



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/09916/LIPV
Date:	22 January 2015
Classification:	For General Release
Title of Report:	Mimi's Bars Limited 19 Newman Street London W1T 1PF
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori, Environmental Health Case Officer
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APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	Mimi's Bars Ltd	Date Application Received:	11 November 2014
Premises Name and Address:	Mimi's Bars Limited 19 Newman Street London W1T 1PF		
Ward Name:	West End	Stress Area	No
Premises Description:	The premises are to be operated as private members club and restaurant from basement to first levels.		
Variation description	The application submitted is to add exhibition of films, performances of dance and to change the layout so as to increase the capacity from 150 to 280 persons.		

1. Proposed Licensable Activities and Proposed Hours:

1.1 The variation seeks to extend licensable activities as detailed below.

Licensable activities permitted under the existing Premises Licence 14/03744/LIPN	Variation to Licensable Activities
Regulated Entertainment: <ul style="list-style-type: none"> • Performance of Live Music Thursday to Saturday 23:00 to 01:00 • Playing of Recorded Music Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00 	Regulated Entertainment: <ul style="list-style-type: none"> • Performance of Live Music • Playing of Recorded Music No change • Exhibition of films • Performances of dance Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00
Late Night Refreshment: Indoors Sunday to Wednesday 23:00 to 00:00 Thursday to Saturday 23:00 to 03:00	Late Night Refreshment: Indoors No change
Sale of Alcohol: On the premises Sunday to Wednesday 07:00 to 23:30 Thursday to Saturday 07:00 to 02:30	Sale of Alcohol: On the premises No change
Capacity The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed 150 persons.	Capacity (Proposed to be varied) The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed 280 persons.

Opening Hours	Opening Hours
Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00	No change

1.2 Alterations to layout

- (i) To alter the premises in accordance to the plans submitted with the application dated 11 November 2014 so as to extend the basement area and reconfigure the staircase leading up to the toilet area and the first floor restaurant.

1.3 Variation to conditions

- (i) To amend condition 19 on the existing licence which states:

*The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed **150 persons**.*

To

*The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed **280 persons**.*

- (ii) To amend condition 24 on the existing licence which states:

After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed.

To

*After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed **and when there are more than 200 people on the premises a minimum of three SIA registered door supervisors shall be employed.***

2. Relevant representations

- 2.1 The Metropolitan Police has no representation against the application as they are satisfied that the condition proposed by the applicant will promote the licensing objective of crime and disorder.
- 2.2 Representations have been received from four businesses and one resident in support of the application stating that the premises will enhance and contribute to the development in the area.
- 2.3 An adverse representation has been made against the application by the Environmental Health Service stating that the proposals will have the likely effect of causing an increase in public nuisance and may impact on public safety in the area. Subsequently, conditions have been agreed with the applicant if the Committee is minded to grant.

2.4 Adverse representations have been made against the application by two local Councillors, two amenity associations, one local business and 16 local residents stating the following:

- The increase in capacity will create more opportunities for antisocial behaviour on the street.
- public nuisance in the area will be exacerbated
- Children may be exposed to illegal substances
- Litter and noise nuisance in the area will be exacerbated
- Increase in capacity will lead to more smokers outside the premises and disruption from deliveries and rubbish collection from the premises
- Customer leaving en masse and waiting to get into taxis will be disruptive and noisy
- No potential noise and footfall impact of the new proposal has been conducted by the applicant.
- The premises and its registered security cannot control any public nuisance caused by patrons loitering in the streets away from the premises.
- The lack of potential operator may undermine the licensing objectives.
- There is concern that the number of smokers outside the premises may be increased.

3. Policies Applicable

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

Prevention of crime and disorder (CD1)
Public Safety (PS1)
Prevention of public nuisance (PN1)
Protection children from harm (CH1)
Public houses and bars outside the Stress Areas (PB1)
Music and Dancing or similar entertainment outside the Stress Areas (MD1)
Combined use premises (COMB1)

3.2 **Policy PB1 applies:**

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

3.3 **Policy MD1 applies:**

It is the Licensing Authority's policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

3.4 **Policy COMB1 applies:**

(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 STR1 and HRS1.

(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).

(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.

4. Summary

4.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix B to this report.

5. Current Licensing Position

5.1 These premises currently hold a Premises Licence 14/03744/LIPN

6. Residential Density

62 of the 189 units within a 75m radius of the premises are residential, proposed residential, and residential under construction (33%), refer to **Appendix C**.

7. Current Planning Position

7.1 Planning permission was granted on 18.02.2014 for the Alterations to shopfront at 19 Newman Street to create access to 14 Newman Passage and use of the basement, ground and first floors (at 14 Newman Passage) as a private members club (sui generis). Installation of an extract duct and two air conditioning units at roof level.

The following conditions were attached to the decision:

- Customers shall not be permitted within the private members club premises before 07.00 or after 24.00 midnight on Sundays to Thursdays and before 07.00 or after 03.00 the following morning on Fridays and Saturdays.

- The Newman passage entrance shall only be used as a fire escape only.

8. List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2014)

Background Documents supplied with this report

- Existing premises licence
- Application form
- Plan
- Applicant submission
- Representations received
- Licensing Sub-Committee decision of 10/7/14
- Photos

APPENDIX A

Licence & Appeal History

Application	Details of Application	Date determined	Decision
New 14/03744/LIPN	Application for a new premises licence	10.07.2014	Granted by Licensing Sub Committee

No appeal history

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

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

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

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

Conditions: attached to the existing premises licence – 14/03744/LIPN

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and

- (b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
12. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.
13. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.
14. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
16. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
17. 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.

18. No persons under 18 years of age to be permitted on the premises save during permitted hours before 23.00 hours whilst taking a table meal.
19. The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed 150 persons. **(Proposed to be amended)**
 - 19b. *The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed 280 persons.*
20. No intoxicating liquor should be sold or supplied on the premises other than to:
 - a. Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.
 - b. Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
 - c. Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.
 - d. Bonafide guests of the management a total number at one time not exceed 10% of total capacity of the premises as specified in the fire risk assessment. A list of such guests to be kept at reception for inspection by the appropriate authorities.
 - e. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
22. A staff member from the premises who is conversant with the operation of the CCTV system should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
23. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

24. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed. **(Proposed to be amended)**

24b. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed and when there are more than 200 people on the premises a minimum of three SIA registered door supervisors shall be employed.

25. 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, which 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 or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

28. 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.

29. 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.

30. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers

- explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
32. 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.
 33. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
 34. 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.
 35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
 36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
 37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
 39. 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.
 40. A member of staff outside the premises shall help direct patrons as they leave the premises.
 41. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
 42. 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.
 43. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
 44. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

Mandatory Condition to be attached if variation is granted

45. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions proposed by the Environmental Health

46. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
47. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
48. There shall be no cinema style showing of films

Premises within 75 metres of: Private Members Club & Restaurant, 19 Newman Street

p / n	Name of Premises	Premises Address	Opening Hours
-24927	Koba	11 Rathbone Street London W1T 1NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-6520	Nordic Bar	25 Newman Street London W1T 1PJ	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 02:30 Sunday 12:00 - 23:00
-2693	Jerusalem Bar & Restaurant	Basement County House 33-34 Rathbone Place London W1T 1JJ	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30
-28284	Lima	31 Rathbone Place London W1T 1JH	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-27491	CHI Club	7-9 Rathbone Street London W1T 1LY	Monday to Friday 18:00 - 23:00
-26941	The Blue Post Public House	81 Newman Street London W1T 3ET	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-20242	Private Members Club & Restaurant	19 Newman Street London W1T 1PF	Sunday to Wednesday 07:00 - 00:00 Thursday to Saturday 07:00 - 03:00

BACKGROUND DOCUMENTS



Schedule 12
Part A

WARD: West End
UPRN: 100023467507

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

14/03744/LIPN

Original Reference:

14/03744/LIPN

Part 1 – Premises details

Postal address of premises:

Private Members Club & Restaurant
19 Newman Street
London
W1T 1PF

Telephone Number: 0207 339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Live Music

Thursday to Saturday: 23:00 to 01:00

Playing of Recorded Music

Sunday to Wednesday: 07:00 to 00:00

Thursday to Saturday: 07:00 to 03:00

Late Night Refreshment

Sunday to Wednesday: 23:00 to 00:00

Thursday to Saturday: 23:00 to 03:00

Sale by Retail of Alcohol

Sunday to Wednesday: 07:00 to 23:30

Thursday to Saturday: 07:00 to 02:30

The opening hours of the premises:

Sunday to Wednesday: 07:00 to 00:00

Thursday to Saturday: 07:00 to 03:00

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:

Mimi's Bars Ltd
19 Newman Street
London
W1T 1PF
Electronic Mail : ajc@jgrlaw.co.uk

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

8762373

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


Name: Amin Thobani

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: TBC
Licensing Authority: City Of Westminster Council

Date: 30 July 2014



Signed: pp

Operational Director - Premises Management

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv).
 - (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.
- 10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
12. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.
13. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.
14. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
16. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
17. 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.
18. No persons under 18 years of age to be permitted on the premises save during permitted hours before 23.00 hours whilst taking a table meal.
19. The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, **but shall not exceed 150 persons.**
20. No intoxicating liquor should be sold or supplied on the premises other than to:
 - a. Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.
 - b. Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
 - c. Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.

- d. Bonafide guests of the management a total number at one time not exceed 10% of total capacity of the premises as specified in the fire risk assessment. A list of such guests to be kept at reception for inspection by the appropriate authorities.
 - e. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
 22. A staff member from the premises who is conversant with the operation of the CCTV system should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
 23. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 24. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed.
 25. 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, which 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
 26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 28. 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.
 29. 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.
 30. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
32. 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.
33. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
34. 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.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. 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.
40. A member of staff outside the premises shall help direct patrons as they leave the premises.
41. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
42. 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.
43. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
44. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 100023467507

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/03744/LIPN

Part 1 – Premises details

Postal address of premises:

Private Members Club & Restaurant
19 Newman Street
London
W1T 1PF

Telephone Number: 0207 339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Live Music

Thursday to Saturday: 23:00 to 01:00

Playing of Recorded Music

Sunday to Wednesday: 07:00 to 00:00

Thursday to Saturday: 07:00 to 03:00

Late Night Refreshment

Sunday to Wednesday: 23:00 to 00:00

Thursday to Saturday: 23:00 to 03:00

Sale by Retail of Alcohol

Sunday to Wednesday: 07:00 to 23:30

Thursday to Saturday: 07:00 to 02:30

The opening hours of the premises:

Sunday to Wednesday: 07:00 to 00:00
Thursday to Saturday: 07:00 to 03:00

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:

Mimi's Bars Ltd
19 Newman Street
London
W1T 1PF

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

8762373

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

Name: Amin Thobani

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

Restricted

Date: 30 July 2014

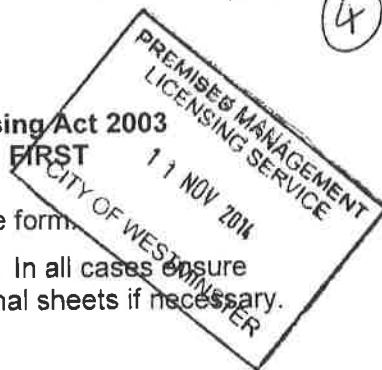


Signed: pp

Operational Director - Premises Management

W1T (X)

Application to vary a premises licence under the Licensing Act 2003
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST



Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Mimi's Bars Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
14/03744/LIPN

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Mimi's Bars Limited
19 Newman Street

Post town	London	Post code	W1T 1PF
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Telephone number at premises (if any)	02075801083
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Non-domestic rateable value of premises	£107000
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Part 2 – Applicant details

Daytime contact telephone number	c/o 020 7339 7010		
E-mail address (optional)	ajc@jgrlaw.co.uk		
Current postal address if different from premises address	c/o Jeffrey Green Russell Limited Waverley House 7-12 Noel Street		
Post Town	London	Postcode	W1F 8GQ

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The purpose of this variation application is to add the exhibition of films, performance of dance, to change the layout of the plans:-

Amendment to Plans:-

- It has become apparent from discussions with all the potential operators that there is a need for more space in the basement area to incorporate dispensing machines and the preparation area.
- It has therefore been necessary to extend the basement area and to reconfigure the staircase leading up to the toilet area and First Floor Restaurant.
- There will now be a wider reception room on the Ground Floor to allow club members and their guest to come into the premises without causing a noise on the street so this represents an improvement on the original Plan.
- As one can observe from the Ground Floor Plan there is now a reception area marked behind the entrance so this will do away with the necessity of anyone queuing on the street outside.
- If it is ever required members will be able to congregate in the reception area before going downstairs to the club area or upstairs to the restaurant area.
- The Plan also shows the addition of fixed banquette seating in place of the original moveable seating.

And to amend Condition 19 to increase the capacity from 150 to 280 persons. The premises is a Private Members Club with dining facilities.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	07:00	00:00	This permission is sought in order to allow for the occasional showing of feature films to members of the club and their guests and for occasional background display of films in the premises.		
Tue	07:00	00:00			
Wed	07:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	07:00	00:00			
Fri	00:00	03:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
	07:00	00:00			
Sat	00:00	03:00			
	07:00	00:00			
Sun	00:00	03:00			
	07:00	00:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07:00	00:00	Please give further details here (please read guidance note 3) This permission is sought in order to provide the occasional performance of dance to club members such as ballet or belly dancing and which performance of dance may constitute part of a private event such as a fashion show.		
Tue	07:00	00:00			
Wed	07:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	07:00	00:00			
Fri	00:00	03:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
	07:00	00:00			
Sat	00:00	03:00			
	07:00	00:00			
Sun	00:00	03:00			
	07:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	00:00	03:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
	07:00	00:00	
Sat	00:00	03:00	
	07:00	00:00	
Sun	00:00	03:00	
	07:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

None

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Licensing Committee of the City Council imposed 44 conditions onto the Premises Licence when granted in July 2014 and it is felt that these conditions are sufficient to achieve compliance with the four licensing objectives.

b) The prevention of crime and disorder

Amend condition 24 to add:

"And when there are more than 200 people on the premises a minimum of three SIA registered Door Supervisors should be employed"

c) Public safety

See box (a) and (b) above.

d) The prevention of public nuisance

See box (a) and (b) above.

e) The protection of children from harm

See box (a) and (b) above.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	11 November 2014
Capacity	Solicitors and agents for and on behalf of the Applicant

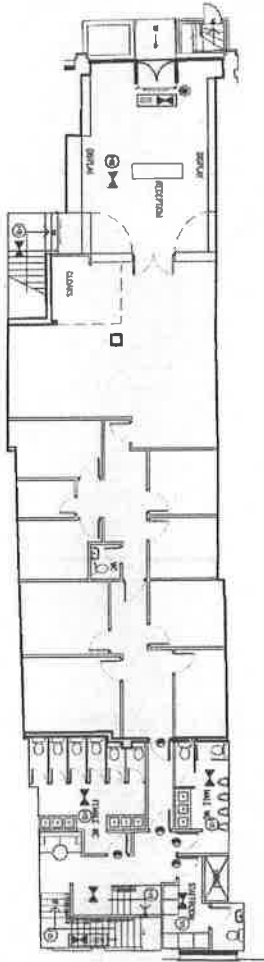
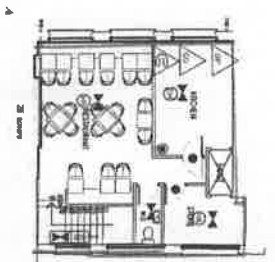
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

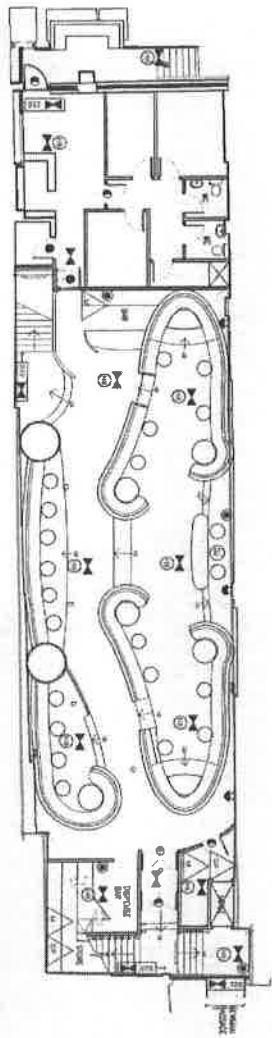
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Gareth Hughes
 Jeffrey Green Russell Limited
 Waverley House
 7-12 Noel Street

Post town	London	Post code	W1F 8GQ
Telephone number (if any)	02073397012		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) copy correspondence only gbh@jgrlaw.co.uk			



GROUND FLOOR PLAN



BASEMENT PLAN

- NOTES**
1. See Section Schedule of Details.
 2. All dimensions are in millimetres unless otherwise stated.
 3. All work to be in accordance with the relevant British Standards.
 4. All work to be in accordance with the relevant Building Regulations.
 5. All work to be in accordance with the relevant Code of Practice.
 6. All work to be in accordance with the relevant Approved Document.
 7. All work to be in accordance with the relevant Part of the Building Regulations.
 8. All work to be in accordance with the relevant Part of the Building Regulations.
 9. All work to be in accordance with the relevant Part of the Building Regulations.
 10. All work to be in accordance with the relevant Part of the Building Regulations.
 11. All work to be in accordance with the relevant Part of the Building Regulations.
 12. All work to be in accordance with the relevant Part of the Building Regulations.
 13. All work to be in accordance with the relevant Part of the Building Regulations.
 14. All work to be in accordance with the relevant Part of the Building Regulations.
 15. All work to be in accordance with the relevant Part of the Building Regulations.
 16. All work to be in accordance with the relevant Part of the Building Regulations.
 17. All work to be in accordance with the relevant Part of the Building Regulations.
 18. All work to be in accordance with the relevant Part of the Building Regulations.
 19. All work to be in accordance with the relevant Part of the Building Regulations.
 20. All work to be in accordance with the relevant Part of the Building Regulations.
 21. All work to be in accordance with the relevant Part of the Building Regulations.
 22. All work to be in accordance with the relevant Part of the Building Regulations.
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11 November 2014

By Courier

Our Ref: GBH/SECLIC1/20341.00002

Dear Sirs

Re: Private Members Club & Restaurant, 19 Newman Street, London, W1T 1PF
Application for Variation of Premises Licence 14/03744/LIPN

This statement is made in support of the application for a variation of the Premises Licence by the Licence Holder. We would ask you to read this letter in conjunction with the application form and any other supporting documents that have been submitted.

The Licensing Committee of Westminster City Council granted the Premises Licence Application earlier in 2014 and the Licence was issued on 30 July 2014. This Application followed on from a successful Planning Application for the use of the premises as a private members club. We attach to this letter a copy of the Licensing Statement which was made in support of the original application and dated 7 May 2014.

We rely on the Licensing Statement contained within that earlier letter also in support of this application and we would make the same points as set out therein with regard to Public Nuisance and Crime and Disorder.

Our client has been involved in constructive talks with potential operators for this private members club and there has been a significant expression of interest from several parties all of whom are very experienced operators of clubs at the high end within Westminster City Council and the Royal Borough of Kensington & Chelsea. As we pointed out at the meeting earlier in the year the Premises Licence Holder is not an experienced club operator and was always seeking to sign an agreement with such an individual or company to run the private members club under its auspices. However, it has become apparent from the detailed discussions with those operators that various changes will need to be made in order for there to be a more viable proposition and that is the essence of the application made here today.

Our clients have also been in discussions with various officers of the Council within Environmental Services and with the Police and Counsellor Glenys Roberts about the proposed amendments and there is a broad level of agreement with the proposals.

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The Proposal

It is sought by way of this application to:-

1. Amend the Plans submitted with the original application attached to the Licence;
2. To include within the licensable activities the performance of dance and the exhibition of films; and
3. To amend condition 19 of the Premises Licence to provide for a maximum capacity of 280 people.

We will deal with each point in turn:-

1. Amendment to Plans

It has become apparent from discussions with all the potential operators that there is a need for more space in the basement area to incorporate dispensing machines and the preparation area. It has therefore been necessary to extend the basement area and to reconfigure the staircase leading up to the toilet area and First Floor Restaurant. There will now be a wider reception room on the Ground Floor to allow club members and their guest to come into the premises without causing a noise on the street so this represents an improvement on the original Plan. As one can observe from the Ground Floor Plan there is now a reception area marked behind the entrance so this will do away with the necessity of anyone queuing on the street outside. If it is ever required members will be able to congregate in the reception area before going downstairs to the club area or upstairs to the restaurant area.

2. Addition of Further Licensable Activities

Following further discussions with potential operators it is felt necessary to properly licence activities including the performance of dance and the exhibition of films.

It may be that from time to time there are performances of dance such as a ballet dancer or a belly dancer at the Premises and this eventuality needs to be covered by the Premises Licence. Furthermore, it is proposed that there be an occasional showing of films on a private basis for members and their guests and this application seeks to regulate the position. There may be from time to time a showing of a feature film for members or guests and there may also be showings in the background on particular evenings.

3. Amendment to Condition 19

Following the reconfiguration of the Basement Area and the introduction of a brand new reception area on the Ground Floor our client has been in discussions with the

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Licensing Service

11 November 2014

relevant experts from the City Council to discuss the safe limits in terms of capacity and the suggested figure is a capacity of 280.

It is considered that this is more manageable in view of the new reception area on the Ground Floor which will assist with both arrivals and departures. This will be supported by condition 40 which shows that a member of staff will be outside the Premises directing patrons as they leave to act in a respectful manner and to move towards Oxford Street to avail themselves of taxis or public transport.

