



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 19th July, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Peter Freeman
Rita Begum



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk Tel: 020 7641 2783

Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. CENTURY CLUB, 61-63 SHAFTESBURY AVENUE, LONDON, W1D 6LQ

(Pages 1 - 94)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|---|-------------|----------------------------|
| 1. | West End Ward / West End Cumulative Impact Area | Century Club, 61-63 Shaftesbury Avenue, London, W1D 6LQ | Variation | 18/03894/LIPV |

2. ME HOTEL, 335 STRAND, LONDON, WC2R 1HA

(Pages 95 - 168)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---------------------------------------|-------------------------------|-------------|----------------------------|
| 2. | St James's Ward / not in a cumulative | ME Hotel, 335 Strand, London, | Variation | 18/06018/LIPV |

| | | | | |
|--|-------------|-------------|--|--|
| | impact area | WC2R 1HA | | |
|--|-------------|-------------|--|--|

3. 9A IRVING STREET, LONDON, WC2H 7AT

(Pages 169 - 190)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|------------------------------------|-------------|----------------------------|
| 3. | St James's Ward / West End Cumulative Impact Area | 9A Irving Street, London, WC2H 7AT | Variation | 18/03647/LIPV |

4. AM 2 PM. 122-124 CHIPPENHAM ROAD, LONDON, W9 2AD

(Pages 191 - 214)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|--|-------------|----------------------------|
| 4. | Harrow Road Ward / Not in a cumulative impact area | AM 2 PM, 122-124 Chippenham Road, London, W9 2AD | Variation | 18/06093/LIPV |

5. PANCS, 32 THE MARKET, COVENT GARDEN, LONDON, WC2E 8RE

(Pages 215 - 236)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|---|----------------------|----------------------------|
| 5. | St James's Ward / West End Cumulative Impact Area | Pancs, 32 The Market, Covent Garden, London, WC2E 8RE | New Premises Licence | 18/05781/LIPN |

Stuart Love
Chief Executive
13 July 2018

In considering applications for premises licences under the Licensing Act 2016, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2016.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2016.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

| | |
|--------------------|---|
| Item No: | |
| Date: | 19 July 2018 |
| Licensing Ref No: | 18/03894/LIPV - Premises Licence Variation |
| Title of Report: | Century Club 61-63 Shaftesbury Avenue London W1D 6LQ |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | West End |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Sam Eaton Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 12 April 2018 | | |
| Applicant: | Century Club Limited | | |
| Premises: | Century Club | | |
| Premises address: | 61-63 Shaftesbury Avenue London W1D 6LQ | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | According to its website the Century Club is a private members club first opening its doors in 2001. The premises benefits from Soho's largest rooftop terrace, with views taking in the heart of the West End. | | |
| Variation description: | <p>The application is as follows:</p> <ol style="list-style-type: none"> 1) To increase the terminal hour for all activities on Thursday, Friday and Saturdays to 03.00 on the day following and to increase the opening hours 03.30 on the day following. 2) To update condition 28 to bring it in line with Westminster's model condition as follows: <p style="margin-left: 40px;">An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following</p> <ol style="list-style-type: none"> A. all crimes reported to the venue B. all ejections of patrons C. any complaints received concerning crime and disorder D. any incidents of disorder E. all seizures of drugs or offensive weapons F. any faults in the CCTV system, searching equipment or scanning equipment G. any refusal of the sale of alcohol H. any visit by a relevant authority or emergency service. 3) To add the following condition: <p style="margin-left: 40px;">There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturdays, save for smokers, after 01.30</p> | | |
| Premises licence history: | The premises have benefitted from a licence since July 2016. A full history can be found at Appendix 2. | | |
| Applicant submissions: | The applicant submissions can be found in Appendix 3. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|--|-----------|----------------|------------------|--|------------|
| Regulated Entertainment | | | | | | |
| Indoors, outdoors or both | | Current : | | | Proposed: | |
| | | Indoors | | | No Change | |
| Exhibition of films | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 01:00 | No Change | | Ground, First, Second, Third & Fourth Floor. | No change. |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | 10:00 | 03:00 | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | No Change | | | |
| Seasonal variations: | Current: | | | Proposed: | | |
| | None. | | | None. | | |
| Non-standard timings: | Current: | | | Proposed: | | |
| | From the end of trade on New Year's Eve to the start of trade on New Year's Day. | | | No change. | | |
| | The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | | | | | |
| | On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00. | | | | | |

| Playing of Recorded Music | | | | | | |
|------------------------------|---|-----------|----------------|------------------|--|------------|
| Indoors, outdoors or both | | Current : | | | Proposed: | |
| | | Indoors | | | No Change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 01:00 | No change | | Ground, First, Second, Third & Fourth Floor. | No change. |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | 10:00 | 03:00 | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | No change | | | |
| Seasonal variations: | Current: | | | Proposed: | | |
| | None. | | | None. | | |
| Non-standard timings: | Current: | | | Proposed: | | |
| | <p>From the end of trade on New Year's Eve to the start of trade on New Year's Day.</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.</p> | | | No change. | | |

| Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit | | | | | | |
|--|-----------------|------|----------------|------|--|------------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | Unrestricted | | Unrestricted | | Ground, First, Second, Third & Fourth Floor. | No change. |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | | | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | None. | | | | No change. | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | None. | | | | No change. | |

| Late night refreshment | | | | | | |
|------------------------------|--|-------|----------------|-------|--|-----------|
| Indoors, outdoors or both | | | Current : | | Proposed: | |
| | | | Indoors | | No change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 01:30 | No change. | | Ground, First, Second, Third & Fourth Floor. | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | 23:00 | 01:00 | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | None. | | | | None. | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | From 23:00 on New Year's Eve to 05:00 on New Year's Day. | | | | No change. | |
| | The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | | | | | |
| | On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00. | | | | | |

| Sale by Retail of Alcohol | | | | | | |
|---------------------------|---------------|---|------------------------------|-------|--|------------|
| On or off sales | | | Current : | | Proposed: | |
| | | | Both on and off the premises | | No change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 01:00 | No change. | | Ground, First, Second, Third & Fourth Floor. | No change. |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | 10:00 | 03:00 | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | 10:00 | 00:30 | No change. | | | |
| Seasonal variations: | | Current: | | | Proposed: | |
| | | None. | | | None. | |
| Non-standard timings: | | Current: | | | Proposed: | |
| | | <p>From 23:00 on New Year's Eve to 05:00 on New Year's Day.</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.</p> | | | No change. | |

| Hours premises are open to the public | | | | | | |
|---------------------------------------|---|-------|----------------|-------|--|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 01:30 | No change. | | Ground, First, Second, Third & Fourth Floor. | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | 08:00 | 03:30 | | |
| Friday | | | | | | |
| Saturday | | | No change | | | |
| Sunday | 08:00 | 01:00 | No change | | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | None. | | | | None. | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | <p>From 23:00 on New Year's Eve to 05:00 on New Year's Day.</p> <p>The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.</p> | | | | No change. | |

| 1-D Conditions being varied, added or removed | |
|--|--|
| Condition | Proposed variation |
| <p><u>Condition 28:</u></p> <p>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:</p> <p>(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.</p> | <p>To be amended to:</p> <p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:</p> <p>(a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.</p> |
| <p>To add the following condition:</p> <p>There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturdays, save for smokers, after 01.30.</p> | |

2. Representations

| 2-A Responsible Authorities | |
|--|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Anil Drayan |
| Received: | 4 th May 2018 |
| <p>I refer to the application for variation of the Premises Licence, 17/12226/LIPRW, for the above premises which is located in the West End Cumulative Impact area.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> To increase the terminal hour for all activities on Thursday, Friday and Saturday's until 03:00 daily and opening hours until 03:30. To update condition 28 to bring it in line with WCC's model condition To add a new condition: <ul style="list-style-type: none"> There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturday's, save for smokers, after 01:30. <p>I wish to make the following representations:</p> <ol style="list-style-type: none"> The proposed increase in hours for all activities may lead to an increase in Public | |

Nuisance in West End Cumulative Impact area

2. No representation raised
3. No representation raised in principle but condition only relevant if part 1 is granted.

Although a premises history check of Environmental Health's database shows no recent history (last 2 years) of nuisance complaints made against the premises the applicant is advised to submit a noise nuisance assessment in accordance with Appendix 11 of Westminster's Statement of Licensing Policy.

The application is also contrary to Cumulative Impact Area policy and no further information has been provided to demonstrate 'exception' to policy the least of which must be an Appendix 11 assessment.

The applicant is requested to contact the undersigned to arrange a site visit to discuss the application after which Environmental Health may propose additional conditions.

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Adam Dweltz |
| Received: | 18 th April 2018 |

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

Due to the extension of hours, this application will need to be heard before the Licensing Sub-Committee.

| | |
|-------------------------------|--------------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Steve Rowe |
| Received: | 2 nd May 2018 |

I write in relation to the application submitted for a variation of the premises licence for Century Club, 61-63 Shaftesbury Avenue.

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

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

This variation application seeks the following:

- * To increase the terminal hour for all licensable activities on Thursday, Friday and Saturday until 03:00.

- * To update condition 28 to bring it in line with WCC's model condition
- * To add a new condition which reads as the following:

There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturday, save for smokers, after 01:30.

The current terminal hour for licensable activities on Thursday, Friday and Saturday are as the following:

- * Exhibition of Film: Thursday to Saturday from 10:00 to 01:00
- * Recorded Music: Thursday to Saturday from 10:00 to 01:00
- * Supply of Alcohol: Thursday to Saturday from 10:00 to 01:00
- * Late Night Refreshment: Thursday to Saturday from 23:00 to 01:30

The premises is located within a Cumulative Impact Area and as such a number of policy points needs to be considered, namely CIP1, HRS1 and PB2.

This application seeks to add a further two hours to the operating hours for licensable activities, that are already way beyond Westminster's Core Hours policy. Policy PB2 states that "it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Area other than applications to vary within the Core Hours". Paragraph 2.5.23 of the Council's Statement of Licensing Policy 2016 states that "the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Area should be limited to exceptional circumstances".

It will be for Members to determine whether the applicant has provided any genuinely exceptional circumstances that would allow to depart from policy.

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

Please accept this as a formal representation.

| 2-B Other Persons | |
|--|--|
| Name: | Jane Doyle |
| Address and/or Residents Association: | The Soho Society St Anne's Tower 55 Dean Street London W1D 6AF |
| In support or opposed: | Opposed |
| Received: | 9 th May 2018 |
| <p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.</p> <p>About The Soho Society</p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The</p> | |

society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

The premises seek to increase the terminal hour for all activities on Thursday, Friday and Saturday until 03.00, and opening hours until 3.30, and to update condition 28 of the current licence.

The Soho Society would object to the increase in the terminal hour to 3.00 as it is outside policy and it fails to promote the licensing objective on the following grounds:

Crime and disorder:

It is well documented that the consumption of alcohol late at night increases the level of violent crime, public order offences, theft, robbery, sexual offences, property damage and antisocial behaviour. Soho crimes figures show overall high levels of all crimes (550 March 2018) compared to the adjacent areas of Covent Garden (337) and West End Chinatown (182) respectively. The majority of these crimes are committed at night. Over the past few years Soho has seen a significant increase in crime and disorder and in particular drug dealing and drug taking on the streets.

Prevention of public nuisance

There are private homes in nearby buildings, and residents in the surrounding area are already subject to noise and general nuisance every night of the week. Shaftesbury Avenue is at the heart of Soho's late night economy with numerous restaurants, bars and entertainment establishments, the area is densely populated at night with people drinking on the street, creating loud levels of noise, disturbance and other antisocial behaviour. This is compounded by pedicabs parked outside premises in the hope of attracting customers, playing loud amplified music adding to the noise nuisance. I would also point out that whilst the application says people will not be admitted after 1.30 pm on Thursdays, Fridays and Saturdays, save for smokers, it does not address potential problems with dispersal at 3.30 am.

The premises is subject to a condition that alcohol can only be sold to members and bona fide guests. The Council's most recent Statement of Licensing Policy clarifies that being a proprietary private club is not, of itself, sufficient to demonstrate an exception to policy.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community.

Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and also cumulative impact in the West End Cumulative Impact Area.

However, should the Committee decide to grant this licence, we would also like to see a condition added that no deliveries take place between 11 pm and 7.30 am. Please let me know if any proposals are made to amend the application; particularly in respect of the opening hours.

| | |
|-------------------------------|---------------|
| In support of opposed: | Support |
| Received: | 26 April 2018 |

With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. As a founding member of Century Club over 15 years ago I have seen the Club develop and firmly believe it is a positive enrichment to Soho.

It is a creative and cultural hub attracting a range of members a high proportion of whom work and live nearby. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.

The Club ensures members inside the premises enjoy themselves and when they leave, Century does everything possible to ensure there is no disturbance.

Most buildings nearby are businesses — theatres, restaurants, retail, offices - and as far as I am aware there are very few residential properties in the immediate vicinity.

I wholeheartedly support Century's application for extended opening hours.

| | |
|-------------------------------|---------------|
| In support or opposed: | Support |
| Received: | 26 April 2018 |

With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. As a daily visitor to Soho, and as someone who conducts business in the area, I see the extended opening hours as a positive enrichment to the area, in keeping with the tone of the local environment.

Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.

I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.

I have been a member of Century Club for several years, and wholeheartedly support their application for extended opening hours. The club is a fantastic place, and members are very respectful of the club, the surrounding areas, and the neighbouring businesses and residents.

| | |
|---|---------------|
| In support or opposed: | Support |
| Received: | 01 May 2018 |
| <p>I have been visiting Century Club in Shaftesbury Avenue since 2002, shortly after its opening. Initially I was simply a guest then later took membership. My business is based in London and I regularly take guests, both business and personal, to Century both through the day and in the evening as it offers a relaxed and friendly environment. My business interests are varied and include funding an annual music event. As such I value the creative and cultural hub provided by Century Club within Soho. It reflects the mix of the local community and many members are resident in the local area. It also supports local interests.</p> <p>With respect to the application to extend the licensing hours, I fully support it. Each week as we move towards the weekend I have found the relatively early closing somewhat limiting when my guests and I are relaxing there. The club is a very safe environment, well managed and excellently staffed and with a discerning membership so I see no prospect of the licence extension causing issues in terms of safety, crime or inappropriate behaviour. In the many years for which I have been a member I have not witnessed a single incident that concerned me.</p> | |
| In support or opposed: | Support |
| Received: | 30 April 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of that work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> <p>I have been a member for just over a year and I can honestly say it has been the best decision I have made. I have friends who are members at other clubs but Century really holds that home like feel and with it being so hidden the disturbance as it is, is next to nothing. I urge you to really consider their application as I whole heartedly believe in its vision, its passion to perform and all it brings to the area. I spend a lot of my time here,</p> <p>I bring friends, family and clients and for me, it would make a huge difference if hours were extended.</p> <p>You should check it out, you'd be pleasantly surprised with it as it's not one of those member clubs...everyone is welcome at Century.</p> | |
| In support or opposed: | Support |
| Received: | 30 April 2018 |
| <p>I understand the above Club has applied to extend its opening hours.</p> <p>As a resident of Westminster who also works in the Borough I would like to record my support of the application. It is my view that the same is entirely in keeping with and would enhance the enjoyment of the local area and all its facilities.</p> | |

Century Club has a mix of members of many ages and backgrounds enjoying its many facilities in a safe and comfortable environment. I understand that the Club actively supports the local community through its relationships with local businesses, organisations and residents. It hosts creative and cultural activities and actively promotes upcoming artists and musicians. It offers good dining, socialising and entertaining opportunities for all its members and it is only fair and reasonable that these should be enjoyed beyond its current hours along with many other business operating in the area — particularly as it is so carefully and well managed.

In support or opposed: Support

Received: 02 May 2018

I am writing in relation to the licensing application for The Century Club at 61-63 Shaftesbury Avenue. I understand the Century Club has recently applied for a new premises license to regularise the licensing position, so as to extend their licensable operation hours until 3am. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.

As a resident of Creative Artists Management (55-59 Shaftesbury Avenue), which is in close proximity to the Club, I am fully supportive of their plans and feel content this this won't have a negative effect on myself or my neighbours. Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself. I fully support a new premises license at the venue.

Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm atmosphere.

The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.

In support or opposed: Support

Received: 21 May 2018

With regards to the licence for Century Club's extended opening hours, as a member, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.

Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.

I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.

In support or opposed: Support

Received: 21 May 2018

With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.

Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.

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| I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance. | |
| In support or opposed: | Support |
| Received: | 17 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 02 May 2018 |
| <p>I am writing in relation to the licensing application for The Century Club at 61-63 Shaftesbury Avenue. I understand the Century Club has recently applied for a new premises license to regularize the licensing position, so as to extend their licensable operation hours until 3am. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.</p> <p>As a resident of WIJ 7BU, which is in close proximity to the Club, I am fully supportive of their plans and feel content this this won't have a negative effect on myself or my neighbors. Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself. I fully support a new premises license at the venue.</p> <p>Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm atmosphere.</p> <p>The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for the century clubs extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps take to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |

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| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members as well as some high profile and quite famous guests, both UK based and from the US and other countries. There are also those who work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents.</p> <p>The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance. As a member of the club for at least ten years I see this proposal as a vital contribution to the area's nightlife for the future.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>I am writing with regard to the license application for an extension to the Century Club's opening hours, I would like to add my voice in support of the club's proposal and what they are trying to achieve locally in the Soho area.</p> <p>I have now been a member for four (4) years and have seen for myself how they are endeavouring to create a cultural hub to attract a wide variety of members which has made for an increasingly thriving and productive environment.</p> <p>In my time, I am not aware of any issues with regard to late night noise and the management team are always professional and courteous to the club's clientele and, if the extension is granted as I strongly feel that it should be, I am sure they will continue to perform in the same manner.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment. I am the C.E.O of the London Lifestyle Awards and have been celebrating the city and the amazing Lifestyle businesses London has for 9 years. The Century Club has been a finalist in the London Lifestyle Awards many times. Each time we look at the Century Club as part of our selection process we find a business that is exceptionally well run and one that we are always proud to celebrate. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit and entertain.</p> <p>Century Club does act as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity as I did for many years. Century actively supports the local community through its relationships with local businesses, organisations and residents.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |

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| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Clubs extended opening hours, I would like to add my support. I see it as a Positive enrichment to Soho and in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of which, including me, work or live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. In my experience, the nature of the clientele and the professionalism of the management and door staff make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and, when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>I am writing to you about the license for Century Club's proposed extended opening hours, I see Century as a positive and essential part of the spirit of Soho and very much cohesive with the creative and vibrant tone of the local neighbourhood. I work and socialise in Soho everyday and I feel that Century Club acts as a much needed creative and cultural hub attracting a diverse range of members - a high proportion of us work and live in the immediate vicinity.</p> <p>I have seen the work that they have done actively supporting the local community through its relationships with local businesses, organisations and residents and feel their approach goes above and beyond the expectations I had previously.</p> <p>I'd like to add that as a member of the LGBTQIA+ community I have found Century to be a safe space for our community arguably more so than some of the other licensed soho establishments who claim of be allies of my diverse & colourful community. This sense of reassurance goes from the exceptional clientele that come here, and my confidence reaches further into the professionalism demonstrated by the management and door staff who ALWAYS make my frequent visits Century Club a safe and pleasant place to visit.</p> <p>I am extremely confident about the steps they take to ensure members inside the premises enjoy themselves and that when they decide to leave, Century Club does everything possible to ensure there is no disturbance and I as a member take my personal conduct seriously as we all feel we are part of the soho community who respect the spirit of the local area.</p> | |
| In support or opposed: | Support |
| Received: | 17 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment. I have been a member for many years and am confident that the professionalism of the club management and the professional nature of its members has ensured that the Club sits comfortably in its environment in Soho Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves</p> | |

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| and when they leave, Century Club does everything possible to ensure there is no disturbance. | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 17 May 2018 |
| <p>I gather the Century Club has recently applied for a new premises license to regularise the licensing position, so as to add the 4th floor to the premises in line with the planning permission for the property. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.</p> <p>As a resident of Dean Street in Soho, which is in close proximity to the Club, I am fully supportive of their plans and feel content this this won't have a negative effect on myself or my neighbors. Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself and my friends. I fully support a new premises license at the venue.</p> <p>Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm and informal atmosphere.</p> <p>The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>I would like to add my support for the above venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of that work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |

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| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture as a member of the club since it opened its doors and former Soho resident. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members and guests - a high proportion of those work and live in the immediate vicinity. It also serves as, in my opinion, the best space in Soho to conduct meetings with my very high profile clients and a haven for them to discuss and develop their creative ideas - a large amount of which add value to London's huge cultural profile internationally. Extended hours will enhance the opportunities for them to do more of this.</p> <p>Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>I am writing in relation to the licensing application for The Century Club at 61-63 Shaftesbury Avenue. I understand the Century Club has recently applied for a new premises license to regularise the licensing position, so as to extend their licensable operation hours until 3am. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.</p> <p>As a resident of 77 Shaftesbury Avenue, which is in close proximity to the Club, I am fully supportive of their plans and feel content this won't have a negative effect on myself or my neighbours. Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself. I fully support a new premises license at the venue.</p> <p>Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm atmosphere.</p> <p>The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.</p> | |
| In support or opposed: | Support |
| Received: | 2 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make</p> | |

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| <p>Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 10 May 2018 |
| <p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. As a member at the club for the past five years I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p> | |
| In support or opposed: | Support |
| Received: | 17 May 2018 |
| <p>I am writing with regard to the application for extending the opening hours to the Century Club in Shaftesbury Avenue. I should like to add my support to this venture as I consider it in keeping with the rest of the locale and a considerable enhancement to the Soho 'neighbourhood.'</p> <p>Over the years that I have been a member, the Club has flourished as a creative and cultural hub. It welcomes a wide range of members - a high proportion of whom, like me, have business interests in the vicinity.</p> <p>The Century provides a valuable location, with its ever-improving facilities, for local companies operating in Soho and those visiting the area where there is a high concentration of prominent media and associated businesses.</p> <p>For me, the Century is a member's club which provides a safe and enjoyable haven in which to meet both business contacts and friends. It is an important venue for events too.</p> <p>Thanks to the ethos of the club, the like-minded clientele and the professionalism of the management team and staff, I am confident that the Century will do everything, as they already do, to ensure that there will be no disturbance as a result of any extension to the present opening hours.</p> <p>As a long-standing member, I should like to see the Club be able to prosper and flourish. That's the reason that I am lending my support.</p> | |
| In support or opposed: | Support |
| Received: | 10 May 2018 |
| <p>I am writing in relation to the licensing application for The Century Club at 61-63 Shaftesbury Avenue.</p> <p>I understand the Century Club has recently applied for a new premises license to amend their licensing position, so as to extend their licensable operation hours until 3am. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.</p> | |

As a resident of 5-6 Coventry House, Rupert Street, which is 200 metres from Club, I am fully supportive of their plans and feel content this this won't have a negative effect on myself or my neighbors. I can attest to the fact that Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself. I fully support a new premises license at the venue.

Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm atmosphere.

The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.

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| In support or opposed: | Support |
| Received: | 17 May 2018 |

In write in reference to the application which has been made, to you, from the Century Club in which it seeks your approval and consent in extending its licensing hours.

I would like to add my support to this application. Having been a member of the Century Club for over ten years, I have seen many changes; most notably during the last four years when the club appointed Ronald Hamburg as its new General Manager. Under Ronald's leadership the club has gone from strength to strength and has proactively engaged with the local community and theatre-world.

I have no doubt that an extension to the club's opening hours can only be positive, and indeed enriching to Soho. The management and its team take the reputation of the club very seriously, which includes it acting in a manner in keeping with the tone of the local environment.

Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit. The Century Club also provides a safe and welcoming venue to registered actors and staff who work in the local theatres, most often they do not leave work until after 10.30pm, and this extension would be most welcomed by them.

I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.

3. Policy & Guidance

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| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy CIP1 applies: | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas</p> |
| Paragraphs from Statement of Licensing Policy 2.4.10 - 2.4.12: | Paragraphs 2.4.10 to 2.4.12 of the Councils Statement of Licensing Policy state that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact and will not be considered to be exceptions to cumulative impact area policies simply because the premises prevent access by general members of the public. |
| Policy PB2 applies: | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. |

4. Equality Implications

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

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

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

5. Appendices

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| Appendix 1 | Premises plans |
| Appendix 2 | Current Licence |
| Appendix 3 | Applicant supporting documents |
| Appendix 4 | Premises history |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

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| Report author: | Ms Sam Eaton Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk |

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

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

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| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | May 2018 |
| 4 | Application form | 12 th April 2018 |
| 5 | Representation - Environmental Health | 4 th May 2018 |
| 6 | Representation – MET Police Service | 18 th April 2018 |
| 7 | Representation – Licensing Authority | 2 nd May 2018 |
| 8 | Representation | 26 th April 2018 |
| 9 | Representation | 26 th April 2018 |
| 10 | Representation | 1 st May 2018 |
| 11 | Representation | 17 th May 2018 |
| 12 | Representation | 2 nd May 2018 |
| 13 | Representation | 2 nd May 2018 |
| 14 | Representation | 2 nd May 2018 |
| 15 | Representation | 2 nd May 2018 |
| 16 | Representation | 2 nd May 2018 |
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| 25 | Representation | 2 nd May 2018 |
| 26 | Representation | 2 nd May 2018 |
| 27 | Representation | 9 th May 2018 |
| 28 | Representation | 10 th May 2018 |
| 29 | Representation | 10 th May 2018 |
| 30 | Representation | 10 th May 2018 |
| 31 | Representation | 10 th May 2018 |
| 32 | Representation | 21 st May 2018 |
| 33 | Representation | 21 st May 2018 |
| 34 | Representation | 21 May 2018 |
| 35 | Representation | 30 th April 2018 |
| 36 | Representation | 30 th April 2018 |

Applicant Supporting Documents

- Applicant Introduction
- Membership Brochure & Benefits
- Noise Report
- Photos
- Menus

CENTURY CLUB, 61-63 SHAFTESBURY AVENUE- APPLICATION FOR VARIATION

The Premises

Opening their doors in 2001, The Century Club private members club encompasses the perfect place to work, relax and unwind in the heart of Soho. It is discreetly hidden behind their modest front door on Shaftesbury Avenue and named "Century" after their one hundred steps to four floors of exclusive member's facilities. Entrance to the premises is by way of a buzzer door system, or by swiping the membership card at the front door, and once entrance is gained by members they are greeted by a receptionist at the top of the entry stairs to welcome them and direct them to where they want to go in the building.

The Variation

The variation application submitted seeks to extend the terminal hour for all activities on Thursday, Friday and Saturday from 01:30 until 03:00.

A last entry time of 1.30am is offered by way of condition to demonstrate that the extension of hours is not seeking to attract new patrons/members to the premises after the existing time the premises closes. The extension is sort to allow existing members to remain within the premises til the end of their evening, rather than leave and seek entertainment elsewhere in the West End.

A further condition is offered stating that "On Thursday Friday and Saturdays there shall be a minimum of 1 SIA on duty at the Premises from 22.00 until 15 minutes after the last patron leaves"

Membership

For clarity, this premises will continue to be a genuine members club and the licence is subject to WCC's model membership conditions. The Century Club Membership Scheme is not a token process. It is well established and it is difficult to obtain membership, with waiting lists in place for long periods.

To apply for membership, a person must be recommended by an existing member or by the board and provide a significant financial commitment. There is a minimum of 48 hours between a person being nominated and being granted membership to allow enough time for a thorough evaluation of their application.

Membership Renewal is NOT automatic and are reviewed by the Renewal Committee on an annual basis. This process ensures that its members conduct are constantly reviewed- and members, in order to be renewed, must adhere to the premises' standards and codes of conduct throughout the year. This is a further check on the conduct of members and promotion of the licensing objectives.

Members are able to take advantage of a number of privileges; from a curated schedule of member's events, including talks, networking drinks, private screenings, art exhibition openings and a variety of seasonal parties, amongst monthly complimentary live performances; the very best music, film and comedy.

Representations

Representations against the application have been received from the Police, Environmental Health, Licensing and one local residents association (the Soho Society).

These representations relate to policy, and in respect of the Police and Environmental Health there are no issues of actual noise complaints or crime and disorder concerns at the venue.

Century Club has a full complement of regulated entertainment, and this is really used for member's events. Century Club is not a nightclub environment and does not promote crowded areas. It has a proven track record of being able to regulate the consumption of alcohol internally with its members and does not have a history or reputation for drunkenness or irresponsible behaviour.

The premises operate as an all day operation. Members attend for breakfast, lunch and dinner, to work, have business meetings (conference rooms are available), and for members activities throughout the day.

The premises are laid out with comfortable seating and tables and chairs and there is waitress service throughout the venue.

Century has operated for a vast number of years without any issues and the absence of any complaint history which we believe demonstrates how well run this premises is operated. The applicant employed an independent noise consultant to conduct a noise survey at the premises and details of their findings can be seen in the noise report attached at Appendix B. The report demonstrates that the extended use of the premises shall not cause any nuisance to the neighbouring properties in the early hours of the morning.

The club operates very discreetly and is very popular with its members and its' neighbouring premises. As a result, 29 people took time out of their busy lives to support the application. We would hope that the support received will go some way in demonstrating the fondness of this premises.

Transport

The site is well served by a variety of modes of public transport including the underground stations at Tottenham Court Road, Charing Cross and Piccadilly Circus, situated a few minutes' walk away and several bus stops on Shaftesbury Avenue.

Further, the premises have a long standing working relationship with the local taxi offices and already have the following condition on their licence to address this matter: *'...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.'*

Uber taxis and black cabs are readily available immediately outside the front of the premises.

Westminster City Council Licensing Policy

In accordance with the City Council's policy, this premises operate as a bona fide private members club.

At paragraph 2.3.10 the policy states that 'in the past qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises.....' We would agree and further state that Century's members have not been the cause of any crime and disorder which is a direct result of the club's notoriously difficult membership process.

Further, our members are asked to provide a significant financial commitment when joining and it is always their intention that their membership is for the long term. In turn, our members respect the club and its rules which also contributes to the fact that our premises has not been a cause of concern for the responsible authorities. Paragraph 2.4.9 of the Council's policy reinforces this sentiment and states "...long standing membership which is valued by the member and gives a real incentive for the club to promote the licensing objectives in its neighbourhood".

TENS

The premises has enjoyed a 3am terminal hour under temporary event notices on no fewer than 20 Friday and Saturdays in the last three years. The later time has caused no cause of concern whatsoever.

2015

- 05.12 - TEN permitting licensable activities until 03:00. No issues.
- 12.12 - TEN permitting licensable activities until 03:00. No issues.
- 13.12 - TEN permitting licensable activities until 03:00. No issues.
- 19.12 - TEN permitting licensable activities until 03:00. No issues.
- 20.12 - TEN permitting licensable activities until 03:00. No issues.

2016

- 07.02 - TEN permitting licensable activities until 03:00. No issues.
- 23.04 - TEN permitting licensable activities until 03:00. No issues.
- 15.05 - TEN permitting licensable activities until 03:00. No issues.
- 26.06 - TEN permitting licensable activities until 03:00. No issues.
- 31.07 - TEN permitting licensable activities until 03:00. No issues.
- 10.09 - TEN permitting licensable activities until 03:00. No issues.
- 30.10 - TEN permitting licensable activities until 03:00. No issues.
- 05.12 - TEN permitting licensable activities until 03:00. No issues.
- 19.12 - TEN permitting licensable activities until 03:00. No issues.
- 31.12 - TEN permitting licensable activities until 03:00. No issues.

2017

- 10.06 - TEN permitting licensable activities until 03:00. No issues.
- 27.10 - TEN permitting licensable activities until 03:00. No issues.
- 28.10 - TEN permitting licensable activities until 03:00. No issues.
- 19.12 - TEN permitting licensable activities until 03:00. No issues.
- 30.12 - TEN permitting licensable activities until 03:00. No issues.
- 31.12 - TEN permitting licensable activities until 03:00. No issues.

2018

- 11.03 - TEN permitting licensable activities until 03:00. No issues.
- 31.03 - TEN permitting licensable activities until 03:00. No issues.
- 24.03 - TEN permitting licensable activities until 03:00. No issues.
- 10.06 - TEN permitting licensable activities until 03:00. No issues.

Additional Condition

The applicant, in working alongside the Responsible Authorities and reassuring the Soho Society that this application is not an attempt to attract even more members to the premises each weekend, is also offering a reduction of 50 patrons in the overall capacity within the extended hours being applied for.

The capacity condition currently reads:

15. The number of persons accommodated at any one time, (excluding staff) shall not exceed:

- *First Floor - 125 persons*
- *Second Floor - 220 persons*
- *Third Floor - 150 persons*
- *Fourth Floor - 150 persons*

With no more than 550 persons on the premises at any one time.

The proposal for this capacity condition would read:

15A On Sundays to Wednesdays, the number of persons accommodated at any one time, (excluding staff) shall not exceed:

- *First Floor - 125 persons*
- *Second Floor - 220 persons*
- *Third Floor - 150 persons*
- *Fourth Floor - 150 persons*

With no more than 550 persons on the premises at any one time

15B On Thursdays, Fridays, Saturdays from 23:00 to closing the number of persons accommodated at any one time, (excluding staff) shall not exceed:

- *First Floor - 125 persons*
- *Second Floor - 220 persons*
- *Third Floor - 150 persons*
- *Fourth Floor - 150 persons*

With no more than 500 persons on the premises at any one time.

Conclusion

In summary, the effect of this variation is simply to members who are already in the club to remain on the premises until 03:00 and encourage a staggered exit of persons between 01:30 and 03:00. The customer base is mature. There have been no incidents of concern from the responsible authorities or residents. There is no record of nuisance against the

premises. A reduction in capacity on the nights the extension of hours is sort is offered from 23.00.

The Sub-Committee is therefore respectfully asked to permit the variation sought.

Appendices:

A: Membership Brochure and Benefits

B: Noise Report (attached as seperate submission)

C: Photos

D: Menus





THE CLUB



Opening our doors in 2001, Century has enjoyed welcoming a plethora of people from the arts, fashion, media and entertainment industries, offering them a stylish and vibrant members club, encompassing the perfect place to work, rest, and play in the heart of Soho.

