



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	6 September 2018
Licensing Ref No:	18/06728/LIPV - Premises Licence Variation
Title of Report:	Soho Theatre Basement And Ground Floor 21 Dean Street London W1D 3NE
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 Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	8 June 2018		
Applicant:	Soho Theatre Company Limited		
Premises:	Soho Theatre		
Premises address:	Basement And Ground Floor 21 Dean Street London W1D 3NE	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The applicant states the premises are a Theatre.		
Variation description:	<p>The applicant is looking to vary the premises licence as follows:</p> <ol style="list-style-type: none"> To amend condition 15 so that it applies after core hours rather than after 23:00. <p>The proposed amendment to condition 15 will read as follows:</p> <p><i>“Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</i></p> <p><i>Core Hours means :</i> <i>23:30 Monday to Thursday;</i> <i>00:00 Friday, Saturday and Sundays before bank holidays; and</i> <i>22:30 on Sunday”</i></p>		
Premises licence history:	The premises has been licence since December 2010. A copy of the premises licence, ref: 17/07232/LIPDPS can be found at Appendix 2 . A full licensing history is provided at Appendix 4 .		
Applicant submissions:	None.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance, Exhibition of films, Performance of Live Music, Playing of Recorded Music and Performance of Play:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:30				
Seasonal variations:	Current:				Proposed:	
	None.				No Change	
Non-standard timings:	Current:				Proposed:	
	None.				No Change.	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	02:30	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	23:00	01:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No change	
	Current:				Proposed:	
	None.				No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off the premises		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:30	02:00	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No change	
	The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	02:30	No Change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	01:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	
	None				No change	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.	Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests. Core Hours means : 23:30 Monday to Thursday; 00:00 Friday, Saturday and Sundays before bank holidays; and 22:30 on Sunday

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	2 nd July 2018
<p>I refer to the application for variation of a Premises Licence (17/07232/LIPDPS), issued under the Licensing Act 2003.</p> <p>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the Operating Schedule, no plan has been submitted.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none">To amend condition 15 from: <i>Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</i> <p>To</p> <p>Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</p> <p>Core Hours means: 23:30 Monday to Thursday; 00:00 Friday, Saturday and Sundays before bank holidays; and 22:30 on Sunday</p> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none">The increase in hours for the bar use may cause an increase in Public Nuisance in the cumulative impact area. <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
Responsible Authority:	Metropolitan Police Service (Withdrawn)
Representative:	PC Cheryl Boon
Received:	25 June 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. The venue is situated inside Westminster's Cumulative Impact Area, however it is our belief that if granted the application would undermine the Licensing Objectives with regards to the prevention of crime and disorder.</p>	

I have looked through the application. Overall it is agreeable but there is one conditions that we require, this is as follows:

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.

Please let me know whether your client is willing to agree to the one condition police are proposing as this may enable us to withdraw our representation.

On 25 June 2018 the applicant proposed the amended condition as detailed below:

The condition is agreed save for scanning and searching equipment - i.e.

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.

On 25 June 2018 the police agreed the amended version of the condition and subsequently the representation was withdrawn.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<ul style="list-style-type: none"> (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy CIP1 applies:	<ul style="list-style-type: none"> (i) It is the Licensing Authority's 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 PVC2 applies:	Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