As indicated in the previous letter to the Licensing Authority attached to this letter, it is not envisaged in any event that there will be large crowds of people all arriving at the Premises at the same time as this is not common with private members clubs. The members will arrive sporadically throughout the day and into the evening and leave on the same basis.

When an individual event is being held at the Premises which might result in a number of people arriving at the same time then extra door staff will be deployed in order to ensure that people enter in a respectful manner and depart in the same way.

It is not proposed to change any of the conditions in the existing Licence except condition 24 as it is felt that these are satisfactory to deal with any issues that may arise. The amendment to condition 24 provides for an increase in the numbers of door staff at the premises in the context of an increase in capacity if so granted. It is envisaged that the existing 44 conditions on the Licence are sufficient for an operation of this kind.

We are, of course, happy to discuss any of these matters further with Statutory Authorities and Councillors as well as local residents if so requested.

Yours faithfully



JEFFREY GREEN RUSSELL LIMITED

Enclosure(s)

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7 May 2014

By Post
Our Ref: GBH/MXS/20341.00002

Dear Sirs

19 Newman Street London W1T 1EJ – Application for a Premises Licence under the Licensing Act 2003 in respect of a proposed Private Members Club/Restaurant

This firm is instructed to act on behalf of Mimi’s Bars Ltd to make an application for a new premises licence under the Licensing Act 2003 in respect of 19 Newman Street as a private members club/restaurant.

The statement in this letter provides an explanation of what is proposed at the premises for the assistance of both officers and members of the council.

The Proposal

The proposal is to obtain a premises licence under the Licensing Act 2003 in respect of a private members club with restaurant facility and with some entertainment and some limited dancing facilities in the basement, which will primarily be used as area for eating small meals whilst seated at tables.

This application follows on from the grant of planning permission in respect of the same building which allowed for a change of use of the building from the previous light industrial to use as a sui generis class of private members club. The planning permission allowed for the basement, ground and first floors of the premises to be used as a private members club. This planning permission was granted on the 18th February 2014.

The permission is subject to a condition with specific regard to timings which indicates that customers shall not be permitted within the private members club premises before 0700 hours or after midnight on Sundays to Thursdays and before 0700 hours or after 0300 hours on the following mornings after Fridays and Saturdays.

Accordingly, the times sought for the licensable activities within this application reflect those as set out in the recent grant of planning permission with the exception of Thursdays.

Again, following amendments to the planning application it was agreed that the entrance to the private members club should be at 19 Newman Street and it is proposed that on arrival at the premises members will be greeted at a reception area in the basement and would be required to sign in on arrival and state the number of guests that they have with them and sign out again on leaving the premises so that management can keep track of who is inside the premises at any one time. It is proposed that a full membership list is to be made available for the planning authority as well as the police and licensing inspectorate for the purpose of the Licensing Act 2003.

Members and guests will then be escorted to their table which they have reserved and it is not proposed to allow any additional people in to the premises who are not already a member or a guest of a member or a guest of the management of the premises. Rules of membership will be enforced and will be communicated in the form of brief members handbook on joining. There will be a strict vetting procedure to become a member and no one person will be able to join simply by turning up at the premises on any particular day. Members will be invited to file in the required application form so that this can be assessed before a decision is made upon their membership. It is proposed that an annual fee will be charged for membership.

It is intended that the basement of the premises will operate as a luxury lounge bar open from 7.30am through until midnight in the earlier part of the week and until 03.00 hours on the days following Thursdays to Saturdays.

It is proposed that a table only service will be enforced and the private members and their guests will be able to enjoy a drink and some light food with provision to be made for some live or recorded music and some limited dancing. It is proposed again that the music will not be so loud as to drown out peoples conversations as the atmosphere that our client wishes to create is that of a relaxed lounge environment. There will be a total of about 10 tables with a maximum of 10 people per table at any time and the bar will be situated at the front of the area with a DJ booth in that same area. Toilets will be located on the half landing between the basement and first floor.

All members and guest names will be entered into the members book upon entry to the premises. This book will be kept each evening and will be stored for reference. A strict dress code will also be enforced to ensure that the level of clientele frequenting the premises remains of a certain standard and they will be encouraged to wear neat and tidy casual clothing.

It is further envisaged that a significant number of the membership will be people who work in the locality including both owners and employees of media companies and fashion houses as well as leading members of the fashion media/entertainment worlds. Members will be able to bring their clients as guests and conduct meetings and business at the premises in the same style and fashion as many other private members clubs in the central London area.

On the first floor level it is proposed to create an area which will contain the kitchen and small bar area as set out on the plans attached to this application.

Location of the Premises

The premises is located some distance up Newman Street from Oxford Street and whilst it is based within the Central Activity Zone, it falls outside the West End Stress area.

Consultation

As part of the planning process and also as part of the licensing application procedure extensive meetings have already been held with both the Police and the Environmental Health Officers who have expressed no major objection to this application. The Environmental Health Team were consulted as part of the planning process and subsequently with regard to licensing and have confirmed their satisfaction with the use of the premises as a private members club running for the hours sought.

The Ward Councillor Glenys Roberts has been consulted throughout both procedures and submitted a letter of support on the planning application and replicates a similar letter with regard to this application for a premises licence.

Public Nuisance

The applicant commissioned a detailed noise assessment report for Mr Richard Vivian a principle consultant at Big Sky Acoustics Ltd. Mr Vivien was instructed to prepare an assessment of potential noise from the proposed use of 19 Newman Street as a private members lounge and restaurant with a total capacity of 120 people. In his report, Mr Vivien has set out a detailed analysis of the premises and the immediate locality with premises licences.

In so far as noise escape from the building is concerned, Mr Vivien reports as the proposal is for low level music within the building and given that it is made of substantial brick and concrete construction with the main entertainment area proposed in the basement such construction would provide adequate containment of internal noise. He submits that a scheme of sound system design with a sound limiter controlling maximum levels can be produced for approval by the licensing authority as required and this has been discussed with Environmental Health Officers of the City Council. A condition is proposed to address this issue.

In so far as noise escape onto the street is concerned this can be controlled by virtue of the fact that the low level music will be in the basement area and there will be several doors between that basement area and external part of the building leading out onto Newman Street.

A transport statement has also been prepared by Messrs Saville Bird & Axon is based again upon a 120 capacity private members club. The report concludes that beyond the immediate vicinity of the site the increased pedestrian activity will not lead to any material impact on residential amenity.

The conclusion of the report is that the proposed club and associated arrival and departure of patrons would not lead to any material increase in the numbers of pedestrians or vehicles in the surrounding area. It follows that this will not lead to any material increase in noise levels as people come and go. The proposals for this club mean that members and guests will not be arriving en masse because it is not in the nature of the proposal that entertainment would be provided that would require everyone to attend at the same time. The nature of a private members club is that the members and guests arrive throughout the day and evening and leave at different times. As the maximum capacity is proposed at 120 it is not anticipated that there will be a situation where 120 people either arrive or leave at the same time. It is most likely at a private members club that small groups of individuals and guests will arrive and leave at sporadic intervals throughout the day. Many of those members and guests will arrive via public transport or taxis to Newman Street.

The transport consultant recommend the introduction of taxi facility at the premises where members and guests can book a taxi. They will be required to travel from Newman Street. Notices will be displayed at the premises in any event reminding guests that there are residents in the area and to have respect for them.

Conditions on membership will also provide for rules that will stipulate that if a member or his or her guest have caused noise disturbance whilst coming to or leaving the premises then their membership will be reviewed and ultimately revoked.

In so far as servicing and refuse collections are concerned the proposed club would be able to make arrangements for rubbish to be collected from Newman Street during daylight hours. With regard to increased parking and traffic, it is not anticipated that there will be any intensification in the area given the operation of the premises. As the authors of the Saville Bird & Axon report point out the streets are primarily double yellow lined and have been so since the 6th January 2012 by Westminster City Council. The experts therefore do not envisage any car trips to the premises and therefore no parking. It is anticipated that most people will arrive at the premises on foot from local businesses or other places of entertainment or even residents. If they are coming from further afield, there is a very good connecting bus service with many routes passing along Oxford Street and two tube stations nearby in the form of Oxford Circus or Tottenham Court Road. Goodge Street Station is also close to hand.

Crime and Disorder

There were extensive discussions with the local police prior to the submission of the planning application and it was agreed that an operation of the kind proposed would assist substantially in tidying up the area behind the premises in Newman Passage which has become a haunt for those taking drugs, leaving drug paraphernalia behind them.

In so far as the licence application is concerned there have been discussions again with Westminster Licensing Police Team during which no serious concerns were expressed about the operation of a private members club with the hours sought at this premises.

It is clear in the case of a private members club, which maintains a full list of members and has a membership card system with signed entries for both the member and any guests, is of a lesser risk in terms of crime and disorder than a venue open to the public during similar hours. However it is realised that the crime and disorder licensing objective should be addressed and to this end proposed conditions are suggested in the attached appendix . Some of these proposed conditions arose out of the discussions with police during the pre-application phase and others are suggested by the applicant.

Summary

It is submitted that the proposed application will contribute to the licensing objectives and their promotion. To the extent that any issues need to be addressed the applicant has proposed a set of conditions which are attached to this application.

The proposal for a private member club ensures that the premises will not be open to all and sundry and that there will be a procedure whereby members are carefully selected. The capacity of 120, it is submitted is modest in the circumstance and the transport report which has been prepared indicates that given the nature of a private members club, members and guests will arrive sporadically rather than in large groups throughout the evening.

A proposed management scheme and rules will be maintained. It is not proposed that this will be a dance lead facility but rather a private members lounge with eating facilities but with the ability of limited dance on occasions. It is proposed that the premises will be run along similar lines to other comparable private members clubs in the area which have similar eating element but also provide facilities for members to work within club and some ability to have music and dancing on Friday and Saturday evenings.

The transport assessment carried out by the applicant demonstrates that there are very good transport links very close to this sight and service of black cabs so that members and guests can move away rapidly from Newman Street. It is submitted in conclusion that there will be no negative impact upon the area taking into account the licensing objectives and statement of licensing policy. This will actually represent a benefit to the area by a development of what is currently a very tired and run down building which needs an uplift. This is a matter which



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Licensing Service

7 May 2014

has been recognised recently by the planning committee in granting permission for a private members club within this building.

Although there has been substantial pre-application consultation with both statutory authorities and Councillor Glenys Roberts, the applicant does, of course, welcome any further representations during the consultation process.

Yours faithfully

JEFFREY GREEN RUSSELL LIMITED



Variation to the premises licence no: 100023467507
19 Newman Street W1T 1PF
14/09916/LIPV

1. Assessment of potential noise impact from proposed smoking area
2. Noise management policy
3. Dispersal policy

Prepared by: Richard Vivian, Principal Consultant at Big Sky Acoustics Ltd
On behalf of: Thobani Investments Ltd
Document Ref: 15120573
Date: 23 December 2014

Big Sky Acoustics document control sheet

Project title:	Variation to the premises licence no: 100023467507 19 Newman Street W1T 1PF 14/09916/LIPV 1. Assessment of potential noise impact from proposed smoking area 2. Noise management policy 3. Dispersal policy
Technical report number:	15120573
Submitted to:	Amin Thobani Thobani Investments Ltd Regency House 33 Wood Street Barnet Hertfordshire EN5 4BE
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Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MAES MIOL Principal Acoustic Consultant

Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	13/01/2015	RV

DISCLAIMER

This report was completed by Big Sky Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Big Sky Acoustics Ltd accepts no responsibility whatsoever, following the issue of the report, for any matters arising outside the agreed scope of the works. This report is issued in confidence to the Client and Big Sky Acoustics Ltd has no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk. Unless specifically assigned or transferred within the terms of the agreement, Big Sky Acoustics Ltd retains all copyright and other intellectual property rights, on and over the report and its contents.

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Executive summary

An assessment of the potential impact of noise arising from a premises licence variation to increase the potential maximum capacity of a private members club from 150 to 280 persons has been carried out.

The assessment includes data from overnight noise monitoring and observations in the area around the application site. Visits have also been made to the site during the day to inspect the area.

Predicted noise from patrons leaving the premises has been calculated and compared to the existing noise climate. Recommendations for operational procedures relating to the management of all potential noise generating activity at the private members club have been made.

An increase of the total number of people inside the premises, where all noise is contained by the building structure, does not impact on noise levels in the street. Activity in the smoking area or noise from patrons leaving the premises has been predicted and calculations demonstrate that the normal commercial activity as proposed does not impact on people resting or sleeping in their homes.

With the recommendations made in this report in place the increase in capacity has been predicted and shown not to adversely impact on the licensing objectives as the controlled activities within the members club and the controlled dispersal of patrons from the premises would not increase average noise levels in the area and therefore give rise to a public nuisance.

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the Principal Acoustic Consultant at Big Sky Acoustics Ltd. Big Sky Acoustics Ltd is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics, the Audio Engineering Society and the Institute of Licensing.
- 1.3 I have over twenty-five years of experience in the acoustics industry and have been involved in precision acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK.

2.0 Introduction

- 2.1 Big Sky Acoustics was instructed by Mr Amin Thorbani of Thorbani Investments Ltd to carry out an assessment of the potential impact of noise arising from a premises licence variation application to increase the capacity of a private members club at 19 Newman Street W1T 1PF.
- 2.2 A scheme of recommendations to minimise or eliminate the impact of noise from the normal commercial operation of the premises as proposed presented in this report.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20 μ Pa.

3.0 Location

- 3.1 The location of the site is shown in Appendix B.
- 3.2 The application site comprises an entrance at ground floor level in Newman Street via a lobby door, a reception area, a spa at ground floor level and a fully enclosed basement level.
- 3.3 The development is on the site of the former Newman Street Post Office at ground floor level, and an existing health spa at basement level (19 Spa and Massage).
- 3.4 The site is located in a mixed commercial, office and leisure area with some residential infill.
- 3.5 There are a number of licensed premises in the immediate area, including one on Newman Passage, one with a rear entrance onto Newman Passage and front entrance on Newman Street, and further premises on Newman Street and Rathbone Street either side of Newman Passage.

- 3.6 The area around the application site, particularly to the east and north of the site, is characterised by many licensed premises.
- 3.7 The site lies within Westminster's Central Activities Zone and outside of the specific stress area designated by Westminster City Council.
- 3.8 It was noted during the site survey that the area at the rear of the application site in Newman Passage, being an uninhabited and secluded location, has significant evidence of drug use with drug debris and the smell of urine evident on my visit.
- 3.9 Whilst it would be speculative to make a suggestion of noise levels from informal and unlawful activity in the area it should be noted that the proposed commercial usage ensures the building is occupied, secure and subject to control of noise including compliance with conditions imposed by both the planning and licensing regimes and thereby enhancing the appearance of the street and improving safety in the area.
- 3.10 The daytime noise climate in the vicinity of the site is dominated by road and pedestrian activity, much of it due to the major retail streets nearby; Oxford Street and Tottenham Court Road, as well as the busy commercial offices. The development of Rathbone Square also introduces additional shops and restaurants (circa 42,000 sq ft of retail space) to the street.
- 3.11 There are excellent public transport links to this area and black cabs are available at all times of the day and night. Newman Street is particularly popular as a cab cut-through at night.
- 3.12 It is important when assessing the impact of a new individual premises in an area that the concept of additional noise associated with the new premises is taken into account. The incremental change to noise levels caused by the normal commercial operation of a members club, in an area where there is already established noise and activity, could be small or undetectable if it is masked by existing noise in the area. It can also be the case that a sophisticated members club operation, when introduced to an area, can result in reduced noise, reduced litter and reduced crime as the new operation seeks to bring respectability to the immediate area for the benefit of their patrons, employees and business.

4.0 Criteria

Licensing Act 2003

- 4.1 Westminster City Council has a duty under the Licensing Act 2003 to determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy. In 2005, when the new Licensing Act came into effect, the City Council published their first Statement of Licensing Policy on 7 January 2005.
- 4.2 After asking residents, businesses and visitors for their opinions on the changes proposed to this policy, the Council meeting on 3 November 2010 approved the

revised policy for publication. This revised Statement of Licensing Policy came into effect on 7 January 2011.

4.3 The City Council fulfills its primary obligation under the Act, to promote the four licensing objectives by having policies based on each:

- The prevention of crime and disorder
- Public safety
- The prevent of public nuisance
- The protection of children from harm

4.4 It also has policies on core hours that will generally be granted, special policies for "Stress Areas" of cumulative impact and policies on various types of premises and activities.

4.5 The Policy strives to achieve a balance between allowing Westminster entertainment venues to thrive, protecting public safety and the quality of life for everyone who lives, works or visits the City.

4.6 Appendix 11 of the Statement of Licensing Policy provides guidance on noise. A copy of Appendix 11 is presented at the end of this report for reference.

World Health Organisation

4.7 Guidance on maximum noise levels is given by the World Health Organisation (WHO) in a 1999 report entitled Guidelines for Community Noise¹. This report states that to avoid negative effects on sleep, the equivalent continuous internal sound pressure level during the sleeping period should not exceed 30 dB L_{Aeq} . If the noise is not continuous, sleep disturbance has an improved correlation with maximum noise levels and effects have been observed at 45 dB L_{Amax} internally. It goes on to recommend that, at night, noise levels outside dwellings should not exceed 45 dB L_{Aeq} and maximum noise levels should not exceed 60 dB L_{Amax} so that people may sleep with bedroom windows partially open.

4.8 It is relevant to note that the WHO report has not been adopted into UK legislation or formal guidance; hence, it remains a source of information reflecting a high level of health care with respect to noise, rather than a standard to be rigidly applied. The guideline values in the WHO report give the lowest threshold noise levels below which the occurrence rates of particular effects can be assumed to be negligible.

4.9 According to a report commissioned by the DETR, and undertaken jointly by the NPL and Southampton University², transgression of the WHO guideline values does not necessarily imply significant noise impact and indeed, it may be that

¹ World Health Organisation. Guidelines for Community Noise, 2000.

² National Physical Laboratory. Health Effect Based Noise Assessment Methods: A review and Feasibility Study. NPL report CMAM 16, 1998.

significant impacts do not occur until much higher degrees of noise exposure are reached. The report states:

"While in an ideal world it may be desirable for none of these effects to occur, in practice a certain amount of noise is inevitable in any modern industrialised society. Perhaps the main weakness of both WHO-inspired documents is that they fail to consider the practicality of actually being able to achieve any of the stated guideline values. It is important to make clear ...that exceedences do not necessarily imply an over-riding need for noise control, merely that the relative advantages and disadvantages of noise control action should be weighed in the balance. It is all a question of balance and mere exceedence of the WHO guidelines just starts to tip the scales."

5.0 Noise measurement

- 5.1 The site was surveyed during mid-afternoon mid-week in order to establish daytime levels and then in the early hours of a Sunday morning in order to establish the lowest night-time noise levels.
- 5.2 Attended free-field noise measurements were made in continuous samples of 1-second intervals using the fast time weighting and included the L_{Aeq} , L_{A90} and L_{Amax} indices. Simultaneous third octave frequency spectra were also obtained during the survey. Measurement duration was typically 5 minutes per sample.
- 5.3 For the purposes of this assessment all measurements were paused for emergency service sirens.
- 5.4 Throughout the course of the survey outdoor microphone windshields were used.
- 5.5 Details of the instrumentation used can be found in Appendix C.
- 5.6 Details of the meteorological conditions during the survey can be found in Appendix D.
- 5.7 External levels were taken in free-field conditions away from dominant noise sources and averaged.
- 5.8 Noise levels on Newman Street even in the early hours of the morning are notably high due to regular traffic activity including a number of black cabs. During the survey period of 02:15 to 03:17 the average noise level in Newman Street was 65dB L_{Aeq} and the background noise level was 50dB L_{A90} . The lowest recorded background noise measurement in the street, expressed as L_{A90} , was 47dB at 03:17hrs.

Time	Location	LAeq	LCeq	LCPeak	LAFMax	Ln5 (90)
2012-7-15 2:15	Newman Street	68	75	105	84	54
2012-7-15 2:20	Newman Street	58	66	94	76	48
2012-7-15 2:28	Newman Passage	55	65	91	73	46
2012-7-15 2:51	Newman Passage	48	60	79	60	46
2012-7-15 3:04	Rathbone Street	57	64	90	75	49
2012-7-15 3:10	Newman Passage	54	64	85	66	46
2012-7-15 3:17	Newman Street	64	69	95	79	47

Figure 1: Recorded noise levels during early morning survey

6.0 Predicted noise from smokers outside the building

- 6.1 The proposal is to contain smokers at basement level to the front of the building.
- 6.2 The smoking area noise calculations were based on a maximum number of twenty people using the area at any one time. No background music will be provided in this area.
- 6.3 The area is simply a functional space where members can smoke. The primary interest of patrons of the private members lounge bar and members club will be the food and atmosphere inside; therefore lengthy breaks outside late in the evening would be unusual. Members are likely to smoke a cigarette outside and then return inside.
- 6.4 The nearest residential windows to the smoking area are screened from direct line of sight as the smoking area is recessed at basement level.
- 6.5 Referring to data held in our own library; normal conversation is typically in the range of 55-60dBA when measured at 1 metre.
- 6.6 In assessing for a worst-case condition then I have considered a group of 20 people that are talking in the smoking area.
- 6.7 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenarios of half of the people talking concurrently at 60dBA, then in order to calculate the total noise level we logarithmically sum ten sources of 60dB as follows:

$$\Sigma = 10 \log \left(n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where n is the number of people talking

- 6.8 The formula above gives a value for the total sound pressure level for a group of 20 people to be 70dBA.
- 6.9 It is important to remember that this is a worst-case value, when 50% of the

people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, or conversations where there are more than one listener to each talker mean that less than 50% of an average group will be talking simultaneously. I have also observed that groups in close proximity to each other talk with more hushed voices than groups of people spread out when, for example, seated around a large table in a pub beer garden.