Billed as London's 'best kept secret', Century is a calm oasis from the frenzy of central London, acting as a haven for the discerning drinker, offering delectable cocktails, and gastronomic delights, all wrapped up in a chic, vogueish setting.

Discreetly hidden behind our modest front door on Shaftesbury Avenue, you will find four floors of exclusive member's spaces, including our signature rooftop terrace, the largest in Soho, with views taking in the heart of the West End.



I use the Century Club at least two or three times every week. It's great to get some head space from the office, meet a potential or current client over breakfast or socialise with colleagues and friends

Nick Braund, PHA Media



Century is a real haven in the heart of Soho – a great place to meet professional contacts in style, plough through work in comfort, and grab drinks with friends after hours. The lovely staff will always remember your name and make you feel welcome, and the roof is a particular treat in the summer. I joined to get through co-writing a book and have never been able to bring myself to part with my membership.

Heidi Blake, BuzzFeed

ANNUAL

- £750 per annum

* OUT OF TOWN

- £550 per annum
- All accepted applications are subject to a £250 initial joining fee. To be paid in full upon joining.
- *Out of town includes those that live/work overseas

CENTURY



UNDER 30

- £400 per annum

JOINT

- £1350 per annum
- All accepted applications are subject to a £250 initial joining fee. To be paid in full upon joining.



EVENING (OVER 30)

- £400 per annum .

EVENING (UNDER 30)

- £300 per annum
- Evening memberships are subject to a £100 joining fee.



MEMBER BENEFITS

- Meet and intermingle with more than 2,000 members in the film, TV, Music, Media, Theatre and Marketing industries.
- 30% off private hire fee, when booking any of our spaces, including meeting rooms.
- Access to our 24/7 Membership Concierge Service, powered by Matrix.
- Access to Soho's largest rooftop terrace – an oasis in the middle of the city, complete with retractable glass roof.
- Access to our reciprocal Private Members Clubs include New York, Munich, Vancouver, Paris, Manchester and Shanghai.
- A dedicated contemporary art program with two revolving exhibition spaces and the Club's own permanent art collection with works by Nick Relph, Julia Pfeiffer, Daniel Sinsel and Ryan Mosley amongst others.
- Stylish and varied rooms for informal dining, meeting and entertaining.
- A curated schedule of member's events, including talks, networking drinks, private screenings and a variety of parties.
- Complimentary access to live performances; showcasing the very best music, film and comedy.



RECIPROCAL CLUBS



GRIFFIN CLUB
LA, USA



CLUB BRASS
Manchester, UK



SAINT JAMES PARIS
Paris, France



MONTAUK CLUB
New York, USA



HEART HOUSE
Munich, Germany



VANCOUVER CLUB
Vancouver, Canada



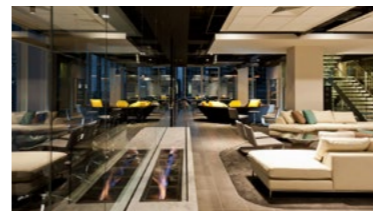
WINGTIP
San Francisco, USA



TOWER CLUB
Singapore, Malaysia



HOUSE 17
Luxembourg



CANDELA NUEVO
Melbourne, Australia



THE STACK
Cape Town, South Africa



LAMBAY ISLAND CLUB
Dublin, Ireland



FOOD



Century menus are designed by our in-house Executive Head Chef Ghani. Having worked in some of the most prestigious Michelin-star restaurants in London, Ghani uses the freshest seasonal produce to create exciting selections of signature canapés, small-plate style dishes to fine dining menus, which are packed with intense flavours and diverse textures.



DRINK





Our dedicated mixologists are always on hand to deliver a full spectrum of traditional beverages and Century signature cocktails, these unique creations are inspired by 100 years of filmmaking. Whether it's the allure of the Hollywood leading lady or the adrenaline of the fast-paced action, we've bottled some of our favourite moments & poured them into a chilled glass.


centuryclub.co.uk

membership@centuryclub.co.uk

020 7534 3080

 [CenturyClubSoho](#)

 [@CenturySoho](#)

 [@century_soho](#)



WELCOME TO CENTURY

Century Club offers wonderfully varied and sophisticated facilities, luxuriously spread over the four floors of this historic building. From the morning until the early hours, our members are able to work, relax, present, meet, party, dine and more - six days a week. With our committed and passionate team, Century Club really is your relaxed yet elegant home away from home.

BENEFITS

Being a Century Member entitles you to a range of privileges:

- Meet and intermingle with more than 2,000 members
- Access to our sought-after prime central London location (over 15,000 sq ft. in size)
- Access to our Century Member Concierge Service, powered by Matrix Concierge
- Soho's largest rooftop terrace - an oasis in the middle of the city (all-weather)
- A welcoming atmosphere to relax, eat, drink, work and socialise
- A fantastic selection of food & beverages
- Stylish and varied rooms for informal dining, meeting and entertaining
- A curated schedule of member's events, including talks, networking drinks, private screenings and a variety of parties
- Complimentary access to live performances; showcasing the very best music, film and comedy.
- Four guests may accompany a member, at any time*
- Regular member's offers and event invites straight to your inbox
- Access to our reciprocal Private Members Clubs include Manchester, LA, Paris and many more to follow in 2018.
- Flexible, multi-functioning spaces, available to hire for corporate, social and private events
- 30% discount on room hire rates for members, when booked directly with the club
- Complimentary high speed WiFi access throughout

*subject to Membership events







Luciano
Fabro
100
disegni





APÉRITIFS

**A GLASS OF
PERRIER JOUËT BRUT NV**
12.5

NEGRONI
Tanqueray gin, Campari
& sweet vermouth 11

MARTINI
Gin or vodka & vermouth

RAMOS GIN FIZZ
Tanqueray, sugar syrup,
orange flower water, egg white,
half & half, topped with soda 6.5

APEROL SPRITZ
Aperol, Prosecco & soda 10.5

BLOODY MARY
Vodka, Bloody Mary mix
& tomato juice 10.5

TO SHARE

**CENTURY SOURDOUGH
BREAD**
with house butter 3

MOROCCAN HUMMUS
warm pitta bread & za'atar (v) 5.5
add pitta 1

**PECORINO & TRUFFLE
MIX NUTS (v) 4**

GIANT GREEN OLIVES
rosemary & orange peel (vg) 3.5

SMOKED ALMONDS
(vg) 3.5

CURED MEAT PLATTER
cornichons & grilled bread 16

FORMAN'S SMOKED SALMON
caper berries, chive cream
cheese & grilled bread 12

STARTERS

**HERB CRUSTED
SCALLOPS**
new potato &
shimenji mushrooms 10

CHARRED OCTOPUS
rose harissa,
cassava charcoal,
lemon yoghurt & samphire 12

**SHERMOULA ROASTED
CAULIFLOWER SALAD**
organic quinoa tabouleh (vg) 8

**ASPARAGUS &
WILD MUSHROOM RAVIOLI**
with walnut & sage (vg) 12/18

BRAISED SHORT RIB OF BEEF
potato mousseline
& smoked yolk 10

SALADS

ARTICHOKE & FENNEL
black olive &
baby leaf (vg) 8

WALDORF SALAD
chicory & Rocket salad,
pear, walnut & Colston Basset
dressing (v) 8/12

**BLYTHBURGH HAM
HOCK & DUCK EGG**
green beans, salad leaves,
hazelnut &
honey dressing 8/12

CORONATION CHICKEN
free range chicken, gem &
baby leaf salad, curry, apricot
& almond 11/14

MAINS

ORGANIC SUFFOLK QUINOA & SWEETCORN BURGER
barrel aged feta, brioche bun, tomato & urfa chilli jam,
lemon yoghurt & fries (v) 15

PENNE ARRABBIATA (v) / TIGER PRAWN
penne pasta, tomato, chilli, basil & parmesan 12/15 *Gluten Free Available*

FRESH TAGLIATELLE CARBONARA
pancetta smoked yolk & parmesan 14 *Gluten Free Available*

COD LOIN WITH CHORIZO
cannellini beans, silverskin onions & parsley 19

BAKED SALMON
Romanesco, kefir, cauliflower & smoked salmon gnocchi 22

BARBARY DUCK BREAST
potato pavé & confit leg, almond purée & grillotine cherries 18

ROASTED CELERIAC & SHIITAKE
monksbeard, jerusalem artichoke, celeriac & walnut crumbs (vg) 14

SIDES

SWEET POTATO FRIES
(vg) 4.5

BABY GEM
caesar dressing
& parmesan 4.5

TENDERSTEM BROCCOLI
edamame & sesame (vg) 4.5

POTATO FRIES (vg) 4

**CREAMY MASHED
POTATO (v) 4.5**

ORGANIC MIXED GREENS
ginger & soy (vg) 4.5

BUTTERED SPINACH
(vg) 4

FROM THE JOSPER GRILL

**RUMP OF LAMB FROM
DUCKLINGTON FARM**
shallot purée & rosemary jus 20

**MATURED DRY AGED
ABERDEEN ANGUS
BEEF BURGER**
Brioche bun, tomato relish,
cured bacon, montgomery
cheddar & fries 17

**30 DAY DRY AGED SPEYSIDE
ABERDEEN ANGUS 13oz
RIB EYE STEAK 28**

**25 DAY DRY AGED SPEYSIDE
ABERDEEN ANGUS 7oz
FILLET STEAK 30**

Béarnaise or Green Peppercorn Sauce +£2

CIGARS



PARTAGAS SERIE D' NO. 4

BOLIVAR SUPER CORONAS LE 2014

COHIBA MADURO MAGICOS

COHIBA SIGLO II -

MONTECRISTO NO. 2

MONTECRISTO NO. 4

MONTECRISTO OPEN JUNIOR

ROMEO Y JULIETA SHORT CHURC

ROMEO Y JULIETA NO. 2 TRANSIT

PUNCH PETIT CORONATIONS T/P

TRINIDAD VIGIA

H.UPMANN HALF CORONA

HOYO DE MONTERREY EPICURE NO. 2

POR LARRANAGA MONTECARLOS

Prices available upon request

DRINKS MENU



TAPAS



5PM - 11PM

VERY SMALL PLATES

| | |
|--|-----|
| GIANT OLIVES orange & rosemary (vg) | 4 |
| PECORINO & TRUFFLE MIXED NUTS | 4 |
| SMOKED ALMONDS (vg) | 3.5 |
| EDAMAME Maldon salt (vg) | 4 |
| WASABI PEANUTS | 3.5 |

SMALL PLATES

3 plates for 12

| | |
|---|------|
| SZECHUAN AUBERGINE sweet chilli & crispy shallots (vg) | 4.75 |
| MOROCCAN HUMMUS (v) rose harissa & pita (Additional pita £1) | 5.5 |
| COD BRANDADE olive tapenade & croutons | 4.75 |
| MORCILLA DE BURGOS potato & smoked yolk | 5.5 |
| FORMAN'S SMOKED SALMON pickled fennel & radishes | 6 |
| COPPA & Jospier grilled bread | 5 |
| SPECK & Jospier grilled bread | 5.5 |
| CHORIZO & potato croquettes with aioli | 4.5 |
| BURATTA DI BUFALA (v) & dukkah | 5 |
| GRILLED TOULOUSE SAUSAGE honey & wholegrain mustard | 6 |

MORE PLATES

| | |
|---|----|
| DEEP FRIED SQUID harissa mayo | 7 |
| CURED MEAT PLATTER with cornichons & grilled bread | 16 |
| NEALS YARD CHEESES | 10 |



COFFEE



| | |
|------------------|-----|
| AMERICANO | 4 |
| ESPRESSO | 3 |
| DOUBLE ESPRESSO | 4 |
| MACCHIATO | 3.5 |
| DOUBLE MACCHIATO | 4 |
| LATTE | 4 |
| CAPPUCCINO | 4 |
| MOCHA | 4 |
| FLAT WHITE | 4 |
| ICE COFFEE | 4 |
| HOT CHOCOLATE | 4 |

LOOSE LEAF TEA



| | |
|-------------------|-----|
| ENGLISH BREAKFAST | 3.5 |
| EARL GREY | 3.5 |
| FRENCH EARL GREY | 3.5 |
| BLUE MOUNTAIN | 3.5 |
| GORGEOUS GEISHA | 3.5 |
| JUST CHAMOMILE | 3.5 |
| JUST PEPPERMINT | 3.5 |
| WHITE JASMINE | 3.5 |
| ROOIBOS RED | 3.5 |
| CHAI | 3.5 |
| GREEN TEA | 3.5 |



BEER & CIDER



| | |
|--|------|
| PERONI | 4.75 |
| PILSNER | 5.25 |
| 1936 | 5.25 |
| BREWDOG DEAD PONY PALE ALE | 5.5 |
| BREWDOG NANNY STATE (non-alcoholic) | 5.5 |
| PORETTI 5 | 5.75 |
| BREWDOG PUNK IPA | 6 |
| CIDRE BRETON | 6.75 |

SOFT DRINKS



| | |
|---|------|
| COKE | 3 |
| DIET COKE | 3 |
| SODA / TONIC / SLIMLINE TONIC | 3 |
| LEMONADE | 3 |
| GINGER BEER/ALE | 3 |
| SELECTION OF JUICES | 3 |
| ACQUA PANNA - STILL & SAN PELLEGRINO SPARKLING WATER | 4.75 |

CHAMPAGNE



| | | |
|------------------------------------|-------|--------|
| | 125ml | Bottle |
| PERRIER JOUET BRUT NV | 12.5 | 70 |
| PERRIER JOUET ROSE NV | 17 | 90 |
| PERRIER JOUET BELLE EPOQUE | | 200 |
| PERRIER JOUET BELLE EPOQUE ROSE | | 240 |
| VEUVE CLICQUOT YELLOW LABEL NV | | 90 |
| VEUVE CLICQUOT ROSE NV | | 105 |
| RUINART ROSE NV | | 120 |
| RUINART BLANC DE BLANC NV | | 145 |
| KRUG, GRANDE CUVÉE NV | | 220 |
| LOUIS ROEDERER CRISTAL 2007 | | 395 |
| DOM PERIGNON 2006 | | 350 |
| DOM PERIGNON 2006 MAGNUM | | 800 |

PROSECCO



| | | |
|-----------------------------------|-------|--------|
| | 125ml | Bottle |
| PROSECCO BRUT, Stelle D'Italia | 8.75 | 38 |



A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu



More extensive wine list available upon request
A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu

SIGNATURE COCKTAILS



Paying tribute to our home here in the West End, we thought it was time to pay homage to our beloved neighbouring musicals.

FAVOURITE THINGS 14.5

The Sound of Music



With distinctive Austrian flavours, this cocktail will have you Von Trapped. So sit a while, unwrap some brown paper packages & indulge in our very own favourite things.

Walnut Infused Courvoisier, Apricot Liqueur, Cherry Liqueur, Chocolate Bitters

ROMEO & JULIET 14.5

West Side Story



In fair New York, where we lay our scene a choice sits before you, could you pick between brotherhood & love? Cast yourself to the streets of New York and pick a side. Will you favour the Jets, or the Sharks?

JETS

Bulleit Rye, Cointreau Noir, Lillet Blanc, Chocolate Liqueur

SHARKS

Havana 7, Banana Liquor, Pineapple Juice, Double Cream, Lime Juice, Sugar Syrup

EMERALD CITY 15

The Wizard of Oz



Sit back & hold tight whilst we whisk you away to the magical land of OZ. No need to worry about your lack of courage, IQ or emotion. The cast might have left you the goods along the yellow brick road.

Bols Genever, Apple Juice, Peach Puree, Cream de Cacao, Passionfruit Syrup, Elderflower Cordial

STOMP 14.5

Stomp



Broomsticks, pots, pans & garbage cans. What will be your preferred musical instrument to stomp this night away?

Mount Gay Black Barrel, Banana Liqueur, Apricot Puree, Blueberries, Mango Syrup, Lime Juice



A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu

BOURBON & SOUR MASH



| | |
|-----------------------------|------|
| BULLEIT BOURBON | 8 |
| MAKERS MARK | 9 |
| JACK DANIEL'S | 9 |
| WOODFORD RESERVE | 9 |
| KNOB CREEK | 9 |
| GENTLEMAN JACK | 9.5 |
| ELIJAH CRAIG 12yrs | 10 |
| FOUR ROSES SINGLE BARREL | 12 |
| JACK DANIEL'S SINGLE BARREL | 13.5 |



Please note all our spirits are served in 50ml measures
A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu

BLENDING SCOTCH WHISKY



| | |
|------------------------------|------|
| JOHNNIE WALKER "BLACK LABEL" | 8.5 |
| DEWARS 12yrs | 9 |
| CHIVAS REGAL 12yrs | 9 |
| NAKED GROUSE | 9 |
| COPPER DOG | 9.5 |
| ASYLA COMPASS BOX | 9.5 |
| WHYTE & MACKAY 13yrs | 10 |
| PEAT MONSTER COMPASS BOX | 11 |
| ORANGERIE COMPASS BOX | 11.5 |
| CHIVAS REGAL 18yrs | 17 |
| CHIVAS REGAL 25yrs | 50 |

WHISKEY'S FROM AROUND THE WORLD



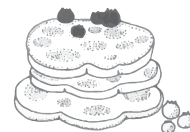
| | |
|---------------------------------|------|
| BULLEIT RYE | 9 |
| RITTENHOUSE RYE | 9.5 |
| JAMESON | 9.5 |
| ROE & CO | 10 |
| TEELING | 10.5 |
| SUNTORY HIBIKI JAPANESE HARMONY | 18 |
| SUNTORY YAMAZAKI 12yrs | 20 |

SIGNATURE COCKTAILS



MISS HONEY 14.5

Matilda



"I'm right and you're wrong, I'm big and you're small, and there's nothing you can do about it." Or so Miss Trunchbull thought...

Matilda made us a little sweet treat to perfectly pair with your cocktail

Cîroc, Cranberry Juice, Honey, Fig Liqueur, Creme de Mure, Lemon Juice, Egg White, Angostura Bitters

WELCOME TO THE SIXTIES 15.5

Hairspray



With enough hairspray, we think we can hold our lives together.

So be careful whilst you're fixing Tracy Turnblad's 'do' or Cornie Collins will be coming for you.

Don Julio Blanco, Strawberry Puree, Watermelon Liqueur, Lemon Juice, Sugar Syrup, Lemon Curd Foam

WINDS IN THE EAST 15.5

Mary Poppins



'Brave the spoon full of sugar and let us assist in making you 'practically perfect in every way'

Absolut Elyx, Amaretto, Creme de Framboise, & a top up of Champagne

MASQUERADE 14.5

Phantom of the Opera



Here at Soho's 'best kept secret' the phantom would have felt at home.

Sit back and relax, whilst we hide you away from the streets of London.

Makers Mark, Lillet Blanc, Peach Liqueur, Pear Puree



Please note all our spirits are served in 50ml measures
A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu



A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu

SIGNATURE COCKTAILS



BALLETOMANE 14.5

A Chorus Line



Everything was beautiful at the ballet.
Work your way up the steep and narrow
stairway to your home away from home.

The Botanist Gin, Aperol, Fresh Raspberries, Lemon Juice,
Sugar Syrup, Egg White

DIAMOND IN THE ROUGH 14

Aladdin

1. Make me a prince
2. Save my life
3. Free the Genie

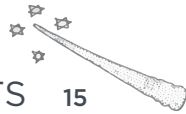


What will you wish for when sipping on this
Jasmin infused carpet ride?

Cîroc, Apple Juice, Lemon, Jasmine, Prune & Fig tea

CHAMBER OF SECRETS 15

Harry Potter



Something you want to share? It was a tough
ride solving Tom Riddle's intentions.

How will you do solving Century's riddles?
There's a secret treat in store for correct
answers.

Naked Grouse, Sloe Gin, Campari

IN SIAM 15.5

The King & I



Et cetera et cetera et cetera... Need we say
more?

Ron Zacapa, Cherry Puree, Cherry Liqueur, Chai Tea

ROLL THE DICE



Unable to choose from the menu? Roll the dice
and let's see which one wants you!



A discretionary 12.5% service charge will be added to your bill
Cigars available at the back of the menu

SCOTCH SINGLE MALT



HIGHLAND

| | |
|-----------------------------------|------|
| HIGHLAND PARK 12yrs | 9 |
| DALWHINNIE 15yrs | 10.5 |
| DALMORE 12yrs | 13.5 |
| DALMORE 15yrs | 22 |
| DALMORE 18yrs | 30 |
| DALMORE KING ALEXANDER III | 45 |

SPEYSIDE

| | |
|------------------------|----|
| GLENLIVET 12yrs | 9 |
| SINGLETON 12yrs | 9 |
| MACALLAN IZY | 11 |

ISLAY

| | |
|---|------|
| LAPHROAIG | 9.5 |
| ARBEG 10yrs | 11 |
| OBAN | 12.5 |
| LAGAVULIN 16yrs | 14 |
| PORT CHARLOTTE, "HEAVILY PEATED" | 15 |
| BRUICHLADDICH, ISLAY BARLEY "UNPEATED" | 16 |
| ISLE OF JURA 16yrs | 25 |
| BRUICHLADDICH BLACK ART | 45 |

LOWLAND & SKYE

| | |
|---------------------------|------|
| AUCHENTOSHAN 12yrs | 9 |
| TALISKER 10yrs | 10.5 |
| GLENKINCHIE 12yrs | 10.5 |



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COGNACS



| | | | | |
|-----------------------|------|------|-----|------|
| COURVOISIER | | | | 10.5 |
| MARTELL VSOP | | | | 11 |
| REMY MARTIN VSOP | | | | 11.5 |
| MERLET BROTHERS BLEND | | | | 12 |
| REMY MARTIN 1738 | | | | 16 |
| COURVOISIER XO | | | | 27 |
| MARTELL XO | | | | 31 |
| CAMUS XO | | | | 33 |
| REMY MARTIN XO | | | | 35 |
| HENNESSY XO | | | | 38 |
| | 15ml | 25ml | | |
| LOUIS XIII | 70 | 100 | 200 | |

ARMAGNAC



| | | | | |
|-------------------------|--|--|--|------|
| JANNEAU VS | | | | 10 |
| BAS ARMAGNAC VSOP 10yrs | | | | 13.5 |

SPRING COCKTAILS



| | |
|--|------|
| CHEESE & HONEY | 12 |
| Black Label, Drambuie, Lemon Juice, Honey & Orange Bitters | |
| CHERRY | 11.5 |
| Courvoisier, Pear Puree, Apricot Puree & Cherry Liqueur | |
| INDIAN SPRING | 11.5 |
| Tanqueray 10, Lemon Juice, Amaretto & Kaffir & Lime Syrup | |
| PINEAPPLE GIRL | 11 |
| Velho Cachaça, Lime Juice & Pineapple Caramel Syrup | |
| THE CRANBERRIES | 11 |
| Tanqueray, Lime Juice, Cranberry Juice, Honey & Muddled redcurrants | |
| PUT THE LIME IN THE COCONUT | 11.5 |
| Aperol, Wray & Nephew, Lime Juice, Falernum, Orange Bitters & Orgeat Syrup | |
| JUICY JUICY MANGO | 11 |
| Spiced Rum, Mango Juice & Mango Puree | |
| ABSINTHE TRIP | 12 |
| Absinthe rinsed Martini, Bullet Rye, Lillet Rouge, Rhubarb & Grapefruit Syrup | |
| FRENZY | 11.5 |
| Don Julio Blanco, Cachaça & Lime Juice, Agave Syrup, Mint, Egg whites & Peychaud's Bitters | |
| HAVANA NIGHTS | 11.5 |
| Havana 7 Rum, Lime Juice, Agave Syrup & Angostura Bitters | |



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CLASSIC COCKTAILS



| | |
|--|------|
| MARTINEZ | 11 |
| Tanqueray, Lillet Rouge, Martini Extra Dry & Maraschino | |
| PALOMA | 11 |
| Don Julio Blanco, Agave Syrup, Fresh Grapefruit Juice, Lime Juice & Soda Water | |
| HURRICANE | 11 |
| Havana 7yrs, Orange Juice, Pineapple Juice, Fresh Lime Juice, Passion Fruit Syrup & Angostura Bitters | |
| MARY PICKFORD | 11 |
| Havana 3yrs, Maraschino Liqueur, Pineapple Juice & Grenadine | |
| THREE MILER | 11.5 |
| Courvoisier VSOP, Havana 3yrs, Grenadine & Lime Juice | |
| RUSSIAN SPRING PUNCH | 11.5 |
| Ketel One, Blueberry Liqueur, Raspberry Liqueur, Fresh Lemon Juice, Sugar Syrup, Fresh Raspberries, Topped with Prosecco | |
| RAMOS GIN FIZZ | 12 |
| Tanqueray, Sugar Syrup, Orange Flower Water, Egg White, half&half, Topped with Soda | |
| REMEMBER THE MAINE | 12 |
| Bulleit Bourbon, Cherry Heering, Lillet Rouge, Fresh Lemon Juice, Absinthe Wash | |
| CORPSE REVIVER No2 | 12.5 |
| Tanqueray 10, Cointreau, Lillet Blanc, Fresh Lemon Juice & Dash of Absinthe | |
| PENICILLIN | 12.5 |
| Black Label, Laphroaig, Ginger Liqueur, Fresh Lemon Juice, Honey Water | |

PISCO & CACHACA



| | |
|-------------------------------|-----|
| PISCO ABA | 9.5 |
| VELHO BARREIRO CACHACA | 10 |

CALVADOS & CIDER BRANDY



| | |
|-------------------------------|------|
| CHATEAU DE BREUIL VSOP | 9 |
| DUPONT VSOP | 13.5 |

EAU DE VIE



| | |
|------------------------|----|
| GRAPPA CIVIDINA | 9 |
| POIRE WILLIAM | 10 |



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TEQUILA



| | |
|---------------------------|------|
| DON JULIO BLANCO | 8.5 |
| OLMECA ALTOS PLATA | 9 |
| PATRON SILVER | 13 |
| JOSE CUERVO "PLATINO" | 14 |
| DON JULIO REPOSADO | 12 |
| SIETE LEGUAS REPOSADO | 13 |
| DON JULIO ANEJO | 13.5 |
| SIETE LEGUAS ANEJO | 15 |
| JOSE CUERVO "EXTRA ANEJO" | 20 |
| DON JULIO 1942 | 30 |
| PATRON XO "COFFEE" | 10 |

SHARER COCKTAILS



| | For 2 | For 3 | For 4 |
|---|-------|-------|-------|
| COLOURS OF THE WIND | 21 | 29 | 38 |
| Pocahontas Sometimes the right path is not always the easiest one- So come and contemplate life with friends & enjoy our Tepee made for a few... | | | |
| Bulleit Bourbon, Cointreau, Apple Juice & Mango Syrup | | | |
| CHERRY BLOSSOM | 22 | 30 | 39 |
| Madame Butterfly Where there is love, there is sorrow... | | | |
| Ciroc, Rose Liquor, Violet Liquor, Cherry Puree, Cranberry & Sugar Syrup | | | |
| A STORMY CLOUD | 26 | 37 | 48.5 |
| Singing in the Rain <i>'Dignity. Always, dignity.'</i> Dom Lockwood Will you have any left after this dash of Absinthe? | | | |
| Plymouth Gin, Absinthe, Lemon Juice, Sugar Syrup & Lemonade | | | |

NON-ALCOHOLIC COCKTAILS



| | |
|--|---|
| BERRY DELICE | 6 |
| Apple Juice, Mixed Berries, topped with Lemonade | |
| STRAWBERRY BLONDE | 6 |
| Strawberries, Fresh Ginger, Apple Juice, Orange Juice, Sugar Syrup | |
| PASSION FRUIT ICED TEA | 6 |
| English & Earl Grey Tea, Lemon Juice, Passion Fruit Juice, Puree & Syrup | |
| JAMAICAN PUNCH | 6 |
| Fresh Strawberries, Lychee Juice, Raspberry & Passion Fruit Puree, Passion Fruit Syrup | |
| APPLE CRUMBLE | 6 |
| Apple Juice, Cinnamon Syrup, Lemon Juice | |



WHITE WINE



BY THE GLASS

| | 175ml | Bottle |
|---|-------|--------|
| ARPEGGIO CATARRATTO, Settesoli, Sicily - 2016 | 7 | 27 |
| VIOGNIER IGP Vin D'oc, Leduc Languedoc - 2016 | 7.5 | 29 |
| CHENIN BLANC Stormy Cape Western Cape - 2015 | 8 | 30 |
| SAUVIGNON PRESTIGE, Domaine Vigné, Loire - 2016 | 8.5 | 32 |
| CHARDONNAY RESERVA, Viña Leyda, Leyda Valley - 2015 | 8.75 | 33 |
| PINOT GRIGIO Vigneto Cantarelle, Le Vigne - 2015 | 9 | 34 |

RUM



| | |
|--|------|
| HAVANA 3yrs | 8 |
| HAVANA 7yrs | 9 |
| APPLETON ESTATE SIGNATURE BLEND | 9 |
| MOUNT GAY ECLIPSE | 9 |
| KOKO KANU | 9 |
| FOUR SQUARE SPICED RUM | 9 |
| MYERS | 9.5 |
| CLEMENT RUM VIEUX | 10 |
| FLOR DE CAÑA 7yrs | 10.5 |
| ANGOSTURA 1919 8yrs | 10.5 |
| WRAY & NEPHEW | 10.5 |
| MOUNT GAY BLACK BARREL | 11 |
| MOUNT GAY XO | 12 |
| DIPLOMATICO RESERVA EXCLUSIVE | 12.5 |
| EL DORADO 15yrs | 13 |
| HAVANA CLUB MAESTROS SELECTION | 14 |
| RON ZACAPA 23yrs | 14 |
| EL DORADO 21yrs | 22 |
| RON ZACAPA XO | 25 |
| FLOR DE CAÑA 25yrs | 35 |
| HAVANA 15yrs | 40 |



More extensive wine list available upon request
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GIN



| | |
|---------------------------------|------|
| TANQUERAY | 8 |
| PLYMOUTH | 9 |
| BOMBAY SAPHIRE | 9 |
| PLYMOUTH SLOE | 9.5 |
| BOLS GENEVER | 10 |
| HENDRICK'S | 10 |
| BEEFEATER 24 | 10 |
| MARTIN MILLERS WESTBOURNE GROVE | 10.5 |
| SIPSMITH | 10.5 |
| FILLIERS 38 5YRS GENEVER | 11 |
| DEATHS DOOR | 11.5 |
| THE BOTANIST | 11 |
| TANQUERAY 10 | 11.5 |
| FEW BARREL AGED GIN | 12 |
| PLYMOUTH NAVY STRENGTH | 12 |
| MONKEY 47 | 13 |
| OXLEY | 15 |

RED WINE



| | 175ml | Bottle |
|--|-------|--------|
| ARPEGGIO NERELLO MASCALESE , Settesoli, Sicily - 2015 | 7 | 27 |
| SYRAH IGP ARDECHE , Cave de Saint Desirat, Rhône - 2014 | 7.5 | 29 |
| PODERE MONTEPULCIANO , Umani Ronchi, Abruzzo - 2015 | 8 | 30 |
| MALBEC Eco & Mascota, Mendoza - 2013 | 8.5 | 32 |
| PINOT NOIR , Yealands Marlborough - 2015 | 9.5 | 38 |



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ROSÉ WINE



| | 175ml | Bottle |
|---|-------|--------|
| L'AMPELOGRAPH , Vin de France, Grenache - 2016 | 7 | 27 |
| GRANDE RÉSERVE ROSÉ ORGANIC , Château Sainte Marguerite, Provence - 2014 | 12 | 49 |

VODKA



| | |
|-------------------------|------|
| KETEL ONE | 8 |
| KETEL ONE CITRON | 8.5 |
| ŻUBRÓWKA | 9 |
| CÎROC | 10 |
| GREY GOOSE | 10.5 |
| ABSOLUT ELYX | 10.5 |
| SAUVELLE | 10.5 |
| BELVEDERE | 11.5 |
| SIPSMITH | 11.5 |
| BABICKA WORMWOOD | 12 |

DESSERT & ICE WINE



| | 100ml | Bottle |
|---|-------|--------|
| FRANCE | | |
| MOELLEUX , Chateau Laulerie, Côtes de Montravel - 2014 | 6.50 | 35 |
| HUNGARY | | |
| LATE HARVEST TOKAJI KATINKA , Patriciu Tokaji - 2013 | 9 | 45 |



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Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|--|------------------------|-----------------------------------|
| 05/10788/LIPC | Conversion Application | 05.10.2005 | Granted under Delegated Authority |
| 06/04676/WCCMAP | Master Licence Record | 05.10.2005 | Granted under Delegated Authority |
| 10/07239/LIPT | Applicant to Transfer the Premises Licence | 07.10.2010 | Granted under Delegated Authority |
| 13/07406/LIPT | Applicant to Transfer the Premises Licence | 23.10.2013 | Granted under Delegated Authority |
| 13/07591/LIPDPS | Application to Vary the DPS | 23.10.2013 | Granted under Delegated Authority |
| 14/00554/LIPDPS | Application to Vary the DPS | 10.02.2014 | Granted under Delegated Authority |
| 15/04756/LIPDPS | Application to Vary the DPS | 12.11.2015 | Granted under Delegated Authority |
| 15/07455/LIPDPS | Application to Vary the DPS | 12.11.2015 | Granted under Delegated Authority |
| Licence Surrendered on 03.04.2017 | | | |
| 16/07960/LIPN | Application for a new Premises Licence | 21.09.2016 | Granted under Delegated Authority |
| 17/12226/LIPRW | Removal of Works Condition request | 31.10.2017 | Granted under Delegated Authority |
| 18/03894/LIPV | Application to vary a Premises Licence | | To be determined |

There is no appeal history

Temporary Event Notice History:

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|--------------------------|
| 18/02149/LITENP | Temporary Event Notice | 01.03.2018 | Event allowed to proceed |
| 18/05557/LITENP | Temporary Event Notice | 22.05.2018 | Event allowed to proceed |

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

10. Alcohol may only be sold for consumption by (a) members of a private club and their bona fide guests, not exceeding 4 guests per member, and / or (b) by persons attending any private pre-booked event, by invitation only, organised by a member with a guest list provided in advance which will be retained for a period of 31 days following the event and be made available for inspection by the relevant authorities
11. 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.
12. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
13. Members of the private club operated at the premises must comply with the membership rules, a current version of which must be kept on the premises at all times and be made available for immediate inspection by the responsible authorities
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. The number of persons accommodated at any one time, (excluding staff) shall not exceed:
 - First Floor - 125 persons.
 - Second Floor - 220 persons.
 - Third Floor - 150 persons.
 - Fourth Floor - 150 persons
 - With no more than 550 persons on the premises at any one time.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
17. There shall be no sales of alcohol for consumption off the premises after 23:00.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. 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.
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 noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. 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.
24. All windows shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place.
25. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
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.

