



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/09500/LIPV - Premises Licence Variation
Title of Report:	Sophie's Steakhouse 42-44 Great Windmill Street London W1D 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	25 August 2017		
Applicant:	Sophie's Soho Ltd		
Premises:	Sophie's Steakhouse		
Premises address:	42-44 Great Windmill Street London W1D 7LU	Ward:	West End
		Cumulative Impact Area:	West End.
Premises description:	According to the application the premises will operate as a restaurant and bar.		
Variation description:	<p>To remove the following condition from the recently granted new premises licence ref:17/06235/LIPN</p> <p>'All bags of persons entering the premises shall be searched by security after 23:00 hours daily'</p> <p>There are no other changes sought.</p>		
Premises licence history:	<p>The premises was granted a new premises licence on 10th August 2017. (17/06235/LIPN).</p> <p>The premises has been licensed since May 2005.</p> <p>A full history can be found at Appendix 2.</p>		
Applicant submissions:	None Submitted.		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Dance / Live Music / Recorded Music / Anything of a Similar Description					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	01:00	No change.		Ground Floor and Basement
Tuesday	10:00	01:00			
Wednesday	10:00	01:00			
Thursday	10:00	01:00			
Friday	10:00	01:00			
Saturday	10:00	01:00			
Sunday	12:00	23:00			
Seasonal Variations/ Non-standard timings:	Current:			Proposed:	
	None.			None.	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	01:30	No change.		Ground Floor and Basement
Tuesday	23:00	01:30			
Wednesday	23:00	01:30			
Thursday	23:00	01:30			
Friday	23:00	01:30			
Saturday	23:00	01:30			
Sunday					
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None.			None.	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On Sales		On Sales
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	01:00	No change.		Ground Floor and Basement
Tuesday	10:00	01:00			
Wednesday	10:00	01:00			
Thursday	10:00	01:00			
Friday	10:00	01:00			
Saturday	10:00	01:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			None.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	01:30	No change.		Ground Floor and Basement
Tuesday	09:00	01:30			
Wednesday	09:00	01:30			
Thursday	09:00	01:30			
Friday	09:00	01:30			
Saturday	09:00	01:30			
Sunday	09:00	23:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			None.

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<u>Condition 37</u>	To be removed.

All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	22 nd September 2017
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The licence has recently been granted for this premises where the Westminster Licensing Sub-Committee felt it appropriate to add the condition this application seeks to remove. The licensing authority is concerned that as per our statement of licensing policy CD1 2.2.2, applicants are expected to explain in their operating schedule how the premises will promote the prevention of crime and disorder. No rationale has been given as to why, a premises that has not yet opened, should be permitted to remove a condition only recently applied.</p> <p>There are increased security risks which was highlighted by the committees last chairperson and we support the decision as the situation has not changed.</p>	

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	1 st September 2017

I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

Our objections relate to the following:

Application seeks to remove a licence condition intended to protect the public against the current terrorism threat.

2-B Other Persons	
Name:	Soho Society
Received:	18 th September 2017

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

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

About The Soho Society

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

Application summary

To remove the following condition from the recently granted new premises licence ref: 17/06235/LIPN:- 'All bags of persons entering the premises shall be searched by security after 23:00 hours daily'

The Soho Society is concerned at the removal of this condition from the recently granted licence. Given that the sizeable premises are located near to Piccadilly Circus, a short way along Great Windmill Street and thus clearly visible from Shaftesbury Avenue, the venue will likely prove quite popular. Given this popular, high-profile location and current fears about potential terrorist attacks, we respectfully ask that the

above condition is kept on the licence.

Please let me know if any proposals are made to amend the application in respect of the conditions appended.

3. Policy & Guidance

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

Policy CIA1 applies	(i) It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

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

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

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	25 th August 2017
5	Representation – Licensing Authority	22 nd September 2017
6	Representation – MET Police	1 st September 2017
7	Representation – Soho Society	18 th September 2017

Applicant Supporting Documents
(None)

Appendix 2

Licence & Appeal History - 17/00087/LIPT

Application	Details of Application	Date Determined	Decision
05/06215/LIPCV	Conversion Application.	12.05.2005	Granted by Licensing Sub- Committee
06/06559/WCCMAP	New Premises Application.	08.12.2007	Granted Under Delegated Authority
08/07057/LIPDPS	To Vary Designated Premises Supervisor.	05.08.2008	Granted Under Delegated Authority
09/02957/LIPDPS	To Vary Designated Premises Supervisor	28.04.2009	Granted Under Delegated Authority
09/04907/LIPV	Variation Application	19.08.2009	Granted Under Delegated Authority
09/07074/LIPVM	Minor Variation	08.10.2009	Granted Under Delegated Authority
10/05014/LIPDPS	To Vary Designated Premises Supervisor	21.07.2010	Granted Under Delegated Authority
11/03457/LIPDPS	To Vary Designated Premises Supervisor	27.04.2011	Granted Under Delegated Authority
12/02755/LIPDPS	To Vary Designated Premises Supervisor	18.04.2012	Granted Under Delegated Authority
12/04356/LIPDPS	To Vary Designated Premises Supervisor	06.06.2012	Granted Under Delegated Authority
12/06707/LIPV	Variation Application	05.09.2012	Granted Under Delegated Authority
12/07726/LIPDPS	To Vary Designated Premises Supervisor	24.09.2012	Granted Under Delegated Authority

