



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday, 29th April 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**
Tim Mitchell (Chairman)
Jacqui Wilkinson
Aziz Toki

If you require further information, please contact Cameron MacLean, Senior Committee and Governance Officer.

Email: cmaclean@westminster.gov.uk
Tel: 07814 998 037
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the Membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. 10.00 AM: SOPHIES, 42 - 44 GREAT WINDMILL STREET, LONDON W1D 7ND

Pages

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Ward CIA* SCZ* *	Site Name & Address	Application Type	Licensing Reference No.
West End West End N/A	Sophies, 42 - 44 Great Windmill Street London W1D 7ND	Premises Licence Variation	21/00317/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

2. 2.00 PM: 102 GREAT PORTLAND STREET, LONDON, W1W 6PD

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Ward CIA* SCZ* *	Site Name & Address	Application Type	Licensing Reference No.
West End N/A N/A	102 Great Portland Street London W1W 6PD	New Premises Licence	20/11994/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
22 April 2021

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

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1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at licensing@westminster.gov.uk no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - (a) The applicant
 - (b) Responsible authorities
 - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
 - (a) Responsible authorities
 - (b) Other persons
 - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated: 14 January 2021

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

29 April 2021

Licensing Ref No:

21/00317/LIPV - Premises Licence Variation

Title of Report:

Sophies
42 - 44 Great Windmill Street
London
W1D 7ND

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:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 07866 019698
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	14 January 2021		
Applicant:	Sophie's Soho Ltd		
Premises:	Sophies		
Premises address:	42 - 44 Great Windmill Street London W1D 7ND	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises is currently operating as a restaurant with bar facilities over the basement and ground floor.		
Variation description:	<p>This variation application seeks to permit the following:</p> <ul style="list-style-type: none"> To extend the permitted hours for all licensable activities within the Basement to 02:30 Monday to Saturday, closing 30 minutes thereafter. There are no changes proposed to Sundays or permitted hours for the Ground Floor. To further include the non-standard timing for NYE, Sundays before Bank Holidays and when British Summertime commences. 		
Premises licence history:	<p>The premises has been licensed since 2017. The current premises licence was granted at Licensing Sub-Committee on the same terms and conditions as per the previous licence. The licence is attached at Appendix 1 and the decision from that hearing is attached at Appendix 4.</p> <p>The premises previously had the benefit of a further licence which was surrendered in 2020. The licence history can be found at Appendix 3.</p>		
Applicant submissions:	None		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Live Music - Basement						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	02:30	Basement and Ground Floor	No Change
Tuesday	10:00	01:00	10:00	02:30		
Wednesday	10:00	01:00	10:00	02:30		
Thursday	10:00	01:00	10:00	02:30		
Friday	10:00	01:00	10:00	02:30		
Saturday	10:00	01:00	10:00	02:30		
Sunday	12:00	23:00	No Change			

Seasonal variations:	Current:	Proposed:
	None	None Proposed
Non-standard timings:	Current:	Proposed:
	None	Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Live Music – Ground Floor						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				
Sunday	12:00	23:00				
Seasonal variations:	Current:		Proposed:			
	None		None Proposed			
Non-standard timings:	Current:		Proposed:			
	None		Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			

Recorded Music - Basement						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	02:30	Basement and Ground Floor	No Change
Tuesday	10:00	01:00	10:00	02:30		
Wednesday	10:00	01:00	10:00	02:30		
Thursday	10:00	01:00	10:00	02:30		
Friday	10:00	01:00	10:00	02:30		
Saturday	10:00	01:00	10:00	02:30		
Sunday	12:00	23:00	No Change			
Seasonal variations:	Current:		Proposed:			
	None		None Proposed			
Non-standard timings:	Current:		Proposed:			
	None		Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences.			

		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
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Recorded Music – Ground Floor						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				
Sunday	12:00	23:00				
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Performance of Dance - Basement						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	02:30	Basement and Ground Floor	No Change
Tuesday	10:00	01:00	10:00	02:30		
Wednesday	10:00	01:00	10:00	02:30		
Thursday	10:00	01:00	10:00	02:30		
Friday	10:00	01:00	10:00	02:30		
Saturday	10:00	01:00	10:00	02:30		
Sunday	12:00	23:00	No Change			
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Performance of Dance – Ground Floor						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				
Sunday	12:00	23:00				
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance - Basement						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	02:30	Basement and Ground Floor	No Change
Tuesday	10:00	01:00	10:00	02:30		
Wednesday	10:00	01:00	10:00	02:30		
Thursday	10:00	01:00	10:00	02:30		
Friday	10:00	01:00	10:00	02:30		
Saturday	10:00	01:00	10:00	02:30		
Sunday	12:00	23:00	No Change			
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance – Ground Floor						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				
Sunday	12:00	23:00				
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Late Night Refreshment - Basement						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	23:00	02:30	Basement and Ground Floor	No Change
Tuesday	23:00	01:30	23:00	02:30		
Wednesday	23:00	01:30	23:00	02:30		
Thursday	23:00	01:30	23:00	02:30		
Friday	23:00	01:30	23:00	02:30		
Saturday	23:00	01:30	23:00	02:30		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Late Night Refreshment – Ground Floor						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	23:00	01:30				
Wednesday	23:00	01:30				
Thursday	23:00	01:30				
Friday	23:00	01:30				
Saturday	23:00	01:30				
Sunday	N/A	N/A				
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol – Basement - On Premises						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	02:30	Basement and Ground Floor	No Change
Tuesday	10:00	01:00	10:00	02:30		
Wednesday	10:00	01:00	10:00	02:30		
Thursday	10:00	01:00	10:00	02:30		
Friday	10:00	01:00	10:00	02:30		
Saturday	10:00	01:00	10:00	02:30		
Sunday	12:00	22:30	No Change			
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol – Ground Floor – On Premises						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change to Timings		Basement and Ground Floor	No Change
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				
Sunday	12:00	22:30				
Seasonal variations:	Current:				Proposed:	
	None				None Proposed	
Non-standard timings:	Current:				Proposed:	
	None				Sundays before Bank Holidays to 01:00 (Ground Floor) and 02:30 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	01:30	09:00	03:00	Basement and Ground Floor	No Change
Tuesday	09:00	01:30	09:00	03:00		
Wednesday	09:00	01:30	09:00	03:00		
Thursday	09:00	01:30	09:00	03:00		
Friday	09:00	01:30	09:00	03:00		
Saturday	09:00	01:30	09:00	03:00		
Sunday	09:00	23:00	No Change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				None Proposed	
	None				Sundays before Bank Holidays to 01:30 (Ground Floor) and 03:00 (Basement). Basement: An additional hour when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

1-C Layout alteration
No layout changes proposed in this variation application.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Roxsana Haq
Received:	5 February 2021
<p>I write in relation to the application submitted to vary a Premises Licence for the following premises:</p> <p>21/00317/LIPV: Sophies, 42 - 44 Great Windmill Street, London W1D 7LU</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of Children from harm <p>This application seeks the following:</p> <p>To extend the permitted hours for all licensable activities within the basement to 02:30 Monday to Saturday, closing 30 minutes thereafter. There are no changes proposed to Sundays or permitted hours for the ground floor.</p> <p>To further include the non-standard timing for NYE, Sundays before Bank Holidays and when British Summertime commences.</p> <p>Currently the times the licence authorises the carrying out of licensable activities:</p> <p>Performance of Dance Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:00</p> <p>Performance of Live Music Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:00</p> <p>Playing of Recorded Music Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:00</p> <p>Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:00</p> <p>Late Night Refreshment Monday to Saturday: 23:00 to 01:30</p> <p>Sale by Retail of Alcohol Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 22:30</p> <p>The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, MD1, PB1 and HRS1.</p> <p>In the opening paragraphs of the Council's Cumulative Impact Policy CIP1, it is stated that "It is</p>	

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."

Policy point D5 states "The retention of people late at night contributes to the cumulative impact. This arises from reduced levels of late night transport, existence of facilities such as quick service restaurant and take away outlets that encourage people to stay on after other licensed premises have closed. This can attract criminals to the area who wish to target visitors who may be vulnerable due to alcohol, drugs or a lack of knowledge of the city (e.g. tourists)."

Currently the condition 41 on the premises licence states "The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment." As a result, policy MD1 will need to be considered in relation to the basement. 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."

As this application is seeking to increase licensable activity for up to 400 persons within the West End Cumulative Impact Zone for additional hours the applicant must demonstrate an exception to policy.

Under the Core Hours policy HRS1 policy point E4 states "If an applicant intends to operate after midnight, operating schedules should include particular consideration to availability of transport via night buses, night tube and taxi and private hire vehicle services. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse, and a dispersal plan may be provided with the application"

The Licensing Authority would encourage the applicant to consider the above and provide submissions regarding their operating schedule and how they would mitigate the concerns raised above.

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.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	8 February 2021

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 give consideration as to what steps should be taken by the applicant to provide suitable reassurance.

The Metropolitan Police Service has proposed conditions which can be found at Appendix 5. These have not yet been agreed by the applicant.

Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	10 February 2021

I wish to make Representations on the following grounds:
Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.
The hours sought for licensable activities are in excess of the 'Core Hours' as defined in the City Council's Licensing Policy.
Occupiers of residential dwellings in the vicinity may be adversely impacted by the proposed variation.

2-B Other Persons

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd February 2021		

The extended opening hours which Sofie's is asking would be hugely disruptive to the community, and above all to the pertaining families living nearby to Great Windmill street and the pertaining streets around Sofie's. The local school kids which reside on Great Windmill street and attend the local school 'Soho Parish', would find sleeping an impossibility. The area would be even more noisy than it currently is, (when not in lockdown) , teamed with cabs and rickshaws blaring horns and music alike, after pubs and bars and clubs close for the evening. It would be a living nightmare for the families and the elderly and teenagers and people who get up early for work, who make Soho the vibrant community it is. The focus is not about extending, but in culling the ones we currently have to a reasonable hour. To safeguard the community and not jeopardise the family spirit of Soho. I hope you take this in consideration. Best wishes.
Anna.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	7 th February 2021		
<p>I would like to object to the above licencing application. Extending opening hours of Sophie's nightclub will bring much disturbance to already greatly congested part of Great Windmill street. There are already large groups of noisy people gathering outside Sophie's exit (literally on the street as pavement is very narrow in that section of the road) after they leave Sophie's events. As Sophie's is aiming to operate the club on regular daily or weekends basis all residents around the venue will be affected. Crowds of people in the middle of nights will not only produce audible noise but also attract others - rickshaws, flower sellers, club promotors, street buskers - as they tend to go where people are. We are very concerned that rickshaws will be blasting music and taxis, cars using horns trying to pass the congested area. There are 8 households under 45 Great Windmill street with windows facing the same side as Sophie's entrance/exit. Noise emanating from the business is already present but its bearable during current opening hours. However i can not imagine that my family and other residents would cope with it at night. Hence I am strongly opposing to these proposals. I hope you will take it into consideration. Thank you</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	9 th February 2021		
<p>Our objection as neighbours for extending closing hours for Sophie's Soho are base on following grounds: Crime and Disorder -drug related problems -public disorder outside premises after closing -anti social behavior after closing Public Nuisance: -noise from premises -litter and light pollution -noise from rickshaws parking outside I hope you will take our requests and needs for consideration</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	10 th February 2021		
<p>Longer opening hours of Sophie's will disturb the neighbours. As Sophie's is aiming to operate the club on regular daily or weekends basis all residents around the venue will be affected. Crowds of people in the middle of nights will not only produce audible noise but also attract others - rickshaws, flower sellers, club promotors, street buskers - as they tend to go where people are. We are very concerned that rickshaws will be blasting music and taxis, cars using horns trying to pass the congested area. There are 8 households under 45 Great Windmill</p>			

street with windows facing the same side as Sophie's entrance/exit. Noise emanating from the business is already present but its bearable during current opening hours. However i can not imagine that my family and other residents would cope with it at night. Hence I am strongly opposing to these proposals. I hope you will take it into consideration. Thank you"
 Don't let them stay open too long. There are a number of families living above Sophie's and noisy costumers and promoters will make worst the already loud neighbourhood.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	10 th February 2021		

