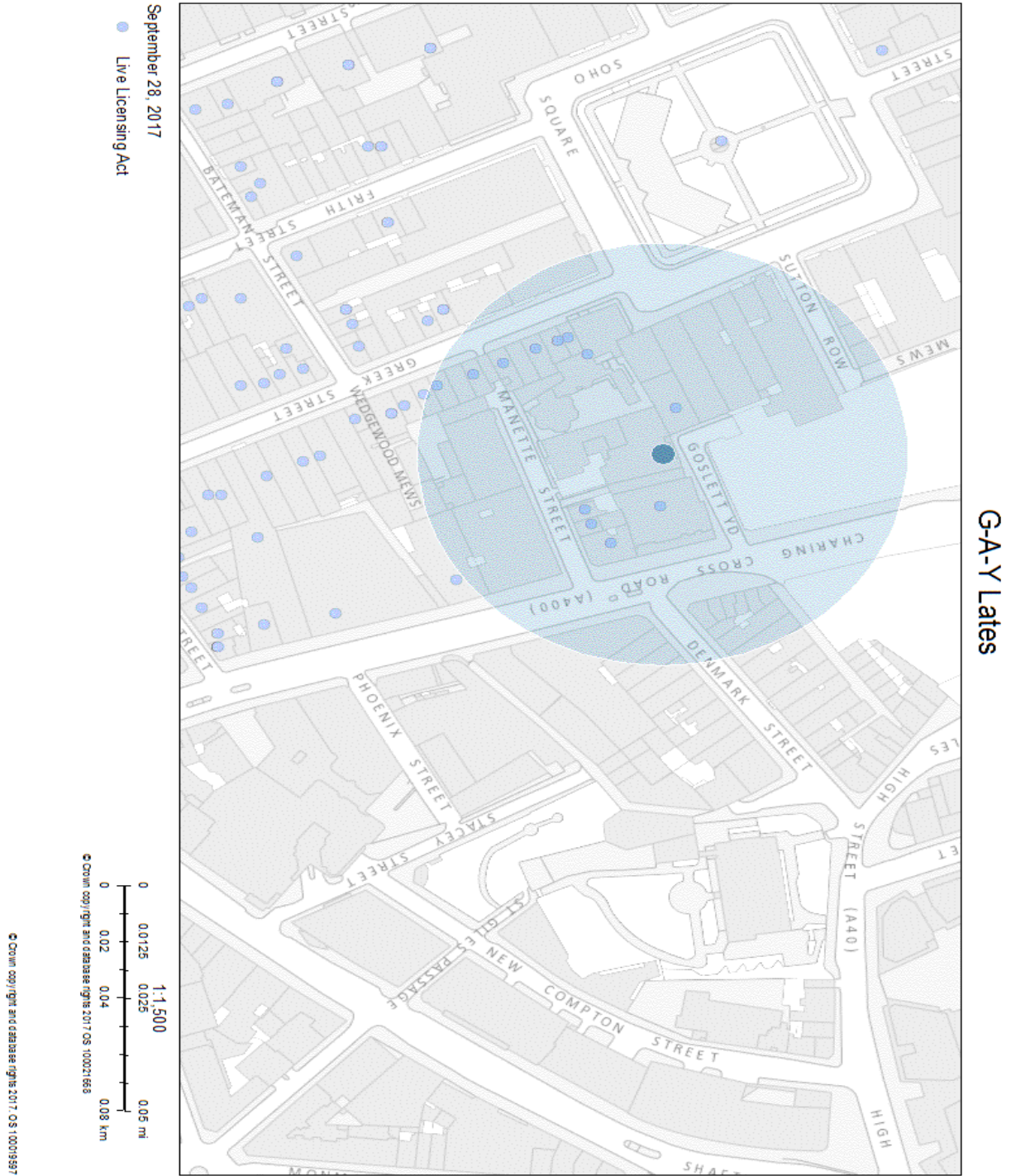
Conditions proposed by Environmental Health

None Submitted

Conditions proposed by Police

None Submitted.

Residential Map and List of Premises in the Vicinity



Resident count: 28

Licensing Sub-Committee Decision 10th March 2016**Licensing SUB-COMMITTEE No. 4***Thursday 10th March 2016*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Barry Panto
 Policy Officer: Chris Wroe
 Committee Officer: Andrew Palmer
 Presenting Officer: David Sycamore

Relevant Representations: Metropolitan Police, Environmental Health, one local resident and the Soho Society.

Present: Mr Craig Baylis (Solicitor, on behalf of the Applicant), Mr Jeremy Joseph (Manager), Sgt Richard Bunch (Metropolitan Police), Mr Dave Nevitt (Environmental Health) and Mr Tyler Thorne (local resident).

G-A-Y Late, Ground Floor, 5 Goslett Yard, WC2 16/00325/LIPV	
	Variation of a Premises Licence, Licensing Act 2003
1.	Hours for Licensable Activities and Opening Hours
	<p>To increase the terminal hour of all licensable activities (apart from Late Night Refreshment) until 04:00 hours on the days following Tuesday – Saturday (with the premises closing at 04.30).</p> <p>To increase the terminal hour for the provision of Late Night Refreshment until 04.30 hours on the days following Tuesday to Saturday.</p> <p>To amend the commencement hour for the sale of alcohol on Sunday from 12.00 to 10.00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mitchells and Butlers Leisure Retail Limited had agreed to withdraw their objection, subject to the agreement of the additional conditions set out under 2 below.</p>
	<p>The Sub-Committee noted that the application was located within a Cumulative Impact Area.</p> <p>Mr Craig Baylis (Solicitor) addressed the Sub-Committee on behalf of the Applicant. The premises operated under a pre-conversion licence with old conditions which included a restriction of hours and conditions for membership</p>

that had originally been obtained to provide for late opening on Sundays. The hours of operation on Bank Holidays and on the Sunday before Bank Holidays had previously been extended through successful applications for Temporary Event Licences, and the Applicant accordingly sought to embed into the Licence the changes that were being approved every year. The Applicant was no longer seeking such an extensive variation regarding barriers outside of the premises.

Mr Jeremy Joseph (Manager) addressed the Sub-Committee and commented on problems with Somalian gangs in Charing Cross Road and in the Soho area. Mr Joseph was looking for ways to ensure that patrons were safe, and to provide more security for customers leaving the premises, and considered that extended closing time to 04.30 hours would enable the time that customers left the premises to be staggered.

Mr Baylis highlighted that no complaints regarding the premises had been made to the Noise Team since May 2013, and suggested that this should be taken into account when considering the application for extended hours. Mr Baylis considered that the general character of the premises and the way it was operated should also be taken into account when applying policy; and that consideration should be given as to whether the application would add to the cumulative impact. Mr Bayliss suggested that the question should be whether the proposals would conflict with the original reasons for adopting the policy.

Mr Panto commented on the issues relating to policy, and advised the Sub-Committee that there was a clear burden on the Applicant to demonstrate that their applications would not add to cumulative impact so as to justify an exception to the policy. Mr Panto also advised that the policy made a clear assumption that all premises were well managed and that having received no complaints would not be a consideration. The assumption was also that anyone consuming alcohol at these hours would by definition be likely to add to cumulative impact. The Sub-Committee accepted that the character of the premises might be a factor to take into account but only if that character could itself support an assertion that the additional hours would not add to cumulative impact.

Sgt Richard Bunch (Metropolitan Police) advised the Sub-Committee that the Police were wholly opposed to the application on the grounds of cumulative impact and the extended opening to 04:30 hours. Sgt Bunch reported that over the past 12 months there had been 85 reported crimes in Goslett Yard, of which 51% could be attributed directly to G-A-Y Late. Over 250 arrests had made in the area since July 2015 to address the problem. The Police were aware that the vast majority of victims of robbery by Somali Gangs had come from the premises late at night, many of whom were intoxicated. Any extension of hours would also impact on the ability to police the area.

Sgt Bunch commented on instances of reported crime at the premises, and confirmed that the Police had met with the operator twice since the beginning of the year, and were making progress in working together to reduce crime figures and to return lost property.

Mr Nevitt maintained the objection by Environmental Health, as the principle of granting the application within a Cumulative Impact Area would be against

policy. Environmental Health also saw no reason why the application was an exception to policy, and considered that approval could have a negative impact on local residents and invite similar applications from other premises in the area. Mr Nevitt also expressed concerns on the proposal to extend the time of last entry, as customers could have had time to drink more alcohol before entering the premises and be noisier while queuing outside.

Mr Nevitt expressed concern that the barriers placed outside the premises could obstruct the public highway, as the existing gap was already narrow due to the adjacent ongoing works. Mr Joseph commented that barriers were considered to be the best way to manage people queueing to enter the premises from 23:00 hours, and informed the Sub-Committee that the area outside the premises was supervised by three security staff, with an additional member of staff inside. The smoking area had also been placed near the front door so it could be managed.

Mr Baylis confirmed that the Applicant would be willing to withdraw the proposal to remove condition 26, and keep the last entry at 01:00 hours (on the day following Sundays) with the exception of Sundays before Bank Holidays and the annual Gay Pride event.

Mr Thorne addressed the Sub-Committee as a local resident, and stated that his main concerns were over the proposal to extend the terminal hour to 04:00 hours. Mr Thorne informed the Sub-Committee that his property was situated near to the staff entrance, and that he had complained directly to the premises about noise being caused by staff. Mr Joseph confirmed that he had been working with Mr Thorne to make sure there were no further problems, and that staff now only exited the premises through the main entrance. A member of security also now waited outside to ensure that staff left quietly.

The Sub-Committee gave careful consideration to both the written representations and to the points made at the hearing, and granted the application in part, with conditions. In determining the application, the Sub-Committee acknowledged that decisions had to be made in line with Westminster's existing policy.

The Sub-Committee agreed to the removal of conditions 23 and 24, as requested, and agreed that condition 26 would be amended to provide that there will be no entry to the premises after 01:00 hours except for Sundays before Bank Holidays and the Sunday of the Gay Pride Festival.

The Sub-Committee refused the application for a general extension of hours to 4:00 and 4:30 opening hours, with the exception of the Saturday of the annual Gay Pride Festival upon which dates permission would be granted (with extended hours for the sale of alcohol applying to 04.00 on the Sunday morning and for the provision of late night refreshment applying to 04.30 on the Sunday morning). The reason for the exception was that there were already a great number of additional people in the area. At other times, it was not considered that the applicant had provided any justification as to why the additional hours would not add to cumulative impact and this was especially so in view of the evidence provided by the police about crime in the immediate area of the premises. The character of the premises, the way that the premises was managed and the clientele that it attracted were not relevant in this case.

	The full set of conditions is set out below.
2.	Conditions being varied, added or removed
	<ul style="list-style-type: none"> • To remove conditions 23, 24, 25 and 26. • Seasonal variations to permit the premises to remain open longer prior to bank holidays and British Summer Time. • Add other conditions and change the registered office address of the holder.
	<p>Amendments to application advised at hearing:</p> <p>Several conditions and changes were proposed:</p> <ul style="list-style-type: none"> • Withdrawal of the request to remove condition 25. • Withdrawal of the request to remove condition 26 apart from Sundays before bank holidays and the Sunday of the Gay Pride week-end. • That SIA registered door staff will arrange barriers on the street to ensure that queues of patrons waiting to enter the premises and smokers are kept within the barriers and do not cause obstruction on the road or pavement to Goslett Yard. • That the external smoking area to close at 03.30 hours. <p>Conditions had also been proposed following discussions between the applicant and one of the objectors:</p> <ol style="list-style-type: none"> 1. The license holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway. 2. Queuing outside the premises shall be restricted to a designated area located behind the barriers erected for this purpose. 3. Patrons permitted to temporarily leave and re-enter the premises to smoke shall be restricted to a designated smoking area behind the barriers erected for this purpose.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application for the variation, addition and removal of conditions as indicated above. (See reasons for decision in Section 1).</p> <p>The full set of conditions is set out below.</p>

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

- 9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. The number of people accommodated at any one time (excluding staff) shall not exceed 300.
- 12. Substantial food and suitable non-intoxicating beverages, including drinking water shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 13. 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.
- 14. No payment to be made by or on behalf of the premises for distribution of flyers or

tickets within public areas in the Licensing Districts of Westminster.

15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress,
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. On the week-end of the Gay Pride Festival, the terminal hour for the provision of late night refreshment is extended to 04.30 on the Sunday morning.

Annex 2 — Conditions consistent with the operating Schedule

18. 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.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. 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
 - (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.

21. Admission for or by members shall be gained by use of a police approved scan system.
22. There is to be no entry to the premises after 01:00 on Sundays except for Sundays immediately preceding a bank holiday and the Sunday when the Gay Pride Festival takes place.