Applicant proposes condition 28 be amended to:

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder

- € all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
30. 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.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
38. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.
39. Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit may be provided on an unrestricted basis.
40. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
41. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
42. 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.

43. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
44. Waiter / waitress service shall be available throughout the whole of the premises.

Applicant proposes additional condition 45:

45. There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturdays, save for smokers, after 01.30.

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

None.

Conditions proposed by The Soho Society:

46. No deliveries take place between 11 pm and 7.30 am.

Conditions proposed by Environmental Health Service

None submitted.

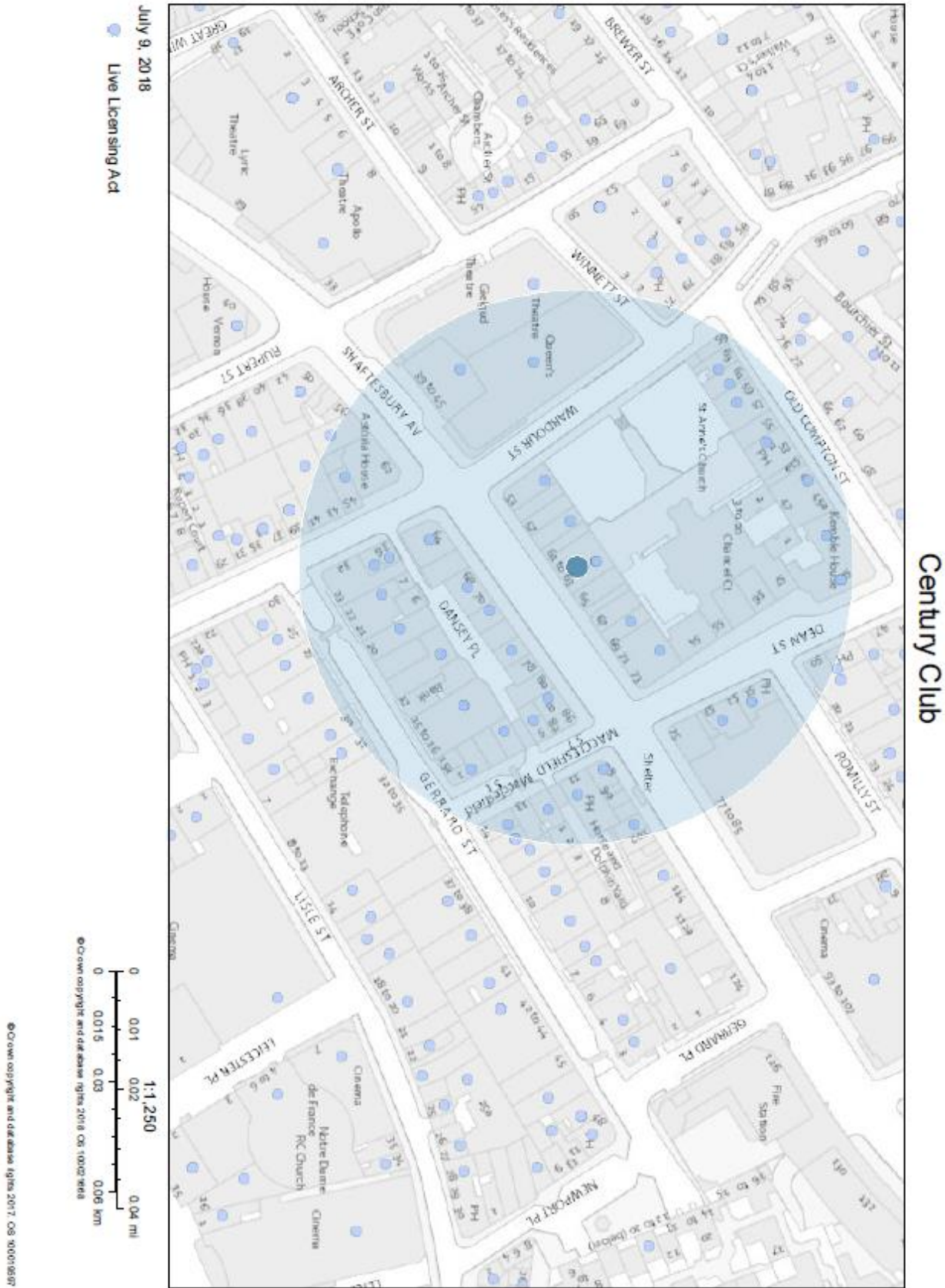
Conditions proposed by the Metropolitan Police Service

None submitted.

Conditions proposed by the Licensing Authority

None submitted.

Residential Map and List of Premises in the Vicinity



| Licence Number | Trading Name | Address | Time Period |
|-----------------------|--|---|--|
| 16/09527/LIPDPS | Bella Italia | 63 Shaftesbury Avenue London W1D 6LQ | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/12226/LIPRW | Century Club | 61-63 Shaftesbury Avenue London W1D 6LQ | Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00 |
| 15/03006/LIPN | Yoshino | 59 Shaftesbury Avenue London W1D 6LF | Monday to Sunday; 11:00 - 00:00 |
| 17/03088/LIPVM | The Piccadilly London Soho | 69 Shaftesbury Avenue London W1D 6EX | Monday to Sunday; 00:00 - 00:00 |
| 16/11292/LIPDPS | Babaji Pide | 53 Shaftesbury Avenue London W1D 6LB | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/05198/LIPCH | Little Lamb | Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA | Monday to Sunday; 10:00 - 23:30 |
| 16/04273/LIPCHT | Pho & Bun | 76 - 78 Shaftesbury Avenue London W1D 6NG | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/02430/LIPVM | New Mayflower Chinese Restaurant | 68 - 70 Shaftesbury Avenue London W1D 6LY | Monday to Saturday; 10:00 - 04:00 Sunday; 11:00 - 04:00 |
| 11/10321/LIPDPS | Preto | 71-73 Shaftesbury Avenue London W1D 6LN | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/08239/LIPDPS | | Basement And Ground Floor 84-88 Shaftesbury Avenue London W1D 6NH | Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 16/00598/LIPDPS | Shuang Shuang | 64 Shaftesbury Avenue London W1D 6LU | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/10882/LIPT | Rasa Sayang Restaurant | 5 Macclesfield Street London W1D 6AY | Monday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 23:30 |
| 17/11099/LIPT | Little Hong Kong | Ground Floor 18 Gerrard Street London W1D 6JF | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/03805/LIPDPS | Opium Dim Sum Parlour | Ground Floor Entrance And Second Floor To Fourth Floor 15 - 16 Gerrard Street London | Monday to Saturday; 12:00 - 03:00 Sunday; 12:00 - 00:00 |

| | | | |
|-----------------|-------------------------------|--|---|
| | | W1D 6JB | |
| 15/11567/LIPDPS | Dumplings' Legend | Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB | Monday to Saturday; 10:00 - 03:00 Sunday; 12:00 - 00:00 |
| 16/11601/LIPVM | Le Hanoi | 4 Macclesfield Street London W1D 6AX | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 16/10458/LIPVM | Plum Valley | 20 Gerrard Street London W1D 6JQ | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 15/04586/LIPDPS | Vietnamese Restaurant | 36 Wardour Street London W1D 6QT | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/03204/LIPDPS | Kowloon Restaurant | Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/06186/LIPN | Viet Food | 34-36 Wardour Street London | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 06/07153/WCCMAP | Crispin's Food & Wine | 90 - 92 Shaftesbury Avenue London W1D 5EA | Monday to Sunday; 08:00 - 05:00 |
| 17/02049/LIPVM | Queens Theatre | Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA | Monday to Sunday; 09:00 - 00:00 |
| 08/11517/LIPD | Gerry's Club | Basement 52-53 Dean Street London W1D 5BJ | Monday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00 |
| 16/07026/LIPCH | Golden Lion Public House | 51 Dean Street London W1D 5BH | Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 23:00 |
| 17/05537/LIPDPS | Comptons Of Soho Public House | 51 - 53 Old Compton Street London W1D 6HN | Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30 |
| 15/04912/LIPDPS | De Hems Public House | 11 Macclesfield Street London W1D 5BW | Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 |
| 16/00184/LIPCHT | Lotus Garden | 1-2 Macclesfield Street London W1D 5BP | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/04220/LIPDPS | Cafe Monico | 39 - 45 Shaftesbury Avenue London W1D 6LA | Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00 |

| | | | |
|-----------------|--------------------|---|---|
| 16/07760/LIPDPS | Poppies Fish Chips | 55-59 Old Compton Street London W1D 6HP | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00 |
| 06/05841/WCCMAP | I Camisa & Son | Basement And Ground Floor 61 Old Compton Street London W1D 6HS | Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30 |
| 13/02742/LIPDPS | Cafe Espana | Basement To First Floor 63 Old Compton Street London W1D 6HT | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/01398/LIPVM | Maotai Kitchen | Basement And Ground Floor 12 Macclesfield Street London W1D 5BP | Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 01:00 |
| 18/01928/LIPDPS | Hipchips | 49 Old Compton Street London W1D 6HL | Monday to Saturday; 12:00 - 23:00 Sunday; 12:00 - 20:00 |
| 18/00273/LIPDPS | La Scala | 45 Wardour Street London W1D 6PZ | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 09/06572/LIPN | Amorino | 41 Old Compton Street London W1D 6HF | Monday to Saturday; 12:00 - 01:00 Sunday; 12:00 - 23:00 |
| 16/09064/LIPVM | Wok On Fire | 43 Old Compton Street London W1D 6HG | Monday to Thursday; 11:00 - 01:00 Friday to Saturday; 11:00 - 02:00 Sunday; 11:00 - 00:00 |
| 17/14772/LIPN | The Shan State | 100 - 102 Shaftesbury Avenue London W1D 5EE | Monday to Sunday; 12:00 - 23:30 |
| 17/14216/LIPDPS | Maitre Choux | 60 Dean Street London W1D 6AW | Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30 |
| 16/00056/LIPCH | &Pasta | 60 Dean Street London W1D 6AW | Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00 |
| 17/10030/LIPDPS | Smack Soho | Kemble House 58 Dean Street London W1D 6AL | Monday to Saturday; 12:00 - 22:00 |
| 17/06830/LIPT | Oriental Delight | 14 Gerrard Street London W1D 5PT | Monday to Saturday; 11:00 - 23:00 Sunday; 11:00 - 22:30 |



Noise impact assessment
61-63 Shaftesbury Avenue, London W1D 6LQ

Prepared by: Richard Vivian, Big Sky Acoustics Ltd
On behalf of: Century Club Limited
Document Ref: 18050776
Date: 8th May 2018

Big Sky Acoustics document control sheet

| | |
|--------------------------|--|
| Project title: | Noise impact assessment 61-63 Shaftesbury Avenue, London W1D 6LQ |
| Technical report number: | 18050776 |
| Survey date: | 18 th - 19 th April 2018 |
| Submitted to: | Lana Tricker LT Law 18 Soho Square London W1D 3QL acting on behalf of Century Club Limited |
| Submitted by: | Richard Vivian Big Sky Acoustics Ltd 46 Frenze Road Diss IP22 4PA 020 7617 7069 info@bigskyacoustics.co.uk |
| Prepared by: | Richard Vivian BEng(Hons) MIET MIOA MAES MIOL Principal Acoustic Consultant |
| | |

Document status and approval schedule

| Revision | Description | Date | Approved |
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| 0 | Approved for issue | 30/05/2018 | RV |
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Executive summary

An assessment of the impact of noise from a proposed additional two hours of operating on a Thursday, Friday & Saturday at 61-63 Shaftesbury Avenue, London W1D 6LQ has been carried out. The assessment has included an inspection of the building during normal trading hours until close, an assessment of the surrounding area, continuous noise measurement on the roof terrace overnight and measurement of the noise levels in and around the premises.

No additional remedial works are required to the existing building which forms a robust and continuous envelope to contain noise from all activity on the lower floors. On the top floor is a sliding roof over the restaurant space and a smoking area to the west of the rooftop area.

The Operational procedures are already in place to manage noise from servicing, for the control of noise in the restaurant area when the roof is open, and of members using the supervised smoking area. Observations during the survey did not identify weaknesses in the current practices regarding noise management.

Century Club is discreetly located behind an access controlled plain door. Anyone wishing to enter has to use an entry system and is quickly buzzed in and walks upstairs to the reception desk on the first floor. There were no queues, it is simply not that type of premises as only those who have visited the club before will be aware of the location, and there is no walk-up trade as it is members only. It is a low impact operation located on a busy street. Members were observed leaving in small groups gradually as the evening progressed on the night of the survey.

Extending the hours of operation on Thursday to Saturday will not adversely impact on the licensing objectives or on residential amenity as music and other activity is contained by the building, operational practices to control noise are already in place, and patron departure is in small groups through a supervised exit onto an busy street which is well served by public transport including night buses, the night tube network and black cabs.

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and Managing Director of Big Sky Acoustics Ltd. Big Sky Acoustics 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 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. I have given expert evidence in the courts, at planning hearings, at licensing hearings, and at public inquiries on many occasions..

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Lana Tricker of LT Law, acting on behalf of Century Club Limited, to carry out an assessment of the impact of noise from an existing private members club at 61-63 Shaftesbury Avenue, London W1D 6LQ.
- 2.2 This report was prepared following my site visit and inspection of the building. I remained on site until 01:00hrs until all members had dispersed and the premises had closed. Continuous noise monitoring equipment was left on the roof area overnight recording levels until the following day.
- 2.3 Noise measurements were also taken at other locations in the area and observations of noise generating activity were made. A large amount of noise data was gathered during the survey which is simplified and summarised in this report.
- 2.4 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.5 All sound pressure levels in this report are given in dB re: 20µPa.

3.0 Site and surrounding area

- 3.1 The location of the site is shown in Appendix B.
- 3.2 There are numerous other licensed premises in the immediate area. There are many premises in the area that operate until 03:00hrs or beyond including a number of clubs and restaurants to the rear of the site on Wardour Street, Brewer Street and Old Compton Street.
- 3.3 It is important when assessing the impact of noise from an individual premises in an area that the concept of *additional* noise associated with any new activity at that premises is taken into account. The incremental change to noise levels caused by the normal commercial operation of a well managed private members club in an area where there is already established noise and activity could be so small as to be undetectable if it is masked by the existing noise in the area.
- 3.4 It is also a consideration that a bona-fide commercial premises in the area can reduce street drinkers, rough sleeping, litter and crime as the commercial operation seeks to eliminate this type of activity from the immediate area outside

the premises entrance for the benefit and safety of their own members and employees. This is achieved through good lighting, CCTV coverage, litter removal and a presence of professional personnel.

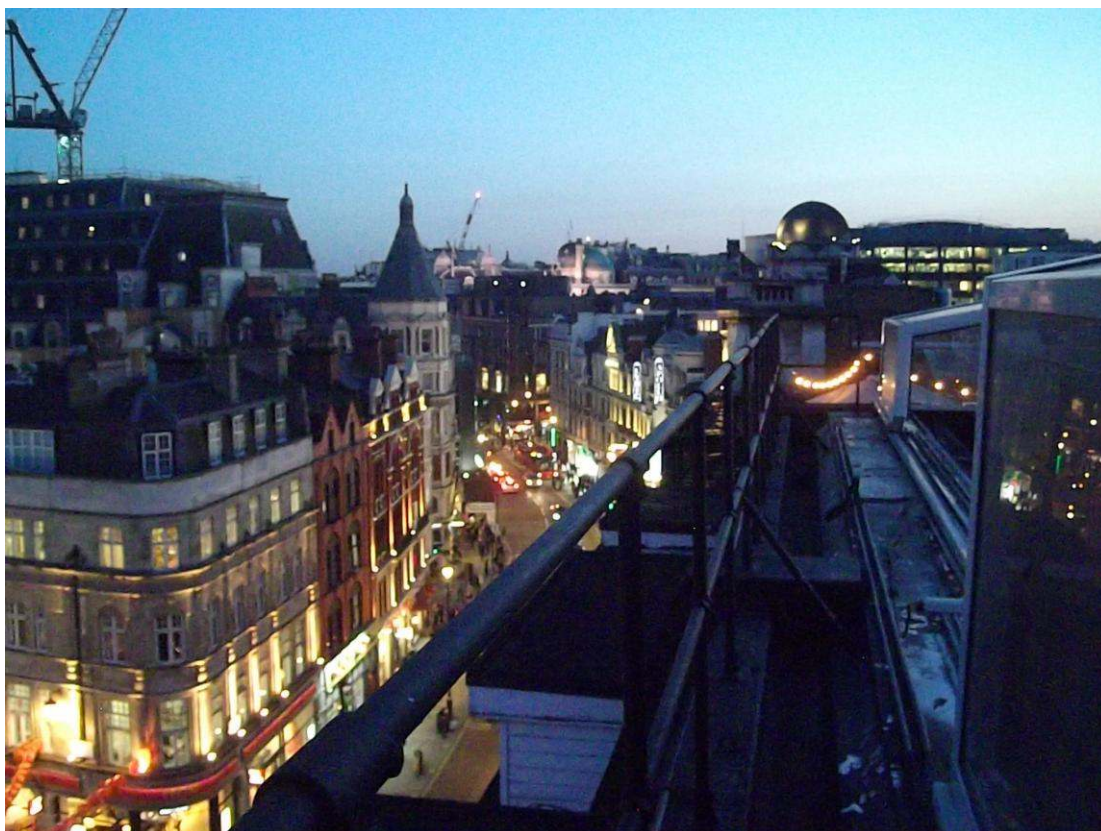


Figure 1: View from roof looking west along Shaftesbury Avenue, sliding roof on right of image

4.0 Criteria

NPPF

- 4.1 The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government in 2012.
- 4.2 With regard to noise the NPPF states at paragraph 123 that planning policies and decisions should aim to:
 - *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise.*
- 4.3 The comments about *adverse impacts on health and quality of life* are referenced in the NPPF to the Noise Policy Statement for England (NPSE) at footnote 27. The NPSE is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 4.4 The NPSE sets out the Government's long-term vision to *'promote good health and a good quality of life through the effective management of noise within the context*

of Government policy on sustainable development' which is supported by the following aims:

- *Avoid significant adverse impacts on health and quality of life;*
- *Mitigate and minimise adverse impacts on health and quality of life.*

| Perception | Examples of Outcomes | Increasing Effect Level | Action |
|--|---|-------------------------------------|----------------------------------|
| Not noticeable | No Effect | No Observed Effect | No specific measures required |
| Noticeable and not intrusive | Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life | No Observed Adverse Effect | No specific measures required |
| Lowest Observable Adverse Effect Level (LOAEL) | | | |
| Noticeable and intrusive | Noise can be heard and causes small changes in behaviour and/ or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life | Observed Adverse Effect | Mitigate and reduce to a minimum |
| Significant Observed Adverse Effect Level (SOAEL) | | | |
| Noticeable and disruptive | The noise causes a material change in behaviour and/ or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area. | Significant Observed Adverse Effect | Avoid |
| Noticeable and very disruptive | Extension and regular changes in behaviour and/ or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/ awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non auditory | Unacceptable Adverse Effect | Prevent |

Figure 2: PPG Noise Exposure Hierarchy

4.5 The NPSE defines the concept of a 'significant observed adverse effect level' (SOAEL) as *'the level above which significant adverse effects on health and quality of life occur'*. The following guidance is provided within the NPSE: *'It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our*

understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'

- 4.6 The Planning Practice Guidance on Noise is written to support the NPPF with more specific planning guidance. The PPG reflects the NPSE and states at Paragraph 001 that noise needs to be considered when new developments may create additional noise. The PPG clarifies at Paragraph 002 that neither the NPSE nor the NPPF expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
- 4.7 Figure 2 is reproduced from PPG Paragraph 005 and summarises the noise exposure hierarchy, based on the likely average response.
- 4.8 The PPG expands upon the concept of SOAEL (together with Lowest Observable Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 4.9 The PPG at Paragraph 005 considers that a noise impact with an effects level which is lower than SOAEL is acceptable but that consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). When the significant observed adverse effect level boundary is crossed noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

Licensing Act 2003

- 4.10 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.
- 4.11 The City Council fulfils 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
- 4.12 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.
- 4.13 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.
- 4.14 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.

Other relevant legislation

- 4.15 Separately to any grant of planning permission or premises licence members of the public are protected from noise that is a nuisance.
- 4.16 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.
- 4.17 The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of the local environment and provides local authorities with powers to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise. A fixed penalty notice can be issued when noise exceeds the *permitted level* as prescribed under the Noise Act 1996 as amended by the Clean Neighbourhoods and Environment Act 2005. The permitted noise level using A-weighted decibels (the unit environmental noise is usually measured in) is 34dBA if the underlying level of noise is no more than 24dBA, or 10dBA above the underlying level of noise if this is more than 24dBA.

British Standard 8233

- 4.18 BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values of the standard as shown below.

| Activity | Location | 07:00 to 23:00 | 23:00 to 07:00 |
|----------------------------|------------------|------------------------|-----------------------|
| Resting | Living room | 35 dB $L_{Aeq,16hour}$ | - |
| Dining | Dining room/area | 40 dB $L_{Aeq,16hour}$ | - |
| Sleeping (daytime resting) | Bedroom | 35 dB $L_{Aeq,16hour}$ | 30dB $L_{Aeq,8hour}$ |

Figure 3: Indoor ambient noise levels for dwellings (from BS8233 Table 4)

World Health Organisation

- 4.19 Guidance on maximum noise levels is given by the World Health Organisation (WHO) in a report entitled 'Guidelines for Community Noise'¹. 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.
- 4.20 The WHO guidelines also state that to protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB L_{Aeq} for a steady continuous noise.

¹ World Health Organisation. Guidelines for Community Noise, 2000

- 4.21 However, in a review of health effect based noise assessment methods undertaken for the DETR and undertaken jointly by the NPL and Southampton University², it is noted that: *"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"*. According to the report transgression of the WHO guideline values does not necessarily imply significant noise impact and indeed, it may be that 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."*
- 4.22 A noise incidence study was undertaken by the Building Research Establishment in 2000 and was published in 2002³. This study indicated that approximately 55% of the population in England and Wales are exposed to noise levels above 55 dB L_{Aeq} during the daytime. This study is considered to further support the findings of the DETR study and reinforce the apparent weakness of the WHO recommendations.
- 4.23 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.

Operational objectives

- 4.24 The management team at The Century Club are keen to continue to promote good relationships with their commercial and residential neighbours. Therefore in addition to all statutory obligations it is a primary operational objective that noise from the normal operation of the premises does not have a detrimental impact on any neighbouring properties.
- 4.25 A comprehensive Noise Management Policy has been introduced at the premises. This policy will be regularly reviewed and updated. The most up to date version of this policy can be found at Appendix E.

5.0 Balancing planning and licensing noise conditions

- 5.1 The guidance issued under Section 182 of the Licensing Act 2003 is clear in its general principles (Para 1.16) that *"[licence conditions] should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation"*. Therefore if the objective of the prevention of public nuisance is satisfactorily upheld because there already exist tests of nuisance through The Environmental Protection Act 1990; The Noise Act 1996; and The Clean

² Porter N D, Flindell I H and Berry B F. NPL Report CMAM 16, Health Effect Based Noise Assessment Methods: A Review and Feasibility Study, DETR, 1998

³ DEFRA. The National Noise Incidence Study 2000/2001, 2002

Neighbourhoods and Environment Act 2005, then additional conditions on a premises licence that merely duplicates these statutory requirements should not be necessary according to Home Office guidance.

- 5.2 Similarly planning guidance has, for a long time, stated that additional planning conditions which duplicate the effect of other legislation should not be imposed, and current planning practice guidance is clear that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning.
- 5.3 The pragmatic approach to specifying relevant requirements for noise control conditions would be that more general noise criteria relating to the principle of use of the site are applied under the planning regime; these may include boundary noise conditions or plant operating level limits. More specific requirements relating to licensable activities such as hours of operation, the requirement for a sound system limiter or a noise management policy should be implemented through the licensing process.

6.0 Noise measurement procedure

- 6.1 To establish the noise levels at rooftop level in the area a static measurement position was set up immediately adjacent to the roof canopy. At the start of the measurement procedure the canopy was open.
- 6.2 The rear façade, furthest from Shaftesbury Avenue, was selected as the quieter façade and therefore any noise from the restaurant would not be masked by road traffic to the same extent as it would on the Shaftesbury Avenue side of the building.
- 6.3 Measurement continued until the following morning and will have included the time when the canopy closed.
- 6.4 Additional noise measurements were made with a hand-held measurement system at other locations in the immediate area. Analysis shows good correlation between all the attended and unattended recorded noise level data at the logging position.
- 6.5 Noise measurements were made in continuous samples of 1-second intervals. Measurements included the L_{Aeq} , L_{A90} and L_{Amax} indices. Simultaneous octave and third octave frequency spectra were also obtained during the survey. Measurements were taken at 1.5 m above grade level. Measurement duration was typically 5-minutes per sample. When the L_{Aeq} level quickly stabilised, shorter duration measurements were taken although no measurement was shorter than 1-minute. Throughout the course of the survey an outdoor microphone wind-shield was used.
- 6.6 For the purposes of this assessment all attended measurements were paused for emergency service sirens, aircraft passes and other significant short-duration noises. (The unattended logging equipment operates continuously and therefore all noise incidents are recorded on that trace).
- 6.7 The instrumentation used to carry out the noise measurements is detailed in Appendix C. 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.
- 6.8 The weather conditions during the survey are reported in Appendix D.



Figure 4: Noise logging position on balustrade at edge of roof canopy.

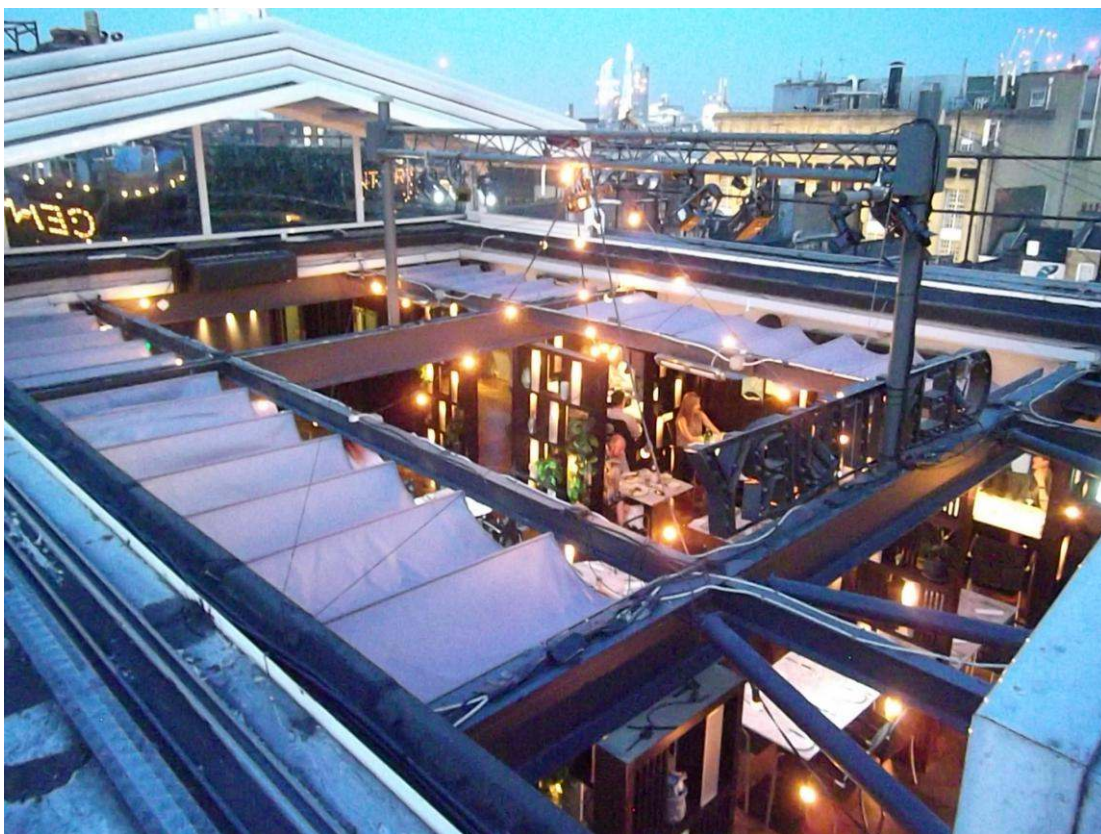


Figure 5: View into restaurant at level below roof level (i.e. entirely surrounded by walls)



Figure 6: Smoking area at west end of roof, note screens shield area



Figure 7: Residential flats to right of image



Figure 8: View from west end of roof showing Ham Yard Hotel roof terrace (trees/shrubs and white canopy)

7.0 Noise measurement analysis

7.1 Continuously recorded noise measurement data on the roof adjacent to the sliding roof over the restaurant is displayed in graphical form in Figure 9.

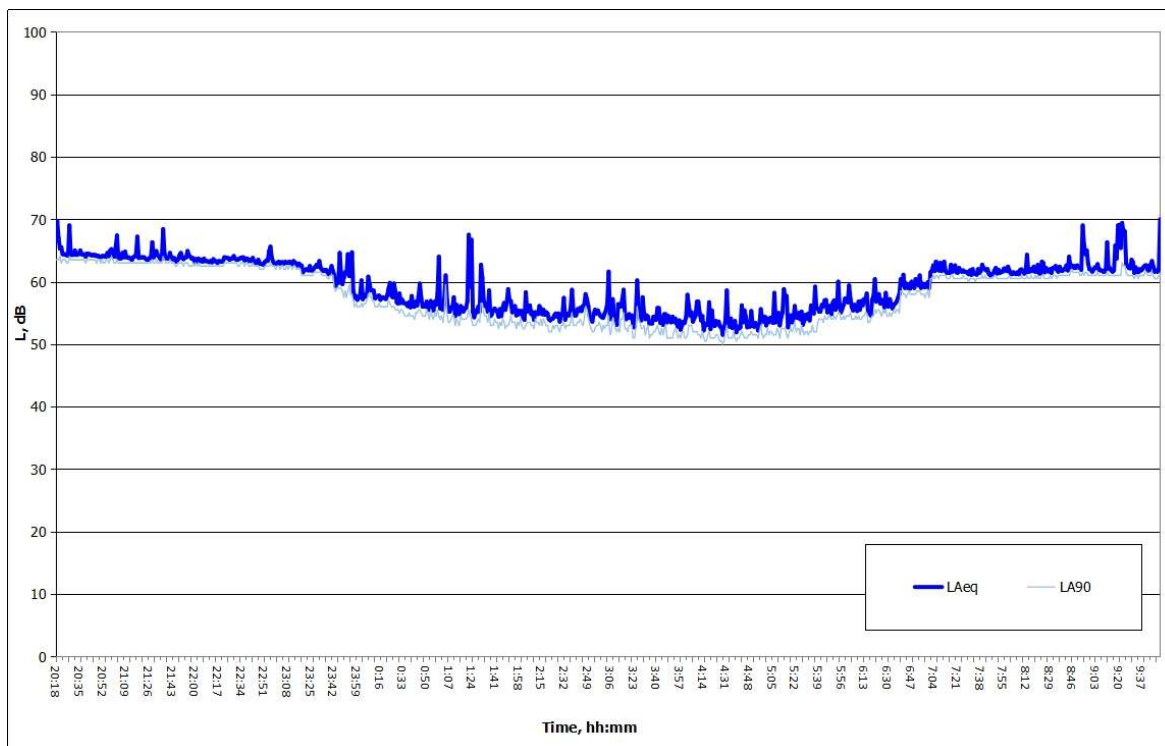


Figure 9: Continuously logged noise data on roof

| Time | Location | L _{Aeq} | L _z eq | L _{AFMax} | L _{AF90} |
|-------|------------------------------|------------------|-------------------|--------------------|-------------------|
| 20:28 | Rooftop at logging position | 64 | 75 | 69 | 63 |
| 20:33 | Rooftop mid position | 65 | 74 | 71 | 64 |
| 20:37 | Internal level in restaurant | 74 | 78 | 81 | 71 |
| 20:44 | Internal level in restaurant | 76 | 79 | 82 | 73 |
| 9:51 | Rooftop at logging position | 63 | 73 | 65 | 62 |

Figure 10: Noise measurement data, all reported levels in dB

- 7.2 What is clear from the measurement data is that noise levels at roof level are high but that activity in the restaurant, which is submerged below the roof line, does not affect the average noise level with the roof open.
- 7.3 The graph in Figure 9 shows that the background noise levels drop from around midnight until shortly before 07:00hrs. This is evidence that some items of plant creating a steady state noise are switched off at these times.
- 7.4 In the absence of this plant noise average rooftop levels at 01:00hrs, 02:00hrs or 03:00hrs are consistent and background noise levels do not fall below 51dBA throughout the survey. [In quiet residential areas away from road traffic and other activity a notable drop in levels is to be expected as noise generating activity reduces in the early hours of the morning].
- 7.5 Attended measurement data from the roof location correlate with logged data. Attended measurements from the restaurant, which was operating at around 50% capacity and playing music, demonstrate that it is not a noisy restaurant.

8.0 Recommendations for noise control - remedial works

- 8.1 The building envelope already provides a continuous barrier to contain all sound generated inside the premises and no additional works are required.

9.0 Recommendations for noise control - operational

- 9.1 A comprehensive Noise Management Policy is in operation at the site and is presented at Appendix E. This policy document will be regularly reviewed and updated.