As a resident on Great Windmill street, I would like to object to Sophie's following opening license. I totally understand and respect places to be open until late night during regular days since businesses have to be open and working but if Sophie's nightclub will be open until 3am it will be a nightmare for all residents at Greatmill and others around. This will attract all people's attention to that place, creating successive noise. People entering and leaving the club, taxis, rickshaws bunkers, etc. All around right in front of residents windows... Reminding that there are children who have to get up early every day to go to school and elders living around. Hope for your understanding and consideration. Thank you.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	10 th February 2021		

I want to object to this licensing application as it will bring much more disturbance for the neighbours around. Extending opening hours for Sophie's nightclub will attract crowds of people on the street which may increase neighbourhood disturbance.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	11 th February 2021		

We write to make a relevant representation to the above application on behalf of [REDACTED].

The [REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.

About The [REDACTED]

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

Application summary

Premises Variation : Extend the permitted hours for all licensable activity within the Basement to 02:30, closing 30 minutes thereafter. There are no changes proposed to Sundays or permitted hours for the Ground Floor.

Sale of Alcohol: Mon-Sat: 10:00 - 02:30

Performance of Dance: Mon-Sat: 10:00 - 02:30

Playing Recorded Music: Mon-Sat: 10:00 - 02:30

Live Music: Mon-Sat: 10:00 - 02:30

Anything Similar: Mon-Sat: 10:00 - 02:30

Late Night Refreshment: Mon-Sat: 23:00 - 02:30

Opening hours: Mon-Sat: 09:00 - 03:00

Current licence

Sale of Alcohol: Mon-Sat: 10:00 - 01:00. Sun: 12:00 - 22:30

Performance of Dance: Mon-Sat: 10:00 - 01:00. Sun: 12:00 - 23:00

Playing for Recorded Music: Mon-Sat: 10:00 - 01:00. Sun: 12:00 - 23:00

Live Music: Mon-Sat: 10:00 - 01:00. Sun: 12:00 - 23:00

Anything Similar: Mon-Sat: 10:00 - 01:00. Sun: 12:00 - 23:00

Late Night Refreshment: Mon-Sat: 23:00 - 01:30

Opening Hours: Mon-Sat: 09:00 - 01:30. Sun: 09:00 - 23:00

Capacity: 400 basement, 400 ground floor, no more than 800 at any one time

The application

We object to this application on the following grounds,

- **Application / Operating Schedule;** it is disappointing that there is scant information/detail provided within the application and operating schedule which fully describes the nature of this operation, considering the new Licensing Statement of Licensing Policy 2021 clearly highlights this particular issue, the document states (p.6), *'applicants should include as much detail as possible in the operating schedule to enable responsible authorities and other parties to understand the operation of the venue.'* This has not happened in this case, it places us and residents at a disadvantage in not being able to fully address the potential impact of this application on the licensing objectives. Therefore, we viewed the website which clearly shows the premises configured as a bar, and we also reviewed the decision notice from the previous application in 2017 which sought to extend the licence in the basement until 2am (which was refused). The document states the intention was to have a cocktail bar with a Jack Solomons, British boxing promoter theme. It goes on to say there would not be signage with Jack Solomons on the front of the premises. However, this is not the case, the premises next door to Sophie's at 41, Great Great Windmill Street is clearly signed as 'Jack Solomons' (see photograph Appendix 1), and there is a connecting door between Sophie's and these premises. The application is therefore confusing as it fails to mention 'Jack Solomons' as part of Sophie's or its address. (*Note:* we received confirmation on the evening of 10 February that these premises operate as a bar)
- **Hours:** it seeks to extend the licensable activity from 01:00 to 02:30 Mon- Sat and the opening hours from 01:30 to 03:00. This is a significant extension to the current licence of 1.5 hours thereby permitting a bar with a capacity of 400 to be open until 03:00. This application to vary the hours of a bar outside core hours in the West End Cumulative Impact Zone is contrary to policy as set out in the Statement of Licensing Policy 2021.
- **Night time economy:** Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing

disturbance and anti-social behaviour. In Soho between **01:00 - 03:00 there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305**. Of the **107, 40 premises hold 3am licences, with a capacity of 9,104 for 39 premises**. If successful, this application will add an additional 400 to this figure which will add to cumulative impact in the West End Cumulative Impact Zone.

- **Residents:** residents live along the length of Great Windmill Street, which is small and narrow and where noise disturbance travels; others live nearby in Denman Street and Archer Street and already suffer from late night noise, disturbance (pedicabs playing loud music, waiting taxis), anti-social behaviour and high levels of crime and disorder from the existing number of licensed premises in the area. We are particularly concerned that these residents will be disturbed by intoxicated people leaving the premises at 3am having been given the opportunity to extend their alcohol consumption by 1.5 hours.
- **Soho post COVID-19:** with the huge success of the roll-out of the vaccine programme, coupled with the ambition to vaccinate the majority of the population by summer, we anticipate Soho will quickly recover to pre-COVID times. This is evidenced by the numbers of people who returned to the area during the summer of 2020 (in our view the numbers of people were higher than pre-pandemic times). As a result the high level of cumulative impact identified within the Cumulative Impact Assessment 2020 will continue to rise, which is a concern for many residents.

Statement of Licensing Policy 2021

Reviewing the Statement of Licensing Policy ('SoLP'), the following policies apply to this application.

Core Hours Policy: A) Applications within the core hours are set within the policy, they will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the SoLP.

B) Applications for hours outside of the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to 14 points which includes the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1, and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

Clause C: 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

Cumulative Impact Policy CIP1: 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 to:

1. Vary the hours within the Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

D4. 'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night, a considerable number of them being intoxicated.'

D.23. 'The nature of cumulative impact is that it is cumulative and affects not only the immediate

vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'

Public Houses and Bars Policy PB1 and Music and Dance Premises and Similar Entertainment Policy MD1: both state, *'it is the Licensing Authority's Policy to refuse applications within the West End Cumulative Impact Zone other than:*

- 1. Applications to vary the existing licence hours within the council's Core Hours Policy*
- 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises'*

The Public Houses and Bars Policy PB1: this states at F82. *'Among specific premises types assessed within the 2020 Cumulative Impact Assessment, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.'* It continues, *'The Assessment identified that pubs and bars were significantly associated with greater likelihood of reported crime, disorder and nuisance.'*

Music and Dance Premises MD1 and Public Houses and Bars Policy PB1: both policies state at F51 and F84 that, *'The Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 9pm.'*

We have provided evidence of the large number of late night premises in Soho between the hours of 1am - 3am, the Cumulative Impact Assessment 2020 highlights the rate of incidents/crime to be 10-13 times higher than anywhere else in the borough. This provides conclusive evidence that there cannot be any exception to policy.

The Licensing Objectives

This application fails the policy test and also fails to promote the licensing objectives, we therefore object on the following grounds.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, ***it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** serious violence, robberies, theft and drug offences, alcohol-related call-out incidents: anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End, many occurring in the evening and at night as well as weekends.
- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). Robberies Night, 2,237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1,529 (40%). Noise Complaints Night, 1,389 (16%). Reactive Waste Management, 6,630 (10%). Ambulance call- outs to locations of licenced premises, 5,353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9,662 (16%). Total = 50,594.

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment are unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. Drug dealing is a particular problem, groups of dealers congregate to sell drugs and specifically target people as they leave premises. There are more dealers in the area at night than during the day, which is directly linked to the large number of late night venues which create the drug market.

To add another late night licence to a small area already saturated with late night licences will only increase crime and disorder and fail to promote the licensing objectives.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

Residents living nearby are already disturbed by noise from intoxicated people loitering in the street, drug dealers, taxis and pedicabs playing loud music. This type of public nuisance and anti-social behaviour will increase if this application is granted.

Licensing Policy 2021 - Cumulative Impact

This area has been identified by the Westminster City Council (Statement of Licensing Policy, 2021) as under stress because of the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (D16 of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

The application proposes to add an additional 1.5 hours to the alcohol licence ending at 02:30

and extend the closing time until 03:00, with a capacity of 400. As evidenced throughout this representation any increase in the number of people on the streets late at night will add to cumulative impact in the West End CIZ and fail to promote the licensing objectives, we therefore respectfully request this application is rejected.

Please do not hesitate to contact us if you require any further information.

3. Policy & Guidance

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

<p>Policy HRS1 applies</p>	<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.
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	<p>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.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>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 bank holiday: 12pm 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 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 definition of a Public House or Bar in Clause D. <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 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.

	<p>3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</p> <p>4. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D.</p> <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 definition of a music and dance premises in Clause D. <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).
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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

Appendix 1	Current Premises Licence 17/15045/LIPDPS
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Licensing Sub-Committee Decision in relation to 17/15045/LIPDPS
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Licensing Authority	5 th February 2021
5	Metropolitan Police Service	8 th February 2021
6	Environmental Health Service	10 th February 2021
7	Representation 1	3 rd February 2021
8	Representation 2	7 th February 2021
9	Representation 3	9 th February 2021
10	Representation 4	10 th February 2021
11	Representation 5	10 th February 2021
12	Representation 6	11 th February 2021



City of Westminster

Schedule 12
Part A

WARD: West End
UPRN: 010033535306

Premises licence

Regulation 33, 34

Premises licence number:

17/15045/LIPDPS

Original Reference:

17/06235/LIPN

Part 1 – Premises details

Postal address of premises:

Sophie's
42-44 Great Windmill Street
London
W1D 7LU

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
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 Saturday: 10:00 to 01:00
Sunday: 12:00 to 23:00

Performance of Live Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 23:00

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 23:00

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

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 22:30

The opening hours of the premises:

Monday to Saturday: 09:00 to 01:30
Sunday: 09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Sophie's Soho Ltd
311-313 Fulham Road
London
SW10 9QH
:

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

10327719

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

Name: Sophie Bathgate

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: 05-916619-2
Licensing Authority: The Royal Borough Of Kensington And Chelsea

Date: _____ 6 February 2018 _____

This licence has been authorised by Miss Susan Patterson 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.
 - (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.
- (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.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.

