



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 27 May 2021 |
| Licensing Ref No: | 21/00888/LIPV - Premises Licence Variation |
| Title of Report: | Cuckoo Club Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ |
| 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: | Jessica Donovan Senior Licensing Officer |
| Contact details | Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk |

1. Application

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| 1-A | Applicant and premises | | |
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 6 February 2021 | | |
| Applicant: | Unicorn Capital Limited | | |
| Premises: | Cuckoo Club | | |
| Premises address: | Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| | | Special Consideration Zone: | None |
| Premises description: | The premises currently operates as a restaurant and nightclub. | | |
| Variation description: | <p>This application seeks the following:</p> <ul style="list-style-type: none"> • To vary the premises licence for a time limited period of two years. • Extend the permitted hours for all licensable activities until 06:00 hours • Amend condition 17 to bring the maximum capacity on Sundays to Thursdays (Basement: 175 Ground Floor: 110) in line with the maximum capacity on Fridays and Saturdays (Basement: 198 Ground Floor: 213). • Amend condition 37 to extend the time when people can enter et cetera until 4:30 am (as opposed to 2 am); • Add four further conditions to the licence | | |
| Premises licence history: | The premises has had the benefit of a premises licence since 2009. The current premises licence 19/15018/LIPV is attached at Appendix 2 of this report. Please see Appendix 3 of the report for the full licence history. | | |
| Applicant submissions: | There are no supporting documents from the applicant. | | |
| Applicant amendments: | None | | |

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| 1-B | Current and proposed licensable activities, areas and hours | | | | | |
| Regulated Entertainment | | | | | | |
| Performance of Dance | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 09:00 | 23:30 | 09:00 | 06:00 | Basement, Ground and Mezzanine floor | 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: | | | | 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 | |

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| Exhibition of film | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 09:00 | 23:30 | 09:00 | 06:00 | Basement, Ground and Mezzanine floor | 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: | | | | 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 | |

| Performance of live music | | | | | | |
|---|--|-------|----------------|-------|--|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 09:00 | 23:30 | 09:00 | 06:00 | Basement, Ground and Mezzanine floor | 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: | | | | 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 | |

| Playing of 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 and Mezzanine floor | 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: | | | | 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 | |

| Anything of a similar description to Live Music, Recorded Music or Performance of Dance | | | | | | |
|---|---|-------|----------------|-------|--------------------------------------|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 09:00 | 23:30 | 09:00 | 06:00 | Basement, Ground and Mezzanine floor | 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 | |

| 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 and Mezzanine floor | No change |
| Tuesday | 23:00 | 23:30 | 23:00 | 05:00 | | |
| Wednesday | 23:00 | 03:30 | 23:00 | 05:00 | | |
| 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 | N/A | 23:00 | 05:00 | | |
| Seasonal variations/ Non-standard timings: | Current: 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. | | | | Proposed: No Change | |

| Sale by Retail of Alcohol | | | | | | |
|---|---|-------|----------------|-------|--|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | Both | | 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 and Mezzanine floor | 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: 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 | |

| 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 and Mezzanine floor | 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: 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 | |

| 1-C | Conditions being varied | |
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| Condition | Proposed variation | |
| <p>17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 175 Ground Floor: 110</p> <p>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>17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 175 Ground Floor: 110</p> <p>On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed: Basement: 198 Ground Floor: 213</p> <p>(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>Notwithstanding the above, for the period of two years from the date of this license the maximum number of persons accommodated (excluding staff) at any one time on Sundays to Thursdays shall not exceed: Basement: 198 Ground Floor: 213</p> | |
| <p>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>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>Notwithstanding the above, for the period of two years from the date of this license the time of 4:30am shall be substituted for 2am.</p> | |

