



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 27th August, 2020**

Time: **10.00 am**

Venue: **This is a Virtual Meeting**

Members: **Councillors:**

Susie Burbridge
Murad Gassanly
Aicha Less

This will be a virtual meeting and Members of the public can view the live broadcast by accessing the media links on the Council's website.



If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

**Email: kscharlemagne@westminster.gov.uk Tel: 07817054613
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 Head of Committee and Governance Services 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. GROUND FLOOR AND BASEMENT, 37 DUKE STREET, LONDON, W1U 1LN

(Pages 1 - 100)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward	Ground Floor and Basement, 37 Duke Street, London, W1U 1LN	New Sexual Entertainme nt Venue (SEV) Premises Licence	20/02836/LISE VN

**2. BLUSH, GROUND FLOOR ENTRANCE AND BASEMENT, 37
DUKE STREET, LONDON, W1U 1LN**

**(Pages 101 -
160)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Marylebone High Street Ward / not in cumulative impact area	Blush, Ground Floor Entrance and Basement, 37 Duke Street, London, W1U 1LN	New	20/02859/LIPN

**Stuart Love
Chief Executive
19 August 2020**

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- 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

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>27 August 2020</i>
Classification:	<i>General Release</i>
Premises:	<i>Ground Floor and Basement, 37 Duke Street, London, W1U 1LN</i> <i>20/02836/LISEVN</i>
Wards Affected:	<i>West End</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Public Protection & Licensing</i>

1. Executive Summary

- 1.1 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 Ground Floor and Basement, 37 Duke Street, London, W1U 1LN from Electshow Limited . The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

2. Recommendations

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
- 2.1.1 Grant the application in full;
 - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
 - 2.1.3 Refuse the application.

3. Application

- 3.1 On 9^h March 2020 the applicant applied for a new Sex Entertainment Venue (SEV) premises licence to provide striptease, pole dancing and table dancing between the hours of 21:00 to 06:00 on of the days Monday to Saturday. A copy of the application can be seen at Appendix A of the report together with a copy of the proposed plans at Appendix A1, photographs of the front elevation at Appendix A2 and the applicants supporting documents at Appendix A3
- 3.2 Any SEV licence granted will be subject to Westminster's Standard Conditions for Sexual Entertainment Venues, which can be found at Appendix F
- 3.3 The applicant has also applied for a new premises licence for the premises, application reference 20/02859/LIPN. The application is due to be determined by the Licensing Sub Committee on 27th August 2020.

4. Objections

- 4.1 The application has received 43 objections attached at **Appendix C**
- 4.2 On the 01 April 2020, the Metropolitan Police Service made an objection to the application on the basis that, if granted the application would undermine the licensing objectives. The hours sought exceed Westminster's Core Hour Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives . The full representation is attached at **Appendix C1**.
- 4.3 On the 03 April 2020, the Council's Environmental Health Service made an objection on the basis that the grant of the licence would be inappropriate having regard to the layout, character or condition of the premises. As part of this objection, conditions have been proposed to be added to the operating schedule of the licence if granted. The full representation is attached at **Appendix C2**.
- 4.4 On the 03 April 2020, the Licensing Authority made an objection based on the nature of the premises and the character of the relevant locality and the use of premises in the vicinity. The full representation is attached at **Appendix C3**.

4.5 Objections from Interested Parties1

There were 40 objections from interested parties submitted on the grounds of:

- Public nuisance
- Crime and disorder
- Residential amenity
- Inappropriate of location
- Protection of children from harm

The objections are set out in full at **Appendix C4**

- 4.6 The majority of the objectors have not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objectors will remain anonymous. However, objector 40 at Appendix C4. has waived their right to anonymity.

5. Relevant history

- 5.1 There is no history of sex establishment (Sexual Entertainment Venue) licence at the premises.

6. Licensing Act 2003 Premises Licence

- 6.1 There is an existing premises licence for the premises, (licence number 19/11489/LIPV) a copy of the premises licence at **Appendix B**.

The applicant has also applied for a new premises licence for the premises, application reference 20/02859/LIPN. The application is to permit licensable activities from 20:00 to 06:00 Monday to Saturday and 20:00 to 00:30 Sunday. The application is due to be determined by the Licensing Sub Committee on 27th August 2020.

7. Policy Considerations

7.1 Character of the relevant locality – LO1

This premises are situated in Duke Street, which is a street crossing the western half of Oxford Street and connecting Wigmore Street and Grosvenor Square. The area hosts a mixture of residential and commercial premises. Within a 250 metre radius of the premises, there is a residential count of 1,068 persons.

7.5 Use of premises in the vicinity – LO2

The main use of the premises in the area are a mix of businesses including social and commercial businesses. There are 85 licensed premises within 250 metres of the premises. A list of their operating hours can be found at Appendix G

Upon checking Westminster City Council's GIS mapping system there are no schools and 5 faith groups within 250 metres of the premises. A map of the relevant locality is attached to this report as Appendix E.

7.6 Layout, character or condition of the venue – LO3

The main entrance to the premises is a discreet double door entrance on Duke Street. No activities take place on the ground floor which is for entrance only. All licensable activities at the premises take place in the basement.

7.7 Appropriate numbers of SEVs in a locality - Policy NO1

When introducing its Sexual Entertainment Venue Statement of Licensing Policy 2012, the Council determined that in order to promote the policy aims and objectives, the Council considered that the appropriate maximum number of sexual entertainment venues in relevant localities is as follows:

Westminster core CAZ (central activities zone) north – 25

All other localities within the city – 0.

7.8 The premises fall with Westminster's core CAZ. When determining this application, the Council's limit of 25 sexual entertainment venues in the relevant localities will not be exceeded.

8. Legal Implications

8.1 The Licensing Sub-Committee may determine to:

- (a) Grant the licence as applied for;
- (b) Grant the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit; or
- (c) Refuse the application.

8.2 Before refusing to grant an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).

8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).

8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be appropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph (c) or (d) above shall not have the right to appeal to the magistrates' court.

8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).

8.6 Should the Licensing Sub-Committee determine to refuse the application for the grant of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3

LG(MP)A1982). The licence will remain in force until the time for bringing an appeal has expired and, if such an appeal is brought, until the determination or abandonment of that appeal (Para 27(10) Schedule 3 LG(MP)A1982).

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 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.
- 9.3 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.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for The Boulevard will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- A – Application for a New Sexual Entertainment Venue
- A1 – Plan attached the application
- A2 – Photograph of the front elevation
- A3 – Applicant supporting documents
- B – Existing premises licence
- C1 – Objection from the Metropolitan Police Service
- C2 – Objection from the Environmental Health Service
- C3 – Objection from the Licensing Service
- C4 – Objections from Interested Parties
- D – Licence History
- E – Map of Locality
- F – Westminster's Standard Conditions for Sexual Entertainment Venues
- G - List of Licensed premise within 250m of the premises

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Kevin Jackaman on 020 7641 6500 or at kjackaman@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Sexual Entertainment Venues Statement of Licensing Policy 2012

Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012

Home Office Guidance March 2010



City of Westminster

APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

I / We ELECT SHOW LTD
(Insert name(s) of applicant)

apply for a new Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are applying for a Sexual Entertainment Venue licence as:

- a) an individual or individuals complete section (A)
- b) a person other than an individual:
- i. as a body corporate complete section (B)
- ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

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City of Westminster

PARTICULARS OF A LIMITED COMPANY APPLYING FOR SEX ESTABLISHMENT
LICENCE

Name of Company: ELECTSHOW LTD

Date and Country of Incorporation: 21/11/96 UNITED KINGDOM

Company registration number: 03281959

What type of company is the applicant: PRIVATE COMPANY
(e.g. public or private limited by share of guarantee etc.)

Full name of each director Full private address



Date 9/3/20 Signature 

NOTE: If the applicant company is a subsidiary of another company please complete a separate form in respect of the parent company and an ultimate holding company. If required by the Council please supply a copy of the Memorandum and Articles of Association of these companies.

Licensing Service
4th Floor
City of Westminster
City Hall
64 Victoria Street
London
SW1E 6QP

IMPORTANT NOTE: THIS FORM IS OPEN TO INSPECTION BY THE PUBLIC.

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	ELECTSHOW LTD
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/> Registered Number: 03281959
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	COMPANY
Home Country: (the country where the headquarters of your business is located)	UK
Registered Address:	37 DUKE STREET LONDON
Postcode:	W1U 1LN
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Are there any such people for whom you need to provide details?	Yes <input checked="" type="checkbox"/> (please complete below) No <input type="checkbox"/>
Full name:	[REDACTED]
Private address:	[REDACTED]
Capacity:	DIRECTOR

Full name:	[REDACTED]
Private address:	[REDACTED]
Capacity:	DIRECTOR
Full name:	[REDACTED]
Private address:	[REDACTED]
Capacity:	GENERAL MANAGER
Full name:	[REDACTED]
Private address:	[REDACTED]
Capacity:	ASSISTANT MANAGER
Full name:	
Private address:	
Capacity:	
Please use a separate sheet if necessary	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

PART 2 – Premises Details

Premises name:	NOT YET DECIDED	
Premises address:	37 DUKE STREET LONDON	
Postcode:	W1U 1LN	
Premises telephone number:	TBA	
Email:	TBA	
Website address:	TBA	
Where the licence is for a vehicle, vessel or stall, state where it is to be used as a sexual entertainment venue:	/	
Describe the nature of the relevant entertainment (e.g. striptease, pole dancing, table dancing etc):	STRIPTease, POLE DANCING TABLE DANCING	
Does the relevant entertainment involve:	Full nudity	<input checked="" type="checkbox"/>
	Partial nudity	<input type="checkbox"/>
	No nudity (including implied nudity)	<input type="checkbox"/>

Opening Hours

Please provide the proposed opening hours of the premises:

Day:	Start:	Finish:
Monday	21.00	08.00
Tuesday	21.00	06.00
Wednesday	21.00	06.00
Thursday	21.00	06.00
Friday	21.00	06.00
Saturday	21.00	06.00
Sunday	/	/

PART 3 – Policy & Conditions

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your application will promote the following licensing objectives:

Prevention of crime and disorder: WE HAVE SIGNIFICANT EXPERIENCE OF OPERATING A VENUE OF THIS TYPE AT THE MYFAIR CLUB IN DOUGL STREET FOR 10 YEARS. NOW THAT THOSE PREMISES ARE CLOSED WE SEEK TO OPERATE IN AN IDENTICAL FASHION FROM 37 DUKE STREET
Public safety: SEE ABOVE
Prevention of public nuisance: SEE ABOVE
Protection of children from harm: SEE ABOVE
Improvement in the character and function of the city, or areas of it: SEE ABOVE
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
HRS 1	THE NATURE OF THE ENTERTAINMENT PROVIDED AT THESE PREMISES ALWAYS TAKES PLACE LATE AT NIGHT OR IN THE EARLY HOURS OF THE MORNING
	OUR EXPERIENCE AT OUR PREVIOUS PREMISES THE MIZAR CLUB IN DOUR STREET WI CONFIRMS THIS.
Please use a separate sheet if necessary	

Standard Conditions

Please refer to the Council's Standard Conditions for Sexual Entertainment Venues. Should the application be granted, your licence will be subject to all standard conditions unless specifically excluded from your licence.

State which (if any) standard conditions you wish to disapply from your licence and the reasons you feel they should be disapplied, including any individual circumstances relating to your operation:

Condition:	Reason for removing the condition:
Please use a separate sheet if necessary	

State any other conditions you wish to be attached to your licence:

Please use a separate sheet if necessary

PART 4 – Previous Convictions/Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the grant or renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

PART 5 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 7 of this form)	<input checked="" type="checkbox"/>
A plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
A drawing showing the front elevation of the premises as proposed has been included	<input type="checkbox"/>
The code of conduct for performers has been included	<input checked="" type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input checked="" type="checkbox"/>
Notice of this application has been displayed at the premises	<input checked="" type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input checked="" type="checkbox"/>

PART 6 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I CRAIG BAYLIS declare that the information given above is true and complete in every respect.

Signed	
Date:	9-3-20.
Capacity:	SOLICITOR FOR APPLICANT.

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

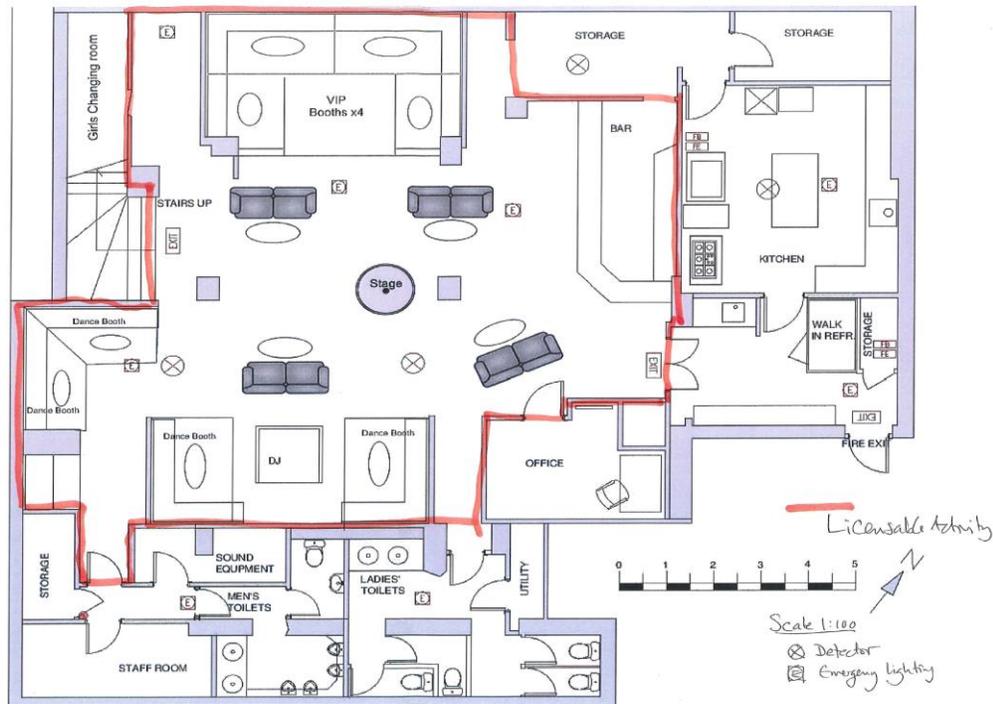
Yes No

If yes, please provide the following:

Agent name:	CRAIG BAYLIS
Agent Address:	ADELAIDE HOUSE LONDON BRIDGE LONDON
Postcode:	EC4R 1HA
Agent Telephone Number:	0203 400 2326
Agent Email:	Craig.baylis@bclplaw.com



Ground - Entrance







The Mayfair Club
HOUSE RULES

- **Club opening times**
The club is open from 9.30pm until 5/6am

- **House fees**
 - Weekly - **£150** (9 - 9.30pm) MINIMUM 4 SHIFTS
 - Single shift - **£40** (9 - 9.30pm)
If you are late, you will be charged an extra:
 - **£20** per every 30 minutes

- **Booking \ Cancelling Shifts**
You have until 3pm on the day to cancel your shift by texting.
If you fail to do this you will receive a £40 fine.

- **Dress code**
 - Monday – Thursday: Long ankle length elegant dresses.
 - Friday – Saturday: Short elegant dresses (no PVC or Fishnet) or 3-piece lingerie (underwear, stockings, and suspenders).
 - Hair must be down (curled or straight) and make up finished to a high standard.

- **Queuing system**
 - Once dressed and ready, and have been approved in the office you will be added to the list and that's will be your queue number.
 - Please make sure you know your number in the queue when you sit down on the floor.
 - If a customer calls you over and you are not first in the queue, then you can talk to him but you will go to the end of the queue.
 - Customers must purchase a drink before being approached.
 - You must be ready when taking your place on the floor. If you return to the changing room to do your hair and make-up you will lose your turn.

Name:..... Signature:..... Date:.....

TABLE DANCING CODE OF CONDUCT

1. Striptease entertainment as part of any table dancing may only be provided by performers or entertainers ("dancers") engaged or employed by Famous Clubs Limited, associated or subsidiary companies of Kila Ltd or such other organisation as the Police may approve in writing. Each dancer shall, upon engagement, be given a copy of this code of conduct and a copy of the conditions attached to the premises licence.
2. Full personal details of all dancers shall be kept by the premises and retained for a minimum period of 12 months following the termination of employment or engagement. These details shall include full name and address, date of birth, nationality and national insurance number.
3. Before any dancer is allowed to work within the premises and perform lap dances involving striptease entertainment that dancer shall have undergone an induction at the premises with a manager or the designated premises supervisor of the premises. Such induction shall include providing training and information in relation to the terms and conditions contained within the premises licence, the hostess code of conduct and this code of conduct as well as setting out the standards which the premises expect dancers to adhere to.
4. Striptease entertainment by way of table dancing shall only be provided by dancers and no members of the audience may be permitted to provide striptease entertainment.
5. Whenever striptease entertainment by way of lap dancing is provided at the premises a member of management shall be on duty within the premises to supervise the dancers and to ensure that this Code is adhered to.
6. Striptease entertainment by way of table dancing may take place either at table side or on the dance floor and more than one dancer may provide such entertainment at a time. However, such entertainment must always take place so that it is in full view of those supervising such dancing activities.
7. A dressing room shall be made available to the dancers and access to this area shall be maintained whilst striptease entertainment is taking place and immediately thereafter. Patrons will not be allowed access to the dressing room.
8. The premises licence holder, dancers and any person connected with the management or organisation of the premises shall not permit, encourage or permit or encourage the audience to throw money at or otherwise give gratuities to the dancers otherwise as permitted by paragraph 9 below.
9. There shall be no physical contact between dancers and patrons whilst dancers are providing striptease entertainment other than for the placing of money or tokens into the hands of a dancer or within a garter at the beginning or conclusion of a performance. Notices to this effect shall be prominently displayed at each table and at the entrance to the premises.
10. Dancers will re dress after each performance and shall be full clothed between performances. If a dancer is fully clothed and no performance is taking place physical contact between the dancer and patron may take place provided it is not inappropriate physical contact.
11. There shall be a minimum charge of £20 per music track.

CODE OF CONDUCT FOR DANCERS

The Following Applies At All Times:

A. **General Points and Attire**

1. Dancers must always sign out with reception at the end of each shift.
2. Dancers arriving or departing the club must be fully dressed in clean, neat and smart attire.
3. Dancers are to arrive within adequate time of paying their house fee and be ready on the main floor.
4. The use of mobile phones in public areas is prohibited unless it is a genuine emergency.
5. After arriving at the Club and entering the dressing room, Dancers are to change into appropriate attire as required by the Club, and remain so dressed unless providing a striptease performance.

B. **Conduct**

1. Dancers may not give out any personal information, including telephone numbers or contact details. Dancers may provide a customer with the days and shifts they or other Dancers work at the Club.
2. Dancers may not accept any telephone number, address or any other contact information from any customer, except in the form of a business card, but may not make use of that information to contact the customer. Before leaving the premises, Dancers must permanently surrender all such cards to a member of management (without copying any of the information).
3. Dancers are not to be in the company of a customer except in an area open to the public within the Club.
4. Customers must remain fully clothed at all times. The dancer must not remove any of the customers' clothes at any time.
5. If a customer does attempt to touch or speak to a dancer in an indecent manner, the dancer should move away from the customer and explain the relevant rules. If necessary, the dancer should ask for assistance from a floor supervisor, who will take appropriate action, which may include escorting the customer out of the club.
6. There shall be no indecent contact between the Dancers and customers.
7. Dancers are not to engage in an act of prostitution (the receiving of gratuities or payments in return for any form of sexual favour or offer of such).
8. Dancers may not accept a customer's offer of payment in return for sexual favours (solicitation).
9. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the hostess has no intention of carrying out the act.
10. Dancers are not to intentionally meet any customer outside the club.
11. Dancers must not engage in any unlawful activity inside the club.
12. Dancers may never leave the premises during a shift, except in cases of emergency and then only with the express permission of the duty manager. In that event, Dancers must sign out before leaving and if a hostess leaves early for any reason,

dancers and to ensure that this Code is adhered to.