22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
27. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 - Ground Floor 400
 - Basement 400
 - With no more than 800 at any one time
 - Subject to the sanitary accommodation being improved to the satisfaction of the Councils Environmental Health Officer, the capacity may be increased to 975 persons.
 The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
29. 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.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
34. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
35. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.

36. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
37. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.
38. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons.
39. Save for emergencies, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
40. After 23.00 hours, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment.
41. The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment.
42. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
43. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff.
44. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
45. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
46. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.



Schedule 12
Part B

WARD: West End
UPRN: 010033535306

City of Westminster

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/15045/LIPDPS

Part 1 – Premises details

Postal address of premises:

Sophie's
42-44 Great Windmill Street
London
W1D 7LU

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
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 Saturday:	10:00 to 01:00
Sunday:	12:00 to 23:00
Performance of Live Music	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 23:00
Playing of Recorded Music	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 23:00
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 23:00
Late Night Refreshment	

Monday to Saturday:	23:00 to 01:30
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30

The opening hours of the premises:	
Monday to Saturday:	09:00 to 01:30
Sunday:	09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

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

Sophie's Soho Ltd
311-313 Fulham Road
London
SW10 9QH

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

10327719

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

Name: Sophie Bathgate

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

Restricted

Date: _____ 6 February 2018 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

None Provided

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/06235/LIPN	Live Music: Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 23:00 Performance of Dance: Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 23:00 Recorded Music: Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 23:00 Anything similar to Live, Recorded Music or Performance of Dance: Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 23:00 Late Night Refreshment: Monday to Saturday 23:00 to 01:30 Sale by Retail of Alcohol: Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 22:30	10 th August 2017	Granted with Amendments
17/15045/LIPDPS	Designated Premises Supervisor Variation	6 February 2018	Granted under Delegated Authority

Temporary Event Notice History

Application	Details of Application	Date Determined	Decision
18/01265/LITENP	Temporary Event Notice	14 February 2018	Notice Granted

18/01272/LITENP	Temporary Event Notice	14 February 2018	Notice Granted
18/01274/LITENP	Temporary Event Notice	14 February 2018	Notice Granted
18/03014/LITENP	Temporary Event Notice	23 April 2018	Notice Granted
18/03015/LITENP	Temporary Event Notice	23 April 2018	Notice Granted
18/04896/LITENP	Temporary Event Notice	9 May 2018	Notice Granted
18/05652/LITENP	Temporary Event Notice	7 June 2018	Notice Granted
18/06007/LITENP	Temporary Event Notice	31 May 2018	Notice Granted
18/07313/LITENP	Temporary Event Notice	29 June 2018	Notice Granted
18/07525/LITENP	Temporary Event Notice	29 June 2018	Notice Granted
18/07729/LITENP	Temporary Event Notice	09 July 2018	Notice Granted
18/15118/LITENP	Temporary Event Notice	16 May 2019	Notice Granted
18/15125/LITENP	Temporary Event Notice	11 December 2018	Notice Granted
18/15126/LITENP	Temporary Event Notice	11 December 2018	Notice Granted
19/07531/LITENP	Temporary Event Notice	25 June 2019	Notice Granted
19/09377/LITENP	Temporary Event Notice	6 August 2019	Notice Granted

19/12494/LITENP	Temporary Event Notice	2 October 2019	Notice Granted
19/13206/LITENP	Temporary Event Notice	16 October 2019	Notice Granted
19/13754/LITENP	Temporary Event Notice	28 October 2019	Notice Granted
20/01418/LITENP	Temporary Event Notice	17 March 2020	Notice Granted

There is no appeal history

Previous Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02244/LIPCV	Conversion Application	12 May 2005	Granted by Licensing Sub-Committee
06/03391/LIPDPS	Designated Premises Supervisor Variation	9 May 2006	Granted under Delegated Authority
07/02338/LIPDPS	Designated Premises Supervisor Variation	27 April 2007	Granted under Delegated Authority
07/06545/LIPDPS	Designated Premises Supervisor Variation	23 August 2007	Granted under Delegated Authority
07/11243/LIPDPS	Designated Premises Supervisor Variation	21 December 2007	Granted under Delegated Authority
08/00984/LIPDPS	Designated Premises Supervisor Variation	22 February 2008	Granted under Delegated Authority
06/06559/WCCMAP	Master Licence	8 December 2007	Granted under Delegated Authority
08/07057/LIPDPS	Designated Premises Supervisor Variation	6 August 2008	Granted under Delegated Authority

09/02957/LIPDPS	Designated Premises Supervisor Variation	17 June 2009	Granted under Delegated Authority
09/04907/LIPV	Variation Application	19 August 2009	Granted under Delegated Authority
09/07074/LIPVM	Minor Variation	8 October 2009	Granted under Delegated Authority
10/02086/LIPCH	Change of Licensee Details	13 April 2010	Granted under Delegated Authority
10/05014/LIPDPS	Designated Premises Supervisor Variation	9 September 2010	Granted under Delegated Authority
11/03457/LIPDPS	Designated Premises Supervisor Variation	4 July 2011	Granted under Delegated Authority
12/02755/LIPDPS	Designated Premises Supervisor Variation	1 May 2012	Granted under Delegated Authority
12/04356/LIPDPS	Designated Premises Supervisor Variation	25 July 2012	Granted under Delegated Authority
12/06707/LIPV	Variation to Application	5 September 2012	Granted under Delegated Authority
12/07726/LIPDPS	Designated Premises Supervisor Variation	25 September 2012	Granted under Delegated Authority
13/00120/LIPDPS	Designated Premises Supervisor Variation	8 February 2013	Granted under Delegated Authority
13/05623/LIPDPS	Designated Premises Supervisor Variation	13 August 2013	Granted under Delegated Authority
15/03202/LIPDPS	Designated Premises Supervisor Variation	26 July 2015	Granted under Delegated Authority
16/07055/LIPDPS	Designated Premises Supervisor Variation	26 September 2016	Granted under Delegated Authority

16/11297/LIPDPS	Designated Premises Supervisor Variation	12 December 2016	Granted under Delegated Authority
17/00070/LIDPSR	Removal of Designated Premises Supervisor	4 January 2017	Granted under Delegated Authority
17/00087/LIPT	Transfer Premises Licence Holder	8 February 2017	Granted under Delegated Authority
17/09500/LIPV	Variation Application - To remove Condition: 'All bags of persons entering the premises shall be searched by security after 23:00 hours daily'	9 October 2017	Refused at Licensing Sub-Committee

There is no appeal history

LICENSING SUB-COMMITTEE No. 3

Thursday 10th August 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Murad Gassanly and Councillor Aziz Toki

Legal Adviser: Barry Panto
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon
 Presenting Officer: Heidi Lawrance

Relevant Persons Objecting: Environmental Health, Metropolitan Police, the Licensing Authority, 5 local residents, an amenity society and one local Councillor.

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mr Rupert Power (Director and Co-owner, Applicant Company), Mr Ian Watson (Environmental Health), PC Bryan Lewis (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Ms Anna Moscato, Ms Katarzyna Bera and Mr Piotr Cybulak), Mr Piotr Cybulak, Ms Katarzyna Bera and Mrs Jane Doyle (local residents) and Mr Slawomir Kosmider (representing Ms Katarzyna Bogatek, local resident).

Declaration: During the hearing Mr Thomas referred to the Applicant's previous premises in Wellington Street and the current premises in Fulham Road. Councillor Caplan declared that he had dined in the Wellington premises in the last twelve months. This did not in any way affect his ability to consider the current application impartially.

Sophie's, 42-44 Great Windmill Street, W1 17/06235/LIPN	
1.	Regulated Entertainment (Indoors) - Live Music, Recorded Music, Performances of Dance, Anything of a similar description, Recorded Music, Performances of Dance – BASEMENT
	Monday to Saturday 10:00 to 02:00 Sunday 12:00 to 23:30 <u>Seasonal Variations / Non-standard Timings</u> From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 02:00 (the following day) on Sundays immediately before Bank Holiday Mondays.

	An additional hour when British Summertime commences.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee heard from Mr Thomas, representing the Applicant. He explained that there was an existing premises licence for 42-44 Great Windmill Street which permitted the sale of alcohol for consumption on the premises and music and dancing until 01:00 and late night refreshment until 01:30 on Monday to Saturday. There was a capacity of 975 people (Ground Floor 325 and Basement 650). The Applicant was now offering, as part of the application, for there to be a capacity of 400 people on both floors, which was an overall reduction in numbers of 175 people. Mr Thomas added that if the Sub-Committee was minded to grant, there would be a further reduction in the basement after 01:30 (the closing time on the existing premises licence) to 325 people. The Applicant was seeking an additional hour in terms of licensable activities and the opening hours to the public in the basement. It was Mr Thomas' case that the application, with the additional hour applied for in the basement, constituted an exception to policy in the West End Cumulative Impact Area because of the proposed reduced capacities. It was also his case that there would not be a detrimental impact as a result of the additional hour in the basement.</p> <p>Mr Thomas wished to emphasise that Sophie's would be nothing like Grace Bar which was its predecessor and had been a major issue for residents as set out in residents' objections for the current application. He expressed the view that Grace Bar had largely been a vertical drinking establishment with noise issues. There would be what he described as a substantially different offer and clientele and significant change to the entrance arrangements at Sophie's. The location of the smoking area had changed. The noise issue would be addressed with conditions for the current application. Mr Thomas stated he was not aware of any objections to the layout changes for the current application and he would therefore focus on the concerns regarding the additional hour sought in the basement. Mr Thomas' interpretation of residents' representations on this point was that having more people on the streets at 02:00 outweighed the benefit of having less people on the street before 01:30 when there were proposed reductions in the capacity. However, he said that the acoustic evidence was that the ambient noise levels and footfall were virtually identical around the 70 decibel level between midnight and 03:00. What he believed would make a difference was significantly less people on the street at an earlier hour.</p> <p>Mr Thomas commented that this was not the quietest part of Soho and that Sophie's was unlikely to have a negative impact on local amenity. There was an office directly above the premises. He referred to other premises in the area</p>

operating until a late hour including Piccadilly Institute (late night bar) at 1 Piccadilly Circus operating until 03:00 and The Windmill International in Great Windmill Street closing after 05:00. He questioned the representations from residents living next door at St James Tavern on the grounds it is a rival licensed premises.

Mr Thomas said that another advantage of the current application was that there would be the replacement of historical licence conditions on the existing premises licence with up to date Council model conditions. He believed the limited conditions on the existing licence had played a part in the problems at Grace Bar.