Permitted hours for the sale of alcohol

23. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00 the permitted hours shall end when the music and dancing end
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00.
- (c) On Sunday the permitted hours shall commence at 12:00 and extend until 03:00 on the following day, with the exception of the Sunday of the Gay Pride Festival when the permitted hours shall extend to 04.00 on the Sunday morning.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

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

- (i) In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.
- 24. The license holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- 25. Queuing outside the premises shall be restricted to a designated area located behind the barriers erected for this purpose.
- 26. Patrons permitted to temporarily leave and re-enter the premises to smoke shall be restricted to a designated smoking area behind the barriers erected for this purpose.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/08781/LIPV - Premises Licence Variation
Title of Report:	Kazu Restaurants 1 Limited Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 August 2017		
Applicant:	Kazu Restaurants 1 Limited		
Premises address:	Basement And Ground Floor	Ward:	West End
	61 - 63 Beak Street London W1F 9SL	Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>To vary the existing premises licence so as to incorporate a change of layout.</p> <p>The application follows formal pre-application advice undertaken with Environmental Health and District Surveyor (17/02532/PREAPM).</p> <p>There are no proposed changes to permitted hours, licensable activities, area or conditions.</p>		
Premises licence history:	The premises has been licensed since 2005. Please note that an application for a new premises licence has been made in conjunction to this variation, reference 17/06730/LIPN.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours

Playing of recorded music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	Unrestricted		No change		As per the layout alteration
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Seasonal Variations/ Non-standard timings:	Current: None			Proposed: No change	

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

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	Unrestricted		No change		As per the layout alteration
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Seasonal variations/ Non-standard timings:	Current: None			Proposed: No change	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	23:00	23:30	No change		As per the layout alteration
Tuesday	23:00	23:30			
Wednesday	23:00	23:30			
Thursday	23:00	23:30			
Friday	23:00	23:30			
Saturday	23:00	23:30			
Sunday					
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.				No change

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	10:00	23:00	No change		As per the layout alteration
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means: (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00 (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30 (c) On Good Friday, 12:00 to 22:30 (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30 (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00 (f) On New Year's Eve on a				No change

	Sunday, 12:00 to 22:30 (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).	
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Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	Proposed:
Monday	10:00	23:30	No change		As per the layout alteration
Tuesday	10:00	23:30			
Wednesday	10:00	23:30			
Thursday	10:00	23:30			
Friday	10:00	23:30			
Saturday	10:00	23:30			
Sunday	12:00	23:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No change	

1-C Layout alteration
<p>The application seeks to vary the existing premises licences to incorporate the changes of layout. The changes include:</p> <p>Ground Floor:</p> <ul style="list-style-type: none"> • Reposition access to the basement level • Reconfiguration of fixed seating booths • Removal of central staircase • Inclusion of dispense bar counter and theatre kitchen counter • Reconfiguration of kitchen layout <p>Basement:</p> <ul style="list-style-type: none"> • Reposition of WC facilities • Reconfiguration of fixed seating booths • Reconfiguration of back-of-house areas • Inclusion of theatre kitchen and counter • Inclusion of private dining room

1-D Conditions being added		
Condition 34		
The variation of this premises licence (state the licensing reference number) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	31 August 2017
<p>I refer to the variation application for the Premises Licence (15/11655/LIPT) for the above premises.</p> <p>This representation is based on the submitted layout plans, showing the basement and ground floor, drawing number 600B and dated 21/2/17.</p> <p>The applicant is seeking to change the layout, including the following:</p> <p>Ground Floor;</p> <ul style="list-style-type: none"> - Reposition access to the basement level - Reconfiguration of fixed seating booths - Removal of central staircase - Inclusion of dispense bar counter and theatre kitchen counter - Reconfiguration of kitchen layout <p>Basement;</p> <ul style="list-style-type: none"> - Reposition of WC facilities - Reconfiguration of fixed seating booths - Reconfiguration of back-of-house areas - Inclusion of theatre kitchen and counter - Inclusion of private dining room <p>These changes may impact on Public Safety, therefore I wish to make a representation to this application.</p>	

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	30 August 2017

I write in relation to the application submitted to a vary premises licence.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

We are concerned that the current application form does not clearly show the intention of the application and does not appear to match with the pre-application that was sought prior to this application. The application seeks to allow for a larger area in the basement/lower ground floor. Please can we have plans that are labelled as 'BASEMENT' and 'GROUND FLOOR' as referred to in the current licence. The current application states 'LOWER GROUND FLOOR' and 'GROUND FLOOR'. Condition 15 relates specifically to the basement and says -

15. *The basement of the premises shall only operate as a restaurant:-*

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

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

Condition 11 also states

11. *The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:*

As to the basement 50 persons

As to the ground floor 100 persons.

We are concerned that the granting of this licence could undermine the licensing objectives as the conditions listed above may not be complied with. The ground floor operates currently as bar and it is unclear if there would be additional persons attending the premises with the proposed changes, specifically the basement area. Once the application is clearer I will then be able to address any policy concerns appropriately.

We look forward to receiving some additional documentation that might allow us to consider our representation.

2-B Other Persons

Name: Councillor Roberts

Received: 29 August 2017

As West End ward councillor I would like to support the local residents in their objection to the expansion of this licence on grounds of public safety, and likely disturbance including to children who to my knowledge live close by.

Received: 25 August 2017

I live on the first floor directly above the restaurant with husband and am my asthmatic. I object on the basis that this variation will substantially increase the capacity of the restaurant leading to additional noise and smells from plant equipment, which is already contravening Westminster noise guidelines, along with additional traffic of restaurant patrons and garbage collection creating noise below. This is a major loss of amenity. Without having access to the plan, I can say the restaurant has already removed the central staircase and ceiling, despite obtaining permission! Once open, restaurant patrons will use the staircase next to our internal hallway, which will create additional noise. Already the concrete dust from the construction in the restaurant has covered our flat in dust on multiple occasions, as a result of these modifications, despite the assurances of the contractor that they have effectively sealed this space from noise and smells. If the concrete dust can travel, noise and smells once the restaurant is operational will be far worse. We have complained directly to the previous restaurant, Grillshack, on multiple occasions, and unfortunately these problems were not rectified. With the change of use, this will just amplify the problem as capacity and the number of kitchens and bars increase.

We trust the council will ensure that any variation in premise license will require the operator to increase sound / smell proofing and upgrade plant equipment, and there is future enforceability.

Received: 28 August 2017

I object to this licence 'variation' which could be far bigger than it appears. I have already objected to the main licence application.

The main concern here is public and private safety. Is the access in and out of this building to be adequate and secure for residents above and clients on the premises? Are large ovens still to be allowed in this limited 18th century space?

The application requests removal of a staircase - will any type of replacement be as

safe as the one now present?

The staircase has presumably been moved for a 'dining' room? How sensible is this for an already overcrowded space?

Please Westminster look to the safety and environmental issues before they become even more confused. I object on the grounds of public and private safety, prevention of crime and disorder and protection of children and families living above.

I also note that this variation has landed at the height of the holiday season.

Thank you for listening.

Received: 1 September 2017

On grounds of public nuisance and safety to my amenity

In addition to the objections previously made to the other outstanding licensing application submitted by the applicant and further to the objections raised by my neighbours above and below my premises, I also agree with the concerns raised regarding the removal of the main staircase and reposition to the continuation of the original common stairwell, as well as any additional cooking and extract plant as this is an old building not designed for such intensive use. We have already been horrified by the pollution caused through internal ductwork when the applicant screed the basement floor generating unbelievably unacceptable levels of dust demonstrating that the common stairwell should not be used for the main restaurant access between floors. This will inevitably result in more noise and smells disturbing our amenity.

Received: 1 September 2017

I object on grounds of public safety, personal amenity (with a wife and child of 2 years), and public nuisance and cumulative impact.

Although I have not seen the plans yet due to new security policy at Westminster Council I understand the applicant is proposing a number of cooking areas with additional extract ducts. In addition they are removing the main staircase to the basement from the centre of the premises to the common stairwell shared by the flats above, which had previously been closed except for fire/emergency access.

Unfortunately this staircase shares ductwork and electric cables and is not properly sound and smell insulated and if used as the main stairwell opened for ingress it will compromise the safety to the flats above as well as result in internal noise and smells emanating from the restaurant.

I am also concerned about numerous cooking areas on both floors and any additional extract ducts which will result in more intoxicating exhaust fumes exiting the site with my bedroom windows and roof terrace adjacent to the existing duct.

Finally by opening up the main area to clients by removing the existing staircase there is a danger that there will be a greater movement of people within the premises and to the premises potentially resulting in public nuisance.

Received: 25 August 2017

I live on the first floor directly above the restaurant with husband and am my asthmatic. I object on the basis that this variation will substantially increase the capacity of the restaurant leading to additional noise and smells from plant equipment, which is already contravening Westminster noise guidelines, along with additional traffic of restaurant patrons and garbage collection creating noise below. This is a major loss of amenity. Without having access to the plan, I can say the restaurant has already removed the central staircase and ceiling, despite obtaining permission! Once open, restaurant patrons will use the staircase next to our internal hallway, which will create additional noise. Already the concrete dust from the construction in the restaurant has covered our flat in dust on multiple occasions, as a result of these modifications, despite the

assurances of the contractor that they have effectively sealed this space from noise and smells. If the concrete dust can travel, noise and smells once the restaurant is operational will be far worse. We have complained directly to the previous restaurant, Grillshack, on multiple occasions, and unfortunately these problems were not rectified. With the change of use, this will just amplify the problem as capacity and the number of kitchens and bars increase.

We trust the council will ensure that any variation in premise license will require the operator to increase sound / smell proofing and upgrade plant equipment, and there is future enforceability.

Received:	30 August 2017
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I write to make a relevant representation to the above application on behalf of The Soho Society.

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

About The Soho Society

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

Application summary

To vary the existing premises licence so as to incorporate a change of layout. The changes include:- Ground Floor; reposition access to the basement level, reconfiguration of fixed seating booths, removal of central staircase, inclusion of dispense bar counter and theatre kitchen counter, reconfiguration of kitchen layout. Basement; reposition of WC facilities, reconfiguration of fixed seating booths, reconfiguration of back-of-house areas, inclusion of theatre kitchen and counter, inclusion of private dining room.

The Soho Society objected to the application submitted for these premises last month and we are also now objecting to this variation due to the nature of the proposed layout changes. Given the scope of the reconfigurations, can access into and around the premises be secure for clients in and residents above? If the staircase is to be removed, is it possible to ensure the replacement in this limited, historic building is suitable for both the premises and the anticipated clientele? Have Environmental Health checked the proposals against the space available?

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and

many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application. Please let me know if any proposals are made to amend the application; particularly in respect of the suggested layout variations.

Received:	31 August 2017
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While this application is for internal works only and looks innocuous enough, it comes on the back of several planning and licensing applications (some of which have been withdrawn). These included works for bbq extraction and pizza oven which would be unacceptable to neighbouring properties. I refer the Council to my objections to 17/06730/LIPN and 17/04867/FULL.

I have not had the opportunity to view the plans for the works currently proposed, and do not object to the internal rearrangement of the site, however, I do object to any internal works that would have the effect to increase extraction (on grounds of sound and smell) and any extension to licensing hours as per the applicants prior submission.

3. Policy & Guidance

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

Policy RNT2 applies:	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>Please note that the policy applies to the basement of the premises (as the ground floor will remain drink led).</p>
Policy CIA1 applies:	<p>(i) It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	Representation Environmental Health	31 August 2017
5	Representation Licensing Authority	30 August 2017
6	Representation Councillor	29 August 2017
7	Representation resident	25 August 2017
8	Representation resident	25 August 2017
9	Representation resident	28 August 2017
10	Representation resident	30 August 2017
11	Representation resident	31 August 2017
12	Representation resident	1 September 2017
13	Representation resident	1 September 2017

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06727/LIPCV	This was a converted licence.	18.09.2005	Deemed Decision
06/09263/WCCMAP	This is a master copy of the licence.	02.11.2006	Review Determined
08/07137/LIPCHD	This was an application for a change of details.	25.11.2008	Granted under Delegated Authority
09/03234/LIPD	This was an application to duplicate the licence.	24.06.2009	Granted under Delegated Authority
10/01305/LIPD	This was an application to duplicate the licence.	28.07.2010	Granted under Delegated Authority
10/04843/LIPT	This was a request to transfer the licence from Alphabet Bar to BFI Ltd	14.07.2010	Granted under Delegated Authority
13/04189/LIPT	This was an application to transfer the licence from BFI Ltd to Grill Shack Limited.	05.07.2013	Granted under Delegated Authority
13/04192/LIPDPS	This was a request to vary the DPS.	08.07.2013	Granted under Delegated Authority
13/05088/LIPV	This was an application for a variation. To vary the existing premises licence so as to incorporate a change of layout, namely; Ground Floor: Reconfiguration of main entrance door with inclusion of greeter station; Addition of fixed seating next to waiter station; Addition of a hoist; Refurbishment of kitchen. Basement: Inclusion of kitchen, prep area, wash and cold room area; Refurbishment of WC	05.09.2013	Granted by Licensing Sub Committee

	facilities; Inclusion of dining area with condiment counter; Reconfiguration of back of house areas. There is to be no changes to existing licensable activities and/or timings.		
13/05634/LITENP	This was an application for a Temporary Event Notice.	08.08.2013	Notice Granted
13/05635/LITENP	This was an application for a Temporary Event Notice.	08.08.2013	Notice Granted
13/08655/LIPVM	<p>This was an application for a minor variation. To add the following agreed condition: "The basement of the premises shall only operate as a restaurant</p> <ul style="list-style-type: none"> (i) In which customers are shown to their table, (ii) Where the supply of alcohol is by waiter or waitress service only, (iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) Which do not provide any takeaway service of food or drink after 23.00, and (v) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. <p>Notwithstanding this condition customers are permitted to take from the</p>		

	premises part consumed and resealed bottles of wine supplied ancillary to their meal"		
14/04425/LIPDPS	This was an application to vary the DPS.	24.06.2014	Granted under Delegated Authority
15/08974/LIPDPS	This was an application to vary the DPS.	03.02.2016	Granted under Delegated Authority
15/11655/LIPT	This was a request to transfer the licence from Grillshack to Kazu Restaurants.	03.02.2016	Granted under Delegated Authority
17/02532/PREAPM	This was an application for pre-application advice	09.03.2017	

There is no appeal history

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

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

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

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

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

- (ii) period in which the responsible person is authorised to sell or supply alcohol), or
 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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

10. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

11. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:

As to the basement 50 persons

As to the ground floor 100 persons.

