



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 8th August, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Murad Gassanly (Chairman), Jim Glen and Rita Begum

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 SOLUTION SOUND SYSTEM (NOTTING HILL CARNIVAL), 110C LEDBURY ROAD, LONDON, W11 2AH

WITHDRAWN

2 SOHO THEATRE BASEMENT AND GROUND FLOOR, 21 DEAN STREET, LONDON, W1D 3NE

LICENSING SUB-COMMITTEE No. 5

Thursday 8 August 2019

Membership: Councillor Murad Gassanly (Chairman) Councillor Jim Glen and Councillor Rita Begum

Legal Adviser: Barry Panto
Committee Officer: Georgina Wills
Presenting Officer: Michelle Steward

Relevant Representations: Licensing Authority

Present: Mr Alan Thomas (Solicitor, on behalf of the Applicant), Ms Catherine McKinney (Head of Finance, on behalf of the Soho Theatre Company Limited), Rishay Naidoo (Bar Manager on behalf of the Soho Theatre Company Limited) and Ms Angela Seaward (Licensing Authority)

Soho Theatre, Basement and Ground Floor, 21 Dean Street London (“The Premises”)19/07112/LIPV

1. Layout Alteration

To change the layout of the premises as shown on the proposed drawings to create a green Room on the ground floor, the capacity of which will be restricted to no more than 25 persons (excluding staff) at any time.

Amendments to application advised at hearing: None

The Sub-Committee had before it an application for a variation of a premises licence for a Premises currently operating as a theatre with regulated entertainment in the basement and ground floor together with ancillary bar and restaurant facilities. The Applicant was seeking to change the layout of the premises as detailed in the proposed plans to create a green room, the capacity of which would be restricted to no more than 25 persons (excluding staff) at any time. The Premises is situated in the West End Cumulative Area.

The premises were currently licensed to sell alcohol from 10.30 am on Monday to Saturday until 2 am on the days following and from noon on Sunday until 12.30 am on the day following; and were licensed for late night refreshment from 11 pm on Monday to Saturday until 2.30 am on the days following and from 11 pm on Sunday until 1 am on the day following. Alcohol can only be supplied on the ground floor after core hours if it is ancillary to a table meal, apart from sales to patrons of the theatre, staff and performers employed at the theatre (and their bona fide guests) and registered friends of the theatre and their bona fide guests.

Michelle Steward, Licensing Officer advised that a representation had been received from the Licensing Authority and this was on the grounds that it had concerns as to how the premises would promote the licensing objectives. The Sub-Committee was advised that there was an error in the report and that the wording printed for Policy PB2 (page 34 of the report) was wrong. Ms Steward read out the correct wording for Policy PB2 to the Sub-Committee. She advised that a late submission had been received from the Applicant on 6 August and this included an amendment of a Condition proposed by the Licensing Authority and a pre-application advice report. All documents were circulated to all parties.

Mr Alun Thomas, the Applicant’s Legal Representative, advised that Soho Theatre was a registered charity which hosted several events which included plays, literature events and comedy gigs. He advised that the Premises comprised of an auditorium, theatre, ground floor and basement. The current licence permits licensable activities in the upper floor of the Premises. The proposed area for which the layout change was sought was currently used to store alcoholic beverages and is not directly accessible via the street. The District Surveyor had confirmed that the proposed use of the room and its capacity was acceptable.