- 6.10 The predicted noise reduction of people talking in the smoking area as provided by the physical obstruction of the recessed basement (effectively a continuous barrier screening line of sight) is 12dB.
- 6.11 In calculating distance attenuation, the noise of people talking is assumed to be a number of discreet point sources and therefore is attenuated by 6dB with each doubling of distance. The width of the street is approximately 12 metres but there nearest residential windows are not directly opposite. There is a hostel building diagonally opposite and also some residential windows on the same side of the street as the application site.

Noise level at source (a group of 20 people)	= 70dB
Distance attenuation (12 metres)	= 22dB
Attenuation due to basement location	= 12dB
Worst case resultant noise from smoking area	= <u>36dB</u>

- 6.12 This noise level is calculated at the exterior façade of a building 12 metres from the source. 36dB is the worst case noise level and this is predicted in a street where average noise levels exceed 65dBA and the quietest background (LA90) noise level after 03:00hrs in 47dB.
- 6.13 There are no balconies or residential roof terraces in the immediate area and external amenity space is unlikely to be used at night. Therefore it is the noise level in habitable rooms becomes the most relevant assessment factor. Planning guidance (historically PPG24) states that the insulation provided by any type of window when partially open will be in the region of 10-15dBA. Therefore predicted noise levels inside a property due to noise, even with a window open, will be 21-26dBA.
- 6.14 The predicted noise from a group of twenty people talking in the smoking area will not have a detrimental impact on residential amenity. A smaller number of smokers would result in even less noise.

7.0 Operational controls for the smoking area

- 7.1 Although noise from people talking in the smoking area has been predicted to be low at the nearest residential property there is further benefit in managing smoking areas as effectively as possible in order to reduce all noise outside the premises.
- 7.2 Seating and tables can be selected so they are not particularly comfortable. This will help limit the length of time guests spend in this area. High bar stools with no

backs and small seat areas are effective in this respect. No seating provision at all may also be a consideration.

- 7.3 Any movable chairs and tables should be chosen so the feet do not make a scraping or squeaking noise on the floor surface.
- 7.4 Signage should be provided in the smoking area reminding guests that neighbours should be respected and noise levels controlled at all times. employees should periodically check the smoking area in person or it should be included in the CCTV coverage for the site.
- 7.5 The use of patio heaters in smoking areas should be discouraged. If electrically operated heaters are used then they should be on an automatic time switch which switches off after a few minutes duration.
- 7.6 Glass collecting, cleaning, and furniture stacking outside, as well as employee smoking breaks, should be restricted in the smoking area late at night.

8.0 Predicted noise of patrons leaving the site

- 8.1 Having established that there are high existing average noise levels in Newman Street due to road traffic it is helpful to compare this existing noise with the predicted *new* noise of a group of patrons leaving the premises at the end of an evening.
- 8.2 Unlike a drinking only establishment, or a music venue, theatre, or sports arena where most events have a definite finish time, the nature of a members club with dining is that patrons tend to gradually leave in small numbers through the evening and not en masse at the end of the night.
- 8.3 In order to assist in the understanding of actual noise levels produced by people outdoors it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases.
- 8.4 Referring once again to the formula to logarithmically sum discreet noise sources:

$$\Sigma = 10 \log \left(n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where n is the number of people talking

- 8.5 Typically people will be leaving in groups of 2-4 based on our other studies at similar premises, however considering a much larger group of twelve people the calculation gives a value for total sound pressure level people talking loudly to be 68dBA.
- 8.6 68dBA is the predicted noise from this larger than anticipated group of twelve people talking when measured at 1 metre. Sound is attenuated in air and this effect is noticeable as the listener moves away from any source source it gets

quieter. In calculating distance attenuation, the noise of people talking is assumed to be a number of discreet point sources and therefore is attenuated by 6dB with each doubling of distance. So if the noise source is 68dBA at 1 metre then at 2 metres it becomes 62dBA, at 4 metres 56dBA. Attenuation due to distance means that a separation distance of just a few metres from the noise source to the receiver position (typically a residential window) will render the noise significantly below the average ambient noise in the street of 65dBA.

- 8.7 Another consideration for patrons leaving premises late at night is the use of cars or taxis. It has been observed that Newman Street is a popular street for cabs and there is already established vehicle movement in the area contributing to noise. Only a significant increase to traffic flow (i.e. doubling the rate of vehicle passes per hour) would give rise to a significant increase in noise level above that already established.
- 8.8 When assessing noise from cars or taxis collecting people maximum noise levels may arise from a car door being closed. Data from similar sites (measured by ourselves and held at our office) indicates that values from 65 dB L_{Amax} (Mercedes C-Class, normal close) to 70 dB L_{Amax} (slam) as measured at 5m are typical.
- 8.9 The predicted internal noise level from a car door being closed when extrapolated to the external facade at first floor level immediately above the car door would be approximately 59 dB L_{Amax} . This value is below the highly stringent WHO guidance value³ of 60 dB L_{Amax} and would result in internal levels, even with a window open, of 44-49 dB L_{Amax} . Internal levels are below the more real-world Griefahn⁴ internal level criterion of 55 dB L_{Amax} .
- 8.10 To summarise, the noise arising from car doors are not likely to generate any loss of amenity even if there were a flat directly above the location of the car, even with the car door being slammed, with clear line of sight from the window to the door and with a window open. The reality is this noise source is also substantially masked by the existing noise levels in the street. Furthermore the average person may wish to protect themselves from the sound of traffic, emergency service sirens, delivery lorries, refuse collections, helicopters and sounds of other central London activity and so may choose to sleep away from windows on a facade to a busy street, or with their windows closed.

9.0 Recommendations for operational control of noise

- 9.1 It is important to have a documented range of operational controls to address any potential noise issues from the normal commercial operation of the site. To support this a Noise Management Policy is presented at Appendix E and a Dispersal Policy is presented at Appendix F. These policy documents further enhance the potential operation of this site. These policies should be integrated into the operational manual for the premises.

³ World Health Organisation. Guidelines for Community Noise, 2000.

⁴ Griefahn, B "Präventivmedizinische Vorschläge für den nächtlichen Schallschutz" Zeitschrift für Lärmbekämpfung 37 (1990) 7-14.

10.0 Appendix 11 Risk Assessment

- 10.1 A risk assessment has been prepared to assist the Environmental Health Consultation Team make an assessment of the risk of any increase in public nuisance in the area.
- 10.2 The building is located in a busy area which is close to existing activity from other late night licensed premises. Road traffic noise is evident on Newman Street and also on Oxford Street 150m south of the site. The high ambient noise levels in central London at locations near to road traffic activity effectively mask lower level noises from the normal commercial activity of a club such as patrons entering and leaving the building.
- 10.3 Within Appendix 11 of the Westminster Statement of Licensing Policy 2011 Paragraph 20 deals specifically with noise from people arriving, departing and in the vicinity. Appendix 11 states that applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and employees entering and leaving the premises, and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. Therefore a comprehensive dispersal policy has been prepared and is presented at Appendix F.
- 10.4 The club is aimed at an exclusive higher-end clientele. This is of relevance to the application as the perception of the club and the enjoyment of the visiting patrons depends on the premises being presented in a calm and controlled manner.
- 10.5 Amplified music will only occur within the building. Significant refurbishment works will be carried out to ensure high performance sound isolation of all internal activity. The high sound area is contained within the basement with no opening windows or doors to this area. There is a lobby door at the main entrance.
- 10.6 Premises licence conditions requiring amplified music to be controlled by a limiter or other appropriate controls is a further safety net that is recommended to ensure noise from amplified music is limited to a level that does not have any impact at noise sensitive properties.
- 10.7 The premises entrance will be permanently supervised and covered by monitored CCTV.
- 10.8 Patrons will be requested to respect neighbours and be quiet as they leave.
- 10.9 Patrons requiring public transport will be directed to turn left out of the of the premises and head south onto Oxford Street.
- 10.10 For those leaving earlier in the evening the nearest tube stations are Tottenham Court Road and Bond Street. The Central and Northern Line pass through Tottenham Court Road and from September 2015 a 24-hour weekend service is proposed for both these lines.
- 10.11 Employee training includes emphasis of the importance to minimise noise from patrons as they arrive at and depart from the members club.

- 10.12 Guidance to employees also includes how to minimise noise from any activities outside and in the vicinity of the premises.
- 10.13 The front of house team ensures patrons wishing to take a taxi are promptly dispatched.
- 10.14 As far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent any noise impact on local residents.
- 10.15 The applicant is committed to continue to work in partnership with the relevant authorities and to maintain good relations with residents and patrons and accordingly will be receptive to any further reasonable suggestions proposed.

11.0 Conclusions

- 11.1 Big Sky Acoustics was instructed by Mr Amin Thorbani of Thorbani Investments Ltd to carry out an assessment of the potential impact of noise arising from a premises licence variation application to increase capacity of a private members club at for a members club at 19 Newman Street W1T 1PF.
- 11.2 A site visit has been made to the premises and measurements taken of the noise levels in the area during the day and at night.
- 11.3 An assessment of the impact of customers using the smoking area has been made taking worst case examples. Prediction of noise from people using the smoking area compared against average ambient noise levels indicates the average level would fall below ambient noise levels at this location.
- 11.4 Recommendations to enhance the operational procedures relating to noise at the premises have been made.
- 11.5 Noise breakout from any sound system and other activities inside the premises is minimised by the sound system controls and physical structure of the building which contains all high noise activity in the basement. Amplified music noise will be limited so that it does not have an impact on nearby residents.
- 11.6 Given this location, style of operation, proposed controls and willingness to take on board further controls if necessary it is my professional opinion that internal noise sources will be controlled by the physical structure of the building and the predicted noise levels from patrons are at a level that would not adversely impact the licensing objectives. The controlled activities within the members club and dispersal of patrons from the premises have been calculated to not increase average noise levels in the area and therefore would not give rise to a public nuisance.



Richard Vivian BEng(Hons) MIET MIOA MAES MIOL
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Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music concert	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

Appendix B - Site location



Appendix C - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

Unattended measurements were carried out using a Svan type 971 integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters conforming to the following standards: IEC 61672-1:2002 Class 1. 1:1 & 1:3 Octave Band Filters to IEC 61260.

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards. The following instrumentation was used during the survey:

Description	
Cirrus sound level meter	type CR:171B
Cirrus pre-polarized free-field microphone	type MK:224
Cirrus microphone pre-amplifier	type MV:200E
Cirrus class 1 acoustic calibrator	type CR:515

Appendix D - Meteorology

15 July 2012	Temperature	Wind speed	Precipitation
At start	10°C	Still	None
During assessment	9°C	Still	None
At finish	9°C	0-1ms ⁻¹	None
Additional comments: Dry and still.			

Appendix E – Noise Management Policy

We operate a considerate business. We aim to manage all noise from our premises so that we do not disturb people resting and sleeping in their homes. There are other licensed premises in the area and these may create noise but this is no reason why our operation should not be rigorously controlled so that any noise we or our patrons make is kept to an absolute minimum. We therefore have a comprehensive approach to managing noise from our premises and from the area outside our premises.

The following points are critical to our noise management policy and are used in conjunction with our end of evening Dispersal Policy:

1. We will ensure that noise emanating from our premises will not cause a nuisance at the nearest residential properties.
2. The entrance doors are supervised and from 20:00hrs and are kept closed except for ingress and egress. The entrance has a lobby ensuring two door sets always separate internal noise generating activity from the street.
3. Except for servicing, maintenance and safety reasons fire doors and service doors will be kept closed. Emergency exits and service doors must not be secured open when the premises are trading. Doors in regular use will be fitted with soft closers and these will be adjusted to ensure that doors do not slam.
4. Arrangements are in place to ensure that deliveries, collections and operational servicing are carried out between 07.00-19.00hrs, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
5. Empty bottles will be crushed internally to reduce waste volume and handling noise. No empty bottles will be tipped or thrown into outside storage receptacles.
6. Refuse collections are made at the times allocated for the street. We will ensure that waste is correctly packaged and can be removed quickly and efficiently.
7. Patrons will always be supervised in the areas around the entrance doors. Patrons arriving at the premises will be quickly ushered inside so that there will be no queues outside the premises of people waiting to gain entry.
8. Patrons using the smoking area at basement level will be supervised by us and the maximum number of smokers will be controlled. Ashtrays will be provided and the area will be regularly swept of any cigarette debris. Drinks will not be allowed outside the premises on the street.
9. Any glass or bottles in the immediate vicinity of the premises will be cleared from street furniture, walls, pavements and gutters then safely disposed of. Bottles and glasses will not originate from our premises but we still make an effort to keep the area tidy and safe.
10. We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris that may have nothing to do with us, but in the interests of making this a better area we will still clear it up.

We will constantly review our Noise Management Policy and respond quickly to the needs of our neighbours. *19 Newman Street Management Team, December 2014*

Appendix F – Dispersal Policy

We will to employ best practice to ensure that the normal commercial operation of the premises does not have a negative impact on residents in the area when our patrons, and our employees, leave the premises.

In order to ensure that patrons behave in an ordered and responsible manner as they leave the premises it is important that they have been well-managed during the time leading up to their departure. Therefore our employees are trained in customer management skills and we will be calm and polite as they leave. There are further measures that we will take that can impact positively on our patrons behaviour after they have left and they are not directly under our control:

- Transport information will be provided on-line and during the booking process.
- Amplified music levels will be reduced at the end of the evening ensuring a gradual exit of remaining patrons as the evening winds-down.
- At the exit doors a prominent and clear notice will be displayed asking patrons to be considerate to local residents by leaving the premises and the area quietly.
- Patrons that require a taxi are encouraged to wait inside the building. Arrangements are made with selected taxi firms for cars to stop at a safe stopping place when collecting patrons. Taxi companies that visit the premises will be notified that the use of car horns outside the premises is only allowed in accordance of Rule 112* of The Highway Code. Door supervision staff will take note of drivers that do not comply with this rule and management will notify the relevant taxi companies. Repeat offenders will result in that taxi firm being excluded from the recommended list of taxi providers for the premises.
- All employees are given appropriate instructions and training to encourage patrons to leave the premises and the area quietly.
- Door supervision will continue until all patrons have dispersed. Door supervisors will request that any groups of patrons leaving do not wait outside the premises and will direct them towards Oxford Street.
- At the end of the shift employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them at a convenient and safe stopping point away from residential properties.
- We will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with local residents including hosting meetings where necessary to allow our neighbours to raise any issues and for those issues to be quickly resolved. The telephone number of the premises and senior management will be provided to all our immediate residential neighbours.

We will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

19 Newman Street Management Team, December 2014

* Rule 112 of The Highway Code states: The horn. Use only while your vehicle is moving and you need to warn other road users of your presence. Never sound your horn aggressively. You MUST NOT use your horn while stationary on the road when driving in a built-up area between the hours of 11.30 pm and 7.00 am except when another road user poses a danger.

Westminster City Council Statement of Licensing Policy 2011 (Appendix 11 - Guidance on noise)

The council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities.

Noise sources

Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority's noise criteria relate to all these sources of noise whether indoors or in the open air, including:

- (a) music and human voices, both amplified and unamplified
- (b) other internal activities
- (c) use of open areas
- (d) patrons queuing
- (e) patrons and staff entering and leaving the premises and in its vicinity
- (f) vehicles arriving, waiting, parking and departing
- (g) deliveries and collections including refuse and collection of recyclable materials
- (h) plant, machinery and associated equipment
- (i) any other factors that could cause noise disturbance.

Many licensed activities can cause noise that is heard outside the premises or originates from an open air site and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities, should take account of the criteria and guidance on noise set out below which indicates circumstances in which a noise report will be necessary and what it should contain.

On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

Information on noise

5. All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met.

- (a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within the two years prior to this application.
- (b) There have been no noise complaints relating to the premises received by the applicant, the council or the police within the two years prior to this application.
- (c) There have been no objections to the renewal of a licence in relation to the premises within the two years prior to this application.
- (d) There are no noise sensitive properties above, below, adjacent, opposite in the proximity of the premises or otherwise likely to be affected.
- (e) There is no air conditioning, or other plant and associated equipment.
- (f) There is no loudspeaker system.
- (g) There are no activities involving performances of music or other sounds, whether live or recorded, or any other "regulated entertainment".
- (h) No door staff are required as a condition of an existing licence.
- (i) Deliveries, collections, servicing; use of vehicles, do not take place between 19.00 and 07.00 hours.

Noise report

When the Licensing Authority receives a statement from the applicant demonstrating how they do or do not meet the criteria above, it will determine whether a noise report will be required, which aspects of it will be required, what it should cover, and how it should be prepared.

A noise report may contain some or all of the following:

- (a) An environmental noise impact assessment (required for all noise reports).
- (b) An acoustic report for premises where there is plant and equipment (e.g. ventilation, air conditioning, lifts, hoists etc).
- (c) A sound insulation and sound reduction measures assessment (for premises where there is plant and equipment and/or sound systems, or "regulated entertainment").
- (d) Planned management measures for control of noise disturbance related to door control, deliveries and collections, waste management, servicing, and any other aspects requiring control of noise. (This will be required in most noise reports and all applications where operating hours include any of the period 19.00-07.00 hours, and/or where door staff are required.)

(e) Planned management measures for control of noise disturbance from an open air site or event. (This will be required for open air sites and events.)

Environmental noise impact assessment

8. An Environmental Noise Impact Assessment should provide information, as applicable, including:

- (a) Existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises.
- (b) Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels.
- (c) Assessment of the existing and predicted number and level of noise events.
- (d) Details of management procedures to reduce the impact of the premises operation on the locality, including noise from customers and others arriving and departing.

Acoustic report (plant and equipment)

9. An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:

- (a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.
- (b) The location of the nearest openable window of the nearest noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance between these.
- (c) The proposed operational hours.
- (d) The background noise level assessment ($L_{A90, 15 \text{ min}}$) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology).
- (e) Calculations for the predicted noise level 1 metre from the window of the nearest affected noise sensitive property.
- (f) Use of acoustic enclosures.
- (g) Use of noise attenuators and acoustic screens as required.
- (h) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.
- (i) Use of vibration isolators.

Sound insulation and sound reduction assessment.

10. A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- (a) Assessment of the existing sound insulation of the building fabric.
 - (b) Operational building layout to prevent noise escape.
 - (c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
 - (d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.
 - (e) Use of electronic sound limiters on amplification systems as alternative means of control.
 - (f) Other measures to reduce structural transmission of noise and vibration.
 - (g) Installation of acoustic doors and lobbies.
- (Note: BS 8233:1999 contains useful guidance on commercial design criteria).

Planned management measures for control of noise

11. This is a statement of management measures to be taken to prevent and control noise, covering matters such as:

- (a) hours of operation
- (b) location of entry and departure points
- (c) door control
- (d) control and prevention of queuing
- (e) control of amplified and unamplified music and voices
- (f) steps to be taken to achieve good behaviour outside and within the premises
- (g) communication with customers (signs, announcements and other means)
- (h) management of use of outdoor areas
- (i) steps to be taken to ensure customers leave quietly
- (j) advice to customers on departure routes
- (k) stewarded access to taxis and licensed mini-cabs
- (l) arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance
- (m) arrangements for staff and patron parking
- (n) limits set on hours for servicing and delivery
- (o) guidance to drivers to limit noise during deliveries

- (p) communications with suppliers and service providers
- (q) providing quiet means for storage and movement of waste and recycling materials.

Planned management measures for control of noise disturbance from an open air event or site.

12. This is a statement of management measures to be taken to prevent and control noise from open air events and sites, covering matters such as:

- (a) hours of operation
- (b) location of entry and departure points
- (c) *item (c) is missing in original policy document*
- (d) control of queuing
- (e) management of amplified and unamplified music and voices
- (f) steps to be taken to achieve good behaviour outside and within the open air site
- (g) communication with patrons or members of the public (signs, announcements and other means)
- (h) management of use of covered and outdoor areas
- (i) steps to be taken to ensure customers leave quietly
- (j) advice to customers on departure routes
- (k) stewarded access to taxis and licensed mini-cabs
- (l) *item (l) is missing in original document*
- (m) arrangements for staff and patron parking
- (n) limits set on hours for servicing, delivery and any other on site traffic movements
- (o) guidance to drivers to limit noise during deliveries
- (p) communications with suppliers and service providers
- (q) providing quiet means for storage and movement of waste and recycling materials.

Noise criteria

13. Licensed premises and activities will be required to meet the noise criteria in Policy PN1. Noise reports should show how these criteria will be met. Plant noise breakout and structural transmission

14. Applicants should demonstrate that the licensed activities from indoor premises, and open areas associated with them, can be carried out so that plant noise, airborne noise breakout, and noise and vibration transmitted through structures, will meet the criteria for indoor premises below.

15. Applicants should demonstrate that the licensed activities from open air premises can be carried out so that plant noise, airborne noise, and noise and vibration transmitted through structures will meet the criteria for open air premises at paragraph 19 below.

Indoor premises plant and equipment

Premises should be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the criteria in Paragraph 17 below. The council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

Indoor premises plant & machinery and internal activities

17. The criteria relating to:

- (a) plant, machinery and associated equipment, internally or externally installed
- (b) ventilation
- (c) music and human voices, both amplified and unamplified and to
- (d) other internal activities are noise emitted will achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties⁵, at the quietest time during which any of these activities occur:

At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the $L_{Aeq, 5 \text{ min}}$) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest $L_{A90, 15 \text{ min}}$; and; where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level ($L_{Aeq, 5 \text{ min}}$) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest $L_{A90, 15 \text{ min}}$ for each of the octave bands during the operating period.