10.0 Recommendations for noise control - sound system

- 10.1 The sound system should be periodically checked to ensure that the maximum operating level is not likely to cause a nuisance at the nearest noise sensitive property. Assessment should be carried out, wherever possible, from the nearest noise sensitive property itself at a time when ambient noise is at its lowest (but within normal operating hours of the premises).

11.0 Appendix 11 Risk Assessment

- 11.1 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 due to the use of these premises.
- 11.2 The building is located in a busy area which is close to existing activity from other late night licensed premises. Road traffic noise is high at this location.
- 11.3 The high ambient noise levels in the area effectively mask lower level noises from the normal commercial activity of the club such as members and staff entering and leaving the building.
- 11.4 The members club is a high quality destination with a select membership. This is of relevance to the assessment as the perception of the club and the enjoyment of the members depends on the premises being presented in a calm and controlled manner. It is of primary importance that any activity around the club entrance does not impact negatively on the members.
- 11.5 Amplified music only occurs within the building. There is a sliding roof canopy but as long as the sound system is checked and limited to operate at an appropriate level with the canopy open there will be no impact on any noise sensitive property. Recommendations have been made to check the limiter operation periodically.
- 11.6 The club entrance is accessed by entry-phone and covered by monitored CCTV.
- 11.7 Signage at the front entrance requests that members respect the neighbours and be quiet as they leave.
- 11.8 Members requiring public transport will easily find a taxi on Shaftesbury Avenue There are numerous night bus services and the nearest tube stations are Piccadilly Circus and Leicester Square which are on the night-tube network.
- 11.9 Employee training includes emphasis of the importance to minimise noise from members as they arrive at and depart from the club.
- 11.10 Century Club Limited has established a good record of operation at this site and has demonstrated that licensable activities are carried out in such a manner so as to prevent any noise impact on local residents.
- 11.11 Century Club Limited is committed to continue to work in partnership with the relevant authorities and to maintain good relations with residents and members and accordingly will be receptive to any further reasonable suggestions proposed.

12.0 Conclusions

- 12.1 Big Sky Acoustics Ltd was instructed by Lana Tricker of LT Law, acting on behalf of Century Club Limited, to carry out an assessment of the impact of noise from an existing private members club at 61-63 Shaftesbury Avenue, London W1D 6LQ.
- 12.2 The premises is at busy location with significant road traffic noise. Advantageously this also means good transport links to disperse members at the end of the evening.
- 12.3 Noise breakout from any sound system and other activities inside the premises is controlled by the sound system signal processing (limiter) and physical structure of the building.
- 12.4 It is my conclusion that this is an established location for a private members club and the current operation of Century Club has demonstrated that there is

responsible management and effective control. Given this location, style of operation, existing controls, and a willingness to take on board further controls if necessary, it is my professional opinion that the application is unlikely to adversely impact upon the amenities of neighbouring properties and occupiers as the controlled activities within the building and dispersal of members from the premises would not increase average noise levels in the area.



Richard Vivian BEng(Hons) MIET MIOA MAES MIOL
Big Sky Acoustics Ltd

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

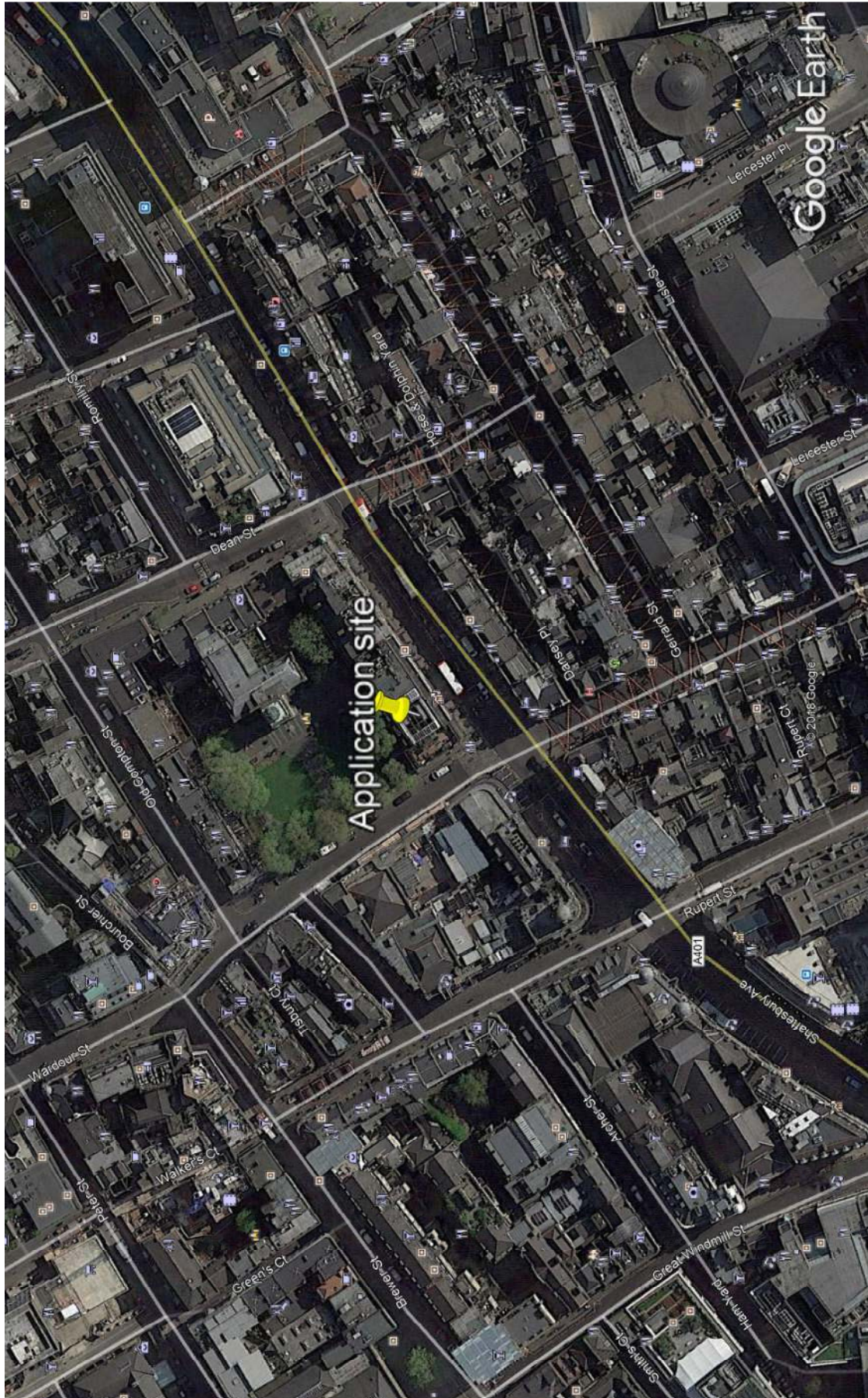
When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. 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 | 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 |
| Svan sound level meter | type 971 |
| ACO pre-polarized free-field microphone | type 7052E |
| Svan microphone pre-amplifier | type SV18 |

Appendix D - Meteorology

| 18-19 April 2018 | Temperature | Wind speed | Precipitation |
|---|--------------------|------------------------|----------------------|
| At start | 22°C | 0-1 ms ⁻¹ | None |
| During assessment | 14°C | 0-0.5 ms ⁻¹ | None |
| At finish | 21°C | 0 ms ⁻¹ | None |
| Additional comments: Dry, very still, warm for time of year. | | | |

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. We therefore have a comprehensive approach to managing noise from our premises. The following points are critical to our noise management policy:

- No music or amplified sound shall be generated in the premises so as to give rise to nuisance in any residential property.
- Except for access, maintenance and safety reasons, emergency exit and service doors will not be secured open when the premises are operating.
- No empty bottles will be tipped or thrown into outside storage receptacles at the premises between 23:00 and 07:00hrs.
- Arrangements are in place to ensure that deliveries, collections and operational servicing are carried out between 07.00 and 23.00hrs except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- 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. There will be no on-street refuse storage.
- Our sound systems are fitted with a limiter which will be maintained and calibrated. The limiter operation may be checked at any time by a technical officer from Westminster City Council.
- Members are quickly and discretely buzzed in from our entrance on Shaftesbury Avenue. No queuing occurs outside our premises.
- Any glass or bottles in the entrance doorway will be cleared. Bottles and glasses do not originate from our premises as our members would not take drinks outside, but any glass will still be cleared away as we make every effort to keep the area around our building tidy and safe.
- We encourage all personnel to take pride in the area we work in. We will endeavour to keep the entrance door on Shaftesbury Avenue clean and attractive for our members and our neighbours. This means dealing with debris that has nothing to do with us, but in the interests of making this a better area we will still clear it up.
- A telephone contact number is provided on the Century Club website that goes directly to the reception desk. If there is a complaint about noise it will be logged and appropriate action taken.
- Clearly legible notices are displayed at the exist from the premises requesting members to respect the needs of local residents and to leave the premises and the area quietly.
- The entrance doors are supervised at all times.
- 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 is 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 Century Club, May 2018

Westminster City Council Statement of Licensing Policy 2016

Appendix 11 - Guidance on noise

1. 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

2. 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.

3. 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.

4. 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

6. 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.

7. 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) An assessment of the acoustic character / quality of the vicinity of the premises and / or the receptor, this may require an assessment of a combination of ambient levels (L_{Aeq}) and other acoustic indicators and descriptors (L_{AFmax} , $L_{Zeq1/3Octave}$, $L_{ZFmax1/3Octave}$, SEL), agreement may be sought with the Council on the assessment approach.
 - (e) 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).

Note: The use of 'Mean' background may be appropriate in line with BS4142:2014. However, caution must be taken where there are sudden changes in background levels (for instance, where plant and machinery switches off or activity no longer occurs). A 'mean' background which includes noise before and after a significant change in acoustic environment, may result in higher background level which is not representative of the true background conditions after an activity or plant has stopped. Consideration will be given to this point and although BS4142:2014 suggests a 'mean' background, a 'lowest' background level ($L_{A9015min}$) may be more appropriate.

- (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 mini-cabs 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

16. 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 properties⁶, 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;

⁶ Noise sensitive properties include: all residential property; schools; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios.

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

18. 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, mini-cabs, 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.

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

| | |
|--------------------|---|
| Item No: | |
| Date: | 19 July 2018 |
| Licensing Ref No: | 18/06018/LIPV - Premises Licence Variation |
| Title of Report: | ME Hotel 335 Strand London WC2R 1HA |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | St James's |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact details | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 21 May 2018 | | |
| Applicant: | London XXI Limited | | |
| Premises: | ME Hotel | | |
| Premises address: | 335 Strand London WC2R 1HA | Ward: | St James's |
| | | Cumulative Impact Area: | No |
| Premises description: | The premises currently operates as a Hotel, with ancillary bar and restaurant facilities on the ground floor and rooftop and function rooms/ conference and banqueting facilities in the basement. | | |
| Variation description: | <p>The variation application seeks to:</p> <ol style="list-style-type: none"> 1. Permit the use of the southern terrace area on the 10th floor on Thursday to Saturdays until midnight. 2. Amend condition 37 to read: "After 22:30 the area marked Terrace 1 on the licence plan shall not be used except, <ol style="list-style-type: none"> a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons b. In an emergency at any time c. For access to and from the Penthouse Suite at any time" | | |
| Premises licence history: | This premises has benefitted from a premises licence since 2011. Full details of the premises history can be found at Appendix 3. | | |
| Applicant submissions: | There are no submission from the applicant. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|-------|----------------|------|------------------------|-----------|
| Regulated Entertainment | | | | | | |
| Exhibition of films | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 00:00 | 00:00 | No change | | Hotel Guest Rooms only | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | | | | |

| Performance of live music & Performance of a Play | | | | | | |
|---|---------------|-------|----------------|------|------------------------------------|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 00:01 | 00:00 | No change | | Basement function rooms only | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | | | | |

| Playing of Recorded Music | | | | | | |
|---------------------------|---------------|-------|----------------|-------|--|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 00:01 | 00:00 | 23:00 | 00:00 | Basement Function Rooms (Unrestricted) and Ground Floor Restaurant and Bar (STK) for the proposed hours. | No change |
| Tuesday | | | | | | |
| Wednesday | | | 23:00 | 01:00 | | |
| Thursday | | | | | | |
| Friday | | | 23:00 | 00:00 | | |
| Saturday | | | | | | |
| Sunday | | | | | | |

| Late night refreshment | | | | | | |
|---------------------------|---------------|-------|----------------|------|-----------------|-----------|
| Indoors, outdoors or both | | | Current : | | Proposed: | |
| | | | Indoors | | No change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 05:00 | No change | | All areas | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | | | | |

| Sale by Retail of Alcohol | | | | | | |
|---------------------------|---|-------|----------------|------|--|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | Both | | No change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday - Sunday | 00:01 | 00:00 | No change | | Residents, guests of residents and persons attending a pre-booked function | No change |
| Monday - Sunday | 08:00 | 03:00 | No change | | Non-Residents: 10 th Floor Roof Area | No change |
| Monday - Sunday | 08:00 | 01:00 | No change | | Non-Residents: Ground Floor Cucina Assellina Restaurant | No change |
| Monday - Sunday | 08:00 | 02:00 | No change | | Non-Residents: Ground Floor STK Restaurant and Marconi Bar & Lounge | No change |
| Seasonal variations | Current: | | | | Proposed: | |
| | <u>All Areas:</u> Condition 51: The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | No change | |
| Non-standard timings: | Condition 34: Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours. | | | | No change | |
| | <u>Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)</u> Condition 41: Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following. | | | | No change | |

| Hours premises are open to the public | | | | | | |
|---------------------------------------|---------------|-------|----------------|------|---------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 00:01 | 00:00 | No change | | All areas | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | | | | |
| Saturday | | | | | | |
| Sunday | | | | | | |

| 1-C | Layout alteration |
|------|-------------------|
| None | |

| 1-D Condition being varied | |
|---|--|
| Condition | Proposed variation |
| <p><u>Condition 37</u></p> <p>After 22:30 the area marked Terrace 1 on the licence plan shall not be used except in an emergency and for access to and from the Penthouse Suite.</p> | <p><u>Condition 37</u></p> <p>Amend condition 37 to read: After 22:30 the area marked Terrace 1 on the licence plan shall not be used except: a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons; b. In an emergency at any time; and c. For access to and from the Penthouse Suite at any time</p> |

2. Representations

| 2-A Responsible Authorities | |
|--|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Mr Ian Watson |
| Received: | 15 June 2018 |
| <p>This representation is based on the information provided within operating schedule.</p> <p>The applicant is seeking the following variation</p> <ol style="list-style-type: none"> To permit the use of the 10th floor southern terrace on Thursday to Saturday to midnight and amend condition 37 to allow this variation. | |

I wish to make the following comment.

1. The hours requested to permit the use of the 10th floor southern terrace will have the likely effect of causing an increase in Public Nuisance within the area.

The applicant has not stated if the use is for licensable activities or how the premises would minimise potential nuisance. The use of this area was restricted following a review of the premises licence in 2014 (14/06927/LIREVP).

No additional conditions have been proposed to address the application.

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Toby Janes |
| Received: | 18 June 2018 |

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

We have concerns that this application will cause further policing problems in an already demanding area.

I will be in touch shortly with a list of conditions that I believe will satisfy police in relation to the prevention of crime and disorder.

| 2-B Other Persons | | | |
|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Maintained | In support or opposed: | Opposed |
| Received: | 13 June 2018 | | |

Application notices posted on the hotel summarise that the application is to:
“Permit the use of the southern terrace area of the 10th floor by patrons until midnight on Thursdays, Fridays and Saturdays.”

I write with concerns about the major licence variation which has been made on behalf of the roof top bar of the ME Hotel.

Sometimes local businesses seeking licences in the area in question (the Aldwych end of the Strand) overlook that the area in question is mixed use and includes residential property. I am

the owner of [REDACTED]. There are 3 residential flats in [REDACTED] (9 homes in total). There are also a considerable number of flats within the [REDACTED] building which is adjacent to the ME Hotel.

If there is noise nuisance from the roof top bar, these 9 properties are affected. There is an unusual but proven (see below) acoustic effect that the bar noise travels across the four lane road of the Strand, over the tops of these properties and bounced back at bedrooms of these properties from the northern most walls of the buildings forming the north part of the Somerset House estate.

In 2013 the noise disruption from this roof top bar was of such concern to myself and other local residents that I regularly got in touch with hotel management (who ignored me), then the noise team at WCC, then the licensing team and ultimately I applied for a licence review armed with the invaluable advice and expertise of Richard Brown.

Mr Craig Baylis who represents the hotel in respect of this application was representing the hotel at that time and will be fully aware of the history. He will know that other objections to the running of the roof top bar came from local residents from both sides of the Strand – including those within the Marconi building under or next to the roof top bar.

In its preparations to defend itself against my licence review application for stringent new conditions to be applied to the roof top bar, the hotel commissioned an acoustic report (October 2014). I allowed access to my home for noise measuring equipment to be placed by my back windows and completed noise impact reports. That report, much to the hotel's disappointment, bore out that the noise from customers on the south terrace of the bar was causing noise nuisance within my property. To be clear the hotel had already at the time of that noise report removed music speakers which had been in use in on the terraces in breach of licence conditions. The noise nuisance which was confirmed by the commissioned report was in respect purely of customer generated noise. When customers stand at the edge of the bar's barrier and talk to each other their conversations can be heard as if they are just a few feet away.

I would expect Mr Baylis to bring a copy of the report to the hearing of this variation in the event that the panel wished to see it.

My licence review was successful and I was grateful to the licencing panel universally agreeing to impose new conditions on the bar – particularly that the bar was required to close the south side of the terrace from 10.30pm. This removed all noise nuisance to our flat and other local residents.

To be transparent, whilst our family occupied the property for 15 years until recently, we have temporarily moved out and are currently seeking tenants. It is our intention however to return to live in the property in a few years. We are mindful that noise nuisance that affected our enjoyment of the property would similarly affect the enjoyment of likely future tenants. Unhappy tenants typically vote with their feet and move on. Regular changes in tenants can lead to void periods and loss of income. We would prefer to have happy tenants who are not disrupted by noise nuisance from commercial premises nearby.

A couple of months ago I was contacted by the new Manager of the Hotel, Samantha Kandou-Fulton. (To be clear again, criticism of the hotel management in 2013/2014 is unconnected to [REDACTED].) We arranged to meet at the hotel and she talked though some changes that she was proposing to make to the business. She talked about the exuberant culture which had existed in the roof top bar – lots of "vertical drinking" and physical clashes between customers who had consumed too much. Her plans to stop vertical drinking and move to seated drinking in a more chilled out atmosphere sounded very positive and I sincerely wished her well with the envisaged changes. I was also very grateful that she made contact personally to discuss matters. [REDACTED] mentioned that the hotel was going to seek to make

amendments to the licence for the ground floor and basement of the hotel so it was not a big surprise when I noticed the signs in the hotel windows this weekend about the major variation sought. I was surprised however when I went closer to read them to find that they related to the roof top bar as I do not recall her indicating that an application was in the offing on this matter.

Having viewed the application documents I have concerns:

- 1) The application just seeks to increase the hours of southern terrace use without the limitations I would have envisaged. The only specified step that will be taken is to have SIA staff present at all times when customers are on the terrace. There is nothing to address vertical drinking for example. There is no effort to limit the number of persons who can be on that part of the terrace in the proposed additional hours. The terrace is surrounded by a glass wall/barrier. The barrier is of a height that encourages customers to lean on it to look at the views across the Thames. It is an amazing view and customers would naturally gravitate from the north side of the terrace (where they are currently able to drink later but where the views are less dramatic) to the south side where the views are better. In the past there had been mention in licensing meetings by the hotel and its representatives of increasing the height of the barrier to try to block customer noise but I do not believe that this has occurred. Mr Baylis will be able to confirm the point for the licencing panel. The acoustic consultant's report indicated that a better barrier (ie taller glass screen) would have the most acoustic impact, resulting in a 10db drop. I concur with his view.

- 2) In the past the hotel, when seeking to get changes made to the licence after my successful licence review submitted an application which indicated that the south terrace could be used as a restaurant late at night. The intention was to presumably to convey that a restaurant would be quieter than a venue where alcohol predominated consumption. That application was unconvincing, not least because of the hotel's marketing materials regarding the roof top terrace and the lack of any menus etc. Again there is nothing in this application which indicates that the use of the terrace will be diluted from the predominantly "bar" use which was causing noise nuisance for local residents until 2014. If the panel are minded to grant extended hours for use of the southern terrace then we would ask that they do so whilst simultaneously imposing WC's model restaurant conditions requiring alcohol consumption on the southern terrace to be ancilliary to substantial table meals.

Whilst the new management talked about changes in culture for the roof top bar which sounded very positive, sadly none of this is reflected in the application seen.

In absence of reassurance within the application regarding customer noise, I object to the application as it stands on the basis that it will create noise nuisance in my property and those of neighbouring properties. It is disappointing that the application is devoid of any evidence that noise attenuation measures have been considered/taken. I look forward to hearing when the application will be heard and will try to ensure that I can move work commitment to ensure that I and/or neighbours are able to attend. I would ask that those considering the application ask detailed questions about the use of the southern terrace to ensure that they do not sanction changes which are likely to produce noise nuisance which puts residents back to square one requiring them to engage once again with the noise team, licensing team and potentially seek another licence review, only a few years after the last review was successful.

| | | | |
|--|------------|-------------------------------|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] | |
| Status: | Maintained | In support or opposed: | Opposed |

| | | | |
|--|--------------------------|-------------------------------|---------|
| Received: | 12 June 2018 | | |
| <p>I write with concerns about the major licence variation which has been made on behalf of the roof top bar of the ME Hotel.</p> <p>Firstly I was surprised, that we as residents of [REDACTED] did NOT get any written notification by the council about this License application.</p> <p>Sometimes local businesses seeking licences in the area in question (the Aldwych end of the Strand) overlook that the area in question is mixed use and includes residential property. I am the owner of [REDACTED]. There are 3 residential flats in each of [REDACTED] (9 homes in total). There are also a considerable number of flats within the [REDACTED] building which is adjacent to the ME Hotel.</p> <p>I do fully agree with the objection and concerns [REDACTED] raised. I also want to add, that my flat, because it is [REDACTED] will be even more affected by the noise nuisance, due to the its open position.</p> <p>I am still living in the flat and the additional noise would have a great negative impact.</p> | | | |
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] | | |
| Status: | Maintained | In support of opposed: | Opposed |
| Received: | 12 June 2018 | | |
| <p>I am writing to you in respect of the application to vary the licence conditions for the rooftop bar at the ME Hotel at 335 Strand and its effect on my flat, [REDACTED]. This is the [REDACTED] and backs onto the solid brick wall of part of Somerset House which is located about 30 ft away from the bedrooms in the flat.</p> <p>The rooftop bar of the ME Hotel has been a source of considerable disturbance over the years since it was established. Unhappily for the owners of the hotel and the residents of the 9 flats at [REDACTED] the noise from the outside terrace of the roof bar happens to reverberate of the rear wall of Somerset House and disturb anyone in the bedrooms, all of which are to the rear of the three buildings. I believe all the flats are configured in the same manner with the result that 18 flats are affected by the noise in these three buildings.</p> <p>Originally speakers were placed on the hotel's roof terrace and the residents =complained. They were removed but the noise continued although it came only from guests on the terrace. There was initially considerable scepticism from the hotel that the noise was as disruptive as the flat owners alleged and the upshot was that a noise survey was carried out by the hotel. This sound survey was conducted at the middle flat of the 9, the 2nd floor at [REDACTED]. It revealed that the residents were not exaggerating the impact of noise from customers using the roof terrace. As a result of this the current restrictions were placed on the licence. I assume that this survey has been produced in respect of this application.</p> <p>It is these restrictions which it is now sought to remove.</p> <p>However, nothing has changed and there is no justification for asserting that the results of the hotel's own sound survey are no longer relevant.</p> <p>For this reason I ask that the application relating to the roof bar be rejected.</p> | | | |

3. Policy & Guidance

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

Policy HRS1 applies:

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Equality Implications

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

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

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

5. Appendices

| | |
|-------------------|---|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Premises Licence Review (14/06927/LIREVP) decision notice |
| Appendix 5 | Accoustics Report – ME Hotel 2014 |
| Appendix 6 | Proposed conditions |
| Appendix 7 | Residential map and list of premises in the vicinity |

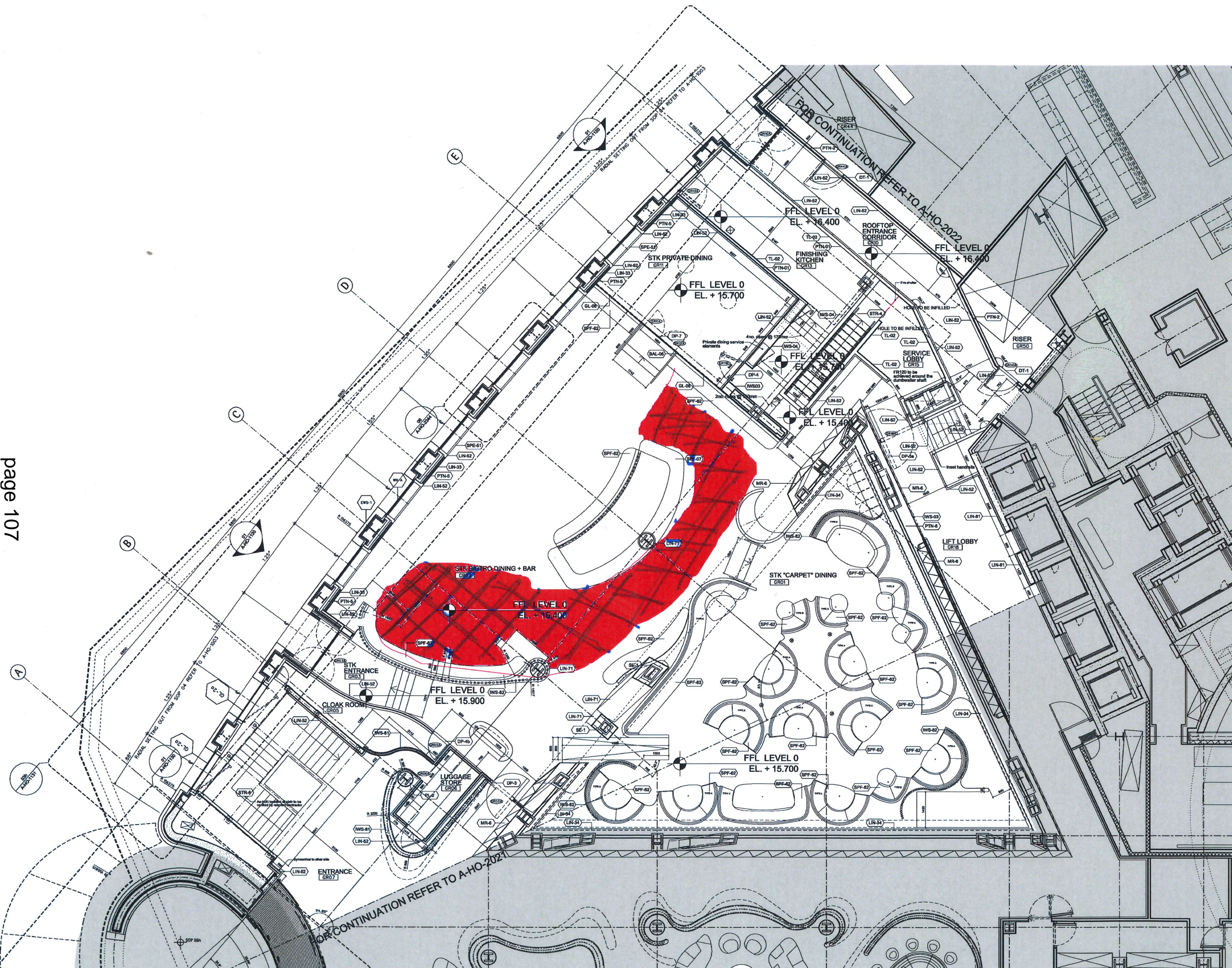
| | |
|-----------------------|---|
| Report author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact: | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

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

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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Environmental Health Service representation | 15 June 2018 |
| 5 | Metropolitan Police Service representation | 13 June 2018 |
| 6 | Resident representation 1 | 18 June 2018 |
| 7 | Resident representation 2 | 12 June 2018 |
| 8 | Resident representation 3 | 12 June 2018 |

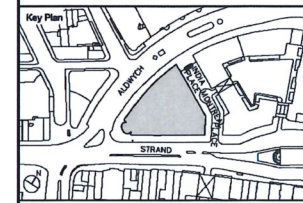
The premises licence plans for the Ground floor (Red Hatched) and the Basement to 10th floor are enclosed.



- General Notes
1. Do not scale drawings. Dimensions govern.
 2. All dimensions are in millimetres unless noted otherwise.
 3. All dimensions shall be verified on site before proceeding with the work.
 4. Foster + Partners shall be notified in writing of any discrepancies.
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| Rev. | Date | Reason For Issue | CA |
|------|----------|----------------------------------|----|
| 09 | 26/03/12 | For Building Control Review | NL |
| 08 | 15/02/12 | For Information | NL |
| 07 | 13/02/11 | For Information | NL |
| 06 | 21/12/11 | For Information | NL |
| 05 | 21/11/11 | For Information | NL |
| 04 | 30/08/11 | For Public area fit-out Contract | NL |
| 03 | 10/08/11 | For Tender | NL |
| 02 | 03/08/11 | For Tender | NL |
| 01 | 12/07/11 | For Tender | NL |
| 00 | 23/02/11 | External Cladding/Alum | NL |
| | | | CA |

| Rev. | Date | Reason For Issue | CA |
|------|----------|----------------------------------|----|
| 09 | 26/03/12 | For Building Control Review | NL |
| 08 | 15/02/12 | For Information | NL |
| 07 | 13/02/11 | For Information | NL |
| 06 | 21/12/11 | For Information | NL |
| 05 | 21/11/11 | For Information | NL |
| 04 | 30/08/11 | For Public area fit-out Contract | NL |
| 03 | 10/08/11 | For Tender | NL |
| 02 | 03/08/11 | For Tender | NL |
| 01 | 12/07/11 | For Tender | NL |
| 00 | 23/02/11 | External Cladding/Alum | NL |
| | | | CA |



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Client
Sol Meliá Hotels & Resorts

Project
ME London

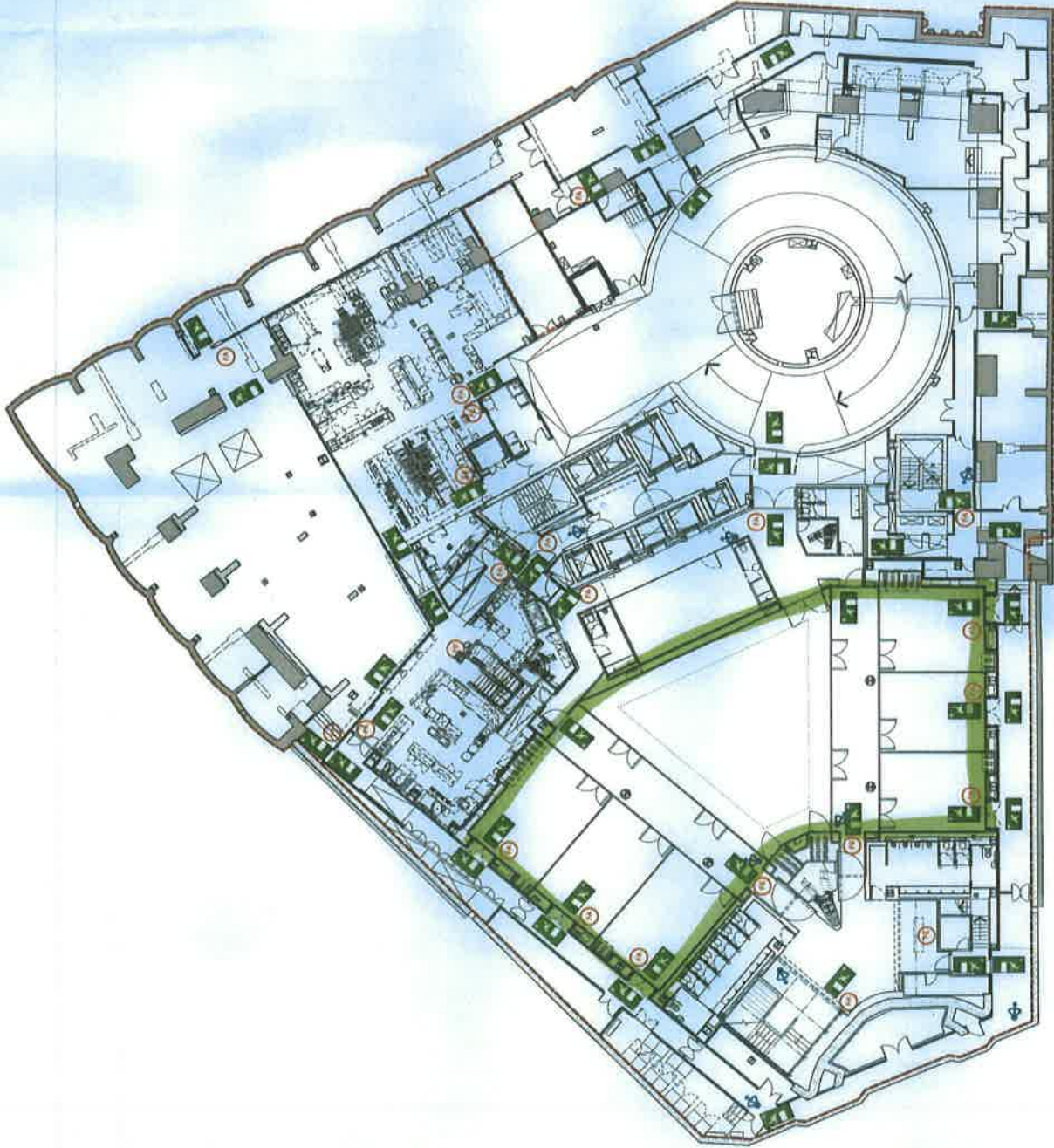
Title
**Northwest Plan
Ground Floor**

| Project No. | Scale @ A0 | Date | Drawn By |
|---------------|------------|----------|----------|
| 1301-2 | 1:50 | 23/02/11 | HL |
| Number | Revision | | |
| A - HO - 2020 | 09 | | |