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

5. Appendices

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

Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

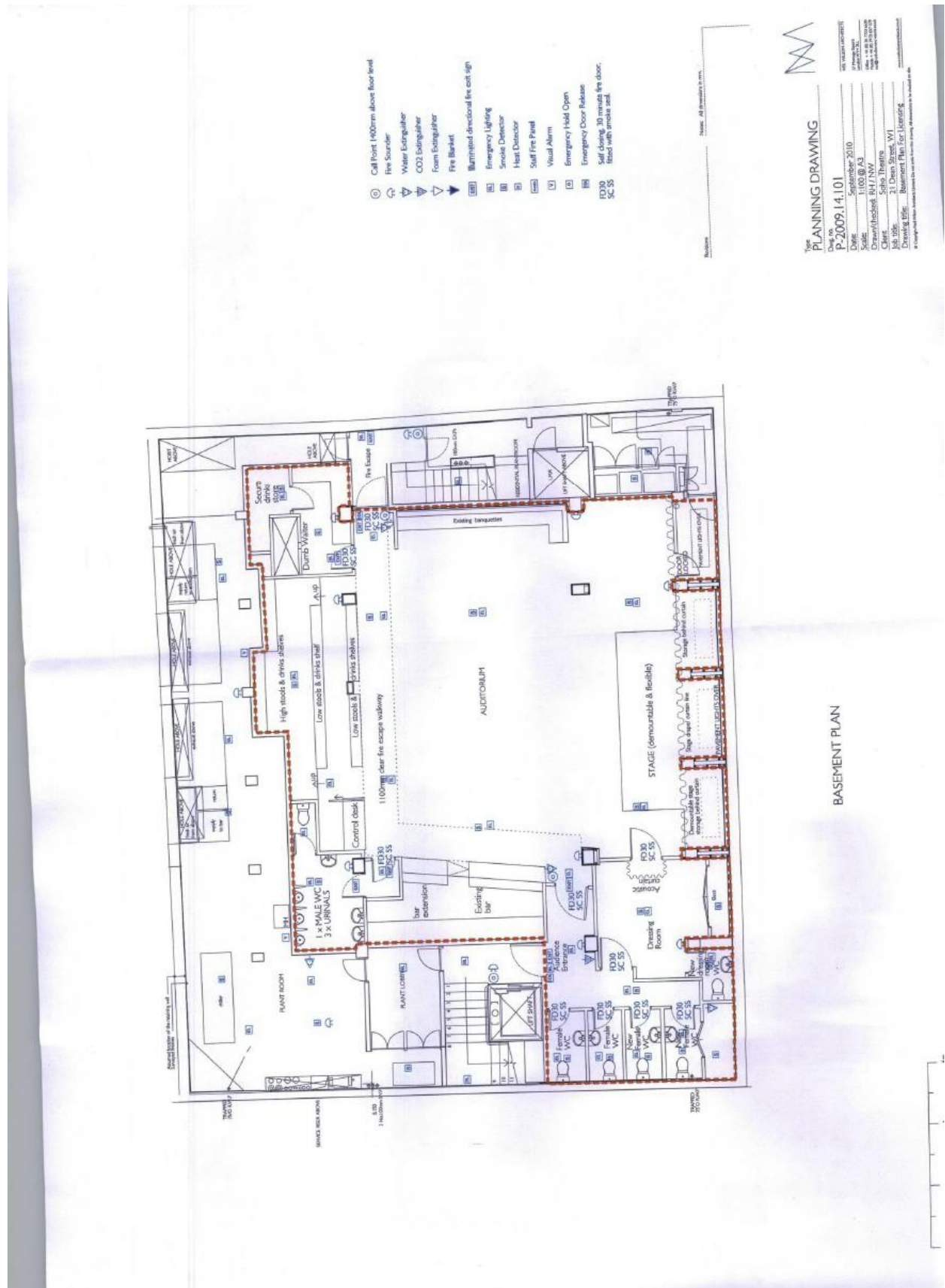
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