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| 1-D | Conditions being added |
| Condition | |
| <p>45. For the period of two years from the date of this license when the premises are open, all customers entering after 23:00 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.</p> | |
| <p>46. For the period of two years from the date of this license there shall be no entry or re-entry to the premises (except for smokers and staff) from 04:30 except the management may permit after 04:30 a maximum of 15 person 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 30 days and to be kept for police inspection.</p> | |
| <p>47. A copy of the club's dispersal policy will be available at the premises for inspection by a police officer and/or an authorised officer WCC.</p> | |
| <p>48. The permitted hours for, sale of alcohol, films, live music, recorded music, performance of dance, and anything of a similar description to that, shall be 09:00 to 06:00 (the following day) everyday, for a period of two years from the date of this licence, unless the licence is further amended by way of Variation.</p> | |

2. Representations

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| 2-A | Responsible Authorities |
| Responsible Authority: | Environmental Health Service |
| Representative: | Sally Fabbriatore |
| Received: | 24 February 2021 |

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 Zone 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. This is for a time limited period for two years from the date of issue of this variation.

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 Films, Live Music, Recorded Music, Performance of Dance and Anything Similar, to Monday-Sunday 09:00-06:00 hours.
4. To amend conditions 17 and 37, and to add further conditions.

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 zone.
2. The extension of hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact zone.
3. The extension of hours for Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact zone.
4. The amendment of the conditions may cause an increase in Public Nuisance in the cumulative impact zone.

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 zone.

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

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| Responsible Authority: | Licensing Authority |
| Representative: | Roxsana Haq |
| Received: | 03 March 2021 |

Dear Sirs,

I write in relation to the application submitted for a variation of the premises licence for:

21/00888/LIPV: Cuckoo Club, Ground Floor, Victory House, 99 - 101 Regent Street, London W1B 4EZ

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

This application seeks the following:

- To vary the premises licence for a time limited period of two years.
- Extend the permitted hours for all licensable activities until 06:00 hours
- Amend condition 17 to bring the maximum capacity on Sundays to Thursdays (Basement: 175 Ground Floor: 110) in line with the maximum capacity on Fridays and Saturdays (Basement: 198 Ground Floor: 213).
- Amend condition 37 to extend the time when people can enter et cetera until 4:30 am (as opposed to 2 am);
- Add two further conditions stating:
 - “to keep a record of personal ID”
 - “to retain a copy of the club’s dispersal policy at the premises for inspection by a police officer or an authorised officer of WCC”

The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, HRS1, PB1 and MD1.

In the opening paragraphs of the Council’s Cumulative Impact Policy CIP1, it is stated that “It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to vary the hours within core hours under policy HRS1, and/or vary the licence to reduce the overall capacity of the premises.”

Furthermore, the application and operating schedule falls within Westminster’s MD1 and PB1 Policy. It is also the Licensing Authority’s policy to refuse applications in the Cumulative Impact Zone other than applications to vary hours within Core Hours under Policy HRS1.

The Licensing Authority encourages the applicant to provide further submissions as how this increase will not add to cumulative impact. The Licensing Authority’s policies, in relation to the

Cumulative Impact Zone, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1 and HRS1.

The applicant is required to provide further information regarding the operation of the premises and to be able to understand the context behind the different areas:

1. Does the applicant have a Dispersal Policy? If so, please provide a copy and,
2. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The current licence which was varied and granted at Licensing Sub Committee on the 13^h February 2020 agreed with the below hours for Licensable Activities:

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 has concerns in the extension of these hours under HRS1 policy as on some days there can be an increase of up to six and a half hours where Licensable Activities will be provided if the licence were to be granted. However, it is noted that the applicant has put a time limit on this application, and it will be for the Members to determine if this is an exception

to policy.

Whilst Music and dance venues are an important part of London's entertainment offer, the provision of music and dancing, especially with loud amplified music, and the large numbers of people attending venues and congregating outside them, can lead to concerns over public nuisance and in some cases crime and disorder.

Policy point F50 states "There is particular concern within the West End Cumulative Impact Zone... Music and dance venues are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the West End Cumulative Impact Zone should be limited to exceptional circumstances."

