

# **Committee Agenda**

Title:

**Licensing Sub-Committee (6)** 

Meeting Date:

Thursday 10 August 2023

Time:

10.00 am

Venue:

Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

### **Councillors:**

Maggie Carman (Chair) Judith Southern Melvyn Caplan

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 0779098018 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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. LITTLE CHINESE PRINCESS, 3 CRAVEN TERRACE, W2 3QD

(Pages 1 - 22)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate	Little Chinese Princess 3 Craven Terrace	New Premises Licence	23/03158/LIPN
* None	W2 3QD		
** None			
	e Impact Area Consideration Zone		_

### 2. THE BOX, 11-12 WALKER'S COURT, W1F 0BZ

(Pages 23 - 56)

Ward	Site Name & Address	Application Type	Licensing Reference No.		
West End	The Box 11-12 Walker's Court W1F 0BZ	Renewal of Sexual Entertainment Licence	23/03185/LISEVR		
*Cumulative Impact Area: N/A  ** Special Consideration Zone: N/A					

Stuart Love Chief Executive 2 August 2023



# Agenda Item 1.



# Licensing Sub-Committee Report

Item No:

Date: 10 August 2023

23/03158/LIPN - New Premises Licence Licensing Ref No:

Title of Report: Little Chinese Princess 3 Craven Terrace

> London **W2 3QD**

Director of Public Protection and Licensing Report of:

Lancaster Gate Wards involved:

Policy context: City of Westminster Statement of Licensing Policy

Financial summary: None

Karyn Abbott

Report Author: Senior Licensing Officer

Contact details Telephone: 020 7641 6500

Email: kabbott@westminster.gov.uk

### 1. Application

1-A Applicant and premises				
Application Type:	New Premises Licence, Licensing Act 2003			
Application received date:	13 May 2023			
Applicant:	Mrs Huazhen Lei			
Premises:	Little Chinese Princess			
Premises address:	3 Craven Terrace London	Ward:	Lancaster Gate	
	W2 3QD	Cumulative Impact Area:	None	
		Special	None	
		Consideration		
		Zone:		
Premises description:	According to the application form, the applicant proposes to operate the premises as Chinese Restaurant.			
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.			
Applicant submissions:	The applicant has proposed conditions in their operating schedule. The Metropolitan Police proposed to amended a condition and this has been agreed by the applicant.  These can be found in <b>Appendix 5.</b>			
Applicant amendments:	None			

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off s	sales or bot	h:	On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:30	11:30	11:30	11:30	11:30	11:30	11:30
End:	22:45	22:45	22:45	22:45	22:45	22:45	22:45
	Seasonal variations/ Non- standard timings:  None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:30	11:30	11:30	11:30	11:30	11:30	11:30
End:	22:45	22:45	22:45	22:45	22:45	22:45	22:45
Seasonal variations/ Non- standard timings: Adult Entertainment:			None None				

### 2. Representations

2-A Responsible Authorities				
Responsible Authority:	Metropolitan Police Service			
Representative:	PC Tom Stewart			
Received:	6 June 2023 (Withdrawn 7 June 2023)			

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <u>3</u> <u>Craven Terrace, London, W2 3QD.</u>

The Police believe that if granted, the premises would undermine the licensing objective 'The Prevention of Crime and Disorder'.

The Police do not object in principle to the permitted hours for the sale of alcohol, however the conditions offered within your operating schedule are insufficient to demonstrate how you would promote the licensing objectives. Below, I propose several conditions. If you are minded to agree to them, the police would withdraw its representation.

### Proposed amended conditions:

**Replace:** Alcohol only to be served to customers to consume on premises and only to customers who have purchased a meal.

With: MC38 The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

**Replace:** A Personal Licence holder will supervise the premises at all times when alcohol is being sold

**With:** MC03 There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

### Proposed additional conditions:

- 1. MC49 An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service
- 2. MC01 (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All

- recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 3. MC02 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.
- 4. MC47 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

The Metropolitan Police withdrew their representation on the 7<sup>th</sup> June 2023 as conditions have been agreed and with the applicant. These conditions can be found at Appendix 5.

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	10 June 2023

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted plans of the Ground Floor and Basement (no reference).

### The following licensable activities are being sought:

1. Supply of Alcohol 'On' the premises on Monday to Sunday from 11:30 to 22:45

### I wish to make the following representation based on the plans and operating schedule:

1. The Supply of Alcohol and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the area.

### **Environmental Health also makes the following further comments:**

Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy).

- Some undertakings have been offered and these will need to be converted to enforceable conditions are being considered as to if they are sufficient for the proposed use.
- The provision of sanitary accommodation is recommended to be at least in line with BS6465 for any proposed capacity.
- An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance.
- Clarification is also sought as to the previous use of the premises to determine if this
  proposed use will result in nuisance from the internal transfer of noise to other users
  within the building block. Standards to be achieved are outlined in Appendix 11 of the
  Statement of Licensing Policy

The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

Environmental Health have included submissions from City Inspector Tom Birch as part of their submissions and may call on him as a witness. The submission can be found at Appendix 3