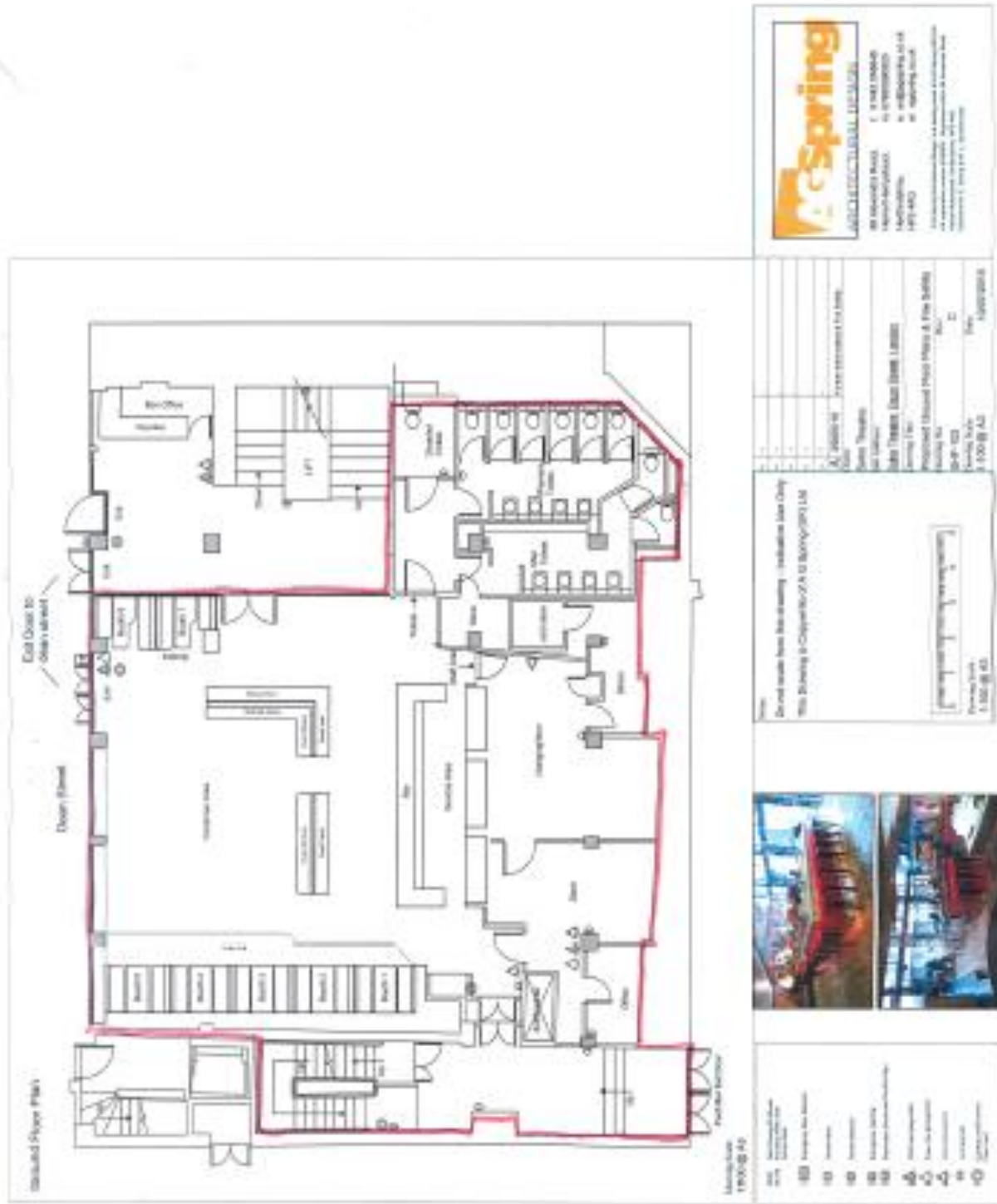
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation – Environmental Health Service	2 nd July 2018
5	Representation – Metropolitan Police Service (Withdrawn)	25 th June 2018

Premises Plans

Basement:



Ground Floor:



Notes:

1. All rooms are to be finished to a standard suitable for office use.

2. All rooms are to be finished to a standard suitable for office use.

3. All rooms are to be finished to a standard suitable for office use.

4. All rooms are to be finished to a standard suitable for office use.

5. All rooms are to be finished to a standard suitable for office use.

6. All rooms are to be finished to a standard suitable for office use.

7. All rooms are to be finished to a standard suitable for office use.

8. All rooms are to be finished to a standard suitable for office use.

9. All rooms are to be finished to a standard suitable for office use.

10. All rooms are to be finished to a standard suitable for office use.

Project Information:

Project Name: [Redacted]
 Client: [Redacted]
 Architect: [Redacted]
 Date: [Redacted]