Furthermore, policy point F52 states "Applicants will be required to demonstrate how the proposal will truly be an exception to this policy. The requirement to demonstrate an exception to this policy is necessarily high. The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises."

Under policy CD1 of the Council's Statement of Licensing Policy 2021, applicant's are encouraged to undertake a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack. Further support to the applicant can be found at pages 27-29 and 126-133 of the policy.

Further discussions will be held with the applicant prior to any scheduled hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to hearing from you soon.

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| Responsible Authority: | Metropolitan Police Service |
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| Representative: | PC Bryan Lewis |
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| Received: | 03 March 2021 |
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.

The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will contact you to discuss this matter further.

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| 2-B | Other Persons | | |
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 05 March 2021 | | |
| <p>We are gravely concerned about the request to open from 0900-0600 (but patrons only having to leave at 0630), 7 days a week, and double the number of people in the ground floor not counting staff or the basement (total 400+ people in the Club plus staff). We sympathise re Covid but it is not reasonable, proportionate or appropriate for the [REDACTED] residents, businesses and offices to have to pay the price in public nuisance and public safety for 2+ years. There is space to explain how public nuisance and public safety will be addressed, but the applicant only wrote "see conditions" which provide no details. Scanning ID cards and CCTV does not solve noise pollution, public nuisance or public safety - nor does allowing up to 40 people "per night" (day?) without ID card scans for no reason. Also: 1. The Club has 2 floors which pre-Covid already created noise pollution, public nuisance and public safety issues, e.g. loud music and loud, drunk patrons using Vine and Swallow St as smoking areas, bins and urinals. Extended hours will make everything worse. 2. The Club keeps patrons outside, throughout its operating hours. This creates noise and crowding; the Club has no outdoors and is a very small corner. There is no plan for accommodating 100 additional patrons or daytime operations. In normal hours Goucho and Hagen have outdoor seats and Victory House offices are open - where will <400 patrons fit outside lining up, smoking, and/or drinking? What about people in wheelchairs, residents, rubbish collectors, delivery and maintenance vans trying to access the flats/offices? Social distancing? 3. The Club is not in a club area but a protected, closed street. 4. Having a sign asking to be quiet or a dispersal plan for inspection does not address 400+ people in a late-night Club, deliberately kept outdoors where there is no space, making noise and mess 21.5 hours/day.</p> | | | |

3. Policy & Guidance

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| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy CIP1 applies | <p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p> |
| Policy HRS1 applies | <p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. |

9. The capacity of the premises.

10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.

11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. **Cinemas, Cultural Venues and Live Sporting Premises:**
Monday to Sunday: 9am to 12am

3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

6. **Pubs and bars, Fast Food and Music and Dance venues:**
Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a

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| | <p>bank holiday: 12pm to 12am.</p> <p>7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> |
| <p>Policy MD1 applies</p> | <p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The application and operation of the venue continuing to meet the |

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| | <p>definition of a music and dance premises in Clause D.</p> <p>D. For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:</p> <ol style="list-style-type: none"> 1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers. 2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance. 3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment. <ol style="list-style-type: none"> a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing. b. De-regulated entertainment (as set out in the glossary will not be subject to this policy). |
| <p>Policy PB1 applies</p> | <p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The application and operation of the venue continuing to meet the |

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| | <p>definition of a Public House or Bar in Clause D.</p> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p> |
| <p>Policy RTN1 applies</p> | <p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of |

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| | alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal. |
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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| Appendix 1 | Applicant supporting documents |
| Appendix 2 | Existing Premises licence 19/15018/LIPV |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

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| Report author: | Jessica Donovan Senior Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: Jdonovan@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

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| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 07 January 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service representation | 24 February 2021 |
| 5 | Licensing Authority representation | 03 March 2021 |
| 6 | Metropolitan Police Service representation | 03 March 2021 |
| 7 | Resident representation | 05 March 2021 |

Applicant Supporting Documents

Appendix 1

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 010033542355

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.