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| | <p>The main use of the Green Room would be to host artists after their performances as well as current and prospective donors. The Green Room would also be used for 'meeting and greeting' artists. The Sub-Committee was advised that access to the Green Room would be accessible to limited individuals and these included patrons of the Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Theatre and bona fide guests. Mr Thomas advised that all events hosted in the Green Room would be planned in advance and themed around corporate and promotional events. The proposed usage supported the Premises business model and its viability. He advised that the restrictive use of the Green Room would ensure that the Premises does not add to the cumulative impact and that all Licensing objectives are upheld.</p> <p>Ms Angela Seaward, on behalf of the Licensing Authority advised that the Application was considered under Policy CIP1, HRS1, PB2 and PVC2. She advised that a site visit was conducted and that the conditions which had been proposed would alleviate concerns. The Sub-Committee was advised that controlled usage of the Green Room, its locality and the restrictions on persons permitted in the area would ensure that there would be no additional cumulative impact. The restrictions on the room's capacity would also support the above.</p> <p>Following questions from the Sub-Committee, Mr Thomas advised that the Applicant accepted conditions which limited the number of registered guests and members permitted in the Green Room to three individuals and for the overall capacity to be 25 persons (excluding staff). He also advised that a condition which stipulated that only patrons attending a ticketed theatre show or performance on the day are permitted in the Green Room. Mr Thomas informed the Sub-Committee that a requirement for all persons to be signed in upon admission to mentioned area would also be accepted. The Sub-Committee noted that performances at the Premises generally ended around 23:00hrs.</p> |
| | <p>Decision</p> <p>After taking into consideration all the evidence provided by all parties, the Sub-Committee agreed to grant the variation of the premises licence subject to Condition 25 being amended which stipulated the categories of persons who would be permitted access to the Green Room. An additional condition was also added which limited the capacity of such persons to 25 (excluding staff) at any one time. The Sub-Committee agreed that access to the Green Room should be limited to (i) patrons of the Soho Theatre who were attending a ticketed theatre show or other performance on that day, (ii) staff or performers employed at their theatre and their bona fide guests and (iii) registered members and friends of the Theatre and bona fide guests limited to no more than three at any time. There was also a further condition added which required all parties to be signed in upon admission to the Green Room. The Sub-Committee noted that the Applicant had agreed to the Conditions proposed and considered that these inclusions would ensure that all the licensing objectives were promoted and that the variation to the licence would not add to cumulative impact in the area.</p> |
| <p>2.</p> | <p>Conditions to be added</p> <p>The area marked green room on the approved plans will only be used by the following categories of persons:</p> |

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| | <ul style="list-style-type: none"> - patrons of the Soho Theatre, - staff or performers employed at the theatre, their bona fide guests and - registered friends of the Soho Theatre and their bona fide guests. |
| | <p>Amendments to application advised at hearing:</p> <p>None.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1) but amended the wording to read as follows:</p> <p>The area marked green room on the approved plans will only be used by the following categories of persons:</p> <ul style="list-style-type: none"> -Patrons of the Soho Theatre who are attending a ticketed theatre show or other performance on the day; -Staff or performers employed at the theatre, and their bona fide guests; and -Registered members and friends of the Soho Theatre and their bona fide guests limited to no more than three at any time. |
| | <p>Mandatory Conditions</p> <ol style="list-style-type: none"> 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. <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> 1. 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 2. 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
- 3. 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.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by

Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating Schedule

11. On any night that the premises remains open after 23:00, one SIA registered door supervisor will be provided after 23:30 on Monday to Thursday, after 00:00 on Friday, Saturday and Sundays before Bank Holiday and after 22:30 on Sunday until the premises close.

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

12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. The supply of alcohol in the basement shall be ancillary to the regulated entertainment taking place there.
15. Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.

Core Hours means:

23:30 Monday to Thursday;

00:00 Friday, Saturday and Sundays before bank holidays; and

22:30 on Sunday

16. There will be no admission to persons under the age of 18 if performances are taking place involving adult content. The licensee will provide appropriately trained staff in order to monitor the age of persons entering the performance area in these circumstances.
 17. When such a performance is advertised, appropriate warnings will be provided in promotional literature, on the company's website and at the performance itself.
 18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 19. The number of persons accommodated in the basement at any one time (excluding staff) shall not exceed:
Basement 150 persons.
 20. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
 21. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

dry ice and cryogenic fog
smoke machines and fog generators
pyrotechnics including fireworks
firearms
lasers
explosives and highly flammable substances.
real flame.
strobe lighting.
 22. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 24. The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.
 25. The area marked green room on the approved plans will only be used by the following categories of persons:

Patrons of the Soho Theatre who are attending a ticketed theatre show or other performance on the day;
Staff or performers employed at the theatre and their bona fide guests; and
Registered members and friends of the Soho Theatre and their bona fide guests limited to no more than three at any time.

26. All parties will be signed in upon admission to the Green Room.
27. The number of persons permitted in the Green Room at any time (excluding staff) shall not exceed 25 persons.

The Meeting ended at 12.00 pm

CHAIRMAN: _____

DATE _____