

Town Clerk's Office
John Barradell
Town Clerk & Chief Executive



Lucky Voice (SOHO) Ltd
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Our ref JM/LIC

Date 29 September 2017

Dear Sirs

Applicant:	Lucky Voice (SOHO) Ltd
Premises:	Eastcastle House, 27-28 Eastcastle Street, London W1W 8DH
Date / time of Hearing:	Thursday, 21 September, 11.00 am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the Hearing held on 21 September 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Ms Sophie Fernandes (Chairman), Ms Marianne Fredericks and Mrs Mary Durcan.

Mr Alun Thomas, of Thomas and Thomas Partners LLP made submissions in support of the application on behalf of Lucky Voice (SOHO) Ltd.

Mr Chris Hayden, Mr Toby Brown and Mr Stuart Atkinson (residents) and Ms Henrika Priest (resident and Ward Member) were present and made representations against the application.

1. This decision relates to an application made by **Lucky Voice (SOHO) Ltd Eastcastle House, 27-28 Eastcastle Street, London W1W 8DH**

The application sought to provide the following activities:

Activity	Current Licence	Proposed
Supply of Alcohol – for on sales only with a closing time of 2.30. *	N/A	Mon – Wed 13:00 – 00:00 Thu – Sat 13:00 – 02:00

		Sun 13:00 – 23:00
Late Night Refreshment	N/A	Mon – Wed 23:00 – 00:00 Thu – Sat 23:00 – 02:00 Sun -
Films, Live Music and Recorded Music. Anything similar to live/recorded music <i>NB. Section 177A stipulate that premises licenses for consumption of alcohol on premises with a capacity of less than 500 do not need to be licensed for the provision of live music or recorded music between 8 and 23 hrs unless specifically conditioned.</i>	N/A	Mon – Wed 13:00 – 00:00 Thu – Sat 13:00 – 02:00 Sun 13:00 – 23:00

** The applicant requested an additional hour when BST commenced*

Prior to the Hearing, the Sub Committee received additional documents, from Thomas and Thomas Partners LLP, dated 14 September 2017, containing the following:

- Operational Management Plan
- Noise Management Plan
- Accoustic proposals
- Smoking Policy
- Chronology
- Correspondence between applicant, ward councillors and residents
- Email from the Environmental Health Team, City of Westminster
- Email from the Metropolitan Police Service, Islington Division

At the start of the Hearing, the Chairman invited those opposing the application to set out their objections to the licence application for Lucky Voice. The residents set out their concerns about the late terminal hour and the nature of the entertainment offered; i.e. Karaoke. Residents were particularly concerned that should the application be granted as sought there was a likelihood that they would be disturbed by patrons leaving the premises in the early hours of the morning. In support of their concerns they drew the Sub-

Committee's attention to the fact that, due to the nature of the entertainment and the fact that patrons would have access to alcohol, there was the strong possibility that patrons would be in a lively mood when leaving the premises. They highlighted that patrons would pass by residential properties either on their way to the late night public transport facilities or in search of taxis. Residents reminded the Sub Committee of the City of London Corporation's Licencing Policy and residents' entitlement to a peaceful environment between 11 pm and 7 am.

Whilst accepting that the area is particularly busy during the day, residents informed the Sub Committee that the ambient noise levels dropped considerably in the evening and at weekends, particularly around the residential pockets. It was noted that other licensed premises in the vicinity were licensed until midnight at the latest and, generally, most of them stopped serving alcohol at 11 pm. The residents therefore felt that the presence of a venue licensed until 2am and closing at 2.30 am was out of keeping with the area and would increase the likelihood of public nuisance. It was suggested by several residents that, should the Sub-Committee be minded to grant the applicant a premises licence, the terminal hour for licensable activities should be 11 pm.

The Chairman then invited the applicant representative, Mr Alun Thomas, to speak in support of its application. The Applicant's representative advised that Lucky Voice had been established over ten years ago and operated in Brighton, Islington and the West End. As set out in the emails listed above, the premises had been trouble-free and the West End premises, in Soho, were in a residential area. There had been no representations from Environmental Health or the Police.