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

12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00

(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

(c) On Good Friday, 12:00 to 22:30

(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30

- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

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

- 16. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by an to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The limiter shall not be altered without prior agreement with the Environmental Health Service.
- 17. No alterations or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
- 18. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

19. No speakers shall be located in the entrance area.
20. All entrance doors to be kept closed after 21:00 hours except for the immediate access and egress to persons.
21. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
22. The Premises shall comply with reasonable requirements of the Metropolitan Police Crime Prevention Officer.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of any person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made immediately upon the request of the Police or authorised officer throughout the preceding 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times it is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
27. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Patrons temporarily leaving the premises, such as for the purposes of smoking shall not take any drinks with them outside the premises.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
31. No collections, including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours.
32. No deliveries shall take place between 22:00 and 07:00 hours.

33. During the hours of operation 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 the aforementioned 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.

Conditions proposed by the applicant

34. The variation of this premises licence (state the licensing reference number) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

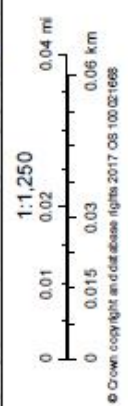
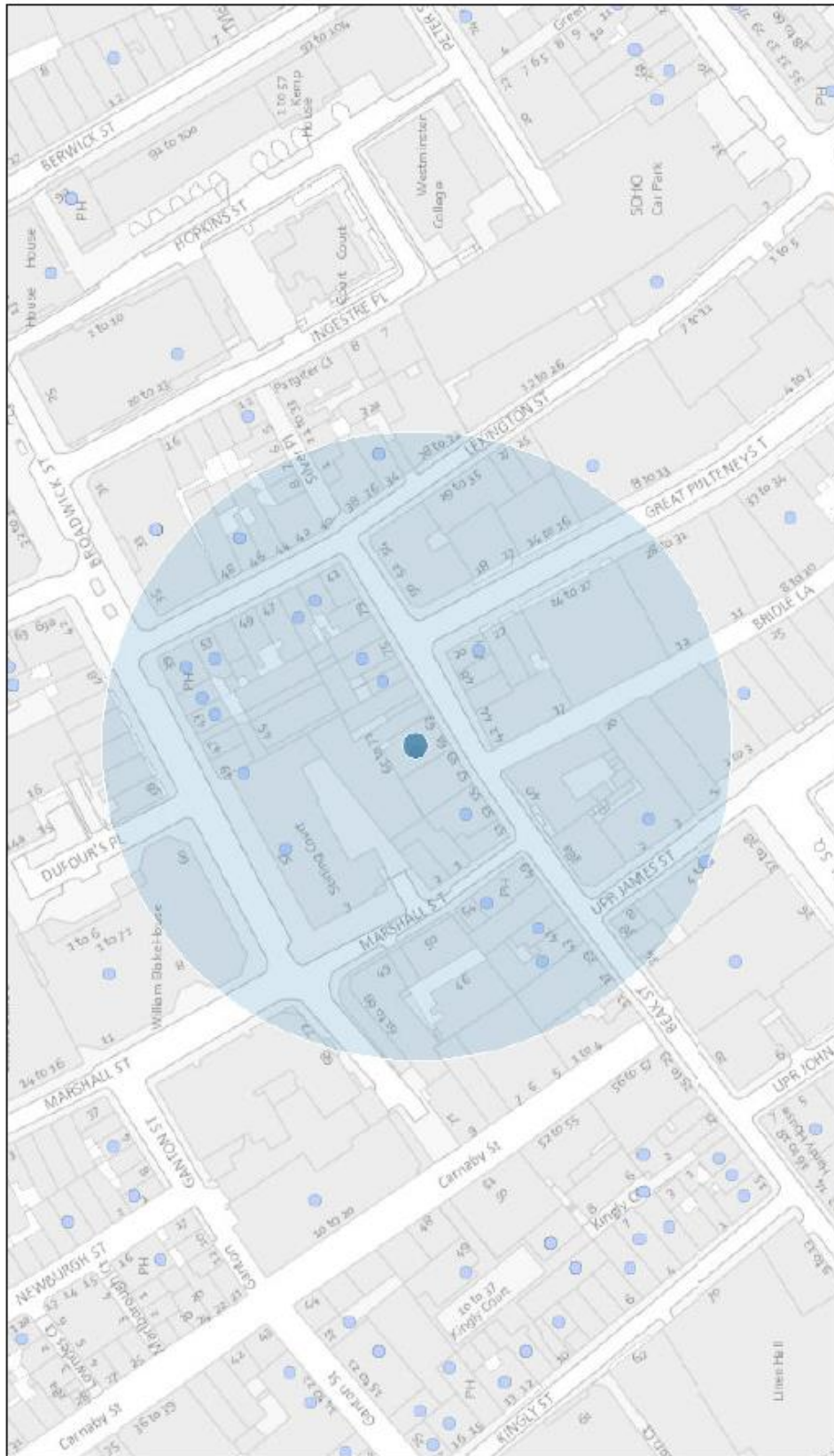
Conditions proposed by the Police

None

Conditions proposed by Environmental Health

None

Kazu Restaurants



September 28, 2017
● Live Licensing Act

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Item No:	
Date:	12 October 2017
Licensing Ref No:	17/06730/LIPN - New Premises Licence
Title of Report:	Kazu Restaurants 1 Ltd Basement and Ground Floor 61 - 63 Beak Street London W1F 9SL
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 June 2017		
Applicant:	Kazu Restaurants 1 Ltd		
Premises address:	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the applicant, the premises will operate as a high class Japanese restaurant.		
Premises licence history:	The premise is currently licensed under 15/11655/LIPT which they have applied to vary in conjunction with application 17/08781/LIPV. Full details of the premises licence history can be found at appendix 2.		
Application description:	<p>The application differs from the existing licence. The application summary is set out below:</p> <ul style="list-style-type: none"> • Change the layout as shown on the plans • Subject to that layout being approved, decrease the customer capacity from 150 to 120 and correspondingly decrease the area where alcohol can be sold without food from 100 to 60 • Increase the hours for the sale of alcohol, recorded music and late night refreshment to the Council's core hours with opening times 30 minutes later • Propose new model conditions accordingly. 		
Applicant submissions:	None submitted		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23.00	23.00	23.00	23.00	23.00	23.00	
End:	23.30	23.30	23.30	23.30	00.00	00.00	
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. On Sundays immediately prior to Bank Holidays to 00:00						

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:	23.30	23.30	23.30	23.30	00.00	00.00	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. On Sundays immediately prior to Bank Holidays to 00:00				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End:	00.00	00.00	00.00	00.00	00.30	00.30	23.00
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. On Sundays immediately prior to Bank Holidays to 00:00				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Sally Thomas
Received:	22 nd June 2017
The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.	
<p>This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address and dated 16/06/17 and drawing number 600B.</p> <p>The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours. 2. To allow Late Night Refreshment 'indoors' Monday-Thursday 23:00-23:30 hours and Friday-Saturday 23:00-00:00 hours. 3. To allow the provision of Recorded Music 'indoors' Monday-Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours. 4. To allow the above provisions on Sundays before Bank Holidays until 00:00 hours and from the end of New Year's Eve to the start of permitted hours on New 	

Year's Day.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The provision of Recorded Music may cause an increase in Public Nuisance in the cumulative impact area.
4. The extension of hours on a Sunday before a Bank Holiday and New Year's Eve may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

Responsible Authority:	Licensing Authority
Representative:	David Sycamore
Received:	11 th July 2017

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

We believe that the additional hours sought will add to cumulative impact and PB2 and RNT2 state they must be considered against the likely impact, even when hours are sought to within core hours policy. The increase will lead to more people being in the cumulative impact area than before, under the currently issued licence. There will also be an increase in the time up to 60 people will be permitted to use the premises as a bar and as mentioned above, it is the current policy to refuse applications for bars. The premises will also be

open outside of core hours policy (HRS1) and will result in customers being on the premises later and then go out into the cumulative impact area.

2-B Other Persons

Received: 1st August 2017

I live above this premises, and have done so for many years. I have a young family. I have concerns that this application would, if granted, cause us nuisance particularly but not solely late at night, and negatively impact my young child's quality of life.

My objection is therefore on the basis that the likely effect of the application if granted would be to harm the licensing objective of 'prevention of public nuisance'. I also believe it would add to cumulative impact of existing licensed premises.

You will be aware that although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours.

I strongly object to a number of aspects of this application as listed below.

Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents above the premises, of whom I am one.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents above the premises, of whom I am one. Why is recorded music sought as a licensable activity? If the proposal is anything more than background music, I am concerned about noise emanation.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm.

I haven't been able to see the layout on the plans on the Council's website but there is mention on a separate planning application of more intense cooking with use of Pizza ovens and and bbqs and extract ducts and flues and changed a/c units, which leads me to believe this may be more than a simple high class Japanese restaurant. Moreover, we have had difficulties before with extract noise/odours and are concerned that the extended hours would lead to this worsening. The condition regarding smoking outside does not stipulate a maximum number of people at any one time.

I welcome that the application states that they will only operate from 10am Mon to Sat and from 12pm Sunday and I would be very disappointed if they intended to start operating any earlier going forward.

However having recently met the new operators and raised my strong disapproval if they extend the operating hours later at night, I am sad to see that this application has

been submitted.

There is no comfort in their offer of reduced number of customers from 150 to 120 customers, half of whom would not be obliged to eat, being allowed to stay on the premises any later than currently allowed, as any number of people inside or leaving the premises or plant equipment noise and smells allowed to operate after 11:30pm Mon to Sat and 11pm Sunday, will seriously impact my family's ability to sleep and will be a constant cause for worry. It will also inevitably result in staff having to work later and with the best will in the world, they may still be standing outside smoking or chatting when they close up.

To give you some background to the location, there are residential flats directly above this building conversion and sound and smells can easily travel through the common parts and vibration through the walls. The road is narrow and one of the few exits from Soho. Sound and smells easily transmit up and through our windows. At times it is unbearably hot and polluted and with street noise from people and lorries/cars deliveries and smells from exhausts, cooking and cigarettes, we are constantly battling to achieve some respite at least late at night once the pubs/bars/restaurants close. At the back where our bedrooms reside we also need to battle against the sound of commercial extracts and a/c sounds and smells through our bedroom windows. We experienced this with the previous operators and found ourselves helpless once the authorities had approved the equipment.

This is a cumulative impact area and any increase in operating hours, even if in line with Model Condition 66 (which it is not in any event), should be balanced with the fact that residents, and in my case with a young baby of 22 months, live directly above the applicant. For the avoidance of doubt, I do not consider that the proposed capacity reduction would mitigate negative impact from extending the hours.

In addition I have a roof terrace with the current extract duct adjacent to my roof. Any intensification of usage or extended usage will have an impact to my amenity. I can submit a photo of this if it would be helpful.

I should also draw your attention to the fact the existing planning permission at the site does not permit operating after 11:20pm Monday to Saturday and 10:50pm Sunday and that all plant equipment is not allowed to operate between midnight and 8am and the primary use should be for the onsite consumption of food as a class a3 café restaurant. Therefore extending the hours contravenes the planning conditions imposed at the site.

Received:

3rd July 2017

We live directly above the premises in flat 1, and have concerns that this application would, if granted, cause us nuisance particularly but not solely late at night, and impact our quality of life. Our objection is therefore on the basis that the likely effect of the application if granted would be to harm the licensing objective of 'prevention of public nuisance'. We also believe it would add to cumulative impact of existing licensed premises.