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Area of licensable
activity

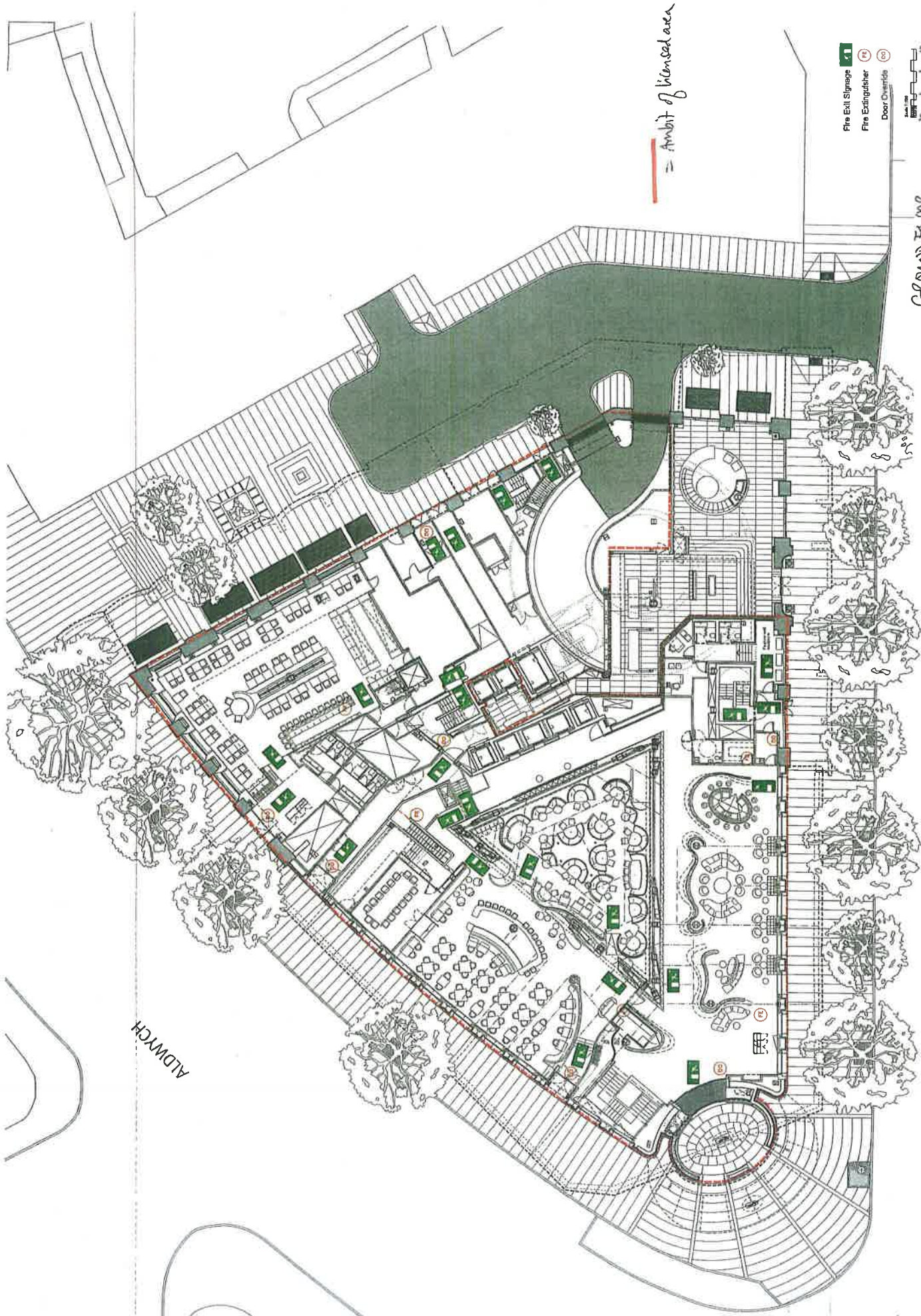


- KEY
- Hotel boundary
 - CCTV Camera
 - Fire Exit Signage
 - Fire Extinguisher
 - Fire Alarm

BARENANT

SOL MELIA - ME LONDON
GENERAL ARRANGEMENT
Foster + Partners

08/06/12



Ambit of license area

- Fire Exit Signage (E)
- Fire Extinguisher (H)
- Door Overridable (R)

CLOUD FLOOR

SOL MELIA - ME LONDON
 Foster + Partners
 GENERAL ARRANGEMENT
 SCALE 1:100
 23/05/12
 A-SKT-CT-120523-001_Level_00

ADMITCH

STRAND

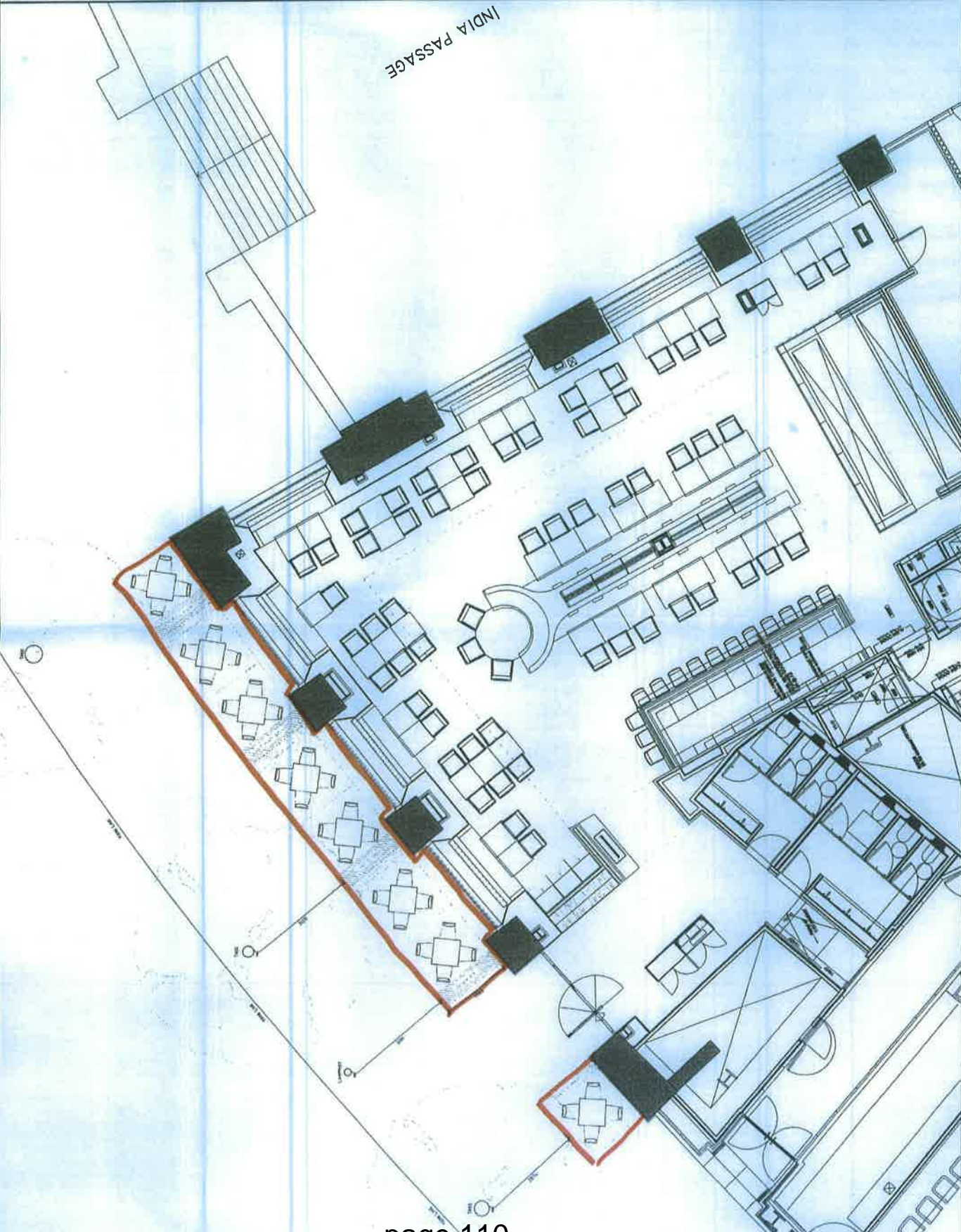
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ME HOTEL
Church Lane
London WC2B 1HA
Proposed T. Stone &
Chris Pinn

Date: 07.03.09
Scale: 1:500
Drawing No: 02
1918

INDIA PASSAGE



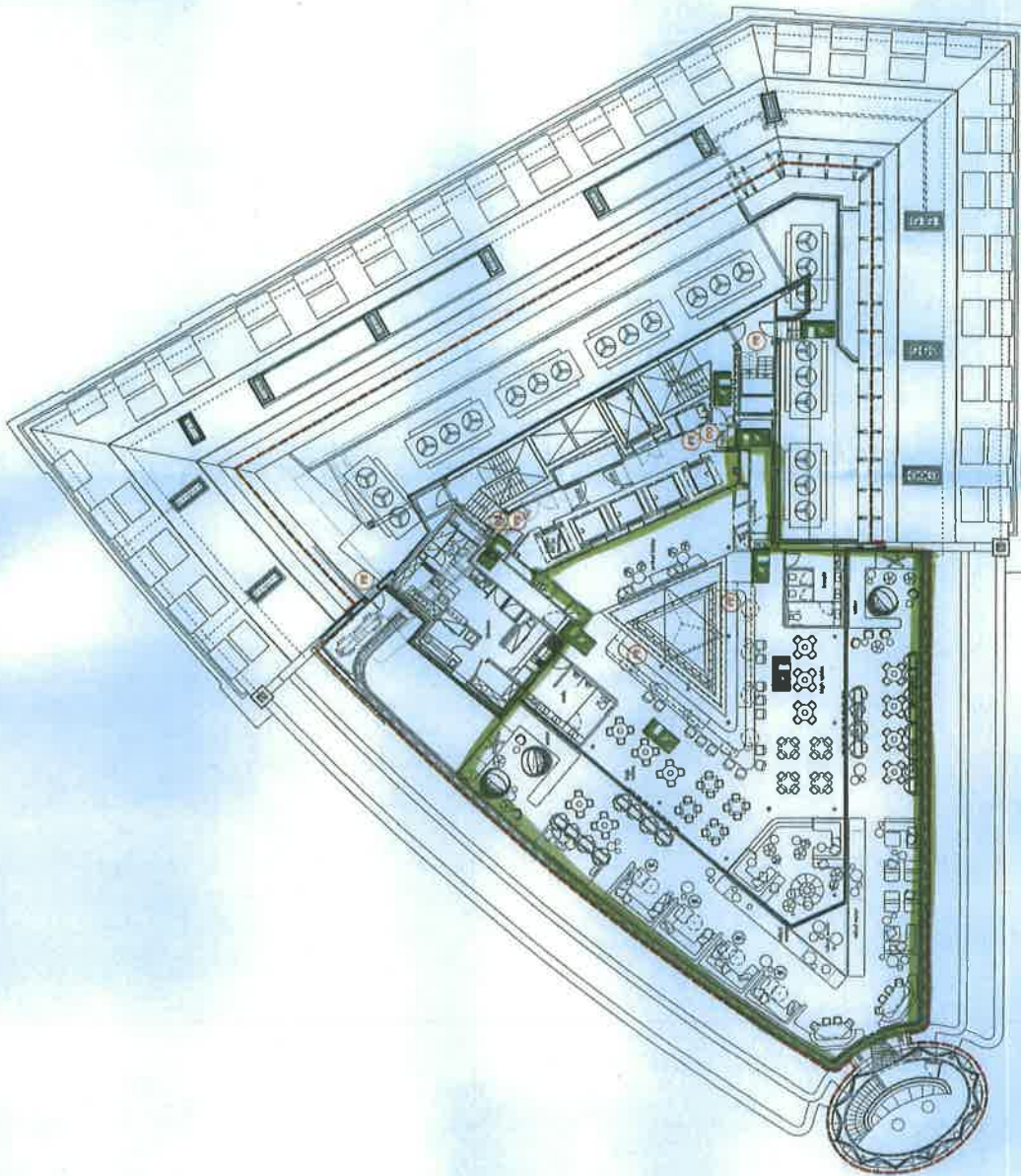
ALDWYCH



Ambit of licensable activity

4th Floor Reception / Roof Terrace

- KEY
- Hotel boundary
 - CCTV Camera
 - Fire Exit Signage
 - Fire Extinguisher
 - Fire Alarm



AMBIT OF
 LICENSABLE ACTIVITY

- Fire Exit Signage
- Fire Extinguisher
- Door Override

10th Floor Roof

SOL MELIA - ME LONDON
 GENERAL ARRANGEMENT
 LEVEL 10
 SCALE 1:100 @ A0
Foster + Partners
 20/05/11
 A-SKT-NP-110520-010_Level_10

There are no supporting documents from the Applicant.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|-----------------------------------|
| 11/06782/LIPN | New premises licence application | 17/11/2011 | Granted under delegated authority |
| 12/01735/LIPT | Application to transfer the premises licence | 23/03/2012 | Granted under delegated authority |
| 12/01950/LIPDPS | Application to vary the designated premises supervisor | 28/03/2012 | Granted under delegated authority |
| 12/04408/LIPVM | Application for a minor variation | 13/06/2012 | Granted under delegated authority |
| 12/07063/LIPV | Application to vary the premises licence | 13/03/2012 | Granted under delegated authority |
| 13/01927/LIPV | Application to vary the premises licence | 26/04/2013 | Granted under delegated authority |
| 13/02417/LIPV | Application to vary the premises licence | 30/05/2013 | Granted under delegated authority |
| 13/03742/LIPT | Application to transfer the premises licence | 10/06/2013 | Granted under delegated authority |
| 14/00248/LIPVM | Application for a minor variation | 30/01/2014 | Granted under delegated authority |
| 14/02293/LIPV | Application to vary the premises licence | 24/04/2014 | Granted under delegated authority |
| 14/02904/LIPDPS | Application to vary the designated premises supervisor | 24/04/2014 | Granted under delegated authority |
| 14/04253/LIPDPS | Application to vary the designated premises supervisor | 20/06/2014 | Granted under delegated authority |
| 14/10570/LIPDPS | Application to vary the designated premises supervisor | 10/12/2014 | Granted under delegated authority |

| | | | |
|-----------------|--|------------|--|
| 15/01186/LIPV | Application to vary the premises licence | 23/04/2015 | Application refused by Licensing Sub-Committee |
| 15/03351/LIPDPS | Application to vary the designated premises supervisor | 02/11/2015 | Granted under delegated authority |
| 15/07403/LIPDPS | Application to vary the designated premises supervisor | 18/09/2015 | Granted under delegated authority |
| 15/08328/LIPVM | Application for a minor variation | 13/10/2015 | Granted under delegated authority |
| 16/05795/LIPDPS | Application to vary the designated premises supervisor | 20/06/2016 | Granted under delegated authority |
| 16/08623/LIPDPS | Application to vary the designated premises supervisor | 24/08/2016 | Granted under delegated authority |
| 18/03239/LIPV | Application to vary the premises licence | 17/05/2018 | Granted by Licensing Sub-Committee |
| 18/06018/LIPV | Current application | | |

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|---|
| 14/06927/LIREVP | Review of a premises licence | 16/10/2014 | Conditions were modified and added to the licence |

There is no appeal history

| Application | Duration of event | Date Determined | Decision |
|--------------------|--------------------------|------------------------|--------------------------|
| 14/03926/LITENP | 05/06/2014 – 06/06/2014 | 28/05/2014 | Event allowed to proceed |
| 13/03111/LITENP | 23/05/2013 | 15/05/2013 | Event allowed to proceed |
| 13/01000/LITENP | 26/02/2013 | 20/02/2013 | Event allowed to proceed |

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

12. The provision of regulated entertainment is restricted to the basement area only.
13. The number of persons accommodated at any one time within the basement area (excluding staff) shall not exceed 300 persons. (subject to District Surveyor approval).
14. All activities shall be pre-booked and details of the event organiser and event shall be kept for a period of 21 days after the event.
15. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
16. 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.
17. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
18. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
19. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
20. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
21. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should 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, should be non-combustible.
22. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system
26. 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.
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators

- o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
28. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
29. No striptease, no nudity and all persons to be decently attired at all times.
30. Licensable activity in this area will only be provided to hotel residents and their bona fide guests, persons attending a pre booked function, artists or performers at such functions.

10th Floor

31. The number of persons accommodated at any one time on the 10th Floor (including staff) shall not exceed 240 persons.
32. The supply of alcohol shall be by waiter or waitress service only.
33. There shall be no entry to the 10th floor of the premises after 01.00 except to the following persons:-
- o Residents of the Hotel and/or their guests (maximum number of 4 bona fide guests).
 - o A list of the persons on the guest list to be held at the Hotel reception.
 - o Persons attending a pre-booked function - a list of the persons attending the private function to be available at the Hotel reception.
 - o Persons employed by the Hotel proprietor including artistes.
34. Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.
35. A noise limiter must be fitted to the musical amplification system set at a level determined by and in consultation with local residents 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.

36. The premises licence holder shall ensure that any patrons drinking and/or smoking on the external terrace area do so in an orderly manner and are supervised by sufficient staff so as to ensure that there is no public nuisance.
37. After 22:30 the area marked Terrace 1 on the licence plan shall not be used except in an emergency and for access to and from the Penthouse Suite.

Proposed amendment is to vary condition 37 to read:

After 22:30 the area marked Terrace 1 on the licence plan shall not be used except:

- a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons;
- b. In an emergency at any time; and
- c. For access to and from the Penthouse Suite at any time

First Floor Fine Dining Restaurant (Cucina Assellina Restaurant)

38. Intoxicating liquor in the fine dining restaurant area shall not be sold or supplied on the premises otherwise than to a person seated taking table meals there and for consumption by any such person as an ancillary to their meal.
39. Notwithstanding the above condition, alcohol may be supplied and consumed prior to their meal in the designated bar area.
40. The supply of alcohol shall be by waiter or waitress service only in the fine dining restaurant.

Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)

41. Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.
42. On the ground floor where licensable activity is permitted, a minimum of one SIA registered door supervisor shall be on duty at all entrances to the premises from 22.00.
43. There shall be no new entry for non-residents after 00:30.
44. The maximum number of persons (excluding staff) within the ground floor licensed areas between 01.00 hours and 02.00 hours shall not exceed STK Restaurant 200 persons; Marconi Bar and Lounge 60 persons
45. After 1.00am, the sale of alcohol in the ground floor restaurants will be ancillary to food, consumed by seated persons, supplied by waiter / waitress.
46. After 1.00am, the sale and consumption of alcohol in the Marconi bar will be to seated persons, supplied by waiter / waitress.

Ground Floor Reception Area

47. Supply of alcohol to the first floor reception area shall only be to hotel residents and their bona fide guests
48. No regulated entertainment is permitted in the first floor reception area.

All Areas

49. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
50. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions.
51. The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
52. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
53. All deliveries shall be to the service road leading to the basement delivery area.
54. No loudspeakers shall be located in the entrance area/corridor or external to the building, including the external terrace area on the 10th Floor.
55. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 07.00hours.
56. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
57. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent recordings with the absolute minimum of delay when requested.
58. All refuse will be stored internally prior to collection.
59. Any 'off' sales of alcohol are to be in sealed containers only and for consumption off the premises.
60. There will be no self-service of alcohol except for in the guest bedrooms.
61. Notices shall be prominently displayed at all exits and on the 10th Floor external roof terraces requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
62. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
63. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.

64. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
65. There shall be at least one SIA registered door supervisor employed at the entrance to the Hotel at all times.
66. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
67. 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.
68. All beers and lagers sold in glass bottles are to be decanted into drinking containers prior to being served.
69. CCTV will be provided to cover the external area used for tables and chairs
70. All service of alcohol within the external area (edged in red) on the Aldwych as shown on plan JT 1413 shall be by waiter or waitress and to person seated only.
71. Any condition on this licence relating to live music will have effect and section 177A will not apply to such conditions.

Condition Proposed by the Applicant in relation to the 10th Floor only:

72. SIA staff shall be provided in all parts of the 10th floor terrace at all times that it is occupied by patrons.

Conditions proposed by the applicant following a meeting with the Environmental Health Service:

73. All patrons on the south terrace to be seated when licensable activity takes place
74. No more than 60 patrons permitted on the south terrace
75. No music on the south terrace
76. All doors to the south terrace to be kept closed after 22.30 hours save for the central door that shall be kept closed except for immediate access and egress.

77. A dedicated SIA door supervisor to be in attendance on the south terrace from 22.30 until cessation of licensable activity to ensure good order.

LICENSING SUB-COMMITTEE No. 5
Thursday 16 October 2014

Membership: Councillor Angela Harvey (Chairman), Councillor Heather Acton and Rita Begum

Legal and Policy Adviser: Anita Sharman
 Policy Adviser: Chris Wroe
 Committee Officer: Sarah Craddock

Relevant Representations: Environmental Health Service, Licensing Authority and Local Residents in support of the Review.

Present: Mr Richard Brown (representing Ms Kate Swann), Mrs Kate Swann (Applicant), Mr Craig Baylis (representing the premises licence holder), John Yantin (Food and Beverage Manager), Mr Ian Watson and Ms Cliona Coleman (Environmental Health Service)

Review Application for ME Hotel, 335 Strand, WC2R 1HA

An application was made by Mrs Swann (a local resident) for review of the premises licence on 14 August 2014 on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm in relation to the playing of loud music and noise nuisance on the 10th Floor Roof Terrace.

Guidance issued under section 182 of the Licensing Act 2003 (Para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, or an interested party such as a resident living in the vicinity of the premises, may ask the licensing authority to review the licence of a matter arising at the premises in connection with any of the four licensing objectives.

As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

The current activities permitted under the premises licence 14/04253/LIPDPS

Exhibition of a Film

Monday to Sunday: 00:00 to 00:00 (Hotel Guest Rooms only)

Performance of Live Music

Playing of Recorded Music

Performance of a Play:

Monday to Sunday: 00:01 to 00:00 (Basement Function Rooms Only)

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol

Monday to Sunday: 00:01 to 00:00 (Residents, guests of residents and persons attending a pre-booked function)

Monday to Sunday: 08:00 to 03:00 (Non residents 10th floor roof area)

Monday to Sunday: 08:00 to 01:00 (Non residents Cucina Assellina Restaurant)

Monday to Sunday: 08:00 to 02:00 (Non residents STK Restaurant and Marconi Bar & Lounge)

The opening hours of the premises:

Monday to Saturday: 00:01 to 00:00

This premises operates as a hotel. Complaints have been received from residents concerning the loud amplified music allegedly emanating from the 10th Floor Roof Terrace of the Hotel.

OPTIONS:

The Authority must having regard to the application and the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence (modify, delete or add conditions);
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may provide that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

Decision (including reasons):

The Sub-Committee heard from Mr Browning, representing Ms Swann, who described in detail the problems that Mrs Swann had encountered since the premises had opened in relation to the playing of loud music and noise nuisance from the 10th Floor Roof Terrace of the hotel.

Mr Brown referred to pages 128 to 139 of the report which contained Ms Swann's review application of the premises and advised of the location of Ms Swann's flat. He explained that the noise from the 10th floor seemed to travel and bounce off the high wall behind Ms Swann's flat causing noise nuisance to Ms Swann and her family. (A history of the noise complaints were contained at page 135 to 137 of the report) Mr Brown advised that the issues regarding loud music had now been resolved and that crowd noise now remained Ms Swann's main concern.

Ms Swann advised that the ME hotel had been running events during the summer afternoons which had been very loud and oppressive. In addition loud music was being played during the evening that was causing her a great deal of stress as she was unable to sleep. This had had a detrimental effect on her family life.

Mr Brown referred to page 133, points 1-6 of the report, which set out Ms Swann's proposed conditions that she wanted attached to the licence to limit any permission to play recorded music in the roof bar so as to stop noise nuisance occurring through crowd and music noise. Mr Brown advised that all external music speakers must be removed from the external parts of the roof terrace, music levels should be set by a noise limiter, additional staff should be employed with specific responsibility of ensuring guests are quiet, appropriate signage be displayed and noise attenuation measures be carried out in the external area of the rooftop bar to eradicate the impact of music and people noise. Mr Brown then went through the proposed conditions with the Sub-Committee (set out in Appendix D of the report) and

suggested that model condition 71 be added to the licence to ensure sufficient staff was available to ensure people kept their personal noise down.

Mr Baylis, representing the Licensee, advised that action had already been taken to reduce the noise nuisance by removing the external loud speakers, displaying signs to remind guests that they were within a residential area and employing additional staff to ensure guests kept their personal noise to a reasonable level. Mr Baylis then went through the proposed conditions with the Sub-Committee (set out in Appendix D of the report) and advised that the applicant was happy to agree to all the proposed conditions. He further added that the applicant was also willing to vacate The Strand side of the terrace leaving only the Covent Garden side of the terrace in operation after 10.30pm. Further in order to minimise noise escape to The Strand side he said that the lost of the nearest sections on the Aldwyn side would be di minimus. He referred to the plan contained at page 181 of the report and indicated where the barrier would be located across the terraces and the access and exit points to and from the Penthouses. He agreed that a revised plan be submitted to the Licensing Authority showing the terrace area to be used after 10.30pm and he confirmed that the terrace area was never used after 2am.

Environmental Health had submitted a representation in support of the review application as they felt that the licensing objectives were being undermined. Environmental Health advised that that there had been complaints received by residents concerning the loud amplified music allegedly emanating from the 10th Floor Roof Terrace. Environmental Health advised that the 10th floor terraces had always been a concern but they had not been aware that the conditions attached to the licence were causing noise nuisance to the local residents.

Environmental Health advised that the barrier must not prevent the means of escape and windows and doors should not to be locked in case of a fire. He advised that he would like model condition 11 to be added to the licence regarding the instalment of a noise limiter. Environmental Health advised that the capacity was 240 patrons and that the 10th floor could easily accommodate this number of people.

The Sub-Committee had a lengthy discussion with all representatives regarding the position of the barrier on the 10th floor, the effect the glass panel had on noise nuisance, access to and from the Penthouse suite, the arrangement of the seating on the terrace and the travel of noise to the residential areas from the 10th floor.

Mr Chris Wroe, Policy Adviser, suggested that a new map of the 10th floor be submitted to the Licensing Authority setting out clearly the internal and external areas of the 10th floor and the designated terrace areas that will be used/not used after 10.30pm

The Sub-Committee considered all the representations very carefully and stated that they were disappointed that the nuisance had occurred and the loud speakers had been placed on the terrace. They were also surprised that the loud speakers had not been removed earlier during the complaint process. The Sub-Committee complimented Ms Swann on the clarity of her case and noted that the ME Hotel wished to ensure that the matters were kept under control now they had recognised the problem caused to neighbours and that by having conditions added to the premises licence they would good neighbours.

The Sub-Committee decided to impose conditions on the premises licence which would hopefully ensure that the problems did not recur and which would help clarify the use and operation of the premises and promote the Licensing Objectives. The Sub-Committee encouraged the hotel and residents to work together in the future.

Conditions to be attached to the Licence

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 premises 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. 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.
11. 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.

Basement Function Rooms:

23. The provision of regulated entertainment is restricted to the basement area only.
24. The number of persons accommodated at any one time within the basement area (excluding staff) shall not exceed 300 persons. (subject to District Surveyor approval).
25. All activities shall be pre-booked and details of the event organiser and event shall be kept for a period of 21 days after the event.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. 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.
28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should 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, should be non-combustible.
33. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system
26. 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.
- o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
28. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
29. No striptease, no nudity and all persons to be decently attired at all times.
30. Licensable activity in this area will only be provided to hotel residents and their bona fide guests, persons attending a pre booked function, artists or performers at such functions.

10th Floor

31. The number of persons accommodated at any one time on the 10th Floor (including staff) shall not exceed 240 persons.
32. The supply of alcohol shall be by waiter or waitress service only.
33. There shall be no entry to the 10th floor of the premises after 01.00 except to the following persons:-

- o Residents of the Hotel and/or their guests (maximum number of 4 bona fide guests).
 - o A list of the persons on the guest list to be held at the Hotel reception.
 - o Persons attending a pre-booked function - a list of the persons attending the private function to be available at the Hotel reception.
 - o Persons employed by the Hotel proprietor including artistes.
34. Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.
35. A noise limiter must be fitted to the musical amplification system set at a level determined by and in consultation with local residents 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.
36. The premises licence holder shall ensure that any patrons drinking and/or smoking on the external terrace area do so in an orderly manner and are supervised by sufficient staff so as to ensure that there is no public nuisance.
37. After 22:30 the area marked Terrace 1 on the licence plan shall not be used in except in an emergency and for access to and from the Penthouse Suite.

First Floor Fine Dining Restaurant (Cucina Assellina Restaurant)

38. Intoxicating liquor in the fine dining restaurant area shall not be sold or supplied on the premises otherwise than to a person seated taking table meals there and for consumption by any such person as an ancillary to their meal.
39. Notwithstanding the above condition, alcohol may be supplied and consumed prior to their meal in the designated bar area.
40. The supply of alcohol shall be by waiter or waitress service only in the fine dining restaurant.

Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)

41. Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.
42. On the ground floor where licensable activity is permitted, a minimum of one SIA registered door supervisor shall be on duty at all entrances to the premises from 22.00.
43. There shall be no new entry for non-residents after 00:30.
44. The maximum number of persons (excluding staff) within the ground floor licensed areas between 01.00 hours and 02.00 hours shall not exceed STK Restaurant 200 persons; Marconi Bar and Lounge 60 persons
45. After 1.00am, the sale of alcohol in the ground floor restaurants will be ancillary to food, consumed by seated persons, supplied by waiter / waitress.

46. After 1.00am, the sale and consumption of alcohol in the Marconi bar will be to seated persons, supplied by waiter / waitress.

Ground Floor Reception Area

47. Supply of alcohol to the first floor reception area shall only be to hotel residents and their bona fide guests
48. No regulated entertainment is permitted in the first floor reception area.

All Areas

49. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
50. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions.
51. The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
52. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
53. All deliveries shall be to the service road leading to the basement delivery area.
54. No loudspeakers shall be located in the entrance area/corridor or external to the building, including the external terrace area on the 10th Floor.
55. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 07.00hours.
56. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
57. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent recordings with the absolute minimum of delay when requested.
58. All refuse will be stored internally prior to collection.
59. Any 'off' sales of alcohol are to be in sealed containers only and for consumption off the premises.
60. There will be no self-service of alcohol except for in the guest bedrooms.

61. Notices shall be prominently displayed at all exits and on the 10th Floor external roof terraces requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
62. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
63. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
64. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
65. There shall be at least one SIA registered door supervisor employed at the entrance to the Hotel at all times.
66. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
67. 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.
68. All beers and lagers sold in glass bottles are to be decanted into drinking containers prior to being served.
69. CCTV will be provided to cover the external area used for tables and chairs
70. All service of alcohol within the external area (edged in red) on the Aldwych as shown on plan JT 1413 shall be by waiter or waitress and to person seated only.
71. Any condition on this licence relating to live music will have effect and section 177A will not apply to such conditions.

A copy of the acoustics report that was prepared during the review of the premises licence in 2014 and referred to by the resident opposing the application is enclosed.

Report No. 0222.2 rev 1
October 2014

**ROOFTOP RADIO BAR, ME HOTEL,
336-337 STRAND, LONDON WC2R 1HA**

NOISE ASSESSMENT

DKN ACOUSTICS

Report prepared by:
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On behalf of:
The ONE Group
336-337 Strand
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Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

1.0 EXECUTIVE SUMMARY

- 1.1 This assessment considers the noise impact from external customers at the rooftop Radio Bar of the ME Hotel to the resident (complainant) at Flat 2, 148 Strand.
- 1.2 A noise survey was carried out at to the rear of the complainant's property from Friday 3 October to Sunday 5 October 2014.
- 1.3 Visits were made to the local area throughout and the noise was witnessed at the complainant's property on the evening of Saturday 4 October.
- 1.4 It was observed that customer noise was clearly audible to the rear of the property and at a level that is expected to constitute a statutory nuisance when witnessed on the flat roof and also in the bedroom when the window was open. This is confirmed by sample audio recordings undertaken by the complainant during the survey. It is not considered a statutory noise nuisance in the bedroom when the window was closed.
- 1.5 It is likely that customer noise is being reflected to the rear of the property off the high flank walls surrounding it. The noise is more noticeable at the rear as the road traffic noise in particular is much lower here than at the front, and so does not 'mask' the customer noise so readily.
- 1.6 Customer noise is not audible at the front of the complainant's property due to the higher ambient noise level.
- 1.7 It should, however, be noted that there are a number of other significant noise sources in the area and to the rear of the complainant's property, unrelated to the ME Hotel/Radio Bar. These include mechanical services plant serving adjacent commercial premises, customer noise breakout from the bar and restaurant at the nearby Strand Continental Hotel, vehicle noise (sirens, car horns, bus brake

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squeals), aircraft and open air music/film/entertainment events at Somerset House to the rear (although not present during the survey).

- 1.8 The Radio Bar has introduced a number of good practice noise control measures to minimise noise emissions.
- 1.9 A number of additional noise control measures have been recommended to further reduce noise from external customers at the Radio bar.
- 1.10 It is expected that the correct implementation of a combination of these measures will reduce customer noise to a level that it is no longer considered a statutory nuisance.

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2.0 INTRODUCTION

2.1 DKN Acoustics has been instructed by The ONE Group to undertake a noise assessment of the rooftop Radio Bar at the ME Hotel, 336-337 Strand, London, W2R 1HA.

2.2 This is required for the Licence Review to be undertaken by Westminster City Council, following noise complaints from a local resident concerning customer noise from the Radio Bar.