13/00120/LIPDPS	To Vary Designated Premises Supervisor	24.01.2013	Granted Under Delegated Authority
13/05623/LIPDPS	To Vary Designated Premises Supervisor	12.08.2013	Granted Under Delegated Authority
15/03202/LIPDPS	To Vary Designated Premises Supervisor	26.07.2015	Granted Under Delegated Authority
16/07055/LIPDPS	To Vary Designated Premises Supervisor	26.09.2016	Granted Under Delegated Authority
16/11297/LIPDPS	To Vary Designated Premises Supervisor	12.12.2016	Granted Under Delegated Authority
17/00087/LIPT	Application to transfer premises licence from A3D2 Limited to Sophie's Soho Limited	08.02.2017	Granted Under Delegated Authority

There is no appeal history

Application	Details of Application	Date Determined	Decision
17/06235/LIPN	Application for a new premises licence	10.08.2017	Granted by Licensing Sub-Committee

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. 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. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. 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.
25. 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.

26. 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.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.
29. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined
30. 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.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
36. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.

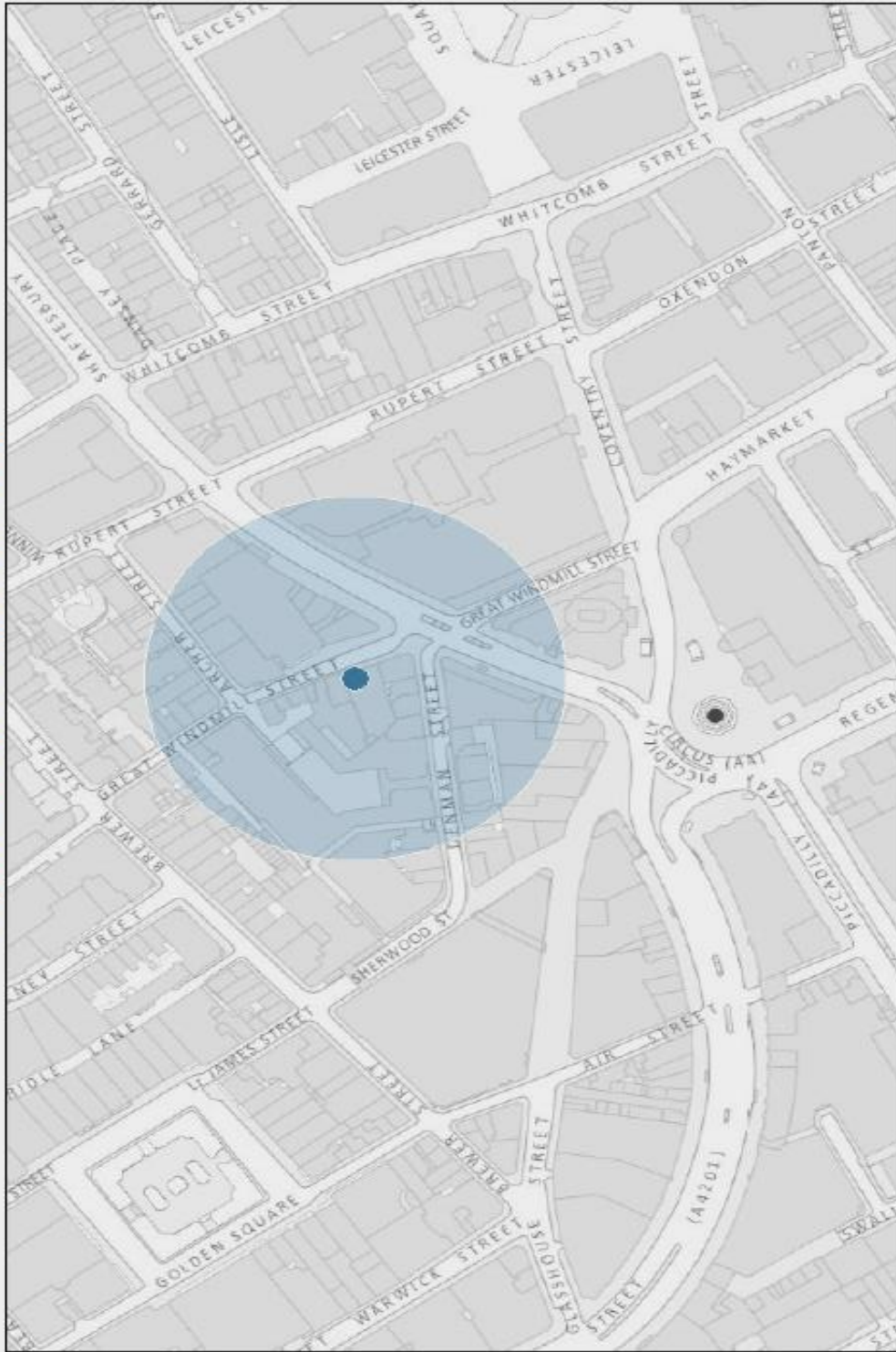
Applicant proposes condition 37 be removed.

37. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
38. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.

39. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons.
40. Save for emergencies, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
41. After 23.00 hours, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment.
42. The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment.
43. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
44. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff.
45. 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.
46. 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.
47. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

Residential Map and List of Premises in the Vicinity

Sophie's 42-44 Great Windmill Street



July 24, 2017