9. Strip-tease entertainment by way of dancing may take place either at table side or on the dance floor / stage and more than one dancer may provide such entertainment at a time. However, such entertainment must always take place so that it is in full view of those supervising such dancing activities.
10. A secure, private dressing room shall be made available to the dancers and access to this area shall be maintained whilst strip-tease entertainment is taking place and immediately thereafter. Patrons will not be allowed access to the dressing room.
11. The premises licence holder, dancers and any person connected with the management or organisation of the premises shall not permit, encourage or permit or encourage the audience to throw money at or otherwise give gratuities to the dancers otherwise as permitted by paragraph 12 below.
12. There shall be no physical contact between dancers and patrons whilst dancers are providing strip-tease entertainment other than for the placing of money or tokens into the hands of a dancer or within a garter at the beginning or conclusion of a performance. Notices to this effect shall be prominently displayed at each table and at the entrance to the premises.
13. Dancers will re dress after each performance and shall be fully clothed between performances. If a dancer is fully clothed and no performance is taking place physical contact between the dancer and patron may take place provided it is not inappropriate physical contact.
14. There shall be a minimum charge of £1.0 per music track in respect of table dances.
15. Strip-tease entertainment may not be provided to persons standing at the bar.
16. The premises licence holder, dancers and any person connected with the management or organisation of the premises shall not permit or encourage any dancer to engage in prostitution with any patron or solicit such services.
17. Any dancer attempting to offer herself for prostitution or attempting to solicit such services shall be subject to disciplinary action by the premises usually resulting in dismissal from the premises forthwith. The police shall be informed of any such incidents.
18. Dancers will not be allowed to leave the premises with patrons and all reasonable steps will be put in place to ensure that dancers do not make arrangements to meet with patrons outside the premises.
19. The premises will review this code of conduct periodically with the police and any agreed amendments to the code of conduct may be incorporated into this code.

I read, understood and agree to abide by the above rules:

Signed Dated

Print name

Stage name

Address

DANCER INFORMATION

Stage name -.....
Family name/Surname -
First Name(s)/Given Name -
Date of Birth(dd/mm/yy) -.....
Current address -
Dress Size-.....
Bra Size-.....
Telephone number –
Passport number/ID no -
Nationality -
Country of Birth -
Weight -
Eye Colour -

I confirm that I am the person named above.

The Information you have provided will be kept securely by The Mayfair Club and will be treated as confidential except where the law requires it to be disclosed.

Signature.....date.....

DANCERS SIGN IN

DATE:...../...../...../

N	STAGE NAME	REAL NAME	TIME	SIGNATURE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				

DANCERS SIGN OUT

DATE:...../...../...../

N	STAGE NAME	REAL NAME	MODE OF TRANSPORT	TIME	SIGNATURE
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
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22					



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

Schedule 12
Part A

WARD: Marylebone High Street
UPRN: 010033533695

Premises licence

Regulation 33, 34

Premises licence number:	19/11489/LIPV
Original Reference:	05/06008/LIPCV

Part 1 – Premises details

Postal address of premises:

Blanca
37 Duke Street
London
W1U 1LN

Telephone Number: 020 7935 9459

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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:

Performance of Dance	
Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 03:00
Performance of Live Music	
Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

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 06:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

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:**

Electshow Ltd
37 Duke Street
London
W1M 5DF
Business Phone Number : 020 7409 0822

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

03281959

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

Name: Wahid Mekhaiei

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: 00997
Licensing Authority: London Borough Of Hounslow

Date: 23 March 2020

This licence has been authorised by Kevin Jackaman 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.

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. 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.
11. 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).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 6am on the day following and from 11pm on Sunday to 3am on the day following.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 90 persons.
14. 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.
15. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
16. With the exception of the bar area, the area hatched on the deposited plan shall be permanently laid out to tables and chairs to a minimum capacity of 90 covers.
17. (a) Subject to the following paragraphs, the permitted hours for the sale of alcohol shall commence at 23:00 Mondays to Saturdays and extend until 06.00 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 06.00, the permitted hours shall end when the music and dancing end
- (b) The permitted hours on Sundays shall commence at 23.00 and extend until 03:00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) Where music and dancing end between 00.00 midnight on any Sunday and 03:00, the permitted hours shall end when the music and dancing end
- (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) of the the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

18. 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.

19. 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 this premises licence / club premises certificate:

- (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) the to take all other reasonable precautions for the safety of the children.
20. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
 21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 22. 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.
 23. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 24. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 25. 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) the 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.
 26. All management at the premises shall undergo crime scene management training given by Westminster City Council. All SIA staff shall be given training from management on current licensing issues twice yearly including input of premises licence conditions.
 27. All staff training records will be properly maintained by way of a log or record and will be available for inspection on request of Police or other responsible authority. These records will include dates of first aid/crime scene/licensing training and an outline of roles and responsibilities of each staff member working at the premises during licensable hours including SIA staff.
 28. 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.
 29. The premises licence holder shall ensure that any patrons queuing/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.

30. A minimum of three (3) SIA licensed door supervisors shall be on duty when the premises are open on Sunday to Tuesday.
31. A minimum of four (4) SIA licensed door supervisors shall be on duty when the premises are open on Wednesday, Thursday, Friday & Saturday.
32. At least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
33. On the mornings following Sunday to Tuesday, the last entry to the premises will be 2.45am.
34. On the mornings following Wednesday, Thursday, Friday and Saturday there shall be no admittance or re-admittance to the premises after 04:30am, save for those persons leaving the premises temporarily to smoke.
35. All door supervisors engaged outside the entrance to the premises and ground floor reception area, or supervising or controlling queues, shall wear high visibility yellow jackets or tabards.
36. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As far as is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
37. No taxi drivers, minicab drivers or chauffeurs shall be permitted to enter the premises at any time.
38. All SIA door supervisors working at the premises will be employed by an external independent SIA contractor.
39. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
40. Door staff shall remind patrons leaving the premises of the residential nature of the area and to keep noise to a minimum.
41. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded by the ID scanner system shall be made available to the Police upon request. All customers entering shall have their facial image captured by the ID scanner camera except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exception, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without necessary ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) A legible record (the signing in sheet) of these guests name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days.

42. Alcohol may only be sold for consumption by members of the private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without their ID being verified.
43. Between 03.00 and 06.00 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
44. The supply of alcohol shall be by waiter or waitress service only.
45. The licensee shall provide induction and refresher training in relation to the Licensing Act 2003 and the associated requirements and responsibilities which arise under it together with the premises' specific policies and procedures to persons employed by the premises where such training is relevant to the persons role. The training shall be delivered at least every 6 months and by a person who holds a personal licence or other equivalent accredited qualification. When members of staff have received training in relation to the selling of alcohol and company policy, a record of the training and a sample copy of the training pack/document shall be attached to staff records, which shall be available for inspection by authorised licensing or police officer on reasonable request.
46. A Queuing and Dispersal Policy shall be operated by the venue. Such policy shall be adhered to at all times the premises are operating under the premises licence, accepting that the policy may have different requirements for different periods of the day and different uses of the premises.

This policy should also contain a staggered dispersal strategy in order to minimise the potential for disruption and anti-social behaviour within the surrounding area.
47. 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.
48. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
49. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
50. 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.
51. 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.
52. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
53. 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.
54. 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.

55. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
56. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
57. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
58. A minimum of two (2) SIA licensed door supervisors shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.



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

Schedule 12
Part B

WARD: Marylebone High Street
UPRN: 010033533695

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/11489/LIPV

Part 1 – Premises details

Postal address of premises:

Blanca
37 Duke Street
London
W1U 1LN

Telephone Number: 020 7935 9459

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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:

Performance of Dance

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

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 06:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

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:

Electshow Ltd
37 Duke Street
London
W1M 5DF

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

03281959

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

Name: Wahid Mekhaiel

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

Prohibited

Date: 23 March 2020

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Your

Our 20/02859/LIPN

Date 1st April 2020

BCLP
Adelaide House



METROPOLITAN POLICE SERVICE

Reaz Guerra PC 1614CW
Westminster Police Licensing Unit
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Telephone: 020 7641 3179

Facsimile: 020 7641 2436

Dear Craig

**Application for a New Premises Licence – 20/02859/LIPN
& New application or Sexual Entertainment - 20/02836/LISEVN**

37 Duke Street London W1

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 as it is our belief that if granted the application would undermine the Licensing Objectives.

The hours sought exceed Westminster's Core Hour Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.

It is for these reasons that we are objecting to the application.

Should you wish to discuss the matter further please contact PC Reaz Guerra on **0207 641 1709** or via email, r Guerra@westminster.gov.uk.

Yours Faithfully,

Reaz Guerra PC1614CW

Westminster Police Licensing Team

CITY OF WESTMINSTER

MEMORANDUM

TO Michelle Steward
REFERENCE 20/02836/LISEVN

FROM EH Consultation Team, 15th Floor, City Hall
REFERENCE 20/013528/EHCT
BEING DEALT WITH BY Anil Drayan
TELEPHONE 07931546137
DATE 3 April 2020

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

BLUSH, GROUND FLOOR AND BASEMENT, 37 DUKE STREET, LONDON

I refer to the application for a new Sexual Entertainment Venue Licence which is being made concurrently with a Premises Licence application, 20/02859/LIPN, for the above premises.

The premises are located within the Westminster Core Commercial Activity Zone.

The applicant has submitted a Ground Floor entrance and Basement Floor plan of the premises which is not referenced or dated.

The applicant is seeking the following:

1. To provide striptease, pole dancing and table dancing with full nudity during the opening hours of 21.00 – 06.00 Monday to Saturday.

I wish to make the following representation:

1. The grant of the licence would be inappropriate having regard to the layout, character or condition of the premises.

Environmental Health also make the following further comments:

- The applicant states they have previously operated a similar premises, The Mayfair Club, Dover Street, and have submitted the 'House Rules' from that club in support of this application.
- Prior to any hearing to determine this application Environmental Health may submit any relevant records held regarding the operation of that club.

- A visit will need to be made to the premises to ensure compliance with Westminster's Statement of Licensing Policy for Sexual Entertainment Venues and additional conditions may then be proposed.

Should you wish to discuss the matter further please do not hesitate to contact me.

**Anil Drayan,
Environmental Health Officer,
Environmental Health Consultation Team
Regulatory Support Team 2**

Licensing Team
Public Protection and Licensing Service



Licensing Authority Objection

Application for a new Sexual Entertainment Venue – Sex Establishment licence under Schedule 3 paragraph 10 of the Local Government (Miscellaneous Provisions) Act 1982 for 37 Duke Street, London, W1U 1LN

Licensing Service Ref: 20/02836/LISEVN

1. Introduction

1.1 I am authorised on behalf of the Licensing Authority of Westminster City Council to carry out its functions in considering Sex Establishment applications made under the provisions of Part II, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

1.2 I have considered the new Sexual Entertainment Venue – Sex Establishment Licence application submitted on behalf of Electshow Limited, 37 Duke Street, London, W1U 1LN.

1.3 Paragraph 10 subsection (15) of the Local Government (Miscellaneous Provisions) Act 1982 Part II states;

‘Any person objecting to an application for the grant, renewal or transfer of a licence under this schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28days after the date of the application’

1.4 The Licensing Authority has considered it appropriate to make an objection in relation to this application. Due to the nature of the premises applied for and taking into consideration the councils Statement of Licensing Policy for Sexual Entertainment Venues 2012 specifically the character of the relevant locality and the use of premises in the vicinity, the Licensing Authority makes an objection to this application.

1.5 I have considered the application in detail, the history of the premises, the location of the premises and transport links and whether the application meets the council’s Licensing Policy. My findings in relation to this application are set out in this document.

2. The Application

2.1 The applicant has applied for Relevant Entertainment to be provided from 21:00 to 06:00 on Monday to Saturday. The Relevant Entertainment is described as strip tease, pole dancing and table top dancing.

2.2 At the time of making my objection the applicant there have been no request to disapply any of the Standard Conditions for SEV premises.

Proposed layout of the premises:

2.3 The premises has one single entrance and exit which is situated on Duke Street. The Entrance is a double door of which photographs from google maps of the front entrance have been attached at Appendix A of my objection.

2.4 Due to Covid-19 the Licensing Authority has been unable to visit the premises to do a site inspection ahead of a licence subcommittee hearing.

Proposed style of operation:

- 2.7 The premises propose to operate as a lap dancing club which has a bar operating from 20:00 to 06:00 Monday to Saturday and 20:00 to 00:30 on Sunday. There is no Relevant Entertainment performances on a Sunday.
- 2.8 Relevant Entertainment is only proposed to take place Monday to Saturday and all performers are required to sign a declaration as part of their code of conduct that fully understand the premises rules and regulations around performances.
- 2.9 The applicants Electshow Limited are experienced operators in the industry. The managers of the proposed Licence Holder are the directors of Kila Ltd that have run the Mayfair Club who have held a Sexual Entertainment Venue Licences since 2012.

Standard Conditions:

- 2.10 The applicant won't be disapplying any of the standard conditions.
- 2.11 The applicant has a premises licence (19/11489/LIPV) under Section 17 of the Licensing Act 2003 which is currently valid. However, this licence is conditioned to not allow and nudity or strip tease.
- 2.12 A new premises licence (20/02836/LIPN) has been applied for to replace the existing licence for the premises to operate as a lap dancing club.

3. Summary of Licensing Authorities Objection

- 3.1 The Licensing Authority is making an objection to this application on the grounds that if granted it will not promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the improvement in the character and function of the city, or areas of it.

4. Premises History

- 4.1 The premises is licensed under the Licensing Act 2003 and trades as Blanca. The premises licence was applied for as part of a conversion in July 2005 and was granted by delegated authority in September 2005. The licence has always been held by Electric Shaw Ltd.

5. The Premises, its location and transport links

- 5.1 37 Duke Street is situated between Picton Place and Barrett Street in the Soho district.
- 5.2 The premises is situated near Bond Street Underground Stations which is situated 0.2 miles away. Bond Street operate services for the Central Line which operates 24 hours and day and the Jubilee Line which operates Monday to Saturday from 05:24 to 00:44 and Sunday.
- 5.3 The nearest bus stop to 37 Duke Street is on Oxford Street. This is serviced by bus 390, 113, 139, N113, 7, 98, N137, N207, N7, N98, 94, 159, one of which a few of them are night buses.

5.4 There are no other SEV licenced premises within a 200 metre radius of the premises.

6. Licensing Objectives and Relevant Licensing Policies

6.1 The Sexual Entertainment Venues Statement of Licensing Policy 2012 was approved by the council on the 2nd February 2012 and operative from the 10th February 2012. The policy sets out the council's approach to the regulation of sexual entertainment premises under the Local Government (Miscellaneous Provisions) Act 1982 as amended, (the 1982 Act). This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003 (the 2003 Act), and the relevant related strategies and initiatives referred to in it, particularly where premises are regulated under both the 1982 Act and the 2003 Act.

6.2 The aim of this policy is to promote the 4 licensing objectives identified in the 2003 Act, and also to promote the improvement in the character and function of the city, or areas of it.

Policy LO1 – Character of the relevant locality

6.3 Paragraph 2.4.2 of the Council's Statement of Licensing Policy 2012 relating to Policy LOC1 – Character of the Relevant Locality states;

'Under the 1982 Act the council has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality'.

6.4 The policy then specifies reasoning behind this policy.

'Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated'

6.5 Further;

'areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues'.

6.6 Duke Street is made up mainly of retail shops and restaurants as well as residential premises.

6.7 Another reason to be considered is;

'the nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality in which the premises are situated'

6.8 The premises closes at 06:00 Monday to Saturday and 00:30 on Sunday, customers will have access to Bond Street Underground Station which has the Central and Jubilee Line plus there is an all-night bus service in close proximity.

- 6.9 Consideration should also be given to;

'localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children'.

- 6.10 37 Duke Street dates from the 1960's and is an office building on the first to fifth floors. The entrance to the premises is on the ground floor which leads down to the basement.
- 6.11 Duke Street is a through road from Oxford Street to Wigmore Street and is lined with retail shops, restaurants and bars.

Policy LO2 – Use of premises in the vicinity

- 6.12 Paragraph 2.4.16 of the Council's Statement of Licensing Policy 2012 relating to Policy LOC2 – Use of premises in the vicinity states that

'under the 1982 Act the council has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the use to which any premises in the vicinity are put'

- 6.13 The first reason which should be considered under this is part of the policy is that;

'the council considers that sexual entertainment venues, providing a particular type of entertainment for a particular adult clientele, may be inappropriate in the vicinity of other premises depending on their use. This may include premises in the vicinity used for religious worship, by children and families, or vulnerable adults'.

- 6.14 There is one faith group within 200 metre of the premises, Ukrainian Catholic Cathedral 21 Binnery Street. The church is open Mondays 17:30-19:30, Tuesdays to Saturday 6:40-7:40 & 17:30-19:30 and Sundays 6:40-13:30 & 17:30 19:30
- 6.15 The Ukrainian Catholic Cathedral hold mass on a Sunday from 10:30 and Mondays from 18:00
- 6.16 Consideration should also be given with regard to;

'premises where children under the age of 18 in particular may reasonably be expected to attend will include schools and youth clubs and family community facilities including swimming pools, libraries, and open spaces'

- 6.17 There are no schools with a 200-metre radius of the premises

Policy HR1 – Hours

- 6.18 The hours applied for Relevant Entertainment reflect the terminal hours being applied for under 20/02859/LIPN. The premises has no characteristics on the exterior of, or associated with, sexual entertainment venues.