2-B Other Pers	sons	
Name:		
Address and/or Res	idents Association:	
Received:	6 June 2023	
My points are:		
building due to there should be no primary what cooking facilities 2. we are concerned first floor level & noise 3. we would like conc windows/doors being 4. the original application was dising request for an alcohological policy.	being no proper ventilal cooking at all without verthere are and whether the owners will use the etransmission already litions applied as to refunction was for a Chinese genuous as it was clean	unapproved opening skylight at the rear of the ation in line with Westminster Council policy. There wentilation. It is also not clear from the layout as to r they are on the ground or basement levels. Forecourt area for tables when there is a flat at the takes place between the ground floor and first floor use not being left in front of the premises and me eg 9pm for noise reasons cafe with cafe like opening hours but that planning rly intended for a restaurant and now we have a
Name:		
Address and/or Res	idents Association:	
Received:	6 June 2023	
the licensing objective Introduction  non party-political, vo consulted by Westmin affect the daily lives of As a recognised ame before and during the been contacted by the Background The premises are situalong Craven Terrace	and works to production of publication and works to product and an and works to product and a predominant and a school adjacent.	rotect the special character of our area. A non-profit, re represent more than 1,000 people. is najor developments and all Council activities which and agree in consultations with licence applicants both and note with some disappointment that we have not a versidential area with hotels and parade of shops
The application is desa basement occasion	scribed as a ground floo ally used by private cu hours within Westmins	or Chinese restaurant in a mixed use building, with

There is a small external forecourt area in front of the red line for licensable activities so

presume not to be used for tables and chairs outside

We note that the licensable activities are for use of premises as Chinese restaurant.

is concerned on potential noise, disturbance and odours from the premises, particularly from noise and odours to the flats immediately above the premises.

We are particularly concerned about cooking odours from the restaurant, effecting the residents above, as we understand that no means of ventilation are in place.

We note some conditions have been set out in the application, including CCTV and "alcohol only to served to customers who have purchased a meal to eat on the premises", but these are on our view insufficient to promote the licensing objectives in this location.

We also require appropriate conditions relating to hours of deliveries to premises and collection of refuse and recycling.

Other appropriate conditions are also required in respect of doors & windows closing at 21.00, notices displayed asking customers to leave quietly etc.

We may propose other conditions once we are aware of any residential objections and/or any conditions proposed by Environmental Health or the police.

Conclusion

We are aware of course that applications can be amended, and as ever, is always very happy and indeed ask for our contact details, including mobile number, to be passed to the applicant/their solicitors, and to discuss the operation and application with them.

We reserve the right to make further comments /proposals /conditions in due course when we have more information about the application/operation.

### 3. Policy & Guidance

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

### Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause
- C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
- 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
- 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
- 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
- 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- 5. The proposed hours when any music, including incidental music, will be played.
- 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
- 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- 9. The capacity of the premises.

- 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
- 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

#### 8. Restaurants

Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

### **Policy RNT1 applies**

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:
- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- 2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
- 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
- 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.

- 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
- 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- C. For the purposes of this policy a restaurant is defined as:
- 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
- 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
- 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
- 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

### 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

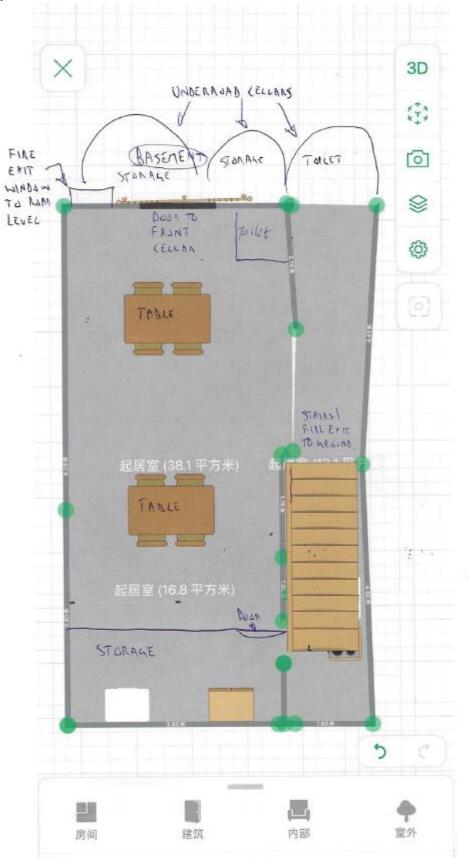
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Environmental Health Submissions
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

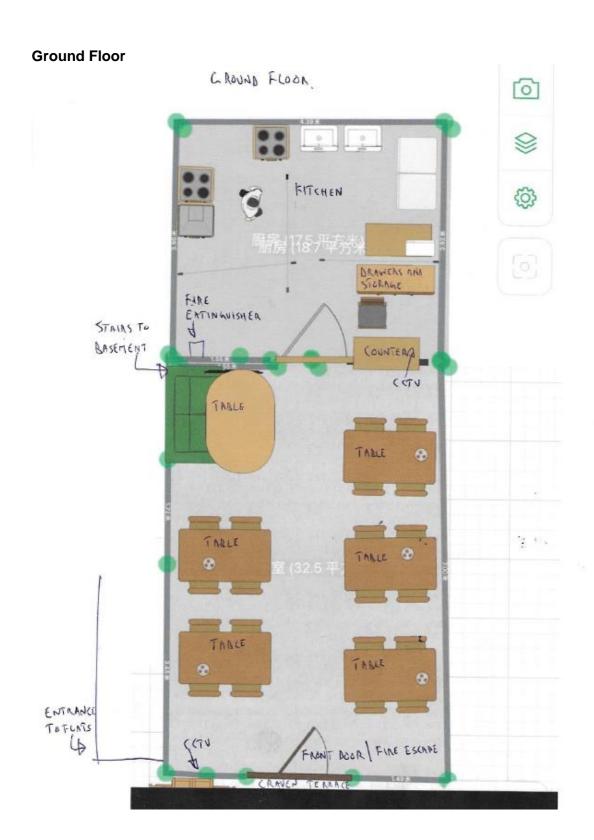
Report author:	Karyn Abbott
	Senior Licensing Officer
Contact:	Telephone: 020 7641 6500
	Email: kabbott@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.					
Backgrou	und Documents – Local Government (Access to Information	tion) Act 1972			
1	Licensing Act 2003	N/A			
2	City of Westminster Statement of Licensing Policy	October 2021			
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022			
4	Metropolitan Police Service (Withdrawn 7th June 2023)	6 June 2023			
5	Environmental Health Service	10 June 2023			
6	Representation 1	6 June 2023			
7	Representation 2	6 June 2023			