Indoor premises structural transmission of noise and vibration

⁵ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

Applicants should ensure that as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 23.00 hours applicants may be required to demonstrate this.

Open air premises plant & machinery and other activities

19. The criteria relating to:

- (a) plant, machinery and associated equipment, internally or externally installed
- (c) music and human voices, both amplified and unamplified
- (d) other activities.

Criteria:

Account will be taken of:

- (i) the type/s of events planned
- (ii) the number of events that take place each year
- (iii) the numbers of participants and people attending each event
- (iv) the times of day and duration of events
- (v) the days/dates of the events
- (vi) conformity to The Noise Council's "Code of Practice on Environmental Noise Control at Concerts", guidelines and recommended noise control procedures
- (vii) conformity to standards set by the council in relation to the existing external noise levels at the nearest noise sensitive properties.

The council has previously set standards in agreement with event organizers for lower noise levels than in Code of Practice on Environmental Noise Control at Concerts: published by the Noise Council.

People arriving, departing and in the vicinity

20. Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises, and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:

- (a) Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, together with management arrangements to ensure this.
- (b) Signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises.
- (c) Guidance to patrons on routes to take as they depart, to cause least disturbance.
- (d) Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.
- (e) Guidance to staff to minimise noise from any activities outside and in the vicinity of the premises.
- (f) Arrangements for the calling of taxis, minicabs, cars or limousines from within the premises and for the collection of patrons by arrangement.
- (g) Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

Deliveries, collections and servicing

21. The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- (a) Ensuring that deliveries, collections and operational servicing are carried out between 07.00 and 19.00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
 - (b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.
-

COMMENTS BY APPLICANT ON REPRESENTATIONS

Residential Objections

Julia Langkraehr – 3 York House, 12 Berners Street

It is to be noted that this lady lives in Berners Street on the other side of the block away from Newman Street and therefore will not directly be effected by the premises or matters on Newman Street in any event.

She makes a point about considerable queuing to get in and increased amount of people in the area at closing time but shows no appreciation of the brand new internal reception area that is referred to on the amended proposed plan. It is denied that there will ever be queuing at the premises to get in given that it is a private members only club but if there ever were such queues then the proposed new internal reception area will remove people from the street into the building itself. Any queuing would never occur at a late hour in any event. Insofar as the dispersal of customers is concerned Mr Richard Vivian has designed a draft dispersal policy to be adopted by operator and the application seeks to increase the number of door staff by 1 further individual in order to monitor the quiet departure of customers.

There is an assumption that all customers going to and coming out of the premises will be drunk but that conclusion cannot be drawn from the mere fact of the application being submitted. The premises has not yet even opened and to suggest that it will be serving drunken people or turning drunken people out into the streets is an extreme proposition. The Police have not objected to this application at all and it might be thought that if there were concerns about drunkenness on the streets which could lead to crime and anti-social behaviour those drunken individuals being the victims of crime then the police would be the first to object.

There is an assumption that the club would be seeking extended hours but that is not the case. It is not accepted that the neighbourhood is busy during the week and quieter at the weekends. The club seeks to operate later hours only during Thursdays, Fridays and Saturdays and it is not accepted that these nights are quieter than the rest of the week. Indeed Mr Vivian's report provides examples of the ambient noise levels in this area. He makes no mention of the increase in sound levels during the week as opposed to the weekends.

Miss Langkraehr makes the point about those who come out of the building to smoke but may not be aware of the proposal of the smoking area adjacent to the basement and which is not therefore not on the street, as she seems to suggest. She again assumes that all people exiting the premises are drunk which will be an argument for not granting the premises licence at all rather than against an increase in the numbers. There will also be a limit on the numbers smoking in the basement area but it is suggested that these cannot be a threat to females as she indicates because they will not be on the general public highway in any event.

It is not clear how she can make the statement that general traffic and parking will be negatively effected in the area. The transport assessment which has been carried out by Messrs Saville Bird and Axon has not reached that conclusion.

Mr L I and A B Watson – Flat 6 York House Berners Street

This is another couple that appear to live on Berners Street and not Newman Street as in the application.

The assumption is again made that an increase in numbers will lead to disruption and noise pollution and this is denied (See the Report of Richard Vivian)

The argument from Mr L I and A B Watson is that there has been some subterfuge in operation here and that this application seeks to change the initial application to a significant degree and this is strongly denied. All the things that the Watson's mention such as "limited dancing facilities", "a *sui generis* class of private members club", "a strict vetting procedure" for membership, "about 10 tables", a "strict dress code", "not a dance lead facility" are all exactly the same as in the original application - nothing has changed. There will be no emphasis on dance facilities and there is no intention of seeking to turn this venue into a nightclub. It is clear from the application that the premises licence holder seeks to have the ability to have the "**performance of dance**" as an added facility on occasions where there may be an event at the premises. This is not unlike the facility at any other club or private members club has, perhaps having people dance in the venue as a performance rather than taking part as dancers on a nightclub floor. From this perspective the application has been completely misread and does not represent what the premises licence holder seeks to achieve.

Reference was made in the application to both ballet dancing and belly dancing and this does not represent any significant movement from what was originally anticipated. It is nothing more than a further addition to licensable activities that maybe carried out at the venue but it does not mean by any stretch that the performance of dance will be a regular activity at the premises – indeed the opposite will be true. It is likely that the performance of dance will be a very rare activity.

It is not clear why Mr L I and A B Watson state that an increase to 280 capacity completely undermines all previous assurances given. It is hoped that the membership at the club will run to several thousand but as with any such private members club, only the smallest proportion of the membership are ever present at the premises at any one time. This proposal seeks to allow the ability – well within margins of safety - to increase the capacity of the premises to 280 without altering the nature of the club in any other way.

In his last statement, Mr Watson argues that there is no prohibition from future variation applications and this is of course true. However all such applications are subject to the same procedure as this application and may not necessarily be granted.

Linus Reese – Fitzrovia Neighbourhood Association (Director and Trustee)

I will deal with each of Mr Reese's numbered points in turn:-

1. It was felt that the original noise and transport expert reports compiled in respect of the initial application were sufficient for the purposes of this application but it was always the case that both reports would be updated to take into account the request for an increase in capacity. That has been done and the two reports will be presented to the council in advance of the committee hearing. Both reports indicate that the proposed increase will have no detrimental impact whatsoever on any of the four licensing objectives and particularly those relating to public nuisance.
2. This paragraph demonstrates a lack of understanding of the proposal. Mr Reese assumes that the proposed increase in capacity will automatically result in queue outside the premises of that same number. However, that is not the case. As indicated previously whilst club may very well have a membership of several hundred or thousand, only a small proportion of the membership will ever be present at the club at any one time. If the capacity of the club is increased to 280 then it is the case with such a private members club that those individuals will be arriving piecemeal

throughout the evening and leaving in the similar vain. There will therefore be no requirement for queuing as there is no such requirement other private members clubs such as the former Adam Street Private Members Club where there was never any issue with people queuing outside in the streets. The reception area is provided and it is maintained would adequately house people off the street as a noise reduction measure should there be some queuing on occasion. The proposed capacity of the area is between 30 and 50 people.

3. The assumption made here is that the application in respect of films and dancing would somehow lead to waves of people arriving and leaving. This couldn't be further from the truth. The application in respect of films is made purely in respect of incidental films which might be shown as background within the club from time to time. The request for the added licensable activity for the performance of dance is in respect of those matters which have been set out above, namely, the occasional performance of dance as incidental to an event that may be happening at the club. The refusal of such permission would make a dance on a podium at such an event illegal and the background showing of a film (common in many clubs and bars) also unlawful.
4. It is not clear what the objection is in respect of smokers outside the premises. There is no proposal to have smokers on the street but in an area adjacent to the basement area in the well of the building. Further, under the premises noise management policy the basement area would be supervised and the maximum number of smokers will be controlled and drinks will not be allowed outside the premises so as to discourage people remaining within the smoking area for too long.
5. Public Nuisance – this is very much down to the arrival and dispersal policy, copies of which will be placed before the Council in advance of the licensing committee hearing. However, the view of the retained independent noise expert is that the proposal to increase numbers will have no impact upon the licensing objectives particularly that of public nuisance. The independent transport assessment does not envisage any increase in car movements or vehicular activity as a result of this proposal.
6. It is odd that the Neighbourhood Association has chosen to link itself with the hotels when other residents find complaint about the hotels themselves in this area. Other residents make complaint about the Edition Hotel and it is clear that the planning application for the new hotel next to these premises is for a much larger operation than that of the club with a potentially far greater impact upon Newman Street than the club itself.

It is submitted that an application made by an already existing private member club premises should not be judged on the basis that it may have some impact on a premises in respect of which a planning application has yet to be even determined.

Ian Barnes – Flat 10, 23 Newman Street

It is unclear why Mr Barnes suggests that the existing premises licence as granted by the committee in the Summer of 2014 is unsatisfactory in carrying a risk to public nuisance from the noise from people arriving and leaving late at night and the noise, smells and litter from smokers outside. He appears to be unaware of the conditions placed upon both the premises licence and planning permission.

We make the same points as we made in respect of the above submissions with regard to noise and disturbance who rely upon the conclusions of the independent noise expert Mr Richard Vivian.

Mrs Tracy Bower Flat 33 York House 1 East Castle Street

We would rely upon the comments made above in respect of noise and disturbance in the street and particularly the reports of Mr Richard Vivian, Noise Expert and NYG Transport Experts.

In respect of Crime and Disorder we would rely upon the fact the Police have been consulted on this application and have chosen not to make any representations on the grounds of Crime and Disorder.

Zafar Khalid 2 York House 12 Berner Street

It is noted that Mr Khalid does not live in Newman Street but rather on the other side of the block in Berner Street. With regard to the issues raised in respect of queuing we would make the same points as made in the previous comments above and would ask the committee to note that a new reception area is being provided on the revised plans from which authority is sought and also a dispersal policy has been designed for the premises which will be implemented.

Again Mr Khalid like others, assume that everyone exiting from the premises will be drunk and it is denied that this is assumption that maybe drawn. If one assumes that everyone in licensed premises exits in a drunken disorderly manner then there would be no grounds for granting any licence premises in the country. This proposal which has already been granted by the previous licensing committee and by the planning committee is in respect of a private members club operation rather than a vertical drinking bar. As indicated previously the membership will be subject to a constitution and rules to regulate behaviour and it is submitted that such premises operate on an altogether different basis from those of the many bars which operate within this area.

The fact that Mr Khalid has experienced an individual urinating on the street should not in our respectful submission be held against an applicant that has not even yet commenced operation!

Mr Khalid again makes the unfounded allegation that the venue will somehow attract all sorts of undesirables such as those selling rickshaw services or taxi services or other unwanted items. However it is submitted that it will be the responsibility of the door staff to ensure that so called "undesirables" keep well away from the premises. It is certainly not the case that undesirables gather outside the Addition Hotel or Nordic Bar which are other licensed premises near to the applicant premises.

It is suspected that Mr Khalid may have issues with the Sanderson Hotel and the Edition Hotel in Berner Street where he lives and that if action should be required against those hotels then the licensing authority have a range of tools which they can use in this respect.

Rami Fustok – Newman Assets Limited

This company purports to make an objection against our clients application when they have merely been in the area a few short months. Our client has been committed to Newman Street for many years particularly with the post office which was a well-used facility for many local people. Our client is committed to Newman Street and has shown that over many years and

will continue to be so. Newman Assets Limited is a property development company which seeks to raise the complaint about the operation of the applicant premises that it so far does not have an established operator to run such premises. However, that is not the case and we will shortly be in a position to indicate who the business partner will be in running the premises but the same criticism could easily be made of the hotel operation as it is unclear who the operator of the large proposed public restaurant will be and it is submitted that such an activity is likely to cause as much public nuisance as it is claimed the applicant premises will cause. The real reason for the opposition to this application may very well be that our client has always proposed a dining operation and Newman Assets Limited may very well feel that this would be competition to their own restaurant operation next door.

The objections as raised are in our respectful submissions without merit.

The application as set out has been clear for all to see both in the application form and the newspaper advertisement and is supported by a letter. It is clear what the application is seeking and Newman Assets Limited have been able to make its representation. There is no requirement as they suggest that this should be a new premises licence application as this is merely one to seek a revision to the plan and an increase in numbers as well as the inclusion of two licensable activities not requested in the original application.

In the terms of the increase in capacity, our own expert is of the view that this would have no impact upon the licensing objectives and we will support that conclusion with a completely fresh report prior to the hearing date.

Newman Assets Limited seek to criticise the application in respect of the impact it may have on the number of smokers outside but whereas we say this will be safely contained off the street in a basement area of the premises which will be supervised we have no idea where the smokers from the rather large extensive restaurant in the hotel will be located. If their smokers are allowed access to any part of Newman Passage then this will cause significant disturbance to residents in that very quiet rear passage and so the alternative would appear to be Newman Street itself. Their smokers will have a much greater chance of disturbing local residents than the smokers deposited in the area adjacent to the basement in the club premises. Further, Mr Vivien gives evidence in his own supporting document that there will be no impact upon local residents or the hotel as proposed.

Newman Assets Limited raises the possibility of crime and disorder on the basis that the club will be turning out drunken people into the streets notwithstanding that this was not a fear at the first Committee that granted the premises licence nor the planning committee and has not been a consideration of the police in the course of this application.

The idea that there would be conflict with the residents of 79 Newman Street is ludicrous as this has never occurred with the existing licensed premises already adjacent to this site for many years, namely the Nordic Bar. Further, the management of 79 Newman Street support this application. It is also an argument that it could easily be levelled at the potential hotel's own clientele. It is also argument that could easily be levelled at the potential hotel's own clientele.

In all the circumstances the representation from Newman Assets Limited should in our respectful submissions be seen as no more than a trade representation from what is likely to be a competitor in respect of the restaurant operation.

Cllr G Roberts

We are grateful that Cllr Roberts was able to support both the planning application and the original licensing application and our clients have been delighted to work with her throughout this whole process over the last two years or more. However, for the reasons we have set out above with regard to the licensing objectives we would take issue with Cllr Roberts submissions in this respect.

Dr Timothy Mills

Dr Mills makes the point about increase levels of noise and disturbance in the street and we would again rely upon the evidence of the acoustic expert, Mr Richard Vivien in support of our argument that there will be no increased noise levels as a result of this proposal.

Miss Sara Jaafar

Miss Jaafar raises the issue of noise and disturbance and I would again refer to the report of Mr Richard Vivian, she also raises the issue of a potential breach of security to the neighbouring hostel of 79 Newman Street and suggesting that the residents of that hostel will start to beg outside the Private Members Club. We do not agree with this submission and we would refer the Committee to the comments of Mr John Turay, who writes in support of the application on behalf of the Management of 79 Newman Street. Mr Turay, does not have any concern that residents to the hostel will start begging and causing a disturbance in the premises opposite and it is not clear in any event, how an increase in numbers can somehow result in such activity. It has never occurred in respect of the Nordic Bar which is also opposite 79 Newman Street.

Dan Thompson and Lee Rhoden

They make the same points as others in relation to noise, nuisance and disturbance and would again seek to rely upon comments of Mr Richard Vivian in his expert report.

Rani Bejjani

Mrs Bejjani raises the same points with regard to noise and nuisance as well as crime and disorder as the other residents above and we make the same points in reply. We refer to the evidence of Mr Richard Vivian as well as the Traffic Consultants report and the lack of any representation from the police with regard to the crime and disorder objective.

Ms Hansa Bakhai – 22 Altern Hill Loughton Essex

Mrs Bakhai appears not to live in this area but in Essex.

Mrs Bakhi also raises the issue of noise and disturbance and we would again rely upon the comments of Mr Richard Vivian in his report.

Nakul Talwar

Mr Talwar raises the issue of noise disturbance and traffic as other residents have done and we would seek to rely upon the comments of the two experts. Sky Acoustics and Saville Bird and Axon.

Mrs Anne Goodburn – Flat 1 45 Newman Street

Mrs Goodburn seeks to rely on the same arguments as other residents above and we would in reply also seek to rely upon the evidence of Mr Richard Vivien.

Mrs Cleide Amorim – Flat 55 York House 80 Newman Street London

Mrs Amorim raises the issue of traffic coming and going and we would again seek to rely upon the expert view of the traffic consultant in this matter.

5



Icon Property Ltd

Licensing Variation Proposal

19 Newman Street, London W1T 1PF

Transport Statement

January 2015

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Issue	Date	Status	Checked for Issue
01	14/01/2015	Advanced Draft for comment.	-
02	15/01/2015	Revised Draft for Client/Project Team review and comment.	SE
02	15/01/2015	Final for information.	SE



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Appendices

- APPENDIX A FIRST FLOOR, GROUND FLOOR AND BASEMENT PLAN
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1 INTRODUCTION

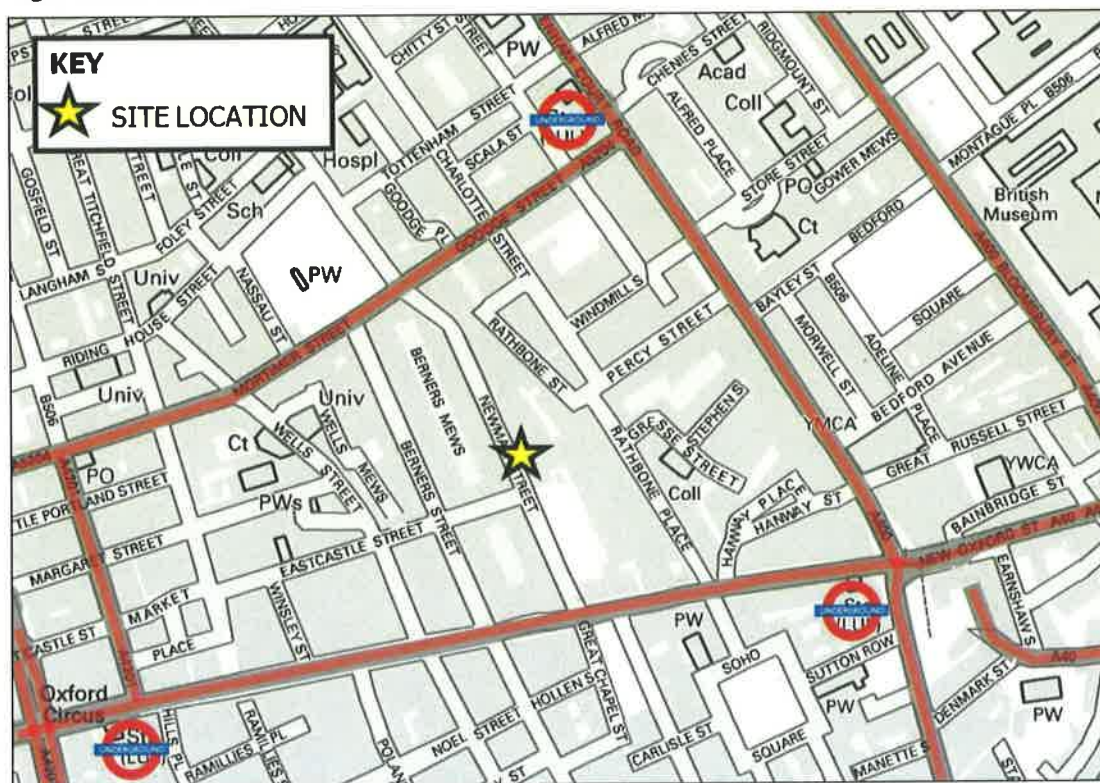
1.1 WYG is commissioned by Icon Property Ltd (the 'Applicant') to provide transport planning consultancy advice in relation to the 'variation of premises licence' proposal to increase the capacity of the private members club at 19 Newman Street, London W1T 1PF (the 'Site'), from 150 to 280 people.

1.2 The Local Authority responsible for licensing applications is Westminster City Council (WCC) Licensing Committee and the licensing application reference is 14/09916/LIPV.

Location

1.3 The Site is located on Newman Street; approximately 160m north of Oxford Street in the Fitzrovia area of the WCC Central Activity Zone (CAZ). The Site location is shown in **Figure 1.1**.

Figure 1.1: Site Location Plan





Background

- 1.4 It is understood that WCC Planning granted the premises at the Site planning permission (Planning Application Reference: 13/07985/FULL) for a change of use of the building from the previous light industrial to use as a *sui generis* class of private members club. The planning permission allowed for the basement, ground and first floors of the premises to be used as a private members club. This planning permission was granted on 18 February 2014.
- 1.5 The planning submission was supported by a Transport Statement (dated December 2012) prepared by WYG (trading as Savell Bird & Axon) in consultation with WCC Highways, the Local Highway Authority.
- 1.6 This Transport Statement is effectively an update of the previous Transport Statement and reflects changes in existing and future committed transport conditions in the area and reviews the transport impacts of the variation of licensing proposal. It is issued for the purposes of providing information to the Client and WCC Licensing Committee.

Existing Operations

- 1.7 It is understood that the existing planning permission at the Site is subject to a condition with specific regard to timings which indicates that customers shall not be permitted within the private members club premises before 07:00 hours or after midnight on Sundays to Wednesdays, and before 07:00 hours or after 03:00 hours on the following mornings after Thursdays to Saturdays.

The Proposal

- 1.8 The variations of premises licence at 19 Newman Street seeks to:-
- 1) Amend the Plan submitted with the original planning application attached to the Licence;
 - 2) Include with the licensable activities the performance of dance and the exhibition of films; and
 - 3) Amend condition 19 of the Premises Licence to provide for a maximum capacity of 280 people.