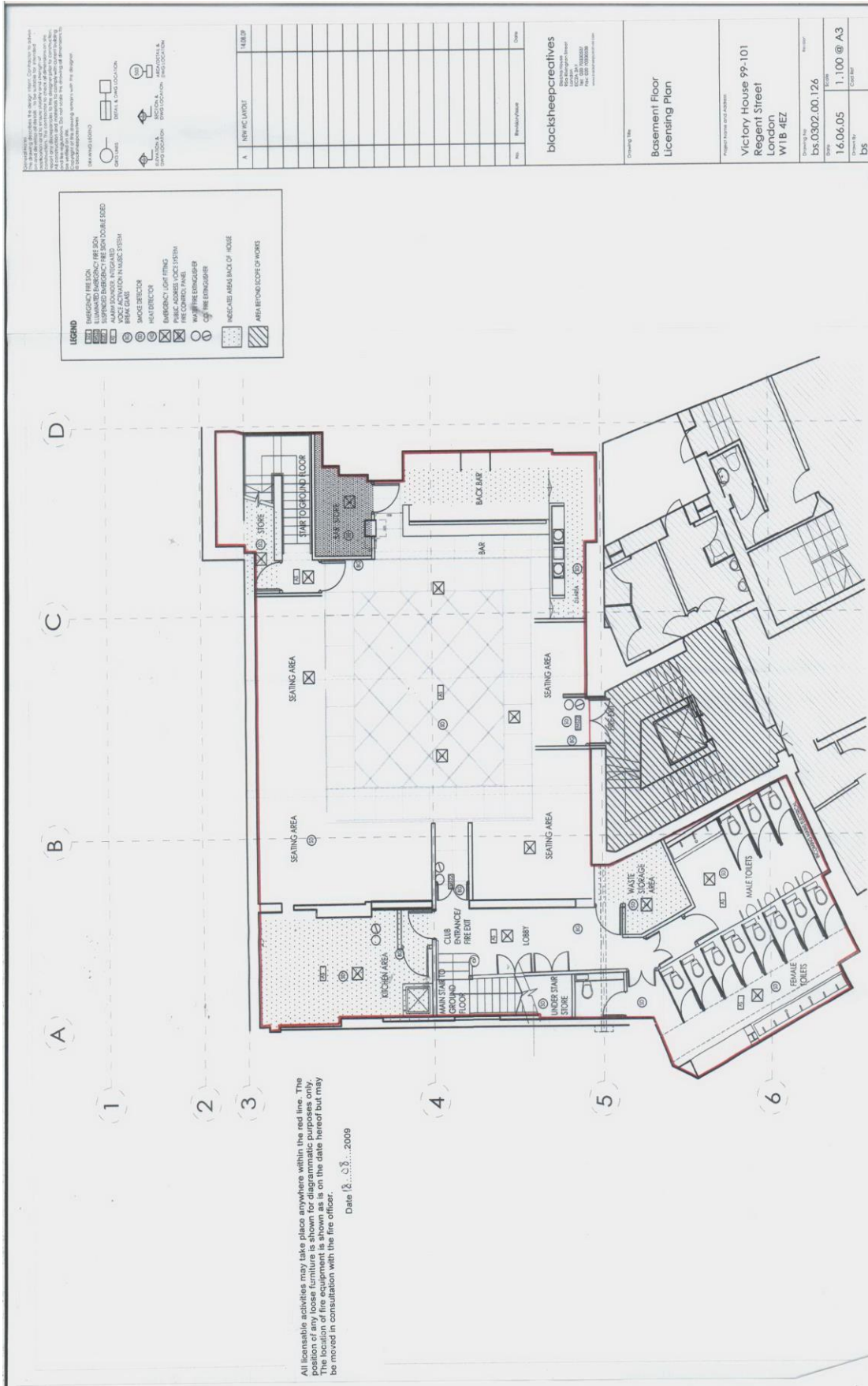
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction 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.