<u>Premises Plans</u> <u>Appendix 1</u>

**Basement** 





App	olicant	Sup	porting	<b>Documents</b>	S
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Appendix 2

None

### CITY OF WESTMINSTER

#### PREMISES LICENSING INSPECTOR

#### **MEMORANDUM**

TO Ms Ola Ajose-Adeogun

**Licensing Service** 

15th Floor, Westminster City Hall

LI REF 23/03158/LIPN

FROM Tom Birch

City Inspectors

Public Protection and Licensing 15<sup>th</sup> Floor, Westminster City Hall tbirch@westminster.gov.uk

REF 23/03158/LIPN

### RE Chinese Little Princess, 3 Craven Terrace, W2 3QD

I refer to the application for a Premises Licence.

On 07/06/2023 at approx. 0725hrs, a waste offence was investigated on Craven Terrace. The bags included discarded food, and cans/bottles of beer and lager. Evidence was found appearing to originate from Chinese Little Princess, 3 Craven Terrace W2.

On 08/06/2023 at approx. 1925hrs, observations were made of customers inside Chinese Little Princess, 3 Craven Terrace W2 appearing to consume alcohol. I was of the belief that alcohol was being provided and sold by the premises without authorisation. I entered the restaurant and was offered a beer to drink, this was provided and subsequently paid for. The premises does not currently hold a temporary event notice.

This represents a possible offence under Section 136 of The Licensing Act 2003 which is subject of separate investigation.

On 09/06/2023 at approx. 0638hrs, a waste offence was investigated on Craven Terrace. The bags included discarded food, and cans/bottles of beer and lager. Evidence found appearing to originate from Chinese Little Princess, 3 Craven Terrace W2.

I have strong concerns that the applicant and business will be unable able to meet the prevention of crime and disorder licencing objective when they are currently committing an offence under the Licencing Act 2003. With a flagrant disregard for the law, I must also query whether they would be responsible in ensuring the attainment of the three remaining licencing objectives – this view is further supported by the fact they are also committing waste offences under the Environmental Protection Act 1990.

### Yours faithfully

#### Tom Birch

There is no licence or appeal history for the premises.

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

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

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

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

### **Mandatory Conditions**

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

P = D+(DxV)

Where -

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

### Conditions consistent with the operating schedule

9. Alcohol only to be served to customers to consume on premises and only to customers who have purchased a meal.

# Condition 9 amended by the police and agreed by the applicant to form part of the operating schedule.

The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

10. A Personal Licence holder will supervise the premises at all times when alcohol is being sold

# Condition 10 amended by the police and agreed by the applicant to form part of the operating schedule.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

# Conditions proposed by the Police and agreed by the applicant to form part of the operating schedule.

- 11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service
- (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
- 14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

	<b>Conditions</b>	proposed by	v the	<b>Environmental</b>	Health
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None

### **Residential Map and List of Premises in the Vicinity**

### **Appendix 6**





### Resident Count = 308

Licensed premises within 75 metres of 3 Craven Terrace, London					
Licence Number	Trading Name	Address	Premises Type	Time Period	
12/08990/LIPDPS	Lancaster Deli Bar	9 Craven Terrace London W2 3QD	Shop	Monday to Sunday; 07:00 - 23:00	
06/10219/WCCMAP	Craven News	43 Craven Road London W2 3BX	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00	
19/15992/LIPT	Laurents	39 Craven Road London W2 3BX	Restaurant	Sunday; 06:00 - 22:30   Monday to Saturday; 06:00 - 23:30	
20/05134/LIPDPS	Lancaster Hall Hotel	Ground Floor To Third Floor 35 Craven Terrace London W2 3EL	Hotel, 3 star or under	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30	
15/09219/LIPRW	Supermarche	Basement And Ground Floor 35 Craven Road London W2 3BX	Not Recorded	Monday to Sunday; 08:00 - 00:00	
22/11077/LIPDPS	Craven Cafe	Ground Floor 15 Craven Terrace London W2 3QD	Cafe	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 -	

				00:30
20/09170/LIPN	La Costa	44 Craven Road London W2 3QA	Cafe	Friday to Saturday; 08:00 - 23:30   Sunday to Thursday; 08:00 - 23:00
21/00779/LIPDPS	Not Recorded	Basement And Ground Floor 33 Craven Road London W2 3BX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
09/02637/LIPCH	Spar	42 Craven Road London W2 3QA	Food store	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
14/00007/LIPDPS	Gabriel's Vine Ltd	38 Craven Road London W2 3QA	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
10/01562/LIPD	Video Cafe	Basement And Ground 36 Craven Road London W2 3QA	Shop	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:00
09/03060/LIPDPS	Concordia Restaurant	Basement And Ground Floor 29- 31 Craven Road London W2 3BX	Restaurant	Sunday; 09:00 - 00:00   Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 09:00 - 02:30
11/07630/LIPDPS	Best Western Paddington Court Hotel	27 Devonshire Terrace London W2 3DR	Hotel, 3 star or under	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30