You will be aware that although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours. We strongly object to a number of

aspects of this application as listed below. Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents above the premises, of whom we are one.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents above the premises of whom we are one. Why is recorded music sought as a licensable activity? If the proposal is anything more than background music, we are concerned about noise emanation.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm. We haven't been able to see the layout on the plans on the Council's website but there is mention on a separate planning application of more intense cooking with use of Pizza ovens and bbqs and extract ducts and flues and changed a/c units, which leads us to believe this may be more than a simple high class Japanese restaurant. Moreover, we have had difficulties before with extract noise/odours and are concerned that the extended hours would lead to this worsening. The condition regarding smoking outside does not stipulate a maximum number of people at any one time.

We welcome that the application states that they will only operate from 10am Mon to Sat and from 12pm Sunday and would be very disappointed if they intended to start operating any earlier going forward.

There is no comfort in their offer of reduced number of customers from 150 to 120 customers, half of whom would not be obliged to eat, being allowed to stay on the premises any later than currently allowed, as any number of people inside or leaving the premises or plant equipment noise and smells allowed to operate after 11:30pm Mon to Sat and 11pm Sunday, will seriously impact our ability to sleep and will be a constant cause for worry. It will also inevitably result in staff having to work later and with the best will in the world, they may still be standing outside smoking or chatting when they close up.

To give you some background to the location, there are residential flats directly above this building conversion and sound and smells can easily travel through the common parts and vibration through the walls. The road is narrow and one of the few exits from Soho. Sound and smells easily transmit up and through our windows. At times it is unbearably hot and polluted and with street noise from people and lorries/cars deliveries and smells from exhausts, cooking and cigarettes, we are constantly battling to achieve some respite at least late at night once the pubs/bars/restaurants close. At the back where our bedroom resides we also need to battle against the sound of commercial extracts and a/c sounds and smells through our bedroom windows. We experienced this with the previous operators and found ourselves helpless once the

authorities had approved the equipment.

This is a cumulative impact area and any increase in operating hours, even if in line with Model Condition 66 (which it is not in any event), should be balanced with the fact that residents live directly above the applicant. For the avoidance of doubt, we do not consider that the proposed capacity reduction would mitigate negative impact from extending the hours.

We should also draw your attention to the fact the existing planning permission at the site does not permit operating after 11:20pm Monday to Saturday and 10:50pm Sunday and that all plant equipment is not allowed to operate between midnight and Bam and the primary use should be for the onsite consumption of food as a class a3 cafe restaurant. Therefore extending the hours contravenes the planning conditions imposed at the site.

We have already met the applicant and are happy to have an ongoing dialogue with the applicant going forward.

Received:	10 th July 2017
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I strongly object to this application on grounds of:

- prevention of public nuisance
- cumulative impact

This application is essentially an extension of hours in a cumulative impact area, concomitant with the applicant's desire for increased plant and extraction. (See Planning Application 17/04867/FULL and 97/06572/FULL.)

The proposal is to extend opening hours to as late as 12.30am. This will adversely affect the licensing objectives and affect local residents, of whom I am one.

Beak Street is fast becoming a late night drinking destination with resulting problems of antisocial behaviour, noise and nuisance for residents.

The excessive plant and smell extraction planned by this tenant, that include a BBQ exhaust duct and a pizza oven duct will in themselves cause a reduction of amenity for residents.

Residents need some relief from the relentlessness of all day / late night restaurant operation. We should be able to wake up in the morning and go to bed at night without cooking smells and plant noise being the first and last thing that surrounds us.

Name:	Cllr Glenys Roberts
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Received:	5 th July 2017
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I support the residents in their objection to later hours on the grounds of prevention of public nuisance and protection of children. This is a stress area and this should be against policy.

Received:

10th July 2017

I object to this application on the grounds of noise and nuisance and also on the over saturation of such premises in this designated high stress zone that is also highly residential. WCC must maintain a balance of commercial and residential interests and this application diminishes the latter.

This application would harm the licensing objective of 'prevention of public nuisance'. I also believe it would add to cumulative impact of existing licensed premises.

Although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours.

Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents all around these premises.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents around the premises.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm. This really is unacceptable. People live all around these premises and their rights must be maintained.

Please reject this application.

Received:

5th July 2017

As the resident 2 floors above this premises for over 17 years I could not possibly agree to there being later licensing and operating hours below me. It has been a trial enough to have lived here with the previous licensing hours where I and the other residents had a respectful relationship with the operators.

To be clear the applicant offering fewer people for later hours is no consolation and I object most strongly on grounds of nuisance, noise, fumes, amenity and cumulative impact.

I am not convinced either that the operators are genuinely going to stick to the starting hours that they have put on the application starting 10am mon-[sat and 12pm sun, as when I met the operator he talked not only about a high end japanese restaurant but also mentioned a patisserie to service breakfast as well as 17th century beer tankards??

Short of standing outside and counting the number of people, how on earth is this going to be controlled. Our experience is that restaurateurs and bars take liberties when they can.

Also please don't allow any extension of times for the doors to be left open after 9pm as

the noise reverberates up my windows.

I hope you will seriously take head of my worries and refuse this application in its entirety.

Received:	4 th July 2017
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The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

Application summary

1. Change the layout as shown on the appended plans;
2. Subject to that layout being approved, decrease the customer capacity from 150 to 120 and correspondingly decrease the area where alcohol can be sold without food from 100 to 60;
3. Increase the hours for the sale of alcohol, recorded music and late night refreshment to the council's core hours with opening times 30 mins later; and
4. Propose new model conditions accordingly.

Hours of operation

The application therefore states that they will confine hours "for the sale of alcohol, recorded music and late night refreshment to the council's core hours with opening times 30 mins later". We are seeing more and more applications aiming to increase their terminal hour by a "harmless" thirty minutes, but this directly contravenes Council policy. I must remind the Licensing Panel that Soho remains a densely populated residential area and there are many private residences in nearby buildings on either side of the premises, all the way along Beak Street, and in the three streets that feed into Beak Street close to the premises: Lexington and Great Pulteney Streets, and Bridle Lane. All residents in the surrounding area are subject to noise and general nuisance every night of the week, and maintaining core hours for the West End Cumulative Impact Area is the only way of ensuring these residents are able to properly rest.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of

historic areas.

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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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>
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 RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Pre-Application Advice Report
Appendix 6	Current Licence

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	Representation – Environmental Health	22 nd June 2017
5	Representation – Licensing Authority	11 th July 2017
6	Representation – Cllr Glenys Roberts	5 th July 2017
7	Representation – Soho Society	4 th July 2017
8	Representation resident	3 rd July 2017
9	Representation resident	5 th July 2017
10	Representation resident	10 th July 2017
11	Representation resident	10 th July 2017
12	Representation resident	1 st August 2017

Applicant Supporting Documents

None

Premises History

Application	Details of Application	Date Determined	Decision
05/06727/LIPCV	Premises Licence Conversion	24/11/2005	Granted Under Delegated Authority
06/09270/LIREVP	Review of a Premises Licence	02/11/2006	Conditions Modified
06/09263/WCCMAP	Master Licence	19/12/2006	Granted Under Delegated Authority
08/07137/LIPCHD	Vary the Designated Premises Supervisor	25/11/2008	Granted Under Delegated Authority
10/04843/LIPT	Transfer of Premises Licence	14/07/2010	Granted Under Delegated Authority
13/04189/LIPT	Transfer of Premises Licence	05/07/2013	Granted Under Delegated Authority
13/04192/LIPDPS	Vary the Designated Premises Supervisor	08/07/2013	Granted Under Delegated Authority
13/04390/LIPVM	<p>Variation Application:</p> <p>A change of layout in accordance with the attached licensing drawing LL-01 being Ground floor and basement with the licensable area edged in red.</p> <p>In relation to the ground floor there is very little change however the changes are as follows:</p> <ul style="list-style-type: none"> - The reconfiguration of the main entrance door. - A greeter station at the entrance door. - Fixed seating next to the waiter station. - The addition of a hoist. - Kitchen to remain as is but completely refurbished and upgraded. <p>In relation to the basement the changes are as follows:</p>	05/07/2013	Refused Under Delegated Authority

	<ul style="list-style-type: none"> - Inclusion of kitchen/prep/wash up and cold room area. - All toilets to remain as is but completely upgraded. - A small defined dining area with fixed seating and condiment counter. - The provision of dry store, office and staff room in the basement. <p>There is no increase in the trading area as can be seen from the decrease of the area in the basement.</p> <p>The applicant, through their instructing solicitors who make this application, have obtained pre-application advice from Alan Lynagh, District Licensing Surveyor, and Anil Drayan, Environmental Health Officer, Westminster City Council, who have provided their advice in relation to the application and have confirmed that the plans are acceptable and that they would support an application to proceed by way of minor variation upon the drawings submitted.</p>		
13/05088/LIPV	<p>Variation Application:</p> <p>To vary the existing premises licence so as to incorporate a change of layout, namely; Ground Floor: Reconfiguration of main entrance door with inclusion of greeter station; Addition of fixed seating next to waiter</p>	05/09/2013	Granted by Licensing Sub-Committee

	<p>station; Addition of a hoist; Refurbishment of kitchen. Basement: Inclusion of kitchen, prep area, wash and cold room area; Refurbishment of WC facilities; Inclusion of dining area with condiment counter; Reconfiguration of back of house areas. There is to be no changes to existing licensable activities and/or timings.</p>		
13/08655/LIPVM	<p>Variation Application:</p> <p>To add the following agreed condition: "The basement of the premises shall only operate as a restaurant (i) In which customers are shown to their table, (ii) Where the supply of alcohol is by waiter or waitress service only, (iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) Which do not provide any takeaway service of food or drink after 23.00, and (v) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such</p>	20/11/2017	Granted Under Delegated Authority

	<p>persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal"</p>		
14/04425/LIPDPS	Vary the Designated Premises Supervisor	16/06/2014	Granted Under Delegated Authority
15/08974/LIPDPS	Vary the Designated Premises Supervisor	03/02/2016	Granted Under Delegated Authority
15/11655/LIPT	Transfer of Premises Licence	03/02/2016	Granted Under Delegated Authority
17/02532/PREAPM	Pre-application Advice	09/03/2017	See Appendix 5
17/08118/LIPVM	<p>Minor Variation Application:</p> <p>To vary the existing premises licence so as to incorporate a change of layout. The changes include:-</p> <ul style="list-style-type: none"> - Ground Floor; - Reposition access to the basement level - Reconfiguration of fixed seating booths - Removal of central staircase - Inclusion of dispense bar counter and theatre kitchen counter - Reconfiguration of kitchen layout <p>Basement;</p> <ul style="list-style-type: none"> - Reposition of WC facilities - Reconfiguration of fixed seating booths - Reconfiguration of back-of-house areas - Inclusion of theatre kitchen and counter - Inclusion of private dining room <p>The application is cosmetic in nature and follows formal pre-application advice undertaken with Environmental Health</p>	04/08/2017	Refused

	and District Surveyor (17/02532/PREAPM). There are no proposed changes to permitted hours, licensable activities, area or conditions.		
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CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The basement of the premises shall only operate as a restaurant: -
- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,

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

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

10. No speakers shall be located in the entrance area.
11. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
12. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
13. 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.
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. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
17. 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.
18. Patrons temporarily leaving the premises, such as for the purposes of smoking shall not take any drinks with them outside the premises.

19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
21. No collections, including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours.
22. No deliveries shall take place between 22:00 and 07:00 hours.
23. During the hours of operation 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 the aforementioned 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. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground floor 60 persons;
Basement 60 persons.
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
27. 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.
28. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

22. No licensable activities shall take place at the premises until premises licence 15/11655/LIPT (or such other number subsequently issued for the premises) has been surrendered.
23. 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.