- 1.9 Full details of the proposal are contained within the licensing statement prepared by Jeffrey Green Russell Solicitors dated 11 November 2014. The 'Proposed Licensing Plans – First Floor, Ground Floor and Basement' drawing prepared by Tibbatts Abel, the scheme architect, is included at **Appendix A** for information and indicates the red line boundary of the licensed area.

Document Purpose

- 1.10 This Transport Statement has been prepared as an evidence base for proposed licensing changes and is not to be submitted with any future planning application for the Site. The analysis is based on trip rates agreed as part of the original planning submission and there have been no discussions with WCC Highways, the Local Highway Authority, since. It is understood that there are no intentions to increase the floor area of the building and as such, it is further understood that the Applicant has not sought planning advice.
- 1.11 This report revisits baseline transport accessibility in the local area, following a Site audit undertaken on Thursday 8 January 2015 for a local study area. The report concludes with an assessment of the transport impacts of the proposal using trip rate data from a comparable survey site.

2 EXISTING HIGHWAY CONDITIONS

Local Highway Network

- 2.1 The Site is located at 19 Newman Street and is situated in-between Rathbone Street and Newman Street. A vehicle access exists off Newman Street that connects with Newman Passage, Newman passage can also be accessed from Rathbone Street via a pedestrian only link.

Newman Passage

- 2.2 Newman Passage is a brick laid street that operates as a shared surface and has a single yellow line running down both sides of it. Whilst it has a narrow opening and a tight and narrow turn it opens up slightly as it approaches the site entrance. Currently servicing of the Nordic bar takes place on this street. Existing conditions in Newman Passage are shown in **Figure 2.1**

Figure 2.1: Existing Conditions in Newman Passage



Source: WYG site audit (8 January 2015)

Newman Street

- 2.3 Newman Passage is accessed from the west via Newman Street. Newman Street is one-way northbound and connects Oxford Street with Goodge Street, as such the classification of vehicles along this road is similar to that of Oxford Street but with a lower proportion of buses and a higher proportion of taxis.
- 2.4 Newman Street is characterised by parking restrictions along its length. The parking consists of 'pay and display' (P&D) bays with a maximum stay of four hours. The remaining sections of Newman Street have single and double yellow lines, therefore, no unrestricted on street parking exists along Newman Street.

Figure 2.2: Existing Conditions in Newman Street (1)



Source: WYG site audit (8 January 2015)

Figure 2.3: Existing Conditions in Newman Street (2)



Source: WYG site audit (8 January 2015)

Rathbone Street

- 2.5 Rathbone Street runs parallel to Newman Street on the east side of the Site.
- 2.6 Rathbone Street is fed by Percy Street and Charlotte Street and can therefore be indirectly accessed from Goodge Street and Tottenham Court Road.
- 2.7 It is one-way northbound and connects with and forms a loop with Charlotte Street at both ends.
- 2.8 Some restricted residents parking exists along its length, however it is mostly covered by a single yellow line on both sides of the road.
- 2.9 The restricted parking covers a length of around four cars and is restricted from Monday to Friday between the hours of 08:30 to 20:30 hours and is allocated for resident permit holders only.

2.10 A 'Solo Motor Cycles Only' parking bay is located on the east side of Rathbone Street adjacent to Percy Passage. Motorcycle parking was fully utilised on the day of the audit, see **Figure 2.4**.

Figure 2.4: Cycle Hire Docking Station in Rathbone Street.



Source: WYG Audit (08 January 2015)

2.11 A Cycle Hire Docking Station is located on east side of Rathbone Street with 17 cycle docks present. See **Figure 2.5**.

Figure 2.5: Cycle Hire Docking Station in Rathbone Street.



Source: WYG Audit (08 January 2015)

Charlotte Street

Charlotte Street connects to Rathbone Street. It is characterised by caf es and bars and is well known for its nightlife. Again, taxis regularly run along this street servicing the late night venues and the West End.



3 SITE ACCESSIBILITY

Public Transport Accessibility

- 3.1 Public transport accessibility in London can be expressed quantitatively as a Public Transport Accessibility Level (PTAL) score. This system assesses all underground and rail services within 960m of the Site, and all bus services accessible within 640m of the Site.
- 3.2 The PTAL rating of the Site is '6b', indicating an 'Excellent' level of public transport accessibility. This value has been derived from the Transport for London (TfL) Planning Information Database using the PTAL start point selector and interactive map. A printout of the PTAL output summary file is provided at **Appendix B** and has been checked against observed conditions during the Site audit.
- 3.3 A detailed review of public transport services identified in the local area is provided in the following paragraphs.

Bus Services

- 3.4 Whilst Newman Street itself is not a permanent bus route, the PTAL system identifies 27 bus routes accessible from bus stops located within 640m walking distance of the Site. The majority of these services are accessible from bus stops located on Oxford Circus / Street, Tottenham Court Road and New Oxford Street. A bus route spider diagram for the local area is provided at **Appendix B**.



3.5 Bus services available from the nearest bus stops on Oxford Street are documented in **Table 3.1** below, which is continued overleaf.

Table 3.1: Local 24 Hour Bus Routes

Route No.	Route Description
3	Crystal Palace
	Oxford Circus
6	Willesden
	Aldwych
8	Bow
	Tottenham Court Road Station
10	Hammersmith
	Kings Cross
12	Dulwich
	Oxford Circus
13	Golders Green
	Aldwych
15	Poplar
	Trafalgar Square
23	Westbourne Park
	Liverpool Street
25	Ilford
	Oxford Circus
53	Plumstead Station
	Whitehall

Table Continued overleaf...

Source: Transport for London (<http://www.tfl.gov.uk>), January 2015.



Route No.	Route Description
55	Leyton
	Oxford Circus
73	Seven Sisters
	Victoria
88	Clapham Common
	Camden Town
94	Acton Green
	Piccadilly Circus
98	Willesden
	Russell Square
113	Edgware
	Marble Arch
137	Streatham Hill
	Oxford Circus
139	West Hampstead
	Waterloo
159	Streatham
	Marble Arch

Source: Transport for London (<http://www.tfl.gov.uk>), January 2015.

London Underground Services

- 3.6 Tottenham Court Road Underground Station is located approximately 480m from the Site and provides access to the Northern and Central lines (although it should be noted that access to the Central Line from Tottenham Court Road station is not possible until December 2015 due to station upgrade works).
- 3.7 Other Underground stations located within the PTAL threshold of 960m include Oxford Circus (approximately 595m) for alternative access to Victoria and Central lines and direct access to



the Bakerloo Line; and Leicester Square Underground Station (approximately 930m) for access to Piccadilly Line services.

- 3.8 From the early hours of Saturday 12 September 2015, TfL are introducing late night services on the Jubilee (entire line), Victoria (entire line), Piccadilly (Cockfosters to Heathrow Terminal 5 only), Central (Ealing Broadway to Hainault / Loughton) and Northern (entire line, excluding Mill Hill East and Bank Branches) lines. As such, it is noted that members of the club will have a greater level of travel options to the Site during the hours of operation.

National Rail Services

- 3.9 There are no National Rail stations accessible within 960m of the Site. However, London King's Cross, St Pancras International, London Euston and London Victoria national rail stations are all accessible in a short travel time using Victoria Line services from Oxford Circus Station, a short walk distance from the Site.

Future Crossrail Services

- 3.10 Crossrail are currently working alongside TfL on the £1bn transformation of Tottenham Court Road Station to enable Crossrail services from this station from December 2018. Tottenham Court Road is part of the 'Central Section' (Paddington to Whitechapel) where 24 trains per hour will run in each direction, 14 starting or ending at Paddington. Crossrail will build upon the already 'Excellent' public transport accessibility of the Site.

Summary

- 3.11 In summary, the Site benefits from an 'Excellent' level of public transport accessibility, both during the day and the night. The introduction of the night tube services on weekends from September 2015 will encourage the use of London Underground services at these times, as an alternative to taxi trips for both staff and members.



4 MULTI-MODAL TRIP GENERATION ASSESSMENT

4.1 In the approved Transport Statement (dated December 2012) submitted as part of the now consented planning application for the Site, travel patterns associated with the use of Site as a night club were estimated using the TfL owned, industry-standard TRAVL (Trip Rate Assessment Valid for London) trip rate database for London, and were agreed with WCC Highways. Since 2014, TRAVL now forms part of the national TRICS trip rate database.

4.2 The assessment used multi-modal trips rates from an existing Soho nightclub development with a similarly high PTAL location. Trip rates are provided as a predictor type 'per 100 sqm (m²)' of floor space and applied as a factor to the proposed Site are (195.6m²). The results of the assessment are presented in **Table 4.1** below and include the accumulation of trips on a 30 minute basis between the operating hours of 21:30 and 03:30.

Table 4.1: Multi Modal Trip Generation (consented planning application / licence)

Time Period	Car Drivers		Car Pass		Taxi		Walk PT		Total		Accumulation
	In	Out	In	Out	In	Out	In	Out	In	Out	
21:30-22:00	0	0	0	0	0	0	4	1	4	1	3
22:00-22:30	0	0	0	0	6	0	5	2	11	2	12
22:30-23:00	0	0	0	0	6	0	23	3	29	3	38
23:00-23:30	0	0	0	0	9	0	12	0	21	0	60
23:30-24:00	0	0	0	0	10	0	28	4	37	4	93
00:00-00:30	0	0	0	0	3	0	17	13	20	14	99 (max)
00:30-01:00	0	0	0	0	6	4	3	21	9	25	83
01:00-01:30	0	0	0	0	3	1	1	10	3	11	75
01:30-02:00	0	0	0	0	1	5	1	9	2	14	62
02:00-02:30	0	0	0	0	0	6	0	3	0	9	53
02:30-03:00	0	0	0	0	0	11	1	12	1	24	30
03:00-03:30	0	0	0	0	0	26	2	14	2	40	0
Totals	0	0	0	0	43	54	95	93	139	147	99

Source: TRAVL Database / WYG Calculations



4.3 **Table 4.1** indicates that the accumulation of trips to the development would peak at 99 people between midnight and 00:30 hours.

4.4 The proposal is to amend Condition 19 of the Premises Licence to provide for a maximum capacity of 280 people. As such, it is considered appropriate to apply a factor of 2.828 (280 'the proposed maximum occupancy' / 99 'the maximum accumulation assessed in the original TS') to the multimodal trips outlined in Table 4.1 to calculate the travel patterns with a maximum occupancy of 280 people. The maximum potential multi-modal trip generation is presented in **Table 4.2**.

Table 4.2: Multi Modal Trip Generation – maximum capacity of 280 people

Time Period	Car Drivers		Car Pass		Taxi		Walk PT		Total		Accumulation
	In	Out	In	Out	In	Out	In	Out	In	Out	
21:30-22:00	0	0	0	0	0	0	11	3	11	3	8
22:00-22:30	0	0	0	0	17	0	14	6	31	6	34
22:30-23:00	0	0	0	0	17	0	65	8	82	8	107
23:00-23:30	0	0	0	0	25	0	34	0	59	0	170
23:30-24:00	0	0	0	0	28	0	79	11	105	11	263
00:00-00:30	0	0	0	0	8	0	48	37	57	40	280 (max)
00:30-01:00	0	0	0	0	17	11	8	59	25	71	235
01:00-01:30	0	0	0	0	8	3	3	28	8	31	212
01:30-02:00	0	0	0	0	3	14	3	25	6	40	175
02:00-02:30	0	0	0	0	0	17	0	8	0	25	150
02:30-03:00	0	0	0	0	0	31	3	34	3	68	85
03:00-03:30	0	0	0	0	0	74	6	40	6	113	0
Totals	0	0	0	0	122	153	269	263	393	416	280

Source: TRAVL Database / January 2015 WYG Calculations

4.5 The results of the above assessment indicate that the variation of licensing proposal has the potential to increase the number of taxi and public transport trips generated to the Site.



4.6 The additional demand for taxis as a result of the proposal is not considered material for the following reasons:

- Newman Street is already well served by taxis in the evenings owing to its proximity to late night shopping opportunities on Oxford Street and proximity to existing nightlife in Soho;
- The private members club already provides taxi booking facilities, allowing taxis to be pre-booked by name and with a collection point agreed by a dedicated member of staff at the venue and members are made aware of this facility;
- Taxis are not allowed to access Newman Passage; this is managed, and will be continued to be managed through the taxi booking service (selected partners); and
- The introduction of late night tube services from September 2015 on Central, Victoria, Northern, Bakerloo and Piccadilly Underground lines will offer patrons a viable alternative to late night taxis for travelling home from the Site in the morning.

4.7 The addition of pedestrian trips to footways in the area is likely to have an immaterial impact on footway capacity as the operational hours of the club do not coincide with peak commuter hours in the area.

4.8 Pedestrians leaving the Site are likely to do so onto Newman Street and Rathbone Street, dispersing onto Rathbone Place and on to Oxford Street or alternatively on to Percy Street and on to Tottenham Court Road.

4.9 The dispersal of pedestrians beyond the immediate vicinity of the application premises dilutes the impact of pedestrians in the area.



5 SUMMARY AND CONCLUSIONS

- 5.1 WYG is commissioned by Icon Property Ltd (the 'Applicant') to provide transport planning consultancy advice in relation to the 'variation of premises licence' proposal to increase the capacity of the private members club at 19 Newman Street, London W1T 1PF (the 'Site'), from 150 to 280 people.
- 5.2 This document is to be used as an evidence base only and is not to be submitted with any future planning application for the Site. The analysis is based on trip rates agreed as part of the original planning submission and there have been no discussions with WCC Highways, the Local Highway Authority, since. It is understood that there are no intentions to increase the floor area of the building and as such, it is further understood that the Applicant has not sought planning advice.
- 5.3 The Site is located in an area with 'Excellent' public transport accessibility with a wide range of local public transport connections, including 24 hour bus services.
- 5.4 The evidence contained within this Transport Statement suggests that the 'variation of premises licence' proposal to increase the capacity of the private members club at 19 Newman Street, London W1T 1PF, from 150 to 280 people would not give rise to any unacceptable travel or transport impacts in the local area.
- 5.5 The projected increase in taxi trips to the Site will be served by the high number of existing taxis in the area. The premises already adopt a taxi booking service to manage pre-booked taxis for the collection of members from the Site in the evening. The premises choose carefully selected partners, which enables them to manage the collections and warn them not to drive into Newman Passage.
- 5.6 Furthermore, it is considered that the introduction of a 24 hour Underground services from September 2015, accessible from Underground stations within a short walk distance of the Site, would provide members with a viable alternative to taxis for travel home or to onwards destinations.



APPENDIX A – FIRST FLOOR, GROUND FLOOR AND BASEMENT PLAN



APPENDIX B – PTAL OUTPUT FILE AND PUBLIC TRANSPORT INFORMATION

Buses from Tottenham Court Road

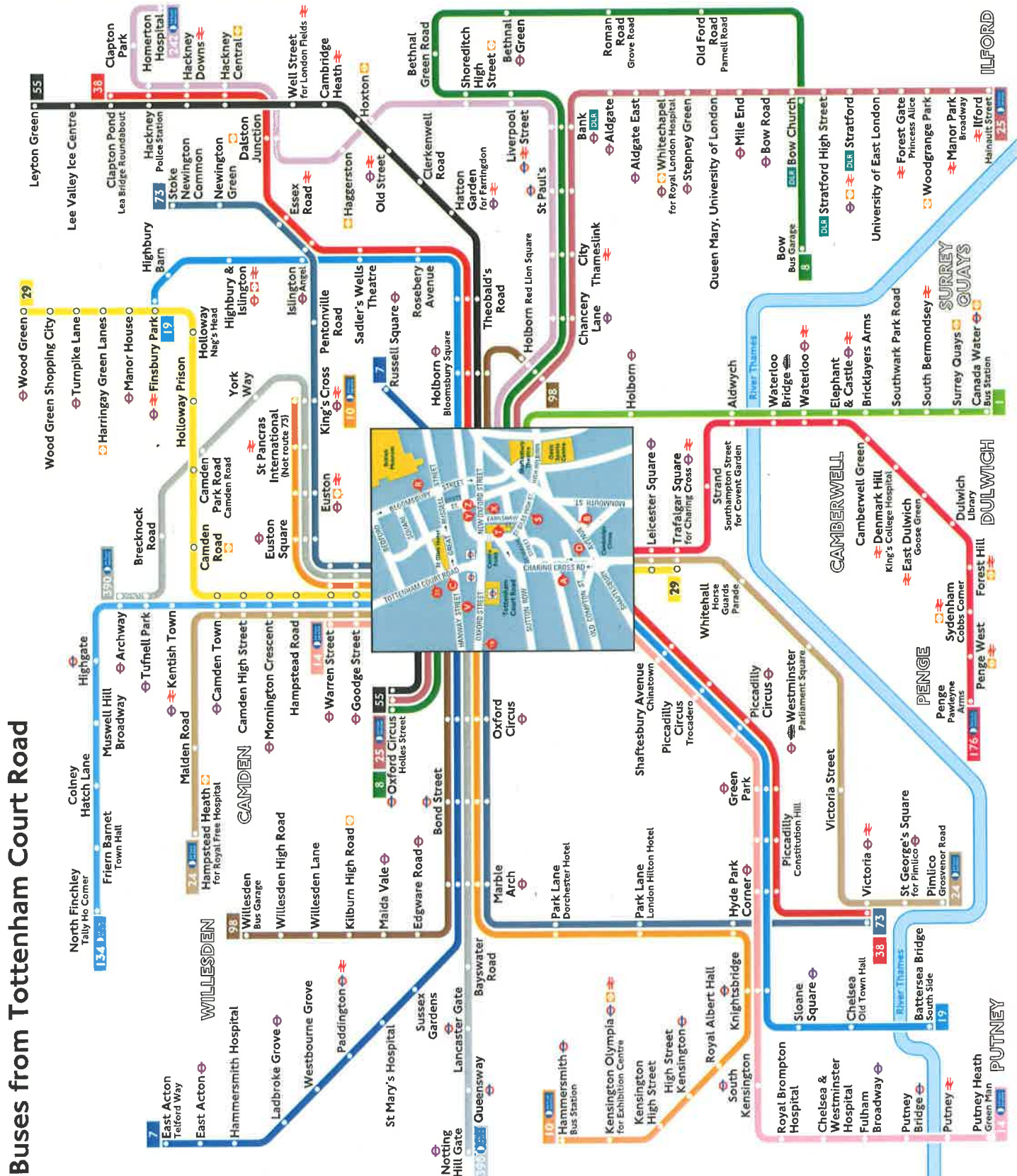
Route finder

Day buses including 24-hour services

Bus route	Towards	Bus stops
7	Canada Water	T, Z
7	East Acton	X, YB
8	Bow	Z
8	Victoria	X, YB
10	Hammersmith King's Cross	R, X, YB
10	Putney Heath	B, R
10	Warren Street	A, C
19	Battersea Bridge	B
19	Finsbury Park	A, Y
24	Hampstead Heath	A, C
24	Pimlico	D, R, S
25	Ilford	Z
25	Oxford Circus	X, YB
29	Trafalgar Square	D, R, S
29	Wood Green	A, C
38	Clapton	A, Y
38	Victoria	B
55	Leyton	Y
55	Oxford Circus	X, YB
73	Stoke Newington	V
73	Victoria	R, X, YB
98	Holborn	Z
98	Willesden	X, YB
134	North Finchley	C
176	Penge	D, S
24	Homerton Hospital	Z
24	Archway	V
24	Notting Hill Gate	R, X, YB

Night buses

Bus route	Towards	Bus stops
N1	Thamesmead	T, Z
N5	Edgware	A, C
N5	Trafalgar Square	B, R
N7	Northolt	X, YB
N8	Russell Square	V
N8	Hainault	Z
N8	Oxford Circus	X, YB
N19	Clapham Junction	B
N20	Finsbury Park	A, Y
N20	Barnet	A, C
N29	Enfield	B, R
N29	Trafalgar Square	A, C
N35	Trafalgar Square	D, R, S
N35	Clapham Junction	Y
N38	Victoria	B
N38	Walthamstow	A, Y
N41	Tottenham Hale	A, Y
N41	Trafalgar Square	B
N55	Oxford Circus	X, YB
N55	Woodford Wells	Y
N68	Old Coulsdon	Z
N73	Victoria	R, X, YB
N73	Walthamstow	V
N98	Holborn	Z
N98	Stannore	X, YB
N171	Hither Green	T, Z
N207	Holborn	Z
N207	Uxbridge	X, YB
N253	Aldgate	C
N279	Trafalgar Square	D, R, S
N279	Waltham Cross	A, C



**Appendix B - Public Transport Information
PTAL Assessment**

Walk File Parameters
 Walk File: PLSQLTest
 Day of Week: M-F
 Time Period: AM Peak
 Walk Speed: 4.8 kph
 BUS Walk Access Time (mins): 8
 BUS Reliability Factor: 2.0
 LU LRT Walk Access Time (mins): 12
 LU LRT Reliability Factor: 0.75
 NATIONAL_RAIL Walk Access Time (mins): 12
 NATIONAL_RAIL Reliability Factor: 0.75
 Coordinates: 529467, 181480