2.3 The assessment has included:

- Noise survey from Friday 3 – Sunday 5 October 2014 at the complainant's property, including the option for the complainant to record audio samples;
- Noise survey at the Radio Bar on Saturday 4 October 2014;
- Visits to Radio Bar and complainant's property at key periods to witness and assess audible noise levels from the Radio Bar;
- Monitoring of other significant noise sources in the local area; and
- Recommendations for noise control measures as necessary.

2.4 Noise levels referred to in the text of this report have been rounded to the nearest whole decibel (dB), as fractions of dBs are imperceptible. A description of the relevant noise units and noise characteristics is provided in Appendix I.

2.5 The noise survey and assessment has been carried out by Duncan Newhall, who is a Member of the Institute of Acoustics (IOA) and holder of the IOA Diploma in Acoustics and Noise Control. DKN Acoustics is an independent acoustic consultancy.

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3.0 SITE DESCRIPTION

3.1 The Radio Bar is located on the tenth (top) floor of the ME Hotel, 336-337 Strand, London W2R 1HA, at the junction of Strand and Aldwych.

3.2 The bar has a central internal space with perimeter roof terrace overlooking Aldwych and Strand.

3.3 The opening hours are:

- Monday to Wednesday: 12:00 – 01:00 hours
- Thursday to Saturday: 12:00 – 02:00 hours
- Sunday: 12:00 – 23:00 hours

3.4 Amplified music is played in the internal space of the Radio Bar only, predominantly as 'background music'. There is typically an increase in amplified music levels during Friday and Saturday evenings from 20:00 hours when there is a DJ set. From 22:00 hours, the door to the external terrace on the Strand side is closed to help contain noise.

3.5 No amplified music is played on the external areas of the Radio Bar. External loudspeakers were originally installed but have now been removed.

3.6 The surrounding area of the Strand and Aldwych roads is well trafficked, leading to a significantly high 'ambient' noise level in the local area over 24 hours. There are a number of other commercial premises in the immediate area which also generate noise including:

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Strand Continental Hotel, 143 Strand:

Including first floor bar (India Club), second floor Indian restaurant and mechanical services plant to rear.

Pizza Express, 147 Strand

Mechanical services plant to the rear.

Thai Square restaurant, 148 Strand

Mechanical services plant to the rear.

Sitar Indian restaurant, 149 Strand

Mechanical services plant to the rear.

Somerset House, Strand

Including open air live music, film and performance events, Winter ice-skating and mechanical services plant.

- 3.7 The complainant lives at Flat 2 (second floor), 148 Strand, to the south of the premises. The complaint concerns noise from external customers at the Radio Bar. Due to the high ambient road traffic noise level, there is no perceived noise issue to the front of the complainant's flat, where the living room of the flat is located.
- 3.8 The complaint is of customer noise being audible to the rear of the flat. This area is overlooked by the bedroom windows, which are single glazed timber sash windows, with flat roof beyond. The space to the rear of the flat is surrounded by high flank walls of nearby properties. It is possible that this arrangement allows external noise propagating from the tenth floor Radio Bar to reflect off these structures to the rear of the complainant's flat. Road traffic noise to the rear is quite well screened by the intervening fourth floor building of 148 Strand, and so there is less 'masking' of any noise from the Radio Bar.

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4.0 PREMISES LICENCE CONDITIONS & WESTMINSTER CC CORRESPONDENCE

4.1 The existing premises licence, ref. 14/04253/LIPDPS, includes a number of conditions. The noise-related conditions relevant to the Radio Bar (tenth floor bar) and the current noise complaint are summarised as follows:

31. The number of persons accommodated at any one time on the 10th Floor Roof area (excluding staff) shall not exceed 240 persons.

.....

59. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

4.2 In addition, following a previous complaint concerning amplified music, Westminster City Council has confirmed, with caveats, the music noise level in order for the Radio Bar to no longer cause disturbance to neighbouring properties. At the bar with all windows open, the agreed music noise level was confirmed at 85 dB L_{Aeq} , with 91 dB L_{Amax} and 81 dB L_{A90} also recorded. This is shown in WCC's letter dated 23 December 2013, which appears in Appendix V.

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5.0 NOISE SURVEY

- 5.1 Noise surveys and site visits were carried out from Friday 3 October to Sunday 5 October 2014.
- 5.2 Weather conditions were dry, relatively warm and calm (wind speed less than 5m/s) throughout, with the exception of a prolonged period of rain from approximately 10:00-16:00 hours on Saturday 4 October. The weather conditions during the key Friday and Saturday evening/night-time and Sunday lunchtime periods were therefore ideal for noise measurement.

Noise survey at complainant's residence

- 5.3 The complainant kindly co-operated to allow the noise survey at the Flat 2, 148 Strand.
- 5.4 Noise measurement equipment was installed on the second floor flat roof to the rear of the property. The microphone was located approximately 1m outside the bedroom window, mounted on a tripod around 1.2m above the flat roof.
- 5.5 The equipment comprised a RION NL-52 Type 1 integrating sound level meter (serial no. 00810302), pre-amplifier model NH-25 (serial no. 10296) and microphone model UC-59 (serial no. 03951). A continuous noise measurement survey was conducted from 17:10 hours on Friday 3 October until 14:30 hours on Sunday 5 October. Individual noise levels were measured sequentially over five minute periods during the survey. An all-weather windshield was fitted to the microphone. The calibration of the meter was checked before and after the survey, using calibrator model NC-74 (serial no. 34794362) with no variation in level noted.
- 5.6 The sound level meter was linked to a Noise Nuisance Recorder (NNR-03) which also allowed the complainant to record audio samples of any noise from the Radio bar when required. The complainant recorded 12 no. audio recordings, ranging

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from around one to five minutes in duration (maximum five minute recording possible per audio sample). The notes made by the complainant appear in Appendix III (11 no. notes made for 12 no. recordings).

5.7 In addition, the complainant was invited to call me to witness any noise incidents at the residence for the duration of the survey. Such a visit was made from approximately 22:30-23:00 hours on Saturday 4 October.

5.8 A summary of the measured levels is shown in Table 1. The full set of data is shown in chart form in Appendix II. Full details of individual measurements will be supplied on request.

Table 1: Mean measured noise levels at Location 1 (complainant's flat), dB

| Period | Noise level | | | | Comments |
|---|------------------|-------------------|------------------|------------------|---|
| | L _{Aeq} | L _{Amax} | L _{A10} | L _{A90} | |
| Friday trading (part 17:10-02:00 hrs) | 54 | 68 (max 84) | 54 | 51 | Measured levels throughout controlled by a variety of noise sources, including opening of bedroom sash windows, mechanical plant noise, aircraft, road traffic including sirens, car horns and bus brake squeals, noise from commercial kitchens etc and noise contribution from Radio Bar customers. |
| Saturday non-trading (02:00-12:00 hrs) | 52 | 66 (max 82) | 50 | 46 | |
| Saturday trading (12:00-02:00 hrs) | 54 | 67 (max 82) | 54 | 50 | |
| Sunday non-trading (02:00-12:00 hrs) | 50 | 66 (max 81) | 50 | 44 | |
| Sunday trading (part 12:00-14:30 hrs) | 55 | 71 | 56 | 46 | |

Patrol of local area

5.9 In addition, the area immediately around the complainant's residence was patrolled intermittently during the survey. This was done to identify all significant noise sources present.

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5.10 However, note that it was not possible to find a location that was representative of the enclosed area to the rear of the complainant's property.

Noise survey at Radio Bar

5.11 The Radio Bar was visited periodically throughout the survey. It was noted that the awning on the Strand-side of the terrace was extended throughout, with the exception of the period before 20:15 hours on Friday 3 October and during the Sunday 5 October trading period when it was fully or partially retracted.

5.12 In addition, a noise measurement survey was also conducted on the terrace of the Radio Bar overlooking the Strand in the direction of the complainant. The measurement position was at the location shown in Figure 5, with the microphone approximately 1.2m above the terrace floor.

5.13 The survey was carried out from 22:00 hours on Saturday 4 October until 02:45 hours the following morning. Sequential five minute noise measurements were recorded during the survey, with individual measurements synchronised with those being measured at the complainant's property.

5.14 Noise measurements were undertaken using a RION NA-28 Type 1 sound level meter (serial no. 00991176), including pre-amplifier model NH-23 (serial no. 81217) and microphone model NUC-59 (serial no. 01421). The calibration of the meter was checked before and after the survey, using calibrator model NC-74 (serial no. 34794362) with no variation in level noted.

5.15 The measurements were recorded with a windshield fitted at all times during the survey.

5.16 A summary of the measured levels is shown in Table 2. The full set of data is shown in chart form in Appendix II. Full details of individual measurements will be supplied on request.

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Table 2: Mean measured noise levels at Location 2 (Radio Bar), dB

| Period | Noise level | | | | Comments |
|--|------------------|-------------------|------------------|------------------|---|
| | L _{Aeq} | L _{Amax} | L _{A10} | L _{A90} | |
| Saturday trading (part 22:00-02:30 hrs) | 75 | 89 (max 97) | 76 | 68 | Customers, amplified music (through closed doors), road traffic, aircraft |

5.17 The manager of the Radio Bar keeps a daily log of customer numbers and of any noteworthy incidents. A record was also kept of whether the retractable awning on the Strand side of the terrace was extended or retracted. Copies of the manager's log sheets for the Friday and Saturday trading periods covered by the noise survey appear in Appendix IV. Customer numbers reached a maximum of 176 and 230 on Friday 3 and Saturday 4 October respectively.

6.0 ASSESSMENT OF NOISE FROM RADIO BAR

Noise survey at complainant's residence

- 6.1 The measured noise levels at Location 1 were largely a measure of all the various noise sources to the rear of the flat, as described in Table 1. There is no obvious increase in the measured noise levels when customer noise from the Radio Bar is reported to be audible. This was the case during the attended part of the survey, when the L_{Amax} peaks were caused by the sash window being opened and close (see Appendix II Chart A3).
- 6.2 An observation was made to the rear of the complainant's flat during the call out from 22:30-23:00 hours on Saturday 4 October. At this time, noise from customers' voices was clearly audible on the flat roof outside the bedroom window (near the noise measurement position). The perception was that the noise was being reflected to the rear of the property from the high sided flank walls of the enclosed space to the rear. At this time, the customer noise was identified as originating from the Radio Bar.
- 6.3 Other noise sources included mechanical plant, impact noise from adjacent commercial kitchens, road traffic (including brake squeals, car horns and sirens).
- 6.4 From inside the bedroom, customer noise was again clearly audible when the window was open. With the window closed, customer noise was only just audible.
- 6.5 It is expected that the Local Authority would consider the customer noise to the rear of the complainant's property to be a statutory nuisance at this time. This is expected to apply when heard on the flat roof and inside the bedroom when the window is open. When the bedroom window is closed, the noise is not considered adequate to be classed as a statutory noise nuisance inside the bedroom.

6.6 It was noted that on Sunday 5 October (on collection of the noise equipment at 14:30 hours), customer noise was not audible to the rear of the complainant's property. The Radio Bar roof terrace was well occupied on the Strand side, with an estimated 50 customers seated externally. The customers were predominantly dining with a more intimate and less animated style of conversation than occurred during the late evening/night-time periods. In this circumstance, there was no statutory noise nuisance.

6.7 The audio recordings undertaken by the complainant have been studied. Noise from customers is audible during a number of the recordings. Other audible noise sources include road traffic (including bus brake squeals, sirens, horns) and mechanical plant.

Patrol of local area

6.8 It was not possible to access a location that was representative of the enclosed area to the rear of the complainant's property.

6.9 Customer noise from the Radio Bar was not audible in any of the publicly accessible areas immediately adjacent to the complainant's flat. These areas included the street level on the Strand in front of the flat and the cul-de-sac road to the rear to the north-west of Somerset House (see Figure 3).

6.10 However, it was noted on Friday 3 October that there was a private party in the first floor bar of The Strand Continental Hotel. This was well attended and the bar was full of people, with the event taking place from around 19:00-00:20 hours. The rear window of this bar was open.

6.11 Also, the second floor Indian restaurant at the Strand Continental Hotel was full of diners until around 22:30 hours. The rear door to the restaurant was open.

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6.12 Customer noise from the bar and restaurant at the Strand Continental Hotel was very clearly audible (even above the noisy mechanical plant and construction noise in the area at the time), as witnessed from the cul-de-sac road to the north-west of Somerset House. This position is very close to the rear of the complainant's residence.

Noise survey at Radio Bar

6.13 The measured levels at the Radio Bar (Location 2) have been compared with the measurements over the equivalent period at the complainant's flat (Location 1). This is shown in chart form in Appendix III Chart A4.

6.14 As described previously, the measurements were largely a display of all noise sources in the area, not just as a result of the Radio Bar customers.

6.15 The measured levels shown in Table 2 cannot readily be compared with the reference noise levels described in WCC's letter of 23 December 2013. They have each been recorded in different locations (i.e. at bar versus on terrace) and under different conditions (i.e. with music playing/doors open versus customer noise dominant/doors closed).

7.0 RECOMMENDED NOISE CONTROL MEASURES

Existing noise control measures

7.1 The Radio Bar has introduced a number of good practice measures designed to minimise noise. These include the following:

- Use of part-height perimeter parapet glazing to provide some acoustic screening;
- Removal of all external loudspeakers on roof terrace;
- Preventing any DJ sets or scheduled noisy events from taking place on the external terrace area;
- Closing of door from Strand-side terrace to bar during later trading periods from 22:00 hours, with access to the terrace only from the Aldwych-side door after this time;
- Close staff supervision of customers to minimise unnecessary and unreasonable noise;
- Staff encouraging customers to relocate indoors during later trading periods;
- Encouraging the use of the Strand-side terrace as a 'chill-out' area, in contrast to the Aldwych-side, as it is separated from and remote from the internal amplified music.

Recommendations for further noise control measures

7.2 Further recommendations for noise control measures are available. These are separated into measures that can be applied at source, noise pathway and at the receiver (complainant's flat) as follows:

At source:

- Introduce appropriate signage on the external terrace reminding customers of the residential nature of the area and requesting that noise be kept to a minimum.
- Reduce the number of customers on Strand-side of terrace.
- Limit times of use of this area of the terrace to avoid later trading hours.
- Possible use of Strand-side of terrace for dining only. This would encourage more intimate conversation rather than the more animated style associated with drink-only customers, leading to reduced noise at source.

Noise pathway:

- Seal the existing small gaps between the individual panels of the perimeter parapet glazing to ensure no gaps remain.
- Consider the use of floor-mounted or portable acoustic screens on the terrace, constructed from glazing or high density Perspex to ensure it is above head height when customers are standing. A top section angled back over the terrace would provide the best standard of perimeter screening attenuation possible with this arrangement. Material should have a minimum mass of 10 kg/m² and should have no holes or gaps in its construction, including at its base with the terrace.

- Introduce acoustically absorbent material to the underside of the glazed roof overhang, underside of the retractable awning, inside of 'cabana' seating booths and any other acoustically reflective surface on the terrace. At present, there is a large area of acoustically 'hard' reflective surfaces on the terrace, which can readily reflect customer noise towards the complainant's flat. The absorptive linings should cover as large an area as possible. This measure can be bespoke made or there a number of proprietary products commercially available. The principle is to provide acoustically absorbent material, such as mineral wool, to absorb reflected/reverberant noise, which can be held in place for instance by perforated metal sheeting or timber slat cover, providing there is a minimum 25% open area to the covering exposing the absorbent material behind.

At receiver:

- Upgrade glazing to complainant's flat, from existing single glazed sash windows to well-sealed double glazed or secondary glazed units. This measure would only provide a benefit when windows are closed.

7.3 It is expected that a combination of some or all of these measures will be required to reduce the noise impact from customers to a level below that deemed a statutory nuisance at the complainant's property.

Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Figure 1 - Site location plan

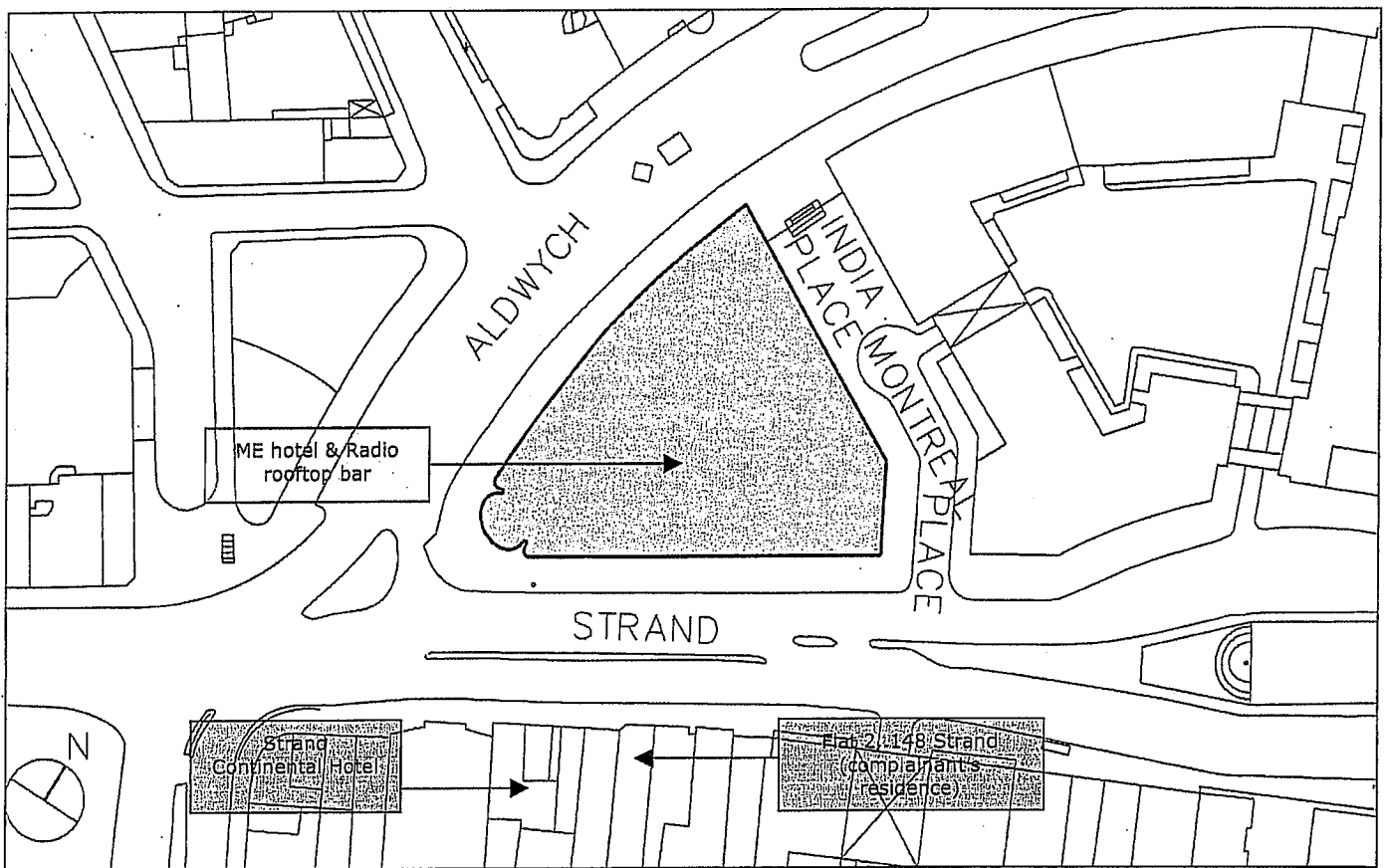
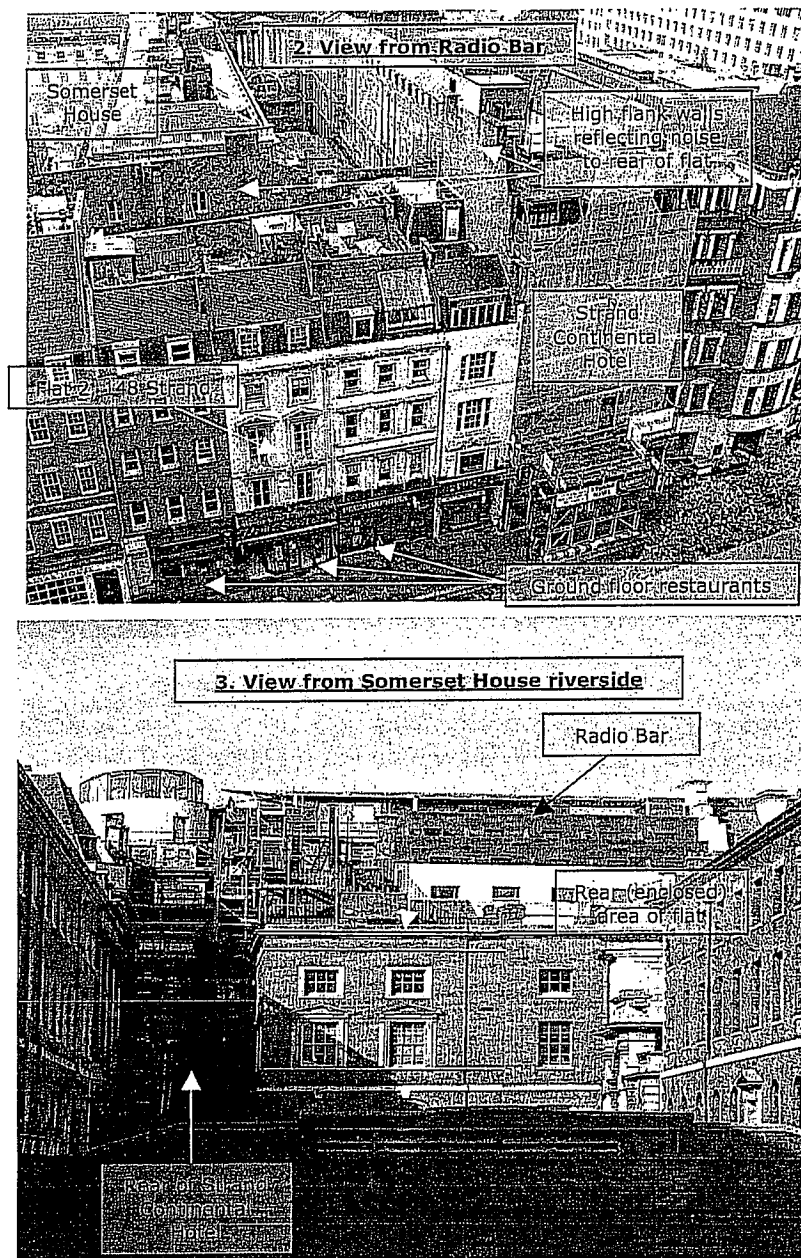
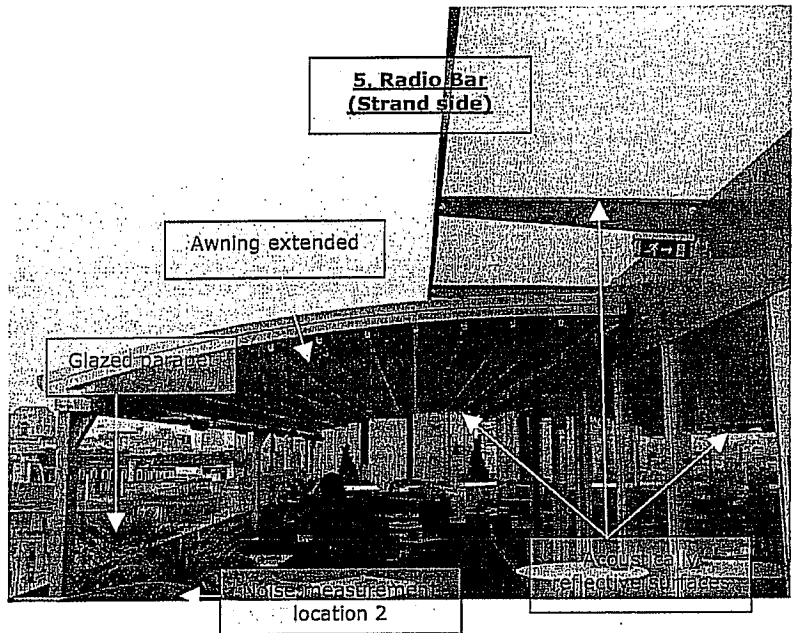
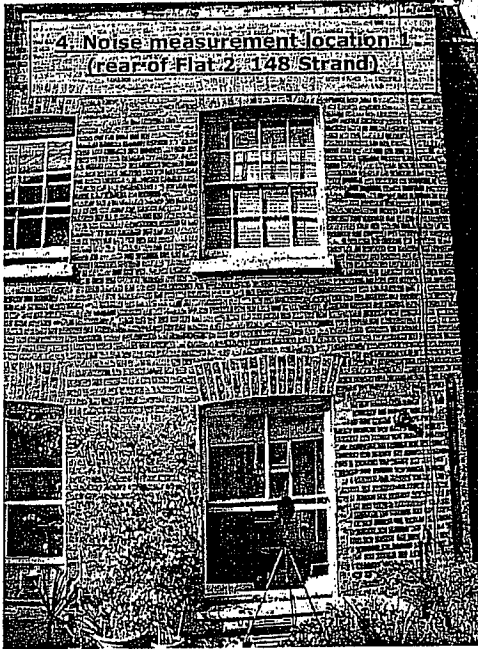


Figure 2-6 – Photographs of area



Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel



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Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Appendix I – Noise units and indices

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 120 dB (threshold of pain).

An increase in noise level of 10 dB(A) is roughly perceived as a doubling of the sound source. A 3 dB(A) change in noise level is generally the minimum perceptible difference.

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.

Glossary of Terms

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

L_{Aeq} The A-weighted 'equivalent continuous noise level' which is an average of the total sound energy measured over a specified time period. In other words, L_{Aeq} is the level of a continuous noise which has the same total (A-weighted) energy as the real fluctuating noise, measured over the same time period. It is increasingly being used as the preferred parameter for all forms of environmental noise.

L_{Amax} The maximum A-weighted noise level that was recorded during the monitoring period.

L_{A10} The A-weighted noise level exceeded for 10% of the time period. L_{A10} is commonly used as a descriptor of road traffic noise.

L_{A90} The A-weighted noise level exceeded for 90% of the time period. L_{A90} is used as a measure of background noise.

A-weighting

The human ear responds differently to different frequencies of sound. A-weighting is the method of adjusting measured sound pressure levels to take into account human hearing and our uneven frequency response. For example, an A-weighted Leq noise level of 95 dB can be written as either Leq of 95 dB(A) or LAeq of 95 dB.

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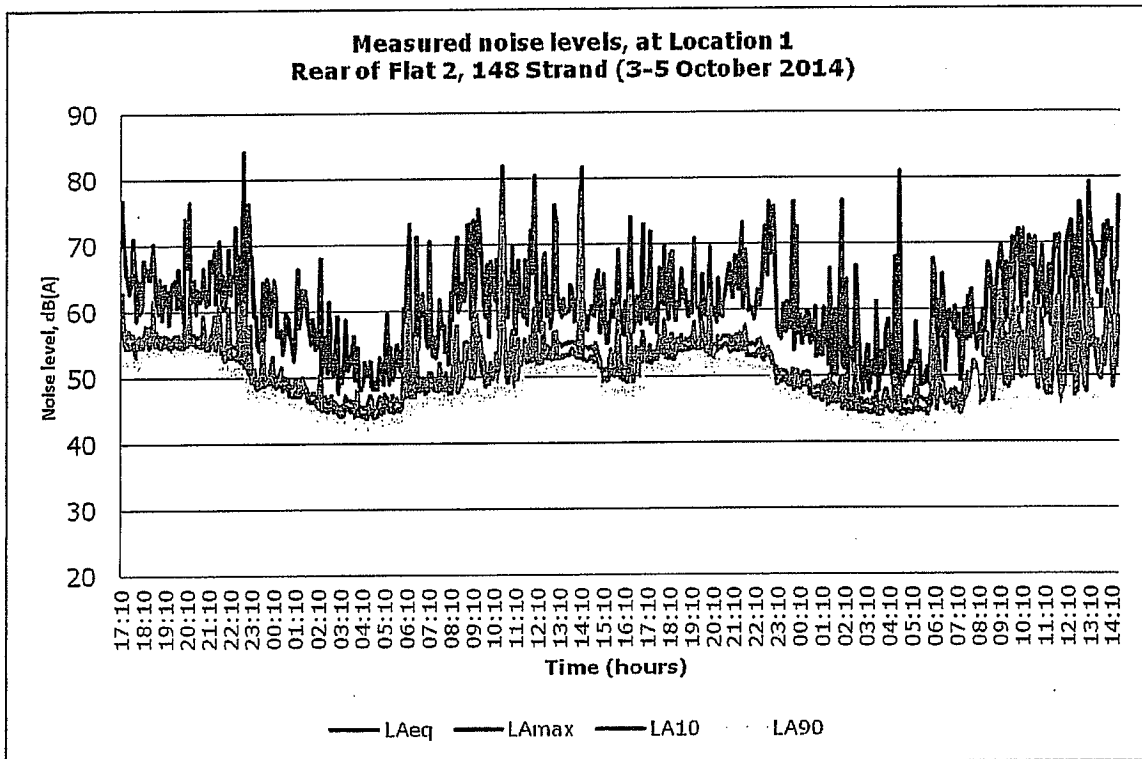
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Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Appendix II – Measured noise levels

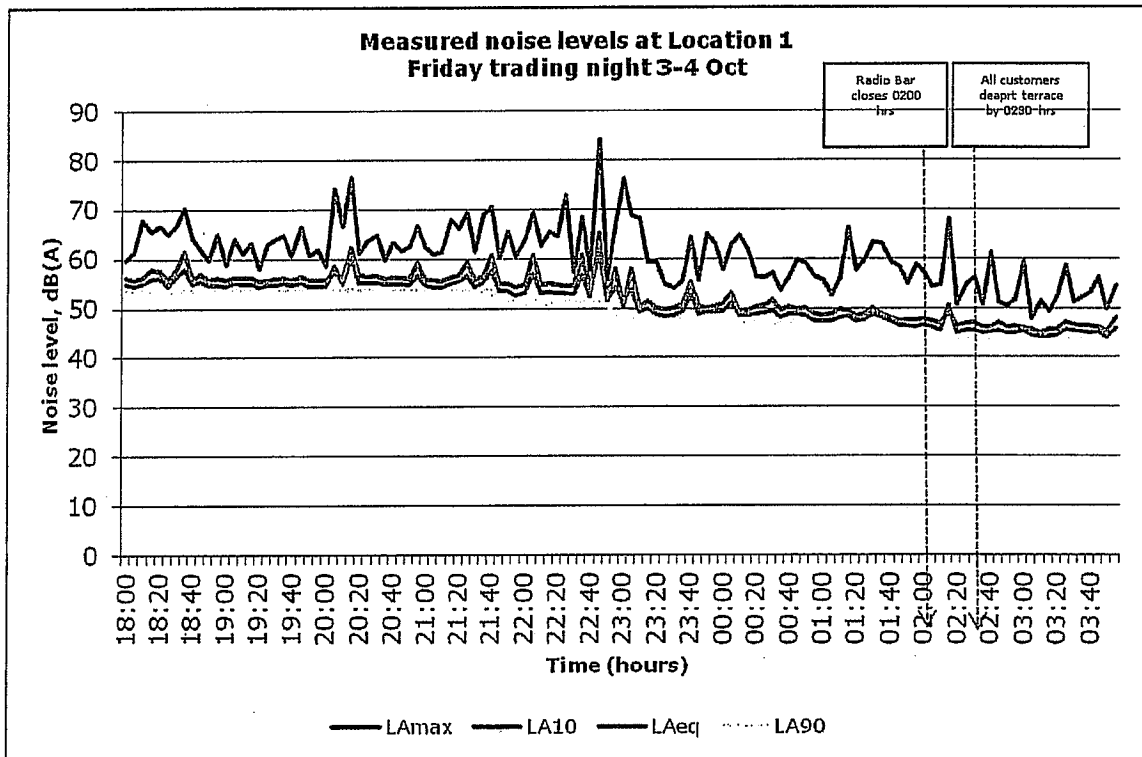
Chart A1:



Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Chart A2:



Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Chart A3:

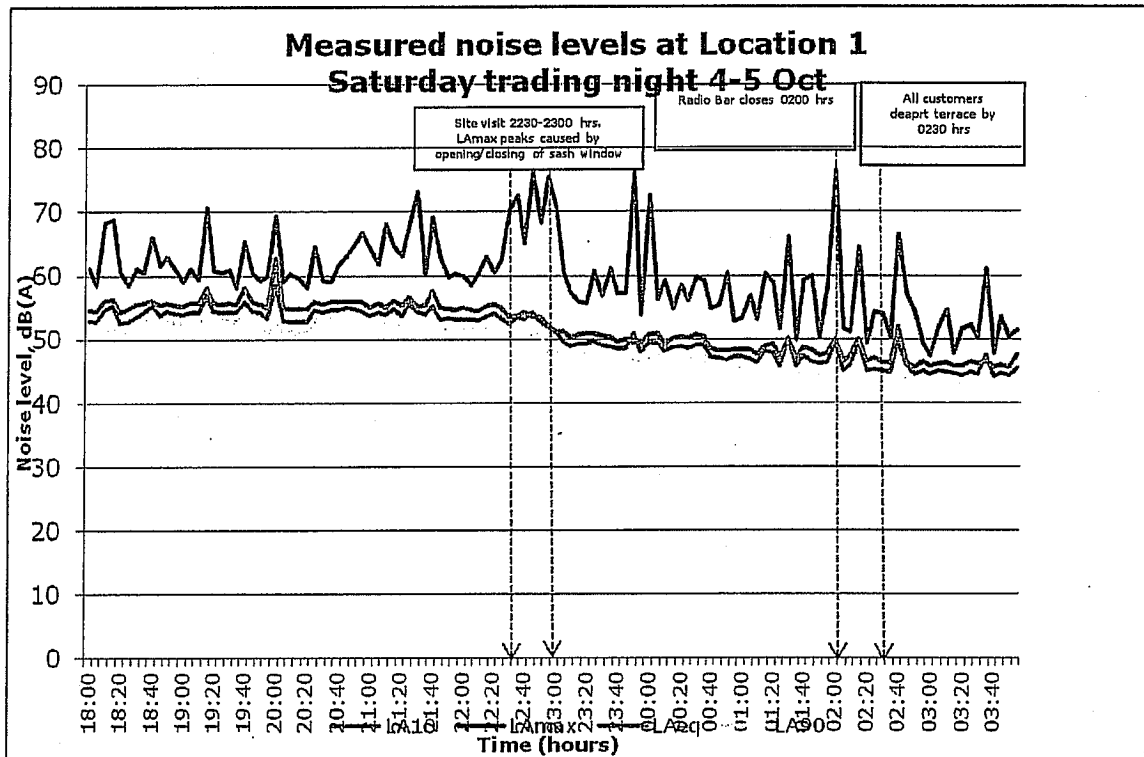
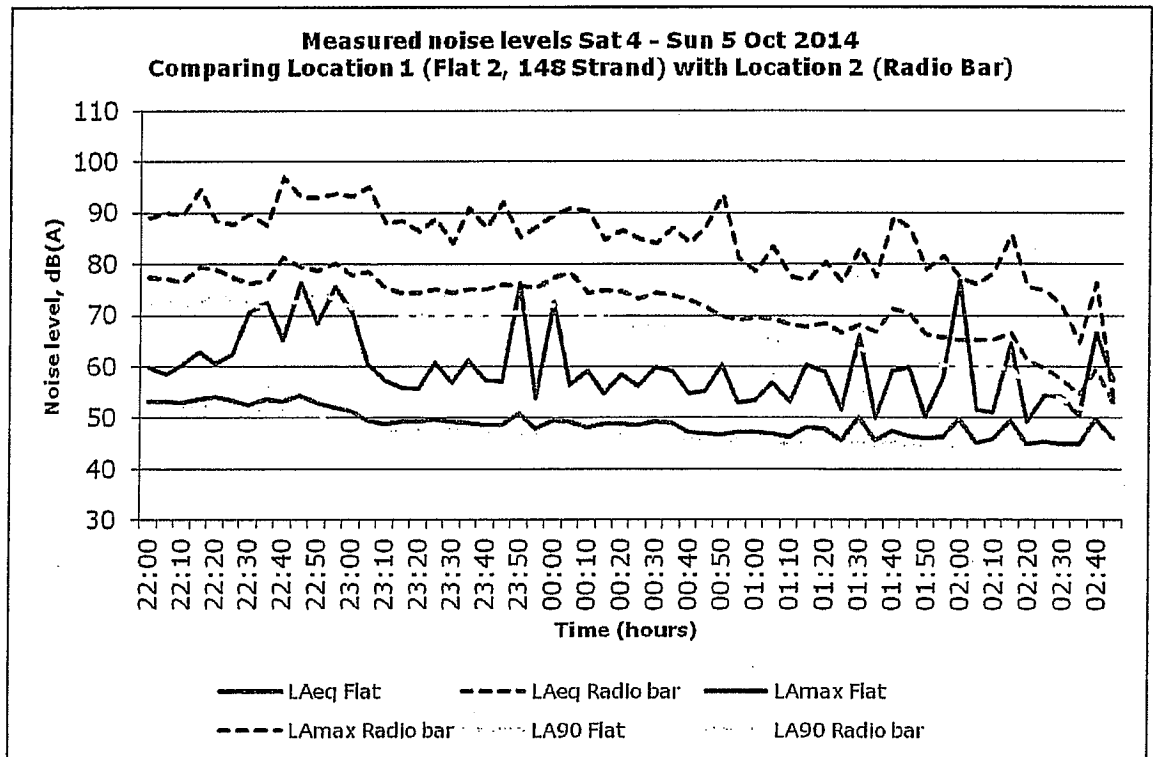


Chart A4:



Appendix III - Complainant's log sheets

Kate Strann 05/10/14 Noise from Roof top bar of ME Hotel.

| Date | Record no. | Time record started | Time record ended | Description of noise | Effect of noise (e.g. affected reading, conversation, TV watching, sleep) |
|-------|------------|---------------------|-------------------|--|---|
| 3/10 | | 23:15 | 23:15 | [All references are to disruptive people noise from the bar - shouting, laughter, boisterous conversations.] | Impact on going to sleep |
| 3/10 | | 23:16 | 23:21 | | |
| 04/10 | | 00:15 | 00:20 | → Noise by a shout. Customers outside | Waking me from sleep on each occasion. |
| 04/10 | | 01:25 | 01:30 | → Noise again by a shout | |
| 04/10 | | 23:30 | 23:31 | | Impact on going to sleep |
| 04/10 | | 23:32 | 23:32 | | |
| 04/10 | | 23:35 | 23:40 | | |
| 04/10 | | 23:50 | 23:52 | | |
| 05/10 | | 00:05 | 00:05 | | |
| 05/10 | | 00:10 | 00:15 | | |
| 05/10 | | 00:30 | 00:35 | | |

* Visit permitted 22:20 → 23:00 04/10/14
to hear sounds from roof and within bedroom.