## City of Westminster Licensing Sub-Committee

Meeting: Licensing Sub-Committee

**Date:** 10 August 2023

Classification: General Release

**Premises:** The Box, 11-12 Walkers Court, London, W1F 0BZ

23/03185/LISEVR

Wards Affected: West End

Financial Summary: None

**Report of:** Operational Director for Premises Management

### 1. Executive Summary

1.1 The Council has received an application by the applicant Too 2 Much Limited for the renewal of the sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) for The Box, 11-12 Walkers Court, London, W1F 0BZ ("The Premises"). The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

### 2. Recommendations

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors 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 proposed by a party to the hearing, or
  - 2.1.3 Refuse the application.

### 3. Relevant History

- 3.1 The Premises has operated as a sex establishment since 2012. Following the grant of the sex establishment licence for The Premises in 2012, annual renewal applications on behalf of the applicant, Too 2 Much Limited have been submitted and granted by the Licensing Sub-Committee in 2013 and granted under delegated authority in the subsequent years. The last renewal application for this licence was submitted on 27 September 2019 and was granted by the Licensing Sub-Committee on the 28 November 2019. The applicant submitted a variation application on 1 September 2020. This was to vary the layout of the Premises following construction and was granted under delegated authority on the 16 November 2020. This licence (reference 20/07617/LISEVV) expired on 2 December 2020.
- 3.2 Due to an omission the applicant failed to renew the licence prior to the expiry date and therefore on 5 February 2021, Too 2 Much Limited submitted an application for a new sexual entertainment venue licence in respect of the Premises to provide burlesque, nude cabaret, nude performances and plays, adult related theatrical performances, striptease, pole dancing and table dancing and involve implied nudity, full and partial nudity between the hours of 09:00 to 04:00 on each of the days Monday to Saturday and 09:00 to 00:30 on Sundays. This application was granted by the Licensing Sub Committee on 7 July 2021. The licence expired on 6 July 2022
- 3.3 An application to renew the licence was submitted on 22 May 2022, which was granted by the Licensing Sub Committee on 29 July 2022
- 3.3 A copy of the existing licence (Licence number 22/05408/LISEVR) is attached at **Appendix A**
- 3.4 A copy of the full sexual entertainment venue licence history for this premises since 2012 is attached as **Appendix B**

### 4. Application being considered

- 4.1 On 15 May 2022 Too 2 Much Ltd applied to renew the sexual entertainment venue premises licence to provide striptease, pole dancing and table dancing involving full and partial nudity between the hours of 09:00 to 04:00 on each of the days Monday to Saturday and 09:00 to 00:30 on Sunday.
- 4.2 The applicant has not requested to change the relevant entertainment or to remove any standard conditions to the licence if this application is granted. A copy of the application form is attached as **Appendix C**
- 4.3 As a valid application has been received prior to the expiry of the SEV Premises Licence, the licence is deemed to continue until it is determined by the Council.

### 5. Objections

5.1 The application has received 1 objection and 1 comment in support of the application, set out at **Appendix D** 

### 6. Licensing Act 2003 Premises Licence

6.1 The premises also have the benefit of a premises licence. The current premises licence reference is 20/07614/LIPVM and a copy of the premises licence appears at **Appendix E** 

### 7. Policy Considerations

### 7.1 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed. In addition, the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application.

### 7.2 <u>SEV carried on for the benefit of another person – SU2</u>

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments.

### 7.3 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

### 7.4 Character of the relevant locality – LO1

Walker's Court is a small and narrow pedestrianised street off Brewer Street. Within a 100 metre radius of the premises, there is a resident count of 490.

### 7.5 Use of premises in the vicinity – LO2

The main use of the premises in the immediate vicinity are commercial. There is one school, one place of worship, five sex establishments and two sexual entertainment venues within a 100 metre radius of the premises (see map as attached at **Appendix F**).

### 7.6 Layout, character or condition of the venue – LO3

The premises is a nightclub spread over the ground and first floors. Both the ground and first floors are included within the licensable area for Relevant Entertainment purposes.

### 8. Legal Implications

- 8.1 The Licensing Sub-Committee may determine to:
  - (a) Grant the application in full.
  - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
  - (c) Refuse the application.
- 8.2 Before refusing to renew 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).
- 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 inappropriate, having regard:
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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 renewal 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).

### 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, marriage and civil partnership, 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 Box will not have an adverse impact or unlawfully discriminates against any protected characteristics.

### **Appendices**

- A Copy of existing sex establishment licence 21/00868/LISEVN
- B Sex establishment licence history
- C Application form
- D Objections
- E Copy of premises licence 20/07614/LIPVM
- F Map of locality

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

### SEX ESTABLISHMENT LICENCE

Sexual Entertainment Venue

Premises licence number:

22/05408/LISEVR

Original Reference:

21/00868/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences: Too 2 Much Ltd

to use the premises: The Box

11 - 12 Walker's Court

London W1F 0BZ

as a Sexual Entertainment Venue.

This licence commences on 7 July 2022 and will expire on 6 July 2023.