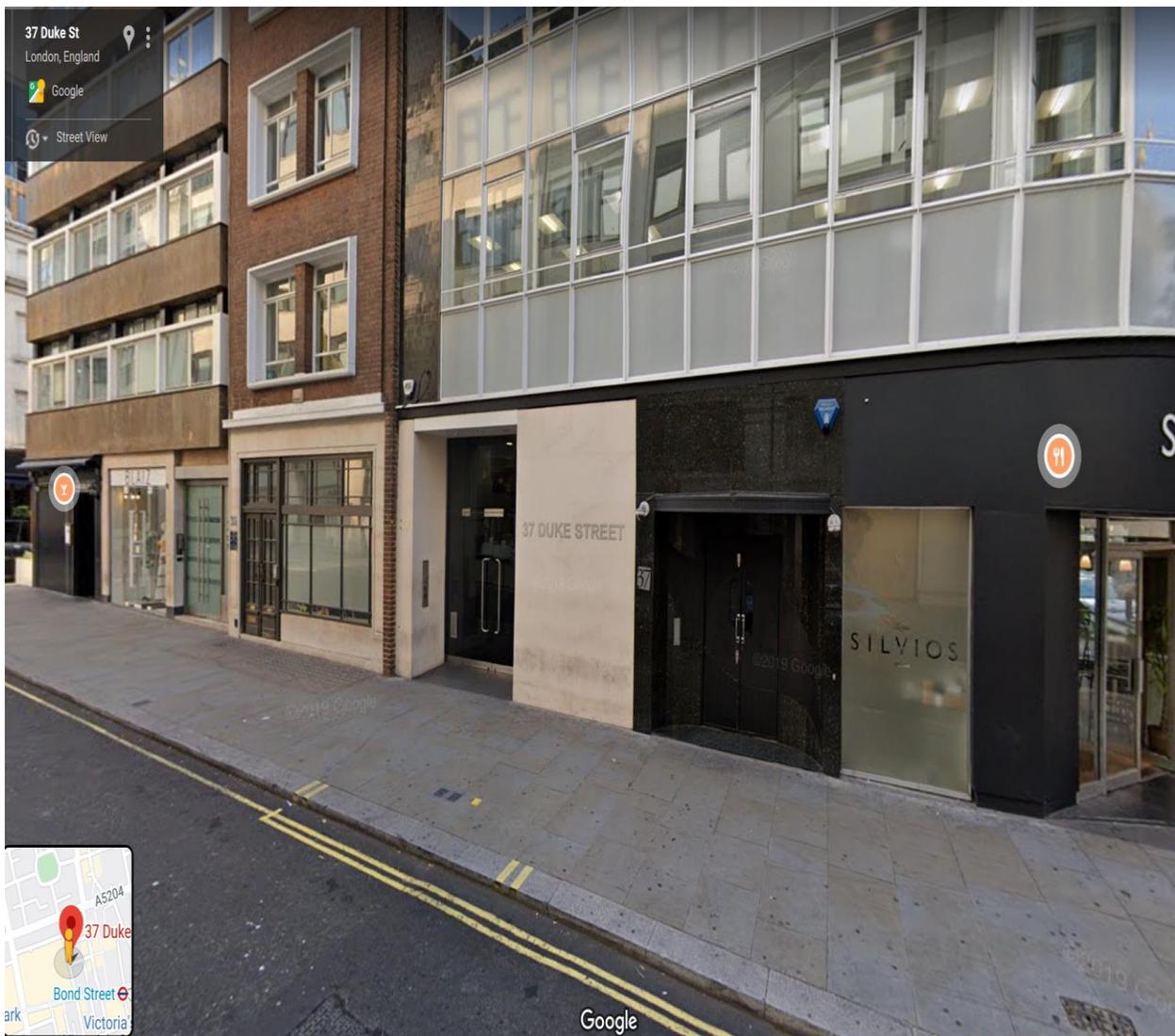
6.19 The premises has operated under licence number 19/11489/LIPV which operates longer hours. This application requests hours beyond core hours in Policy HR1. Paragraph 2.5.1 states 'Where a premises is licensed under the 2003 Act for hours beyond the 'core hours' the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities.

7. Licensing Authority Position

7.1 Taking into account the points raised in paragraphs above the Licensing Authority maintain their objection to this application.

Appendices

Appendix 1 – Photos of the front of 37 Duke Street, London



Objections from Interested Parties1

Appendix C4

We live in Marylebone and are fairly open minded but the plan to operate for such a long period of hours and to apply for a lap dancing club in such a central area is against what most local residents wish to see operate.

Do hope this application is given serious consideration and refused

Objection 2

I request the planning team to not grant permission to the mentioned entertainment venue

Objection 3

I believe that the said application must be rejected on the following grounds;

1. Severe damage to the residential character and family environment of the surrounding area
2. Damage to the perception of people of the general character of the area
3. Damage to the general St. Christopher's place atmosphere that prevails in the area for the past half a century
4. Deterioration/erosion of the property values in the area

Objection 4

I live in [REDACTED]. We live and sleep in the block we object to this application on the grounds of noise, unsociable behaviour, food smells, vermin, drunkenness, lewdness in the street. all taking place at times when we flat users and our children are sleeping .

Please remember these are our homes and we are confident that if an organisation was requesting a strip club outside next door to your home you would be objecting too!

Objection 5

We have lived in An apartment in [REDACTED] for 9 years. There are [REDACTED] [REDACTED] from the venue for which this application refers. The proposed site is next to a popular restaurant and in an area which is primarily a mix of retail and restaurants.

What is proposed is a mix of strip tease, pole dancing and table dancing with full nudity. It therefore has no place in this area. We do not want our part of London becoming another Soho with its attendant problems, eg late night visitors, rowdiness and the sleazy nature of this type of venue.

There are many children living nearby, especially in our apartments, and it is entirely inappropriate to have a sexual entertainment venue any where near them.

Objection 6

I am a director of [REDACTED]. We residents own the freehold of [REDACTED].

We live and sleep in the block we object to this application on the grounds of noise, unsociable behaviour, food smells, vermin, drunkenness, lewdness in the street. all taking place at times when we flat users and our children are sleeping .

Please remember these are our homes.

Objection 7

I was shocked to hear about this planing application and I wish you can refuse the application as I do not want myself or family to see this type business in this area,

I urge you to refuse it

Objection 8

I have serious concerns on the negative effect that the existence of a strip bar will have in a predominantly residential neighbourhood, especially noise pollution during evening time.

Objection 9

This venue sits meters away from [REDACTED] [REDACTED] This will have a detrimental impact on our kids as they will be exposed to such trade daily.

I see the applicants have previously ran such trade from a venue located in Dover Street Mayfair, a street that is home to private member clubs such as Arts Club, late night restaurants / bar Monkey House (MNKY HSE), Bagatelle, Mahiki Mayfair bar and club. Duke Street cannot be compared to Dover Street, it doesn't house such venues because it is surrounded by residential block of apartments.

It is for that reason the applicant should look for alternative venues on streets that run late night bars / clubs and not Duke Street.

• •

Objection 10

We object to this application.

The area already has issues with homelessness and we do not wish to add further disorder or public nuisance. This is not an appropriate type of establishment for the area. We have plenty of bars and restaurants and do not need to increase traffic to the area.

There is also a lot of residential buildings with children and have a sexual entertainment establishment would not be deemed necessary or appropriate.

Objection 11

I object on the basis of noise from inside and outside the premises at night plus changes to the ambience of the area from retail and residential to strip clubs.

Property prices and rentals likely to decrease.

Objection 12

I am very worried with whether having a venue for Sexual Entertainment in my neighbourhood will be have a negative impact on noise, nuisance and the general housing living conditions, especially on families with young children in the neighbourhood.

I am also concerned on the possible problems with regards to personal, property and public safety with such this sexual entertainment venue being so close to so many residential household in its vicinity.

Objection 13

Noise concerns and residential area with young family

Objection 14

My objection to the proposal to have a lap dancing venue at this location is based on the fact that this is near to the homes of many residents who live in Marylebone and the ancillary activities associated with such a place of entertainment which leach out into the nearby streets will seriously affect the quiet enjoyment of people who live in the area.

It is also a potential magnet for criminal activity.

Objection 15

This firm acts for the owner of [REDACTED] and we have been requested to lodge an objection to the licence for a sexual entertainment venue at Blush, 37 Duke Street on the following grounds

1. There appear to be at least 20 of these venues in the CAZ area of Westminster which is more than sufficient;
2. The residential character of the local area makes the venue unsuitable for an SEV in accordance with local policy LO1. It will devalue the amenity of the local area, particularly for families;
3. Local residents already suffer from the comings and goings from the nightclub at the premises during their extended opening hours. The particular type of clientele attracted to SEVs is likely to exacerbate this situation as has been shown, to our knowledge, at other SEV venues. Complaints have been reported of vehicles waiting for the customers with running engines blocking the streets and using residential parking spaces;
4. The licensing authority is requested to ascertain the number of children living in the vicinity. It is not suitable to introduce an SEV where children are likely to see inappropriate activities and literature.

We request that these matters are considered by the licensing authority.

Objection 16

We own a flat [REDACTED]. Despite being in the West End this is quite a residential area and with this in mind we feel strongly that this is not an appropriate location for this type of establishment. The likelihood of late night noise; volume of people and traffic (taxi's etc) plus the nature of the business feels inappropriate for this area.

Also there are lots of late night shops and restaurants in the area frequented by lots of families.

Objection 17

I am appalled by this application for sexual entertainment venue at 37 Duke Street. The beautiful location, with residential apartments and high class stores, such as Selfridges, and the Wigmore Hall and churches nearby, is totally inappropriate for such a venue. The long opening hours, the sale of alcohol and the sexual nature of the activities will damage this beautiful part of London. SEVs are fine in Soho, but not in Duke Street. I go for early morning walks in that area and would be very nervous if a SEV was there. I object very strongly to this horrible application, so detrimental to our quality of life

Objection 18

I am writing to object to the proposal to replace a gay bar with a lap dancing venue on Duke Street , Marylebone .This is neither necessary , beneficial nor appropriate for the area . It will attract a lot of visitors to an already very busy area . I suggest the proposers look for a more suitable venue in Soho or preferably not at all.

Lap dancing is an activity that glorifies the exploitation of women ; it is out of date and inappropriate in the 21st Century . I strongly object.

Objection 19

I object to this club opening near my property

Objection 20

I strongly object to this license being granted. This is very much a residential area with young family's living here. We have 2 primary schools and 3 secondary schools in close proximity to this address and it certainly would not be a suitable location for this type of club. Please do not grant this license

Objection 21

I live in [REDACTED]. We live and sleep in the block we object to this application on the grounds of noise, unsociable behaviour, food smells, vermin, drunkenness, lewdness in the street. all taking place at times when we flat users and our children are sleeping

Objection 22

I would strongly object to this as [REDACTED] and there are resident children. the area already has issues with late night alcohol licensing and the resultant noise and anti social behaviour. this is not a suitable area for sexual entertainment and a precedent of this nature should not be allowed

Objection 23

I object to the proposal for a lap dancing venue opposite Selfridges. I feel this is an inappropriate business for the local area and bound to bring it down. It is getting worrying that

The area around Selfridges, Duke Street and St. Christopher's Place is a warm and welcoming environment currently, where young people, families, children and business professionals can safely enjoy the various restaurants, shops and many other amenities. An adult entertainment venue would attract a different kind of adult audience than the usual visitor, causing a shift of customers, and resulting in a significant impact on the existing businesses which is in conflict with section 2.4.4 of the SEV Statement of Licensing Policy 2012.

Further, the details provided in part 2 of the license application show that the operators plan to set the opening times between 9pm and 6am from Monday to Saturday. These inappropriate opening hours would clearly cause disruption to the local residents' right for rest, relaxation and sleep - especially during week days. In addition, a venue of this nature has an increased likelihood to attract antisocial behaviour, which not only reduces quality of life but also results in an increase of crime. Therefore, an approval of the license would be in contrast to the guidelines set out in 2.4.8, 2.4.9 and

2.5.5 of the SEV Statement of Licensing Policy 2012, and I would argue that this cannot be to the benefit of the local council or its' constituents. Moreover, the operators offer only limited acknowledgements or any resolutions to address the issues outlined above as well as those raised to be exemplified under part 3 of the license application. This leaves me with the strong impression that the operators neglect their duty of care towards the community, the many residents and the frequent visitors.

Concluding, I petition you to reject this application to protect the existing safe and well-kept neighbourhood.

Objection 35

I write to you in order to lodge formal objections to two recent applications, 20/02859/LIPN and 20/02836/LISEVN, at 37 Duke Street, London W1U 1LN.

I am the Company Director of [REDACTED]

[REDACTED] . [REDACTED]
[REDACTED]

[REDACTED] where we receive a number of visitors, such as international investors, our lenders, property professionals and other such visitors.

In respect of the Sexual Entertainment Venue licence application, I wish to object on the following basis:

1. I do not think the application is appropriate in light of the character of the area. The area is predominantly a business and high foot-flow consumer retail area with numerous food outlets. It is often frequented by families with children. Furthermore, as the head of a commercial business, we do not wish to be operating above a sexual entertainment venue for reputational reasons.

2. This licence is not in keeping with the uses of other properties in the vicinity, as previously described.

I would be grateful if you would acknowledge receipt of this email objecting to these two licence applications.

Objection 36

Licensing Authority
Westminster City Council
Sent via email: licensing@westminster.gov.uk

3 April 2020

Dear Sirs,

Application Licensing Reference Number 20/02836/LISEVN

We write in response to the above Application Licensing Reference.

We would like to object most strongly to the application for this property.

██████████ has been contributing to the City Plan review, seeking more flexibility of uses in the West End to allow for uses that are complementary to core retail uses. This will enable the West End to respond effectively to evolving retail trends and visitor demands.

However, we do not believe that a lap dancing club is an appropriate use in this vicinity.

Emerging visions for the Oxford Street District, supported by significant public and private sector investment, are conscious of the need to ensure that new uses should contribute to the overall global appeal of the district, as a world class shopping and entertainment district. We do not believe that a lap dancing club contributes to these visions. Indeed, we are concerned that allowing it, and setting a precedent, would significantly damage the area.

The site is adjacent to one of the West End's most iconic department stores that attracts visitors of all ages from all around the world. We believe that a lap dancing club would detract from this and other surrounding stores.

In addition, we are concerned about late night entertainment in an area with significant residential premises. ██████████ and its members are always aware of the need to be sensitive to concerns of residents and, from many years' experience, we do not believe that a lap dancing club would be appreciated in this area.

We believe that sex related premises should be concentrated in areas that are traditionally known for such uses. We do not believe that new areas should be established for sex-related businesses.



Objection 37

Premises Licensing
Westminster City Council
15th Floor
64 Victoria Street
London
SW1E 6QP

03 April 2020

CE/SD/L12513-4
Doc Ref: 2147537764

c.eames@popall.co.uk
0115 953 8500

VIA EMAIL ONLY

Dear Sirs

Objection to New Premises Licence Application and Sexual Entertainment Venue Licence Applications for 37 Duke Street, London W1K 1LN

Application Reference (New Premises Licence) 20/02859/LIPN
Application Reference (SEV Application) 20/02836/LISEVN

We act on behalf of [REDACTED] which is a tenant of [REDACTED] and associated properties on Duke Street.

Our client is aware of the new premises licence application and the sexual entertainment venue licence application that have been submitted to allow the premises to operate as a nightclub and lap dancing club.

Our client has instructed us to submit representations objecting to both the new premises licence application and the sexual entertainment venue application on their behalf.

Our client has seen the letter of objection written on behalf of [REDACTED]. It agrees entirely with and adopts the contents of that letter. In this letter, therefore, we make points which are specific to [REDACTED] which is a near neighbour of the site.

[REDACTED] has been a tenant in the locality for many years and considers the locality as one of mainly high-end retail, family friendly leisure and residential use. [REDACTED] has worked hard to cultivate this character and invested considerably in this, such as the quite recent construction and opening of the [REDACTED] and the [REDACTED]. Its Duke Street entrance is an importance entrance to the store, and has recently been completely remodelled at a cost of c. £300 million to enhance the sense of arrival at the store and make a significant contribution to the character of the street.

Accordingly, [REDACTED] objects to the grant of the SEV as it believes that the proposal will significantly and adversely affect the current character of the locality.

In accordance with the SEV Policy, our client understands that one of the factors the council will consider when reviewing a SEV licence application is if the locality is predominately (i) high profile retail, (ii) iconic in nature or (iii) one of family entertainment or leisure. Selfridges is very concerned about the negative impact the presence of a sexual entertainment venue will likely have on this type of locality.

Our client believes that the current locality encompasses all three of these elements, for the following reasons:

1. With concessions including Chanel, Prada, Dior, Hermes and many more [REDACTED] is a destination for high end retail;
2. Since the opening of the [REDACTED] on Oxford Street in 1909, [REDACTED] has welcomed visitors from all around the world through its doors and itself has become an attractive and iconic world-wide tourist destination;
3. With the opening of the new toy shop [REDACTED] and the [REDACTED] in 2019, more so than ever [REDACTED] has become a destination and place of entertainment for all members of the family.

Given the characteristics of the locality highlighted above and in line with the council's policies, the SEV licence is simply inappropriate.

In order to further foster the current characteristics of Duke Street, [REDACTED] has invested substantial amounts to the development of the area, most notably the recent opening of:

1. [REDACTED] Duke Street entrance to the [REDACTED] with amenities outside including trees, a bench and water fountain;
2. The [REDACTED] and
3. The [REDACTED] and its entrance on Duke Street.

The granting of the SEV application would significantly hinder the hard work they have done to develop the area and constitute a substantial step back in further elevating the locality.

Our client is deeply concerned about a sexual entertainment operation which opens its doors at 8 p.m. At certain times of the year the store opens until 10pm so this a full 2 hours before [REDACTED] shuts its doors. [REDACTED], both with entrances in Duke Street, open much later. Additionally there are 24 hour staff working in the store. This may be appropriate in a night time entertainment locality, but it is not appropriate in a high-end shopping and residential area.

Turning to the statutory grounds of refusal, it is our client's submission that the grant of an SEV licence is not appropriate in light of:

- the character of the locality: Duke Street is an iconic retail destination for a huge number of local people and UK and international visitors to London.
- The use of other properties in the vicinity: there are a number of residential properties in the vicinity and the area is also iconic for its retail offer. The entrance is directly opposite to [REDACTED] which is a world famous shopping destination. The entrance is also close to the restaurant and cinema operated [REDACTED] which will attract visitors and families.
- The layout, character or condition of the premises. Certainly, the character of the building does not lend itself to being a strip club.

In conclusion, our client submits that if either application is granted, it will adversely affect the licensing objectives and therefore, the applications should be refused. The SEV application is itself inappropriate in the light of the character of the locality and the nature of uses in the vicinity.

Our client reserves the right to raise additional matters at the Licensing Sub Committee Hearing of the applications and further to provide evidence in relation to the issues highlighted within this letter of representation.

Should you require any additional information, then please contact Clare Eames on the above number.

Yours faithfully



Poppleston Allen

Objection 38

Premises Licensing
Westminster City Council
15th Floor
64 Victoria Street
London
SW1E 6QP

03 April 2020

CE/SD/L12513-4
Doc Ref: 2147537764

c.eames@popall.co.uk

0203 859 7750

VIA EMAIL ONLY

Dear Sirs,

Objection to New Premises Licence Application and Sexual Entertainment Venue Licence Applications for 37 Duke Street, London W1K 1LN

Application Reference (New Premises Licence) 20/02859/LIPN
Application Reference (SEV Application) 20/02836/LISEVN

We act on behalf of [REDACTED]
[REDACTED] subject to the above two applications.

Our client is aware of the new premises licence application and the sexual entertainment venue licence application that have been submitted to allow the premises to operate as a nightclub and lap dancing club.

Our client has instructed us to submit representations objecting to both the new premises licence application and the sexual entertainment venue application on their behalf.

Summary of objection

We summarise the objection as follows:

1. This represents the latest attempt by the applicant to secure the ability to sell alcohol for longer hours without restaurant conditions.
2. Both applications are contrary to the licensing objectives.
3. The premises licence application is contrary to the Statement of Licensing Policy, has been prepared without proper regard to the Policy, and omits important protective conditions on the existing licence.
4. The SEV licence application is contrary to the SEV Statement of Licensing Policy, and should be refused on the grounds relating to the character of the locality, the

use of premises in the vicinity and the layout, character and condition of the premises.

Licensing History

The applicant, Electshow Limited (“the licensee”), holds an existing premises licence for the premises, licence number 19/11489/LIPV, and they have historically operated a nightclub from the premises.

In 2015, the licensee applied for a minor variation to add conditions to the licence on the insistence of the Police, following incidents of crime and disorder at the premises. These conditions included: the use of ID scan; a minimum of 3 SIA-licensed door staff on Sunday to Wednesday and 4 on Thursday to Saturday, and a last entry of 2.45 a.m. on Sunday to Wednesday and 4.30 a.m. on Thursday to Saturday.

Historically, the premises had permission to sell alcohol until 3am. In 2017, an application sought to extend that permission to 6am. At the hearing of the application, the licensee suggested that a restaurant condition be added to sales of alcohol after 3 a.m. On that basis, the Licensing Sub-Committee granted the variation, stating that the restaurant condition “would assist the licensing objectives being met.”

We would also note that prior to the hearing the premises were permitted to trade from 10 a.m. on Monday to Saturday and from 12:00 on Sunday. At the same hearing, the licensee made it clear that the premises operated a membership scheme including membership rules, that it had a small, young, gay clientele who tended not to arrive until later hours, and that consequently if the later hours application was granted, it would be content with a later commencement of licensable activities of 11 p.m. The variation application was therefore granted subject to this later commencement of trade.