My not have caught about in time.

Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Appendix IV – Radio Bar log sheets

(FM)

| TIME | CS/16/14 | TOTAL WAT |
|-------|----------|-----------|
| 07:30 | 76.7 | 54/107 |
| 08:00 | 79.1 | 48/108 |
| 08:30 | 78.0 | 35/150 |
| 09:00 | 78 | 40/150 |
| 09:30 | 78.3 | 32/150 |
| 10:00 | 82.1 | 52/155 |
| 10:30 | 78.1 | 37/155 |
| 11:00 | 78.4 | 36/155 |
| 11:30 | 78.5 | 30/155 |
| 12:00 | 78.7 | 35/155 |

15:00 81.4 41/155
15:30 80.0 27/155
16:00 79.0 27/155

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Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

2011

REF WAS DOWN
R/C BAR

| TIME | START | END | TOTAL BAR |
|-------|-------|------|-----------|
| 6:30 | | 79.1 | 43/110 |
| 7:00 | | 78.2 | 43/110 |
| 7:30 | | 78.4 | 43/110 |
| 8:00 | | 77.9 | 43/110 |
| 8:30 | | 77.7 | 43/110 |
| 9:00 | | 76.9 | 43/110 |
| 9:30 | | 76.9 | 43/110 |
| 10:00 | | 77.1 | 43/110 |
| 10:30 | | 77.2 | 43/110 |
| 11:00 | | 77.9 | 43/110 |
| 11:30 | | 78.1 | 43/110 |
| 12:00 | | 78.1 | 43/110 |
| 12:30 | | 78.6 | 43/110 |
| 1:00 | | 78.4 | 43/110 |


2011

22:30 WE HAD START
SEARCHING FOR SEVERAL
MAY OUT LAST

Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Appendix V – WCC letter

| | | | |
|---|--|---|---|
| <small>Westminster City Council</small> | <small>Westminster City Hall 100 Abchurch Lane London EC4A 3DF</small> | <small>020 7041 5000 www.westminster.gov.uk</small> |  City of Westminster |
|---|--|---|---|

It's made by being dealt with by:
Sarah Chowdhury
Environmental Health Enforcement Officer
Tel: 020 7041 5137
Fax: 020 7041 5436
S.chowdhury1@westm.gov.uk
Date: 28 December 2013

Mike Haydon
The ONE Group - London
Food and Beverage Director
36-337 The Strand
London
WC2R 1HA

By email only

Dear Mr M Haydon

RE: Noise levels from the Radio Rooftop Bar, The Strand, London.

I refer to the visit made on 23rd December 2013 to the above named premises in relation to establishing a sound level for the Radio Rooftop Bar in order for the premises to no longer cause noise disturbance to the neighbouring properties.

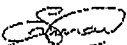
The agreed noise level at the bar with all the balcony doors open and music being played both inside and on the roof terrace was 65dB LAeq. The Lmax was recorded as 91dB(A) and the L90 was recorded as 81dB(A).

At this level, the music noise from the Radio Rooftop Bar should not be audible at nearby residential properties however, this is dependent on weather conditions and crowd noise. Therefore, noise disturbances may still be caused in the future with the change in conditions. If further testing and informal noise limit settings are required in the future then that can be arranged.

In the meantime, these settings do not exempt your premises from any other statutory provision with respect to nuisance under the Environmental Protection Act 1990. Further action may be taken by the Council's 24-Hour Noise Team if a statutory nuisance is deemed to exist.

If you have any further queries, please do not hesitate to contact me on the above telephone number.

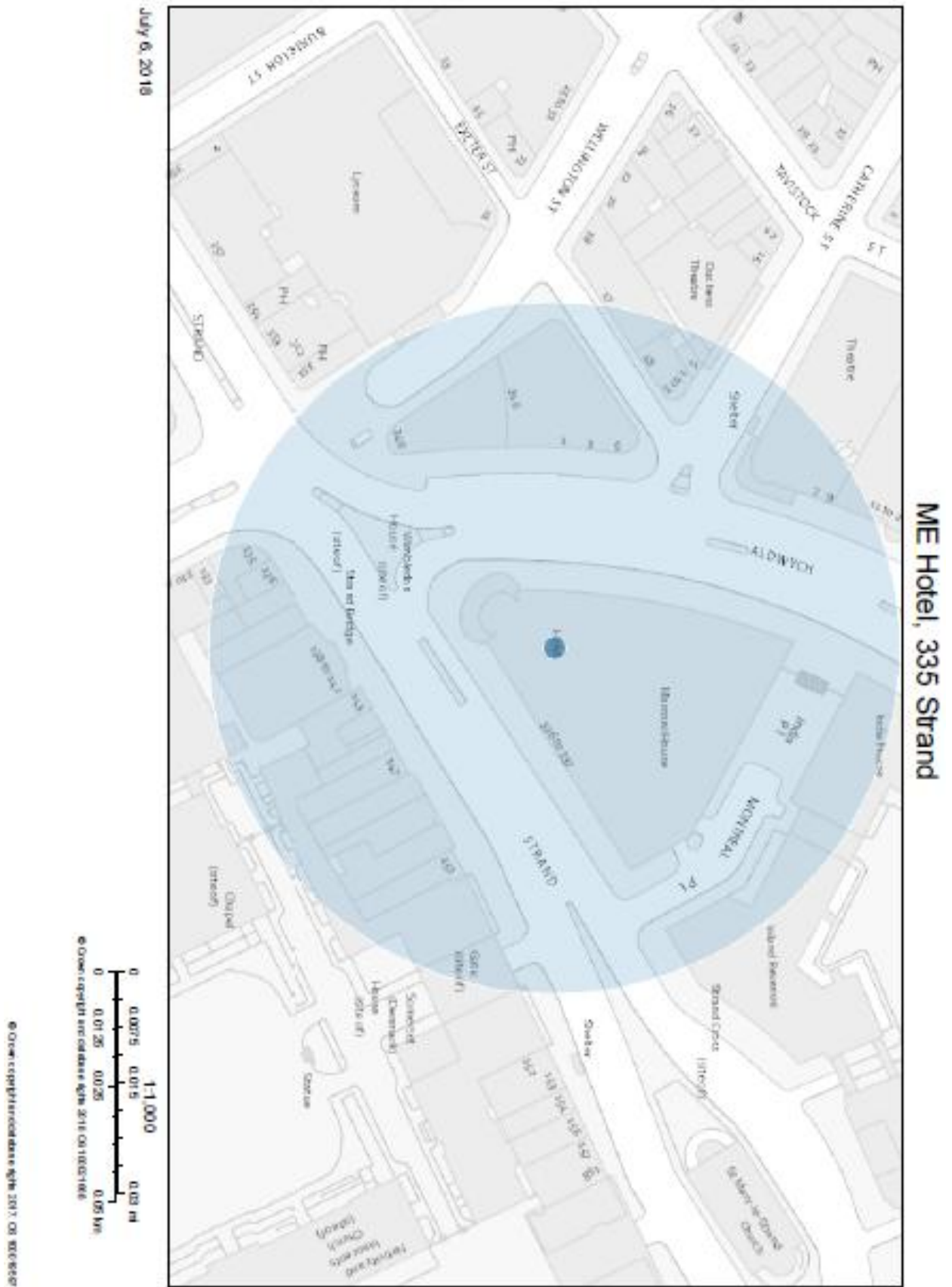
Yours sincerely



Sarah Chowdhury
Environmental Health Enforcement Officer
Environmental Services Team

DKN Acoustics
Email: duncannewhall@aol.com
Tel: 01225 864557
Mobile: 07952 058776
www.dknacoustics.co.uk

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Resident count: 96

Premises within 75 metres of ME Hotel, 335 Strand

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------------|-------------------------|---|-------------------------------|---|
| 17/10169/LIPDPS | Pizza Express | Ground Floor 147 Strand London WC2R 1JA | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/00677/LIPDPS | Thai Square | 148 Strand London WC2R 1JA | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 06/03676/WCCMAP | Sitar Indian Restaurant | Basement And Ground Floor 149 Strand London WC2R 1JA | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/00953/LIPDPS | One Aldwych Hotel | Ground Floor To Sixth Floor 1 Aldwych London WC2B 4BZ | Hotel, 4+ star or major chain | Monday to Sunday; 00:00 - 00:00 |
| 17/03399/LIPVM | India Club | 143-145 Strand London WC2R 1JA | Restaurant | Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 22:30 |
| 06/08176/WCCMAP | Strand News | 145 Strand London WC2R 1JA | Shop | Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30 |
| 06/08106/WCCMAP | Cellar Door Jazz Cafe | Development Site At Former Wellington Street Toilets At Junction With The Strand And Wellington Street London | Wine bar | Monday to Sunday; 10:00 - 01:00 |
| 13/05698/LIPN | The Restaurant | 1 - 5 Catherine Street London WC2B 5JS | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

| | |
|--------------------|---|
| Item No: | |
| Date: | 19 July 2018 |
| Licensing Ref No: | 18/03647/LIPV - Premises Licence Variation |
| Title of Report: | 9A Irving Street London WC2H 7AT |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | St James's |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact details | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|--------------------------------------|--|--------------------------------|------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 5 April 2018 | | |
| Applicant: | 9A And Ant Limited | | |
| Premises: | 9A Irving Street | | |
| Premises address: | 9A Irving Street London WC2H 7AT | Ward: | St James's |
| | | Cumulative Impact Area: | West End |
| Premises description: | The premises has operated as a café/deli since the grant of the premises licence in 2017. | | |
| Variation description: | <p>The variation application seeks to:</p> <ol style="list-style-type: none"> 1. Extend the terminal hour for the sale of alcohol Monday to Thursday 23:00 to 00:00, Friday to Saturday from 23:00 to 01:00 and Sunday 22:00 to 00:00. These hours are within the hours permitted under the tables and chairs licence. 2. Add late night refreshment, Sunday to Thursday 23:00 to 00:00 and Friday to Saturday 23:00 to 01:00. | | |
| Premises licence history: | The premises currently benefits from a premises licence (17/12395/LIPVM). Full details of the licence history can be found at Appendix 3 . | | |
| Applicant submissions: | There are no submissions from the applicant. | | |
| Current planning permissions: | The premises currently benefits from planning permission (17/01692/FULL). The planning permits the "Use of an area of the public highway measuring 3m x 5.3m for the placing of 8 tables and 16 chairs and two unbranded barriers in connection with existing cafe business". A copy of the planning permission can be found at Appendix 5 . | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|------|----------------|-------|---|--|
| Late night refreshment | | | | | | |
| Indoors, outdoors or both | | | Current : | | Proposed: | |
| | | | N/A | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | None | | 23:00 | 00:00 | None | Ground Floor, Basement and External Seating Area |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | 23:00 | 01:00 | | |
| Saturday | | | | | | |
| Sunday | | | 23:00 | 00:00 | | |
| Seasonal variations: | Current: None | | | | Proposed: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | |

| Sale by Retail of Alcohol | | | | | | |
|---------------------------|---------------|-------|----------------|-------|---|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | On sales | | On sales | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 12:00 | 23:00 | 12:00 | 00:00 | Ground Floor, Basement and External Seating Area | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | 12:00 | 01:00 | | |
| Saturday | | | | | | |
| Sunday | | | 12:00 | 22:00 | | |
| Seasonal variations: | Current: None | | | | Proposed: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | |

| Hours premises are open to the public | | | | | | |
|---------------------------------------|-------------------------|-------|----------------|-------|---|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 23:30 | 08:00 | 00:30 | Ground Floor, Basement and External Seating Area | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | | | 08:00 | 01:30 | | |
| Saturday | | | | | | |
| Sunday | 08:00 | 23:00 | 08:00 | 00:30 | | |
| Seasonal variations: | Current: None | | | | Proposed: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. | |

| 1-C Layout alteration |
|-----------------------|
| None |

| 1-D Conditions to be removed |
|---|
| Condition 23: "All tables and chairs shall be removed from the outside area by 23.00 hours each day". |

2. Representations

| 2-A Responsible Authorities | |
|--|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Ms Daisy Gadd |
| Received: | 25 April 2018 |
| <p>I write in relation to the application for a variation of the premises licence for 9a Irving Street.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2003 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety | |

- Protection of children from harm

The variation application being considered seeks to amend the licensable hours for the sale by retail of alcohol. Currently, the times the licence authorities the sale by retail of alcohol are the following:

Monday to Saturday: 12:00 to 23:00
 Sunday: 12:00 to 22:00

The application seeks to amend the above licensable hours for the sale by retail of alcohol to the following:

Monday to Thursday: 12:00 to 00:00 (this is 30 minutes beyond Westminster's core hours)
 Friday to Saturday: 12:00 to 01:00 (this is 1 hour beyond Westminster's core hours)
 Sunday: 12:00 to 00:00 (this is 1 hour and 30 minutes beyond Westminster's core hours)

The application also seeks to add late night refreshment as a licensable activities for the following hours:

Monday to Thursday: 23:00 to 00:00
 Friday to Saturday: 23:00 to 01:00
 Sunday: 23:00 to 00:00

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, PN1 and RNT2.

The hours sought in this variation application fall outside of Westminster's Core Hours policy, and the Licensing Authority encourages the applicant to consider reducing these hours to be in line with Westminster's core hours. Furthermore, the Licensing Authority believes that there is insufficient information contained within the application that sets out how the additional hours sought for licensable activities will not add to public nuisance and cumulative impact in the cumulative impact areas. The premises has a capacity of 30 persons, however the applicant has not addressed how the premises intends to manage these persons when coupled with the extended hours sought for in this application. It would be useful if the applicant could provide further submissions as to how they intend to address these concerns.

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

Please accept this as a formal representation.

2-B Other Persons

| | | | |
|----------------|------------|-------------------------------|---------|
| Status: | Maintained | In support or opposed: | Opposed |
|----------------|------------|-------------------------------|---------|

| | |
|------------------|---------------|
| Received: | 12 April 2018 |
|------------------|---------------|

Due to an increasing threat in regard to environmental health, I object to extending hours and late night alcohol sale. This premises entire seating area is outside. There is no inside space.

This causes me worry as very late night drinking attracts customers and the volume of noise raises - impacting my sleep. My two front and bedroom windows face directly onto this premises.

| | | | |
|---|-------------|-------------------------------|---------|
| Status: | Maintained | In support or opposed: | Support |
| Received: | 02 May 2018 | | |
| <p>I am writing this letter in support of the above application. I am a resident on Irving street for the past 15 years. I have carefully analyzed the above application and have no objections whatsoever. I also believe it will enhance the area/neighborhood with having a little place staying open a little later.</p> <p>I have also had a chance to meet Andy (the owner) and since they have moved in the neighborhood, they have been fantastic in respecting the neighborhood and it's neighbours. Andy has carefully explained in detail the application and again as a neighbour I fully support it.</p> | | | |

3. Policy & Guidance

| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
|--|---|
| Policy HRS1 applies: | (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. |
| Policy CIP1 applies: | (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas. |
| Policy RNT2 applies: | Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. |

4. Equality Implications

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

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

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

4. Appendices

| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Planning Permission - 17/01692/FULL |
| Appendix 6 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact: | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

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

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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Licensing Authority representation | 25 April 2018 |
| 5 | Resident representation – Opposed | 12 April 2018 |
| 6 | Resident representation – Support | 02 May 2018 |

1 GROUND FLOOR

2 KITCHEN FLOOR

LEGEND

| | |
|-----|--|
| 1 | EXISTING FURNITURE |
| 2 | NEW FURNITURE |
| 3 | EXISTING FITTINGS |
| 4 | NEW FITTINGS |
| 5 | EXISTING WALLS |
| 6 | NEW WALLS |
| 7 | EXISTING DOORS |
| 8 | NEW DOORS |
| 9 | EXISTING WINDOWS |
| 10 | NEW WINDOWS |
| 11 | EXISTING LIGHTING |
| 12 | NEW LIGHTING |
| 13 | EXISTING PLUMBING |
| 14 | NEW PLUMBING |
| 15 | EXISTING ELECTRICAL |
| 16 | NEW ELECTRICAL |
| 17 | EXISTING HEATING |
| 18 | NEW HEATING |
| 19 | EXISTING VENTILATION |
| 20 | NEW VENTILATION |
| 21 | EXISTING ROOF |
| 22 | NEW ROOF |
| 23 | EXISTING FLOORING |
| 24 | NEW FLOORING |
| 25 | EXISTING PAINTWORK |
| 26 | NEW PAINTWORK |
| 27 | EXISTING GLAZING |
| 28 | NEW GLAZING |
| 29 | EXISTING SIGNAGE |
| 30 | NEW SIGNAGE |
| 31 | EXISTING LANDSCAPE |
| 32 | NEW LANDSCAPE |
| 33 | EXISTING EXTERIOR LIGHTING |
| 34 | NEW EXTERIOR LIGHTING |
| 35 | EXISTING EXTERIOR WALLS |
| 36 | NEW EXTERIOR WALLS |
| 37 | EXISTING EXTERIOR DOORS |
| 38 | NEW EXTERIOR DOORS |
| 39 | EXISTING EXTERIOR WINDOWS |
| 40 | NEW EXTERIOR WINDOWS |
| 41 | EXISTING EXTERIOR PLUMBING |
| 42 | NEW EXTERIOR PLUMBING |
| 43 | EXISTING EXTERIOR ELECTRICAL |
| 44 | NEW EXTERIOR ELECTRICAL |
| 45 | EXISTING EXTERIOR HEATING |
| 46 | NEW EXTERIOR HEATING |
| 47 | EXISTING EXTERIOR VENTILATION |
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Handwritten Note: All licensable activities occur within the orange line. Loose furniture is indicative only.

TIBBATT'S ABEL
 8-10 St James Street, London
 W1P 0LW
 020 7534 1234
 1959-003

There are no supporting documents from the Applicant.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|-----------------------------------|
| 17/03169/LIPN | Application for a new premises licence | 11/07/2017 | Granted under delegated authority |
| 17/12255/LIPDPS | Application to vary the designated premises supervisor | 01/12/2017 | Granted under delegated authority |
| 17/12256/LIPT | Application to transfer the premises licence | 15/11/2017 | Granted under delegated authority |
| 17/12395/LIPVM | Application for a minor variation | 21/11/2017 | Granted under delegated authority |
| 18/03647/LIPV | Current application | | |

There is no appeal history

Temporary Event Notices

| Application | Event period | Date Determined | Decision |
|--------------------|-------------------------|------------------------|---------------------------|
| 18/06029/LITENP | 08/06/2018 – 10/06/2018 | 31/05/2018 | Event allowed to proceed. |
| 18/06028/LITENP | 01/06/2018 – 03/06/2018 | 31/05/2018 | Event allowed to proceed. |

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. There shall be no self-service of alcohol on the premises.
12. 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.
13. The premises shall only operate as a restaurant -
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
16. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. The external door shall be kept closed after 21:00 hours except for the immediate access and egress of persons
19. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
20. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
23. All tables and chairs shall be removed from the outside area by 23.00 hours each day
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
25. 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
26. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
27. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
29. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

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

None

Current planning permission**Appendix 6**

The premises currently benefits from full planning permission (17/01692/FULL). A copy of the planning decision notice is enclosed.

| Premises within 75 metres of 9A Irving Street | | | | |
|--|---------------------|--|----------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 16/06226/LIPDPS | Bella Italia | 10 Irving Street London WC2H 7AT | Restaurant | Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00 |
| 10/05756/LIPN | Pompidou | 9A Irving Street London WC2H 7AT | Cafe | Monday to Saturday; 07:00 - 23:30 Sunday; 09:00 - 23:00 |
| 17/12395/LIPVM | Not Recorded | 9A Irving Street London WC2H 7AT | Cafe | Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00 |
| 06/12648/WCCMAC | Beefsteak Club | Basement To First Floor 9 Irving Street London WC2H 7AT | Club or institution | Monday to Friday; 13:00 - 15:00 Monday to Friday; 17:30 - 23:30 |
| 09/02717/LIPT | Wox | 8 Irving Street London WC2H 7AT | Cafe | Monday to Saturday; 23:00 - 05:00 |
| 13/04895/LIPV | El Padrino | 6-7 Irving Street London WC2H 7AT | Restaurant | Monday to Saturday; 10:00 - 01:30 Sunday; 11:00 - 01:30 |

| | | | | |
|-----------------|---------------------------------|--|--------------|---|
| 16/11445/LIPN | Il Padrino | 6-7 Irving Street London WC2H 7AT | Not Recorded | Monday to Saturday; 10:00 - 05:00 Sunday; 11:00 - 01:30 |
| 14/06906/LIPV | Steak & Co | Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/01056/LIPDPS | TGI Fridays | 29-30 Leicester Square London WC2H 7LA | Not Recorded | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:30 |
| 16/13168/LIPDPS | Global Radio | 29-30 Leicester Square London WC2H 7LA | Office | Monday to Friday; 07:00 - 00:00 |
| 17/00808/LIPDPS | Wagamama | 14A Irving Street London WC2H 7AU | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 14/00705/LIPV | Stephano's Cafe La Chandelle | 2-3 Irving Street London WC2H 7AT | Restaurant | Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00 |
| 17/09529/LIPN | Not Recorded | Basement And Ground Floor 16 Irving Street London WC2H 7AU | Restaurant | Monday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30 New Year's Eve; 07:00 - 07:00 |

| | | | | |
|-----------------|------------------------|--|--------------------------------|---|
| 17/09463/LIPVM | Saravana Bhavan | 17 Charing Cross Road London WC2H 0EP | Restaurant | Monday to Sunday; 10:00 - 00:30 |
| 18/01279/LIPDPS | Saravana Bhavan | 17 Charing Cross Road London WC2H 0EP | Restaurant | Monday to Sunday; 10:00 - 00:30 |
| 17/00110/LIPDPS | MOD Pizza | 17 - 18 Irving Street London WC2H 7AU | Restaurant | Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30 New Year's Eve; 07:00 - 07:00 |
| 16/00395/LIPT | Maharaja Of India | 19A Charing Cross Road London WC2H 0ET | Restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 14/03108/LIPDPS | Moon Under Water | 28 Leicester Square London WC2H 7LE | Public house or pub restaurant | Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00 |
| 18/02327/LIPDPS | Club Storm | 28A Leicester Square London WC2H 7LE | Night clubs and discos | Monday to Wednesday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 06:00 Sunday; 07:00 - 02:00 |
| 17/10431/LIPDPS | Garfunkels Restaurants | Ground Floor 19-20 Irving Street London WC2H 7AU | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

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|-----------------|---------------------------|---|--------------------------------|---|
| 17/12198/LIPDPS | The Garrick Arms | 8-10 Charing Cross Road London WC2H 0HG | Public house or pub restaurant | Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00 |
| 15/05230/LIPDPS | Odeon Cinema | 24-27 Leicester Square London WC2H 7LE | Cinema | Monday to Sunday; 00:00 - 00:00 |
| 17/04018/LIPV | Radisson Hampshire Hotel | 31-36 Leicester Square London WC2H 7LH | Hotel, 4+ star or major chain | Monday to Sunday; 00:01 - 00:00 |
| 17/01687/LIPDPS | National Portrait Gallery | National Portrait Gallery 2 St Martin's Place London WC2H 0HE | Museums & Art Galleries | Monday to Sunday; 08:00 - 01:00 |
| 15/08053/LIPVM | Garrick Theatre | 2 Charing Cross Road London WC2H 0HH | Theatre | Monday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 |



City of Westminster

Licensing Sub-Committee Report

Agenda Item 4

| | |
|--------------------|---|
| Item No: | |
| Date: | 19 July 2018 |
| Licensing Ref No: | 18/06093/LIPV - Premises Licence Variation |
| Title of Report: | AM 2 PM 122-124 Chippenham Road London W9 2AD |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Harrow Road |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact details | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|-------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 24 May 2018 | | |
| Applicant: | Mrs Ghalwa Bou Diab Abou Saada | | |
| Premises: | AM 2 PM | | |
| Premises address: | 122-124 Chippenham Road London W9 2AD | Ward: | Harrow Road |
| | | Cumulative Impact Area: | No |
| Premises description: | The premises currently operates as an off-licence and convenience store. | | |
| Variation description: | The proposed variation is to: Remove of condition Annex 2 condition 22 specifically <i>“This premises licence only has effect if Mr Khalid Javed is the licence holder or a director of the company that holds the premises licence”</i> . | | |
| Premises licence history: | The premises has operated as a convenience store since at least 2005. The premises benefits from a premises licence (18/02019/LIPDPS). Full details of the premises history can be found at Appendix 3. | | |
| Applicant submissions: | There are no submissions from the applicant. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|----------------------|------------------|-----------------------|------------------|------------------------|------------------|
| Sale by Retail of Alcohol | | | | | | |
| On or off sales | | Current : | | | Proposed: | |
| | | Off sales | | | No change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 23:00 | No change | Ground floor | No change | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | 08:00 | 00:00 | No change | Ground floor | No change | No change |
| Saturday | | | | | | |
| Sunday | | | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | | |
| | None | | | None | | |
| | None | | | None | | |

| Hours premises are open to the public | | | | | | |
|---|-----------------|-------|----------------|------|------------------|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 23:00 | No change | | Ground floor | No change |
| Tuesday | | | | | | |
| Wednesday | | | | | | |
| Thursday | | | | | | |
| Friday | 08:00 | 00:00 | | | | |
| Saturday | | | | | | |
| Sunday | 10:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None | | | | None | |
| | None | | | | None | |

| 1-C Layout alteration |
|-----------------------|
| None |

| 1-D Condition to be removed |
|--|
| <p><u>Condition 22:</u></p> <p>This premises licence only has effect if Mr Khalid Javed is the licence holder or a Director of the company that holds the premises licence.</p> |

2. Representations

| 2-A Responsible Authorities | |
|--|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Ms Roxsana Haq |
| Received: | 21 June 2018 |
| <p>I write in relation to the application submitted for the Variation of a Premises Licence for; AM 2 PM, 122-124 Chippenham Road, London W9 2AD.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Prevention of Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm | |

This variation application seeks the following:

Removal of condition in Annex 3 condition 22, This premises licence only has effect if Mr Khalid Javed is the licence holder or a director of the company that holds the premises licence.

In determining this application the following policy points must be considered: CD1, PS1 and CH1.

The premises is not located within the cumulative impact area and the condition the applicant seeks to remove was incurred following a review of the licence by the Licensing Sub-committee.

A review of the licence was held on 25 September 2014. The Licensing Sub-Committee had very serious concerns about the test purchase failures for the sale of alcohol to underage people. The Committee decided to suspend the licence for three months rather than revoke the licence on the grounds that significant steps had already been taken prior to the review hearing to ensure that there were no further underage sales, including extensive training and the introduction of till prompts. It was noted that the most recent test purchase exercise held by the Police had not raised issues. The Chairman emphasised to the Licensee's Representatives that should the licensing objectives be undermined again or conditions, including additional ones attached by the Sub-Committee at the hearing, be breached at the premises, there should be an expectation that the licence would be revoked.

Paragraph 2.2.3 of the Statement of Licensing Policy states that "conditions attached to premises licences...will as far as possible, reflect local crime prevention strategies as suggested in Revised Guidance (paragraph 2.1)."

Furthermore in paragraph 2.2.20 it is stated "The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this. These measure may include staff training" It would therefore be appropriate for the applicant to demonstrate that the removal of the condition as per the application would ensure the licensing objectives would be met.

Please accept this as formal representation and I look forward to hearing from you with regards to the above points raised.

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
|-------------------------------|------------------------------|

| | |
|------------------------|--------------------|
| Representative: | Sally Fabbricatore |
|------------------------|--------------------|

| | |
|------------------|--------------|
| Received: | 20 June 2018 |
|------------------|--------------|

I refer to the application for a variation of a Premises Licence, 18/02019/LIPDPS, issued under the Licensing Act 2003.

The applicant is seeking to remove the following condition:

This premises licence only has effect if Mr Khalid Javed is the licence holder or a Director of the company that holds the premises licence.

I wish to make a representation as this condition was added by the Licensing Sub Committee following a review, 14/06486/LIREVP, due to underage sales. Therefore the removal of this condition may impact on the Protection of Children from Harm.

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

| | |
|--------------------|-----------------------------|
| Responsible | Metropolitan Police Service |
|--------------------|-----------------------------|

| | |
|------------------------|----------------|
| Authority: | |
| Representative: | PC Reaz Guerra |
| Received: | 05 June 2018 |

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for the transfer of this Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention and protection of children from harm objectives.

The application seeks to remove conditions imposed by the Licensing Sub committee following a review of this premises licence in relation in persistent underage sales of alcohol. It is our belief that if granted the application would undermine the Crime Prevention and protection of children from harm licensing objectives.