Annex 4 – Plans



All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated 10/11/09

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RECORD DRAWING

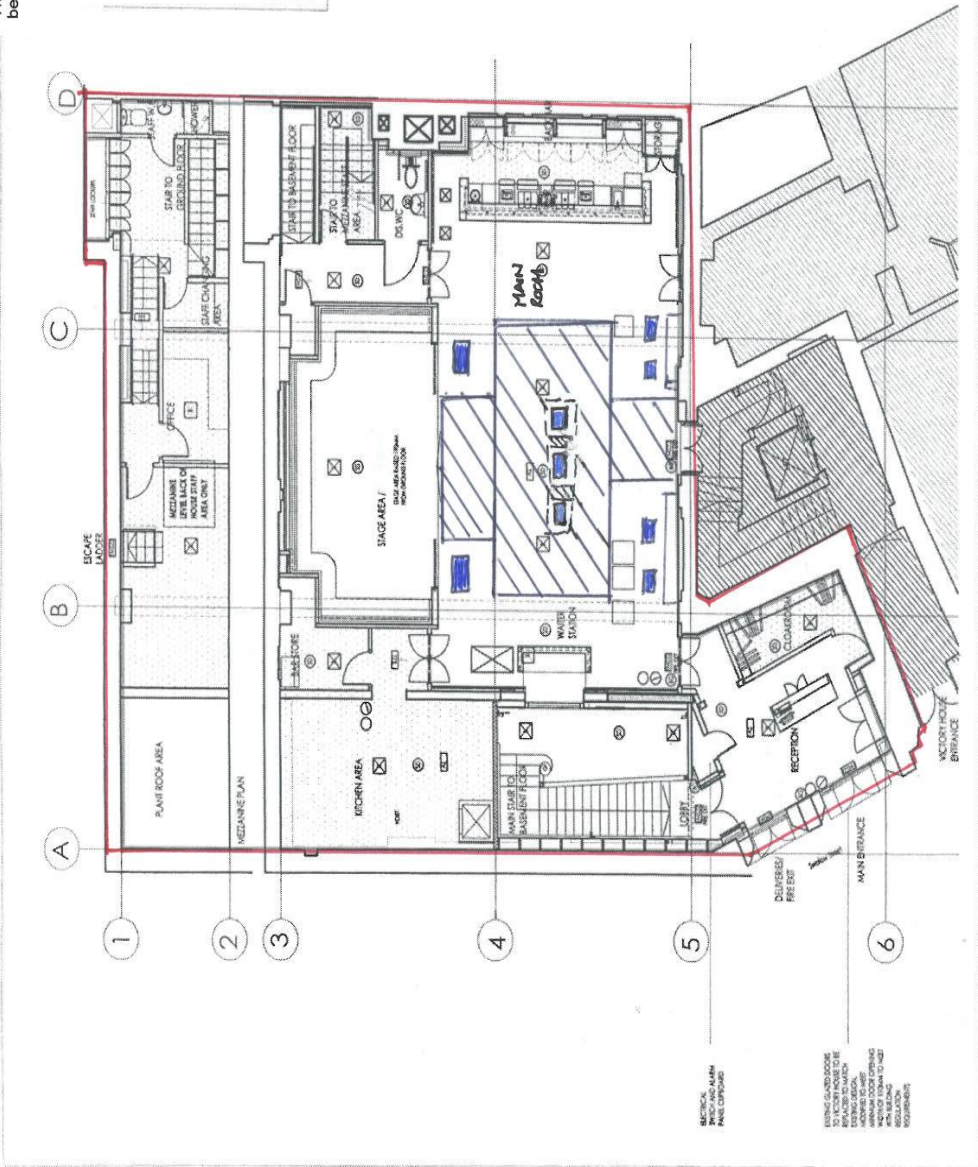
blacksheepcreatives
 100, Abchurch Lane
 London EC4N 3DF
 Tel: 020 7463 4400
 Fax: 020 7463 4401
 www.blacksheepcreatives.co.uk