Relevant Entertainment (namely table dancing and pole dancing and involves implied nudity, full and partial nudity) may be provided during the following times:

Monday to Saturday	09:00 to 04:00
Sunday	09:00 to 00:30

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

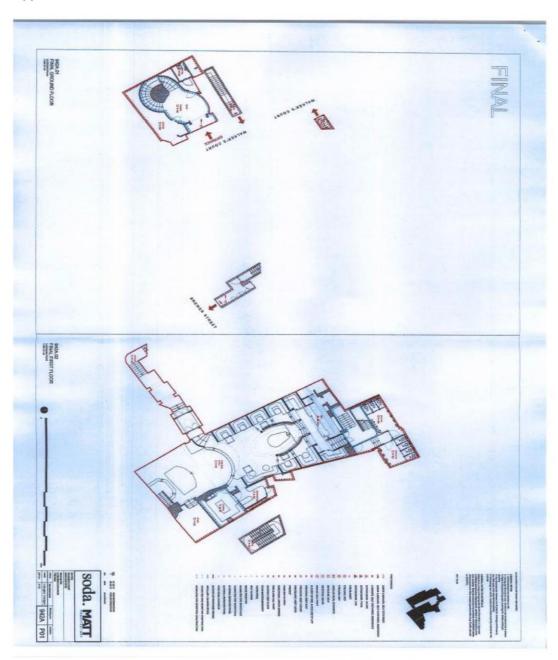
This licence is granted subject to the conditions attached at Appendix 2.

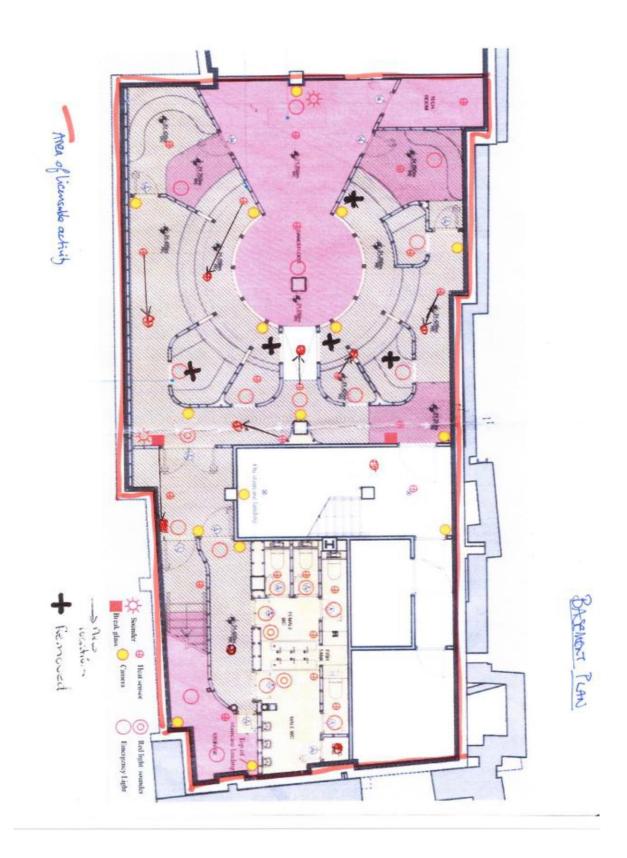
DATE: 17 AUGUST 2022 SIGNED:

My

On behalf of the Director – Public Protection and Licensing

### Appendix 1 - Plans





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### Appendix 2 - Conditions

#### Standard Conditions:

- 1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
- 2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
- 3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
- 4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
- 5. 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.
- 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.

# **Additional Conditions:**

- 24. At least one SIA registered door supervisor shall be permanently employed in the first floor licensed area of the premises and at least one permanently employed in the area providing entrance to the basement area. In addition, on such occasions that both floors are used for nude cabaret or nude table side dancing two additional door supervisors shall be so employed.
- 25. In the first-floor theatre and basement area (a) nude cabaret may be provided and (b) nude table side dancing may be provided. For the avoidance of doubt, nude table side dancing is the performance of dance, either nude or partially nude, for customers seated at a table.
- 26. The number of persons permitted in the premises (excluding staff) shall not exceed 288 at any one time.
- 27. Notwithstanding standard condition 17, necessary contact in order to perform skilled dance or acrobatic routines is permitted.
- 28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
- 31. 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.
- 32. 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.
- 33. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 34. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. pyrotechnics including fire works
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances
  - v. real flame
  - vi. strobe lighting
- 35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

