



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 6th February, 2020**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman, Peter Freeman and Jacqui Wilkinson (Chairman)

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 BOULEVARD THEATRE, 6 WALKER'S COURT, LONDON, W1F 0BU

WITHDRAWN

2 BOULEVARD, 7-12 WALKER'S COURT, LONDON, W1F 0BU

WITHDRAWN

3 11 - 12 UPPER ST MARTIN'S LANE LONDON WC2H 9FB

LICENSING SUB-COMMITTEE No. 6

Thursday 6 February 2020

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Peter Freeman and Councillor Maggie Carman

Legal Adviser: Horatio Chance
Policy Adviser: Aaron Hardy
Committee Officer: Georgina Wills
Presenting Officer: Kevin Jackaman

Relevant Representations: The Metropolitan Police Service, Licensing Authority, Environmental Health,

Present: Mr Heath Thomas (Agent, representing the Applicant), Mr Brian Trollop (Applicant), Mr Dave Nevitt (Environmental Health) and Ms Karyn Abbot (Licensing Authority),

11 - 12 Upper St Martin's Lane, London WC2H 9FB (St James Ward / West End Cumulative Impact Area) ("The Premises") 19/16545/LIPN	
1.	Sale by Retail of Alcohol – On and Off Sales Monday to Thursday: 10:00hrs to 23:30hrs Friday to Saturday: 10:00 to 00:00hrs Sunday: 10:00hrs to 23:30hrs Seasonal Variations / Non-Standard Timings: The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day Sundays before Bank Holidays 10:00 to 00:00
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee had before it an application for a new premises licence which intended to trade as a basement and ground floor restaurant premise with external seating areas in Upper St Martin's Lane and the Courtyard. The Applicant sought the sale by retail of alcohol on and off sales from 10:00 to 23:30 Monday to Thursday, 10:00 to 00:00 Friday to Saturday and 10:00 to 23:30 Sundays. Late night refreshment was also sought from 23:00 to 23:30 Monday to Thursday, 23:00 to 00:00 Friday to Saturday and 23:00 to 23:30 Sundays. The Metropolitan Police had withdrawn their representation following the Applicants confirmation to adopt additional Conditions. The Premises are situated in the West End Cumulative Impact Zone. Mr Peter Thomas, Legal Representative advised the Sub-Committee that the Applicant had submitted a revised set of Conditions and had been corresponding with the Licensing Service. The Sub-Committee confirmed that that they had viewed all documents and correspondents as part of the evidence before it. The Sub-Committee was informed that Dishoom Limited was a renowned restaurant chain which had several branches in the Capital. The Chain had received critical acclaim and recognised for being a good employer. The Applicant had met with Environmental Health and the Licensing Service and had agreed to adopt several Conditions. The Sub-Committee noted that the hours sought for the sale of alcohol during Sundays was beyond core hours and was

advised that these timings had been applied in order to complement the business model. The Sub-Committee were informed that the hours that were sought were similar to those of the Covent Garden Branch and that there had been no complaints received about the Premises' operational style. The Sub-Committee was advised that the Premise would not add to cumulative impact and would therefore meet the promotion of the licensing objectives.

Mr Thomas advised that the Premises would operate as a restaurant and that the holding bar would be ancillary to dining. He advised that discussions had been held with the Licensing Authority on how this area would be managed. Mr Thomas advised that Dishoom restaurants attracted a diverse and international clientele. He advised that patrons would be greeted at the entrance of the restaurant and would be escorted to a table. All patrons would be directed to the holding bar if there are no vacant tables and remain there until seating becomes available. It was stated that the average seating time during lunch time is approximately 45 minutes and 1 hour and 30 mins for evening meals.

Mr Thomas highlighted that there had not been any objections raised by local residents and that representations had only been maintained by the Responsible Authorities. Mr Thomas advised that the existing licenses for both Premises would be surrendered if the Application was granted. In response to questions from the Sub-Committee Mr Thomas advised that at current the Premises comprised of two separate buildings. There are plans to demolish a party wall and transform both Premises into a single unit. The Sub-Committee was advised that Dishoom Restaurant Chain had over 1000 employees and had several branches in the Capital and also Cities that were based in Northern England.