Premises Licence

- Ref: 17/07232/LIPDPS



Schedule 12
Part A

WARD: West End
UPRN: 010033533190

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/07232/LIPDPS

Original Reference:

10/07989/LIPN

Part 1 – Premises details

Postal address of premises:

Soho Theatre
Basement and Ground Floor
21 Dean Street
London
W1D 3NE

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
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: 10:00 to 01:00
Sunday: 12:00 to 00:30

Exhibition of a Film

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Performance of Live Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Performance of a Play

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Late Night Refreshment

Monday to Saturday: 23:00 to 02:30
Sunday: 23:00 to 01:00

Sale by Retail of Alcohol

Monday to Saturday: 10:30 to 02:00
Sunday: 12:00 to 00:30

The opening hours of the premises:

Monday to Saturday: 10:00 to 02:30
Sunday: 12:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Soho Theatre Company Limited
21 Dean Street
London
W1D 3NE

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

01151823

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

Name: Simon Barfoot

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: 16/06322/LIPERS
Licensing Authority: City of Westminster Council

Date: 24 September 2017

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. The supply of alcohol in the basement shall be ancillary to the regulated entertainment taking place there.
15. Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.
16. There will be no admission to persons under the age of 18 if performances are taking place involving adult content. The licensee will provide appropriately trained staff in order to monitor the age of persons entering the performance area in these circumstances.
17. When such a performance is advertised, appropriate warnings will be provided in promotional literature, on the company's website and at the performance itself.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. The number of persons accommodated in the basement at any one time (excluding staff) shall not exceed: Basement 150 persons.
20. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
22. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which

susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: West End
UPRN: 010033533190

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

17/07232/LIPDPS

Part 1 – Premises details

Postal address of premises:

Soho Theatre
Basement And Ground Floor
21 Dean Street
London
W1D 3NE

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
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: 10:00 to 01:00
Sunday: 12:00 to 00:30

Exhibition of a Film

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Performance of Live Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:30

Performance of a Play

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 00:30
Late Night Refreshment	
Monday to Saturday:	23:00 to 02:30
Sunday:	23:00 to 01:00
Sale by Retail of Alcohol	
Monday to Saturday:	10:30 to 02:00
Sunday:	12:00 to 00:30

The opening hours of the premises:

Monday to Saturday: 10:00 to 02:30
 Sunday: 12:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Soho Theatre Company Limited
 21 Dean Street
 London
 W1D 3NE

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

01151823

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

Name: Simon Barfoot

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

Restricted

Date: 24 September 2017

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

Applicant Supporting Documents

None.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06987/LIPCV	Conversion Variation Application	30.09.2005	Granted by Licensing Sub Committee
06/06410/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2006	Granted under delegated authority
06/06850/LIPV	Application to vary the Premises Licence	14.09.2006	Granted under delegated authority
06/13461/LIAN	Interim Authority Notice	19.12.2006	Granted under delegated authority
07/00433/LIPDPS	Application to Vary the Designated Premises Supervisor	31.01.2007	Granted under delegated authority
07/01876/LIPT	Application to Transfer the Premises Licence	21.03.2007	Granted under delegated authority
06/07092/WCCMAP	Master Licence	12.09.2007	Granted under delegated authority
07/04050/LIPV	Application to vary the Premises Licence	21.06.2007	Granted under delegated authority
07/08126/LIPDPS	Application to Vary the Designated Premises Supervisor	19.09.2007	Granted under delegated authority
08/05234/LIPDPS	Application to Vary the Designated Premises Supervisor	16.06.2008	Granted under delegated authority
09/03771/LIPDPS	Application to Vary the Designated Premises Supervisor	10.07.2009	Granted under delegated authority
09/09140/LIPDPS	Application to Vary the Designated Premises Supervisor	20.01.2010	Granted under delegated authority