Despite this outcome, in 2019, the licensee applied to remove the restaurant condition between these hours entirely and make some further amendments to the application. This received objections. At the hearing on 7th November 2019, the licensee modified the application so that the restaurant condition remained, but the requirements that customers be shown to their table and eat off non-disposable crockery were removed.

The licensee also applied to extend the last entry time to 4.30 a.m. on Monday to Saturday. Again, at the hearing this was modified to Wednesday to Saturday.

The Sub-Committee stated that it “was pleased to note that the Applicant amended their application in the light of the objections.” It therefore granted the application as amended.

At the hearing, the licensee described the clientele as Middle Eastern gay men and the food offer as Lebanese mezze. It also stated that it was rare for the premises to operate to its licensed capacity of 90, and that on an average night the capacity would be 50-60 people.

So far as the club was concerned, licence condition 42 stated that alcohol may only be sold for consumption by members of the private club and their bona fide guests.

It will therefore be seen that, dealing with a number of applications to relax conditions, the Sub-Committee has struck a careful balance for what was presented as a club for Middle Eastern gay men, in terms of restaurant conditions, commencement and terminal hours, membership, last entry and SIA supervision.

As the landlord, our client is extremely concerned to maintain that balance. It has experience of the premises causing significant harm to the crime prevention objective and wishes to avoid a regression to that state of affairs.

The premises licence application

The new premises licence application seeks licensable activities and opening from 20:00 hours until 06:00 hours the following day, Monday to Saturday, and from 20:00 hours until 00:30 hours the following day on Sundays. A schedule of conditions has been included.

Although the description of the premises in Part 3 of the Operating Schedule is as a lap-dancing club, it is clear from the conditions that it is intended that the premises will also be able to operate as a nightclub. There is specific reference to such use in conditions 28, 30, 34, 36 and 40.

Our client is seriously concerned that nearly all of the controls on the existing premises licence have simply been ignored in the preparation of this application. For example:

- (1) The commencement hour is 8 p.m. rather than 11 p.m.
- (2) Condition 13 on the existing licence, which sets a capacity of 90, is no longer proposed. (The capacity in proposed condition 19 is left blank.)
- (3) Condition 16, which requires tables and chairs to be laid out to a minimum capacity of 90 covers, is no longer proposed.
- (4) Condition 17, which requires the sale of alcohol to be ancillary to the use of the premises for music and dancing and substantial refreshment, is no longer proposed.
- (5) Condition 24, which requires a Challenge 21 scheme to be operated, is no longer proposed
- (6) Condition 29, which requires supervision of queuing and smoking to prevent nuisance and obstruction, is no longer proposed.
- (7) The requirements for 3 door staff on Sunday to Tuesday and 4 on Wednesday to Saturday in conditions 30 and 31, and for 2 of these to be on duty at the entrance has been lost. The only door supervisor requirement proposed is for when the premises is operating as a nightclub, with proposed condition 28 requiring 2 at the entrance and 4 inside. There is no proposal for when it is operating as an SEV.
- (8) The last entry conditions of 2.45 a.m. on Sunday to Tuesday and 4.30 a.m. for Wednesday to Saturday in conditions 33 and 34 are no longer proposed.

- (9) Condition 38 of the existing licence requires all SIA door supervisors to be employed by an independent contractor. Proposed condition 34 dilutes this requirement so that it only operates when the premises is operating as a nightclub. This would seem to permit directly employed door staff to work when the premises is operating as an SEV. Unless the applicant is licensed by the Security Industry Authority as a non-front line provider, this is not lawful.
- (10) The requirement for an ID scan in condition 41 is lost when the premises operates as an SEV. Proposed conditions 40 and 41 require an ID scan only for nightclub use, and even then subject to an exception for 20 guests as opposed to the 10 guests under the current condition.
- (11) Condition 42, which restricts the sale of alcohol to members of the private club and their guests, is no longer proposed.
- (12) Condition 43, which prevents the sale of alcohol after 3 a.m. save as ancillary to a table meal, is no longer proposed.
- (13) Condition 44, which requires waiter/waitress service of all alcohol, is no longer proposed.
- (14) Condition 46, which requires the operation of a queuing and dispersal policy, is no longer proposed.
- (15) Conditions 47 and 48, which prevent nuisance and also prevent loudspeakers in the lobby or outside, are no longer proposed.
- (16) Conditions 49 and 50, which restrict the number of people who may stand outside and smoke after 11 p.m., and which prevent alcohol being taken outside by smokers at all times, are no longer proposed.
- (17) Condition 58, which requires two of the door staff to wear body worn video cameras, is no longer proposed.

As may be seen, therefore, this application is a fundamentally different proposition from the current licence. It starts earlier. It removes the restaurant condition for later service. It abandons the membership condition. And it removes a large number of controls which have been forged over the years for the protection of residents and businesses in the vicinity, including in the very same building.

It is a matter of record that the premises historically caused harm to the licensing objectives. In recent years, such difficulties have reduced as a result of the timely addition of strict conditions governing the operation and the reduction in hours of operation. It is therefore a matter of great concern that this application represents a wholesale abandonment of that scheme of control. Our client strongly objects to this application for that reason.

This nightclub shares occupation of the premises with a family café and a number of small offices. The hours are already late enough that staff turning up for work can be confronted with stragglers leaving the premises and this creates a threatening environment that impacts the use of the property by others. The proposal for a nightclub with terminal hours of 6 a.m. operating out of this building without restaurant conditions and with a relaxed set of conditions is entirely unacceptable.

We also submit that the application is directly contrary to the Council's Statement of Licensing Policy. In particular:

- It will have the effect of creating a late night bar with insufficient conditions to promote the licensing objectives.
- The Licensing Policy in its introduction recognises that *"the council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking"*. This is not what has been proposed.
- Contrary to paragraph 1.3, there is no provision for a wind-down period.
- Contrary to Policy CD1, the application contains insufficient management measures to prevent crime and disorder.
- Contrary to Policy PN1, the application contains insufficient management measures to prevent public nuisance.
- The hours applied for are directly contrary to Policy HRS1(ii). In particular: the hours are significantly beyond core hours, while there has not been compliance with the relevant criteria in policies CD1 and PN1; 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; customers will be permitted to stand outside the premises, and the past operation of the premises and the licensing history shows that it has been necessary to strike a very careful balance in order to protect the licensing objectives.

Further, policy HRS1 states: *"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."* In this case, the proposal abandons the restaurant condition previously offered and imposed to secure longer hours.

Policy HRS1 also states: *"The Licensing Authority will take into account the active measures proposed for a 'winding down' period..."* No such measures have been proposed in this case.

- The application should also be viewed in light of Policy PB1 which clearly stipulates that *"applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1."* The applicant has provided no additional information in the operating schedule regarding how this will be addressed. In fact, the proposal is to have markedly fewer controls than have historically been applied at this premises.

The licensee was the holder of an SEV licence and premises licence at premises in Dover Street, Mayfair. That premises has now closed. It seems that, for reasons which are unclear, the current application has simply replicated most of the conditions from the Dover Street premises licence. In doing so the licensee proposes to overwrite the conditions which have historically applied at the Duke Street premises.

The licensee has provided no additional information in the new premises licence application operating schedule as to how they will address issues of crime and disorder and anti-social behaviour that are bound to occur if this application is granted, nor is there any information that relates to how the licensing objectives will be addressed at these specific premises.

In summary, the premises licence application represents a wholesale release from the controls which have evolved over the years to promote the licensing objectives, it is contrary to policy and will clearly risk harm to the licensing objectives. It does not appear that the application has been carefully thought through as one would expect for an application for a 6 a.m. nightclub. We anticipate that the licensee may seek at a late stage to recover the position by making suggestions for significant amendments to the application. This would not be a satisfactory approach. We respectfully submit that the application is fundamentally deficient and should be refused.

The SEV application

The sexual entertainment venue licence application seeks permission for relevant entertainment in the form of striptease, pole dancing and table dancing with full nudity from 21:00 hours to 06:00 hours the following day, Monday to Saturday.

Our client strongly objects to the conversion of the basement of its building to a sexual entertainment venue. It notes with regret that its tenant did not inform it of this proposal prior to making the application.

It is right to point out that a significant transformation of the character of Duke Street has taken place in the past few years. From being a 'service road' alongside Selfridges, Duke Street is becoming a destination in its own right. The most obvious signifiers of this change are the improvements made by Selfridges opposite. Their new entrance has become a public meeting place and the Brasserie of Light restaurant has a dedicated entrance onto Duke Street diagonally opposite 37 Duke Street. Most recently the opening of Selfridges' new cinema has also improved public amenity on the street. Granting a licence for a sexual entertainment venue would represent a serious backward step and would undermine the positive changes made by a number of stakeholders.

On top of this our client's own building comprises other uses that will be severely impacted by the proposed changes. The upper floors house a number of self-contained offices used by a law firm, a company specialising in further education and the offices of a self-storage

company. All of their experiences in using the building and the perceptions of their visitors will be impacted by having a lap-dancing club immediately adjacent to the office entrance. The amenity of the offices will be greatly diminished. The ground floor is occupied by a family-run café which opens early in the morning. Their staff and customers will also be adversely impacted by the proposed licence.

Furthermore, Duke Street has a strong residential component, with 1800 residents living within 5 minutes of the site.

It is strongly submitted that the introduction of a new sexual entertainment venue use is inappropriate in this location.

Westminster's Sexual Entertainment Venues Statement of Licensing Policy makes it clear in paragraph 1.6 that the aim of the policy is to promote the 4 licensing objectives. For the reasons given above, this application fails to do so.

So far as the proposed hours are concerned, the proposal is to operate from 9 p.m. to 6 a.m. on Monday to Saturday. This is significantly beyond core hours in Policy HR1. The application has clearly not been developed in the light of the Policy. For example, the reference to winding down periods in paragraph 2.5.1 of the Policy has seemingly been ignored.

Our client is deeply concerned about a sexual entertainment operation which opens its doors at 8 p.m. while residents, shoppers, restaurant and cinema goers are using the street, and closes at 6 a.m., when some residents are leaving for work and some businesses are opening for the day. While all of this may be acceptable in the mainstream entertainment areas of the West End, it is totally unacceptable in Duke Street. The proposed start time is significantly earlier than is permitted under the current premises licence, and the later hours are not constrained by restaurant conditions as currently apply.

Furthermore, the application does not demonstrate the door management and supervision required by Policy LO3 in the SEV Statement of Licensing Policy.

It should also be pointed out that condition 25 on the premises licence application only restricts advertising of the striptease facility within the immediate vicinity. This would appear to permit advertising outside the immediate vicinity, to which our client also strongly objects.

Turning to the statutory grounds of refusal, it is our client's submission that the grant of an SEV licence is not appropriate in light of:

- the character of the locality: Duke Street is an iconic retail destination for a huge number of local people and visitors to London.
- The use of other properties in the vicinity: there are a number of residential properties in the vicinity and the area is also iconic for its retail offer. The

company. All of their experiences in using the building and the perceptions of their visitors will be impacted by having a lap-dancing club immediately adjacent to the office entrance. The amenity of the offices will be greatly diminished. The ground floor is occupied by a family-run café which opens early in the morning. Their staff and customers will also be adversely impacted by the proposed licence.

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- The use of other properties in the vicinity: there are a number of residential properties in the vicinity and the area is also iconic for its retail offer. The

entrance is directly opposite to Selfridges which is a world famous shopping destination. The entrance is also close to a restaurant and cinema operated within Selfridges store, which will attract visitors and families. Whilst the applicant claims they are a late night operation, activities have been sought from 8pm at which time there is still significant activity in the vicinity, for example, Selfridges does not close until 10pm and after that time a number of 24 hour staff are still working at the premises.

- The layout, character or condition of the premises. Very little information has been provided in respect of the operation of the premises. Our client is also concerned that the changing rooms are located under the stairs in a very small space with no sanitary facilities, and the door appears to open at such an angle as to allow customers to see inside the changing area. This does not appear to be a proper way to treat dancers. Exits are not clearly shown. It is also not clear whether the booths are open or whether there are entrances to these booths, and in either case the layout does not appear to allow for any distance between dancers and customers. In one area, it appears that dancers will be backing up against the DJ booth. There is practically no seating other than in the dance booths. In summary, it appears that a sexual entertainment venue facility has been wedged into a space that is not appropriate for the purpose, and with little thought or consideration.

Conclusion

In conclusion, our client submits that if either application is granted, it will adversely affect the licensing objectives and therefore, the applications should be refused. The SEV application is itself inappropriate in the light of the character of the locality and the nature of uses in the vicinity. In general, the applications appear to have been poorly thought through, with no or insufficient regard to the Council's licensing policies.

Our clients reserve their position to raise additional matters at the Licensing Sub Committee Hearing of the applications and further to provide evidence in relation to the issues highlighted within this letter of representation.

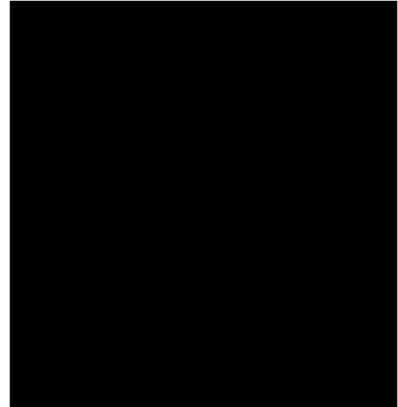
Should you require any additional information, then please contact Clare Eames on the above number.

Yours faithfully



Poppleston Allen

Objection 39



By email only: licence-reps@westminster.gov.uk

Dear Sir/Madam

**Application for new 'sexual entertainment venue' ('SEV') licence ref:
20/02836/LIPSEVN**

37 Duke Street London W1U 1LN ('the premises')

Introduction

I write on behalf of the [REDACTED] to object under para 10(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('LGMPA1982') to the above application. I am also intending to submit a relevant representation in respect of the pending application for a new premises licence under s17 Licensing Act 2003, ref: 20/02859/LIPN.

[REDACTED] represents the interests of all who recognise and treasure this very special part of London. We aim to do all we can to nurture, promote and support all that adds to the unique character and quality of life in this area

There will necessarily be some overlap between the objection/representation, and I ask that the objection/representation be read in conjunction with one another.

Preliminary point

Due to the current 'lockdown' caused by the ongoing Covid-19 crisis, fewer people may have become aware of the application. We are aware that SEV applications are advertised by placing a large bright orange notice on the premises – this is difficult to miss if you walk past, but footfall has of course decreased hugely in the last couple of weeks.

We are aware that objections to applications under Schedule 3 LGMPA1982 can be accepted by the licensing authority after the 28 day period referred to in para 10(15) of Schedule 3 (see *Belfast City Council (Appellants) v. Miss Behavin' Limited (Respondents) (Northern Ireland) [2007] UKHL 19*). I would ask that in the circumstances, should any objections be received after the end of the 28 day consultation period, they are accepted.

We represent:

Residents - with the aim of maintaining and further developing civilised and harmonious living in Marylebone.

Local Businesses - with the aim of promoting a vibrant and varied area of commerce and supporting the unique commercial and retail environment in Marylebone.

Visitors - with the aim of welcoming and encouraging visitors to cherish and enjoy the special qualities that Marylebone has to offer.

We have concerns that all these groups will be adversely affected should the application be granted.

Reasons for objections

General points

We object to the provision of relevant entertainment. Without prejudice to this, we would further object to the provision of relevant entertainment to the hours sought, which are unconscionably late.

We note that the SEV application states that the applicants previously operated a premises called 'The Mayfair Club', on Dover Street W1, and intend to operate 37 Duke Street in 'an identical manner'. An internet search for 'The Mayfair Club' reveals that it operated as an SEV in the week, but a nightclub at the weekend. The conditions submitted with the premises licence application seem to enable this. This is an unusual style of operation, as we question how this would work in practice, particularly with the plans submitted with the applications. We further question the suitability of a nightclub operating to this late hour.

The location of The Mayfair Club is at the Piccadilly end of Dover Street and materially different in the context of the provisions of para 12(3)d LGMPA1982. I will go into this in more detail shortly. The conditions proposed with this application appear to have been lifted wholesale from the premises licence for The Mayfair Club, with no consideration given to the entirely different context of Marylebone, just north of Oxford Street, world renowned retail area.

The current licence permits a terminal hour of 6am. However, after 3am sale of alcohol must be ancillary to a table meal. There are also last entry conditions. There is a condition requiring the premises to be a members' club. Such conditions are not proposed. These timings are the same as the terminal hour for sale of alcohol on the current premises licences. Alcohol could be sold without the need for food at all, when the premises is operating as a nightclub or as an SEV.

There is nothing in the application to demonstrate compliance with the SEV Statement of Licensing Policy 2012. It is highly surprising given an application of such importance that the information submitted with the application is so scant.

Specific points

1. The application would be inappropriate, having regard to the character of the relevant locality

I believe it is unreasonable, inappropriate and disproportionate for an SEV licence to be granted.

The application is an entirely new SEV licence. It is wholly irrelevant both in law and on the merits of the application that the applicants previously operated an SEV in another area. There is no provision to transfer an SEV licence to different premises. The applicant seems to set great store by the assertion that they are an extremely experienced operator at a similar venue. However, the location of that premises is entirely different to here.

37 Duke Street is on the corner of Duke Street and Barrett Street. In recent years the immediate area from Duke Street eastwards has become a delightful mix of residential, retail, and above all, dining venues. The immediate neighbourhood streets are small and have a 'street market' vibe with pedestrian only passageway such as St Christopher's Place and Bird Street. This is now a very attractive destination for tourists, shoppers and especially diners with an eclectic mix of cuisines and some gentle entertainment. Despite the large number of restaurants it is important to note that pretty well all licenced premises trade within Westminster Council 'Core Hours' as defined by their Licencing Policy. This means that the whole area quietsens down dramatically after about 11:00pm meaning that the many residents are able to live peacefully at night.

The entrance to the applicant's premises is right opposite the main side entrance to the world famous Selfridges. The entrances to Selfridges' Brasserie of Light and their new cinema complex are also on Duke Street. The world-renowned family retail destination of Oxford Street is at the end of the adjacent block 75 metres away. 100 metres to the north runs Wigmore Street with its mix of restaurants and retail and the nearby junction of Mandeville Place, the southern end of Marylebone High Street which has developed into a sophisticated and celebrated destination itself.

As is typical in central London there are many residential units interspersed amongst all the restaurants and shops. There are some purpose built residential blocks on Picton Place and Barrett Street and many units above commercial premises scattered throughout the area. It is believed that there are at least 300 residents in the blocks between Duke Street and St Christopher's Place. It is important to remember that given the type of architecture around about, noise late at night, when ambient noise levels are low, can echo around the streets increasing public nuisance especially if from intoxicated late-night revellers or travellers getting into taxis.

In our view this type of establishment is likely to attract potentially rowdy customers. The hours and location imply that young men who are likely to have been drinking and or taking drugs elsewhere will travel in taxis, in groups, in order to partake of the adult entertainment. The atmosphere generated by the titillation anticipated will often cause greater exuberance amongst these young men. Consequently on arrival they are entirely likely to be causing a public noise nuisance and will endanger law and order. Given that they will most likely continue to consume alcohol it is also likely that on exit these groups of men will also be noisy even if security personnel attempt to control them. We do not think it likely that a typical customer will use public transport and given that they may have travelled from the City or West End they are unlikely to be on foot. Consequently there will be a marked increase in taxi traffic throughout the hours the establishment is operating with attendant increase in engine and door closing noise. With the narrowness of Duke and Barrett Streets

this noise very early morning, when ambient noise levels are low, will cause a severe public nuisance.

2. The application would be inappropriate, having regard to the use to which other premises in the vicinity are put

This ground for refusal contains considerable overlap with the above.