Mr Nick Jones, Business Development Director, Lucky Voice, said he fully understood the concerns of the residents in respect of public nuisance on dispersal and was very confident of mitigating this by employing SIA door supervisors and managers experienced in controlling departure and helping patrons arrange onward transport. Patrons would be directed towards main transport hubs and away from residential areas. Members noted the business operation; ie staggered bookings in 2 hour slots, with renewals on the hour and half hour. The Applicant explained that there would be 8 fully sound-proofed booths, each containing 8-10 patrons but only 3 would be operational at any one time. The small bar would be a holding area and drinks in the booths would be by waiter/waitress service only.

The applicant disagreed with the assertions that its patrons would cause a nuisance to local residents on departing the premises. It argued that the proposed arrangements for dispersal, as set out in its Noise Management Plan, would address the concerns raised by residents and disputed the residents' assertion that patrons would pass residential properties en route to late night public transport routes. The applicant further assured residents that the venue would not add to any further disturbance than that the residents were currently experiencing.

The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant.

In reaching the decision, the Sub-Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017.

Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.

The Sub Committee also noticed that the Applicant had displayed good will in withdrawing their initial application, pending further consultation with residents. Furthermore, during the course of the Hearing, the Applicant had also offered to reduce the licensing hours by 15 minutes on Thursday to Saturday and by 1 hour on Sundays. It also offered to reduce the capacity in the venue from 132 to 100.

In reaching its decision, the Sub Committee took into account the submissions made both in writing and verbally by those opposing the application. The Panel noted that this was a new Licence Application and was very conscious of the fact that the premises are located in a residential pocket of the City. The Sub-Committee accepted the residents' concerns as to the potential for noise disturbance in the early hours of the morning, given that most of the other local premises closed by midnight or earlier; the exception being 'Leon', which was licensed for alcohol sales until 2am on Friday and Saturdays but rarely stayed open until then and, whilst acknowledging the Applicant's attempts to address these concerns, did not feel that the measures proposed by the Applicant would sufficiently reduce the risk of public nuisance.

The Sub-Committee therefore considered whether or not it was necessary or appropriate to reject the application in its entirety. The Sub-Committee concluded that, with the imposition of suitable conditions and a reduction in the terminal hour for licensable activities, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. In deciding an appropriate terminal hour, the Sub-Committee took into account its own Licensing Policy and the fact that the policy stated that residents had the right to expect a peaceful environment between 23.00-07.00 along with the fact that all other licensed premises in the area (which served alcohol) had midnight as the latest terminal hour.

The Sub-Committee therefore decided to grant a premises licence for Monday to Sunday, up to midnight, for the sale of alcohol and regulated entertainment, with a venue closure of 00:30 hours. The Sub Committee sought to strike a balance for residents and business and hoped that the Licensing Hours granted would provide an opportunity for the premises to demonstrate their ability to operate in a responsible manner.

It was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Licensing Hours
Supply of Alcohol – for on sales only	N/A	Mon – Sun 11:00 – 00:00
Late Night Refreshment	N/A	Mon – Sun 23:00 – 00:00
Films, Live Music and Recorded Music. Anything similar to live/recorded music	N/A	Mon – Sun 23:00 – 00:00

The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

1. The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
2. There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02)
3. When the premises is carrying on licensable activities after 20:00 on Sunday to Wednesday, at least 1 registered door supervisor is to be on duty. (MC07)

4. When the premises is carrying on licensable activities after 20:00 on Thursday to Saturday, at least 2 registered door supervisors are to be on duty. (MC07)
5. All doors and windows shall remain closed at all times after 23:00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency. (MC13)
6. Loudspeakers shall not be located in the entrance lobby or outside the premises. (MC14)
7. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC15)
8. A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC16)
9. Customers 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. (MC17)
10. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising. (MC19)

The Sub Committee were pleased to note that the applicant would be fully responsible for clearing up all smoking litter in front of the premises and in their designated smoking areas.

If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

Julie Mayer
Clerk to the Licensing (Hearing) Sub Committee

cc: Those making representations and the Ward Member for Castle Baynard;
Thomas and Thomas Partners LLP

Useful Numbers/Websites:

An 'Out of Hours' noise response service is available 24 hours a day by telephone:
0207 6063030

The City's Environmental Health Team can be contacted at:

publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>