Following questions from the Sub-Committee, Mr Thomas advised that the restaurant had a designated area for smokers and that only 5 persons were permitted in this locality. He advised that staff kept the immediate area tidy and that pavements were swept and cleaned. The Sub-Committee noted that the external seating was not to be increased and revised plan of the outside area would need to be submitted.

Mr Nevitt, Environmental Health Officer advised that the Premises was previously a restaurant. He informed that a site visit had been undertaken and proposals to join both buildings had been discussed. The Premises has no history of complaints and there are no concerns about its operational model. Mr Nevitt advised that he had no concerns about the hours requested for Sunday and commented that past Licensing Applications Sub-Committees had granted similar applications where hours were beyond core hours and the Restaurant Model Condition (MC66) were in place. Mr Nevitt however, recommended that Model Condition 70a (MC70a) be imposed and advised that the Condition limited 'off sales' of alcohol to patrons that are seated at a table and also for its consumption to be ancillary to a meal should the Sub-Committee be minded to grant the application. The Sub-Committee was advised Planning Permission for external seating was in place alongside the table and chairs licence. These grants will be merged if the Application is granted. All external chairs will be rendered after 23:00hrs.

Mr Nevitt also recommended that Model Condition (MC 81) be explored by the

	<p>Sub-Committee which enables the inspection of building works to be imposed on the Licence and also a Condition stipulating that Environment Health will determine the capacity for the Premises.</p> <p>Ms Karyn Abbott, Licensing Services Officer, advised that the proposed Conditions were satisfactory and noted that these included the Model Restaurant Condition (MC66). Ms Abbott informed that the hours sought on Sunday were beyond core hours and that the Applicant needed to demonstrate that they would not add to negative impact in the cumulative impact area.</p> <p>The Sub-Committee having carefully listened to all parties and in considering the evidence before it granted the Application. The Sub-Committee agreed that the Application would not add to negative cumulative impact and this was on the basis that the Applicant was to surrender the two-existing licences. The Sub-Committee agreed on balance that it would extend Sundays and noted that Environmental Health had not objected. The Applicant had agreed to several Model Conditions which included Model Condition 66 (Restaurant Condition). The Sub-Committee noted that the Applicant was a good operator and would ensure that the business complies with the Conditions and promote the licensing objectives. The Sub-Committee noted that the Applicant was to produce a revised plan as the outside area was to be excluded from the red line area. For these reasons and in it's determination of the matter the Sub-Committee decided to grant the Application accordingly. The Sub-Committee concluded that the Conditions it had imposed on the Licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives.</p>
	<p>Late Night Refreshments – Indoors</p> <p>Monday to Thursday: 23:00hrs to 23:30hrs Friday to Saturday: 23:00 to 00:00hrs Sunday: 10:00hrs to 23:30hrs</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>Sundays before Bank Holidays 23:00 to 00:00</p>
	<p>Hours premises are open to the public</p> <p>Monday to Thursday: 08:00hrs to 23:30hrs Friday to Saturday: 08:00 to 00:00hrs Sunday: 08:00hrs to 23:30hrs</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>Sundays before Bank Holidays 08:00 to 00:00</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 imposed by the Licensing Authority after a hearing:-

9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed that number specified in the premises fire risk assessment;
10. All staff will be trained in respect of Licensing Act requirements and offences, and in particular in respect of underage sales. If there is any doubt about the age of any customers requesting the purchase of alcohol, photographic evidence will be required.
11. Full training including in the preparation of risk assessments for fire safety, food safety and the safety of customers and staff on the premises will be carried out at regular intervals.
12. 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.
13. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
14. Curtains and hangings shall be arranged so as not to obstruct emergency signs or emergency equipment.
15. The management will use their best endeavours to make sure they are good neighbours to anyone, residents or businesses within the vicinity.
16. The outside sitting area is to be enclosed on a minimum of two sides with appropriate barriers.
17. The external areas shown on the licensing drawing, attached to the premises licence, will not be used by customers after 23:00hrs.
18. Tables and chairs in the external area shall be rendered unusable by 23.00 each day.

