



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	3 September 2020
Licensing Ref No:	20/04738/LIPV - Premises Licence Variation
Title of Report:	Cuckoo Club Ground Floor Victory House 99 - 101 Regent Street
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	18 June 2020		
Applicant:	Unicorn Capital Limited		
Premises:	Cuckoo Club		
Premises address:	Ground Floor Victory House 99 - 101 Regent Street London	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a members only restaurant and nightclub.		
Variation description:	<p>The proposed variation is:</p> <ol style="list-style-type: none"> 1. To extend the provision for regulated entertainment indoors (to include plays, films, live music, recorded music, performance of dance and anything similar) to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 2. To extend the sale of alcohol on and off the premises to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 3. To extend the provision for late night refreshment indoors to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 4. The opening hours of the premises will be Monday to Sunday 09:00 to 06:30 the following morning. 5. To remove conditions, 17, 20, 37,44 and 45 which are taken from premises licence 19/08094/LIPV relating to occupancy of the premises, provision of substantial food and private pre-booked events and prohibition of off sales. 		
Premises licence history:	The premises have had the benefit of a premises licence since 2009. The current premises licence 19/15018/LIPV is attached at Appendix 1 of this report. Please see Appendix 3 of the report for the full licence history.		
Additional information:	<p>The application has been submitted as a variation of 19/15018/LIPV. However a further variation was granted by Licensing Sub Committee on 13 February 2020 (licence number 19/15018/LIPV). The full decision of the Committee had not been released at the time of submission.</p> <p>As a result of the variation granted on 13 February 2020, conditions 44 and 45 referred to in this application have already been removed from the licence</p>		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films, performance of dance, live music and anything of a similar description						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	06:00	Basement, ground floor and mezzanine	No change
Tuesday	09:00	23:30	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
Seasonal Variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.				Proposed: No change	

Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:15	09:00	06:00	Basement, ground floor and mezzanine	No change
Tuesday	09:00	03:15	09:00	06:00		
Wednesday	09:00	03:15	09:00	06:00		
Thursday	09:00	03:30	09:00	06:00		
Friday	09:00	03:30	09:00	06:00		
Saturday	09:00	03:30	09:00	06:00		
Sunday	09:00	22:30	09:00	06:00		
Seasonal variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.				Proposed: 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	23:30	23:00	05:00	Basement, ground floor and	No change
Tuesday	23:00	23:30	23:00	05:00		

Wednesday	23:00	03:30	23:00	05:00	mezzanine	
Thursday	23:00	03:30	23:00	05:00		
Friday	23:00	03:30	23:00	05:00		
Saturday	23:00	03:30	23:00	05:00		
Sunday	N/A		23:00	05:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	09:00	06:00	Basement, ground floor and mezzanine	No change
Tuesday	10:00	03:15	09:00	06:00		
Wednesday	10:00	03:00	09:00	06:00		
Thursday	10:00	03:00	09:00	06:00		
Friday	10:00	03:00	09:00	06:00		
Saturday	10:00	03:00	09:00	06:00		
Sunday	12:00	22:30	09:00	06:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	09:00	06:30	Basement, ground floor and mezzanine	No change
Tuesday	09:00	03:30	09:00	06:30		
Wednesday	09:00	03:30	09:00	06:30		
Thursday	09:00	03:30	09:00	06:30		
Friday	09:00	03:30	09:00	06:30		
Saturday	09:00	03:30	09:00	06:30		
Sunday	09:00	00:00	09:00	06:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				No change	