# **Sex Establishment Licence History**

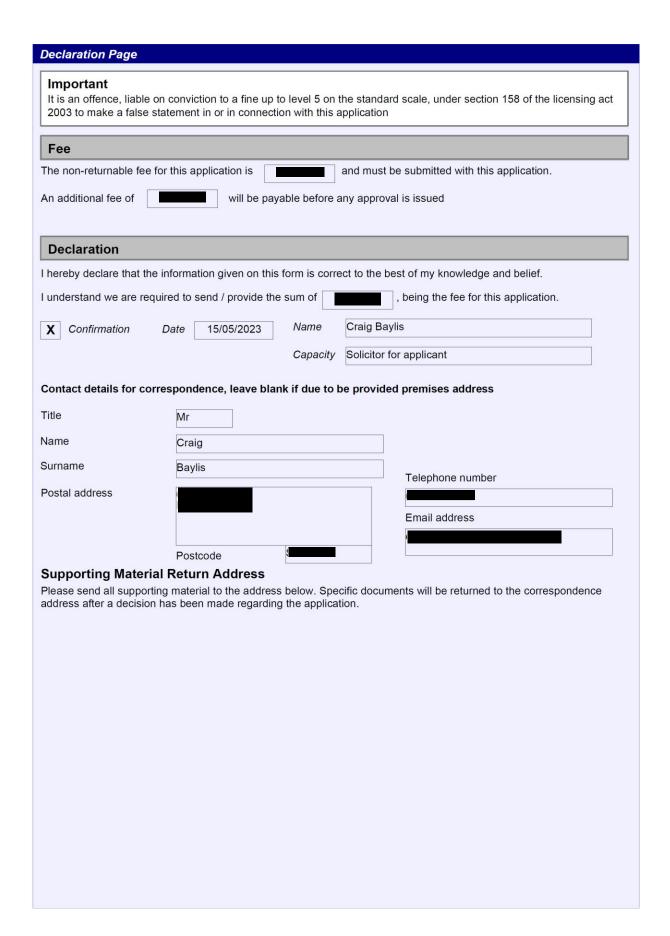
Sex Establishment Licence history – The Box				
Application reference	Application details	Decision	Date of licence expiration	
12/02615/LISEVN	Application for a New Sexual Entertainment Venue Licence	Granted by Licensing Sub- Committee	30 September 2013	
13/07297/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted by Licensing Sub- Committee	30 September 2014	
14/08146/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority	30 September 2015	
15/06091/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority	30 September 2016	
15/08960/LISEVN	Application for a New Sexual Entertainment Venue Licence. This particular application was for a temporary interim solution to ensure that The Box would be able to keep trading whilst works were completed over an estimated two and a half year to three year period.	Granted by Licensing Sub- Committee	2 December 2016	
16/10111/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority	2 December 2017	
17/00260/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought to changes to the layout of the premises.	Granted under Delegated Authority	2 December 2017	
17/10857/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority	2 December 2018	
18/10921/LISEVR	Application to renew	Granted by	2 December 2018	

	the Sexual Entertainment Venue Licence	Licensing Sub- Committee	
18/13609/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought to remove conditions	Granted under Delegated Authority	2 December 2019
19/12517/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted by Licensing Sub- Committee	28 November 2019
20/07617/LISEVV	Application to vary the layout of the premises	Granted under Delegated Authority	2 December 2020
21/00868/LISEVN	Application for a New Sexual Entertainment Venue Licence. This application was required applicant failed to submit a renewal applicant and the existing licence expired.	Granted by Licensing Sub- Committee	07 July 2021
22/05408/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted by Licensing Sub- Committee	07 July 2023

Application Form Appendix C

	Westminster City Council
Applicatio	n for a sexual entertainment venue licence
	overnment (Miscellaneous Provisions) Act 1982
	and the necessary fee will be sent for a:
New Licence	
Transfer of Licence	Licence search
Renewal of Licence	X Licence number 22/05408/LISEVR
Variation of Licence	
Part 1 - Application Details	
Name of premises	The Box
Allerandon	
Address of premises	11 - 12 Walkers Court London
	Postcode W1F 0BZ
The application is being made -	on behalf of an unincorporated or body corporate
If application is made on beh	alf of an individual:
Title	
Name	Occupation (during preceding six months)
Surname	
Date of birth	Telephone number
If application is made on beh	alf of a corporate or incorporated body:
Name of applicant body:	Too 2 Much Ltd
Is this an unincorporated or body corporate?	Unincorporated X Body corporate
Registered / principal office address:	11-12 Walker's Court London
	Postcode W1F 0ED
Company number	07159258
	sons responsible for the management of the body, including the arry and similar officers and the manager of the establishment

Part 2 - Licence Details			
hat hours and what days are you oplying for?			
/hat <i>relevant</i> entertainment will be erformed?			
or variation applications - what oes the variation consist of?			
s only part of the building to be censed?	No Yes	Please provide details	
Vill any part of the premises be used or the exhibition of moving pictures?	No Yes	Please provide details	
Does the applicant presently use the premises as a sex establishment?	No Session	If yes, when did the use commence?	
		If not, what is the present use?	
Supporting Material Checklist I understand that I am required to se showing the area to be licensed and applicants, the directors of the comp any other person who will be responsicensed premises.	nd this app the statuto any applyin	lication with a plan ry declarations for the g for the licence and	
I confirm that no changes have taken	n place sind	te the last renewal	
II supporting material should be sein the declaration.	nt / provide	ed to the address shown	



# Details of public representations relating to 23/03185/LISEVR

Comments received electronically via PublicAccess:

Received: 21 May 2023 SUPPORT

21/05/2023 6:38 PM

I am happy to support this application because the doormen work hard to keep their guests in order. Sometimes there is some noise late at night, but it is rare and doesn't cause me any concern.

Received: 19 May 2023 OBJECTION

19/05/2023 9:32 PM When the club closes early morning a customers flood into the neighbouring streets - they are very noisy. I customers were actually going home it wouldn't be such a big problem, but many tend to hang out in for example Green Court and continue the party there creating lots of noise late at night / early morning. Unless The Box can find a way to manage this (staff get customers to move on) I am strongly object to the renewal of the licence.