19. 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, save for diners at the holding bar who may consume alcohol whilst standing, 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.

20. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

21. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

22. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

23. No striptease, no nudity and all persons to be decently attired at all times.

24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

25. There will be background music only at these premises, with no recorded music as a licensable activity.

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

27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. After 23:00 hours all entrance doors and windows to be kept closed except for immediate access and egress of persons.
29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- .
30. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
31. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
33. There will be no late-night refreshment off the premises
34. 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.
35. *No licensable activities shall take place at the premises until premises licences 19/12180/LIPT and 18/06713/LIPDPS (or such other numbers subsequently issued for the premises) has been surrendered and is incapable of resurrection.*

- 36 The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
37. 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 and will include the external area immediately outside the premises entrance. 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.
38. 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
39. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
40. 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.

4 BASEMENT AND GROUND FLOOR, 17 QUEEN STREET, LONDON, W1J 5PH

Relevant Representations: Environmental Health, Licensing Authority, Metropolitan Police Service and four Objectors

Present: Mr Alun Thomas (Agents representing the Applicant), Mr Nick Wilson (Applicant) Mr Ian Watson (Environmental Health) Ms Karyn Abbott (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing The 5 Objectors)

The Boulevard, 6 Walkers Court London W1F 0BU 19/16285/LISEVN	
1.	APPLICATION
	<p>The City Council (“the Council”) has received an application for a new Sexual Entertainment Venue (SEV) premises licence under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for Boulevard Theatre, 6 Walker’s Court, London, W1F 0BU from The Boulevard Theatre Company Limited. The Applicant had applied for a new Sexual Entertainment Venue (SEV) premises licence to provide burlesque, nude cabaret, nude performances, plays and adult related theatrical performances and involve implied nudity, full and partial nudity. They have applied for relevant entertainment between the hours 10:00 to 01:00 on of the days Monday to Saturday and 10:00 to 22:30 on Sundays.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Kevin Jackaman, Licensing Officer, introduced the Application as set out above The Metropolitan Police withdrew their representation following the Applicant’s confirmation to adopt additional Conditions. There was additional information received from the Applicant on 30 January 2020, 3 February 2020 and 5 February 2020. The submissions were circulated to all interested parties.</p> <p>Alun Thomas, Applicant’s Legal Representative advised the Sub-Committee that the Premises was situated in a location which was both historically and widely associated with SEVs. He advised that the establishment had operated in the Sexual Entertainment industry for several decades and that the Applicant were responsible owners. Mr Thomas advised that the local surroundings had been improved by the Applicant. The Applicant was reported to have installed CCTVs and improved the lightings in the immediate areas. The Sub-Committee was informed that the Premises had a Security Team and a dispersal strategy. Mr Thomas advised that the immediate area was unpleasant prior to the numerous improvements that were made by the Applicant.</p> <p>The Sub-Committee was informed that the Boulevard Theatre had received critical acclaim for its cabaret shows and was renowned for providing a platform for young artist and performers. The Premises has always operated as a Theatre and has adopted a pricing system which allows productions to be accessible to a wide range of audience. There are various performances staged</p>

at the Theatre which include comedy sets, live music and Musicals. These performances usually commence around 19:30hrs.

The Applicant had sought a SEV Premise Licence to enable forthcoming cabaret shows which involved prolonged nudity to be staged. The cabaret shows which involved prolonged nudity would be performed in an area which is not visible from the outside. It was stated that the cabaret performers will be in a designated area and will not roam around the Premises. Mr Nick Wilson, Applicant, advised that the performers of the 'Black Cat Cabaret' show were an established troupe and had performed in various establishments. The Troupe usually performs on Saturdays. Mr Wilson advised that Boulevard Theatre wished to produce a similar show and that the proposed production would include an element of nudity. He advised that an SEV Licence was sought in order to enable such performances and ensure that these productions were within the parameters of the Law.