10/07989/LIPN	Application for a New Premises Licence	02.12.2010	Granted by Licensing Sub Committee
10/08726/LIPVM	Application for a Minor Variation	22.11.2010	Granted under delegated authority
10/09293/LIPVM	Application for a Minor Variation	03.12.2010	Granted under delegated authority
10/09620/LIPRW	Removal of Works condition	03.12.2010	Granted under delegated authority
10/10535/LIPRW	Removal of Works condition	05.01.2011	Granted under delegated authority Licence surrendered on 20.02.2012
11/01915/LIPVM	Application for a Minor Variation	25.03.2011	Granted under delegated authority
13/10085/LIPVM	Application for a Minor Variation	07.01.2014	Granted under delegated authority
15/04686/LIPV	Application to vary the Premises Licence	03.09.2015	Refused by Licensing Sub Committee
15/05082/LIPVM	Application for a Minor Variation	16.07.2015	Granted under delegated authority
15/06247/LIPVM	Application for a Minor Variation	13.08.2015	Granted under delegated authority
17/07232/LIPDPS	Application to Vary the Designated Premises Supervisor	24.09.2017	Granted under delegated authority
18/06728/LIPV	Application to vary the Premises Licence		To be determined

There is no appeal history

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 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.

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. The supply of alcohol in the basement shall be ancillary to the regulated entertainment taking place there.
15. Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.

Proposed to be amended as follows:

Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.

Core Hours means:

23:30 Monday to Thursday;

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

22:30 on Sunday

16. There will be no admission to persons under the age of 18 if performances are taking place involving adult content. The licensee will provide appropriately trained staff in order to monitor the age of persons entering the performance area in these circumstances.
17. When such a performance is advertised, appropriate warnings will be provided in promotional literature, on the company's website and at the performance itself.

18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. The number of persons accommodated in the basement at any one time (excluding staff) shall not exceed: Basement 150 persons.
20. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
22. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

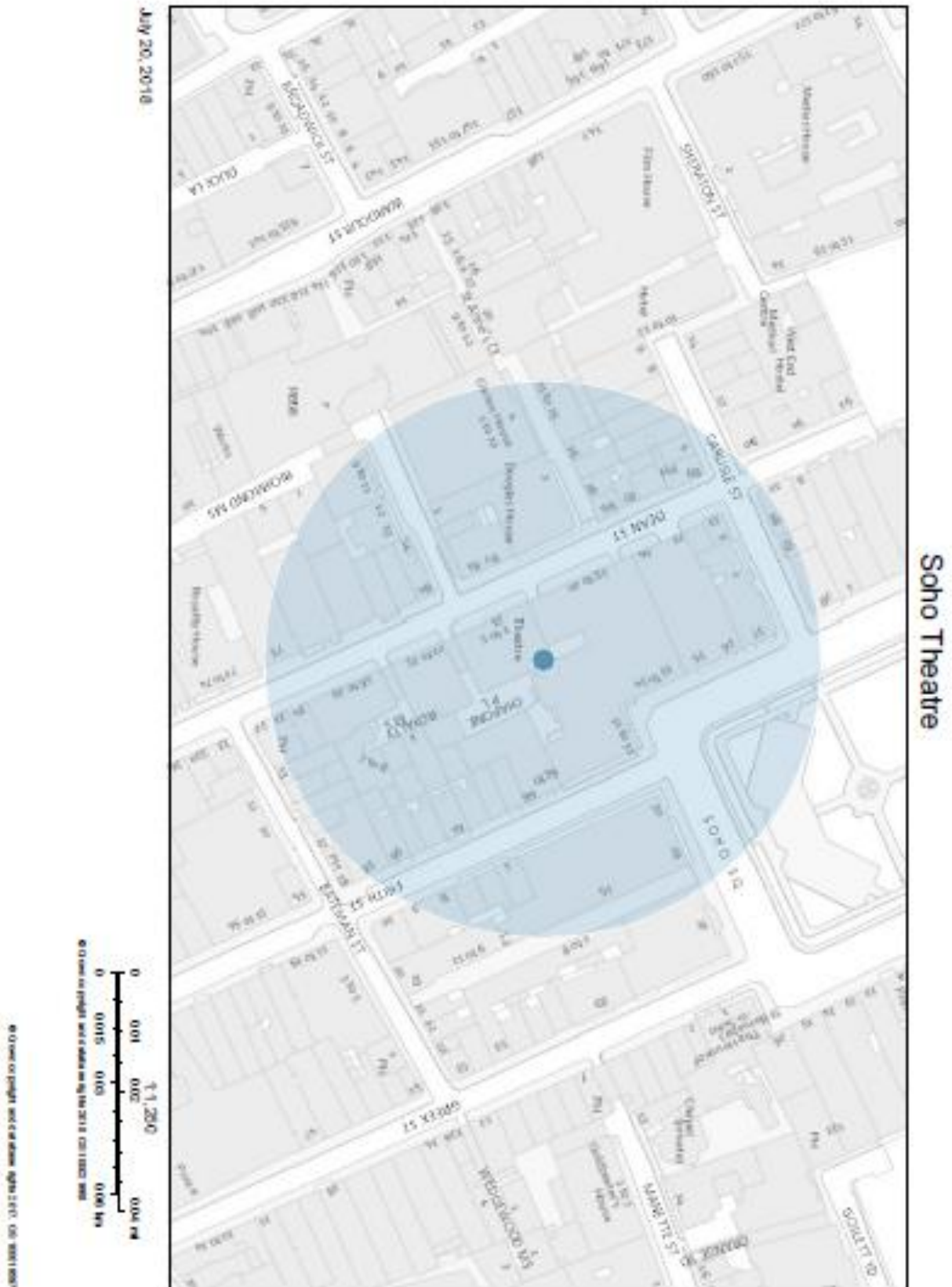
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.