Schedule 12 Part A

WARD: West End UPRN: 100023470325

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

	<b>Premises</b>	licence number:
--	-----------------	-----------------

20/07614/LIPVM

Original Reference:

05/06475/LIPCV

## Part 1 - Premises details

## Postal address of premises:

The Box 11 - 12 Walker's Court London W1F 0BZ

Telephone Number: Not Supplied

## Where the licence is time limited, the dates:

Not applicable

## Licensable activities authorised by the licence:

Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music

Anything of a similar description to Live Music or Recorded Music

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

Performance of a Play Late Night Refreshment 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 04:00 09:00 to 00:00 Sunday:

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve

until the start of permitted hours on New Year's Day

# Exhibition of a Film

Monday to Saturday: 09:00 to 04:00 09:00 to 00:00 Sunday:

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

## Performance of Live Music

09:00 to 04:00 Monday to Saturday: Sunday: 09:00 to 00:00 Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Even until the start of permitted hours on New Year's Day

Playing of Recorded Music

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 09:00 to 04:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

Monday to Saturday: 09:00 to 04:00 Sunday: 09:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Even until the start of permitted hours on New Year's Day

Performance of a Play

Monday to Saturday: 09:00 to 04:00 Sunday: 14:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

**Late Night Refreshment** 

Monday to Saturday: 23:00 to 04:00 Sunday: 23:00 to 00:30

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non-standard Timings: These hours to be extended by one hour on the morning that British

Summer Time commences

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 04:00 Sunday: 09:00 to 00:30

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:

Too 2 Much Limited 25A Western Avenue Milton Park Milton Abingdon OX14 4SH

Electronic Mail: cara@theboxsoho.com

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

07159258

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

Name: Aasim Chaudhri

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: 13/00934/LIPERS

Licensing Authority: London Borough Of Croydon

Date: 20 January 2021

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

## Annex 1 - Mandatory conditions

- 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;
    - 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).
- 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 -
  - "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 + (DxV)

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.
- Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
- 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

- 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. 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.
- Any scenery to be kept or used on the premises shall be constructed only from such material as the Council accepts for use on open stages and such scenery shall be restricted to that necessary for the current performance and shall be used on the stages only.
- 14. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
- 15. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- 16. The sale or supply of alcohol must end at midnight on any day on which music and dancing is not provided after midnight.
- 17. On any day that music and dancing end between midnight and 03.00, the sale or supply of alcohol shall end when the music and dancing end.
- 18. In relation to the morning on which summertime begins, the terminal hour for the sale or supply of alcohol on weekdays (Monday to Saturday) shall extend until 04.00
- 19. The sale or supply of alcohol on New Year's Eve will extend to the time when the sale or supply of alcohol can commence on New Year's Day.
- 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- On any evening where the premises or part of the premises are open for the purpose of music, dance or entertainment in which the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment, alcohol shall not be sold or supplied to persons admitted to the

premises after 23:00 other than to:

- Persons who will pay an admission or table fee (not to be credited against consumables).
- b) Artistes or person employed at the premises.
- c) Bona fide guests of the proprietor, the total number of whom shall not exceed at any one time 10% of the total capacity for the premises (as specified on the Premises Licence for the premises). A list individually naming all such persons shall be kept at reception for inspection by the appropriate authorities.
- d) Persons taking pre-booked full table meals, a list of whom shall be kept at the reception for inspection by the appropriate authorities.
- e) Persons attending private functions, booked at least 24 hours in advance, the function organisers name and address to be recorded and kept for inspection by the Police and authorised officers of the council for a minimum 31 days.
- f) Members of the club and their bona fide guests (no member to be permitted more than 3 guests at a time) a list of whom shall be held at reception for inspection by the relevant authorities. No persons shall be admitted to membership without an interval of at least 24 hours between nomination or application for membership or admission.
- 24. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed;
  - a) First Floor 230 persons
  - b) Basement 70 persons
  - c) With no more than 288 persons at any one time.
- 25. Door staff shall remind patrons to minimise disturbance when they leave.
- 26. The sale and supply of alcohol and food shall only take place within the premises and customers shall not be permitted to remove these from the premises.
- 27. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or police officer on request.
- 28. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
- 29. The premises shall order cabs for patrons on request and the basis for the operation is to be agreed with the Metropolitan Police, Environmental Health and Highways Authority.
- 30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 31. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
- 32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter

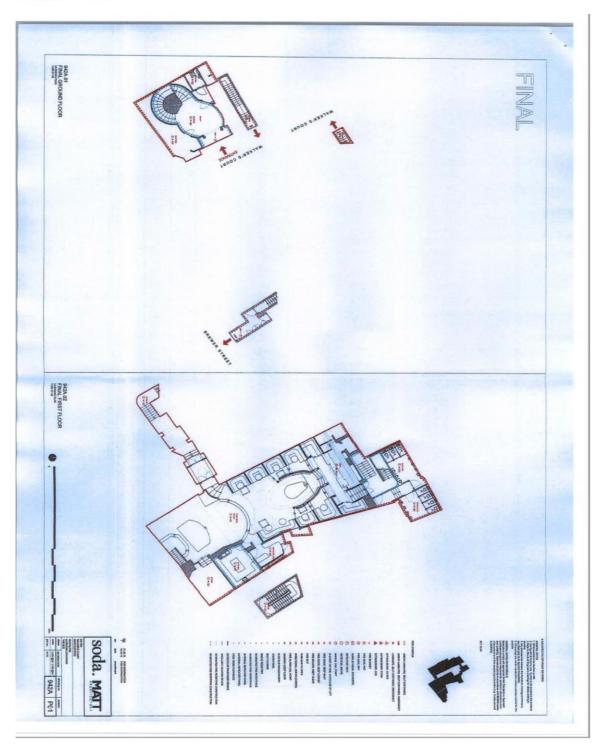
shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