Mr Thomas stated that there had been a Sophie's premises in Wellington Street for approximately ten years and there was currently a Steakhouse and Bar located in Fulham Road, Chelsea which had been operating for approximately fifteen years. He wished to bring to the attention of the Sub-Committee that there had been a capacity of 400 people at Wellington Street which operated until 01:00 with a bar area. He had been advised by PC Lewis that there had not been a crime and disorder issue in Wellington Street. There had been some issues in relation to Grace Bar.

Mr Power spoke on behalf of the Applicant Company. He made the points that Sophie's specialised in steaks and there would be a restaurant / bar on the ground floor with background music. Mr Thomas provided the additional information that there would be some live music at the premises but this would be at a much lower level of decibels than when the premises had been operated as Grace Bar. The ground floor would be predominantly seated with waiter and waitress service. Mr Power commented that many of the tables would be booked in advance. Mr Power and Mr Thomas explained it was intended to have a cocktail bar in the basement of the premises with a Jack Solomons, British boxing promoter theme. There would not be signage with Jack Solomons on the front of the premises. There would be no price promotions unlike Grace Bar. Mr Power clarified that there would be the option for people to hold events in the basement such as early evening drinks after a work conference. The basement would generally not operate during the daytime.

Mr Thomas referred to the proposed conditions. He requested that the Metropolitan Police's conditions requiring a minimum of at least four door supervisors from 18:00 daily, six door supervisors from 22:00 on Thursday, Friday and Saturday and that they wear yellow high visibility arm bands were not attached to the licence in the event the Sub-Committee was minded to grant the application. This was on the grounds that it could give the premises an image of notoriety. The Applicant was offering two door supervisors and if it was intended to hold an event then this number would be increased. Mr Thomas made the point that there would be sufficient managers to oversee the operation. He also requested that the Police proposed condition requiring bags of customers to be searched after 23:00 was not attached to the licence.

Mr Thomas said that he could understand that residents had set out in their written representations that their quality of life had improved since Grace Bar

had closed. However, the premises were likely to re-open as licensed premises at some stage and he believed Sophie's would better support the licensing objectives than a premises operating similarly to Grace Bar.

The Sub-Committee was addressed by Mr Watson, on behalf of Environmental Health. Mr Watson referred to alcohol being ancillary to substantial refreshment and music and dancing on the existing premises licence. He made the point that whilst the Applicant was keen to indicate that Sophie's would be a different style of operation in terms of being more restaurant led and less alcohol led than Grace's Bar it was not clearly shown to be the case in terms of the proposed conditions. He believed the conditions gave the impression that the premises would be entertainment led albeit with more seating than for the previous operation. Mr Watson also wished to provide some context in respect of the Sophie's premises that had operated in Wellington Street until 01:00, making the point that the bar area with up to 100 people was not ancillary to food but for the remainder of the premises, alcohol was ancillary to food.

Mr Watson clarified that the Applicant had agreed his proposed conditions. He requested that whilst the overall suggested reduced capacity of 800 was acceptable to Environmental Health, the specific capacities for the two floors were finalised once he and the Senior Licensing Surveyor had assessed matters such as the floor space and the means of escape.

Mr Watson queried what the Applicant's arrangements would be for vacating the ground floor at 01:00 in the event the basement was able to operate until 02:00. This included whether the ground floor could be used for consumption of alcohol until 02:00. Would it be conditioned in terms of patrons leaving the ground floor of the venue at 01:00? Mr Watson recommended that in the event the application was granted, a condition was attached to the premises licence that there would be no drinking outside the premises. This he believed would promote the licensing objective of preventing public nuisance and take into account that the pavement width outside the premises was limited.

Mr Watson expressed the view that the Soho Society had in their written representation accurately reflected where the nearby residential areas are, including in Great Windmill Street and Lisle Street. He didn't dispute the Applicant's acoustic report findings that it is a noisy area whether this involved traffic, people or extractor fans.

Mr Watson explained to the Sub-Committee that there had been discussions with the Applicant regarding customers smoking in Ham Yard but the allocated area was now proposed for Great Windmill Street. The Applicant had put forward a condition that the maximum number of 20 at any one time would come into effect at 01:00.

The Sub-Committee heard from Mr Sycamore, on behalf of the Licensing Authority. He drew Members' attention to paragraph 2.4.7 of the Council's Statement of Licensing Policy that stated that the reduction in capacity 'might' be a reason for granting an application as an exception to policy. Mr Sycamore added that it was not a 'given'. It was the Licensing Authority's case that there

would still be a lot of customers leaving the premises later into the night in the West End Cumulative Impact Area and that this made the Applicant's argument for an exception to policy questionable. It was a new application for a public bar in the Cumulative Impact Area and the policy was to refuse the application.

The Licensing Authority shared Environmental Health's concerns about the potential for patrons in the basement being able to take their drinks upstairs after 01:00.

PC Lewis advised the Sub-Committee that the Police were maintaining their representation on policy grounds. He described the area surrounding the premises as being heavily saturated with late night time economy establishments and the application if granted would create further demands on Police resources. He was concerned particularly about alcohol not being ancillary to food so that there could potentially be vertical drinking throughout the premises. He also had concerns about two different closing times for the basement and ground floor including that unless it was correctly conditioned, patrons could leave both floors at 02:30.

PC Lewis commented that he had no specific objections to the operator and the way that the Sophie's in Wellington Street was run. However, it had predominantly operated as a restaurant as reflected in the conditions on the licence. He spoke of objecting to the application due to his lack of confidence in the conditions that were currently on the operating schedule for the 42-44 Great Windmill Street application. An example of this was that the Applicant was offering two SIA qualified doormen as an alternative. He took the view that two doormen plus a risk assessment as to whether there should be more security personnel employed was clearly not appropriate for a capacity of 800 people. He was seeking re-assurance about the ability of the Applicant to monitor that number of people and he was not satisfied that the Applicant had seriously taken security measures into consideration, including the guarding of the different entrances/exits. PC Lewis recommended a minimum of 1 doorman to 100 patrons. He did not believe that a risk assessment was needed as to whether further security staff should be employed because the risks were in his view reasonably obvious. These included patrons being able to drink without food up until 02:30. PC Lewis was also concerned about the narrow footpaths outside the premises and the ability of the smokers to obstruct the pavement. He was requesting doormen to wear high visibility jackets to monitor the street. He brought to the Sub-Committee's attention that this and four other conditions of the seven he had proposed had not been accepted by the Applicant.

One of the conditions proposed by the Police had been that bag searches should take place inside the premises after 23:00. PC Lewis commented on there being a high level threat from terrorism as evidenced by recent incidents in London.

The Sub-Committee then heard from Mr Brown representing Ms Anna Moscato, Ms Katarzyna Bera and Mr Piotr Cybulak. Mr Brown said that he would keep his comments on Grace Bar to a minimum given that the Applicant accepted residents' written submissions on this point. However, he wished to bring to

Members' attention that the flats above St James Tavern faced on to Great Windmill Street and the issues with the Grace Bar licence operating until 01:00 for residents were internal noise transmission, smokers outside, queuing outside and dispersal. Mr Brown said that limiting the number of smokers to a maximum of 20 after 01:00 would not address residents' concerns on the grounds that it only took a small number of people smoking outside to cause nuisance. He did not see any evidence that queuing would be a problem but pointed out that there were no proposed conditions designed to prevent it. He added that the key ongoing concern of residents was dispersal.

Mr Brown stated that the issues arising from the noise of patrons leaving the Grace Bar causing a public nuisance were exacerbated by the 'honeypot effect' in a very prominent location of the patrons attracting pedicabs, buskers and beatboxers. It also attracted shady characters. He referred to the Council's policy regarding the prevention of crime and disorder and the risk of patrons/customers being the victims of crime. The later the hour the premises were able to operate the greater the risk to patrons/customers. He also referred to Mrs Doyle's concerns regarding drug dealing in the area and the greater risks caused by a 02:00 terminal hour for sale of alcohol and music and dancing and a 02:30 closing time in the basement.

Mr Brown emphasised that residents were very clear in their view that the reduction in the overall capacity did not mitigate the increase in the operating hours for the basement. He made the point that even if it was accepted that there was a reduction in capacity of 175 patrons before 01:00, there was potentially up to 800 people at the premises after 01:00. Given the impact of an operation after 01:00, it was the residents' view that the extra hour should not be granted in the basement. He wished to differentiate between the Sophie's in Wellington Street and the current application. The overall capacity was approximately 360 at Wellington Street whereas it was proposed to have a capacity of 800 in Great Windmill Street. He added that if it was fair to give Sophie's the opportunity to operate then this should be until 01:00.

Mr Brown expressed the view that the application was exactly the type that the Council's policy seeks to prevent. It was not a restaurant in terms of the conditions being offered and could operate as a vertical drinking bar. He questioned the worth of the Applicant's overall offer as he doubted that there would be a capacity of 975 in the premises every night. Mr Brown spoke about the statistics in the Council's licensing policy and in particular that violence against the person offences rose significantly the later the terminal hour after midnight. There was greater impact for premises which are not restaurants and the operating schedule did not require 42-44 Great Windmill Street to operate as a restaurant.

Mr Brown wished to address the Sub-Committee on Mr Thomas' point that the premises would be better conditioned if the application was granted. He raised the matter that there was a 'no noise shall emanate' condition on the existing premises licence but this had not prevented noise from emanating from the premises and disturbing residents. He did appreciate that the Applicant was offering to reduce the level of noise and play music through a noise limiter.

The Applicant's acoustic report was referred to by Mr Brown. He said that the testing of the premises had taken place a few days before Grace Bar had closed down so it was possible that it may not have been as busy as when it was fully operational. Mr Brown believed that the acoustic report supported the view of residents in that it had found that 'the noise climate is mainly affected by the patron noise from the surrounding public houses and restaurants'.

Mr Brown concluded with the comments that residents recognised the existence of a 01:00 premises licence for the premises. They were seeking better conditions than were present on the existing licence. Any extension to the operating time in the basement was directly contrary to policy and should be refused.

The Sub-Committee heard from local residents. Mrs Doyle supported the comments of the Police and Mr Brown and stated that there was a huge anti-social behaviour problem, including drug related behaviour in Soho as opposed to the Leicester Square Impact Zone. She added that it was not possible to reduce the impact when patrons dispersed from the premises.

Mr Kosmider, representing Ms Bogatek, stated that since Grace Bar had closed there had been an average decrease of 15 decibels in noise levels. He also made the point that he and residents he had spoken to had not received the letters from the Applicant which had been referred to in the Applicant's representations. He strongly objected to the proposed additional hour in the basement. There were concerns the premises could still operate as a nightclub and there would still be significant numbers of people on the premises. Mr Kosmider concurred with Mr Brown's comments that there was considerable noise nuisance after 01:00 at Grace Bar which had been exacerbated by the likes of pedicabs, buskers, beatboxers coming to the area, seeking financial gain. Pedicabs had caused obstruction to traffic and extra noise in the area. There was also anti-social behaviour by patrons after closing time. His daughter had been woken up during the night when Grace Bar had operated. His family had been able to live normal lives since Grace Bar had shut. Mr Kosmider had additional concerns with the current application that his flat was not far from the smoking area.