Mode	Stop	Route	Distance (metres)	Frequency (vph)	Weight	Walk time (mins)	SWT (mins)	TAT (mins)	EDF	AI
BUS	OXFORD C UPPER REGENT ST	88	582.76	9	0.5	7.28	5.33	12.62	2.38	1.19
BUS	OXFORD C UPPER REGENT ST	6	582.76	10	0.5	7.28	5	12.28	2.44	1.22
BUS	OXFORD C UPPER REGENT ST	94	582.76	15	0.5	7.28	4	11.28	2.66	1.33
BUS	OXFORD C UPPER REGENT ST	139	582.76	7.5	0.5	7.28	6	13.28	2.66	1.13
BUS	OXFORD C UPPER REGENT ST	3	582.76	8	0.5	7.28	5.75	13.03	2.3	1.15
BUS	OXFORD C UPPER REGENT ST	13	582.76	8	0.5	7.28	5.75	13.03	2.3	1.15
BUS	OXFORD C UPPER REGENT ST	12	582.76	15	0.5	7.28	4	11.28	2.66	1.33
BUS	OXFORD C UPPER REGENT ST	159	582.76	12	0.5	7.28	4.5	11.78	2.55	1.27
BUS	OXFORD C UPPER REGENT ST	C2	582.76	8	0.5	7.28	5.75	13.03	2.3	1.15
BUS	OXFORD C UPPER REGENT ST	453	582.76	12	0.5	7.28	4.5	11.78	2.55	1.27
BUS	OXFORD ST WARDOUR STREET	73	239.48	18	1	2.99	3.67	6.66	4.5	4.5
BUS	OXFORD ST WARDOUR STREET	10	239.48	10	0.5	2.99	5	7.99	3.75	1.88
BUS	OXFORD ST WARDOUR STREET	98	239.48	10	0.5	2.99	5	7.99	3.75	1.88
BUS	OXFORD ST WARDOUR STREET	7	239.48	9	0.5	2.99	5.33	8.33	3.6	1.8
BUS	OXFORD ST WARDOUR STREET	390	239.48	8	0.5	2.99	5.75	8.74	3.43	1.72
BUS	OXFORD ST WARDOUR STREET	25	239.48	8	0.5	2.99	5.75	8.74	3.43	1.72
BUS	OXFORD ST WARDOUR STREET	55	239.48	9	0.5	2.99	5.33	8.33	3.6	1.8
BUS	OXFORD ST WARDOUR STREET	8	239.48	10	0.5	2.99	5	7.99	3.75	1.88
BUS	TOTTENHAM CT RD DOMINION	29	478.25	15	0.5	5.98	4	9.98	3.01	1.5
BUS	TOTTENHAM CT RD DOMINION	24	478.25	12	0.5	5.98	4.5	10.48	2.86	1.43
BUS	TOTTENHAM CT RD DOMINION	134	478.25	12	0.5	5.98	4.5	10.48	2.86	1.43
BUS	TOTTENHAM CT RD DOMINION	14	478.25	13	0.5	5.98	4.31	10.29	2.92	1.46
BUS	NEW OXFORD ST CENTRE PNT	242	523.36	10	0.5	6.54	5	11.54	2.6	1.3
BUS	NEW OXFORD ST CENTRE PNT	1	523.36	8	0.5	6.54	5.75	12.29	2.44	1.22
BUS	NEW OXFORD ST CENTRE PNT	38	523.36	12	0.5	6.54	4.5	11.04	2.72	1.36
BUS	NEW OXFORD ST CENTRE PNT	19	523.36	10	0.5	6.54	5	11.54	2.6	1.3
BUS	NEW OXFORD ST CENTRE PNT	176	523.36	7.5	0.5	6.54	6	12.54	2.39	1.2

LU LRT	Tottenham Court Road	474.67	8.3	0.5	5.93	4.36	10.3	2.91	1.46
LU LRT	Northern Line Edgware to Morden	474.67	5.4	0.5	5.93	6.31	12.24	2.45	1.23
LU LRT	Northern Line High Barnet to Kennington	474.67	5	0.5	5.93	6.75	12.68	2.37	1.18
LU LRT	Northern Line Kennington to Edgware	474.67	1	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Northern Line Morden to Mill Hill East	474.67	4.3	0.5	5.93	7.73	13.66	2.2	1.1
LU LRT	Northern Line Mill Hill East to Kennington	474.67	3.7	0.5	5.93	8.86	14.79	2.03	1.01
LU LRT	Northern Line Morden to High Barnet	474.67	0.7	0.5	11.68	43.61	55.29	0.54	0.27
LU LRT	Piccadilly Line Oakwood to Uxbridge	934.51	1.3	0.5	11.68	23.83	35.51	0.84	0.42
LU LRT	Piccadilly Line Ruislip to Cockfosters	934.51	1.7	0.5	11.68	43.61	55.29	0.54	0.27
LU LRT	Piccadilly Line Oakwood to Ruislip	934.51	0.3	0.5	11.68	11.86	23.54	1.27	0.64
LU LRT	Piccadilly Line Uxbridge to Cockfosters	934.51	2.7	0.5	11.68	23.83	35.51	0.84	0.42
LU LRT	Piccadilly Line Rayners Lane to Amos Grove	934.51	1.3	0.5	11.68	13.79	25.47	1.18	0.59
LU LRT	Piccadilly Line Amos Grove to Northfields	934.51	2.3	0.5	11.68	13.79	25.47	1.18	0.59
LU LRT	Piccadilly Line Cockfosters to Heathrow Terminal 4	934.51	6	0.5	11.68	5.75	17.43	1.72	0.86
LU LRT	Piccadilly Line Heathrow T5 to Cockfosters	934.51	2.7	0.5	11.68	5.75	17.43	1.72	0.86
LU LRT	Piccadilly Line Rayners Lane to Cockfosters	934.51	2.7	0.5	11.68	11.86	23.54	1.27	0.64
LU LRT	Piccadilly Line Rayners Lane to Rayners Lane	934.51	0.7	0.5	11.68	43.61	55.29	0.54	0.27
LU LRT	Piccadilly Line Oakwood to Rayners Lane	934.51	1.3	0.5	11.68	23.83	35.51	0.84	0.42
LU LRT	Piccadilly Line Amos Grove to Uxbridge	934.51	2	0.5	11.68	15.75	27.43	1.09	0.55
LU LRT	Piccadilly Line Heathrow Terminal 4 to Amos Grove	934.51	1.3	0.5	11.68	23.83	35.51	0.84	0.42
LU LRT	Piccadilly Line Ruislip to Amos Grove	934.51	1.7	0.5	5.93	18.4	24.33	1.23	0.62
LU LRT	Central Line Ruislip Gardens to Newbury Park	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Grandge Hill to Northolt	474.67	1	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Central Line White City to Loughton	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Newbury Park to White City	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line White City to Epping	474.67	5.7	0.5	5.93	6.01	11.95	2.51	1.26
LU LRT	Central Line Hainault to Ealing Broadway	474.67	5.7	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Central Line Hainault to White City	474.67	1	0.5	5.93	9.84	15.77	1.9	0.95
LU LRT	Central Line Hainault to West Ruislip	474.67	3.3	0.5	5.93	3.48	10.92	2.75	1.37
LU LRT	Bakerloo Line Queen's Park to Elephant & Castle	595.65	11	0.5	7.45	6.75	14.2	2.11	1.06
LU LRT	Bakerloo Line Stonebridge Park to Elephant & Castle	595.65	5	0.5	7.45	30.75	36.68	0.82	0.41
LU LRT	Central Line Debden to West Ruislip	474.67	1	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line West Ruislip to Newbury Park	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Loughton to West Ruislip	474.67	0.7	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Central Line Grandge Hill to West Ruislip	474.67	1	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Ealing Broadway to Newbury Park	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Hainault to Northolt	474.67	1.3	0.5	5.93	23.83	29.76	1.01	0.5
LU LRT	Victoria Line Brixton to Walthamstow Central	595.65	15.7	1	7.45	2.66	10.11	2.97	2.97
LU LRT	Central Line Debden to Ealing Broadway	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Ruislip Gardens to Hainault	474.67	1	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Bakerloo Line Waterloo to Harrow & Wealdstone	595.65	0.3	0.5	7.45	100.75	108.2	0.28	0.14
LU LRT	Central Line North Acton to Newbury Park	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Grandge Hill to North Acton	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Epping to North Acton	474.67	1	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Central Line Grandge Hill to White City	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Hainault to White City	474.67	1	0.5	5.93	30.75	36.68	0.82	0.41
LU LRT	Central Line Epping to Northolt	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Ruislip Gardens to Epping	474.67	1.7	0.5	5.93	18.4	24.33	1.23	0.62
LU LRT	Central Line Ealing Broadway to Epping	474.67	2.3	0.5	5.93	13.79	19.73	1.52	0.76
LU LRT	Central Line Epping to West Ruislip	474.67	4	0.5	5.93	8.25	14.18	2.12	1.06
LU LRT	Central Line Ealing Broadway to Northolt	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Loughton to Northolt	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Debden to Ruislip Gardens	595.65	11.7	0.5	7.45	3.31	10.76	2.79	1.39
LU LRT	Victoria Line Seven Sisters to Brixton	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Loughton to Ealing Broadway	474.67	0.3	0.5	5.93	100.75	106.68	0.28	0.14
LU LRT	Central Line Ruislip Gardens to Loughton	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line Debden to Northolt	595.65	1	0.5	7.45	30.75	36.68	0.82	0.41
LU LRT	Bakerloo Line Waterloo to Queen's Park	595.65	1	0.5	7.45	30.75	36.68	0.82	0.41
LU LRT	Central Line Grandge Hill to Ealing Broadway	595.65	5.7	0.5	7.45	6.01	13.46	2.23	1.11
LU LRT	Bakerloo Line Elephant & Castle to Harrow & Wealdstone	595.65	0.7	0.5	5.93	43.61	49.54	0.61	0.3
LU LRT	Central Line North Acton to Loughton	474.67	0.7	0.5	5.93	43.61	49.54	0.61	0.3

NR SAP Points Not Found

Total AI for this POI is 75.73

PTAL Rating is 6b.

Owojori, Olaposi

From: Deweltz, Adam
Sent: 25 November 2014 12:48
To: ajc@jgrlaw.co.uk
Cc: idoxlicensing
Subject: Mimi's Bar, Private Members Club and Restaurant, 19 Newman Street, W1 - 14/09916/LIPV

Dear Angela,

Mimi's Bar, Private Members Club and Restaurant, 19 Newman Street, W1 - 14/09916/LIPV

We are happy for condition 24 on the current licence to be amended to three (3) SIA door supervisors, in order to promote the Licensing objectives in relation to Crime and Disorder.

The Metropolitan Police as a responsible authority, do not object.

Many thanks,

Adam.

PC Adam Deweltz
Westminster Police Licensing Unit
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Details of public representations relating to 14/09916/LIPV

Comments received electronically via PublicAccess:

- **Dr Adil Ladak - Flat 1, 39 Charlotte Street, London**
Received: 25 Nov 2014
SUPPORT

12:16 PM on 25 Nov 2014 I wish to offer my support for the above variation application.

I have supported this licensing application for a while, and I have no objections with the increase in capacity. I have seen in the report that there will be more SIA registered officers on the door and in and around the premises, this makes our streets safer.

This street is changing drastically and I would like to see more entertainment uses just as on charlotte street directly where I live.

Regards

Dr Ladak

- **Mr Jason Russell - 15, Newman Street, London**
Received: 26 Nov 2014
SUPPORT

10:48 AM on 26 Nov 2014 I would like to express my support for the above application, I think it is nice that the area is changing and that more bars and restaurants are coming to the street and general area.

The royal mail development will give the area a lift and also will enhance our printing business at No 15 Newman Street.

I hope the application is successful

- **Mr John Turay - 79 Newman Street, London, W1T 3ER**
Received: 1 Dec 2014
SUPPORT

3:10 PM on 01 Dec 2014 We think this is a good idea, we are management of the building opposite and we think it would bring extra security to the street. Newman Street is changing more hotels coming in and more from the leisure and hospitality industries coming in.

We would like to offer our support for this application and hope it gets granted.

Regards

J. Turay

Comments received via other means:

- **Paul Reynolds - Director, Crane London, 71 Newman Street**
Received: 28 Nov 2014 by Neighbour Consulted Via Letter
SUPPORT

- **Mr Charles Ajuzie - 79 Newman Street, London, W1T 3ER**
Received: 27 Nov 2014 by Neighbour Consulted Via Letter
SUPPORT



Mr Charles Ajuzie
79 Newman Street
London
W1T 3ER

25th November 2014

Westminster Licensing Team
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

RE: License Application 14/09916/LIPV Premises License Variation

To whom it may concern:

We have commented on the existing license for the above premises license. We also wish to offer our support for the variation. We are a large residential building comprising of some 80 flats opposite the road from the site and we feel that along with the many changes going on in Newman Street this Private Members Club will enhance the street as it becomes further upmarket. We know at number 20-21 there will be a brand new five star boutique hotel with Michelin star restaurants inside.

We also wish to express our excitement of these new premises and feel that with the added security presence and footfall on the street, will make the street safer.

In short, we want to show our full support for the application and we hope that the licensing team at Westminster grants the variation.

Regards

A handwritten signature in black ink, appearing to read "Ajuzie".

C. Ajuzie.
Building Manager



Paul Reynolds
Director Crane London
71 Newman Street
London
W1T 1PD

26th November 2014

**City Of Westminster
Licensing Team
4th Floor
64 Victoria Street
London
SW1E 6QP
RE**

Reference: 14/09916/LIPV

To whom it may concern:

RE: Minor Variation to the above licence.

I would like to offer my support to above application. I have previously commented on the licensing application when it was first applied for. Our company works closely with clients who like to frequent places as the one proposed. We feel that a place like this will enhance the surrounding area and make it easier for us to compete for business.

We wholly support the application and we would like to see the variation granted, we would not have a problem with the extra increase in capacity applied for.

Fathfully

**Paul Reynolds
CRANE LONDON**

TO Ryan Peermamode

REFERENCE 14/09916/LIPV

FROM EH Consultation Team, 4th Floor, City Hall

REFERENCE 14/049519/EHCT

BEING DEALT WITH BY Ms Becky Harman

TELEPHONE EXT. 5994

DATE 05 December 2014

APPLICATION TO VARY THE PREMISES LICENCE FOR THE PRIVATE MEMBERS CLUB & RESTAURANT, 19 NEWMAN STREET, LONDON, W1T 1PF

Dear Ryan,

I refer to the application for variation of the Premises Licence 14/03744/LIPN for the above premises.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following variations:

1. To add Provision of Films (indoors) from 07.00 to 00.00 Monday to Thursday and 07.00 to 3.00 Friday to Sunday.
2. To add Provision of Dance (indoors) from 07.00 to 00.00 Monday to Thursday and 07.00 to 3.00 Friday to Sunday.
3. To change the layout of the premises including adding the basement area to the license and reconfigure the staircase leading up to the toilet and first floor.
4. Increase the capacity from 150 to 280 persons.

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

1. The Provision of Films (indoors) from 07.00 to 00.00 Monday to Thursday and 07.00 to 3.00 Friday to Sunday will have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public safety.
2. The provision of Dance (indoors) Monday to Sunday 23:00 to 01:00 will have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public safety.
3. To change the layout of the premises including adding the basement area to the license and reconfigure the staircase leading up to the toilet and first floor may impact on Public safety.

4. Change to capacity will have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public safety.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises.

The applicant has provided additional information and conditions with the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

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

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

Becky Harman
Environmental Health Officer

Anand-Patel, Sumeet

Subject: FW: RE newman Street Variation application

Dear Anil

Your proposed conditions are accepted.

Kind regards

Gareth

Gareth Hughes
Barrister and Director
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7012

Mobile: ++44 - (0)7808 775835

Direct Fax: ++44 - (0)20 7307 0252

www.jgrweb.com

 [@GarethBHughes](https://twitter.com/GarethBHughes)





From: Drayan, Anil [<mailto:adrayan@westminster.gov.uk>]

Sent: 14 January 2015 14:01

To: Gareth Hughes

Cc: Owojori, Olaposi

Subject: RE: RE newman Street Variation application

Hi Gareth

I have visited the premises in the past so do not need to visit again. However I do propose the additional conditions below:

- There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
- The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- There shall be no cinema style showing of films

Please contact me if you have any queries

Regards

Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team
tel/mob 0207 641 1774
fax 0207 641 3436
adrayan@westminster.gov.uk
www.westminster.gov.uk

**Premises Management
Westminster City Council
4F, City Hall
64 Victoria Street
London SW1E 6QP**



Details of public representations relating to 14/09916/LIPV

Comments received electronically via PublicAccess:

- **Tomas Nemeč - 23 Newman Street, London, W1T 1PN**
Received: 19 Nov 2014
OBJECTION

Dear Sir/Madam,

I am a resident in 23 Newman Street, and I would like to oppose this application for the following reasons,

1) (Prevention of Crime and Disorder) Issues with drunken behaviour - almost the doubling the capacity of the club will inevitably create more opportunities for antisocial behaviour on the street. Whilst the club will logically eject any patrons that create issues, they will inevitably be left on the street leading to loud shouting and aggression. As I often work long hours, I would find it troubling to have to deal with this on the way home.

2) (Prevention of Crime and Disorder and Protection of Children from harm and Safety) Problems with drugs - It would be naive to assume that this establishment will not attract those who wish to sell illegal substances. This would create issues in the general area, and especially in Newman Passage that many residents use to move between streets. Furthermore I would like to point out that it would be the residents of the area that will bear these consequences, instead of the owners of the club. There are many children living in my building and it would be unfortunate to risk exposing them to this problem.

3) (Public Safety and Nuisance) Changing the character of the street and general area - Fitzrovia (unlike Soho) does not have many clubs, and this contributes to a more relaxed and quiet environment in the evening. This was one of the main reasons we moved to the area, and consequently it would be unfortunate to make Newman street an extension of Soho. Having this establishment will obviously create more opportunities for nuisance, such as noise, litter, and public urination - all of which are problematic to the residents.

Accordingly I kindly ask you to reject this application and reconsider the granting of the license in the first place. Please do not hesitate to contact me if you have any questions about my comments.

best wishes,

Tom

- **Mrs Hansa Bakhai - 22 Alderton Hill, Loughton, Essex**
Received: 4 Dec 2014
OBJECTION

5:29 PM on 04 Dec 2014 We have a property at 52A York House. The windows of the bedroom and kitchen are directly opposite the new private club. My objection is to the proposed variation, increasing the capacity to nearly 300 and dancing, music and NOISE till the small hours in the morning.

My tenants (and our family after they vacate) will find the NOISE intolerable as well as the screaming, laughing, shouting, drunken behaviour plus the music blaring out a nuisance as well as a safety and health hazard!

We object very strongly to this variation and insist on a peaceful enjoyment of the property we have worked hard to procure! Future tenants will also be deterred by this development.

- **Dr Timothy Mills - Flat 4, 45 Newman Street, London**

Received: 5 Dec 2014

OBJECTION

8:21 AM on 05 Dec 2014 In the 39 years I have lived in Newman Street, I have only occasionally been disturbed by the noise of taxis or people, the people usually being drunken revellers emerging from Soho at times of national celebration such as Christmas or a football match. Granting a licence variation for a private members club at 19 Newman Street that will cater for 280 rather than 150 diners, dancers and/or clubbers is likely to change life in Newman Street and other streets nearby immeasurably. The concentration of the noise of taxis, drunken revellers and merrymakers will be so great as to change the area irreparably. As it is, the area is home for many businesses and residents who greatly value its historical significance and relative tranquillity, especially when compared to the rest of the West End. It would be a terrible mistake if the unceasing buzz and din of Soho were allowed to encroach on this relatively isolated and tranquil area. If its exceptional character and historical significance are not to be lost, it is imperative that the present application be refused.

- **Ms Rania Bejjani - Flat 56, 80 Newman Street**

Received: 4 Dec 2014

OBJECTION

My name is Rania Bejjani and I am the owner and resident at Flat 56, 80 Newman Street London W1T 3ES. I am writing to formally object the application under the Licensing Act 2003 to vary the premises licence for the Private Members Club and Restaurant, 19 Newman Street W1T 1PF, reference number 14/09916/LIPV

I am objecting on the grounds of prevention of public nuisance and the prevention of crime and disorder.

Whilst I am fully supportive of developing Newman Street and I fully embrace progress and welcome improvements to Fitzrovia and Newman St in particular, I feel very strongly about the application for the variation of the licence to double the capacity of guests from 150 to 280 persons and to add dancing and performances.

I have been living in Newman Street for the last 10 years nearly. Gradually, us residents, we have been increasingly overloaded, disturbed and overwhelmed with increased noise from the various developments ranging from Berners Hotel redevelopments to the Thames Link/Extension of Tottenham Court Road station, to the Royal Mail /Rathbone place redevelopment by GPE which is currently ongoing, to the Middlesex hospital regeneration and more recently the new small boutique hotel on 20 Newman St, to name a few. This is in addition to various other smaller residential and commercial improvement projects in the street and the area. I have been stoically putting up with all this in the name of development and progress. However, there comes a point where we can no longer tolerate further noise and disruption. In addition, whilst a "development project" may eventually come to an end after some time, setting up a private members club with music dance and lots of people opposite our bedrooms would be a permanent fixture, here to stay if it were to pass.

Frankly, I can no longer tolerate any further noise, traffic, disruption, deliveries, rubbish collection and rowdy drunk people coming out of bars and clubs at the middle of the night and disrupting my sleep and impacting my health and sanity. I have had enough.

I did not object to the initial application for the Private Members club as I thought "don't make a big fuss, Rania". However, I cannot stay silent in the face of demands to nearly double capacity to 280 guests and add music, dance etc and to any extension of hours. I also have no visibility of what that also means in terms of smokers, rubbish collection, opening hours, deliveries etc and I am concerned about all these too.

19 Newman Street faces my bedroom immediately. I am personally already as it is overloaded and disturbed by noise, which even secondary glazing and double glazing on each of the dual set of windows cannot fix. I totally object the addition of noise and disruption through the doubling of capacity to 280 people and the introduction of dance, music and late opening hours.

