

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON THURSDAY, 21st SEPTEMBER 2017 AT 11.00 AM

APPLICANT: Lucky Voice (SOHO) Ltd
PREMISES: Eastcastle House, 27-28 Eastcastle Street, London W1W 8DH

Sub Committee:

Ms Sophie Fernandes (Chairman)
Ms Marianne Fredericks
Mrs Mary Durcan

Officers:

Town Clerk – Julie Mayer
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection – Peter Davenport

Given Notice of Attendance:

Applicant:

Mr Alun Thomas, Solicitor, of Thomas and Thomas Partners
Mr Nick Jones, Business Development Director, Lucky Voice
Mr Nick Thistleton, Executive Chairman, Lucky Voice
Mr Phil Yates, Operations Director, Lucky Voice

Making representation:

Chris Hayden – resident
Henrika Priest – resident and Ward Member for Castle Baynard
Toby Brown – resident
Stuart Atkinson – resident

Observing:

Mr Michael Hudson – Member of the City of London Corporation's Licensing Committee

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises,

The Sub Committee had before them the following documents:-

Annex – Report of the Director of Markets and Consumer Protection

Appendix 1 - Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Other Persons - 11 (including 3 Ward Members)

Appendix 4 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 5 – Plan of Premises

The Panel also 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

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1. The Hearing commenced at 11:00.
 2. At the start of the Hearing, the Chairman sought an explanation from the representatives as to their objection(s) to the granting of the licence application for Lucky Voice (SOHO) Ltd.
 3. The Hearing heard from local residents and the local Ward Member, who 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 a strong possibility that patrons would be in a lively mood when leaving the premises. They also 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.
 4. 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 premises licensed until 2am (closing at 2.30am) 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 a premises licence, the terminal hour for licensable activities should be 11 pm.

5. The Chairman then invited the applicant's representative, Mr Alun Thomas to speak. 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.
6. Mr Nick Jones, Business Development Director, Lucky Voice, said that he fully understood the concerns of 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. The Applicant advised that patrons would be directed towards the main public transport hubs; i.e. Fleet Street and Farringdon and away from residential areas. Members noted the business operation; i.e. staggered bookings of the karaoke booths, 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. Members noted the capacity of the venue of 132 in the Karaoke booths and 50 in the bar, with a maximum capacity in each Karaoke room of 15, and that this information had been updated since the papers for the Hearing had been published.
7. The Applicant disagreed with the assertions that its patrons would cause a nuisance to local residents on departing the premises. The Applicant 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 currently experienced by them.
8. The Chairman then invited questions for the applicant from those representing the objections. The Sub Committee noted that over 60% of Lucky Voice's custom came from advance bookings and bookings of the entire venue were rare, as they were not commercially viable. The applicant accepted that some patrons might stay to have a drink in the bar before they left but this would help to stagger their departure times. Members noted that, at the Soho premises, the lowest spend was in the bar. Given the nature of the entertainment, patrons were less likely to leave the premises to smoke but if they did so, they would be directed towards a bus shelter on Fleet Street. The Applicant anticipated a maximum of 15-18 leaving at any one time but this would more likely be 6 or 7. However, the residents did not accept that dispersal numbers would be this low and challenged the staff's

ability to fully control dispersal. Residents were mindful that, as the target audience would be City Workers, they were likely to know short cuts to various underground stations, which were likely to include passing through residential areas.

9. Members were reminded that a previous application from Lucky Voice had been withdrawn for the applicants to carry out further face-to-face consultation with both residents and the Ward Members. There had been no representations from Environmental Health or the Police. Members noted that acoustic proposals had been reviewed and no nuisance would arise because of recorded music played within the premises.
10. Members noted that music would be turned off promptly as reservations ended and customers would be able to wait within in the premises whilst taxis/ubers arrived. Staff would have radios and would be able to inform patrons when their taxis had arrived. The applicant confirmed that Wi-Fi worked very well in the premises, despite the basement location and a booster would be added if necessary.
11. The Chairman asked the panel if they had any further questions. The applicant emphasised that the proposed hours were vital to the operation of the business, given this was predominantly an evening entertainment activity. Furthermore, the Applicant had found it very difficult to find alternative premises in the City.
12. The Chairman then requested a final summary statement from the applicant and the representatives. The residents' main concern was the business's reliance on late night custom and the nature of the entertainment being offered. Residents also argued that dispersal numbers would be higher than anticipated by the Applicant and challenged their ability to control this and avoid disturbing residents. The residents felt very strongly that the City of London Corporation's Licensing Policy was weighted heavily in their favour and reminded the Sub Committee of their entitlement to a peaceful environment between 11 and 7. The Applicant remained very confident of their ability to manage the premises, given their proven record with other premises. They felt that any noise would not be above the usual ambient level and would direct patrons away from the residential pockets.
13. The Sub-Committee retired at 12 noon.
14. At 12:25pm the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
15. 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.
16. 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.

17. 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.
18. In reaching its decision, the Sub Committee took into account the applicant's good will in withdrawing their initial application, pending further consultation with residents and, during the course of the Hearing they had also offered to reduce the licensing hours by 15 minutes Thursday to Saturday and by 1 hour on Sundays. The applicant also offered to reduce the capacity in the venue from 132 to 100.
19. 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 premises' location in a residential pocket of the City. The Sub-Committee accepted residents' concerns as to the potential for disturbance in the early hours of the morning and, whilst acknowledging the Applicant's attempts to address these concerns, did not feel that the measures proposed would sufficiently reduce the risk of public nuisance.
20. 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. 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. 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.
21. 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.
22. The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Licensing Hours
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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 Chairman stated that the opening hours should not extend beyond thirty minutes after the terminal licensing hours in each case,

The Chairman explained that, after consideration by the Sub-Committee, it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

The Chairman declared the following conditions to be necessary to warrant granting of the licence:

- a) 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)
- b) 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)
- c) 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)
- d) 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)
- e) 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)

- f) Loudspeakers shall not be located in the entrance lobby or outside the premises. (MC14)
- g) 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)
- h) A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC16)
- i) 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)
- j) 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.

The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

The meeting closed at 12.30 pm

Chairman

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