Mr Cybulak did not believe that the proposed reduction in capacity in the basement would assist as the greater issues were caused by noise from patrons on the ground floor. He expressed concerns about the noise from taxis and the potential for queuing at the premises.

Ms Bera stated that she had been woken up many times during the night when Grace Bar had been open. There had been noise from patrons dispersing and anti-social behaviour such as fighting taking place. The area was now more peaceful and she was more able to get an adequate level of sleep.

Mr Thomas was given the opportunity by the Sub-Committee to respond to the points made by the objectors. Mr Thomas wished to clarify, in response to questions from the Sub-Committee, that there would be no additional patrons on

the ground floor after 01:30 (he was content for this to be the subject of a condition) and there would be 325 in the basement from 01:30 to 02:30. On sales and music and dancing in the basement would cease at 02:00. He added that the ground floor would be closed off to customers and it would not be staffed after 01:30.

Mr Thomas, in response to Police concerns about security arrangements, advised that the Applicant would potentially be willing to accept three security staff after 23:00. The Applicant would also be more willing to have security staff with high visibility jackets overseeing the smoking area but not at the entrance/exit because it would give the impression of a problem premises. The Applicant did not want to encourage the pedicabs, buskers and beatboxers.

Mr Thomas described the ground floor as a restaurant with a bar area. He had not offered an alcohol being ancillary to food condition as there was not one on the existing premises licence. The Applicant was potentially willing to accept a minimum number of seats being situated on the ground floor. He also made the point that the same food offer would be available in the basement as the ground floor.

The Sub-Committee was also informed by Mr Thomas that the Applicant would be willing to accept a maximum of 20 smokers outside the premises at all times in the event the application was granted. The Applicant was also content for the capacities on the two floors to be assessed at a later date as requested by Mr Watson. The Applicant was proposing that the maximum capacity in the basement could not exceed 325 for the final hour of trading.

Mr Thomas continued to question the representations from residents in St James Tavern on the grounds that whilst they lived there, they also worked there. They also had patrons dispersing from and smoking outside their pub. He requested that the Sub-Committee give due weight to the fact that those who live next door also operate a pub.

Mr Thomas said that he could not give a cast iron guarantee that there would never be any queuing but that it would not be anything like Grace Bar. He also expressed the view that it was conjecture to suggest that the capacity did not reach 925 during weekdays at Grace Bar. It was potentially the case that there would not be 325 in the basement after 01:30 at Sophie's.

Mr Thomas sought to counter Mr Brown's point regarding the statistics in the Council's licensing policy showing that violence against the person offences rose significantly the later the terminal hour after midnight with the point that there would be reduced capacities in the basement prior to 01:00 which would mean fewer people being victims of crime then.

In response to a question from the Sub-Committee, Mr Thomas confirmed that there would be no off sales and no drinks taken outside.

Mr Brown wished to clarify that the objections were from residents who lived above the licensed area in St James Tavern. It was not an objection from the St

James Tavern business.

The Sub-Committee read and listened carefully to all the representations and submissions received in respect of the application. Members initially made a judgement as to whether the application constituted an exception or not. The new application was contrary to policy but the case had been made by the Applicant that it should be considered an exception because the additional hour in the basement was offset by a reduction in the overall capacity from 975 to 800. The existing premises licence already enabled the Applicant to sell alcohol until 01:00 and close the premises at 01:30.

The Sub-Committee decided not to grant the additional hour in the basement as an exception to policy. The reason for this was that the Sub-Committee considered that there would still be up to 325 people at this location in the West End Cumulative Impact Area until 02:30. These customers would be able to drink alcohol without that consumption being ancillary to any other activity and this would more than likely undermine the licensing objectives. In reaching this decision, Members had noted the objections of residents and three Responsible Authorities. It was a concern to the Sub-Committee that whilst Mr Thomas was indicating that the ground floor in particular would operate as a restaurant with a bar and that food would be available in the basement, no conditions were being offered at any time requiring alcohol to be ancillary to food. The Sub-Committee appreciated that the existing premises licence did not require the Applicant to provide alcohol ancillary to food. However, the Applicant in this case was asking for an exception to policy and the Sub-Committee had to assess the overall impact of patrons potentially drinking without food for an additional hour at the premises and then dispersing from the premises at 02:30. Members accepted the view of residents and articulated by Mr Brown that the reduction in the overall capacity did not mitigate the increase in the operating hours for the basement.

The Sub-Committee gave thought to refusing the application given that it was a new application seeking late hours for licensable activities in a designated cumulative impact area with the application being contrary to policy. However, Members noted that the existing premises licence permitted the premises to provide on sales and music and dancing until 01:00 and late night refreshment until 01:30. Members took the view that it would be beneficial to all parties if the conditions on the premises licence were updated, including incorporating the Council's model conditions. The Sub-Committee therefore decided to grant the same hours for licensable activities on the ground and basement floors as were permitted on the existing premises licence. The Sub-Committee appreciated that it would be the Applicant's choice whether to operate the existing premises licence or operate the new one. It was the Members' assessment that the existing premises licence restricted the Applicant in terms of the style of operation that could be provided and it would be advantageous to have the new licence with the same hours as the existing one. In seeking to achieve the right balance, the Sub-Committee did not reduce the overall capacity from 975 to 800 which had been proposed by the Applicant in the event the Sub-Committee was minded to grant the basement operating until 02:30. The respective capacities for the two floors would be assessed by Environmental Health and the Senior

	<p>Licensing Surveyor at a later date.</p> <p>The Sub-Committee also sought to strike the right balance on the conditions attached to the premises licence. Members did not impose many of the more restrictive proposed conditions on the Applicant. They did consider it necessary given the potential security and terrorist risks, to attach the Applicant's proposed condition that 'after 11pm, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment'. Members were of the view that it was particularly important that the Applicant carried out the risk assessment. The Sub-Committee also decided it was necessary to attach the conditions that 'all door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness' and that 'all bags of persons entering the premises shall be searched by Security after 23:00 hours daily' as requested by the Police.</p>
2.	<p>Regulated Entertainment (Indoors) - Live Music, Recorded Music, Performances of Dance, Anything of a similar description, Recorded Music, Performances of Dance – GROUND FLOOR</p>
	<p>Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 22:30</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:30 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the general hours sought on the ground floor as they were in keeping with the proposed hours for the existing premises licence. The proposed conditions were updated. The Sub-Committee did not grant the seasonal variations for the same reasons as they did not extend the operating hour in the basement.</p>
3.	<p>Late Night Refreshment (Indoors) - BASEMENT</p>

	<p>Monday to Saturday 23:00 to 02:30 Sunday 23:00 to 00:00</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:30 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the same hours as for the existing premises licence (Monday to Saturday 23:00 to 01:30). The proposed conditions were updated. See the reasons for decision in Section 1.</p>
<p>4. Late Night Refreshment (Indoors) – GROUND FLOOR</p>	
	<p>Monday to Saturday 23:00 to 01:30</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:30 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the general hours sought on the ground floor as they were in keeping with the proposed hours for the existing premises licence. The proposed conditions were updated. The Sub-Committee did not grant the seasonal variations for the same reasons as they did not extend the operating</p>

	hour in the basement.
5.	Sale by retail of alcohol (On and Off) - BASEMENT
	<p>Monday to Saturday 10:00 to 02:00 Sunday 12:00 to 23:30</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:00 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas clarified that off sales had been withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the same hours for on sales as for the existing premises licence (Monday to Saturday 10:00 to 01:00 and Sunday 12:00 to 22:30). The proposed conditions were updated. See the reasons for decision in Section 1.</p>
6.	Sale by retail of alcohol (On and Off) – GROUND FLOOR
	<p>Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 22:30</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:00 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the general hours sought on the ground floor as they were in keeping with the proposed hours for the existing premises licence. The proposed conditions were updated. The Sub-Committee did not grant the seasonal variations for the same reasons as they did not extend the operating hour in the basement.</p>
7.	Hours premises are open to the public
	<p>Monday to Saturday 08:00 to 02:30 Sunday 08:00 to 00:00</p> <p><u>Seasonal Variations / Non-standard Timings</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02:30 (the following day) on Sundays immediately before Bank Holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the closing time for the public as for the existing premises licence (Monday to Saturday 09:00 to 01:30 and Sunday 09:00 to 23:00). The proposed conditions were updated.</p>

Conditions attached to the Licence

Mandatory Conditions

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

by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales

or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Additional Conditions

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

17. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.
29. No licensable activities shall take at the premises until the capacity of the

premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined

30. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
36. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.
37. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
38. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.
39. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons.
40. Save for emergencies, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
41. After 23.00 hours, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment.
42. The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment.
43. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

44. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff.
45. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
46. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
47. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
27. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 Ground Floor 400
 Basement 400
 With no more than 800 at any one time
 Subject to the sanitary accommodation being improved to the satisfaction of the Councils Environmental Health Officer, the capacity may be increased to 975 persons.
 The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
29. 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.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

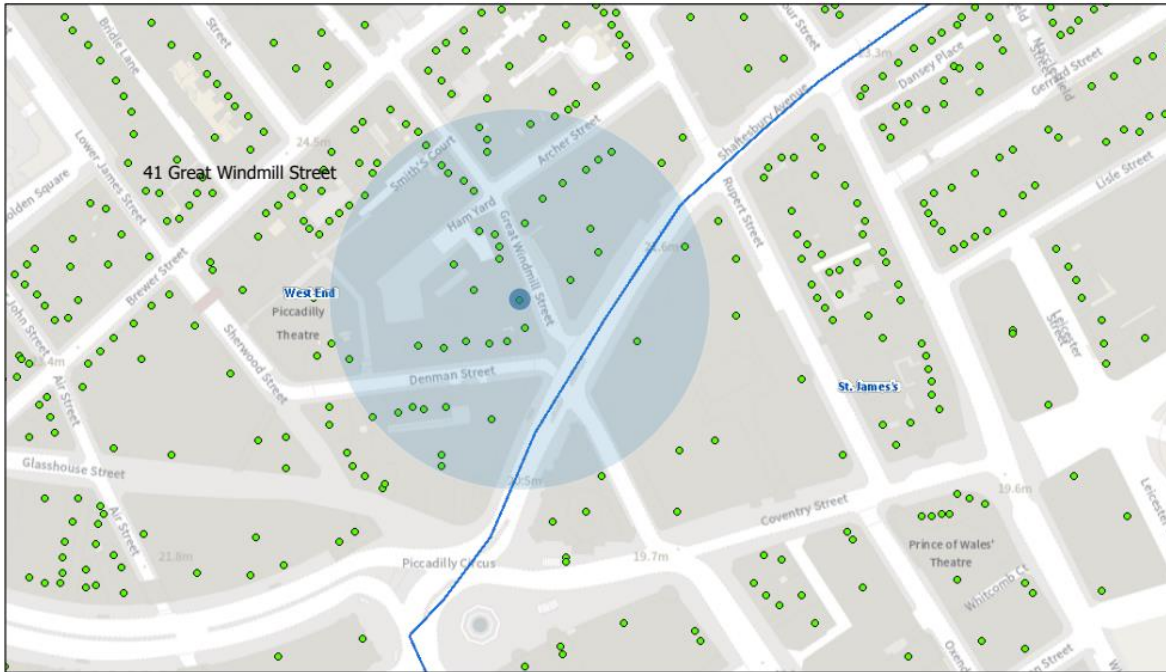
34. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
35. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.
36. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
37. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.
38. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons.
39. Save for emergencies, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
40. After 23.00 hours, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment.
41. The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment.
42. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
43. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff.
44. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
45. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
46. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

Conditions proposed by the Police but yet to be agreed by the applicant.