Apart from Selfridges and other well-known stores on Oxford Street other building nearby include

The Wallace Collection
The Wigmore Hall
Hinde Street Methodist Church
The Ukrainian Catholic Cathedral

3. The application would be inappropriate, having regard to the layout, character or condition of the premises

The premises would, I think, be located in the basement. However, there would obviously be an entrance at ground floor level.

The entrance would be close to Selfridges' Duke Street entrance. We do not know the name of the premises, and whether the name and/or branding would be inappropriate.

4. The application is contrary to the specific aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 ('the Policy') para 1.7 particularly: prevention of crime and disorder; prevention of public nuisance; and promoting improvement in the character and function of the city, or areas of it

Without in any way commenting on the tastefulness of a lap dancing club it should be recognised that such establishments have a certain aura about them. That aura jars with the character of the neighbourhood of Duke and Barrett Streets and in particular James Street and St Christopher's Place. On visiting the area it is immediately clear that this a joyful neighbourhood dominated by the presence of happy people looking for friendly, good value dining and the experience is enhanced due to large areas being free of traffic. In our view a sex entertainment venue will look and feel totally out of place and will certainly not improve the character or function of the area.

5. The application is contrary to the City Council's SEV Statement of Licensing Policy 2012 generally

The SEV Policy contains a number of important sections which are relevant to the points raised in this objection.

Para 2.1.11 of the SEV Policy states that the Council will 'apply this policy strictly where applications are made for licences for premises in locations where sexual entertainment has not previously been provided, irrespective of the status of the applicant...'

Para 2.4.8 of the SEV Policy states that 'The nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality...'

Para 2.4.4 of the SEV Policy states that 'Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated. The council considers that localities which are characterised by particular uses, whether by residents, visitors or workers, should not include sexual entertainment venues.'

Policy 2.4.6 of the SEV Policy states that 'In considering whether granting a licence would be inappropriate the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure.'

Policy 2.4.7 of the SEV Policy states that 'The look of premises themselves or the nature of the services offered can be, by a majority of people in a locality, associated with characteristics which are inappropriate in a general family setting and use of the locality. This is particularly the case where the character of a locality includes elements which are attractive to, and involve children and families. However well managed a premises may be, the visual impact of sexual entertainment premises, whether in the form of signs, shop front design, promotional material, staff or customer queuing, can give rise to particular concern unless these are satisfactorily mitigated by the operator through the adoption of conditions or operating procedures.'

Para 2.4.11 of the SEV Policy states that 'Areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues.'

Para 2.4.12 of the SEV Policy states that 'Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children. The council may consider it inappropriate for these localities, which in many cases will be of national and international significance, to be associated with sexual entertainment venues and their associated character, because of the effect that such an association would have on visitors and on the image of London and Westminster in particular.'

Para 2.4.13 of the SEV Policy states that 'Localities characterised as areas of family entertainment or leisure, for instance areas with a concentration of theatres, cinemas, sports centres, street theatre, or open spaces, are likely to attract children and

families who may be negatively impacted by sexual entertainment venues in these areas.'

Para 2.4.17 of the SEV Policy states that 'The council considers that sexual entertainment venues, providing a particular type of entertainment for a particular adult clientele, may be inappropriate in the vicinity of other premises depending on their use. This may include premises in the vicinity used for religious worship, by children and families, or vulnerable adults. It may also include sex establishments and other premises providing sexual

We are concerned at the very late terminal hour proposed.

Para 2.5.1 of the Policy sets out the Council's 'Core hours' policy. The existing hours permitted for 'relevant entertainment' under LGMPA and for licensable activities under Licensing Act 2003 already go well beyond the 'core hours'.

Para 2.5.5 of the Policy states that 'The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.'

I or a representative may refer in more detail to the SEV Statement of Licensing Policy at the hearing.

6. Public Sector Equality Duty (PSED)

The Licensing authority must under s149 Equality Act 2010 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;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

We will need reassurance that the City Council has paid due regard to these factors.

Conclusion

Please confirm receipt of this email and please inform me of the hearing so I can make my representations in person.

Yours sincerely,

Name: [REDACTED]

Address: [REDACTED]

Objection 40

From: [REDACTED]
To: [Steward, Michelle: WCC](#)
Cc: [Gadd, Daisy: WCC](#); [Jackaman, Kevin: WCC](#)
Subject: 20/02836/LISEVN - 37 Duke Street
Date: 07 April 2020 21:14:02

Dear Michelle,

I write to confirm my objection to the operation of the above premises as a lap dancing club, operating between 8am and 6am Mon- Sat and 11pm to 00.30am on Sunday.

I consider that this is a totally inappropriate locality for such a venue as there are a number of residents in the vicinity which make up the character of the area together with retail.

This premises has previously tried to vary its premises licence and objections have been made each time by local residents and Selfridges the main large retailer nearest.

The venue is opposite the side entrance to Selfridges the prominent retailer, within which is the access to restaurant the Brasserie of Light, which does not even have a premises licence to hours such as these, as it respects the locality; it being predominantly retail and residential..

It is wholly inappropriate for a sexual entertainment licence to be given to these premises which I believe can hardly be considered spacious and have been trading as restaurant.

I would be grateful if you can share my comments with the applicant.

Thank you,

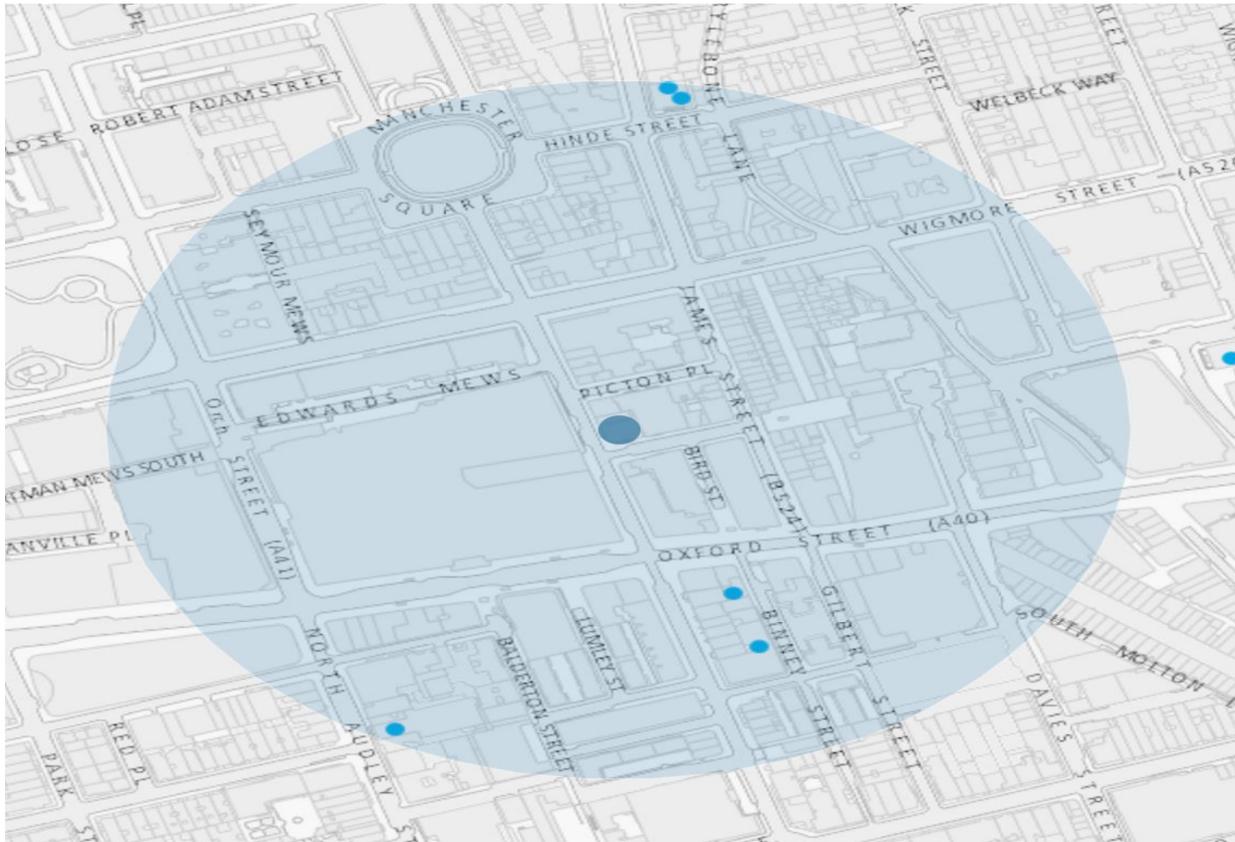
[REDACTED]

[REDACTED]

Sex establishment licence history

Appendix D

No history exists in respect of the premise



0 = Sex establishment

0 = Place of Worship

5 = Faith Groups

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. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. 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.
7. 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.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. 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.
11. 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.

12. 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.
13. 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.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. 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.
19. 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.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

<u>Licensed premises within 250 metres of 37 Duke Street</u>				
19/11489/LIPV	Blanca	Ground Floor Front 37 Duke Street London W1U 1LN	Wine bar	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 03:00
06/10991/WCCMAP	Silvio's Quality Sandwich Bar	Ground East 37 Duke Street London W1U 1LN	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/00873/LIPDPS	Burlock	31 Duke Street London W1U 1LG	Public house or pub restaurant	Monday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
20/04571/LIPDPS	Burlock	31 Duke Street London W1U 1LG	Public house or pub restaurant	Monday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
19/10001/LIPVM	Henry Holland Public House	39 Duke Street London W1U 1LP	Public house or pub restaurant	Monday to Wednesday; 10:00 - 00:30 Thursday; 10:30 - 00:30 Friday to Saturday; 10:00 - 01:30 Sunday; 11:00 - 23:00
18/08472/LIPDPS	Busaba Eathai	8 - 13 Bird Street London W1U 1BU	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:30

16/11958/LIPVM	Molé	16-17 Picton Place London W1U 1BP	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
13/02533/LIPDPS	Amjadia Indian Restaurant	15-16 Picton Place London W1U 1BW	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/12199/LIPVM	Not Recorded	16-17 Picton Place London W1U 1BP	Restaurant	Monday; 10:00 - 23:30 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
20/01858/LIPDPS	Lazeez Lebanese Tapas	29 Duke Street London W1U 1LF	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 23:00
19/16004/LIPDPS	All Bar One	5A Picton Place London W1U 1BH	Public house or pub restaurant	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00
18/08557/LIPDPS	Ping Pong	29A James Street Marylebone London W1U 1DZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/11182/WCCMAP	James Newsagent	Ground Floor 29 James Street Marylebone London W1U 1DU	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

20/02654/LIPDPS	Slim Chicken	35 James Street Marylebone London W1U 1EA	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/03106/LIPVM	Yamabahce	Ground 26 James Street Marylebone London W1U 1EN	Restaurant	Monday; 09:00 - 00:30 Tuesday; 09:00 - 00:30 Wednesday; 09:00 - 00:30 Thursday; 09:00 - 00:30 Friday; 09:00 - 00:30 Sunday; 12:00 - 22:30
13/03207/LIPDPS	Massis	Ground Floor 28 James Street Marylebone London W1U 1EW	Restaurant	Monday to Sunday; 08:00 - 01:30
18/09751/LIPDPS	Harrys Bar	Ground Floor 32 James Street Marylebone London W1U 1EP	Restaurant	Monday to Sunday; 11:00 - 00:30
19/11355/LIPVM	Lamb And Flag Public House	24 James Street Marylebone London W1U 1EL	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 23:00
13/03216/LIPDPS	Cocochan	40 James Street Marylebone London W1U 1EU	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:00
19/02580/LIPDPS	Pizza Express	21-22 Barrett	Restaurant	Monday to

		Street London W1U 1BD		Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/14105/LIPDPS	Osteria Ambrosia	Ground Floor West 22 James Street Marylebone London W1U 1EJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/08086/LIPT	Grand Bazaar	Basement And Ground Floor 42 James Street Marylebone London W1U 1EX	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/10199/LIPN	Not Recorded	20 James Street Marylebone London W1U 1EH	Not Recorded	Monday; 11:00 - 21:30 Tuesday; 11:00 - 21:30 Wednesday; 11:00 - 21:30 Thursday; 11:00 - 21:30 Friday; 11:00 - 21:30 Saturday; 11:00 - 21:30 Sunday; 11:00 - 21:30
20/03484/LIPT	Carluccios	Shop Front 3 - 5 Barrett Street London W1U 1AY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/01642/LIPDPS	Curry House Coco Ichibanya	39 James Street Marylebone London W1U 1EB	Restaurant	Monday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00
18/06042/LIPT	Ristorante Sirena	44 James Street Marylebone London W1U 1EY	Restaurant	Monday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:30

19/15115/LIPN	Not Recorded	44 James Street Marylebone London W1U 1EY	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
19/17088/LIPDPS	Wagamama	101A Wigmore Street London W1U 1QR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14918/LIPDPS	Bone Daddies	48 James Street Marylebone London W1U 1HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00
19/11474/LIPDPS	Nandos, St Christophers Place	Basement And Ground Floor 16-18 James Street Marylebone London W1U 1EG	Restaurant	Monday to Sunday; 07:00 - 00:30
19/00018/LIPDPS	Homeslice Pizza	50 James Street Marylebone London W1U 1HB	Restaurant	Monday to Friday; 10:00 - 00:00 Saturday; 11:00 - 00:00 Sunday; 12:00 - 23:30
18/11725/LIPN	Benugo	79 Wigmore Street London W1U 1DL	Restaurant	Monday to Saturday; 07:00 - 23:00 Sunday; 07:00 - 22:30
17/11173/LIPT	Eat-Thai.Net Chaopraya	22 St Christopher's Place London W1U 1NP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/15994/LIPT	Ground Floor And Lower Ground Floor (Duke Street Entrance)	Selfridges 400 Oxford Street London W1A 1AB	Cinema	Monday to Sunday; 07:00 - 00:30
19/13198/LIPVM	Selfridges	Selfridges 400 Oxford Street London W1A 1AB	Department store	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 00:30 Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:30
19/16499/LIPDPS	Ground Floor And Lower Ground Floor (Duke Street Entrance)	Selfridges 400 Oxford Street London W1A 1AB	Cinema	Monday to Sunday; 07:00 - 00:30
19/09683/LIPDPS	Brasserie Of Light (First Floor Duke St Entrance)	Selfridges 400 Oxford Street London W1A 1AB	Restaurant	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 00:30 Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:30
19/12365/LIPDPS	Selfridges Rooftop	Fifth Floor Selfridges 400 Oxford Street London W1A 1AB	Restaurant	Monday to Sunday; 09:00 - 23:30
13/00215/LIPDPS	Patty & Bun	54 James Street Marylebone London W1U 1HE	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00

				- 23:00
06/10920/WCCMAP	Sofra Restaurant	Ground Floor 1 St Christopher's Place London W1U 1LT	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14446/LIPN	Not Recorded	56 James Street Marylebone London W1U 1HF	Cafe	Monday; 08:00 - 22:00 Tuesday; 08:00 - 23:00 Wednesday; 08:00 - 23:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:00
18/15483/LIPV	Hoppers St Christophers Place	77 Wigmore Street London W1U 1QE	Not Recorded	Monday; 10:00 - 23:30 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 - 22:30
16/10205/LIPT	Ayoush	77 Wigmore Street London W1U 1QE	Shop	Monday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 01:00
17/10414/LIPDPS	Cote	6 - 8 St Christopher's Place London W1U 1ND	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

15/01170/LIPDPS	Cote	6 - 8 St Christopher's Place London W1U 1ND	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/14140/LIPST	Not Recorded	Basement And Ground Floor 75 Wigmore Street London W1U 1QD	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30
17/07583/LIPN	Caffe Fratelli	106 - 108 Wigmore Street London W1U 3LR	Cafe	Monday to Friday; 07:00 - 19:30 Saturday; 08:00 - 19:00 Sunday; 10:00 - 18:00
09/01004/LIPN	Pizza Paradiso	Ground Floor 9 St Christopher's Place London W1U 1NE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/08743/LIPDPS	Ole & Steen 71- 73 Wigmore Street & Greengarden House, 15-22	71 Wigmore Street London W1U 1QA	Cafe	Monday to Thursday; 06:30 - 22:30 Friday to Saturday; 06:30 - 00:00 Sunday; 06:30 - 22:30
19/14804/LIPDPS	Zizzi Restaurant	110-116 Wigmore Street London W1U 3RU	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/12835/LIPDPS	Fancy Crab	92 Wigmore Street London W1U 3RF	Restaurant	Monday to Friday; 08:00 - 23:30 Saturday to Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
15/03502/LIPV	Carmina Cafe	Basement Floor To Ground Floor 88 Wigmore Street London W1U	Cafe	Monday to Saturday; 08:00 - 23:00 Sunday; 09:00 - 22:00

		3RB		
19/04826/LIPDPS	Zoilo	9 Duke Street London W1U 3EF	Restaurant	Monday to Saturday; 11:00 - 00:30 Sunday; 11:00 - 00:00
18/00636/LIPDPS	Burger & Lobster	Maranda House 26 - 28 Binney Street London W1K 5BN	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
18/11804/LIPT	Jigsaw	55 Duke Street London W1K 5NR	Restaurant	Monday to Friday; 09:30 - 21:00 Saturday; 10:00 - 21:00 Sunday; 12:00 - 21:00
18/02391/LIPT	Devonshire Arms Public House	Ground Floor Dukes Chambers 7 Duke Street London W1U 3EE	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/02597/LIPDPS	Comptoir Libanais	Basement And Ground Floor 65 Wigmore Street London W1U 1QT	Restaurant	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 22:30
18/12644/LIPDPS	Spaghetti House	76 Duke Street London W1K 6JZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/02418/LIPDPS	Levant Restaurant	76 Wigmore Street London W1U 2SH	Restaurant	Monday to Saturday; 10:00 - 02:00 Sunday; 12:00 - 01:00
06/04722/WCCMAC	Oriental Club (1824) Limited	11 Stratford Place London W1C 1ES	Club or institution	Monday to Sunday; 00:00 - 00:00

18/08758/LIPDPS	Sourced Market	70 Wigmore Street London W1U 2SF	Not Recorded	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30
19/09862/LIPCH	28/50	Basement And Ground Floor 19 Marylebone Lane London W1U 2NF	Restaurant	Monday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
16/11804/LIPDPS	Mandeville Hotel	6 - 14 Mandeville Place London W1U 2BQ	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
20/04769/LIPDPS	Delamina	Basement And Ground Floor 58 Marylebone Lane London W1U 2NU	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:30 - 22:30 Sundays before Bank Holidays; 10:30 - 00:00
20/04321/LIPCH	Marks & Spencer - Simply Food	Unit C4 West One Shopping Centre 381 Oxford Street London W1C 2JS	Shop	Not Recorded; XXXX - XXXX
20/06170/LIPDPS	Garden Cafe	Brown Hart Gardens London	Cafe	Monday to Saturday; 08:00 - 20:00 Sunday; 10:00 - 20:00
17/10231/LIPCH	The Cock & Lion Public House	62 Wigmore Street London W1U 2SA	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/07107/LIPD	Cocoro Restaurant	31 Marylebone Lane London W1U 2NH	Restaurant	Monday to Saturday; 12:00 - 23:00 Sunday; 12:00 - 22:30