Conditions proposed by the Environmental Health

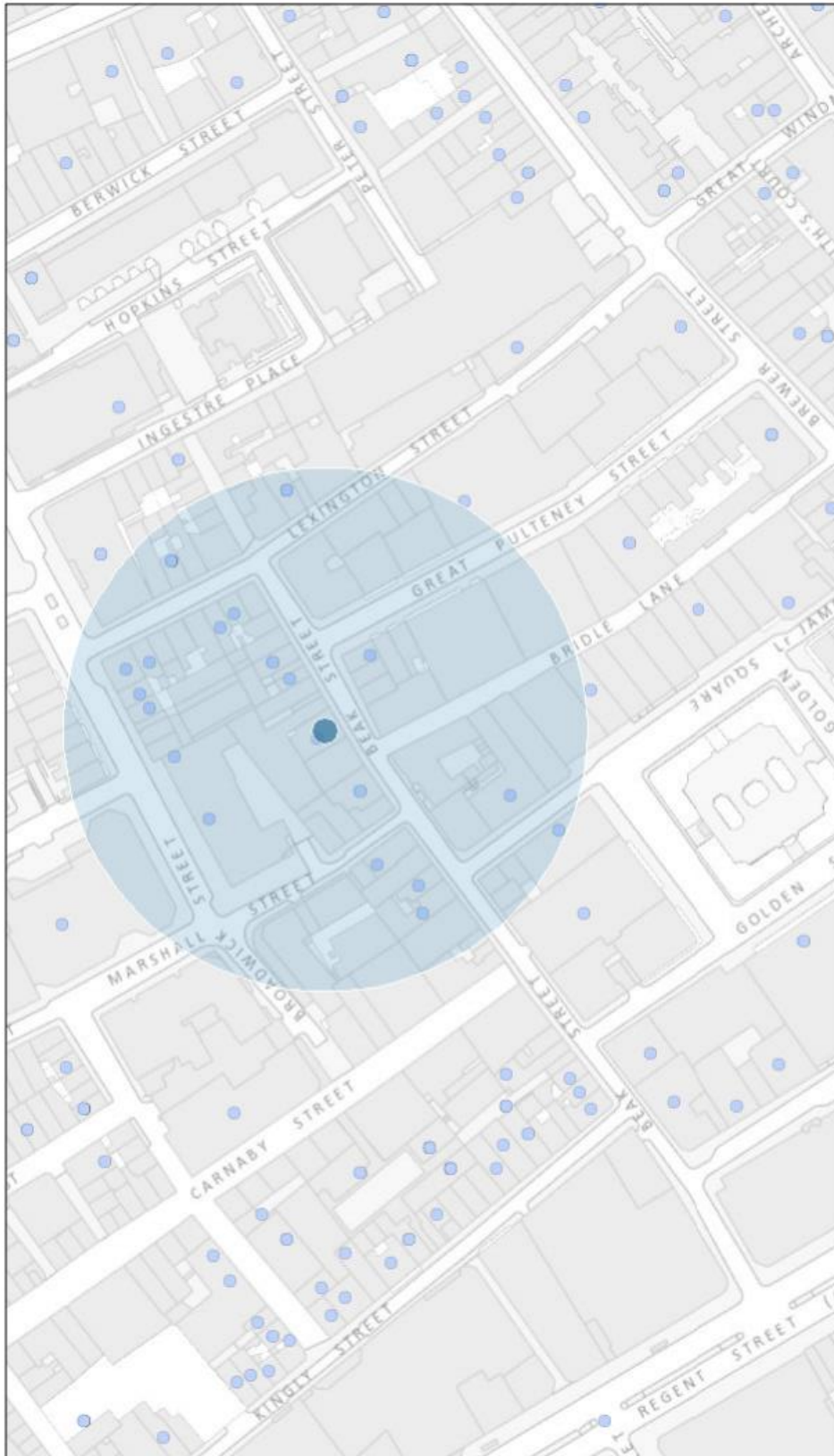
None

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity

Kazu Restaurants



Resident Count: 143

Pre-application Advice Report

City of Westminster

Office Name: Sally Thomas/Alan Lynagh
Designation: EHO – Senior Practitioner
Date: 30/03/17
Contact number: 020 7641 2788
Email: sthomas4@westminster.gov.uk
Signed: Sally Thomas
WCC Uniform Ref Number:
 17/02532/PREAPM

Trading name of business and Address: Basement and ground, 61-63 Beak Street, London, W1F 9SL		
Licence: 15/11655/LIPT	Applicant/solicitor: Alun Thomas	Cumulative Impact Area: Yes – West End
Type of Business: Restaurant/Bar Current Areas: Basement and Ground Floor. Current Activities: 15/11655/LIPT		
Playing of Recorded Music	Unrestricted	
Late Night Refreshment Monday to Saturday:	23:00 to 23:30	
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted	
Sale by Retail of Alcohol (on and off) Monday to Saturday: Sunday:	10:00 to 23:00 12:00 to 22:30	
The ground floor of the premises does not have restrictions on the sale of alcohol. The basement of the premises is restricted to operate as a restaurant with alcohol being ancillary to a table meal. The current capacity is 100 people on the ground floor and 50 people in the basement. The split of bar use to restaurant use is 66.6% and 33.3%.		
Pre application advice purpose: To assess the change in layout and operation.		
Background to application: The proposed hours for licensable activities are as follows:		
<ol style="list-style-type: none"> 1. Alcohol 'on' – Monday – Thursday 10:00-23:30 hours, Friday and Saturday 10:00 – 00:00 and Sunday 12:00-22:30 hours. 2. Alcohol 'off' - Monday – Saturday 08:00-23:00 hours and Sunday 10:00-22:30 hours 3. Late Night Refreshment - Monday – Thursday 23:00-23:30 hours, Friday and Saturday 23:00 – 00:00 hours. 4. Recorded Music - Monday – Thursday 09:00-23:30 hours, Friday and Saturday 09:00 – 00:00 hours and Sunday 09:00 -22:30 hours. 		
Residential premises are proposed above the premises.		
The main Environmental Health considerations to the proposal as submitted are the		

following:

1. Cumulative Impact Area

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

Therefore WCC Policies **HRS1**, **CIP1**, **RNT2** and **PB2** apply.

Currently the premises operates as a bar on the ground floor and a restaurant in the basement. The proposal is to change the premises to 50% restaurant and 50% bar split over both floors. The overall capacity will be amended to 120 people, which results in a reduction in capacity. Still with a maximum of 60 people undertaking drinking without eating. However the applicant wants to allow this flexibility over both floors rather than restricting to either floor. To satisfy the Licensing Authority this will need to be clearly defined on any plans submitted. In the previous operation up to 100 people could drink without eating. This reduces the impact within the cumulative impact area.

The proposal also seeks to increase the terminal hour to core hours for all licensable activities. However this would not be deemed to be against the policy PB2/CIP1 that states *'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.'*

There is no presumption against the granting of a restaurant in the Cumulative Impact Area so long as it does not impact on the Licensing Objectives or add to Cumulative Impact. (Policy RNT2).

2. Sanitary accommodation

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

The proposed capacity of 120 customers requires a minimum of 3 female WCs, 1 male WC and 2 urinals. If wash hand basins are provided in the cubicle this will reduce the capacity by 25%. A hand wash basin should be provided per WC. There is no objection to unisex hand wash basin area provided it is covered by CCTV.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

3. External Area and Windows

External use has not been proposed. However with the hours proposed for recorded music, doors and windows should be kept closed after 23.00 hours and at all times that regulated entertainment is taking place.

4. Food Hygiene

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

Three dumb waiters have been proposed to minimise staff foot traffic on the public stairs.

No changes to the full height extract ventilation have been proposed. Please note that a previous application resulted in numerous resident representations due to potential odour nuisance.

The kitchen on the ground floor will be a theatre kitchen with a gas installed pizza oven.

5. Type of application

This application could be a variation to the existing licence.

6. Conditions

The following conditions should be considered in addition to those already on the licence in order to minimise the impact on the Licensing Objectives:

Vary MC66 to read in the non hatched area MC66 applies.

MC16 There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

MC17 All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

To replace the current condition 11 - MC 37 The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 60 persons; Basement 60 persons.

To replace the current condition 27 - MC12 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.

MC 87 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

MC14 All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

MC23 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.

MC47 A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

MC82 The variation of this premises licence (***state the licensing reference number***) to include the (***state the works requested and plans reference***) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

The police will also seek:

MC49 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.

District Surveyor Comments

- The ground floor and first floor should be provided with two separate exit routes both at a minimum of 750mm clear opening width.
- All exit routes should be provided with 30 minute separation and all doors onto exit routes should be fitted with intumescent smoke strips and seals.
- The operation and design of the fire curtain should be detailed to us for approval and at this stage our preference would be a door held open on a magnetic device but we will await further detail and comment appropriately.

Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.

**Sally Thomas
Environmental Health Officer – Senior Practitioner
EH Consultation Team**

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Current LicenceSchedule 12
Part AWARD: West End
UPRN: 010033570731**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/11655/LIPT

Original Reference:

05/06727/LIPCV

Part 1 – Premises details**Postal address of premises:**Kazu Restaurants 1 Limited
Basement And Ground Floor
61 - 63 Beak Street
London
W1F 9SL**Telephone Number:****Where the licence is time limited, the dates:**

Not applicable

Licensable activities authorised by the licence:Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:**

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 23:30

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

Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1***The opening hours of the premises:**

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

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

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

Part 2

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

Kazu Restaurants 1 Limited
73 Cornhill
London
EC3V 3QQ
Business Phone Number : N/A

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

09835379

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

Name: Mr Peter Jansens

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

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

Licence Number: CAM 001082
Licensing Authority: Cambridge City Council

Date: _____ 3 February 2016 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

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

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

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Conditions related to the Sale of Alcohol

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
11. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:
- As to the basement 50 persons
As to the ground floor 100 persons.

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

12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00

- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

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

16. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by an to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The limiter shall not be altered without prior agreement with the Environmental Health Service.
17. No alterations or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
18. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
19. No speakers shall be located in the entrance area.
20. All entrance doors to be kept closed after 21:00 hours except for the immediate access and egress to persons.
21. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
22. The Premises shall comply with reasonable requirements of the Metropolitan Police Crime Prevention Officer.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of any person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made immediately upon the request of the Police or authorised officer throughout the preceding 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times it is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
27. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Patrons temporarily leaving the premises, such as for the purposes of smoking shall not take any drinks with them outside the premises.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

30. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
31. No collections, including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours.
32. No deliveries shall take place between 22:00 and 07:00 hours.
33. During the hours of operation 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 the aforementioned 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.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033570731

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/11655/LIPT

Part 1 – Premises details

Postal address of premises:

Kazu Restaurants 1 Limited
Basement And Ground Floor
61 - 63 Beak Street
London
W1F 9SL

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30

Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:
Kazu Restaurants 1 Limited
73 Cornhill
London
EC3V 3QQ

Registered number of holder, for example company number, charity number (where applicable)
09835379

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

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

Date: _____ 3 February 2016 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 4

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/09067/LIPV - Premises Licence Variation
Title of Report:	Miabella London Basement 12-13 Greek Street London W1D 4DL
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	11 August 2017		
Applicant:	Soho Estates Limited		
Premises:	Miabella London		
Premises address:	Basement 12-13 Greek Street London W1D 4DL	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operates as a night club.		
Variation description:	<p>The application, which follows pre-application advice, is to alter the layout of the basement of the premises in accordance with the proposed plans.</p> <p>The application also proposes to include the ground floor within the ambit of the licensed premises including:</p> <ul style="list-style-type: none"> - addition of disabled access WC - addition of bar counter and store <p>These amendments are subject to the overall capacity of the premises remaining the same at 243 persons (excluding staff) and condition 18 being amended to read:</p> <p>The number of persons accommodated (excluding staff) shall not exceed: Basement: 220 Ground Floor: 38 With no more than 243 at any one time.</p> <p>No other changes to the permitted hours, activities or conditions are sought or implied.</p>		
Premises licence history:	The premises has been licensed since 1998.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours

Performance of dance

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00				
Seasonal Variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change	

Playing of record music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change.	

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change.	

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00				
Seasonal Variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	23:00	03:00				
Wednesday	23:00	03:00				
Thursday	23:00	03:00				
Friday	23:00	03:00				
Saturday	23:00	03:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current: See opening hours.			Proposed: No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current: See opening hours.			Proposed: No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	03:30				
Friday	09:00	03:30				
Saturday	09:00	03:30				
Sunday	09:00	23:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day). Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.				No change	

1-C Layout alteration
<p>This application seeks to alter the layout of the basement, including:</p> <ul style="list-style-type: none"> • relocation of WCs (including reduction in number of male urinals & female toilets) • change of kitchen prep and partial beer store to general storage • change of cloakroom, kitchen dispense and partial beer store to front of house with fixed seating • increase in main staircase footprint • relocation and increase in size of kitchen • removal of some booth seating • removal of staff room and WC

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
Condition 18		
The number of persons accommodated (excluding staff) shall not exceed 243.	The number of persons accommodated (excluding staff) shall not exceed: Basement: 220 Ground Floor: 38	
Adult entertainment:	Current position:	Proposed position:
	N/A	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	8 September 2017
<p>I write in relation to the application submitted for a new premises licence.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The licensing authority is concerned that the current licence applicants could undermine the licensing objectives as 38 people would be able to access the premises directly from the street level. Whilst we accept the application seeks to maintain the current capacity, the premises is not currently visible from the street, apart from the entrance. The current Westminster Licensing Policy is concerned with premises which seek to allow the addition of such access.</p> <p><i>2.4.22 Examples of appropriate conditions to ensure that alcohol consumption is appropriately regulated may include conditions that (i) only permit the sale of alcohol ancillary to the provision of food, or ancillary to other activities at the premises, or to the operation of the premises as a whole, (ii) require service of alcohol to be only by waiter or waitress to seated persons, and without the provision of a physical bar or facility for self service, (iii) require the licensed area to remain under the management of the premises licence holder with the licence being limited to their personal use (iv) require the</i></p>	

consumption of alcohol to be restricted to an area which is an integral part of the premises with access to that area only through the premises and **with no direct access to the street.**



Please accept this a formal representation and we seek additional documents that may allow us to consider our position.

Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	6 September 2017

I refer to the variation application for the Premises Licence (15/01344/LIPDPS) for the above premises.

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster’s Statement of Licensing Policy.

This representation is based on the submitted layout plans, showing the basement and ground floor, drawing numbers 025-A-L-50 0-GST rev S3 and 025-A-L-50 0-GST rev C.