47. A copy of the premises' dispersal policy shall be available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council
48. After 23:00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
49. After midnight, all persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.
50. There shall be no admittance or re-admittance to the premises after (01.00) hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).

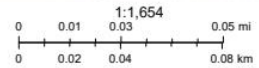
51. The consumption of alcohol on the premises shall cease at (03:00).
52. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment”
53. The licensee shall ensure that:
 - (a) A minimum of two 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) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

42 - 44 Great Windmill Street



15/04/2021, 08:21:18

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 70

Licensed premises within 75 metres of 20 London Street

Licence Number	Trading Name	Address	Premises Type	Time Period
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7ND	Restaurant	Sunday; 09:00 - 23:00 Monday to Saturday; 09:00 - 01:30
20/11037/LIPCH	St James Tavern Public House	45 Great Windmill Street London	Public house or pub restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
19/09766/LIPCH	Shoryu Soho	2-3 Denman Street London W1D 7HA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/03711/LIPV	Olives N' Mezze Mediterranean	Basement And Ground Floor 40 Great Windmill	Restaurant	Monday; 08:00 - 02:00 Tuesday; 08:00 - 02:00

	Kitchen	Street London W1D 7LY		Wednesday; 08:00 - 02:00 Thursday; 08:00 - 02:00 Friday; 08:00 - 02:00 Saturday; 08:00 - 02:00 Sunday; 09:00 - 02:00
16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant	Sunday; 05:00 - 23:00 Monday to Thursday; 05:00 - 00:00 Friday to Saturday; 05:00 - 01:00
18/16199/LIPVM	Shaftesbury Food And Wine	Ground Floor Unit 2 Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
20/09854/LIPVM	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre	Monday; 09:00 - 00:00 Tuesday; 09:00 - 00:00 Wednesday; 09:00 - 00:00 Thursday; 09:00 - 00:00 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 00:00
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant	Sunday; 11:00 - 00:00 Monday to Saturday; 11:00 - 01:00
20/03926/LIPCH	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/02277/LIPT	West End Metro	Ground Floor 38 Great Windmill Street London W1D 7LU	Shop	Monday; 07:00 - 02:00 Tuesday; 07:00 - 02:00 Wednesday; 07:00 - 02:00 Thursday; 07:00 - 02:00 Friday; 07:00 - 02:00 Saturday; 07:00 - 02:00 Sunday; 07:00 - 02:00
15/12078/LIPDPS	Engawa	2 Ham Yard	Restaurant	Sunday; 12:00 -

		London W1D 7DT		22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/13655/LIPDPS	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Monday to Sunday 00:00 to 00:00
20/10170/LIPN	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Theatre	Sunday; 09:00 - 03:00 Monday to Saturday; 09:00 - 05:30
19/00196/LIPN	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Sunday; 09:00 - 03:00 Monday to Saturday; 09:00 - 05:30
20/03225/LIPVM	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Night clubs and discos	Monday; 09:00 - 05:30 Tuesday; 09:00 - 05:30 Wednesday; 09:00 - 05:30 Thursday; 09:00 - 05:30 Friday; 09:00 - 05:30 Sunday; 09:00 - 03:00
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
19/09769/LIPCH	Japan Centre	19 Shaftesbury Avenue London W1D 7ED	Shop	Sunday; 12:00 - 23:00 Monday to Saturday; 08:00 - 23:30
19/04243/LIPVM	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Monday; 09:00 - 01:30 Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 01:30 Thursday; 09:00 - 01:30 Friday; 09:00 - 01:30 Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 Sundays before

				Bank Holidays; 09:00 - 00:00
19/16538/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Miscellaneous	Monday to Sunday; 09:00 - 04:00
20/03425/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Restaurant	Sunday; 09:00 - 03:00 Monday to Saturday; 09:00 - 03:30
20/09511/LIPDPS	Crystal Maze	20-24 Shaftesbury Avenue London W1D 7EU	Miscellaneous	Monday to Sunday; 09:00 - 04:00
10/03172/LIPN	Kim's Mart	24-25 Denman Street London W1D 7HS	Shop (large)	Monday to Sunday; 09:00 - 22:00
20/11365/LIPCH	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
18/11379/LIPT	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/06468/LIPDPS	Gelupo	7 Archer Street London W1D 7AU	Cafe	Tuesday to Saturday; 11:00 - 01:00 Sunday to Wednesday; 11:00 - 23:00
16/09243/LIPV	Kricket Soho	12-14 Denman Street London W1D 7HJ	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/02044/LIPDPS	Masters Club	Basement 12 - 14 Denman Street London W1D 7HL	Night clubs and discos	Sunday; 09:00 - 23:00 Monday to Saturday; 09:00 - 03:30
20/07627/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Monday; 07:30 - 00:00 Tuesday; 07:30 - 00:00 Wednesday; 07:30 - 00:00 Thursday; 07:30 - 00:00 Friday; 07:30 - 00:00 Sunday; 11:00 - 23:30

Item No:	
Date:	29 April 2021
Licensing Ref No:	20/11994/LIPN - New Premises Licence
Title of Report:	102 Great Portland Street London W1W 6PD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 December 2020		
Applicant:	Hrm Gathani Ltd		
Premises:	102 Great Portland Street		
Premises address:	102 Great Portland Street London W1W 6PD	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises intend to trade as a fine dining Indian restaurant		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	None		
Applicant amendments:	Following consultation with The Metropolitan Police, the applicant has amended the start time for the sale of alcohol from 08:00 to 09:00		

1-B	Proposed licensable activities and hours						
Recorded music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:			None				

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:0	07:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Cheryl Boon
Received:	19 January 2021 (withdrawn 20 January 2021)
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated outside the Cumulative Impact Area and Special Consideration Zone but it is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder and The Protection of Children from Harm.</p> <p>I would like to propose a change to the times you have applied for in relation to the supply of alcohol, this is to bring it in line with Westminster City Council's Licensing Policy, these changes are outlined below:</p> <p><u>Hours - Supply of Alcohol:</u></p> <p>Hours applied for: Monday – Sunday 08:00 – 23:00hrs</p> <p>Police proposed hours: Monday – Saturday 09:00 – 23:00hrs Sunday 09:00 – 22:30hrs</p> <p>I would also like to propose the following conditions that if you agree to would be added to any future operating schedule:</p> <p><u>Proposed Conditions</u></p> <p>1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.</p>	

2. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
4. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
5. 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.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
7. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
9. 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.
10. There shall be no self-service of Alcohol.

Please let me know whether you are willing to agree to these conditions and the change of hours that the Police are proposing as this may enable us to withdraw our representation. If you have any questions about any of the above then do not hesitate to contact me.

Following agreement of additional conditions, the Metropolitan Police withdrew their representation on 20 January 2021

Responsible Authority:	Environmental Health
Representative:	Maxwell Koduah
Received:	19 January 2021

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking to:

1. Play recorded music indoors Monday to Friday 07:00 to 23:30 hours; Saturday & Sunday 08:00 to 23:30 hours
2. Supply alcohol for consumption "On" the premises Monday to Sunday 08:00 to 23:00 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The playing of recorded music and the hours requested may have the likely effect of causing an increase in Public Nuisance within the area
2. The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

In a telephone conversation, you were advised that the playing of background music is not a licensable activity. Please confirm in writing if you are minded withdrawing recorded music from the application.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	13 January 2021		

I am objecting to this planning application as I believe that it will create a substantial nuisance to the residents of the flats above.

This building is not suitable as a site for the cooking of food, because cooking odours are able to travel from the kitchen to the common residential parts and thereby into the apartments.

This building has an unusual layout, with interconnecting doors between the commercial premises and the residential common parts, which freely permit the movement of air.

Because heat rises, the movement of air, and therefore odours, is in the direction of the residential areas, from the proposed kitchen.

We already have experience of how easily these odours travel: the previous commercial tenant, Abokado, which did not have planning permission to produce

cooked food, used to heat up miso soup in the kitchen.

The odours of miso soup would fill the common parts.

I made a complaint to Westminster environmental services which was investigated.

An Indian restaurant with a tandoori kitchen would produce an amount of odour vastly greater than the reheating of a pot of Miso soup, and would create a nuisance at a proportionately higher level.

As this problem is caused by the unusual physical connection between their kitchen and our common parts, it can not be solved by adding ventilation.

And as this connection functions as the fire escape for the commercial premises, it will not be possible to solve it by sealing the doors.

As we can reliably predict that this proposed restaurant would create a nuisance and that this nuisance would not be preventable, I ask that this application be refused.

On 21 January 2021 the objector submitted the following further comments:

I put in an earlier objection, asking for licensing to be refused because the proposed Tandoori kitchen is directly connected to the residential stairwell, making it hard to prevent odours from becoming a nuisance to the residents.

Having taken advice I would like to add a second objection requesting that if the application is in fact approved, the licensing authority include conditions that demand mitigation measures against this otherwise inevitable nuisance.

I propose that the condition is added that 'No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.'

I ask that Environmental Health assess the premises for suitable and sufficient extraction equipment, for prevention of odours in the residential parts, and require that the applicant put in place suitable measures.

I suggest that the Environmental health and Licensing authority include the following conditions to mitigate against odours:

1) Restaurant staff should not be permitted to open the fire escape door from their kitchen into the residential parts unless in the case of fire. This fire escape door should either be alarmed or have a 'break glass' mechanism to prevent it being opened.

(I include this because every commercial occupier in the last 15 years has opened this door to ventilate the basement)

2) The door from the kitchen to the basement services area and also the door from the services area to the ground floor should have rubber seals or similar on all four edges to reduce the movement of odours to the residential areas

3) The kitchen should have suitable extraction equipment installed.