Victory House
 Ground Floor &
 Mezzanine Floor
 Licensing Plan

Victory House 99-101
 Regent Street
 London
 W1B 4EZ

bs 0302.00.125
 1.6.06.05
 1:100 @ A3
 b39

*Tables permitted in
 Main Lobby when
 Capacity is
 Above 150 persons
 on ground floor*



LEGEND:
 FIRE EQUIPMENT
 FIRE ALARM
 FIRE COMPARTMENT

EXISTING LANDSCAPE
 TO EXISTING HOUSE SCHEME
 EXISTING ROADS
 EXISTING SIDEWAYS
 EXISTING DRIVEWAYS
 EXISTING DRIVEWAYS
 EXISTING DRIVEWAYS
 EXISTING DRIVEWAYS
 EXISTING DRIVEWAYS



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 010033542355

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.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 09/06341/LIPN | New premises licence | 19.11.2009 | Granted by Licensing Sub-Committee |
| 10/01280/LIPRW | Removal of a works condition | 28.04.2010 | Granted under Delegated Authority |
| 15/00635/LIPDPS | Application to Vary the Designated Premises Supervisor | 03.02.2015 | Granted under Delegated Authority |
| 16/13277/LIPVM | Minor variation application | 12.01.2017 | Granted under Delegated Authority |
| 19/07991/LIPDPS | Application to Vary the Designated Premises Supervisor | 24.07.2019 | Granted under Delegated Authority |
| 19/08094/LIPV | Variation application | 05.09.2019 | Granted by Licensing Sub-Committee |
| 19/15018/LIPV | Variation application | 13.02.2020 | Granted by Licensing Sub-Committee |
| 20/04738/LIPV | Variation application | 03.09.2020 | Refused by Licensing Sub-Committee |

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|--------------------------|
| 18/06277/LITENP | Temporary Event Notice | 07.06.2018 | Event allowed to proceed |
| 18/11714/LITENP | Temporary Event Notice | 27.11.2018 | Event allowed to proceed |
| 18/11718/LITENP | Temporary Event Notice | 27.11.2018 | Event allowed to proceed |

| | | | |
|-----------------|------------------------|------------|--------------------------|
| 18/12403/LITENP | Temporary Event Notice | 18.10.2018 | Event allowed to proceed |
| 18/12461/LITENP | Temporary Event Notice | 18.12.2018 | Event allowed to proceed |
| 19/00255/LITENP | Temporary Event Notice | 28.05.2019 | Event allowed to proceed |
| 19/00358/LITENP | Temporary Event Notice | 28.05.2019 | Event allowed to proceed |
| 19/04192/LITENP | Temporary Event Notice | 11.06.2019 | Event allowed to proceed |
| 19/05307/LITENP | Temporary Event Notice | 10.05.2019 | Event allowed to proceed |
| 19/12505/LITENP | Temporary Event Notice | 02.10.2019 | Event allowed to proceed |
| 21/04496/LITENP | Temporary Event Notice | 13.05.2021 | Event allowed to proceed |

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. 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.

The Metropolitan Police has proposed an alternative to condition 11 as follows:

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. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle. 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.

The Metropolitan Police has proposed an alternative to condition 12 as follows:

12. An attendant shall be on duty in the cloakroom during the whole time that it is in use. They shall be equipped with a radio to enable immediate contact with Security.
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.

The Metropolitan Police has proposed an alternative to condition 13 as follows:

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 and covering the external area surrounding the entrance. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

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).

Condition 17 is proposed to be varied by the applicant to the following:

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).

Notwithstanding the above, for the period of two years from the date of this license the maximum number of persons accommodated (excluding staff) at any one time on Sundays to Thursdays shall not exceed:

Basement: 198

Ground Floor: 213

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.

Condition 37 is proposed to be varied by the applicant to the following:

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.

Notwithstanding the above, for the period of two years from the date of this license the time of 4:30am shall be substituted for 2am.

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.

The Metropolitan Police has proposed an alternative to condition 39 as follows:

39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear yellow high visibility jackets or vests after Midnight. Security shall display their SIA licenses at all times when on duty.