10/09291/LIPVM	Sophisticats	77 Welbeck Street London W1G 9BN	Restaurant	Monday to Tuesday; 09:00 - 05:00 Wednesday to Thursday; 09:00 - 06:00 Friday to Saturday; 09:00 - 07:30 Sunday; 09:00 - 23:00
18/15491/LIPT	Sophisticats	77 Welbeck Street London W1G 9BN	Restaurant	Monday to Tuesday; 09:00 - 05:00 Wednesday to Thursday; 09:00 - 06:00 Friday to Saturday; 09:00 - 07:30 Sunday; 09:00 - 23:00
16/10507/LIPDPS	Ask	Ground Floor 56-60 Wigmore Street London W1U 2RZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/00358/LIPN	Comptoir Café & Wine	21 Weighhouse Street London	Restaurant	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00
18/03926/LIPVM	Caffe Concerto	Basement To Second Floor 28 South Molton Street London W1K 5RF	Not Recorded	Friday to Saturday; 07:00 - 00:00 Sunday to Thursday; 07:00 - 23:30
16/09029/LIPDPS	Radisson Blu Edwardian Berkshire Hotel	Ground Floor Right 350 Oxford Street London W1C 1BY	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 12:00 - 23:00

19/00588/LIPV	The Beaumont Hotel	8 Balderton Street London W1K 6TF	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 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
20/01132/LIPVM	Marks & Spencer Plc	456 - 470 Oxford Street London W1C 1AP	Department store	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 23:30 Saturday; 07:00 - 23:30 Sunday; 09:00 - 22:30
19/13631/LIPCH	Le Pain Quotidien	16 North Audley Street London W1K 6WL	Cafe	Monday to Saturday; 07:00 - 00:00 Sunday; 09:00 - 22:00
19/06075/LIPDPS	Prezzo	15 North Audley Street London W1K 6WZ	Restaurant	Monday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:30
20/03560/LIPT	Barley Mow	82 Duke Street London W1K 6JF	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00

17/10428/LIPT	The Mayfair Chippy	Ground Floor 14 North Audley Street London W1K 6WE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/12520/LIPDPS	Marlborough Head Public House	Flat At 24 North Audley Street London W1K 6WB	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30
16/12473/LIPDPS	Pachamama Bar + Kitchen	18 Thayer Street London W1U 3JY	Public house or pub rest	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
13/09124/LIPVM	Mayfair Food Fayre	Basement And Ground Floor 25 North Audley Street London W1K 6WS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/07071/LIPV	Jaks	43 South Molton Street London W1K 5RS	Restaurant	Monday to Sunday; 07:00 - 01:30
06/05695/WCCMAP	Moscós Café	Ground Floor 26 North Audley Street London W1K 6WT	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

Item No:	
Date:	27 August 2020
Licensing Ref No:	20/02859/LIPN - New Premises Licence
Title of Report:	Blush Ground Floor Entrance and Basement 37 Duke Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 March 2020		
Applicant:	Electshow Limited		
Premises:	Blush		
Premises address:	Ground Floor Entrance and Basement 37 Duke Street London W1U 1LN	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	According to the application from the premises intend to trade as a lap dancing club. A separate application has been made for a Sexual Entertainment Venue licence for the premises.		
Premises licence history:	There is an existing premises licence for the premises, (licence number 19/11489/LIPV) a copy of the premises licence and the licence history at appendix 3.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
End:	06:00	06:00	06:00	06:00	06:00	06:00	00:30
Seasonal variations/ Non-standard timings:			None				

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:	05:00	05:00	05:00	05:00	05:00	05:00	00:30
Seasonal variations/ Non-standard timings:			None				

Film, Live Music, Recorded Music, Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
End:	06:00	06:00	06:00	06:00	06:00	06:00	00:30
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
End:	06:00	06:00	06:00	06:00	06:00	06:00	00:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	1 st April 2020
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The hours sought exceed Westminster's Core Hour Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we are objecting to the application.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	3 April 2020
<p>I refer to the application for a new Premises Licence which is being made concurrently with a Sexual Entertainment Venue Licence application, 20/02836/LISEVN, for the above premises. The applicant has submitted a plan of the premises (no reference) showing the basement and the entrance on the ground floor.</p> <p>The licensing activities being applied for are:</p> <ol style="list-style-type: none"> To provide the following Regulated Entertainments 'indoors' between 20:00 and 06:00 hours Monday to Saturday and 20:00 and 00:30 hours Sunday: <ul style="list-style-type: none"> • Live Music • Recorded Music • Performances of Dance • Film To provide for the Supply of Alcohol 'On' the premises between 20:00 and 06:00 hours Monday to Saturday and 20:00 and 00:30 hours Sunday: Provision of Late Night Refreshment 'indoors' between 23:00 and 05:00 hours Monday to Saturday and 23:00 to 00:30 Sunday <p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p>	

1. The hours for and types of Regulated Entertainments requested may lead to an increase in Public Nuisance in the area and may adversely affect Public Safety
2. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the area
3. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the area

Environmental Health also makes the following further comments:

- The applicant has offered an extensive list of conditions and these are under consideration.
- Sexual Entertainment Venue Licence application has not been made for the Sunday hours
- An Appendix 11 (Westminster's Statement of Licensing Policy) assessment has not been submitted particularly with regards to hours of operation of plant and machinery, managing smokers (staff and patrons) and arrangements on the arrival/dispersion patrons.
- It is unclear if the premises has already been refurbished for the proposed use. The premises will need to be inspected for Public Safety, suitable sanitary accommodation and provision of hot food (to ensure no odour nuisance etc).

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

On 17th August 2020, the Environmental Health Service provided additional submissions, a copy of which appear at appendix

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	06 April 2020
<p>As a business owner further along the street ([REDACTED]), I wanted to draw your attention to this as I believe this will have a detrimental impact on the Neighbourhood and will work against everything we do to keep it clean and safe and an attractive destination to tourists, shoppers, local office workers and residents.</p> <p>I don't agree with him turning his location into a strip club in the slightest and I do not believe it's the correct thing to do.</p> <p>I think due to what they are trying to achieve by applying for the following:</p> <ul style="list-style-type: none"> o The application reference numbers are 20/02859/LIPN (for the new premises licence) and 20/02836/LISEVN (for the sexual entertainment venue application) <p>I object on the points of:</p> <ol style="list-style-type: none"> 1) Prevention of crime and disorder 	

2) The prevention of public nuisance.

Running a strip club, comes with a crowd of individuals who will lower the standards of the prestigious street and could potentially cause serious issues. I have spent considerable money on my store on Duke street and I think it is unacceptable to allow this kind of operating business on the street. It is a family environment and this is far from the opposite.

I would strongly object as do I believe other residents on the street do.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	06 April 2020

Dear Sirs,

I write to you in order to lodge formal objections to two recent applications, 20/02859/LIPN and 20/02836/LISEVN, at 37 Duke Street, London W1U 1LN.

I am the Company Director of [REDACTED] who has been in occupation of the [REDACTED] for more than 10 years. [REDACTED]. Our head office function operates from [REDACTED] where we receive a number of visitors, such as international investors, our lenders, property professionals and other such visitors.

As a longstanding tenant at [REDACTED], I would like to object to the new premises licence on the following basis:

1. Prevention of crime and disorder and public safety: I believe the new premise licence will increase crime and disorder due to the sale of alcohol. I have in the past been in my office until the early hours of the morning and have been threatened with physical harm by a drunken customer of the nightclub downstairs upon leaving the building. This incident was never reported to the police.
2. Prevention of public nuisance: I believe the noise and flow of people will lead to a much greater level of noise, thereby constituting a public nuisance.

I would be grateful if you would acknowledge receipt of this email.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	06 April 2020

THIS representation is made by the [REDACTED], which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.

We are writing on behalf of the local community OBJECTING to the application by Electshow Limited 20/02859/LIPN

It is submitted that the proposal, along with the Sexual Entertainment Venue application

20/02836/LISEVN, are likely to lead to contravention of the Licencing Objectives regarding the prevention of public nuisance (PN1) and the prevention of crime and disorder.(CD1) and also disregard of opening hours (HRS1)

There will necessarily be some overlap between the objection/representation, and I ask that the objection/representation be read in conjunction with one another.

Due to the current 'lockdown' caused by the ongoing Covid-19 crisis, fewer people may have become aware of the application because lower footfall will have meant lower exposure to the public notices displayed regarding the applications. Consequently the level of response or lack of response, to the applications should not be taken as a sign that local residents and businesses have no interest in the outcome of these applications.

The applicant has been running a club at the premises for some time. There have been incidents that came to the attention of the police over the years but we accept that recently there has been no cause for police concern.

There has been some evidence of 'creep' in that the applicant has attempted to extend the hours during which alcohol can be served and to soften the licence conditions. The first occasion was in 2005 (05/06008/LIPCV) and the most recent in 2019 (19/00325/LIPV). The current licence permits a terminal hour of 6am. However, after 3am sale of alcohol must be ancillary to a table meal. There are also last entry conditions. There is a condition requiring the premises to be a members' club.

None of these conditions are proposed in the current application. The proposed timings are the same as the terminal hour for sale of alcohol on the current premises licences. Alcohol could also be sold without the need for food at all, however the premises are operated and there is no requirement to be a private club.

We note that the SEV application states that the applicants previously operated a premises called 'The Mayfair Club', on Dover Street W1, and intend to operate 37 Duke Street in 'an identical manner'. An internet search for 'The Mayfair Club' reveals that it operated as an SEV in the week, but a nightclub at the weekend. The conditions submitted with this premises licence application seem to enable this. This is an unusual style of operation, and we question how this would work in practice.

The conditions proposed with this application appear to have been lifted wholesale from the premises licence for The Mayfair Club, with no consideration given to the entirely different context of Marylebone.

However, leaving aside the potential for further 'creep' in the licencing conditions, we believe that the change in business model from nightclub to lap dancing will have a massive impact on the ability of the management to adhere to the Licencing Principles of Westminster.

The applicant has stated in previous sub-Committee hearings (LICENSING SUB-COMMITTEE No. 3 Thursday 7th November 2019) that the existing operation caters for a clientele consisting of "Middle Eastern gay men". We would submit that, in general, given the likely religion of this client base, there would be fewer issues relating to the consumption of alcohol than might be expected in a 'Western' nightclub.

In our view a lap dancing club is likely to attract potentially rowdy customers. The very late hours and Marylebone location imply that young men who are likely to have been drinking and or taking drugs elsewhere will travel in taxis, in groups, in order to partake of the adult entertainment. The atmosphere generated by the titillation anticipated will often cause greater exuberance amongst these young men. Consequently on arrival they are entirely likely to be causing a public noise nuisance and will endanger law and order. Given that they will most likely continue to consume alcohol it is also likely that on exit these groups of men will also be noisy even if security personnel attempt to control them. We do not think it likely that a typical customer will use public transport and given that they may have travelled from the City or West End they are unlikely to be on foot. Consequently there will be a marked increase in taxi traffic

throughout the hours the establishment is operating with attendant increase in engine and door closing noise. With the narrowness of Duke and Barrett Streets this noise very early morning, when ambient noise levels are low, will cause a severe public nuisance.

The premises are located on the corner of Duke Street and Barrett Street. In the immediate area from Duke Street eastwards there are a very large number of restaurants pretty well all of which have licences within Westminster Council 'Core Hours' as defined by the Licencing Policy HRS1. This means that the whole area quiets down dramatically after about 11:00pm meaning that the many residents are able to live peacefully at night. We have always felt that a nightclub in this location opening until 6:00am was out of place but with the a change in function as proposed, and the undoubted change in customer profile, we strongly believe that even if a licence is granted conditions should be imposed recognising HRS1. This is important as we understand the resident population locally is surprisingly large.

It should also be borne in mind that sexual entertainment venues such as being proposed have a reputation for attracting 'pimps' offering girls to departing customers. We have no evidence of such happening at the Mayfair Club but we believe that the possibility should be recognised and that for a quiet neighbourhood in Marylebone this would be totally unacceptable.

We therefore believe that this application if granted as applied for will be contrary to the following Licensing Objective: The Prevention of Public Nuisance, The Prevention of Crime and Disorder and will be outside HRS1.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	06 April 2020
<p>Permitting the sale of alcohol throughout the night will lead to an increase in crime and anti-social behaviour. I am concerned that our glass-fronted doors will become damaged and the building broken into.</p> <p>More worrying than this, some of our female staff often work in our offices late, studying and I have serious concerns for their safety as they walk, on their own, past this potential club on the way to the tube.</p>	
Name:	31-37 Dukeson Properties Limited
Address and/or Residents Association:	c/o Poppleston Allen Solicitors The Stanley building, 7 Pancras Square London N1C 4AG
Received:	03 April 2020
See full representation at Appendix 1	
Name:	Selfridges Retail Limited
Address and/or Residents Association:	c/o Poppleston Allen Solicitors The Stanley building, 7 Pancras Square London N1C 4AG
Received:	03 April 2020

See full representation at Appendix 2	
Name:	New West End Company
Address and/or Residents Association:	3 rd Floor, Heddon House 149-151 Regent Street London W1B 4JD
Received:	03 April 2020
See full representation at Appendix 3	

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy MD1 applies	It is the Licensing Authority's policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy NS1	<p>(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.</p> <p>(ii) Applications will be subject to appropriate conditions which promote the licensing objectives.</p> <p>(iii) Applications will not be granted in proximity to: (a) residential accommodation (b) schools (c) places of worship</p>

	(d) community facilities or public buildings. (iv) The Licensing Authority will have regard to the cumulative effect of the number of such premises, and sexual entertainment venues, in proximity to each other and in the vicinity.
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4. Equality Implications

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Appendix 1	Representation from 31-37 Dukeson Properties Limited
Appendix 2	Representation from Selfridges Retail Limited
Appendix 3	Representation from New West End Company
Appendix 4	Premises plans
Appendix 5	Premises Licence 19/11489/LIPV
Appendix 3	Premises history
Appendix 4	Further submissions from the Environmental Health Service
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@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	April 2018
4	Interested party representation (1)	06 April 2020
5	Interested party representation (2)	06 April 2020
6	Interested party representation (3)	06 April 2020
7	Interested party representation (4)	06 April 2020
8	Interested party representation (5)	03 April 2020
9	Interested party representation (6)	03 April 2020
10	Interested party representation (7)	03 April 2020

Premises Licensing
Westminster City Council
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64 Victoria Street
London
SW1E 6QP

03 April 2020

CE/SD/L12513-4
Doc Ref: 2147537764

c.eames@popall.co.uk

0203 859 7750

VIA EMAIL ONLY

Dear Sirs,

Objection to New Premises Licence Application and Sexual Entertainment Venue Licence Applications for 37 Duke Street, London W1K 1LN

Application Reference (New Premises Licence) 20/02859/LIPN
Application Reference (SEV Application) 20/02836/LISEVN

We act on behalf of 31 – 37 Dukeson Properties Limited, who are the freeholder of the premises subject to the above two applications.

Our client is aware of the new premises licence application and the sexual entertainment venue licence application that have been submitted to allow the premises to operate as a nightclub and lap dancing club.

Our client has instructed us to submit representations objecting to both the new premises licence application and the sexual entertainment venue application on their behalf.

Summary of objection

We summarise the objection as follows:

1. This represents the latest attempt by the applicant to secure the ability to sell alcohol for longer hours without restaurant conditions.
2. Both applications are contrary to the licensing objectives.
3. The premises licence application is contrary to the Statement of Licensing Policy, has been prepared without proper regard to the Policy, and omits important protective conditions on the existing licence.
4. The SEV licence application is contrary to the SEV Statement of Licensing Policy, and should be refused on the grounds relating to the character of the locality, the

use of premises in the vicinity and the layout, character and condition of the premises.

Licensing History

The applicant, Electshow Limited (“the licensee”), holds an existing premises licence for the premises, licence number 19/11489/LIPV, and they have historically operated a nightclub from the premises.

In 2015, the licensee applied for a minor variation to add conditions to the licence on the insistence of the Police, following incidents of crime and disorder at the premises. These conditions included: the use of ID scan; a minimum of 3 SIA-licensed door staff on Sunday to Wednesday and 4 on Thursday to Saturday, and a last entry of 2.45 a.m. on Sunday to Wednesday and 4.30 a.m. on Thursday to Saturday.

Historically, the premises had permission to sell alcohol until 3am. In 2017, an application sought to extend that permission to 6am. At the hearing of the application, the licensee suggested that a restaurant condition be added to sales of alcohol after 3 a.m. On that basis, the Licensing Sub-Committee granted the variation, stating that the restaurant condition “would assist the licensing objectives being met.”

We would also note that prior to the hearing the premises were permitted to trade from 10 a.m. on Monday to Saturday and from 12:00 on Sunday. At the same hearing, the licensee made it clear that the premises operated a membership scheme including membership rules, that it had a small, young, gay clientele who tended not to arrive until later hours, and that consequently if the later hours application was granted, it would be content with a later commencement of licensable activities of 11 p.m. The variation application was therefore granted subject to this later commencement of trade.

Despite this outcome, in 2019, the licensee applied to remove the restaurant condition between these hours entirely and make some further amendments to the application. This received objections. At the hearing on 7th November 2019, the licensee modified the application so that the restaurant condition remained, but the requirements that customers be shown to their table and eat off non-disposable crockery were removed.

The licensee also applied to extend the last entry time to 4.30 a.m. on Monday to Saturday. Again, at the hearing this was modified to Wednesday to Saturday.

The Sub-Committee stated that it “was pleased to note that the Applicant amended their application in the light of the objections.” It therefore granted the application as amended.

At the hearing, the licensee described the clientele as Middle Eastern gay men and the food offer as Lebanese mezze. It also stated that it was rare for the premises to operate to its licensed capacity of 90, and that on an average night the capacity would be 50-60 people.

So far as the club was concerned, licence condition 42 stated that alcohol may only be sold for consumption by members of the private club and their bona fide guests.

It will therefore be seen that, dealing with a number of applications to relax conditions, the Sub-Committee has struck a careful balance for what was presented as a club for Middle Eastern gay men, in terms of restaurant conditions, commencement and terminal hours, membership, last entry and SIA supervision.

As the landlord, our client is extremely concerned to maintain that balance. It has experience of the premises causing significant harm to the crime prevention objective and wishes to avoid a regression to that state of affairs.

The premises licence application

The new premises licence application seeks licensable activities and opening from 20:00 hours until 06:00 hours the following day, Monday to Saturday, and from 20:00 hours until 00:30 hours the following day on Sundays. A schedule of conditions has been included.

Although the description of the premises in Part 3 of the Operating Schedule is as a lap-dancing club, it is clear from the conditions that it is intended that the premises will also be able to operate as a nightclub. There is specific reference to such use in conditions 28, 30, 34, 36 and 40.

Our client is seriously concerned that nearly all of the controls on the existing premises licence have simply been ignored in the preparation of this application. For example:

- (1) The commencement hour is 8 p.m. rather than 11 p.m.
- (2) Condition 13 on the existing licence, which sets a capacity of 90, is no longer proposed. (The capacity in proposed condition 19 is left blank.)
- (3) Condition 16, which requires tables and chairs to be laid out to a minimum capacity of 90 covers, is no longer proposed.
- (4) Condition 17, which requires the sale of alcohol to be ancillary to the use of the premises for music and dancing and substantial refreshment, is no longer proposed.
- (5) Condition 24, which requires a Challenge 21 scheme to be operated, is no longer proposed
- (6) Condition 29, which requires supervision of queuing and smoking to prevent nuisance and obstruction, is no longer proposed.
- (7) The requirements for 3 door staff on Sunday to Tuesday and 4 on Wednesday to Saturday in conditions 30 and 31, and for 2 of these to be on duty at the entrance has been lost. The only door supervisor requirement proposed is for when the premises is operating as a nightclub, with proposed condition 28 requiring 2 at the entrance and 4 inside. There is no proposal for when it is operating as an SEV.
- (8) The last entry conditions of 2.45 a.m. on Sunday to Tuesday and 4.30 a.m. for Wednesday to Saturday in conditions 33 and 34 are no longer proposed.