4) The above extraction equipment should use filtration and positioning to prevent it creating odour or noise nuisance to nearby residents.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	27 January 2021		
<p>I live [REDACTED] the premises and object as follows:</p> <p>I) Firstly, for prevention of public nuisance and public safety. At the basement level there is a fire-exit door directly opposite the proposed tandoori oven & gas burners. This has historically been left open for ventilation for basement workers causing considerable noise and smell nuisance to the occupiers above. This is acute as there is little volume in the common parts for dissipation. The previous occupier, whose only hot offering was soup, left a pungent smell in the whole building and, during recent conversion work, conversation and the smells of cigarette smoke and solvent have caused annoyance.</p> <p>There has been no planning application for external extraction and I query how this can be so given the pungent nature of the intended cuisine and use of exposed gas flames, so I ask you to send this point to Planning for consideration.</p> <p>The basement will be in use by the public for dining/WCs and there will be a safety risk to residents through the interconnecting door.</p> <p>Accordingly if a licence is to be granted, I would ask for it to be conditioned upon:</p> <ul style="list-style-type: none"> - the interconnecting door being alarmed and kept closed at all times bar fire; - the interconnecting door being given maximal odour insulation; - no music being broadcast in the basement. <p>II) I turn to timings. My drawing room is above the premises entrance and there are other neighbouring residents on a quiet stretch of street where the pavement is at its narrowest due to the one-way system of the BBC. The regurgitation of diners before closing time will cause public nuisance, with music still playing through open doors and noisy loitering of merry diners.</p> <p>I ask, if a licence is to be granted, that it be conditioned upon:</p> <ul style="list-style-type: none"> - no music broadcast after 22:30; - no alcohol service after 22:30. 			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	opposed
Received:	21 January 2021		
<p>The area has long been a residential area with predominantly day time activity of local workers and as such has remained a calm and quiet place to live in the evening. The release of licenses with on-premises music up to 23.30 at night is going to create a level of noise and traffic that will be truly disruptive and substantially change the living conditions.</p> <p>I note that this is the latest in many applications for properties that are very close to 102 and I have objected to them all on the same basis. Now this application is directly beneath our property and is of the greatest concern.</p>			

In addition to the issue of night-time noise and traffic I would also like to raise concern on the isolation of the smells and fumes from cooking. This property has not in my term of ownership hosted a restaurant with night-time opening and the possibility of such local environmental issue is considerable. If this license is accepted and restaurant opens, I hope that all residents of 102 Great Portland Street will be provided absolute assurance and support of all local regulations to protect our living environment and ensure there is zero effect from the activities of this restaurant.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	opposed
Received:	20 January 2021		

Application for a new licence changing a small supermarket / sandwich shop (A1 retail) into a “fine dining Indian restaurant”

The above application is seeking to change the use of the premises at 102 Great Portland Street from A1 retail into a restaurant, which may or may not be permissible.

The applicant states he is going to open a “Fine dining Indian restaurant” and is seeking to provide alcohol from early morning (0700 or 0800) to late at night (2330), seven days a week, together with recorded music, in a mainly residential area.

I have lived in the immediate area for over 20 years at [REDACTED] which is a residential block of 8 floors, containing 18 apartments. My principal concerns are:

1. While the area supports a number of businesses in the daytime, the nights are relatively quiet and peaceful, which is well appreciated by the people who live here. Number 102 is relatively close to my flat, in the line of sight, and people entering and leaving, together with any noise emitted, will immediately become apparent to our block. The hours proposed are well outside what is “normal” for the area. There is potential to be a public nuisance
2. I do not think the hours proposed for Sundays are appropriate – they should be reduced materially.
3. The commencement hours are outside the “core hours” in Westminster’s policy, which are already beyond what residents would wish.
4. Although ‘off sales’ are proposed, it should be made clear that no outside drinking is to be permitted.
5. If approval is given, compliance with PN1 – prevention of public nuisance – should be required, as well as conditions requiring measures to deal with the risk of nuisance.
6. The applicant should be asked to withdraw the application for recorded music from 0700 to 2330 as it is not licensable
7. In conjunction with item (6) above, if the use of recorded music is for background purposes, any agreement to the application should apply a condition to ensure that no noise can be heard outside the premises so as to cause a nuisance.
8. Any alcohol sales must be limited to being served by waiting staff to customers seated with a meal at lunchtime or in the evening. This is not an area for breakfast bingeing or late-night drinking.
9. There is nothing in the application regarding how the restaurant will be serviced e.g., deliveries, preparation for daily business, and waste collection.
10. There are no layout plans showing the arrangement of tables/chairs etc in the proposed restaurant
11. Is there a requirement for extraction and/or air conditioning equipment for the restaurant and/or basement? How will these be operated to avoid nuisance to near neighbours?

I would like Mr Richard Brown to represent me at the hearing, to whom I am copying this letter. I would be grateful for a confirmation of receipt

Name:

Address and/or Residents Association

Status:

Valid

In support or opposed:

opposed

Received:

26 January 2021

We strongly object to the application on the grounds of the prevention of public nuisance, the prevention of crime and disorder and the public safety protection of children from harm.

We do not see the logic of a "fine dining" establishment requiring a licence to play recorded music from 7:00 am to 11:30 pm five days a week and from 8:00 am to 11:30 pm on Saturdays and Sundays or to sell alcohol from 8:00 am to 11:30 pm seven days a week.

We live in the building next door to the site in a first floor flat with single glazed windows. Noise will be an issue including noise from recorded music inside the premises, noise from deliveries, noise from revellers and noise from people leaving the premises and loitering outside our bedroom windows. The terminal hour is too late. External noise transmits to all rooms of our flat and bounces off the surrounding buildings exacerbating the problem. This section of Great Portland Street is unique in its close proximity to the BBC and Radio 4. As residents we endure noise from early morning starts at Radio 4. The BBC headquarters attracts tourists and crowds throughout the day. The One Show and other programs are broadcast live outside. All of this noise compounded by the noise from road traffic takes place in very close proximity to our home. Great Portland Street is a very busy street during the day and residents need some respite from the noise in the evening and on weekends.

Smoking will be an issue. The chemicals and toxins from cigarette and cigar smoke linger in the air and seep into the exterior of the buildings remaining long after the smokers have left. The cigarette and cigar smoke will enter our windows and those of our neighbours. There are young children in our building. Cigarette and cigar smoke kills, even second and third hand cigarette and cigar smoke kills. Residents' health should not be put at risk.

Recorded music will attract revellers to our neighbourhood. There is no justifiable reason for revellers to be permitted to descend on our street en masse and engage in boisterous behaviour right outside our bedroom windows, keeping us awake. We have witnessed anti-social behaviour such as revellers urinating on our building. The revellers also attract rickshaw drivers who speak loudly about taking them to lap-dancing and strip clubs.

Existing restaurants on Great Portland Street in close proximity to our home such as Portland and Sushi Atelier do not have loud music and do not attract revellers. Westminster City Council should uphold these standards.

We are very concerned about an Indian restaurant attracting rats. Several Indian restaurants in London have been found to be infested with rats.

We respectfully request that Westminster City Council reject the application.

3.	<p>Policy & Guidance</p> <p>Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application was applied for on 23 December 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 8 April 2021</p>
<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p>	
<p>Policy HRS1 applies</p>	<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

	<p>shorter hours in order to promote the licensing objectives.</p> <p>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.</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 alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal

4. Equality Implications

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

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

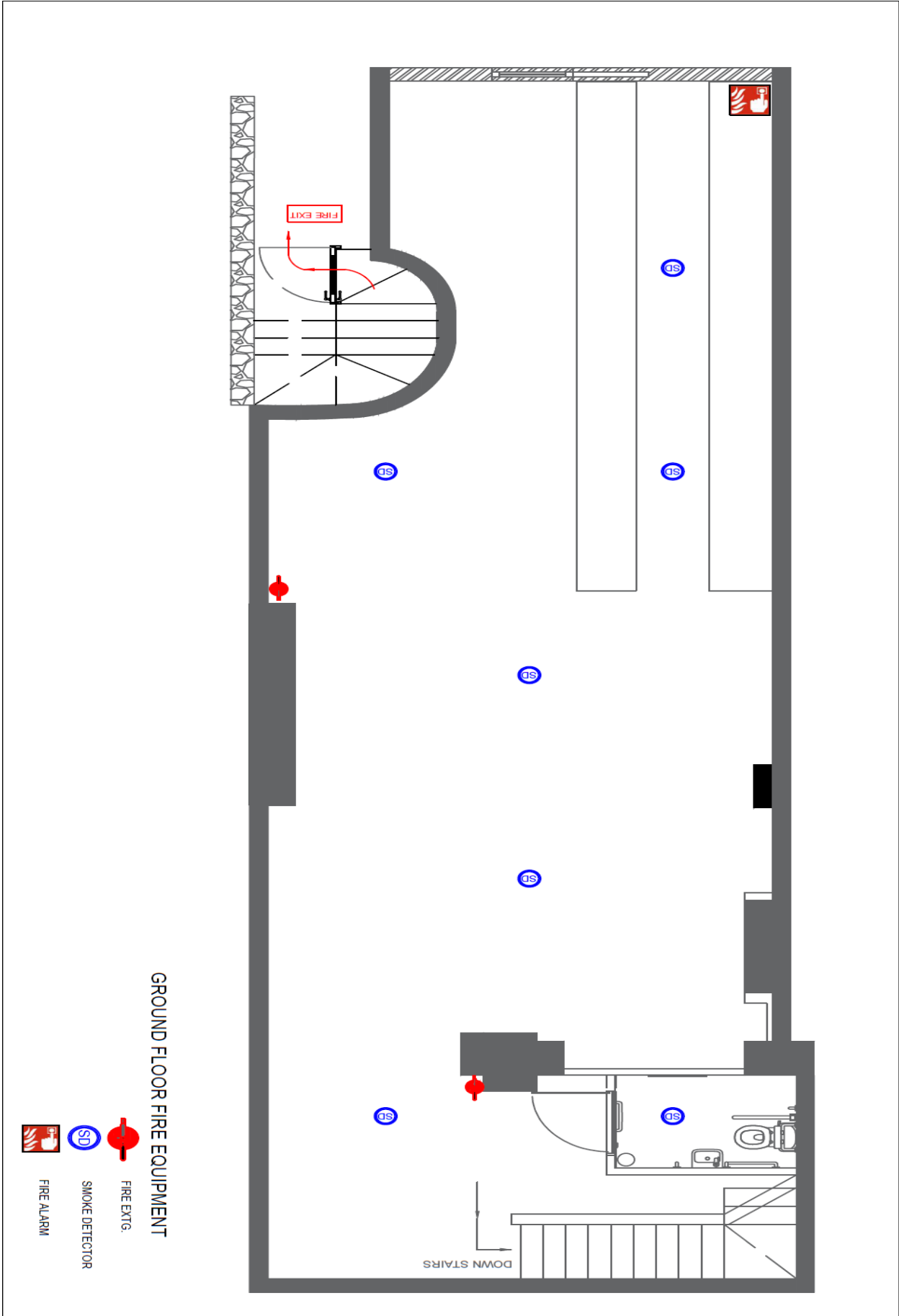
4.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