My objection is on two grounds:

Prevention of public nuisance - the doubling of capacity, longer opening hours and the dance/music scene and performances all plainly mean there will be a significant increase of noise and light coming out of the Private Members Club throughout the evening as it operates opposite my bedroom; there will be a significant number of people coming in and out of the building at night; there will be an increase in the number of smokers lurking out outside at night opposite my bedroom window; there will be an increase in the number of rowdy merry drunk people who will sing dance chant talk loudly and stumbling down the street at night; there will be an increase in traffic, taxis and cars being parked/raved/started at night below my bedroom window, and of course there will be overall an increase in deliveries, rubbish collection, litter on street from smokers etc.

This would be very very disruptive to me and my fellow residents/neighbours and I object to that variation to licence.

-Prevention of crime and disorder - The doubling of guest capacity to 280 people, and the adding of music dance etc and potentially longer hours will also cause additional disorder and crime. We are already subjected to many problems from the neighbouring hostel on Newman St (79 Newman St), whose residents beg on the street, get drunk on the street and occasionally fight at night on the street. I fear the addition of extra people, cars, taxis etc in the building immediately opposite them at their doorsteps, will attract further increase in this anti-social behaviour and more unease unrest on our street which could potentially lead to more crime and disorder.

Further the hostel hosts some very "sensitive" characters and I also fear the additional noise will drive an even further increase in the number of "screaming fits" from these characters at night as a reaction to the extra activity and disturbance, meaning none of us will get any sleep. I also feel very concerned about having so many people (280 is a lot!!!) exiting at night in that tiny street, immediately opposite my window, having had lots of drinks then having loud arguments and fights on the street. We already have some problems with that caused by the Nordic Bar and some of the spill over from Edition Hotel. If we are now to have these extra 280 people, the scene will be totally untenable and unbearable. I totally object out of fear of additional crime and disturbance. Also, I already have a concern that a lot of staff and guests from neighbouring bars and hotels and the hostel come and find shelter on the steps of our building - 80 Newman Street - to smoke and drink day and night. As a woman, I feel regularly very uncomfortable and scared coming in at night to my own home. It is also invasive as there are too many of them at times and I feel scared.

They also leave their litter their, which devalues our building. I have placed many complaints so far with no result. I fear that this increase of guest capacity - and naturally staff - at the Members Club will further compound this problem. This also adds to my fears of crime, disturbance, noise pollution and disruption.

All in all, I feel uncomfortable with the proposed changes and fear their consequences on our lives, sleep, health and safety as residents and I object the variation on the grounds of prevention of public nuisance and prevention of crime and disorder.

- **Mr L.I. AND A.B. Watson - Flat 6, York House, Berners Street**

Received: 9 Dec 2014

OBJECTION

As the owners of flat 6 in York House, Berners Street, we are writing to express in the strongest possible terms our objection to the variation that has been requested to the terms of the licensing of the above named premises. We are already extremely unhappy about the disruption and noise pollution that will inevitably be generated by the decision to give planning permission to change

the use of these premises from their previous light industrial use to that of a private members club. When this change of use was agreed, emphasis was put on this being a small and private club with strict rules to ensure that club members do not behave in a manner that is disruptive to the surrounding residential properties. And this is further emphasised in the 'Application for a Premises Licence' dated 7th May which talks about 'limited dancing facilities', a 'sui generis class of private members club', 'a strict vetting procedure' for membership, (only) 'about 10 tables', a strict dress code', 'a total capacity of 120 people', 'NOT a dance lead facility' etc. The variation that is now proposed makes a mockery of all those promises and reassurances that were given to surrounding residents like us.

1. An increase from 120 to 280 capacity is more than double what was agreed in July and something that completely undermines all the previous assurances given that this club will be small

2. The desire to add 'the performance of dance and the exhibition of films' betrays a desire to completely change the nature of what was previously promised (i.e. a facility that would be 'sui generis', 'NOT dance lead' etc.). Note particularly the reference to 'belly dancer'.

3. There is also no reassurance in this variation application to suggest that, even if these two particular variations to the licensing are agreed, there will not be further requests in the future that piece by piece, like these two pieces, completely change the nature of what was promised and agreed in July.

- **Ms Julia Ann Langkraehr - 3 York House, 12 Berners Street, London**
Received: 9 Dec 2014
OBJECTION

Fitzrovia is a quiet and popular residential area and I have lived in the area and subsequently on Berners Street for over 11 years so I am a long time resident. The proposed Premise is directly opposite the residential area. I understand living in the city comes with some noise however this Private Members Club will increase the amount of people queuing to get in and increase the amount of people in the area at close time. It is certain that with an increase of loud and drunk customers it will be difficult to enjoy our right to a quiet residential area. Customer leaving en masse and who waiting to get into taxi's will be disruptive and very noisy. Presumably the club will have extended hours into the very early morning. This will increase the amount of traffic and type of person who will be exiting in the early morning hours. Our neighborhood is busy during the week and a quieter on the weekends. This potential members club will change the nature of the neighborhood. Increased number of people who are intoxicated and who must come outside to smoke most certainly will become loud, could be aggressive and exhibit anti-social behavior. I fear it will make the area less safe as I am a female who lives alone. We have already had an increase in traffic due to the newly opened Edition Hotel and adding another late night establishment will only cause more traffic, congestion and people queuing in the neighborhood. General traffic and parking will be negatively affected. I hope you will consider the points outlined and reject the Private Members Club license at 19 Newman Street. Please feel free to contact me if you have any questions.

- **Wendy Shillam - Chairperson, FITZWEST**
Received: 6 Dec 2014
OBJECTION

The Fitzrovia West Neighbourhood Forum is now fully constituted and operational, but awaits Westminster City Council ratification to go forward and produce a neighbourhood plan. However we already represent a large number of businesses and residents and it is in this capacity that we write to you.

Draft Planning Agenda

Our overall aim is to ensure that:

We create a liveable neighbourhood

The area supports and nurtures young and interesting businesses, to preserve an economic vitality. (Small business in Fitzrovia makes a massive contribution to Westminster's economic wellbeing.)

We safeguard and improve those aspects of the urban realm that are valued by those who live, work and elect to place their businesses here.

Fitzrovia becomes an environmentally sustainable neighbourhood, including reducing pollution, waste and needless energy use.

Application for a variation to premises licence for 19 Newman St

Local residents have approached us seeking Fitzrovia support against this licence variation. They are concerned at the proposal to nearly double the capacity of a club (from 150 to 280) that they did not want nor see the need for in the first place, as it is likely to cause even greater noise nuisance and make Newman St a less pleasant place to live.

The concerns that residents expressed in reference to the original application about late hours, and potential noise impact, are doubled. These concerns cover in particular people arriving and leaving the premises on foot, congregating in the street, waiting for taxis, taxis coming and going in the small hours with engines idling and car doors slamming. The canyon effect in Newman St, which is relatively quiet at night although very noisy in the day from traffic and building works, means that these noises will be very disruptive even if the guests are beseeched to be quiet by the club owners.

The current license was granted for a capacity of 150. This was based on a couple of reports from the applicants, addressing transport to/from the premises and acoustics - noise from the premises. These original reports assumed a capacity of 120 people, and the current application seeks to increase capacity to 280. The applicants have submitted no new evidence on the potential noise and footfall impact of this new proposal

It may well be the case that the highest peak of noise will not be significantly higher than under the existing licence (although neighbours already regard this as likely to be unacceptable at 3 in the morning) but it is clear that with twice the number of customers arriving and leaving the premises, the duration of the noise will be in that case be twice as long, and cause twice the level of nuisance.

The applicant argues that additional noise will not be a problem because people will not all arrive and depart at the same time. However, this is clearly not the case for the showing of films and sessions of dance performance, and for this reason alone these additional activities should be refused.

Residents likely to be most affected live in 15, 16, 18, and 23 Newman St on the east side, and 73, 74, 79 and 80 on the west side. New developments coming on stream in the immediate vicinity include a 34 bed hotel at 20-21 next door to the club, a residential redevelopment at 75, and the former sorting office site which will include 142 residential properties. Additional traffic noise from taxis will affect all the residents of Newman St right up to the intersection with Goadge St.

The applicant does not have planning permission for change of use of the ground floor, which is currently A1 (retail) and has not applied for it: on the contrary (see below) he has applied for permission to change the back of the ground floor to become a beauty salon. It is unclear from the drawings or the supporting statement how much of the ground floor will be given over to the club. However, it is clear that at least the front part of the ground floor will be used, and the planning permission granted for the use of part of the basement as a club does not cover the use of the ground floor now proposed.

The main arguments originally cited in favour of the club and its long hours the latter having been cited as necessary to ensure the economic viability of the Post Office - now no longer apply. The new application now suggests that the club operating under the present licence will not be economically viable. The Post Office and shop, which the club was to have helped support, is now closing in December in any case. The whole future of this site should therefore be reconsidered. The applicant has indeed applied separately for planning permission to convert the ground floor to a beauty parlour, which would appear to be an alternative to the present licence application since this latter proposes an extension of the club into the ground floor. We would much prefer to see the use as a beauty parlour over a Private Members club, although ideally we

think that existing A1 uses in Fitzrovia should be preserved and other retail uses should be pursued.

Finally, and more generally, Fitzwest do not support the principle that residents should be exposed to a steady and creeping increase in the level of noise and nuisance simply in the interests of the economic viability of a neighbouring premises which may be of little general benefit to the area. A line must be drawn somewhere as to how much nuisance is acceptable in the pursuit of economic success for a given enterprise, and we believe that, if it was not before, this line has clearly been crossed by this application for a variation, which should be refused. Residents take no confidence, from the way these applications have been handled so far, that further still more damaging concessions will not be sought in the future if the club is not successful.

We believe that, now that the ground floor is available, this is an excellent opportunity to reconsider from scratch alternative uses for the whole space which could be economically viable, and could meet our aim for the area of bringing new and interesting businesses in, without causing nuisance to neighbouring residents.

Yours sincerely
Wendy Shillam

- **Nakul Talwar - Nakul Talwar, 59 York House, 80 Newman Street**

Received: 6 Dec 2014

OBJECTION

I am writing to you today to highlight my objection in relation to the recent application from Mimi's Bar Ltd for a premises license variation to add the exhibition of films, performance of dance, to change the layout of the plans and to amend Condition 19 to increase the capacity from 150 to 280 persons. The premises is a Private Members Club with dining facilities.

I am sure you will appreciate that this variation to the application will undoubtedly have a significant impact on local residents. In particular I would like to highlight my concerns in relation to the following, whilst being mindful that the original application had been successful and this objection is specifically in relation to the requested variation.

1) Additional noise and number of people on the street at later hours of the evening and early morning that would disturb local residents.

2) The new reception area can apparently hold only about 10-15 people, so would have no impact on the numbers queuing in the street given the overall requested doubling in numbers.

3) Significant increase in taxi traffic from the increased number of people attending the venue.

I would be grateful for your careful consideration to the above mentioned concerns.

Yours sincerely

- **Dan Thompson And Lee Rhoden - Flat A, 18 Newman Street,**

Received: 8 Dec 2014

OBJECTION

I am writing to raise my objection to the amended application above. The changes will significantly impact local residents and this includes us as we live next door.

A licence was granted on 10 July 2014 (ref: 14/03744/LIPN), with a closing time of midnight Sun-Weds and 3am Thurs-Sat, with a capacity of 150 people. I objected to this application at the time

due to my concerns as to the impact of these very late hours on residents, in a street that is quiet and was disappointed that the application was granted. The premises have not yet opened and so there has been no chance to see whether our fears will be realised and these additional changes can only make us worry more as they will exacerbate the issues as the new application wants to nearly double the capacity and adds further licensable activities which opens the door for other uses of the space.

I remain worried about excessive noise - especially when people leave at 3am. The foot traffic and taxis will create noise and other issues as after alcohol people may loiter and could cause issues that prevent sleep. There is also an increased chance of trouble and people will leave mess.

I look forward to being kept informed of any developments, and will hopefully attend the hearing in due course.

- **Mrs Tracey Bower - Flat 33 York House, 1 Eastcastle Street, London**

Received: 8 Dec 2014

OBJECTION

2:51 PM on 08 Dec 2014 14/09916/LIPV ? variation of licence

Private Members Club & Restaurant, 19 Newman Street, London W1T 1PF

I object on the grounds of:

ADDITIONAL PUBLIC NUISANCE and PREVENTION OF CRIME & DISORDER

I am a resident at York House, Eastcastle Street which is part of a large residential block of 40 flats adjacent to Newman Street.

The additional/increased disturbance potentially caused by the current variation of licence application would double the capacity and the impact on noise at night. Noise from the club & noise from members as they leave the club at night would impact on our lives, sleep & health. This private members club will have people arriving and leaving the premises in the early hours, congregating in the street to smoke and waiting for taxis, with engines idling and car doors slamming.

The additional traffic, rubbish collection, parking of cars, smokers on the street would have a huge effect in Newman Street and the surrounding area which is predominately residential.

Regards

Tracey Bower

- **Cllr Glenys Roberts - 64 Victoria Street , London, SW1E 6QP**

Received: 9 Dec 2014

OBJECTION

Please note that although I supported the original application for a small, discreet members club below this premises, I do not endorse this subsequent proposal to increase the numbers.

I am aware that local residents, some of whom live directly opposite, do not want to see a significant increase in late night activity on Newman Street leading to possible nuisance and disorder.

I urge the committee to ensure the decision will protect residents interests.

- **Ms Ann Goodburn - Flat 1, 45 Newman Street, London**

Received: 6 Dec 2014

OBJECTION

7:34 PM on 06 Dec 2014 Granting a licence variation for a private members club at 19 Newman Street that will cater for 280 rather than 150 diners, dancers and/or clubbers is likely to change life in Newman Street and other streets nearby immeasurably. The concentration of the noise of

taxis and drunken revellers will be so great as to change the area considerably. 3am is a very late licence. The street and traffic noise has become unbearable during the day. Extremely loud motor bikes, blaring music from cars, lorries coming up from the Royal Mail and Cross Rail works and drilling from Fitroy Place and the new hotel opposite our building due to start in January. Being next to the traffic lights where traffic stops and people congregate is now going to make night time unbearable as well.

- **Mrs Cleide Amorim - Flat 55 York House, 80 Newman street, London**
Received: 7 Dec 2014
OBJECTION

11:45 PM on 07 Dec 2014 I strongly object to the variation of licence. 280 people is a lot to cope for a small street like Newman street where there are still a lot of residential buildings on it. The volume of cars, clients entering in and out the venue, companies delivering a high volume of goods as well as rubbish collection would all increase the noise, dust and nuisances not to mention the danger with drunk people coming out of the venue and therefore decrease the quality of life for us owners of property in this road. I have seen it happen with the refurbishment of the London Edition Hotel and now with the new construction in the old post office. It simply affect the quality of life for residents.

- **Alison Matthews - Flat 10, 23 Newma Street, London**
Received: 7 Dec 2014
OBJECTION

I am writing to make a representation in respect of the above application for a variation to a premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Introduction

I live at Flat 10, 23 Newman Street, which is three doors north of the premises on the same side. I have spoken to a number of other local residents who share my concerns as to the likely effect of this application.

A licence was granted on 10 July 2014 following an application for a new premises licence, ref: 14/03744/LIPN, with a terminal hour of midnight Sun-Weds and 3am Thurs-Sat, with a capacity of 150 people. I objected to the application due to my concerns as to the noise impact - from live music and people coming and going, and these very late hours - on residents who live close by, in a street that is otherwise usually relatively quiet when these customers would be leaving the premises. A copy of that objection is reproduced at the foot of this letter. I was very disappointed that the application was granted at all, and particularly for those hours.

The premises has not operated yet and so there has been no opportunity for the merits of the decision to be tested. The changes envisaged in this application therefore cause huge concern.

The application

The application seeks to nearly double the permitted capacity, add further licensable activities, and amend the previously approved plans. My concerns fall within the licensing objectives of prevention of public nuisance and prevention of crime and disorder, and are as follows.

Prevention of public nuisance

The chief risk of public nuisance is of noise from large numbers of people arriving and leaving the premises, shouting or talking on their phones loudly in the street, crossing the road or heading up the street away from the club in order to smoke, and from taxis and other cars coming and going in the small hours, with engines idling and car doors slamming.

The existing licence application was granted on the basis of noise and traffic reports assuming 120 people. The applicant has provided no new evidence in respect of what might happen with more than double the numbers, and with the new activities provided.

The addition of a film and dance license will lead to large numbers of people arriving and leaving the premises at the same time at the start and end time of these performances. This will clearly lead to a considerable increase in noise nuisance relative to the existing licence, which is already a cause for concern.

Even if the highest peak of noise is not significantly higher in terms of decibels than under the existing licence it is clear that with twice the number of customers arriving and leaving the duration of the noise will be longer and even more troublesome.

There will be further increased foot traffic along Newman St, and through Newman Passage, in the small hours. People leaving nearby Soho premises that close at 12 will head up to this exceptional 3am closing venue in numbers. Private membership is no barrier to this phenomenon if word gets around.

Newman St is a residential and commercial street, and the proposed club is situated where there are, and will soon be a lot more, residential properties. I understand that there are flats upstairs at at least 15, 16, 18, and 23 Newman St (my building, where there are 17 flats at the front and 6 overlooking Newman Passage) on the east side, and 73, 74, 79 and 80, the latter both with large numbers of flats, on the west side. A further 140 flats are planned on the new Rathbone Place development on the large Post Office site at the bottom of Newman St. The London Edition hotel has bedrooms backing onto Newman St, and a new boutique hotel at 20-21 is opening right next door to the club, whose guests will also suffer directly from the noise nuisance caused by the club. However, given the coming and going, and the canyon effect of noise in Newman St, the additional traffic and noise from pedestrians late at night will also affect the residents of Newman St further north, and those in Rathbone Place and Newman Passage.

The plans are unclear as to the extent of the proposed reception area on the ground floor. If it is only the front part, then this is manifestly not large enough to hold the additional press of people wishing to get in and thus to avoid queuing outside, with attendant noise problems. If it is the whole of the ground floor, what is proposed for the various small rooms on the ground floor? In either event, the applicant does not appear to have planning permission for the inclusion of these areas in the club, and a change of use from retail would have to be applied for. I do understand that planning considerations are not part of the licensing authority's remit, but planning consents do help to give more context to what is proposed, and are lacking here.

The revised plans in the application show a small outside area in the basement at the front of the premises. The current licence imposes a condition that no more than 5 smokers should be outside (the front door of) the property smoking at any one time. This condition should be broadened to make it clear that that includes that basement area, so that no more than 5 smokers altogether should be outside on the premises or outside the front door at any one time. Otherwise the basement area could become a regular smoking area with noise and fumes causing further nuisance.

Furthermore, with the increased capacity of the club, these arrangements are obviously still unsatisfactory in dealing with the potential nuisance. If there are 280 people, and say a quarter of them smoke (70 people, 5 at a time, for 5 minutes each every hour), it is likely that there will be 5 people outside smoking all the time. In fact I am sceptical as to how far such restrictions can ever be in limiting nuisance from smoking, since the club cannot stop smokers moving elsewhere in Newman St across the road, under somebody else's window thus spreading the nuisance even wider.

In the same way a doorman can do little to control potential noise or rowdy behaviour further down the street. The Nordic Bar, which is immediately next door to me, has a license only until 2 am, and a capacity of only 160, and a doorman in a high-viz yellow jacket controlling the people outside. However, he has no control over what goes on further on down the street; only last Friday night I was disturbed by extraordinary shouting and screaming from a mere three people having left the premises around midnight, brawling or perhaps embracing on the pavement some 80 yards north of the premises, while the doorman was fully occupied dealing with his half-dozen

smokers outside the bar. This illustrates that even with doormen, public nuisance, and disorder, is unlikely to be avoided.

When this happens, the noise rebounds along and up in the otherwise quiet street and echoes all the way up the street, which is relatively narrow with high buildings, and otherwise quiet at night. There is a clear risk of public nuisance from the increased probability and frequency of this happening on a regular basis with 280 people arriving at or leaving a premises throughout the night until 3am in the morning.

Prevention of crime and disorder

It was argued in relation to the granting of the original licence that the presence of a doorman would help with problems of late night security in Newman St. As noted above, however, there is not much he can do if he is guarding his own front door.

The club is directly opposite a halfway house at 79 Newman St, which has vulnerable tenants, many with drug, alcohol and mental health problems. I am concerned that the presence of such a large club opposite, with the comings and goings of large numbers of potentially well-heeled clients, will not help those vulnerable people in their recovery, and is likely to increase the risk of public disorder. At present such occasional late night disorder and noise as there is in Newman Street comes mainly from residents of the halfway house and, less frequently, from the Nordic Bar.

Westminster City Council Statement of Licensing Policy (SLP)

An application to nearly double capacity directly engages certain sections of the City Council's SLP.

The criteria in policy PN1 are explicitly stated as being particularly applicable in areas of residential accommodation and where there is residential accommodation in the proximity of the premises. The considerations under the heading 'Noise and vibration' on p.19 of the SLP state that 'stricter

conditions will be imposed on premises licences in areas that have denser residential accommodation...'

Applicants are expected under the SLP and under the Guidance (as amended) issued under s182 Licensing Act 2003 to make an assessment of the potential risks to the licensing objectives caused by the application and refer to this in their Operating Schedule. Paragraph (d) on p.20 of the SLP references measures to 'minimise and control noise from customers arriving at the premises...and departing from it.'