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.

The Metropolitan Police has proposed an alternative to condition 40 as follows:

40. Upon entry or reentry to the premises, all customer's bags shall be opened and searched. From midnight, a full pat-down search of all entrants, shall be conducted by properly trained security staff of the appropriate gender. Searching will be supplemented by means of two functional metal detecting wands. All searches will be covered by the premises CCTV system. Prior to midnight, searching shall be based on a risk assessment by designated security staff.
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.

Conditions proposed to be added by the applicant

45. For the period of two years from the date of this license when the premises are open, all customers entering after 23:00 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.

The Metropolitan Police has proposed an alternative to condition 45 as follows:

45. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

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 necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
- (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with ID provided and live photo shall be created.
- (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the customers details and the reasons for this in the signing in sheet.

Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

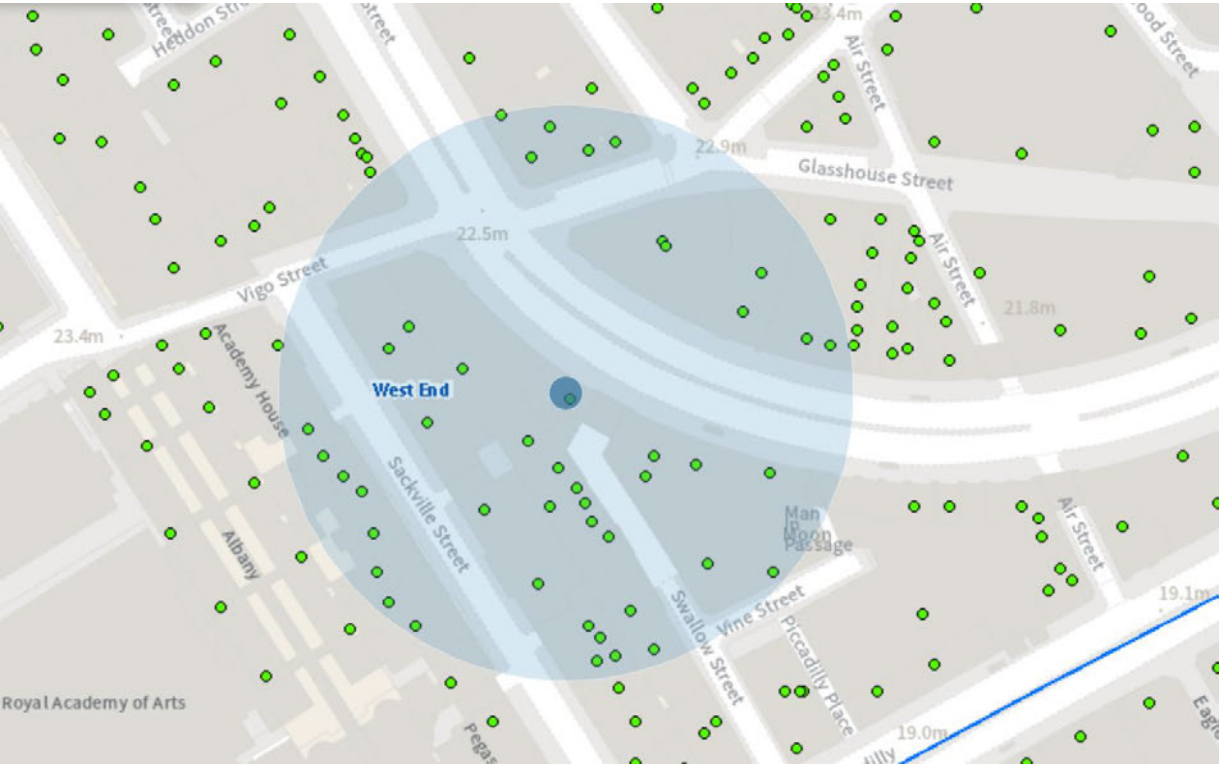
46. For the period of two years from the date of this license there shall be no entry or re-entry to the premises (except for smokers and staff) from 04:30 except the management may permit after 04:30 a maximum of 15 person who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for 30 days and to be kept for police inspection.
47. A copy of the club's dispersal policy will be available at the premises for inspection by a police officer and/or an authorised officer WCC.
48. The permitted hours for, sale of alcohol, films, live music, recorded music, performance of dance, and anything of a similar description to that, shall be 09:00 to 06:00 (the following day) everyday, for a period of two years from the date of this licence, unless the licence is further amended by way of Variation.