1-C Layout alteration
No change of layout is proposed

1-D Conditions being removed						
<p>Condition 17 On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 175 Ground Floor: 110 On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 198 Ground Floor: 213 (this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).</p>						
<p>Condition 20 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.</p>						
<p>Condition 37 There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.</p>						
<p>Condition 44 From 8pm, licensable activities on a Thursday are only to be provided for private pre-booked corporate events, where a guest list will be held for the night and for 31 days after the event. The guest list must be made available on request to the Police or authorised officer of the City Council.</p> <p>This condition was removed by Licensing Sub Committee on 13th February 2020</p>						
<p>Condition 45. There shall be no sales of alcohol for consumption off the premises at any time.</p> <p>This condition was removed by Licensing Sub Committee on 13th February 2020</p>						
<table border="1"> <tr> <td>Adult entertainment:</td> <td>Current position:</td> <td>Proposed position:</td> </tr> <tr> <td></td> <td>None</td> <td>No change</td> </tr> </table>	Adult entertainment:	Current position:	Proposed position:		None	No change
Adult entertainment:	Current position:	Proposed position:				
	None	No change				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Adam Deweltz
Received:	24 June 2020
<p>20/04738/LIPV - Ground Floor, Victory House, 99 - 101 Regent Street, London, W1B 4EZ</p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Extending licensable activity until 06:00 hours and removing quite pertinent conditions from the premises licence will invariably cause many issues in the area and have an impact on Policing resources.</p> <p>This matter will need to be heard before the Licensing Sub-Committee.</p>	
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	16 July 2020
<p>I write in relation to the application submitted for a variation of the premises licence for Ground Floor, Victory House, 99-101 Regent Street, London.</p> <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 four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following variations:</p> <p>The proposed variation is to extend the provision for regulated entertainment indoors (to include plays, films, live music, recorded music, performance of dance and anything similar) from the current hours of Monday to Tuesday 09:00 to 23:30, Wednesday 09:00 to 03:15, Thursday to Saturday 09:00 to 03:30 and Sunday 09:00 to 22:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.</p> <p>To extend the sale of alcohol on and off the premises from the current hours of Monday to Tuesday 10:00 to 23:30, Wednesday to Saturday 10:00 to 03:00 and Sunday 12:00 to 22:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.</p>	

To extend the provision for late night refreshment indoors from the current hours of Monday to Tuesday 23:00 to 23:30 and Wednesday to Saturday 23:00 to 03:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.

The opening hours of the premises will be Monday to Sunday 09:00 to 06:30 the following morning.

To remove conditions, 17, 20, 37,44 and 45 which are taken from premises licence 19/08094/LIPV relating to occupancy of the premises, provision of substantial food and private pre-booked events and prohibition of off sales.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB2 and MD2.

The application and operating schedule falls within Westminster's MD2 and PB2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within Core Hours under Policy HRS1. In paragraph 2.5.23 and 2.5.48 the Licensing Authority considers that the grant of variations for pubs and bars plus premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances.

The current licence which was varied and granted at Licensing Sub Committee on the 13th February 2020 agreed with the below hours for Licensable Activities. The Licensing Authority has concerns in the extension of these hours under HRS1 policy as on some days there can be an increase of six and a half hours where Licensable Activities will be provided if the licence was minded to be granted.

Performance of Live Music

Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30

Playing of Recorded Music

Monday to Wednesday 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30

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

Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30

Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30
Wednesday to Saturday: 23:00 to 03:30

Sale by Retail of Alcohol

Monday: 10:00 to 23:30
Tuesday: 10:00 to 03:15
Wednesday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to provide further submissions as to why

they have proposed to remove of condition 20;

Condition 20 - 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.

The applicant has applied to extend the hours for 'Off Sales' to 06:00. The Licensing Authority would encourage the applicant to provide further submissions and information as to how the 'Off Sales' is intended to be operated and controlled from the premises to ensure that there is no adverse impact within the West End Cumulative Impact Area.

The Licensing Authority note that on the decision notice from the Licensing Sub-Committee held on the 13th February 2020 for the previous variation (19/15018/LIPV) which only circulated on 2nd July 2020. The Licensing Sub-Committee has already agreed to remove conditions 44 and 45 below.

44. From 8pm, licensable activities on a Thursday are only to be provided for private pre-booked corporate events, where a guest list will be held for the night and for 31 days after the event. The guest list must be made available on request to the Police or authorised officer of the City Council.

45. There shall be no sales of alcohol for consumption off the premises at any time.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	13 July 2020

I refer to the variation Premises Licence for the above premises. The premises already benefits from a premises licence 19/15018/LIPV.

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

This representation is based on the Operating Schedule, no further layout plans have been submitted.

The applicant is seeking the following:

1. To extend the hours for the Supply of Alcohol 'on' and 'off' the premises to Monday-Sunday 09:00-06:00 hours.
2. To extend the hours for Late Night Refreshment 'indoors' from to Monday-Sunday 23:00-05:00 hours.
3. To extend the hours for regulated entertainment 'indoors' including Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything Similar to Monday-Sunday

09:00-06:00 hours.