- (9) Condition 38 of the existing licence requires all SIA door supervisors to be employed by an independent contractor. Proposed condition 34 dilutes this requirement so that it only operates when the premises is operating as a nightclub. This would seem to permit directly employed door staff to work when the premises is operating as an SEV. Unless the applicant is licensed by the Security Industry Authority as a non-front line provider, this is not lawful.
- (10) The requirement for an ID scan in condition 41 is lost when the premises operates as an SEV. Proposed conditions 40 and 41 require an ID scan only for nightclub use, and even then subject to an exception for 20 guests as opposed to the 10 guests under the current condition.
- (11) Condition 42, which restricts the sale of alcohol to members of the private club and their guests, is no longer proposed.
- (12) Condition 43, which prevents the sale of alcohol after 3 a.m. save as ancillary to a table meal, is no longer proposed.
- (13) Condition 44, which requires waiter/waitress service of all alcohol, is no longer proposed.
- (14) Condition 46, which requires the operation of a queuing and dispersal policy, is no longer proposed.
- (15) Conditions 47 and 48, which prevent nuisance and also prevent loudspeakers in the lobby or outside, are no longer proposed.
- (16) Conditions 49 and 50, which restrict the number of people who may stand outside and smoke after 11 p.m., and which prevent alcohol being taken outside by smokers at all times, are no longer proposed.
- (17) Condition 58, which requires two of the door staff to wear body worn video cameras, is no longer proposed.

As may be seen, therefore, this application is a fundamentally different proposition from the current licence. It starts earlier. It removes the restaurant condition for later service. It abandons the membership condition. And it removes a large number of controls which have been forged over the years for the protection of residents and businesses in the vicinity, including in the very same building.

It is a matter of record that the premises historically caused harm to the licensing objectives. In recent years, such difficulties have reduced as a result of the timely addition of strict conditions governing the operation and the reduction in hours of operation. It is therefore a matter of great concern that this application represents a wholesale abandonment of that scheme of control. Our client strongly objects to this application for that reason.

This nightclub shares occupation of the premises with a family café and a number of small offices. The hours are already late enough that staff turning up for work can be confronted with stragglers leaving the premises and this creates a threatening environment that impacts the use of the property by others. The proposal for a nightclub with terminal hours of 6 a.m. operating out of this building without restaurant conditions and with a relaxed set of conditions is entirely unacceptable.

We also submit that the application is directly contrary to the Council's Statement of Licensing Policy. In particular:

- It will have the effect of creating a late night bar with insufficient conditions to promote the licensing objectives.
- The Licensing Policy in its introduction recognises that *"the council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking"*. This is not what has been proposed.
- Contrary to paragraph 1.3, there is no provision for a wind-down period.
- Contrary to Policy CD1, the application contains insufficient management measures to prevent crime and disorder.
- Contrary to Policy PN1, the application contains insufficient management measures to prevent public nuisance.
- The hours applied for are directly contrary to Policy HRS1(ii). In particular: the hours are significantly beyond core hours, while there has not been compliance with the relevant criteria in policies CD1 and PN1; 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; customers will be permitted to stand outside the premises, and the past operation of the premises and the licensing history shows that it has been necessary to strike a very careful balance in order to protect the licensing objectives.

Further, policy HRS1 states: *"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."* In this case, the proposal abandons the restaurant condition previously offered and imposed to secure longer hours.

Policy HRS1 also states: *"The Licensing Authority will take into account the active measures proposed for a 'winding down' period..."* No such measures have been proposed in this case.

- The application should also be viewed in light of Policy PB1 which clearly stipulates that *"applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1."* The applicant has provided no additional information in the operating schedule regarding how this will be addressed. In fact, the proposal is to have markedly fewer controls than have historically been applied at this premises.

The licensee was the holder of an SEV licence and premises licence at premises in Dover Street, Mayfair. That premises has now closed. It seems that, for reasons which are unclear, the current application has simply replicated most of the conditions from the Dover Street premises licence. In doing so the licensee proposes to overwrite the conditions which have historically applied at the Duke Street premises.

The licensee has provided no additional information in the new premises licence application operating schedule as to how they will address issues of crime and disorder and anti-social behaviour that are bound to occur if this application is granted, nor is there any information that relates to how the licensing objectives will be addressed at these specific premises.

In summary, the premises licence application represents a wholesale release from the controls which have evolved over the years to promote the licensing objectives, it is contrary to policy and will clearly risk harm to the licensing objectives. It does not appear that the application has been carefully thought through as one would expect for an application for a 6 a.m. nightclub. We anticipate that the licensee may seek at a late stage to recover the position by making suggestions for significant amendments to the application. This would not be a satisfactory approach. We respectfully submit that the application is fundamentally deficient and should be refused.

The SEV application

The sexual entertainment venue licence application seeks permission for relevant entertainment in the form of striptease, pole dancing and table dancing with full nudity from 21:00 hours to 06:00 hours the following day, Monday to Saturday.

Our client strongly objects to the conversion of the basement of its building to a sexual entertainment venue. It notes with regret that its tenant did not inform it of this proposal prior to making the application.

It is right to point out that a significant transformation of the character of Duke Street has taken place in the past few years. From being a 'service road' alongside Selfridges, Duke Street is becoming a destination in its own right. The most obvious signifiers of this change are the improvements made by Selfridges opposite. Their new entrance has become a public meeting place and the Brasserie of Light restaurant has a dedicated entrance onto Duke Street diagonally opposite 37 Duke Street. Most recently the opening of Selfridges' new cinema has also improved public amenity on the street. Granting a licence for a sexual entertainment venue would represent a serious backward step and would undermine the positive changes made by a number of stakeholders.

On top of this our client's own building comprises other uses that will be severely impacted by the proposed changes. The upper floors house a number of self-contained offices used by a law firm, a company specialising in further education and the offices of a self-storage

Premises Licensing
Westminster City Council
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03 April 2020

CE/SD/L12513-4
Doc Ref: 2147537764

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0115 953 8500

VIA EMAIL ONLY

Dear Sirs

**Objection to New Premises Licence Application and Sexual Entertainment Venue
Licence Applications for 37 Duke Street, London W1K 1LN**

Application Reference (New Premises Licence) 20/02859/LIPN
Application Reference (SEV Application) 20/02836/LISEVN

We act on behalf of Selfridges Retail Limited ('Selfridges'), which is a tenant of 400 Oxford Street and associated properties on Duke Street.

Our client is aware of the new premises licence application and the sexual entertainment venue licence application that have been submitted to allow the premises to operate as a nightclub and lap dancing club.

Our client has instructed us to submit representations objecting to both the new premises licence application and the sexual entertainment venue application on their behalf.

Our client has seen the letter of objection written on behalf of 31 – 37 Dukeson Properties Limited. It agrees entirely with and adopts the contents of that letter. In this letter, therefore, we make points which are specific to Selfridges' retail store, which is a near neighbour of the site.

Selfridges has been a tenant in the locality for many years and considers the locality as one of mainly high-end retail, family friendly leisure and residential use. Selfridges has worked hard to cultivate this character and invested considerably in this, such as the quite recent construction and opening of the Brasserie of Light restaurant and the Selfridges Cinema. Its Duke Street entrance is an importance entrance to the store, and has recently been completely remodelled at a cost of c. £300 million to enhance the sense of arrival at the store and make a significant contribution to the character of the street.

Accordingly, Selfridges objects to the grant of the SEV as it believes that the proposal will significantly and adversely affect the current character of the locality.

In accordance with the SEV Policy, our client understands that one of the factors the council will consider when reviewing a SEV licence application is if the locality is predominately (i) high profile retail, (ii) iconic in nature or (iii) one of family entertainment or leisure. Selfridges is very concerned about the negative impact the presence of a sexual entertainment venue will likely have on this type of locality.

Our client believes that the current locality encompasses all three of these elements, for the following reasons:

1. With concessions including Chanel, Prada, Dior, Hermes and many more Selfridges is a destination for high end retail;
2. Since the opening of the Selfridges store on Oxford Street in 1909, Selfridges has welcomed visitors from all around the world through its doors and itself has become an attractive and iconic world-wide tourist destination;
3. With the opening of the new toy shop FAO Schwarz and the Selfridges Cinema in 2019, more so than ever Selfridges has become a destination and place of entertainment for all members of the family.

Given the characteristics of the locality highlighted above and in line with the council's policies, the SEV licence is simply inappropriate.

In order to further foster the current characteristics of Duke Street, Selfridges has invested substantial amounts to the development of the area, most notably the recent opening of:

1. Selfridges Duke Street entrance to the Selfridges Accessories Hall, with amenities outside including trees, a bench and water fountain;
2. The Selfridges Cinema; and
3. The Brasserie of Light restaurant and its entrance on Duke Street.

The granting of the SEV application would significantly hinder the hard work they have done to develop the area and constitute a substantial step back in further elevating the locality.

Our client is deeply concerned about a sexual entertainment operation which opens its doors at 8 p.m. At certain times of the year the store opens until 10pm so this a full 2 hours before Selfridges shuts its doors. Brasserie of Light and Selfridges Cinema, both with entrances in Duke Street, open much later. Additionally there are 24 hour staff working in the store. This may be appropriate in a night time entertainment locality, but it is not appropriate in a high-end shopping and residential area.

Turning to the statutory grounds of refusal, it is our client's submission that the grant of an SEV licence is not appropriate in light of:

- the character of the locality: Duke Street is an iconic retail destination for a huge number of local people and UK and international visitors to London.
- The use of other properties in the vicinity: there are a number of residential properties in the vicinity and the area is also iconic for its retail offer. The entrance is directly opposite to Selfridges which is a world famous shopping destination. The entrance is also close to the restaurant and cinema operated within Selfridges store, which will attract visitors and families.
- The layout, character or condition of the premises. Certainly, the character of the building does not lend itself to being a strip club.

In conclusion, our client submits that if either application is granted, it will adversely affect the licensing objectives and therefore, the applications should be refused. The SEV application is itself inappropriate in the light of the character of the locality and the nature of uses in the vicinity.

Our client reserves the right to raise additional matters at the Licensing Sub Committee Hearing of the applications and further to provide evidence in relation to the issues highlighted within this letter of representation.

Should you require any additional information, then please contact Clare Eames on the above number.

Yours faithfully



Poppleston Allen



Licensing Authority
Westminster City Council
Sent via email: licensing@westminster.gov.uk

3 April 2020

Dear Sirs,

Application Licensing Reference Number 20/02859/LIPN

We write in response to the above Application Licensing Reference.

New West End Company is the Business Improvement District for London's West End, representing over 600 retail, hospitality, entertainment and property businesses in and around Oxford Street, Bond Street, Regent Street and East Mayfair.

We would like to object most strongly to the application for this property.

New West End Company has been contributing to the City Plan review, seeking more flexibility of uses in the West End to allow for uses that are complementary to core retail uses. This will enable the West End to respond effectively to evolving retail trends and visitor demands.

However, we do not believe that a lap dancing club is an appropriate use in this vicinity.

Emerging visions for the Oxford Street District, supported by significant public and private sector investment, are conscious of the need to ensure that new uses should contribute to the overall global appeal of the district, as a world class shopping and entertainment district. We do not believe that a lap dancing club contributes to these visions. Indeed, we are concerned that allowing it, and setting a precedent, would significantly damage the area.

The site is adjacent to one of the West End's most iconic department stores that attracts visitors of all ages from all around the world. We believe that a lap dancing club would detract from this and other surrounding stores.

In addition, we are concerned about late night entertainment in an area with significant residential premises. New West End Company and its members are always aware of the need to be sensitive to concerns of residents and, from many years' experience, we do not believe that a lap dancing club would be appreciated in this area.

We believe that sex related premises should be concentrated in areas that are traditionally known for such uses. We do not believe that new areas should be established for sex-related businesses.

Yours faithfully



3rd Floor, Heddon House,
149-151 Regent Street, London W1B 4JD
Tel: +44 (0)20 7462 0680 Web: newwestend.com

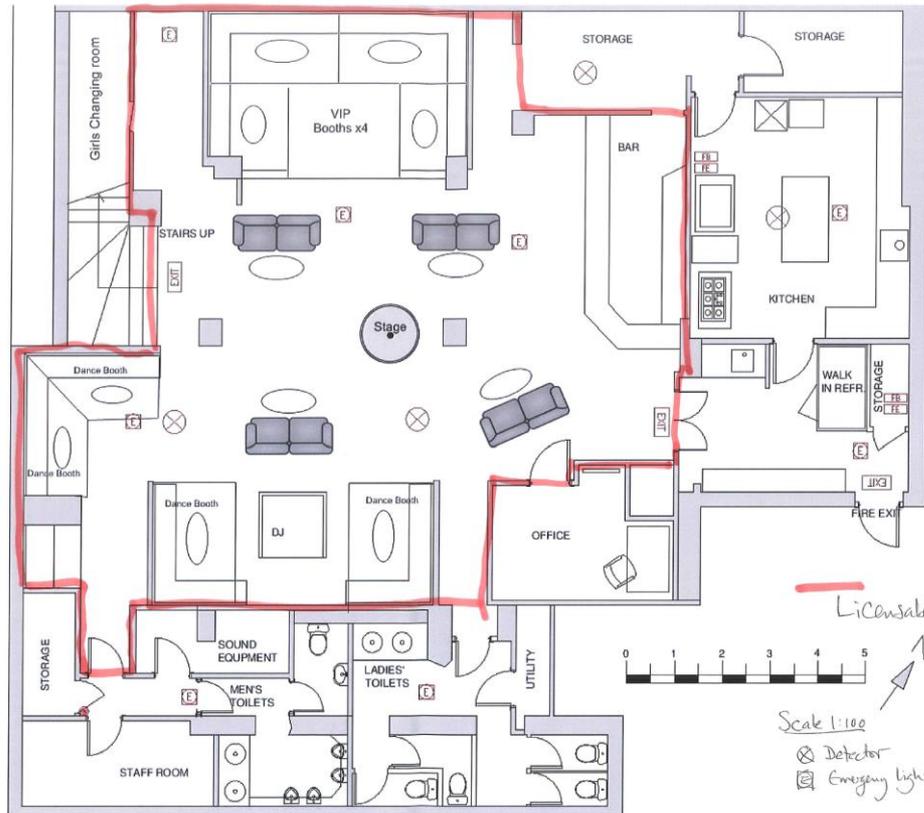


Registered Office: 3rd Floor, Heddon House,
149-151 Regent Street, London W1B 4JD. Registered No. 04039488



Ground - Entrance

Shop
27 Duke Street
0121 222 4414





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

Schedule 12
Part A

**WARD: Marylebone High
Street**
UPRN: 010033533695

Premises licence

Regulation 33, 34

Premises licence number:

19/11489/LIPV

Original Reference:

05/06008/LIPCV

Part 1 – Premises details

Postal address of premises:

Blanca
37 Duke Street
London
W1U 1LN

Telephone Number: 020 7935 9459

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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:

Performance of Dance

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

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 06:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

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:**

Electshow Ltd
37 Duke Street
London
W1M 5DF
Business Phone Number : 020 7409 0822

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

03281959

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

Name: Wahid Mekhaiel

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: 00997
Licensing Authority: London Borough Of Hounslow

Date: 23 March 2020

This licence has been authorised by Kevin Jackaman 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.

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. 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.
11. 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).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 6am on the day following and from 11pm on Sunday to 3am on the day following.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 90 persons.
14. 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.
15. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
16. With the exception of the bar area, the area hatched on the deposited plan shall be permanently laid out to tables and chairs to a minimum capacity of 90 covers.
17. (a) Subject to the following paragraphs, the permitted hours for the sale of alcohol shall commence at 23:00 Mondays to Saturdays and extend until 06.00 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 06.00, the permitted hours shall end when the music and dancing end
- (b) The permitted hours on Sundays shall commence at 23.00 and extend until 03:00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) Where music and dancing end between 00.00 midnight on any Sunday and 03:00, the permitted hours shall end when the music and dancing end
- (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) of the the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

18. 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.

19. 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 this premises licence / club premises certificate:

- (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) the to take all other reasonable precautions for the safety of the children.
20. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
 21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 22. 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.
 23. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 24. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 25. 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) the 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.
 26. All management at the premises shall undergo crime scene management training given by Westminster City Council. All SIA staff shall be given training from management on current licensing issues twice yearly including input of premises licence conditions.
 27. All staff training records will be properly maintained by way of a log or record and will be available for inspection on request of Police or other responsible authority. These records will include dates of first aid/crime scene/licensing training and an outline of roles and responsibilities of each staff member working at the premises during licensable hours including SIA staff.
 28. 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.
 29. The premises licence holder shall ensure that any patrons queuing/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.

30. A minimum of three (3) SIA licensed door supervisors shall be on duty when the premises are open on Sunday to Tuesday.
31. A minimum of four (4) SIA licensed door supervisors shall be on duty when the premises are open on Wednesday, Thursday, Friday & Saturday.
32. At least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
33. On the mornings following Sunday to Tuesday, the last entry to the premises will be 2.45am.
34. On the mornings following Wednesday, Thursday, Friday and Saturday there shall be no admittance or re-admittance to the premises after 04:30am, save for those persons leaving the premises temporarily to smoke.
35. All door supervisors engaged outside the entrance to the premises and ground floor reception area, or supervising or controlling queues, shall wear high visibility yellow jackets or tabards.
36. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As far as is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
37. No taxi drivers, minicab drivers or chauffeurs shall be permitted to enter the premises at any time.
38. All SIA door supervisors working at the premises will be employed by an external independent SIA contractor.
39. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
40. Door staff shall remind patrons leaving the premises of the residential nature of the area and to keep noise to a minimum.
41. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded by the ID scanner system shall be made available to the Police upon request. All customers entering shall have their facial image captured by the ID scanner camera except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exception, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without necessary ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) A legible record (the signing in sheet) of these guests name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days.

42. Alcohol may only be sold for consumption by members of the private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without their ID being verified.
43. Between 03.00 and 06.00 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
44. The supply of alcohol shall be by waiter or waitress service only.
45. The licensee shall provide induction and refresher training in relation to the Licensing Act 2003 and the associated requirements and responsibilities which arise under it together with the premises' specific policies and procedures to persons employed by the premises where such training is relevant to the persons role. The training shall be delivered at least every 6 months and by a person who holds a personal licence or other equivalent accredited qualification. When members of staff have received training in relation to the selling of alcohol and company policy, a record of the training and a sample copy of the training pack/document shall be attached to staff records, which shall be available for inspection by authorised licensing or police officer on reasonable request.
46. A Queuing and Dispersal Policy shall be operated by the venue. Such policy shall be adhered to at all times the premises are operating under the premises licence, accepting that the policy may have different requirements for different periods of the day and different uses of the premises.

This policy should also contain a staggered dispersal strategy in order to minimise the potential for disruption and anti-social behaviour within the surrounding area.
47. 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.
48. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
49. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
50. 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.
51. 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.
52. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
53. 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.
54. 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.

55. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
56. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
57. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
58. A minimum of two (2) SIA licensed door supervisors shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.