Conditions proposed by the Metropolitan Police

49. After 23:00 hours, all toilets shall be staff by attendants. They shall be equipped with radios, to enable immediate contact with Security staff.
50. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly,

whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

51. The consumption of alcohol on the premises shall cease at (06:00) hours.
52. The licensee shall ensure that:
 - (a) All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team,
 - (b) All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
 - (c) the viewing of BWV recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
53. After 23:00 hours, all external queues and designated smoking areas shall be supervised by security staff. These areas shall be covered by CCTV.
54. All front of house shall receive conflict management training by a nationally recognised training provider. A record of the training shall be kept on the premises and provided to the Responsible Authorities upon request.



Resident Count: 8

Licensed Premises within 75 metres of Cuckoo Club, Ground Floor, Victory House, 99 - 101 Regent Street, London, W1B 4EZ

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------------|-----------------------------------|--|--|--|
| 19/15018/LIPV | Cuckoo Club | Ground Floor Victory House 99 - 101 Regent Street London W1B 4EZ | Night clubs and discos | Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00 |
| 16/04531/LIPV | The Veeraswamy | Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 16/13740/LIPCH | The Veeraswamy | Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 19/15773/LIPDPS | Classico | 27-29 Swallow Street London W1B 4DW | Shop | Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00 |
| 20/08941/LIPCH | Gaucho | Ground Floor To Second Floor 25 Swallow Street London W1B 4DN | Restaurant | Sunday; 09:00 - 23:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 03:00 |
| 20/07421/LIPCH | Gaucho Grill | 19 Swallow Street London W1B 4DJ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 21/00965/LIPDPS | Bentleys Seafood Restaurant | Basement 11 - 15 Swallow Street London W1B 4DG | Restaurant | Sunday; 12:00 - 01:00 Monday to Saturday; 09:00 - 01:30 Monday to Sunday; 09:00 - 03:30 |
| 18/04992/LIPN | Not Recorded | 8A Sackville Street London W1S 3DF | Restaurant | Monday to Sunday; 07:00 - 01:00 New Year's Eve; 07:00 - 02:00 Christmas Eve; 07:00 - 02:00 Sundays before Bank Holidays; 07:00 - 02:00 |
| 19/11314/LIPDPS | Nandos | 46 Glasshouse Street London W1B 5DR | Shop | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 19/07978/LIPDPS | Leicester Arms Public House | 44 Glasshouse Street London W1B 5DP | Pub or pub restaurant with lodge | Sunday; 07:00 - 23:00 Sunday; 07:00 - 00:00 Monday to Thursday; 07:00 - 00:00 Monday to |

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| | | | | Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:30 Sundays before Bank Holidays; 07:00 - 00:30 |
| 21/00715/LIPDPS | Nyetimber, 2nd Floor | Broughton House 6-8 Sackville Street London W1S 3DG | Not Recorded | Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00 |
| 18/12236/LIPDPS | Kadies Club | 9 Swallow Street London W1B 4DF | Club or institution | Sunday; 09:00 - 03:00 Monday to Saturday; 09:00 - 03:30 |
| 19/04763/LIPDPS | Fishworks | Ground Floor 7 - 9 Swallow Street London W1B 4DE | Restaurant | Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30 |
| 17/01930/LIPDPS | Burberry | Development Site At 115 To 123 Regent Street And 5 Vigo Street London | Shop (very large) | Sunday; 10:00 - 18:00 Monday to Saturday; 08:00 - 23:00 |