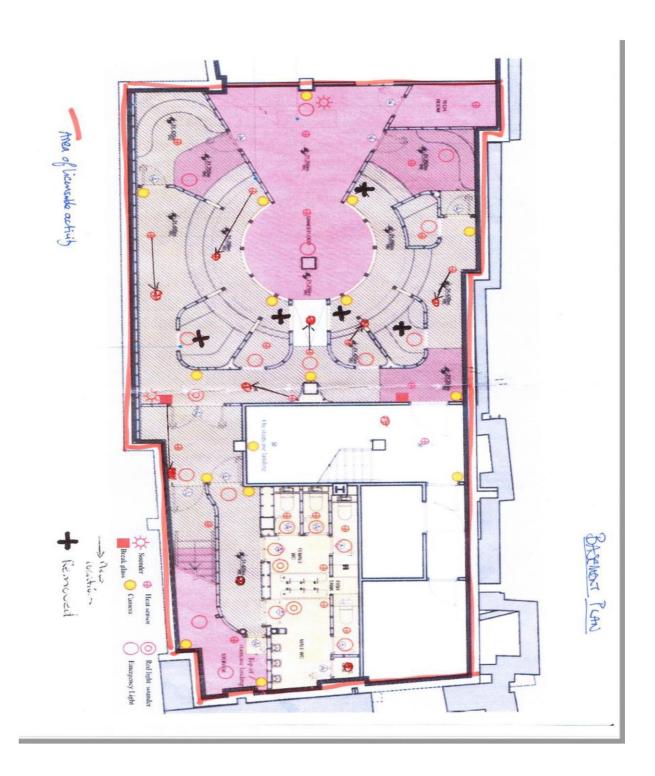
- Any music played in the entrance lobby on the ground floor will be way of background music only.
- 34. A representative of the premises licence holder shall attend the local Pubwatch meetings.
- 35. When the premises is open for licensable activities after 22:00 there shall be a minimum of 2 SIA licensed door supervisors stationed at the front entrance.
- 36. 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 any refusal of sale of alcohol.
- 37. The premises will participate in the Westminster Licensed premises shared radio scheme approved by Westminster City Council and the Metropolitan Police.
- 38. If any entertainment is provided for children or if 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:
  - a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - c) to take all other reasonable precautions for the safety of the children.
  - d) If any entertainment is provided solely for children's purposes, there shall be no retail sale of alcohol permitted and no nude cabaret or nude table side dancing permitted
  - e) If any functions or private events are attended by any children the premises licence holder shall ensure that (a) no nude cabaret or nude table side dancing is provided and a premises risk assessment is carried out and (b) there are adequate policies in place to ensure that children are not sold or supplied alcohol otherwise than in accordance with the Licensing Act 2003. Copies of the premises risk assessment in this regard shall be made available to police and authorised officers of the council upon request and will be retained for a minimum of 31 days.
- 39. There shall be no gambling on the premises.
- 40. 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.
- 41. No deliveries to the premises shall take place between 23.00 and 07.00 on the

following day.

- 42. No licensable activities shall be carried out on the external smoking terrace.
- 43. No drinks or glass containers shall be permitted on the external smoking terrace.
- 44. The access door leading onto the external smoking terrace shall be kept closed at all times except for immediate access and egress.
- 45. Loudspeakers shall not be located outside the premises building including the external smoking terrace.
- 46. The premises licence holder shall ensure that any patrons smoking outside the premises, including on the terrace, do so in an orderly manner and are supervised by staff at all times so as to ensure that there is no public nuisance caused.

Annex 4 - Plans







## Schedule 12 Part B

WARD: West End UPRN: 100023470325

Premises licence summary

Regulation 33, 34

Premises licence number:	20/07614/LIPVM
Part 1 – Premises details	
Postal address of premises:	
The Box 11 - 12 Walker's Court London W1F 0BZ	

Where	the	licanca	is time	limited	the dates:

Telephone Number: Not Supplied

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description

Anything of a similar description to Live Music or Recorded Music

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

Performance of a Play Late Night Refreshment 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 04:00 Sunday: 09:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

# Exhibition of a Film

Monday to Saturday: 09:00 to 04:00 Sunday: 09:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

**Performance of Live Music** 

Monday to Saturday: 09:00 to 04:00 Sunday: 09:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Even until the start of permitted hours on New Year's Day

Playing of Recorded Music

Unlimited

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday:

09:00 to 04:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

Monday to Saturday: 09:00 to 04:00 Sunday: 09:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Even until the start of permitted hours on New Year's Day

Performance of a Play

Monday to Saturday: 09:00 to 04:00 Sunday: 14:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

Late Night Refreshment

Monday to Saturday: 23:00 to 04:00 Sunday: 23:00 to 00:30

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 00:00

Seasonal Details: These hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Non-standard Timings: These hours to be extended by one hour on the morning that British

Summer Time commences

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 04:00 Sunday: 09:00 to 00:30

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:

Too 2 Much Limited 25A Western Avenue Milton Park Milton Abingdon

OX14 4SH

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

07159258

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

Name: Aasim Chaudhri

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

Restricted

Date: 20 January 2021

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

Map of Locality Appendix F

The Box, 11-12 Walkers Court



**Resident Count:488** 

Faith Groups: 1

Schools: 1

**Sexual Entertainment Venues: 2** 

Sex Establishment: 5