The applicant is seeking to change the layout, including the following:

Basement:

- relocation of WCs (including reduction in number of male urinals & female toilets)
- change of kitchen prep and partial beer store to general storage
- change of cloakroom, kitchen dispense and partial beer store to front of house with fixed seating
- increase in main staircase footprint
- relocation and increase in size of kitchen

- removal of some booth seating
- removal of staff room and WC

The application also proposes to include the ground floor within the ambit of the licensed premises, including:

- addition of disabled access WC
- addition of bar counter and store

These amendments are subject to the overall capacity of the premises remaining the same at 243 persons (excluding staff) and condition 18 being amended to read:

The number of persons accommodated (excluding staff) shall not exceed:

Basement: 220

Ground Floor: 38

With no more than 243 at any one time.

These changes may impact on Public Safety, therefore I wish to make a representation to this application. The decrease in WC facilities may also increase Public Nuisance in the cumulative impact area.

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 MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	Representation Licensing Authority	8 September 2017
5	Representation Environmental Health	6 September 2017

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02434/LIPCV	This was a converted licence.	24.05.2005	Granted by Licensing Sub Committee
05/08688/LIPELR	This was an application to renew the Public Entertainment Licence.	01.11.2005	Granted under Delegated Authority
06/03474/LIPDPS	This was an application to vary the DPS.	09.05.2006	Granted under Delegated Authority
06/05968/LIPDPS	This was an application to vary the DPS.	14.07.2006	Granted under Delegated Authority
06/13415/LIPDPS	This was an application to vary the DPS.	15.01.2007	Granted under Delegated Authority
07/00164/LIPT	This was an application to transfer the licence from A3D2 Limited to Summit Clubs Limited.	07.01.2007	Granted under Delegated Authority
07/01805/LIPDPS	This was an application to vary the DPS.	21.03.2007	Granted under Delegated Authority
07/06304/LIPDPS	This was an application to vary the DPS.	04.10.2007	Granted under Delegated Authority
06/06785/WCCMAP	This is the master copy of the licence.	29.01.2008	Granted under Delegated Authority
08/00272/LIPT	This was an application to transfer the licence from Summit Clubs Limited to Junette Ltd.	08.02.2008	Granted under Delegated Authority

08/04246/LIPDPS	This was an application to vary the DPS.	24.06.2008	Granted under Delegated Authority
09/00253/LIPD	This was an application to duplicate the licence.	07.10.2008	Granted under Delegated Authority
09/00873/LIPT	This was a request to transfer the licence from Junette Ltd to Clear Prism Ltd.	16.02.2009	Granted under Delegated Authority
09/07344/LIPT	This was a request to transfer the licence from Clear Prism Ltd to Rocktours Limited.	08.12.2009	Granted under Delegated Authority
09/09484/LIPVM	This was an application for a minor variation to change the layout as per the plans.	10.12.2009	Granted under Delegated Authority
10/01676/LIPCHT	This was an application for a change of details for the premises to become known as DIU and not The Soho Wine Bar.	19.04.2010	Granted under Delegated Authority.
10/01695/LIPRW	This was an application for the removal of works condition.	19.04.2010	Granted under Delegated Authority
10/01758/LIPDPS	This was an application to vary the DPS.	19.04.2010	Granted under Delegated Authority
10/05009/LIPDPS	This was an application to vary the DPS.	05.08.2010	Granted under Delegated Authority
10/09882/LIPDPS	This was an application to vary the DPS.	14.12.2010	Granted under Delegated Authority
12/02600/LIPDPS	This was an application to vary the DPS.	20.04.2012	Granted under Delegated Authority
12/06666/LI178	This was a request for a 178 on the licence.	14.06.2012	Granted under Delegated Authority
13/02792/LIPT	This was a request to transfer the licence from Rocktours LTD to Straightpride LTD.	09.06.2013	Granted under Delegated Authority

14/00256/LI178	This was a request for a 178 on the licence.	10.01.2014	Acknowledged Notice
14/01329/LIPVM	This was an application for a minor variation. The application sought to add Police conditions to the licence.	03.03.2014	Granted under Delegated Authority
14/01492/LIPN	This was an application for a new premises licence.	07.05.2014	Granted by Licensing Sub Committee
15/00062/LI178	This was a request for a 178 on the licence.	06.01.2015	Granted under Delegated Authority
15/00976/LIPT	This was a request to transfer the licence from Straightpride LTD to Soho Estates Limited.	23.02.2015	Granted under Delegated Authority
15/01344/LIPDPS	This was an application to vary the DPS.	25.02.2015	Granted under Delegated Authority
16/07873/LIPDPS	This was an application to vary the DPS.	29.07.2016	Granted under Delegated Authority
16/08347/LIPN	This was an application for a new premises licence.	20.10.2016	Granted by Licensing Sub Committee
16/10525/LIDPSR	This was an application following the resignation of the DPS.	27.10.2016	Granted under Delegated Authority
16/10476/LIPDPS	This was an application to vary the DPS.	27.10.2016	Granted under Delegated Authority
17/05141/LI178	This was a request for a 178 on the licence.	11.05.2017	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 new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

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

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

Conditions: 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.

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

Conditions relating to regulated entertainment

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
12. Whilst the premises are in use under this licence:
- (a) The entertainment shall be limited to a type commonly known as discotheque and to background music;
- (b) No live performances shall be used.
13. The sound limiter is to be set to the satisfaction of officers from the Environmental Regulation Service. The operational panel shall then be secured and the system shall not be altered without prior agreement with this Department.
14. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Regulation Service.

15. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
16. All doors giving access/egress to the premises shall not be fixed open after 23:00.
17. All openable windows shall be closed after 23:00.
18. The number of persons accommodated (excluding staff) shall not exceed 243.

Proposed by the applicant to be replaced by:

The number of persons accommodated (excluding staff) shall not exceed:
Basement: 220
Ground Floor: 38
With no more than 243 at any one time.

Conditions related to the sale of alcohol

19. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
20. No striptease, no nudity and all persons on the premises to be decently attired.
21. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
22. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
23. No application shall be made for the grant of an occasional licence.
24. Intoxicating liquor may only be sold or supplied to persons admitted to the premises as follows:
 - (a) On Monday to Thursday after 23:30 by payment of an admission fee of not less than £3 for music, dancing and entertainment;
 - (b) On Friday and Saturday after 23:30 by payment of an admission fee of not less than £5 for music, dancing and entertainment;
 - (c) Persons who are specially invited guests of the management listed by name at reception prior to admission, such list to be available for inspection by the relevant authorities;
 - (d) By private invitation to a bona fide private function held at the premises of which 24 hours notice has been given to the Police;
 - (e) Artistes and persons employed on the premises.

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

25. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

Monday to Saturday

- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 03:00 the following morning except:
 - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between midnight and 03:00 the following morning, the permitted hours shall end when the music and dancing end.
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04:00 in the morning to 03:00 in the morning
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

Sundays:

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30;
- (b) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) take all other reasonable precautions for the safety of the children.
27. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

(Although the Metropolitan Police have not made a representation, they have stated that as this application is for a change of layout, the applicant must ensure that the CCTV cameras are added/re-positioned so that the current CCTV condition is adhered to).

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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.
32. 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.
33. All SIA staff engaged at the premises shall wear high visibility yellow jackets or vests. SIA licences worn by door staff, shall be clearly displayed and visible at all times.
34. A daily Door Supervisor Log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/Badge Number/Expiry date of SIA Licence and a signature of the Door Supervisor.

35. A log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
- 36.
- (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink from the table.
 - (b) Notwithstanding 36(a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
37. All customers entering the premises will have their ID scanned on entry. All records shall be stored for a minimum period of 31 days with date and time stamping. These records shall be made available immediately upon request of the police or authorised officer throughout the preceding 31 day period.
38. All persons entering or re-entering the premises shall be searched by an SIA-trained member of staff and monitored by the premises CCTV system. The searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of the permitted hours or until there is no further admissions.
39. Whenever the premises are open for licensable activities an attendant shall be on duty in any designated male and female toilets.

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

40. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment showing details of all drinks and food items purchased.

Miabella



September 27, 2017

● Live Licensing Act

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 5

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/09121/LIPV - Premises Licence Variation
Title of Report:	Pilgrim Hotel 25 London Street London W2 1HH
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	15 August 2017		
Applicant:	New World Hospitality Limited		
Premises:	Pilgrim Hotel		
Premises address:	25 London Street London W2 1HH	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	The premises is currently operating as a Hotel.		
Variation description:	<p>This application seeks:</p> <ol style="list-style-type: none"> 1) To allow the sale of alcohol on the ground floor (remove condition 38) 2) To make clear that the first floor balcony is included in the licence area:- amend condition 35 to: 3) There shall be no consumption of alcohol at the outside of the premises, save on the first floor balcony overlooking London Street. <u>This use of the balcony shall not take effect until the licensing authority are satisfied that the balcony is constructed in accordance with the reasonable requirements of the Westminster Environmental Health Consultation team, at which point the words underlined shall be removed from the licence.</u> 4) To extend the hours for the sale of alcohol to non-residents on a Sunday from 22:30 to 23:30 		
Premises licence history:	This premise has been licensed since 2017.		
Applicant submissions:	<p>The cafe area on the ground floor will have 20 cover seats, and potentially other customers coming to purchase take away goods, approximately 10</p> <p>Additional information regarding nearest noise sensitive premises within immediate vicinity: The nearest building across London Street is at 18.5m. These are pub, hotels and commercial activities, Across Norfolk square the nearest building is 45m from the hotel and does not face the balcony.</p>		

	<p>Our balcony will primarily use by our in house guests. We do not foresee any issue regarding noise as the first complaints would be from our guests sleeping in rooms above the balcony.</p> <p>The balcony will comply with your requirements including a height protection of a minimum of 1100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There will be no openings which would allow a 100mm sphere to pass through. The balcony dimensions are the following:</p> <ul style="list-style-type: none"> • depth/width 1.5m • length 26.9m • total square meters 46.94 square meters • approximate number of covers 15 • handmade iron cast rail to be installed.
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

1-B Current and proposed licensable activities, areas and hours

Exhibition of films

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	00:00	00:00	No change		No change
Tuesday	00:00	00:00			
Wednesday	00:00	00:00			
Thursday	00:00	00:00			
Friday	00:00	00:00			
Saturday	00:00	00:00			
Sunday	00:00	00:00			
Seasonal variations/ Non-standard timings:			None		

Late night refreshment

Indoors, outdoors or both	Current :				Proposed:	
	Both				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	23:00	23:30	No change		No change	
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday						
Seasonal variations/ Non-standard timings:			None			

Sale by Retail of Alcohol Hotel Residents						
On or off sales			Current :		Proposed:	
			On		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change			To allow for the sale of alcohol on the ground floor.
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:			None			

Sale by Retail of Alcohol to non-residents						
On or off sales			Current :		Proposed:	
			On		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change			To allow for the sale of alcohol on the ground floor.
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:			No change			

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:		
Monday	00:00	00:00	No change		No change	
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:			None			

1-D Conditions being removed	
Condition	
Condition 38	
There shall be no sale or supply of alcohol on the ground floor.	
Adult entertainment:	
	None

1-D Conditions being varied	
Condition	Proposed variation
Condition 35	
There shall be no consumption of alcohol at the outside areas of the premises.	There shall be no consumption of alcohol at the outside of the premises, save on the first floor balcony overlooking London Street. <u>This use of the balcony shall not take effect until the licensing authority are satisfied that the balcony is constructed in accordance with the reasonable requirements of the Westminster Environmental Health Consultation team, at which point the words underlined shall be removed from the licence.</u>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	5 September 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder, as there are insufficient conditions within the operating schedule. We have concerns that this application will cause further policing problems in an already demanding area.</p>	

Responsible Authority:	Environmental Health
Representative:	Mr Maxwell Owusu Koduah
Received:	5 September 2017

I refer to the application to vary a Premises Licence.

The applicant is seeking to:

1. Allow the sale of alcohol on the ground floor by removing condition 38 which reads: ***There shall be no sale or supply of alcohol on the ground floor***
2. Amend condition 35 to read: ***There shall be no consumption of alcohol at the outside areas of the premises except on the first floor balcony***

I wish to make the following representation

1. Allowing the sale or supply of alcohol on the ground floor will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the area
2. Amending condition 35 to permit consumption of alcohol on the first floor balcony have the likely effect of causing an increase in Public Nuisance and impact on public safety within the area

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

2-B Other Persons	
Address and/or Residents Association:	South East Bayswater Residents' Association
Received:	28 August 2017

We object to aspects of this application as concerned as to potential nuisance problems etc to area and residents- there is proposal presently going forward to create flats (instead of offices) in building immediately opposite hotel

We have met with applicant and been through application before it was submitted but still need clarification on number of points

On use of balcony at first floor level:

We need to be assured that safe for patrons and staff to use terrace as at present parapet wall too low. Also we would want all patrons seated (i.e. no vertical drinking), numbers restricted, waiter service, hours of use say to 21.00 at latest.