The Operating Schedule for the application contains no further provisions related to public nuisance other than those which are already on the licence, despite the increase in capacity. Even if Condition 24 ('A member of staff outside the premises shall help direct patrons as they leave the premises') is amended to increase the numbers of staff if there are more people present, it still seems to me to be manifestly insufficient to control public nuisance from 150 people departing so late at night, let alone 280, as noted in the case of the Nordic above.

The late hours already permitted on the licence accentuate the risk to public nuisance from the arrival and dispersal of customers, as noise after 11pm is likely to disrupt sleep. Para 2.2.12 of the SLP states that Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves... Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

This is exactly what I am afraid will happen

For the reasons stated, I am opposed to the application being granted on the basis that it would be inappropriate for the promotion of the licensing objectives to do so, particularly as the licence already granted has never been used and so the effect of the hours, current capacity and permitted activities is not yet known.

I look forward to being kept informed of any developments, and would like to attend the hearing in due course.

Yours sincerely,
Alison Matthews

- **Mr Zafar Khalid - 2 York House, 12 Berners Street**

Received: 9 Dec 2014

OBJECTION

I live in York House nearby and on the basis of what I have learnt I wish to put forward my strong objections to the proposals. There are a number of reasons why. I have learnt from other establishments that have been operating that these objections are well founded and the proposal referred to above is for an even bigger in many ways and therefore a more objectionable request. Firstly the location is right opposite a residential area. This will prevent people from being able to sleep. There will be people queuing up and also when people leave individually or en masse at closing time this will cause more disruption. People will take time to leave and the period of disturbance will hence stretch from 10.30 to 3.30 and beyond in the morning on weekends and probably weekdays. Whether a weekend or a weekday this is not reasonable. Secondly there will be intoxicated people and all the associated problems associated. This may involve making more noise than usual, aggressive or generally being a nuisance. I have also experience people urinating on the streets which is unpleasant especially outside your house. Thirdly, There will be much more traffic. People will park close by and if taking taxis there will be more taxis stopping and starting. This will take up residents parking places as resident permits are not 24 hours. People will also congregate outside their vehicles and this will result in talking while waiting usually louder hence causing more disturbance. Fourthly, there will be more service visits required for the venue for instance rubbish collection and clearance. Bottles which are at present heard being disposed during early hours and other disposal and delivery services will lead to disruption. Fifthly, the venue will attract undesirables. If you go to most late night venues there is usually a number of people outside either selling rickshaw or taxi services or other unwanted items. This is unreasonable.

People will generally believe the street in question is most affected and this is probably the case however other side streets often suffer more as people tend to loiter and wait or smoke or wait outside their cars and talk or shout loudly.

I have experienced greater numbers of people at unsociable hours due to the Edition Hotel and also Sanderson Hotel being open later. This has lead to on many occasions having to call the hotel or at early hours visit the hotel to object. This is not a pleasant or reasonable thing to expect.

- **Rami Fustok - Newman Assets Limited , 20-21 Newman Street**

Received: 9 Dec 2014

OBJECTION

We have planning permission to operate a boutique hotel from 20-21 Newman Street, immediately next door to the applicant's premises. Indeed the proposed front door of the applicant premises is approximately 2 meters from the entrance to the hotel. In addition many of the hotel bedrooms will overlook Newman Street, with the attendant nuisance to guests that may well be caused by club members, their guests and the guests of management. We have been made aware of the premises licence variation application at the above premises and make a representation on the following grounds: Prevention of crime and disorder and Prevention of public nuisance. There are a number of concerns we have with the application and in the supporting documentation as recorded on the City of Westminster Licensing Register. In Brief, these are:

The proposed amendment to the capacity (condition 19) is not set out in 'section M' of the application form. There is an amendment to condition 24 specified, but not the capacity. A statement in box 'a' of section M states: 'The Licensing Committee of the City Council imposed 44 conditions onto the Premises Licence when granted in July 2014 and it is felt that these conditions are sufficient to achieve compliance with the four licensing objectives.' It is therefore

submitted that there is no application to amend the capacity as purported in the description of the variation and therefore the capacity should remain as stated in condition 19 at 150.

The application, amending the grant in July of this year appears premature in any event.

The nature of the purported changes, including significant changes to the location of the entrance and reception area and purported changes to capacity mean that this application should have been made by way of a new application and not a variation.

The application would appear to be applying for hours on a Thursday outside of the planning permission hours granted.

Prevention of Public Nuisance

We have significant concerns that this application has been made without proper consideration of the likely effects they will have on residents in the vicinity and guests of the hotel of the proposed variation.

Reliance on letter dated 7 May 2014

As part of the application the solicitors for the applicant have re-submitted this letter originally submitted as part of the previous application. They seek to rely upon it to support this application.

Their noise assessment is based on a total capacity of 120 people (page 3). The considerable increase of customer numbers has not resulted in a new assessment and it is incumbent upon the applicant to demonstrate that this increase will not have any impact or undermine the licensing objectives. This has simply not been done. An additional 130 persons on top of the maximum 150 the licensing committee saw fit to impose on the licence by way of condition 19 will have a significant effect, both in terms of ambient noise in the premises, levels of music to be heard over the ambient noise and significantly increased noise caused by customers coming and going. No testing/ analysis has been carried out or reports amended to take this into account.

Number of smokers permitted outside

Currently condition 41 limits the number of patrons outside to 5 smokers at any one time. With the premises almost doubling their capacity, the likelihood is that this capacity will be reached on a continuous basis on busy nights, thereby potentially causing nuisance to hotel guests up to, and after, 3am on Friday, Saturday and Sunday mornings.

'Individual events'

The letter dated 11 November supporting the application talks about individual events, without any sense as to how often they can be expected, numbers attending, times or even activities. Given that the end operator is not known (see below), we are concerned that there can be no guarantees given by the applicant that such events would not undermine the noise nuisance objective, no matter who the operator is.

Crime and Disorder

The documents submitted in support of the application (including plan) disclose a small dining room on the first floor with 28 covers. The letter dated 7 May refers to the basement having 'about 10 tables with a maximum of 10 people per table'. There is also reference to a DJ booth. 'Light food' is referred to as being served in the basement without any reference to what this means.

There is also no condition requiring guests to take table meals during their stay (except between 7 and 10am, i.e. for breakfast). It is natural therefore to conclude that as the evening gets later, the premises will become a drinking club with more emphasis on alcohol and (perhaps) entertainment. Westminster's Licensing policy recognises that premises should move away from being predominantly reliant on sale and supply of alcohol. This proposed significant increase in capacity, with the attendant problems caused by customers leaving in greater numbers, can only result in more disturbance and more potential from crime and disorder given the lack of controls on how the premises operates. The increase in capacity proposed will have a significant effect in terms of members, guests etc, coming and going. This will inevitably result in increased 'visibility' of the club and the potential from crime and disorder affecting staff and guests in the hotel, in particular given the very close proximity of the entrance to the hotel to the club's entrance.

There is also a hostel across the road at 79 Newman Street that caters for people with mental health issues and drug and alcohol dependency. This could lead to potential conflict which would only be exacerbated with a higher profile club with larger capacity.

General concern affecting both prevention of crime public nuisance objectives
In the supporting letter of 11 November 2014, the solicitors for the applicant state that the premises licence holder is not an experienced club operator and will be looking to bring in an 'individual or company' who currently operates 'high-end' clubs within Westminster/ Kensington & Chelsea. No further detail is provided as to whom is considering taking on the club. The variety and type of 'high end' club in Westminster alone is vast in terms of offer, nature of clientele/ members, likelihood of hosting private functions, numbers of member's guests (which in itself can be used as a means of letting anyone into the premises on any given night without membership) and provision of entertainment (the letter refers to ballet or belly dancers, by way of example of potential types of performances of dance). Without significantly more detail about the eventual operator, it is impossible to properly assess the application and the likelihood of the undermining of the licensing objectives. Further, regardless who will eventually operate the club the number of people entering and leaving at closing with the additional transportation needed for these customers will no doubt cause noise pollution and disruption to the hotel and its guests. Without this detail, we respectfully submit, the applicant cannot give any kind of guarantee that the objectives will not be undermined by the eventual operator. This becomes a bigger concern if the eventual operator ends up running a significant number of private parties, where the significant increase in the number of potential guests could lead to very real nuisance and crime and disorder issues.

Given the above, we do not feel that the application should be granted. In particular, we feel that the increase in capacity is likely to undermine the above licensing objectives. The lack of any real detail as to who will operate the club lead us to the conclusion that conditions cannot be added that would, at this stage, allow us to say that the variation promotes the licensing objectives.

- **Miss Sara Jaafar - 12 Berners street, 10 York house, London**

Received: 5 Dec 2014

OBJECTION

6:29 PM on 05 Dec 2014 To whom it may concern,

I would like to object to this planning application.

Given the size of the venue (which was doubled !!) and the activities to happen there which as I understand is performance of dance and music, this will have a major negative impact on the residents of York house.

This will majorly impact our lives, sleep, health, value of our properties and would also impact our rental value (noise from the club, noise from members as they leave the club at night, additional traffic, rubbish collection, parking of cars, smokers on the street)

The other point which I would like to raise are the security issues (drunk/ drugged people) that could arise from this. We already have had major issues in the past (mainly because of the hostel shelter at 78 or 79 Newman street) with people accessing our building in some way or another, doing crack in our basement, sleeping in our lobby etc etc

So there is the potential impact on our neighbouring hostel which already hosts a number of sensitive characters and the potential consequence of more begging by the hostel guests, getting even more drunk on street, more screaming at night etc).

I am feeling increasingly unsafe in my own home and this project will only make things worse. There is the potential of having an increasing number of drunk ppl on the street chanting talking fighting (has already happened with the club at the edition and I couldn't sleep until 4am while having work the next day)

*Given that were a considerably big block and the lives of hundreds of people could be altered because of this project, I would urge you to reconsider
Thanks and best regards*

Sara Jaafar

- **Cllr Paul Church - c/o Westminster City Council, 64 Victoria Street, London**
Received: 8 Dec 2014
OBJECTION

3:50 PM on 08 Dec 2014 As the Ward Councillor for West End Ward, I very strongly object to this application.

I feel that any increase in capacity and extension of use would be very likely to lead to an increase in public nuisance and noise.

Newman Street is a residential street in Fitzrovia and I, alongside many local residents were astounded that the original application was passed, so I find it astonishing that the applicants now wish to almost double capacity.

This is, I believe an example of 'licensing creep', whereby the venue is seeking to turn a quiet, residential street into something altogether different. There are no venues on this street, or in the immediate area, that have anywhere near a similar capacity to that proposed.

I would also like to see the current condition that only five smokers be allowed in any area outside the venue at any one given time to ensure that loopholes are not found whereby other areas may be opened up and Newman Street residents have to put up with more noise.

In summary, this application would be bad for Fitzrovia and I do not support it at all.

- **Leslie Moran - Flat 2 , 45 Newman Street**
Received: 8 Dec 2014
OBJECTION

I strongly object to the application to amend the premises licence. The proposal relates to a major revamp of the original applications; almost doubling capacity and expanding use. The new proposal can no longer be described as a small private members club. The plans show a large increase in the size. They also suggests that the application for extension of purpose to dancing and film showing has little substance as there is no evidence that the space planned can accommodate these facilities; despite doubling in size when it comes to the scale of the venue. The argument that the original proposal is unviable as a result of further talks with funders is unconvincing. I had a long conversation with the proposer of the original plans. He assured me backers were in place, perfectly satisfied with the plans. When I discussed the original proposal I did raise the issue of the entrance. He told me he had fully consulted on the point and an entrance adjacent to the current Post Office/shop entrance was more than adequate. There is no evidence of any change. The 'dispensing machines' argument is not supported by any evidence. Likewise there is no evidence that financial viability of this project has any links to the need for a licence to show dance, especially the types of dance referred to in the supporting documents: 'ballet' and 'belly dancing'. The choice of these examples as activities associated with a high status 'private club' is dubious. The demand for consent to show film is equally without evidence or merit. Newman Street is a narrow already congested street. Congestion is worst in the area of the premises that are the subject of this application. There is a busy junction, a pedestrian crossing, car parking close to where cars and taxis will deposit and collect customers. The street's narrowness also means that noise from late night revellers reverberates. This proposal will add significant extra traffic to this quiet area.

While it is mixed use most of the businesses work office hours. While busy during the day the significant residential population benefits from the evening/weekend calm. The existing entertainment premises are already a problem; noise and anti social behaviour. These will be increased by this proposal. This is the thin end of a wedge making Newman Street have the very worst aspects of nearby Soho. If that happens the quality of life will be radically diminished.

- **Mr Ian Barnes - Flat 10 , 23 Newman Street, London**

Received: 8 Dec 2014

OBJECTION

The existing licence is already unsatisfactory, in carrying a risk of public nuisance from the noise from people arriving and particularly leaving late at night, and the noise, smells and litter from smokers outside. To nearly double the existing proposed numbers from 150 to 280, and add further activities, before we have even seen the effects of the existing licence, and whether the applicant or his operators can effectively control the behaviour of guests coming and going (which I seriously doubt) would be a disaster. The capacity sought for this club is well in excess of that of similar nearby establishments; the London Edition's function room in Berners Street is licensed only for 220, and the Nordic Bar in Newman Street for 160. The proposal for such a large-scale club, operating to such late hours, is inappropriate for a residential street which is generally blessedly quiet at night, although there is considerable traffic and, for the foreseeable future, building noise during the day. We can't catch up on sleep lost at night, because of the noise in the daytime!

- **Linus Ress - Director And Trustee Of Amenity Society For Fitzrovia, Fitzrovia Neighbourhood Association**

Received: 9 Dec 2014

OBJECTION

Local residents in Newman street approached us for help & a meeting was held to discuss the application.

We would like to object to the application to increase the capacity from 150 to 280.

The ground for objecting is that the applicant failed to demonstrate that that it will prevent public nuisance to residents/business in the vicinity[Policy PN1]

1. The original application was accompanied by a noise and transport assessment report, assuming a maximum capacity of 120 people.

The new application, with alternation to the front reception area, and a proposed substantial capacity increase from 120 to 280 is not accompanied by similar reports.

The applicant should have produced evidence to back up his claim that the significant increase in capacity would not result in creating significant public nuisance.

2. The applicant argues that a revised reception area should be sufficient to ensure that no patrons would be congregating at street level.

An examination of the plan attached to the application shows that this reception area is unlikely to accommodate more than 12 people vs increased capacity of 130!

3. The applicant wishes to provide facilities for shows, films and dance.

This would be likely to lead to a 'wave' of people arriving/departing at the same time before/after the 'event', something which is less likely to happen if such facilities are not provided. We oppose this provision.

4. The residents expressed concerns re: smoking facilities.

A condition imposed for 5 smokers at the time, which might have been adequate for 120 or 150 people, but not for 280 people.

5. Public Nuisance:

People coming/going, cars, engine starting revving, shouts, loud talking- incl people on using their smartpones. Car movement- impacting everyone in Newman Street, one reason being the one way street working of Newman street.

6. residents:

living directly opposite, next, at the rear; Nos 15/6 23 73/4 80, a new hotel at 21, and forthcoming Rathbone Place -142 residents.

The area is an 'opportunity area' for hotels, a new planning application for another hotel is being consulted.

So the proposed increase in capacity is likely to cause public nuisance to an increasing number of residents and hotel guests, and would likely to have an economic impact on the viability of those hotels.

The author of this comment always checks, when booking a hotel, whether there are any late night establishment in the immediate vicinity of the hotel, and the fact that at weekends, there are 280 people coming and going till 3am is very likely to be a determining factor for choosing a hotel.

LICENSING SUB-COMMITTEE No.2

Thursday 10th July 2014

Membership: Councillors Nickie Aiken (Chairman), Susie Burbridge and Nick Evans

Legal/Policy Adviser: Anita Sharman
Senior Committee and Governance Officer: Naomi Stauber

Relevant Representations: Two residents in support
Four businesses in support
Environmental Health
Fitzrovia Neighbourhood Association opposing application
Five residents opposing application

Present: Gareth Hughes – JGR Law
Councillor Glenys Roberts
Amin Thobani (Applicant)
Anil Drayan (Environmental Health Officer)

Private Members Club & Restaurant, 19 Newman Street, W1T 1PF

14/03744/LIPN

1. Regulated Entertainment (Indoors):

Live Music: Thursday to Saturday 23:00 to 01:00

Recorded Music:

Sunday to Wednesday 07:00 to 00:00

Thursday to Saturday 07:00 to 03:00

Amendments to application advised at hearing: None

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application which sought a new premises license under the Licensing Act 2003 to operate as a private members club and restaurant from the basement to the first floor levels of the premises.

Mr Gareth Hughes, representing the Applicant Company, introduced the application and reassured Members that extensive consultation had been carried-out amongst local residents, Westminster Ward Members and the Environmental Health Service.

He further informed Members that the applicant had agreed the following revised hours for the Sale of Alcohol (On the Premises): Sunday to Wednesday 07:00 to 23:30 (as detailed below).

Members also noted that the applicant had agreed an additional condition which had been proposed by the Fitzrovia Neighbourhood Association, detailing that a doorman outside the premises shall help direct patrons as they leave the premises. However, in agreement with Members, the reference to “doorman” was replaced with a reference to “a member of staff”.

In response to questions from the Sub-Committee regarding the intended clientele and membership costs, Mr Hughes confirmed that the establishment would be looking to attract professionals in their 20s – 50s. However, membership costs had not been confirmed. Mr Hughes estimated that a figure in the region of £400 per year would be usual for the type of establishment intended.

The Sub-Committee sought clarification in respect of why the club’s management might require a condition permitting them to allow a number of non-member guests which could total up to 10% of the total capacity? In response, Mr Hughes explained that the management would wish to do so in order to allow a group of non-members to experience the facilities on a specific occasion, with a view to becoming paid members.

The Sub-Committee also queried why the applicant would seek to serve alcohol as early as 07:00 hours? Mr Hughes explained that club members may wish to utilise the club for breakfast and/or an early morning meeting and, perhaps, order a ‘bloody Mary’ or similar morning drink containing alcohol whilst doing so. Mr Hughes agreed with Members that it would be reasonable to add a condition specifying that the consumption of alcohol between the hours of 07:00 – 10:00 hours shall be ancillary to a table meal.

The Chairman invited Councillor Glenys Roberts, West End Ward Member, to address the Sub-Committee. Councillor Roberts confirmed that she was supportive of the application, but requested that the Sub-Committee take appropriate measures to address the following two points:

- To limit the number of smokers permitted outside the premises at any one time to 5 people; and
- To ensure that guests are accompanied by a member of the club at all times.

Mr Hughes confirmed that additional conditions addressing the above points would be acceptable to the applicant and these were agreed accordingly.

Mr Anil Drayan, Environmental Health Officer, explained the reasoning for the conditions proposed, as detailed in the schedule of draft conditions attached to the licence. The Sub-Committee were broadly in agreement with Mr Drayan, but considered that certain amendments were necessary.

RESOLVED:

After careful consideration, the Sub-Committee granted the application, subject to additional and amended conditions attached to the licence as detailed below.

The following **additional conditions** shall be added to the licence:

“Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time”

“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”

“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”

“The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal”

The following **amended conditions** (as in bold) shall be added to the licence:

*“There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. **A copy of such rules, and any updated version of such rules, shall also be sent to the Council’s licensing service”***

*“No persons under 18 years of age to be permitted on the premises **after 23.00 hours”***

*“The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, **but shall not exceed 150 persons”***

“No intoxicating liquor should be sold or supplied on the premises other than to:

- a) *Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. **Guests must be accompanied by a member at all times.***
- b) *Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of **1 year** and made available for inspection by the responsible authorities on request. **Such functions shall be limited to no more than 12 per year.***
- c) *Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.*
- d) *Bonafide guests of the management a total number at one time not exceed 10% of total capacity of the premises as specified in the fire risk assessment. A list of such guests to be kept at reception for inspection by the appropriate authorities.*
- e) ***No person shall be admitted to membership of the private club or be***

entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

2. Late Night Refreshment: Indoors

Sunday to Wednesday 23:00 to 00:00
Thursday to Saturday 23:00 to 03:00

Amendments to application advised at hearing: None

Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below (see reasons for decision).

3. Sale of Alcohol: On the Premises:

Sunday to Wednesday 07:00 to 00:00
Thursday to Saturday 07:00 to 02:30

Amendments to application advised at hearing:

The Sub-Committee were advised that the applicant had agreed the following revised hours:

Sunday to Wednesday 07:00 to 23:30
Thursday to Saturday 07:00 to 02:30 (as above)

Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below (see reasons for decision).

4. Opening Hours:

Sunday to Wednesday 07:00 to 00:00
Thursday to Saturday 07:00 to 03:00

Amendments to application advised at hearing: None

Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below (see reasons for decision).

Conditions attached to the Licence

1. 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.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)

(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(7)

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
8. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.

12. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

13. 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.
14. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should

be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

15. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.
16. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.
17. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
19. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
20. 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.
21. No persons under 18 years of age to be permitted on the premises save during permitted hours before 23.00 hours whilst taking a table meal.
22. The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, **but shall not exceed 150 persons.**
23. No intoxicating liquor should be sold or supplied on the premises other than to:
 - a) Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.
 - b) Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
 - c) Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.
 - d) Bonafide guests of the management a total number at one time not exceed 10% of total capacity of the premises as specified in the fire risk assessment. A list of such guests to be kept at reception for inspection by the appropriate

authorities.

- e) No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
26. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
27. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed.
28. 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, which 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. 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.
32. 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.
33. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
34. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
36. 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.
37. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
38. 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.

39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
42. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
43. 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.
44. A member of staff outside the premises shall help direct patrons as they leave the premises.
45. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
46. 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.
47. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Description



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