The Sub-Committee were reminded that nudity in productions used to be exempt under various Statutes for Theatres and that the Sexual Entertainment Venue Act 2010 had removed these exemptions. Mr Thomas advised that the Premises had been licensed for over two decades and that its licence was renewed annually during these periods. He advised that The Boulevard, 6 Walkers Court London W1F 0BU was in fact the address of the Premises and that 7 – 12 Walkers Court London was the Area in which the existing SEV Licence covered. The Sub-Committee was advised that the Premises had two addresses.

Mr Thomas advised that the SEV Licence sought would replace the existing licence and that if granted the current Licence would be surrendered. Following questions from the Legal Advisor to the Sub-Committee, Mr Thomas advised that the request to renew the current SEV Licence would stand if the Application was refused. The Legal Advisor reminded the Sub-Committee that the Licensing Application for The Boulevard Theatre, 7-12 Walkers Court London W1F 0BU was a different application altogether and would need to be determined separately. In response to questions from the Sub-Committee Mr Thomas advised that it was difficult to quantify what type of performance would be in breach of the licence and commented that it was those which were viewed as being 'sexual stimulating'.

Following questions from the Sub-Committee, Mr Wilson advised that the Box performance differed to other productions and attracted a different type of clientele. He advised that a 'night club' atmosphere was found in these events. The Sub-Committee were advised that the proposed shows would be similar to the 'Magic Mike' productions which were staged at the Hippodrome. The Cabaret shows will be ancillary to the Theatre productions.

Mr Thomas noted that the objectors had raised concerns over the Premises becoming a performance venue and commented that the establishment would operate under strict procedures and adhere to all Conditions. He highlighted that the Conditions suggested by the Metropolitan Police had been agreed and that the proposed entertainment would be restricted to the stage area. The Sub-Committee was advised that Walkers Court had a number SEV establishments

nearby and in the local surrounding areas. These included vendors which sold sexual related merchandise. He stated that the character of the area had not altered and commented that the vicinity was nationally renowned for SEVs establishments. Mr Thomas advised that Walkers Court could not be characterised as having a 'family setting'. There have been no objections made from representatives from places of worship which were located in the local surrounding areas.

Mr Thomas advised that the Applicant had met with the Responsible Authorities. He informed that the current Licence allowed for lap dancing performances. The Sub-Committee was advised that the regulated area was on the first floor and could only be accessed through the main entrance. The internal area which leads to the stage are sheltered and cannot be viewed from outside the Premises. There are no neon signs outside the Premises or advertisements about the productions.

In response to questions from the Sub-Committee, Mr Wilson advised that the Premises had been in operation for over 4 decades. He advised that the proposed cabaret shows would be staged in the late evening and would be ancillary to main production shows. The cabaret shows are part of the Premises Business Plan and would ensure that the Theatre continues to remain viable.

Mr Ian Watson, Environmental Health Officer, confirmed that there were two entrances into the Boulevard Theatre and advised that the Premises previously had two sex cinemas and produced a private staged 'strip tease'. He confirmed that a visit was undertaken to the Premises with the Licensing Service on 14 January 2020 to investigate any impact on the public. Mr Watson advised that the only area of concerns was a corridor and a window. He confirmed that the Applicant had agreed for this area to be covered and not be visible from the outside. The proposed cabaret shows would be restricted to the auditorium and stage. The Sub-Committee noted that a licence for the Premises to operate as Theatre was granted. Mr Watson advised that there was a discussion on whether a SEV Licence was required as the Play Licence covered a wide scope of entertainment. He advised that he was satisfied with the Application but this was on the proviso that the proposed Conditions were accepted and that specific external windows were made opaque and designated corridors were covered.

Ms Karyn Abbott, Licensing Authority confirmed that the Premises was visited on 14 January 2020. Ms Abbott advised that the Premises operated predominantly as a Theatre and that the proposed cabaret shows would be ancillary to these productions. The Applicant had agreed to set Conditions. The Sub-Committee was advised that there had been amendments to some of the Conditions. She advised that the areas surrounding the Premises had undergone redevelopment and commented there were several sex establishments in the local vicinity. There are also places of worship and a local school in the vicinity. The Application does not exceed the permitted numbers of SEVs in the local area. The Sub-Committee was advised that they needed to take into consideration Policy LO1 which required them to consider the characteristics of the area. The Premises currently had a Premises Licence under the Licensing Act 2003 for various licensable activities and would need to take account of paragraph 2.5.1 of the policy if the Application was granted.