4. To remove conditions 17, 20, 37, 44 and 45.

I wish to make the following representation in relation to the above application:

1. The extension of hours for the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area.
2. The extension of hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The extension of hours for Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact area.
4. The removal of the conditions may cause an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

The applicant has not proposed any additional conditions within the Operating Schedule. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and impact Public Safety.

2-B Other Persons

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]

Status:

Valid

In support or opposed:

Opposed

Received:

16 July 2020

We work in a [REDACTED] and often come into work early. I do not feel comfortable or safe with alcohol being served until 6am and having intoxicated people when I am coming into work.

I feel this would be very disruptive for local residents and businesses alike.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]

Status:

Valid

In support or opposed:

Opposed

Received:

16 July 2020

We work in a [REDACTED] and often come into work early. I do not feel comfortable or safe with alcohol being served until 6am and having intoxicated people when I am coming in to work.

I feel this would be very disruptive for local neighbours and businesses alike

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	16 July 2020		
<p>I live at [REDACTED]. I work from home (also before lockdown) and this is my main home, not a weekday flat. There are 6 more residences in my building and several flats on Sackville St overlooking this end of Swallow St.</p> <p>The neighbouring properties are offices, 2 restaurants closing at around 11pm, a Jo Malone and a Hollister store, and a coffee shop closing at around 7pm. The Club has no outside seating or outdoor premises, just a door. Therefore, people going in/out congregate outside, and Swallow St becomes rather a loud rubbish bin and loo late at night. I do of course sympathise with the coronavirus situation but am very concerned about increased noise pollution, disorder, public safety and public nuisance if the license is extended and its conditions are removed.</p> <p>Being able to open all night long 7 days a week, removing the limit on the number of patrons, removing the controls on bookings and entry/re-entry, introducing off-premises alcohol sales at an indoor venue, and removing the need to sell food and non-intoxicating beverages and water alongside drinks, are all counter-intuitive to the concept of social distancing, and contrary to the interests of public safety, preventing public nuisance and disorder, and of public health. There is little space by the Club door and the Crown Estate is putting up scaffolding to clean all the Regent St and Swallow St buildings, which will further reduce that area. The previous noise pollution - music and patrons - and public drinking will be exacerbated and the larger numbers of patrons raises serious health concerns.</p> <p>I strongly urge the Club to use other ways of increasing revenue, and ask that the license amendment and removal of license conditions be declined.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>(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.</p> <p>(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.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p>For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30</p>

	<p>Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p>For premises for the supply of alcohol for consumption off the premises: Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p>For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy 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
Policy MD2 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 Licence 19/15018/LIPV
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Metropolitan Police Service Representation	24 June 2020
5	Licensing Authority Representation	16 July 2020
6	Environmental Health Service Representation	13 July 2020
7	Interested party Representation	16 July 2020
8	Interested party Representation	16 July 2020
9	Interested party Representation	16 July 2020



Schedule 12
Part A

WARD: West End
UPRN: 010033542355

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/15018/LIPV

Original Reference:

09/06341/LIPN

Part 1 – Premises details

Postal address of premises:

Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street
London
W1B 4EZ

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, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.
On commencement of British Summer Time one hour should be added to the terminal hour.

Exhibition of a Film
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Seasonal Details: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Performance of Live Music

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Playing of Recorded Music

Monday to Wednesday 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30

Wednesday to Saturday: 23:00 to 03:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Sale by Retail of Alcohol

Monday: 10:00 to 23:30

Tuesday: 10:00 to 03:15

Wednesday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 00:00

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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:

Unicorn Capital Limited
1st Floor
Victory House
99-101 Regent Street
London
W1B 4EZ

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

06986974

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

Name: Christopher Panayotis Tavoularis

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: 155125
Licensing Authority: The Royal Borough Of Kensington And Chelsea

Date: 02 July 2020

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. 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.
10. 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.
 - a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.
 - b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
13. 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.

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. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 175
Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 198
Ground Floor: 213
(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).
18. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. 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.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. 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.
24. 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 when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given):
 - o dry ice and cryogenic fog.
 - o smoke machines and fog generators.
 - o pyrotechnics including fire works.
 - o firearms.
 - o lasers.
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
25. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No loudspeakers shall be located in or near the entrance lobby.
30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. 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.
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.

34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities 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).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.
38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.
40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. 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.
43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
 - (a)
 - i) the number of persons on the ground floor
 - ii) the number of persons in the basement
 - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

- b) The counts shall be inclusive of those who have temporarily left the premises.

44. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.



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

Schedule 12
Part B

WARD: West End
UPRN: 010033542355

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/15018/LIPV

Part 1 – Premises details

Postal address of premises:

Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street
London
W1B 4EZ

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, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.
On commencement of British Summer Time one hour should be added to the terminal hour.

Exhibition of a Film
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Seasonal Details: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Performance of Live Music

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Playing of Recorded Music

Monday to Wednesday 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30

Wednesday to Saturday: 23:00 to 03:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Sale by Retail of Alcohol

Monday: 10:00 to 23:30

Tuesday: 10:00 to 03:15

Wednesday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 00:00

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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:

Unicorn Capital Limited
1st Floor
Victory House
99-101 Regent Street
London
W1B 4EZ

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

06986974

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

Name: Christopher Panayotis Tavoularis

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

Restricted

Date: 02 July 2020

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

Applicant Supporting Documents

Appendix 2

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
09/06341/LIPN	New Premises Licence	19 November 2009	Granted by Licensing Sub-Committee
10/01280/LIPRW	Removal of Works Condition	25 October 2010	Granted under delegated authority
15/00635/LIPDPS	Variation of the designated premises supervisor	3 February 2015	Granted under delegated authority
16/13277/LIPVM	Minor variation – addition of conditions agreed with the Police	29 December 2016	Granted under delegated authority
19/07991/LIPDPS	Variation of the designated premises supervisor	24 July 2019	Granted under delegated authority
19/08094/LIPV	Full variation – extension of hours and update conditions	5 September 2019	Granted under delegated authority
19/15018/LIPV	Full variation – reduction of hours.	13 February 2020	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 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.
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10. 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. a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.

b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
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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. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 175
Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:

Basement: 198

Ground Floor: 213

(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).

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 - o smoke machines and fog generators.
 - o pyrotechnics including fire works.
 - o firearms.
 - o lasers.
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
25. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No loudspeakers shall be located in or near the entrance lobby.

30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
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34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities 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).
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 - (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.

43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
- (a) i) the number of persons on the ground floor
 - ii) the number of persons in the basement
 - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

b) The counts shall be inclusive of those who have temporarily left the premises.

44. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Conditions proposed by the Metropolitan Police Service

45. When the premises are open, all customers entering after 22:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 40 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.
46. There shall be no entry or re-entry to the premises (except for smokers and staff) after 04:30am except the management may permit after 4:30am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for seven days and to be kept for police inspection.



Resident count:8

Licensed premises within 75m of Ground Floor, Victory House, 99 - 101 Regent Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/13740/LIPCH	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/04531/LIPV	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/15773/LIPDPS	Classico	27-29 Swallow Street London W1B 4DW	Shop	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00
20/01019/LIPDPS	Gaucha	Ground Floor To Second Floor 25 Swallow Street London W1B 4DN	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 03:00
20/01005/LIPDPS	Gaucha Grill	19 Swallow Street London W1B 4DJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/00417/LIPDPS	Bentleys Seafood Restaurant	Basement 11 - 15 Swallow Street London W1B 4DG	Restaurant	Monday to Saturday; 09:00 - 01:30 Monday to Sunday; 09:00 - 03:30 Sunday; 12:00 - 01:00
18/04992/LIPN	Not Recorded	8A Sackville Street London W1S 3DF	Restaurant	Monday to Sunday; 07:00 - 01:00 Sundays before Bank Holidays; 07:00 - 02:00 Christmas Eve; 07:00 - 02:00 New Year's Eve; 07:00 - 02:00
19/11314/LIPDPS	Nandos	46 Glasshouse Street London W1B 5DR	Shop	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/07978/LIPDPS	Leicester Arms Public House	44 Glasshouse Street London W1B 5DP	Pub or pub restaurant with lodge	Monday to Thursday; 07:00 - 00:00 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30
16/04447/LIPN	Nyetimber, 2nd Floor	Broughton House 6-8 Sackville Street London W1S 3DG	Not Recorded	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
19/04763/LIPDPS	Fishworks	Ground Floor 7 - 9 Swallow Street London W1B 4DE	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
18/12236/LIPDPS	Kadies Club	9 Swallow Street London W1B 4DF	Club or institution	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 03:00
17/01930/LIPDPS	Burberry	Development Site At 115 To 123 Regent Street And 5 Vigo Street London	Shop (very large)	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 18:00