Conditions proposed by the Metropolitan Police Service and agreed by the applicant:

25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.

Residential Map and List of Premises in the Vicinity



Resident Count: 94

Premises within 50 metres of: Mega Food, 330 Harrow Road

Reference Number	Name of Premises	Premises Address	Licensed Hours
17/07232/LIPDPS	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday; 10:00 - 02:30 Sunday; 12:00 - 01:00
16/09805/LIPDPS	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday; 09:00 - 00:00 Sunday; 12:00 - 23:30 Bank Holiday; 14:00 - 23:30
17/14397/LIPT	Firezza	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday; 07:00 - 01:00 Sunday; 09:00 - 00:00
18/01213/LIPDPS	Wagamama	81 Dean Street London W1D 3SW	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30
17/08562/LIPDPS	Flavour Bastard	63 - 64 Frith Street London W1D 3JW	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/09349/LIPRW	Circa	Basement And Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday; 11:00 - 01:00
08/04012/LIPV	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
16/08358/LIPT	Barrafina Quo Vadis	26 Dean Street London W1D 3LL	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
15/10763/LIPCHT	Billy And The Chicks	27 - 28 St Anne's Court London W1F 0BN	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10652/LIPDPS	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/02283/LIPDPS	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/09372/LIPCH	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/03785/LIPDPS	Zelman Meats	2 St Anne's Court London W1F 0AZ	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
16/11522/LIPDPS	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

18/01285/LIPDPS	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
15/03179/LIPDPS	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
09/07575/LIPV	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 00:00
17/04162/LIPDPS	Soho Dean Street	76 Dean Street London W1D 3SQ	Monday to Sunday: 07:00 to 01:00
17/15059/LIPN	Salon 64	14 Bateman Street London W1D 3AG	Monday; 08:00 - 22:30 Tuesday; 08:00 - 22:30 Wednesday; 08:00 - 22:30 Thursday; 08:00 - 22:30 Friday; 08:00 - 22:30 Saturday; 08:00 - 22:30
16/07867/LIPN	Frith Street Hotel	56-57 Frith Street London W1D 3JG	Monday to Saturday; 07:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 12:00 - 23:30 New Year's Eve; 00:00 - 00:00
17/04895/LIPDPS	Mimi's	56-57 Frith Street London W1D 3JG	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00 Sundays before Bank Holidays; 07:00 - 23:30
16/13602/LIPV	Pix	16 Bateman Street London W1D 3AH	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 22:30 New Year's Eve; 12:00 - 00:00