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

Schedule 12
Part B

WARD: Marylebone High
Street
UPRN: 010033533695

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/11489/LIPV

Part 1 – Premises details

Postal address of premises:

Blanca
37 Duke Street
London
W1U 1LN

Telephone Number: 020 7935 9459

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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:

Performance of Dance

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

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 06:00
Sunday: 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 03:00

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:

Electshow Ltd
37 Duke Street
London
W1M 5DF

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

03281959

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

Name: Wahid Mekhaiel

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

Prohibited

Date: 23 March 2020

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Application	Details of Application	Date Determined	Decision
05/06008/LIPCV	Conversion and variation	07.09.2005	Granted in part by Licensing Sub Committee
06/11086/WCCMAP	Master Licence	07.09.2005	Granted in part by Licensing Sub Committee
13/06444/LIPDPS	Variation of DPS	16.10.2013	Granted under delegated authority
13/06448/LIPVM	Minor variation – addition of conditions agreed with the Police	16.09.2013	Granted under delegated authority
15/02624/LIPVM	Minor variation – revise conditions agreed with the Police	30.04.2015	Granted under delegated authority
16/03487/LIPV	Full variation – variation of conditions	28.07.2016	Granted by Licensing Sub Committee
17/08201/LIPV	Full variation – Extend hours/addition of conditions	26.10.2017	Granted by Licensing Sub Committee
18/12078/LIPV	Full variation – amend conditions	05.12.2018	Application withdrawn
18/15763/LIPVM	Minor variation – variation of conditions	02.01.2019	Refused under delegated authority
19/00325/LIPVM	Minor variation – addition of conditions	29.01.2019	Granted under delegated authority
19/11489/LIPV	Full variation – amend conditions	07.11.2019	Granted by Licensing Sub Committee

CITY OF WESTMINSTER

MEMORANDUM

TO Kevin Jackaman

REFERENCE 20/02859/LIPN

FROM EH Consultation Team, 15th Floor, City Hall

REFERENCE 20/013614/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE 07931546137

DATE 17 August 2020

BLUSH, GROUND FLOOR, 37 DUKE STREET, LONDON

I refer to the application for a new Premises Licence, 20/02859/LIPN, which is being made concurrently with a Sexual Entertainment Venue Licence application, 20/02836/LISEVN, for the above premises.

Further to my memo dated 20 April 2020 Environmental Health submit the following further information:

A. Environmental Health relevant records for last 2 years for operation of Blush nightclub under Premises Licence, 19/11489/LIPV:

- i. **Date and time of Complaint:** Sunday 04.02.2018, 04:02 hours

Nature of complaint: Complaint regarding people, smoking and creating noise in Picton Place

Action by City Inspectors:

- Sunday 04.02.2018, 04:02 Visited to discuss staggered dispersal now that they have a terminal hour of 06:00 hours, to ensure the residents of Picton Place are not disturbed.
- Saturday 10.03.2018, 03:30 Observations carried out following a complaint from a resident in Picton Place regarding noise created by customers leaving Burlock and Blush on Duke Street. Time of visit costumers were seen leaving Burlock and getting into cabs that were parked in Picton Place but were generally quiet.
- Sunday 15.04.2018, 04:09 Following up on a noise complaint from Picton Place, observations were carried out on the premises. A large crowd of people were observed standing outside the club. Due to road works being carried out in Duke Street, it was difficult for the taxis to pick up and drop off outside the venue. Further monitoring and a site visit are planned.

- ii. **Date and time of Complaint:** Saturday 30.03.2019, 04:05 hours
- Nature of complaint:** Blush night club playing very loud base
- Action by City Inspectors:**
- Call to customer on 31.3.2019. Customer happy for us to walk by the noise source but not make assessment from inside their property. Explained we must visit. No further action.
- iii. **Date and time of Complaint:** Sunday 31.03.2019, 04:39 hours
- Nature of complaint:** Night club very loud for several hours now
- Action by City Inspectors:**
- 31.03.2019, 04:45 Call to customer, no response. No further action.
- iv. **Date and time of Complaint:** Sunday 17.11.2019, 04:44 hours
- Nature of complaint:** A club is playing loud music. Caller said it feels like she is inside the club
- Action by City Inspectors:**
- SMS Sent to customer 17/11/2019, 05:05
- v. **Date and time of Complaint:** Friday 13.12.2019, 05:46 hours
- Nature of complaint:** Cars racing up and down the street and drunk people coming out of the club.
- Action by City Inspectors:**
- 13.12.2019, Rang spoke to customer says noise is from the patrons of The Blush Nightclub they were shouting, yelling and revving their cars when stationary. Customer advised will hand over the job to the area team to speak to the source.
- vi. **Date and time of Complaint:** Sunday 15.12.2019, 03:47 hours
- Nature of complaint:** Experiencing loud music and noise from a night club Blush lots of people on the streets
- Action by City Inspectors:**
- 15.12.2019, 04:50 visited and noted that there was no queue to enter the club, only pockets of patrons outside smoking and talking but not loudly.

vii. **Date and time of Complaint:** Saturday 21.12.2019, 04:20 hours

Nature of complaint: Noise coming from night club called Blush

Action by City Inspectors:

- 21.12.2019, 05:00 Street level assessment conducted as customer declined visit to affected property as husband was asleep and she didn't want him disturbed. Heavy bass audible and vibrations felt at street level together with voices audible from patrons outside club could potentially be considered as issue. Customer advised and she fully understands that we must visit and assess from inside her property if the issue reoccurs.

viii. **Date and time of Complaint:** Saturday 01.02.2020, 04:04 hours

Nature of complaint: Partying, shouting and playing loud music.

Action by City Inspectors:

- 01.02.2020, 04:20 Called customer to clarify noise source as address given adjacent to club at 37 (bass audible at distance). No reply from customer v/m left. Spoke to club manager - advice given.

B. Environmental Health relevant records for history of applicant's operation of Mayfair Club, 49-50 Dover Street under Premises Licence, 14/09521/LIPVM and SEV Licence, 19/09525/LISEVR:

- No objection from Environmental Health for renewal application, 19/09525/LISEVR, 29 August 2019.
- No record of complaints of nuisance against premises from residents
- City Inspectors comments for operations at Mayfair Club: *'Operator has held a SEV licence at 49-50 Dover Street since 2012 (and other licences for a long time prior to that) without objections and would therefore be hard to argue that the applicant is unsuitable to hold a licence'*

C. Environmental Health propose the following amendments and additional conditions to those proposed in my memorandum dated 20 April:

Amended Conditions:

Condition 1 amended to read:

- On Monday to Saturday the sale of intoxicating liquor shall be ancillary to the premises operating under the authority of a Sexual Entertainment Venue licence and on a Sunday the sale of intoxicating liquor shall be ancillary to the use of the premises as a nightclub (where there shall be provision of music and dancing and substantial refreshment).

Condition 7 amended to read:

- Except for when the premises operates as a nightclub the supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.

Condition 22 amended to read:

- 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 after a risk assessment has been carried out by a competent person and a record kept of the assessment for at least a year::
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.

Additional Conditions:

Condition 44:

- A Queuing and Dispersal Policy shall be operated by the venue. Such policy shall be adhered to at all times the premises are operating under the premises licence, accepting that the policy may have different requirements for different periods of the day and different uses of the premises. This policy should also contain a staggered dispersal strategy in order to minimise the potential for disruption and anti-social behaviour within the surrounding area.

Condition 45:

- The licensee shall provide induction and refresher training in relation to the Licensing Act 2003 and the associated requirements and responsibilities which arise under it together with the premises' specific policies and procedures to persons employed by the premises where such training is relevant to the persons role. The training shall be delivered at least every 6 months and by a person who holds a personal licence or other equivalent accredited qualification. When members of staff have received training in relation to the selling of alcohol and company policy, a record of the training and a sample copy of the training pack/document shall be attached to staff records, which shall be available for inspection by authorised licensing or police officer on reasonable request.

Condition 46:

- All staff training records will be properly maintained by way of a log or record and will be available for inspection on request of Police or other responsible authority. These records will include dates of first aid/crime scene/licensing training and an outline of roles and responsibilities of each staff member working at the premises during licensable hours Including SIA staff.

Condition 47:

- 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.

Condition 48:

- In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the management's knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As far as is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Condition 49:

- When premises operates as a nightclub all customers entering the premises must be searched (pat down of outer garments as a minimum). All bags being carried by customers entering the premises will also be searched.

Condition 50:

- When premises operates as a nightclub all customers entering the premises will have their ID scanned on entry, save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).
Notwithstanding this condition, a maximum number of 10 guests per night may be admitted at the manager's discretion without ID being scanned and recorded. A legible record of these people's full names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded."

Condition 51:

- When premises operates as a nightclub a minimum of two (2) SIA licensed door supervisors shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period. BWV must be activated at an early stage during any incident involving conflict.

Condition 52:

- When premises operates as a nightclub:
 - 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 being 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 directly from the bottle.

b). Notwithstanding 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.

Condition 53:

- No licensable activities shall take place at the premises until premises licence 19/11489/LIPV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

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

**Anil Drayan,
Environmental Health Officer,
Environmental Health Consultation Team
Regulatory Support Team 2**

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.
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.

Conditions consistent with the operating schedule

10. There shall be no physical contact between dancers whilst performing.
11. There shall be a minimum of three registered door supervisors on the premises at any time and whilst table dancing takes place at least one door supervisor shall be employed in the part of the premises used for table dancing.
12. 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 and 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 keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person.
13. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
14. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Striptease entertainment as part of any table dancing may only be provided by performers or entertainers ("dancers") engaged or employed by Electshow Limited, associated or subsidiary companies of Electshow Ltd or such other organisation as the Police may approve in writing. Each dancer shall upon engagement be given a copy of this code of conduct and a copy of the conditions attached to the premises licence.
17. Full personal details of all dancers shall be kept by the premises and retained for a minimum period of 12 months following the termination of employment or engagement. These details shall include full name and address, date of birth, nationality and national insurance number and passport sized photograph.
18. Before any dancer is allowed to work within the premises and perform lap dancers involving striptease entertainment that dancer shall have undergone an induction at the premises with a manager or the designated premises supervisor of the premises. Such induction shall include providing training and information in relation to the terms and conditions contained within the premises licence, the hostess code of conduct and this code of conduct as well as setting out the standards which the premises expect dancers to adhere to. A written record shall be kept of this fact and placed on the personal file of the dancer. All dancers will be required to book in when arriving for work and out when leaving the premises.
19. Striptease entertainment by way of table dancing shall only be provided by dancers and no members of the audience may be permitted to provide striptease entertainment. The management or dancers shall not encourage or solicit the audience to partake in the striptease entertainment. Dancers may not give out any personal information, including telephone numbers or contact details.
20. Whenever striptease entertainment by way of lap dancing is provided at the premises a member of management shall be on duty within the premises at all times, to supervise the dancers and to ensure that this Code is adhered to.

21. Striptease entertainment by way of table dancing may take place at either table side or on the dance floor and more than one dancer may provide such entertainment at a time. However, such entertainment must always take place so that it is in full view of those supervising such dancing activities.
22. Striptease entertainment shall take place in an area covered by CCTV.
23. A dressing room shall be made available to the dancers and access to this area shall be maintained whilst striptease entertainment is taking place and immediately thereafter. Patrons will not be allowed access to the dressing room. The room shall be secured by means of a coded keypad system and the entrance to the room monitored at all times by the CCTV.
24. The premises licence holder, dancers and any other person connected with the management or organisation of the premises shall not permit, encourage the audience to throw money at or otherwise give gratuities to the dancers otherwise as permitted by paragraph 17 below.
25. There shall be no physical contact between dancers and patrons whilst dancers are providing striptease entertainment other than for the placing of money or tokens into the hands of a dancer or within a garter at the beginning or conclusion of a performance. Notices to this effect shall be prominently displayed at each table and the entrance to the premises.
26. Dancers will redress after each performance and shall be fully clothed between performances. If a dancer is fully clothed and no performance is taking place physical contact between the dancer and patron may take place provided it is not inappropriate physical contact. This will include any contact of a sexual nature whatsoever.
27. There shall be a minimum charge of £10 per music track.
28. Striptease entertainment may not be provided to persons standing at the bar.
29. The premises licence holder, dancers and any person connected with the management or organisation of the premises shall not permit or encourage any dancer to engage in prostitution with any patron or solicit such services.
30. Any dancer attempting to offer herself for prostitution or attempting to solicit such services shall be subject to disciplinary action by the premises. Such behaviour will lead to immediate dismissal from the premises forthwith. The police shall be informed of any such incidents.
31. Dancers will not be allowed to leave the premises with patrons and all reasonable steps will be put in place to ensure that dancers do not make arrangements to meet with patrons outside the premises.
32. Dancers to remain at the premises until 30 minutes after the departure of the last patron or with the consent of the DPS
33. The premises will review this code of conduct periodically with the police and any agreed amendments to the code of conduct may be incorporated into this code.
34. There shall be no external advertising of the striptease facility immediately outside the premises or within the immediate vicinity of the premises.

35. There shall be no discounted or promotions of alcoholic drinks for sale at the premises any time nor shall they be advertised either internally or externally.
36. There shall be a Personal Licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
37. On any occasion when the premises is not providing table side dancing but is operating as a night club:
 - (a) No drinks shall be served in glass containers at any time apart from bottles of champagne and spirits in line with the Bottle Service Policy.
 - b) At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
 - (c) At least 4 SIA licensed door supervisors shall be on duty inside the premises at all times whilst it is open for business.
38. An incident log shall be kept at the premises and made available on request to an authorised officer of Westminster 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) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
39. Whenever the premises operates as a night club that is open to the public and providing alcohol and facilities for dancing (notwithstanding '33' below) all drinking vessels used in the venue shall be polycarbonate. All drink in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being 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 directly from the bottle.
40. Notwithstanding condition 39 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.
41. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
42. 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.
43. Whenever the premises operates as a night club that is open to the public and providing alcohol and facilities for dancing all of the door supervisors working at the premises will be employed by an external independent SIA contractor.

44. All security working outside the premises shall wear yellow high visibility jackets or tabards.
45. On any occasion when the premises is not providing table side dancing but is operating as a nightclub and the premises are open to the public, all customers entering the premises must be searched (pat down of outer garments as a minimum).
46. All bags being carried by customers entering the premises will also be searched
47. Substantial food shall be available at all times.
48. The number of persons accommodated at any one time (excluding staff) shall be XXX
49. On any occasion when the premises is not providing table side dancing but is operating as a night club and the premises are open to the public, all customers entering the premises will have their ID scanned on entry, save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises)
50. Notwithstanding condition 49 above, a maximum number of 20 guests per night may be admitted at the managers discretion without ID being scanned and recorded. A legible record of these people's full names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorizing the entrance without scanning will also be recorded.

Conditions proposed by the Environmental Health Service to replace those proposed by the applicant. These conditions are based on 'model conditions' for consistency of operation of similar premises

1. On Monday to Saturday the sale of intoxicating liquor shall be ancillary to the premises operating under the authority of a Sexual Entertainment Venue licence and on a Sunday the sale of intoxicating liquor shall be ancillary to the use of the premises as a nightclub(where there shall be provision of music and dancing and substantial refreshment).
2. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
3. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
4. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises
5. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
6. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
7. Except for when the premises operates as a nightclub the supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
8. Any person permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a 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 of the City Council throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are 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.
11. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
12. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. 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.
15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
16. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
18. 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.
19. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23.00) hours and (08.00) hours.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

21. 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.
22. 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 after a risk assessment has been carried out by a competent person and a record kept of the assessment for at least a year:
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
23. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
24. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
25. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
26. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
27. 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.
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
29. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (5) persons at any one time.
31. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor
32. Performers/Dancers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to two persons at any one time.

33. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
34. There shall be no new admittance or re-admittance to the premises after 03.00 hours save for persons temporarily leaving to smoke.
35. 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.
36. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - a) Any emergency lighting battery or system
 - b) Any electrical installation
 - c) Any emergency warning system
 - d) Any ceiling inspection certificate
37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
38. 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 highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
39. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
40. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises.

For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
41. The maximum number of persons accommodated at any one time (including staff) shall not exceed (x) persons.
42. The Licence will have no effect 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 will be removed from the Licence.
43. Before the premises opens 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 LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
44. A Queuing and Dispersal Policy shall be operated by the venue. Such policy shall be adhered to at all times the premises are operating under the premises licence, accepting

that the policy may have different requirements for different periods of the day and different uses of the premises. This policy should also contain a staggered dispersal strategy in order to minimise the potential for disruption and anti-social behaviour within the surrounding area.

45. The licensee shall provide induction and refresher training in relation to the Licensing Act 2003 and the associated requirements and responsibilities which arise under it together with the premises' specific policies and procedures to persons employed by the premises where such training is relevant to the persons role. The training shall be delivered at least every 6 months and by a person who holds a personal licence or other equivalent accredited qualification. When members of staff have received training in relation to the selling of alcohol and company policy, a record of the training and a sample copy of the training pack/document shall be attached to staff records, which shall be available for inspection by authorised licensing or police officer on reasonable request.
46. All staff training records will be properly maintained by way of a log or record and will be available for inspection on request of Police or other responsible authority. These records will include dates of first aid/crime scene/licensing training and an outline of roles and responsibilities of each staff member working at the premises during licensable hours Including SIA staff.
47. 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.
48. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the management's knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As far as is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
49. When premises operates as a nightclub all customers entering the premises must be searched (pat down of outer garments as a minimum). All bags being carried by customers entering the premises will also be searched.
50. When premises operates as a nightclub all customers entering the premises will have their ID scanned on entry, save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).
Notwithstanding this condition, a maximum number of 10 guests per night may be admitted at the manager's discretion without ID being scanned and recorded. A legible record of these people's full names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
51. When premises operates as a nightclub a minimum of two (2) SIA licensed door supervisors shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with

date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period. BWV must be activated at an early stage during any incident involving conflict.

52. When premises operates as a nightclub:
 - 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 being 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 directly from the bottle.
 - b). Notwithstanding 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.

53. No licensable activities shall take place at the premises until premises licence 19/11489/LIPV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

Conditions proposed by the Police

None



Resident count: 150

Licensed premises within 75 metres of 37 Duke Street

Licence Number	Trading Name	Address	Premises Type	Time Period
19/11489/LIPV	Blanca	Ground Floor Front 37 Duke Street London W1U 1LN	Wine bar	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 03:00
06/10991/WCCMAP	Silvio's Quality Sandwich Bar	Ground East 37 Duke Street London W1U 1LN	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/04571/LIPDPS	Burlock	31 Duke Street London W1U 1LG	Public house or pub restaurant	Monday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00

20/00873/LIPDPS	Burlock	31 Duke Street London W1U 1LG	Public house or pub restaurant	Monday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
19/10001/LIPVM	Henry Holland Public House	39 Duke Street London W1U 1LP	Public house or pub restaurant	Monday to Wednesday; 10:00 - 00:30 Thursday; 10:30 - 00:30 Friday to Saturday; 10:00 - 01:30 Sunday; 11:00 - 23:00
18/12199/LIPVM	Not Recorded	16-17 Picton Place London W1U 1BP	Restaurant	Monday; 10:00 - 23:30 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
13/02533/LIPDPS	Amjadia Indian Restaurant	15-16 Picton Place London W1U 1BW	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/11958/LIPVM	Molé	16-17 Picton Place London W1U 1BP	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/08472/LIPDPS	Busaba Eathai	8 - 13 Bird Street London W1U 1BU	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:30
20/01858/LIPDPS	Lazeez Lebanese Tapas	29 Duke Street London W1U 1LF	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 23:00

19/16004/LIPDPS	All Bar One	5A Picton Place London W1U 1BH	Public house or pub restaurant	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00
06/11182/WCCMAP	James Newsagent	Ground Floor 29 James Street Marylebone London W1U 1DU	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/08557/LIPDPS	Ping Pong	29A James Street Marylebone London W1U 1DZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/02654/LIPDPS	Slim Chicken	35 James Street Marylebone London W1U 1EA	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/03106/LIPVM	Yamabahce	Ground 26 James Street Marylebone London W1U 1EN	Restaurant	Monday; 09:00 - 00:30 Tuesday; 09:00 - 00:30 Wednesday; 09:00 - 00:30 Thursday; 09:00 - 00:30 Friday; 09:00 - 00:30 Sunday; 12:00 - 22:30
13/03207/LIPDPS	Massis	Ground Floor 28 James Street Marylebone London W1U 1EW	Restaurant	Monday to Sunday; 08:00 - 01:30
18/09751/LIPDPS	Harrys Bar	Ground Floor 32 James Street Marylebone London W1U 1EP	Restaurant	Monday to Sunday; 11:00 - 00:30

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