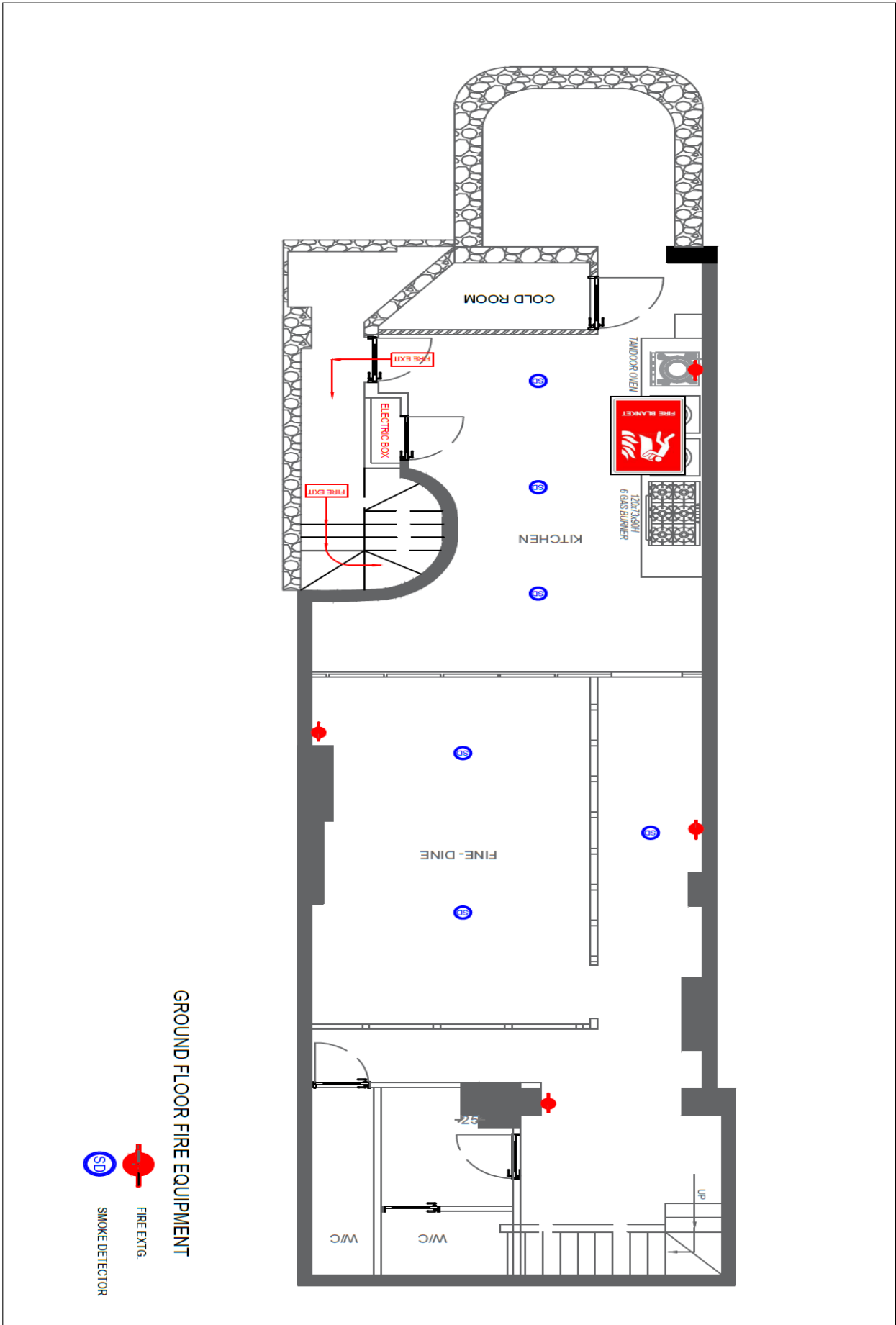
Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	19 January 2021 (withdrawn 20 January 2021)
5	Environmental Health Representation	19 January 2021
6	Interested Party Representation (1)	13 January 2021
7	Interested Party Representation (2)	27 January 2021
8	Interested Party Representation (3)	21 January 2021
9	Interested Party Representation (4)	20 January 2021
10	Interested Party Representation (5)	26 January 2021





None

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

None

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
12. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
13. 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.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
16. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
17. 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.
18. There shall be no self-service of Alcohol.

Conditions proposed by the Environmental Health

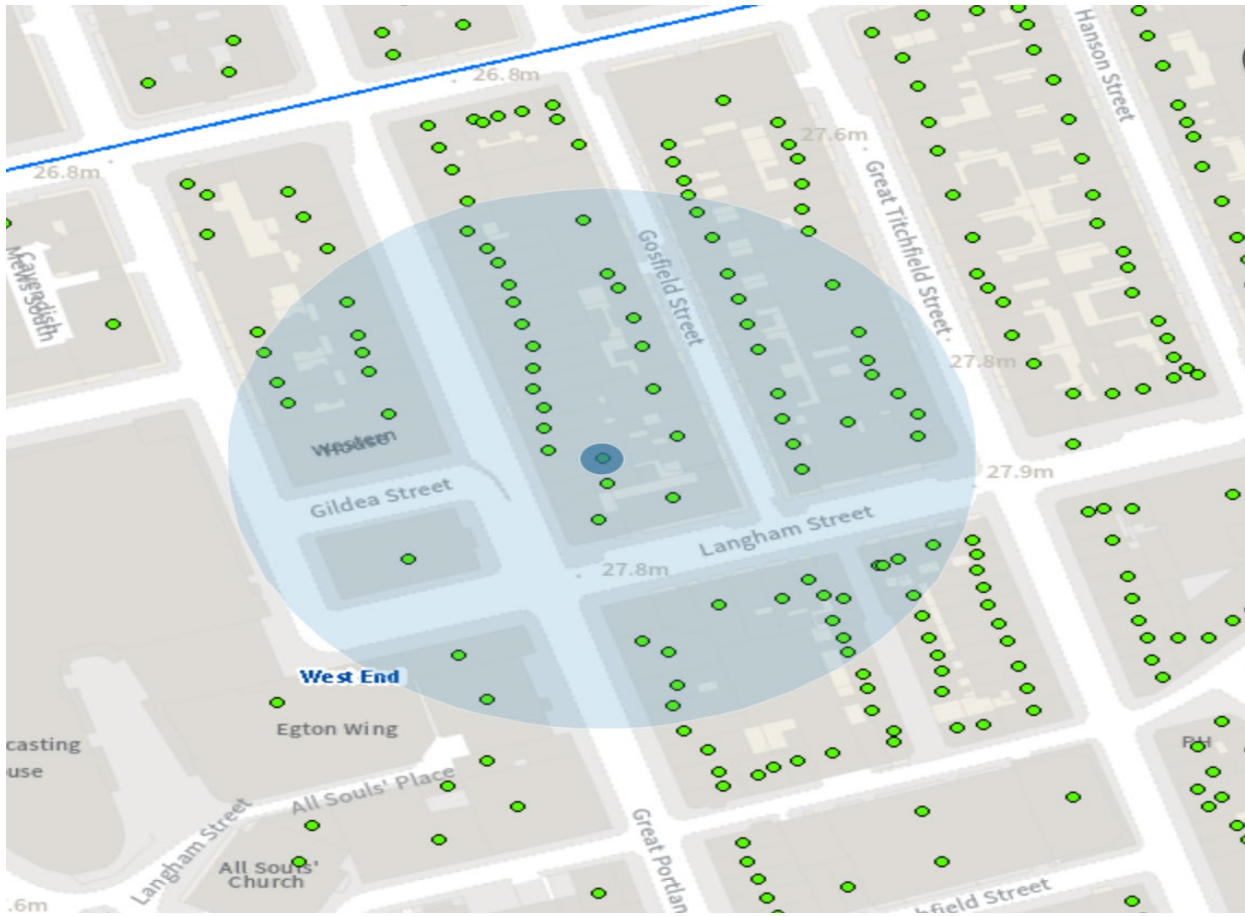
19. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 - a. Ground floor 30
 - b. Basement 25

20. 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
21. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
25. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
27. 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
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
31. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Conditions proposed by Interested Parties

32. Restaurant staff should not be permitted to open the fire escape door from their kitchen into the residential parts unless in the case of fire. This fire escape door should either be alarmed or have a 'break glass' mechanism to prevent it being opened.
33. The door from the kitchen to the basement services area and also the door from the services area to the ground floor should have rubber seals or similar on all four edges to reduce the movement of odours to the residential areas
34. The kitchen should have suitable extraction equipment installed.

35. The above extraction equipment should use filtration and positioning to prevent it creating odour or noise nuisance to nearby residents.



Resident Count: 288

Licensed premises within 75 m of 10 Great Portland Street. London, W1W 6PD				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/00591/LIPV	Fugazzina	Basement And Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Sunday; 08:00 - 22:30 Monday to Saturday; 08:00 - 00:00
20/03540/LIPT	LABORATORIO PIZZA	Basement And Ground Floor 110 Great Portland Street London W1W 6PQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

17/14779/LIPCHT	Sushi Atelier	114 Great Portland Street London W1W 6PH	Cafe	Sunday; 07:00 - 22:45 Monday to Thursday; 07:00 - 23:45 Friday to Saturday; 07:00 - 00:15 Sundays before Bank Holidays; 07:00 - 00:00
21/00262/LIPT	Not Recorded	94 Great Portland Street London W1W 7NU	Not Recorded	Monday to Friday; 08:00 - 21:00 Saturday to Sunday; 09:00 - 21:00
16/13088/LIPCH	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Not Recorded	Monday to Sunday; 07:00 - 00:00
17/02261/LIPDPS	Club West One	Wogan House 99 Great Portland Street London W1W 7NY	Studio	Monday to Sunday; 00:00 - 00:00
08/07458/LIPD	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Office	Monday to Sunday; 07:00 - 00:00
20/02336/LIPDPS	Co-operative Food	James Boswell House 118 - 122 Great Portland Street London W1W 6PW	Food store (large)	Monday to Sunday; 06:00 - 00:00
19/14252/LIPDPS	The Grange Langham Court Hotel	31-35 Langham Street London W1W 6BU	Hotel, 3 star or under	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 Monday to Sunday; 00:00 - 00:00
18/03669/LIPVM	The Whisky Exchange	90 Great Portland Street London W1W 7NT	Shop	Sunday; 10:00 - 18:00 Monday to Saturday; 10:00 - 20:00

19/03209/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
19/07803/LIPVM	Bellaria Restaurant	Basement And Ground Floor 71 Great Titchfield Street London W1W 6RB	Cafe	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
17/11140/LIPN	Townhouse	Basement And Ground Floor 88 Great Portland Street London W1W 7NT	Hairdresser or beauty salon	Monday to Sunday; 07:00 - 23:00
08/07443/LIPD	Hallam Hotel	12 Hallam Street London W1W 6JF	Hotel, 3 star or under	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