Richard Brown, Legal Representative for Objectors addressed the Sub-Committee and advised that his clients supported the Theatre and restaurant. He confirmed that the changing character of the locality was a concern and that the main contention was that the Premises may turn into a venue for lap dances and associated performances which are 'overly sexualised'. Mr Brown advised that the Premises had been closed for a period between 6 to 7 years and acknowledged that the Venue had a long history with the sexual industry. He reminded the Sub-Committee that Westminster had a quota which limited the number of SEVs to 25 in one locality and stated that the Applicant's surrendering the Licence would just amount to a 'swap' and could be viewed as a 'dead letter'. Mr Brown advised that the Application should be considered on its own merit and alongside published policy objectives.

Mr Brown advised that the Old Boulevard had a front entrance at Walkers Court and the Boulevard Theatre had a front at Peter Street. He advised that the character of Peter Street and the local vicinity had altered. Mr Brown commented that the wider locality needed to be considered and this should be done to a wide parameter. He commented that there were several residential properties in the area and that several developments had taken place which included a new hotel. Mr Brown acknowledged that there were several SEVs present in the locality and that there were concerns in granting new applications for these types of industries.

Mr Brown advised that it would be accepted if the proposed entertainment is limited by conditions. He advised that there were concerns that an 'unfettered' licence would be granted. Mr Brown advised that a Condition should be imposed which prohibited 'strip tease' and would be content with a licence which permits 'bone fide' performances which included nudity.

Mr Thomas advised the Sub-Committee that the Applicant would accept a Condition which prohibited 'lap' dancing, 'poll' dancing or similar entertainment. He commented that it was difficult to determine whether a performance could be viewed as 'sexually stimulating' as that was a matter of interpretation and highlighted that an 'unfettered' licence had not been sought. The Sub-Committee was advised that relevant entertainment would be part of a 'bone fide' performance. Mr Thomas commented that Soho was nationally associated with the Sex Industry. He advised that the new Licence would replace the existing licence and was not a direct swap as had been alluded to by Mr Brown. Mr Thomas confirmed that the identified areas would be made opaque to ensure that they are not visible from outside.

Having carefully listened to all parties and the evidence before it the Sub-Committee granted the Application. The Sub-Committee were persuaded by the Applicant that the character of the area which the Premises was located had not changed and met the Policy requirement. The Sub-Committee noted that no representations had been received from the local Church or School. The Sub Committee also noted that the Application was within the limit of SEV establishment permitted in a locality. The Sub-Committee also noted that relevant entertainment would be restricted to the staged area of the Premises. In determining the Application, the Sub-Committee agreed to impose additional

Conditions which required windows and corridors to be rendered opaque or obscured during 'relevant entertainment'. The Sub-Committee noted that 'relevant entertainment' performances would be only be provided as part of a bona fide theatrical or staged performance, which included burlesque, cabaret and plays. There would be no 'relevant entertainment' which involved 'lape dancing' or similar entertainment.

The Committee agreed that the Application met the policy requirements and that the conditions imposed were appropriate and proportionate. The Committee also welcomed that the Premises would be staging new theatrical works and showcasing emerging artists.

CONDITIONS

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

that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

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 to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
11. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer.
12. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
13. Relevant entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
14. The performance of relevant entertainment shall be restricted to the stage area of the Premises
15. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
16. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

17. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
18. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers
19. Windows to the Theatre and corridors of the Theatre shall be rendered opaque or similarly obscured when relevant entertainment takes place.
20. Relevant entertainment shall only be provided as part of the bone fide theatrical or staged performances which shall include burlesque, cabaret or plays. For the avoidance of doubt there shall be no provision of relevant entertainment comprising either lap dancing or similar entertainment that shall take place.

The Meeting ended at 2.00 pm

CHAIRMAN: _____

DATE _____