Ground Floor bar:

We need to understand more on use of small ground floor area as do not want it as 'a

walk in bar' for general public as area would need to be manned at all times. Would want patrons seated and waiter service etc

Extension of hours on Sunday:

Against hours of use on Sundays being extended by one hour as believe most premises in area have WCC 'Core Hours' of 22.30 on Sundays.

More than happy to meet up with applicant again together with his solicitors and we would invite Richard Brown of Citizens Advice Westminster (whose office is very near hotel as in Conduit Place opposite entrance to hotel)

3. Policy & Guidance

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

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>
Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
Policy PB1 applies:	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	Representation Metropolitan Police Service	5 September 2017
5	Representation Environmental Health	5 September 2017
6	Representation resident	28 August 2017

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06520/LIPCV	This is the converted licence.	15.09.2005	Granted under Delegated Authority
06/00255/LIPV	<p>This was an application to vary the licence.</p> <p>To extend the hours for the sale and supply of alcohol and other licensable activities to: Sunday (23:30), Monday (00:00), Tuesday (00:00), Wednesday (00:00), Thursday (00:00), Friday (00:00), Saturday (00:00).</p> <p>Provision of late night refreshment to: Sunday (00:00), Monday (00:30), Tuesday (00:30), Wednesday (00:30), Thursday (00:30), Friday (00:30), Saturday (00:30).</p> <p>To remove the restrictions relating, if any to drinking up time.</p> <p>To allow credit sales, if not already permitted.</p> <p>To allow accompanied children under 16 to be permitted in the</p>	16.03.2006	Granted by Licensing Sub Committee

	bar in line with the provision of the Licensing Act 2003, if not already permitted		
07/03948/WCCMAP	This is the master copy of the licence.	04.12.2006	Granted under Delegated Authority
07/07468/LIPN	This was an application for a new premises licence.	20.09.2007	Granted by Licensing Sub Committee
07/08875/LIPDPS	This was an application to vary the DPS.	16.10.2007	Granted under Delegated Authority
08/08268/LIPT	This was an application to transfer the licence from Spirit Group Ltd to Scotch Steak Houses Ltd	13.02.2009	Granted under Delegated Authority
08/08349/LIPDPS	This was an application to vary the DPS.	30.01.2009	Granted under Delegated Authority
08/08047/LIPDPS	This was an application to vary the DPS.	13.02.2009	Granted under Delegated Authority
09/02452/LIPDPS	This was an application to vary the DPS.	13.05.2009	Granted under Delegated Authority
09/04602/LIPCH	This was an application for a change of details on the licence.	29.07.2009	Granted under Delegated Authority
09/08080/LIGPPC	This was an application for a gaming machine permit.	17.12.2009	Notice granted
10/09556/LIPVM	This was an application for a minor variation. To vary the layout and design of the premises in accordance with the submitted plan. The opening times and licensable activities authorised by the premises licence to	13.12.2010	Granted under Delegated Authority

	<p>remain unaltered. Any part of the application that changes the plan/layout at the premises to be of no effect until the work has been completed. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time</p>		
11/07272/LIGPPD	<p>This was an application for a change of name and address of the premises licence holder.</p>	04.07.2016	Granted under Delegated Authority
12/00903/LIPVM	<p>This was an application for a minor variation. This is an application to permit the premises to open from 7 am each day in order to serve breakfast and non-alcoholic beverages only. There are no changes proposed to the current permissions for licensable activities at the premises and the sale of alcohol hours shall not be affected. All other licensable hours,</p>	22.02.2012	Granted under Delegated Authority

	activities and conditions are to remain unchanged.		
12/03211/LIPT	This was an application to transfer the licence from Scotch Steak Houses Ltd to Brothers Enterprises Limited.	19.06.2012	Granted under Delegated Authority
12/03212/LIPDPS	This was an application to vary the DPS.	20.06.2012	Granted under Delegated Authority
12/03553/LIPDPS	This was an application to vary the DPS.	05.07.2012	Granted under Delegated Authority
13/03859/LIPDPS	This was an application to vary the DPS.	24.07.2013	Granted under Delegated Authority
13/04950/LIPDPS	This was an application to vary the DPS.	25.07.2013	Granted under Delegated Authority
13/07569/LIPDPS	This was an application to vary the DPS.	03.11.2013	Granted under Delegated Authority
14/03099/LIPVM	This was an application for a minor variation. The proposed minor variation is purely to remove condition 14 on the Premises Licence as this conflicts with and has been superseded by section 145 of the Licensing Act 2003. The existing legislation permits unaccompanied children on a licensed premises which is not 'primarily or exclusively' being used for the supply of alcohol for consumption on the premises. The premises is not a public house.	07.05.2014	Granted under Delegated Authority

	<p>There are no changes to the existing licensable activities or the terminal times of the operation.</p> <p>We have consulted with Westminster Police Licensing Team who have no objections to the application as this does not adversely affect the licensing objectives and the requirements relating to the admittance on licensed premises are sufficiently covered under the Licensing Act 2003.</p>		
15/01714/LIPDPS	This was an application to vary the DPS.	19.03.2015	Granted under Delegated Authority
16/03500/LIPCH	This was an application for a change of details to the licence.	09.06.2016	Granted under Delegated Authority
16/06947/LIGPPD	This was an application to change the address of the licensed premises gaming machine permit holder.	06.07.2016	Granted under Delegated Authority
16/12222/LITENP	This was an application for a Temporary Event Notice.	18.11.2016	Notice granted
16/12218/LITENP	This was an application for a Temporary Event Notice.	02.12.2016	Notice granted
17/00142/LIPN	This was an application for a new premises licence.	03.03.2017	Granted by Licensing Sub Committee
17/08823/LIPVM	This was an application to add the sale of alcohol and include the ground floor in the licensable	14.08.2017	Invalid application

	area by way of a minor variation. In the decision to grant the current licence, the committee specifically talked about the ground floor and it was stated that the ground floor would not be used for the sale of alcohol.		
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There is no appeal history

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

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

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

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

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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.

15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
16. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
17. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
18. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
19. There shall be no self-service of alcohol on the premises.
20. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. 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.
22. Other than in the hotel bedrooms, 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.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
24. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.

25. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
26. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. After 23:30 Monday to Thursday, 00:00 Friday and Saturday and 22:30 on Sunday, the sale and consumption of alcohol shall only be to and by residents of this premises and up to a maximum of four of their bona-fide guests. Other persons shall be excluded from the premises after these times.
29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
30. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
31. All exit doors on designated escape routes shall be available at all material times without the use of a key, code, card or similar means.
32. 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.
33. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day.
34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. There shall be no consumption of alcohol at the outside areas of the premises.

The applicant proposes this condition be varied to:

There shall be no consumption of alcohol at the outside of the premises, save on the first floor balcony overlooking London Street. This use of the balcony shall not take affect until the licensing authority are satisfied that the balcony is constructed in accordance with the reasonable requirements of the Westminster

Environmental Health Consultation team, at which point the words underlined shall be removed from the licence.

36. All external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
37. The number of persons permitted in the first floor bar at any one time (excluding staff) shall not exceed 40 persons.

EH have requested this condition be amended to:

The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground Floor bar = 20 persons

First Floor bar = 40 persons

First Floor Balcony = 15 persons

38. There shall be no sale or supply of alcohol on the ground floor.

The applicant has applied for this condition to be deleted.

Conditions proposed by Environmental Health

39. No licensable activities shall take place at the premises until the premises have 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.
40. 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.

Conditions proposed by the Police

None



Resident count = 93

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/09205/LIPN - New Premises Licence
Title of Report:	StayCity Apartments 73 - 75 Strand London WC2R 0DE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
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:	New Premises Licence, Licensing Act 2003		
Application received date:	16 August 2017		
Applicant:	Staycity Strand Limited		
Premises:	StayCity Apartments		
Premises address:	73 - 75 Strand London WC2R 0DE	Ward:	St James's
		Cumulative Impact Area:	None
Premises description:	According to the application, the premises will operate as a hotel consisting of Studios, one bedroom and two bedroom apartments with bar facility for residents of the hotel and bona fide guest.		
Premises licence history:	This is an application for a new premises licence		
Applicant submissions:	<p>The applicant operates Aparthotels in London, York, Birmingham and elsewhere internationally.</p> <p>The unit intended to be licensed at the Strand will offer serviced apartments consisting of Studios, one bedroom and two bedroom apartments.</p> <p>Each studio/apartment will offer cooking facilities but the applicant will offer a coffee area which is intended to extend a limited food and beverage offering as identified on the plans at the Ground Floor. There will also be a location where the retail sale of alcohol will take place via a minibar.</p> <p>The application is limited to the provision of licensable activities to residents of the hotel and their bona fide guests only.</p> <p>The application seeks to licence the premises specifically to authorise under the Licensing Act 2003 the following activities:</p> <ol style="list-style-type: none"> 1. The sale of alcohol 2. The provision of late night refreshment after 23:00 (applicable to residents guest). <p>CCTV will be installed within the premises and will cover</p>		

	<p>the area intended to be licensed.</p> <p>It is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance.</p>
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1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:							

Late Night Refreshment – Hotel Guests				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:							

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	10:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:				The service of alcohol to bona fide guests of residents will be limited to 10:00 hours until 00:30 hours daily.			

Sale by retail of alcohol – Hotel Residents				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None.					
Adult Entertainment:		None.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	13 th September 2017

The applicant has submitted the following plans of the premises:

- Lower Basement, drawing no 3689-900 Rev K, dated 26.08.14
- Ground Floor, drawing no 3689-902 Rev E, dated 26.08.14
- First Floor, drawing no 3689-903 Rev E, dated 26.08.14
- Second to Fifth Floors, drawing no 3689-904 Rev E, dated 26.08.14
- Sixth Floor, drawing no 3689-908 Rev G, dated 26.08.14
- Seventh Floor, drawing no 3689-909 Rev F, dated 26.08.14
- Eighth Floor, drawing no 3689-910 Rev K, dated 26.08.14

The applicant is seeking the following licensable activities:

1. Provision of Late Night Refreshment 'indoors' Monday to Sunday from 23:00 to 00:30 hours
2. Supply of Alcohol 'on' and 'off' the premises on Monday to Sunday from 00:00 to 24:00 hours

I wish to make the following representations:

1. Provision of Late Night Refreshment and for the hours requested may have the likely effect of increasing Public Nuisance in the area
2. The supply of alcohol and for the hours requested may have the likely effect of increasing Public Nuisance in the area

Clarification is needed on the proposed licensed areas as the 'hard copy' plans submitted to Environmental Health are unclear on this and the electronic version sent to

the Licensing Service appears not to include the 'coffee area' mentioned in the application form on the ground floor as being part of a licensed area.

The applicant has provided undertakings to support the licensing objectives which are under consideration. Some of these will need to be converted into enforceable conditions.

I understand the premise is still undergoing development for the proposed use. It will therefore need to be inspected for Public Safety prior to commencement of licensable activities.

Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise particularly as 24 hour use is proposed. Such information should be provided, if appropriate, as part of a comprehensive Appendix 11 assessment (as stated in Westminster's Statement of Licensing policy) to prevent Public Nuisance in the area.

The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

Representations are therefore made on Public Nuisance and Public Safety grounds for this application as currently presented.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	8 th September 2017

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.

Below are the conditions proposed by the police. If your client is willing to have them attached to any future operating schedule we may be in a position to withdraw our representation

If you wish to discuss the conditions we have proposed please feel free to give me a call.

Police conditions 17/09205/LIPN

1. There shall be no self-service of alcohol on the premises.
2. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

3. The management of the premises will liaise with police on issues of local concern or disorder. The management will join the local Pubwatch scheme where available.
4. The premises shall install and maintain a 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 officers throughout the preceding 31 day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. 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.
6. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the approved licensing drawings.
7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. There shall be no striptease or nudity, in the public licensed area 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.
9. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
11. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
12. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
13. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.

14. The provision of licensable activities shall be limited to residents and their bona fide guests only
15. No drinks will be removed from the premises in open containers save for consumption in the apartments within the development.
16. Staff will receive training on matters concerning underage sales, policies and operating procedures
17. There will be a zero tolerance policy in relation to drugs at the premises. Regular checks will be made by management to prevent drug use. Drugs seized shall be stored securely and handed to police.
18. Anyone suspected of taking controlled drugs at the premises will be removed
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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>
Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
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	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	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	16 th August 2017
5	Representation – Environmental Health	13 th September 2017
6	Representation – MET Police	8 th September 2017

Applicant Supporting Documents

Premises History

There is no licence or appeal history for the 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. The provision of licensable activities shall be limited to residents and their bona fide guests only.
10. The use of door staff will be risk assessed on an ongoing basis by the Licence Holder or the premises supervisor. Where engaged, door staff shall be licensed by the SIA.
11. Alcoholic and other drinks may not be consumed from the premises in open containers save for consumption within the apartments within the development.
12. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
13. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by the management to prevent the use of drugs by patrons. Drugs seized at the premises shall be stored securely and handed to the police.
14. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years.
15. The management of the premises will liaise with police on issues of local concern or disorder.
16. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
17. There shall be no drinks promotions at the premises which are consistent with the needs to promote responsible drinking.
18. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
19. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
20. Toughened glass will be used in the premises where appropriate.
21. Fire exits and means of escape shall be kept clear and in good operation condition.
22. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
23. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers or any nearby noise sensitive premises, where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time.

24. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
25. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
26. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BFFC/Local Authority Certification.
27. Policies in relation to children shall be adequately communication to patrons by staff or through appropriate signage.

Conditions proposed by the Police

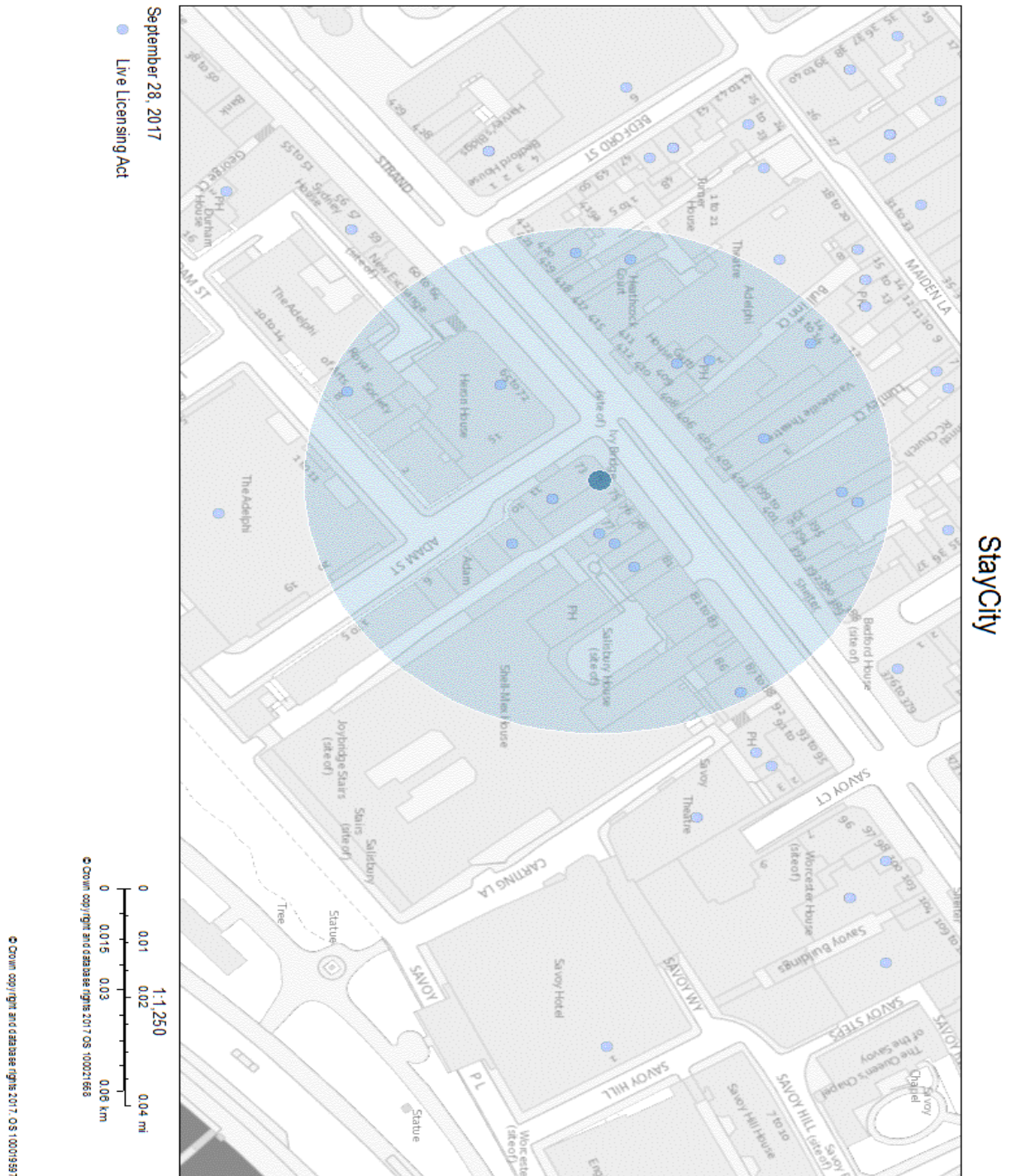
28. There shall be no self-service of alcohol on the premises.
29. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
30. The management of the premises will liaise with police on issues of local concern or disorder. The management will join the local Pubwatch scheme where available.
31. The premises shall install and maintain a 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 officers throughout the preceding 31 day period.
32. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. 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.
33. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the approved licensing drawings.
34. 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.
35. There shall be no striptease or nudity, in the public licensed area 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.

36. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
38. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
39. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
40. Children under the age of 16 shall not be permitted to enter the premises after 1:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
41. The provision of licensable activities shall be limited to residents and their bone fide guests only – **Duplication of condition 9**
42. No drinks will be removed from the premises in open containers save for consumption in the apartments within the development.
43. Staff will receive training on matters concerning underage sales, policies and operating procedures – **Duplication of condition 12**
44. There will be a zero tolerance policy in relation to drugs at the premises. Regular checks will be made by management to prevent drug use. Drugs seized shall be stored securely and handed to police. – **Duplication of condition 13**
45. Anyone suspected of taking controlled drugs at the premises will be removed
46. 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

Conditions proposed by the Environmental Health

None submitted.

Residential Map and List of Premises in the Vicinity



Item No:	
Date:	12 October 2017
Licensing Ref No:	17/07932/LIPN - New Premises Licence
Title of Report:	55 Frith Street London W1D 4SJ
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:	New Premises Licence, Licensing Act 2003		
Application received date:	17 July 2017 and validated on 15 th August 2017		
Applicant:	Street Food London Ltd		
Premises:			
Premises address:	55 Frith Street London W1D 4SJ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application the premises will operate as a restaurant.		
Premises licence history:	This is an application for a new premises licence and so no history exists.		
Applicant submissions:	None submitted		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:59	23:59	22:00
Seasonal variations/ Non-standard timings:		None					

Since making the application, the applicant has reduced the hours for the sale by retail of alcohol to :

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:59	23:59	22:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (Withdrawn)
Representative:	PC Reaz Guerra
Received:	16 th August 2017
<p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p><i>The Police have withdrawn their representations following the reduction in hours and agreement to conditions.</i></p>	
Responsible Authority:	Licensing Authority
Representative:	David Sycamore
Received:	11 th September 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder 	

- Public Safety

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered. The application states the model condition 66 will be complied with throughout the operation, however there are no substantial conditions actually offered in the operating schedule. Policy RNT2 states that the premises much demonstrate it will not add to cumulative impact and currently we do not believe this has been achieved due to a lack of proposed conditions.

2-B Other Persons	
Name:	The Soho Society
Address and/or Residents Association:	
Received:	12th September 2017

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

Application summary

The applicant seeks, amongst others, to sell alcohol from the hours of 10.00-23.30 Mon-Thu, 10.00-23.59 Fri and Sat, and 10-22.00 on Sunday. They also seek to play recorded music from 10.00-23.00 Mon-Sat and 10.00-22.00 on Sundays.

The premises have been used for years as a branch of Pret a Manger and are located at a busy cross street (Bateman and Frith Streets) in the heart of the West End Cumulative Impact Area. Popular and busy licensed premises sit on each of the other three points , including a pub immediately opposite (The Dog and Duck) and two large restaurants (Nando's and Chotto Matte). Directly above the premises are three residential flats to which, at the time of writing, the management had made no attempt to contact and discuss their application, which would be helpful given that they intend to introduce recorded music. They also wish to open at 10.00 on Sunday mornings, which directly contravenes Westminster policy. The people in the residences directly above these premises, as well as those further along Bateman and Frith Streets deserve at least one morning of peace per week.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious

problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

3. Policy & Guidance

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

<p>Policy CIA1 applies:</p>	<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>
<p>Policy PB2 applies:</p>	<p>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.</p>
<p>Policy HRS1 applies:</p>	<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	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	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	Representation – Metropolitan Policy Service	16 th August 2017
5	Representation – Licensing Authority	11 th September 2017
6	Representation – Soho Society	12 th September 2017

Applicant Supporting Documents

None submitted.

Premises History

There is no licence or appeal history for the 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. Installed eight CCTV cameras on the premises with recording option. CCTV installed will monitor entrances, exits, and other parts of the premises.
10. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
11. Staff will be well trained in asking customers to use premises in an orderly and respectful manner.
12. Training and implementation of underage ID checks.
13. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
14. Customers will be asked not to stand around loudly talking in the street outside the premises.
15. "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol with their accompanying meal.

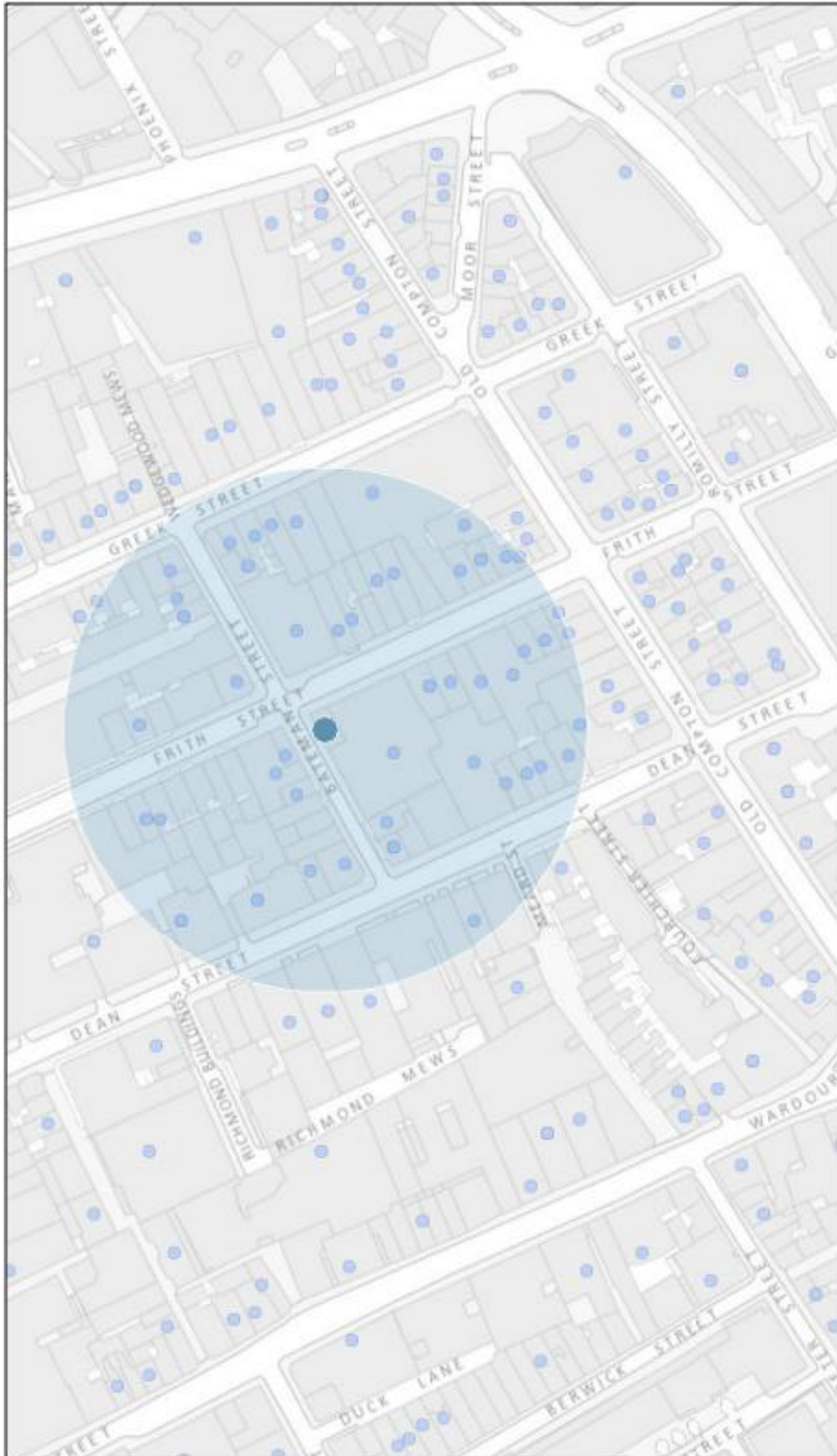
Conditions proposed by the Police

16. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
17. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
18. here shall be no self-service of alcohol.
19. 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
20. 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.
21. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

22. 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.
23. 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.
24. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
26. A 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.
27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system,
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
28. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. All relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who is authorised to make a sale of alcohol, including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on reasonable request to a police officer or a relevant officer of a responsible authority
31. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed (Number TBC)

Residential Map and List of Premises in the Vicinity

Street Food London Ltd



Resident Count = 122