3. Policy & Guidance

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

| | |
|---------------------------|---|
| Policy OS1 applies | Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement. |
|---------------------------|---|

4. Appendices

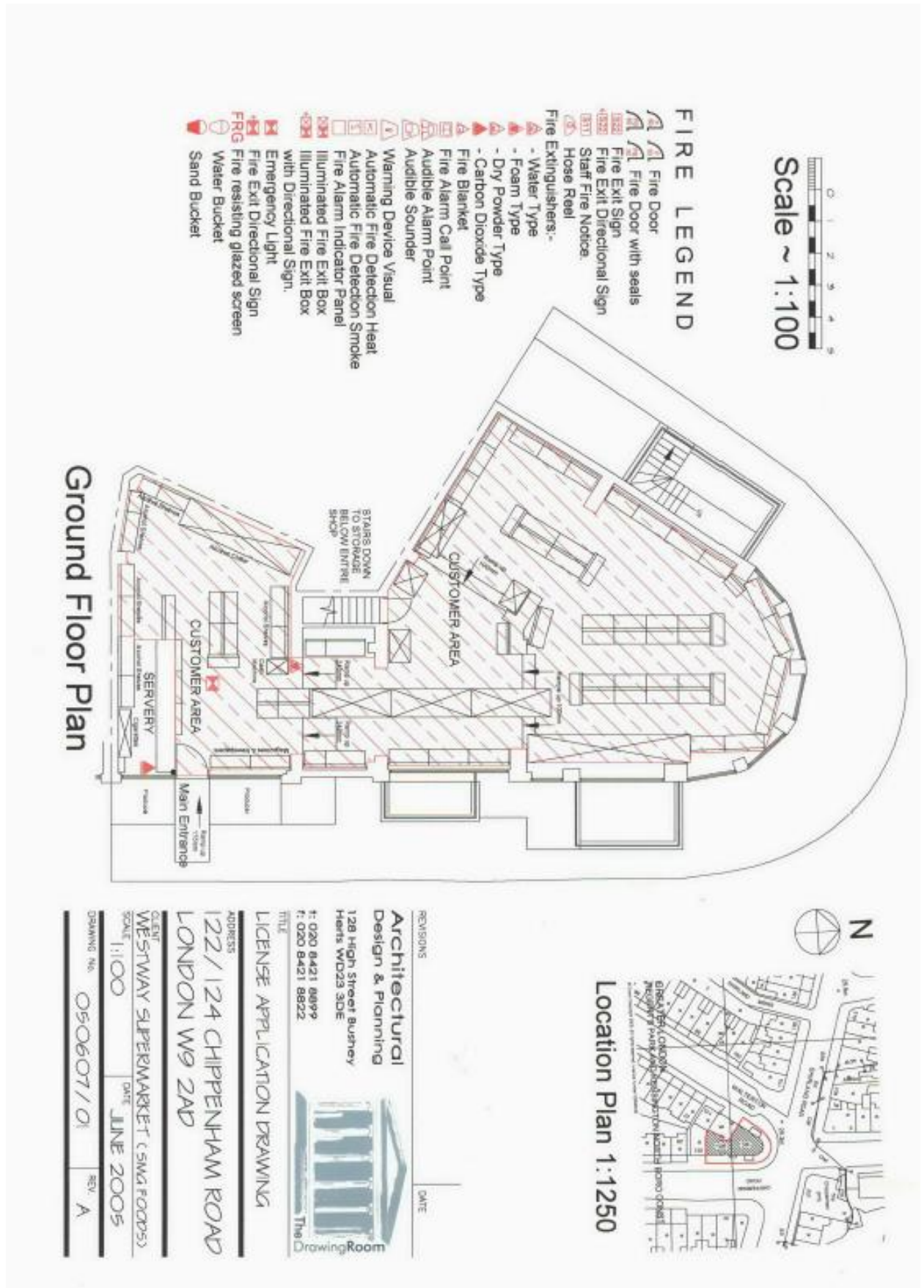
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Review of the premises licence - decision notice (14/06486/LIREVP) |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact: | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

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

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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Licensing Authority representation | 21 June 2018 |
| 5 | Environmental Health Service representation | 20 June 2018 |
| 6 | Metropolitan Police representation | 05 June 2018 |



There are no supporting documents from the Applicant

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 05/06204/LIPC | Premises licence conversion application | 03/09/2005 | Granted under delegated authority |
| 07/00601/WCCMAP | Premises licence – Master Licence | 03/09/2005 | Granted under delegated authority |
| 07/10348/LIPV | Application for a variation of a premises licence | 20/12/2007 | Granted by Licensing Sub-Committee |
| 14/04813/LIPVM | Application for a minor variation | 01/07/2014 | Granted under delegated authority |
| 14/07786/LIPT | Application to transfer the premises licence | 23/11/2014 | Granted under delegated authority |
| 14/07892/LIPDPS | Application to vary the designated premises supervisor | 24/11/2014 | Granted under delegated authority |
| 18/02015/LIPT | Application to transfer the premises licence | 19/03/2018 | Granted under delegated authority |
| 18/02019/LIPDPS | Application to vary the designated premises supervisor | 19/03/2018 | Granted under delegated authority |
| 18/03191/LIPVM | Application for a minor variation | 13/04/2018 | Refused under delegated authority |
| 18/06093/LIPV | Current application | | |

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|--|
| 14/06486/LIREVP | Review of a premises licence | 03/09/2005 | Premises licence suspended for three months and a number of conditions imposed on the licence. |

There is no appeal history

LICENSING SUB-COMMITTEE No. 1*Thursday 25 September 2014*

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Committee Officer: Jonathan Deacon

Relevant Representations: Police Licensing Authority (Applicant), Environmental Health and 1 local resident

Present: PC Reaz Guerra (Metropolitan Police), Mr Dave Nevitt (Environmental Health), Mr Gary Grant (Counsel, representing Licence Holder), Mr Khalid Javed (seeking to become owner of premises), Mr Philip Andrews (Licensing Consultant – Joshua Simons & Associates Ltd) and Mr Julian Sargeson (Founding Director, Serve Legal).

AM 2 PM, 122-124 Chippenham Road, W9**14/06486/LIREVP**

An application submitted by the Police Licensing Authority for a review of the premises licence for AM 2 PM was received on 1st August 2014 on the grounds of undermining the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives.

Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.

As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

The premises currently benefits from a premises licence that permits:

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol (Off Sales)

| | |
|--------------------|----------------|
| Monday to Thursday | 08:00 to 23:00 |
| Friday to Saturday | 08:00 to 00:00 |
| Sunday | 10:00 to 22:30 |

The opening hours of the premises:

| | |
|--------------------|----------------|
| Monday to Thursday | 08:00 to 23:00 |
| Friday to Saturday | 08:00 to 00:00 |
| Sunday | 10:00 to 22:30 |

On 24th May 2014, police officers conducted a test purchasing operation in specified Licensed Premises in the City of Westminster. Alcohol was sold to a person under the age of 18 years. In addition, the alcohol sold at the premises was above 5.5% Alcohol by Volume which breached condition 11 of the premises licence which stated: '*No Beer or Cider to be sold above 5.5% Alcohol by Volume.*'

Following the test purchase on 24th May 2014, a meeting was held with the licensees, who were requested to submit a minor variation application to add 11 conditions which primarily safeguarded children. An application was submitted on 12th June 2014 to add these conditions. The minor variation application was granted on 1st July 2014.

On 24th July 2014, another test purchase was conducted at the premises and alcohol was once again sold to a person under the age of 18 years.

At no point during the sales of alcohol to the individuals under the age of 18 on 24 May or 24 July were either child asked for any proof of age or identification.

The Environmental Health Service supported the review application. A local resident also wrote in support of the review application alleging that these premises are also an illegal shisha premises as well as running an internet café without permission. She alleged that the owners of this establishment have no intention of complying with the law and that the premises are a public nuisance.

The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

The Sub-Committee initially heard from PC Guerra. He advised that the Police had submitted an application for a review of the premises licence and were seeking revocation of that licence following two failed test purchases at the premises within a two month period. A Volunteer Police Cadet under the age of eighteen had on 24 May 2014 during a test purchase selected a bottle of Desperado Beer with alcohol by volume of 5.9%. He had placed it on the counter and been served by Mrs Jihad Beaini, the wife of the owner of the premises, Mr Jihad Albeainy. A fixed penalty notice was issued to Mrs Beaini.

PC Guerra stated that following the incident the Police held a meeting with Mr Rao, the Premises Licence Holder and Mr Jihad Albeainy where they outlined the seriousness of the failed test purchase, the failure to promote the licensing objectives in particular the Protection of Children From Harm and that the premises had breached the condition that no beer or cider would be sold above 5.5% alcohol by volume. The Police requested that the premises submit a variation to their premises licence to include conditions relating to staff training, a Challenge 25 proof of age scheme and electronic till prompts. The premises had submitted a minor variation to add the conditions to the licence on 12 June 2014. A second test purchase then followed on 24 July when a cadet had selected a bottle of Heineken beer, placed it on the counter and been served by a member of staff. At no point had the Cadet been asked for their age or proof of identification. PC Guerra added that the second test purchase had triggered the review and request for revocation of the licence.

Mr Nevitt confirmed that Environmental Health supported the application for the review of the premises licence. He was proposing four conditions to promote the licensing objectives in the event that the Sub-Committee were not minded to revoke the premises licence for AM 2 PM.

Mr Grant, representing the Licence Holder, addressed the Sub-Committee. He began by conceding that the legalities of the paper work as to who the licence holder was were a mess. Mr Rao, stated as the Licence Holder, had sold the business to Mr Jihad Albeainy but had not transferred the premises licence to him. Mr Rao did have some involvement with the business but was not a hands-on Designated Premises Supervisor. Mr Grant also conceded that the failed test purchases were a deeply worrying scenario. He added that if Members of the Sub-Committee believed that it was inevitable that his client would continue to sell alcohol to children then he expected the premises licence to be revoked.

Mr Grant then made the case as to why there were grounds for the view that the licensing objectives would not continue to be undermined or conditions breached. The review had had the desired effect in rectifying the problems that had previously existed. Depending on the outcome of the review hearing, Mr Albeainy would now be looking to sell the business to Mr Khalid Javed who had operated similar premises in the North Finchley area with success and adherence to the licensing objectives. Conditions were being proposed on behalf of the Licence Holder that the premises licence would only have effect if Mr Javed was the licence holder or a director of the company that holds the premises licence and neither Mr Albeainy nor Mrs Beaini would be permitted to be employed at the premises or involved in the management of the premises. A transfer application had been submitted.

Mr Grant stated that the evidence bundle submitted by the Licence Holder showed the extensive training received by all of the staff including Mr Javed who would be the owner of the premises if the licence was not revoked. The training could be shown to have been successful because, as set out in the papers, Serve Legal a market leader in the provision of independent test purchases had recently carried out four test purchases at AM 2 PM convenience store and the store had passed on each occasion. Mr Grant informed Members that Serve Legal employed 18 and 19 year olds to purchase alcohol as they could not legally employ children below this age. With the adoption of a Challenge 25 scheme, however, Serve Legal expected those working for AM 2 PM to challenge anyone under the age of 25. The operator was not

told when Serve Legal would be carrying out the test purchases. Mr Grant added that the training could also be shown to be successful as the Police had carried out its own test purchase the previous weekend and no issues had been raised. This was confirmed by PC Guerra.

Mr Sargeson spoke on behalf of Serve Legal at the hearing. He explained that the Sub-Committee could have confidence in their test purchase exercises as they provided them for a number of retailers, pubs and convenience stores across the UK including Sainsbury's, Tesco, Waitrose and Wetherspoon. Serve Legal tested whether training and complying with the policy was working and confirmed that four test purchase exercises had been carried out in September 2014 and had been passed by the premises. Serve Legal employed four young looking eighteen and nineteen year old male and females which was a valid approach whether the premises had adopted a Challenge 21 or Challenge 25 policy. Serve Legal carried out approximately 70,000 test purchases every year and the processes were very robust.

Mr Grant described the overhaul of systems by Joshua Simons and Associates Ltd. A witness statement had been provided by Philip Andrews, an independent Licensing Consultant working for Joshua Simons and Associates Ltd who had checked whether this was effective. Challenge 25 posters were now being displayed, staff were receiving till prompts and there would be no super-strength beer or cider sold at the premises. Staff Certificates to confirm the training they had received was included in the Licence Holder's written evidence. One of the Licence Holder's proposed conditions required there to be independent age-related test purchase exercises to be carried out at the premises at least once a calendar month for at least six months. All records of the test purchases would be kept at the premises and made available for inspection by a police or licensing authority officer.

Mr Grant also made some additional points including that Parliament had previously indicated that were this a criminal prosecution under the provisions of the Licensing Act the maximum sanction a court would impose for persistently selling alcohol to children was a three month suspension. A resident had submitted a representation in support of the review and had commented in the past tense that the business had 'allowed my children to purchase whatever they wanted before they were 18'. Mr Grant clarified that Mr Albeainy had only owned AM 2 PM in the last two years. The shisha premises the resident had referred to was actually another business that had been sub-let by Mr Albeainy. Two local residents had written in support of Mr Albeainy's running of the premises and had never witnessed alcohol being sold to anyone underage there. One of the residents, Ms Doran, had seen young people turned away when they had been unable to show proof of their age and her own daughter, 17 years of age, had appeared to be unsuccessful in purchasing alcohol.

Mr Grant advised the Sub-Committee that his client had agreed Environmental Health's conditions in the event Members were minded to attach them to the premises licence. He was not inviting a suspension of up to three months but appreciated that Members might consider that the simple transfer of the premises licence was not a sufficient sanction and that further action was potentially required to deter premises from selling alcohol to those under the age of 18 on two occasions.

Mr Khalid Javed addressed the Sub-Committee. He explained that he had operated a similar convenience store in Finchley for five years. There was a till system in

place at his previous premises which would scan products and if alcohol was potentially being purchased a prompt would require staff to check the age of the individual. The system would also shutdown at closing time, preventing further sales after hours. He had never had any test purchase failures there. Employees had a personal licence to sell alcohol and were expected to be personally responsible for their actions in the event they had sold alcohol to underage individuals. It was intended that the same procedures would be in place at AM 2 PM. Mr Javed explained that he had no family link to Mr Albeainy. It was purely a business relationship that he currently had with Mr Albeainy in seeking to buy AM 2 PM.

PC Guerra responded to some of the evidence supplied on behalf of the Licence Holder. He pointed out that in contrast to Serve Legal's employment of eighteen to nineteen year olds, the Police's alcohol test purchases involved children aged fifteen to sixteen who were comparable to their peers. Mr Andrews' witness statement had also drawn attention to the compliance file requiring some updating and that the details of the person refused were not quite up to standard. Mr Andrews had also completed a training form for Mrs Albeainy. The Sub-Committee asked Mr Grant whether in the light of the review hearing approaching it would be expected that these matters would not have arisen. Mr Grant answered that the fact these points had been raised by Mr Andrews demonstrated his independence. Mr Andrews was asked to provide an assessment of what he had found when he had checked the validity of the compliance system.

Mr Andrews stated that he had found a clean, tidy and what appeared to be a well run establishment. The points he had made which he believed required improvement were he believed relatively minor details. Staff had not decided where the manager's phone number should be and it was agreed that this should be kept in the compliance file. Mrs Albeainy had demonstrated that she knew her responsibilities in refusing the sale of alcohol to an underage person and he had then assisted her in completing the training form.

The Sub-Committee also enquired as to whether four test purchases would generally take place over a week. Mr Sargeson replied that these tended to be carried out on a weekly basis but that there was a need to carry out extensive testing with the review hearing approaching. A condition had been proposed that there would continue to be test purchasing by Serve Legal for a further six months to ensure compliance with the licensing objectives and improve performance at the store.

Decision (including reasons):

That the premises licence would be suspended for a period of three months and a number of additional conditions would be imposed as set out below.

The Sub-Committee had very serious concerns about the two test purchase failures and made the point to the Licence Holder that Members abhorred the sale of alcohol to underage people. Members after careful consideration decided by a two to one majority to suspend the licence for three months rather than revoke the licence on the grounds that significant steps had already been taken prior to the review hearing to ensure that there were no further underage sales, including extensive training and the introduction of till prompts. It was noted that the Police's most recent test purchase exercise had not raised issues. The Chairman emphasised to the Licensee's Representatives that should the licensing objectives be undermined again or conditions, including additional ones attached by the Sub-Committee at the

hearing, be breached at the premises, there should be an expectation that the licence would be revoked.

The opportunity was taken by the parties to remove a number of existing conditions on the licence that were either no longer relevant or had been replaced by the conditions proposed for the review hearing.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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.

Additional Conditions

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. There must be a camera above the till points to record all customer transactions. The CCTV system shall continually record whilst the venue 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
7. A staff member who is conversant with the operation of the CCTV system shall be available when the premise is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A direct telephone number for the manager at the premises shall be made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. There shall be no self service of spirits (except spirit mixers) on the premises.
11. All cashiers will receive refresher training on relevant alcohol laws and the licence holders policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority
12. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older

if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

13. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
16. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
17. No More than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

Conditions attached to the premises licence by the Licensing Sub-Committee at the meeting held on 25 September 2014

18. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
21. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
22. This premises licence only has effect if Mr Khalid Javed is the licence holder or a Director of the company that holds the premises licence.
23. Neither Mr Jihad Albeainy nor Mrs Jihad Beaini may be employed at the premises or involved in the management of the premises, nor may they be Directors, shareholders or officers of any company that holds the premises licence.
24. The licence holder must arrange for an independent age-related test purchase exercise to be carried out at the premises at least once a calendar month for at least 6 months. All records of the test purchases must be kept at the premises and made available for inspection by a police or licensing authority officer.

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(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.
- 5(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.

5(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.

- 5(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.

Annex 2 – Conditions consistent with the operating Schedule

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. There must be a camera above the till points to record all customer transactions. The CCTV system shall continually record whilst the venue 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

7. A staff member who is conversant with the operation of the CCTV system shall be available when the premise is open to the public. This staff member must be able to

show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A direct telephone number for the manager at the premises shall be made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. There shall be no self service of spirits (except spirit mixers) on the premises.
11. All cashiers will receive refresher training on relevant alcohol laws and the licence holders policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority
12. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
13. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
16. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
17. No More than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

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

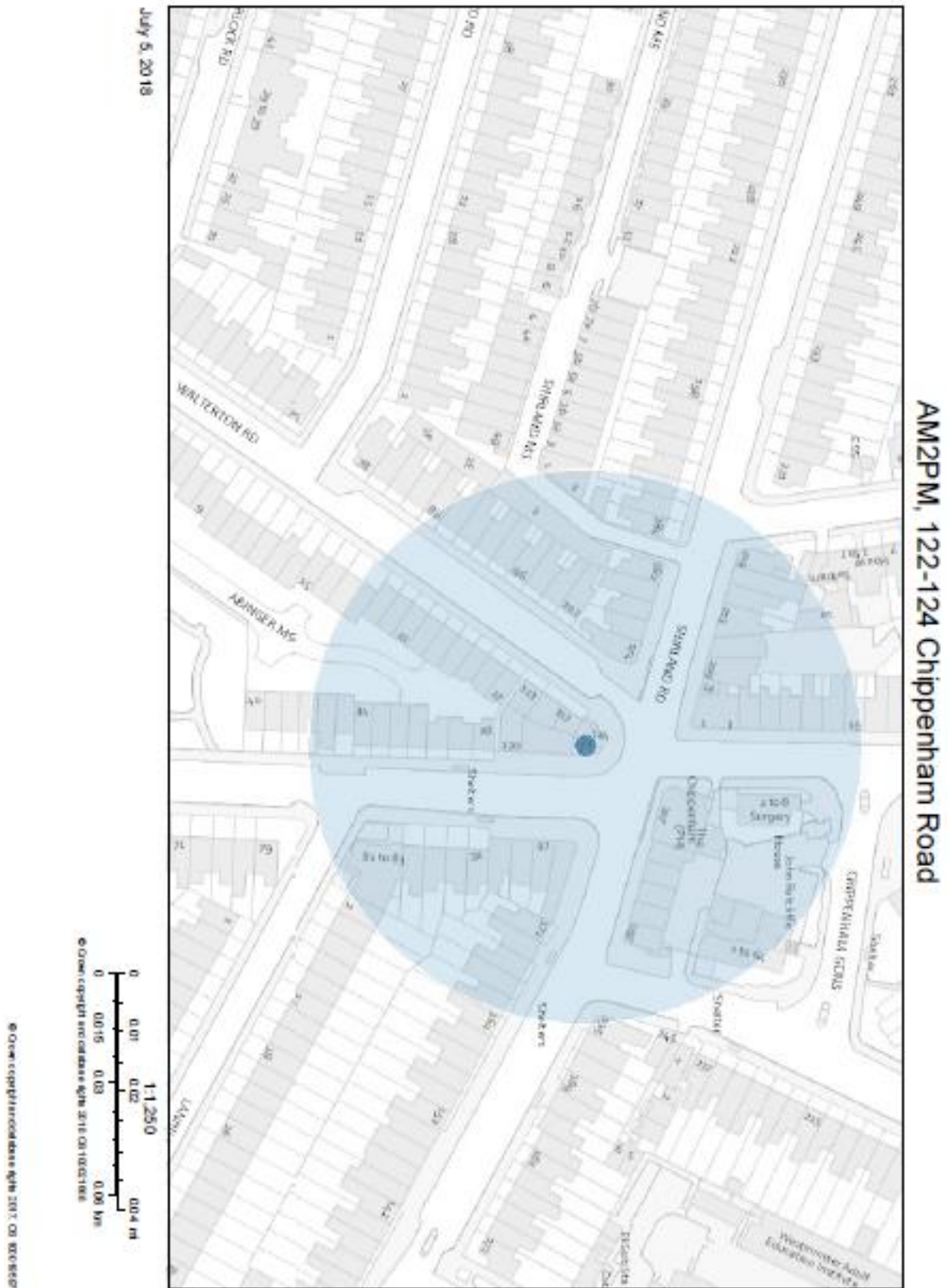
18. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked

grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

21. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
22. This premises licence only has effect if Mr Khalid Javed is the licence holder or a Director of the company that holds the premises licence.

Proposed amendment: Remove condition 22

23. Neither Mr Jihad Albeainy nor Mrs Jihad Beaini may be employed at the premises or involved in the management of the premises, nor may they be Directors, shareholders or officers of any company that holds the premises licence.
24. The licence holder must arrange for an independent age-related test purchase exercise to be carried out at the premises at least once a calendar month for at least 6 months. All records of the test purchases must be kept at the premises and made available for inspection by a police or licensing authority officer.



Resident count: 242

Premises within 75 metres of AM 2 PM, 122-124 Chippenham Road

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------------|----------------------------|--|-----------------------------------|--|
| 18/02019/LIPDPS | AM 2 PM | 122-124 Chippenham Road London W9 2AD | Shop | Monday to Thursday; 08:00 - 23:00 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30 |
| 07/00550/WCCMAP | Domino Pizza | 120 Chippenham Road London W9 2AD | Takeaway food outlet | Friday to Saturday; 11:00 - 02:00 Sunday to Thursday; 11:00 - 01:00 |
| 14/04038/LIPT | Chippenham Public House | 207 Shirland Road London W9 2EX | Public house or pub restaurant | Monday to Saturday; 08:00 - 02:30 Sunday; 10:00 - 02:30 |

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| | |
|--------------------|---|
| Item No: | |
| Date: | 19 July 2018 |
| Licensing Ref No: | 18/05781/LIPN - New Premises Licence |
| Title of Report: | Pancs 32 The Market Covent Garden London WC2E 8RE |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | St James's |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact details | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 18 May 2018 | | |
| Applicant: | International Food Technologies Ltd | | |
| Premises: | Pancs | | |
| Premises address: | 32 The Market Covent Garden London WC2E 8RE | Ward: | St James's |
| | | Cumulative Impact Area: | West End |
| Premises description: | The applicant proposes to operate the premises as a restaurant/cafe with an external seating area. | | |
| Premises licence history: | This is a new premises licence application and therefore no licence history exists. | | |
| Applicant submissions: | No submissions have been received from the applicant. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|--|------------|--|------------|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | N/A |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | N/A |
| Seasonal variations: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | | |
| Non-standard timings: | | On Sundays prior to bank holidays/public holidays 12:00 – 00:00. | | | | | |

| | | | | | | | |
|----------------------------------|------------|--|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | | |
| Non-standard timings: | | On Sundays prior to bank holidays/public holidays 12:00 – 00:00. | | | | | |

| Hours premises are open to the public | | | | | | | |
|---------------------------------------|------------|--|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 |
| End: | 00:00 | 00:00 | 00:00 | 00:00 | 00:30 | 00:30 | 23:00 |
| Seasonal variations: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | | |
| Non-standard timings: | | On Sundays prior to bank holidays/public holidays 12:00 – 00:30. | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Ms Daisy Gadd |
| Received: | 11 June 2018 |

I write in relation to the application submitted for a New Premises Licence for 32 The Market, situated in Covent Garden.

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

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

The application seeks to licence the following activities:

- Late night refreshment (indoors):

| | |
|---------------------|----------------|
| Monday to Thursday: | 23:00 to 23:30 |
| Friday to Saturday: | 23:00 to 00:00 |
- Supply of alcohol (both):

| | |
|---------------------|----------------|
| Monday to Thursday: | 10:00 to 23:30 |
| Friday to Saturday: | 10:00 to 00:00 |
| Sunday: | 12:00 to 22:30 |

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.

This application currently falls within, but does not fully comply, with policy RNT2. The applicant has proposed a condition whereby the supply of alcohol at the premises 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 Licensing Authority would like to propose the Council's model condition 66 to replace this condition to support the Council's policy relating to the sale of alcohol for consumption on the premises. This condition reads as the following:

- 1) The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

With the applicant's agreement to model condition 66, the operation of the premises will then be brought in line with policy RNT2 which states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas".

No additional information has been received which addresses this policy concern of cumulative impact, and the Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact. Furthermore, the Licensing Authority is concerned that there is insufficient detail contained within the application form and proposed conditions that demonstrates the proposed operation of the premises. The applicant has applied for both on and off sales of alcohol and it would be useful if the applicant could provide further submissions, such as an operational plan, to highlight the way in which the premises intends to be managed.

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

Please accept this as a formal representation.

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Mr Anil Drayan |
| Received: | 11 June 2018 |

I refer to the application for a new Premises Licence for the above premises which are located in the West End Cumulative Impact area.

The applicant has submitted plans of the premises drawing no 07-01 dated 05/2018.

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 12:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Non-standard times for all the above licensable activities on Sundays immediately prior to public and bank holiday until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
2. The hours requested for and the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
3. Non-standard times for all the above licensable activities may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following further comments:

- Some conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- The premises are located in a Cumulative Impact Area and any approval for 'On' sale of alcohol usually requires it to be covered by the 'model' restaurant condition (MC66) for it to be consistent with Westminster's Statement of Licensing Policy.

Any departure from this Environmental Health considers this would then be a matter for the Licensing sub-Committee for determination.

- It is unclear if the premises have already undergone refurbishment for the proposed use and clarification is also requested on any proposed maximum capacity.

In any case the premises will need to be assessed for Public Safety on completion and an appropriate safe capacity restriction determined based on the District Surveyor's Technical Guidance on Places of Entertainment.

- Clarification is also requested on the use of the external area as there appears to be insufficient controls provided in the list of conditions eg hours of use etc
- The provision of sanitary accommodation for any proposed public capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area.

In addition, compliance with Food Hygiene guidance will also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

- The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

The applicant is requested to contact the undersigned to discuss all of the above and to arrange a site visit after which Environmental Health may propose additional conditions.

3. Policy & Guidance

| | |
|--|--|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies: | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy CIP1 applies: | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |
| Policy PB2 applies: | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. |

Equality Implications

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

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

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

5. Appendices

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

| | |
|-----------------------|---|
| Report author: | Mrs Shannon Pring Senior Licensing Officer |
| Contact: | Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk |

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

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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Licensing Authority representation | 11 June 2018 |
| 5 | Environmental Health Service | 11 June 2018 |

LGF Licensing Plan
Scale: 1:50 @ A1

GENERAL NOTES

1. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND ANY OTHER RELEVANT AGENCIES.
2. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
3. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY CERTIFICATES AND APPROVALS.
4. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HEALTH AND SAFETY DOCUMENTATION.
5. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FIRE SAFETY DOCUMENTATION.
6. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCESSIBILITY DOCUMENTATION.
7. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL DOCUMENTATION.
8. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENERGY EFFICIENCY DOCUMENTATION.
9. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DATA PROTECTION DOCUMENTATION.
10. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EMPLOYMENT DOCUMENTATION.
11. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX DOCUMENTATION.
12. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOUNTING DOCUMENTATION.
13. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD KEEPING DOCUMENTATION.
14. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMPLIANCE DOCUMENTATION.
15. THE LICENSEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAINING DOCUMENTATION.

LEGEND

- LICENSED AREA
- UNLICENSED AREA

PROPERTY INFORMATION

| | |
|-----------------------|-------------------------------------|
| PROPERTY ADDRESS | NO. 123 MAIN STREET, LONDON, E1 1AA |
| PROPERTY TYPE | COMMERCIAL PREMISES |
| PROPERTY SIZE (SQ. M) | 1000 |
| PROPERTY DATE | 2023 |
| PROPERTY OWNER | ABC COMPANY LTD |
| PROPERTY CONTACT | 1234567890 |
| PROPERTY REFERENCE | 1234567890 |
| PROPERTY STATUS | ACTIVE |
| PROPERTY TYPE | COMMERCIAL PREMISES |
| PROPERTY SIZE (SQ. M) | 1000 |
| PROPERTY DATE | 2023 |
| PROPERTY OWNER | ABC COMPANY LTD |
| PROPERTY CONTACT | 1234567890 |
| PROPERTY REFERENCE | 1234567890 |
| PROPERTY STATUS | ACTIVE |

DESIGNER'S DECLARATION

I, the undersigned, hereby declare that the above plan and drawings are a true and correct representation of the premises as they exist at the date of completion of the drawings.

SIGNED: _____
DATE: _____

CLIENT'S DECLARATION

I, the undersigned, hereby declare that the above plan and drawings are a true and correct representation of the premises as they exist at the date of completion of the drawings.

SIGNED: _____
DATE: _____

DESIGNISM

Designing Smarter Buildings

44-0123 00 00
45 Industrial Road, London
Middlesex, UK, W12 8RT
info@designism.com | www.designism.com

There are no supporting documents from the applicant.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. The sale and supply of alcohol for consumption off the premises shall be:
 - a) in sealed containers only, and shall not be consumed on the premises; or
 - b) alcohol consumed at the outside tables and chairs shown on the licence plan by person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
11. There shall be no sales of alcohol for consumption off the premises after (23.00).
12. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
17. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

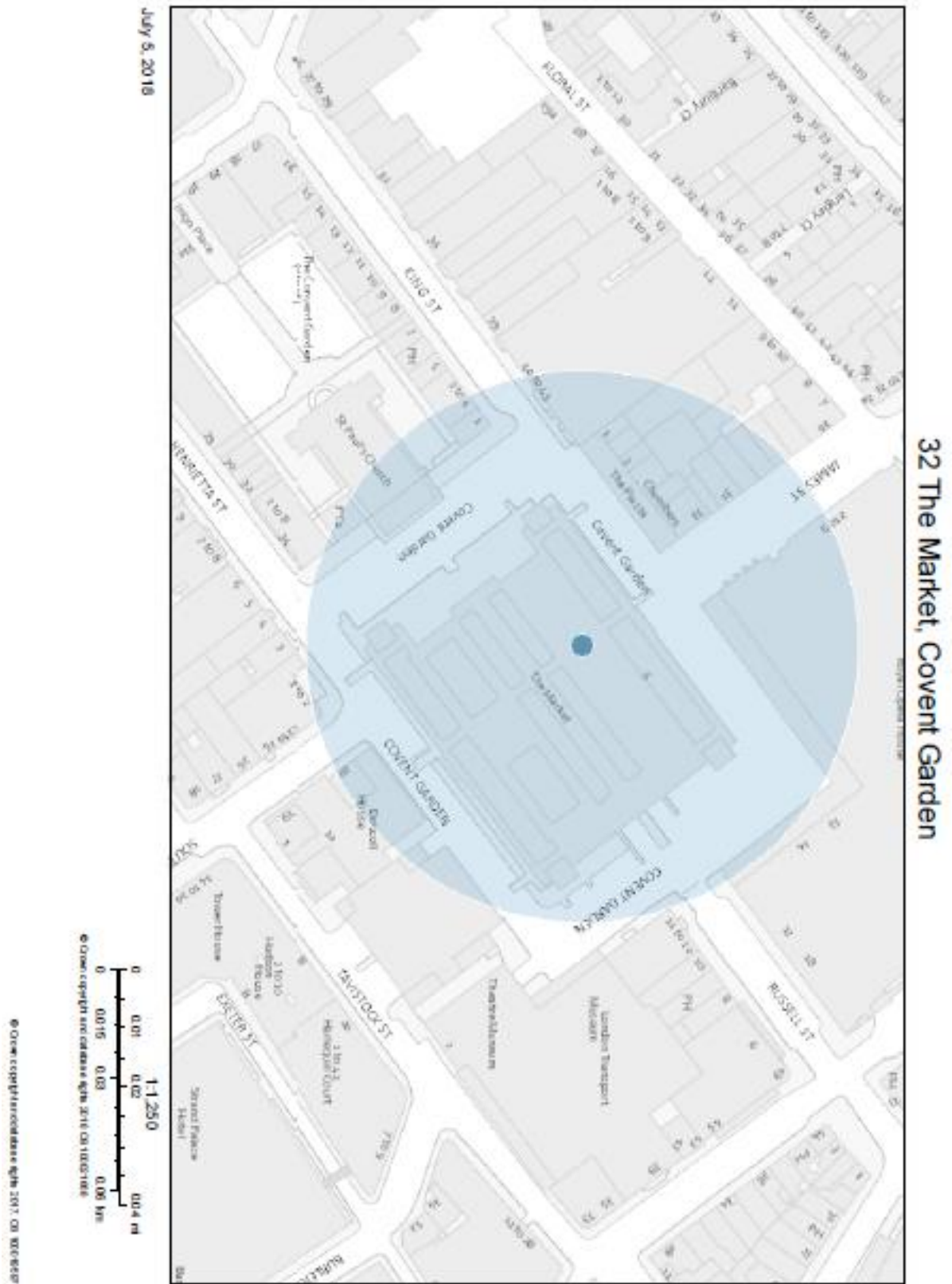
20. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. The number of persons accommodated at the premises (excluding staff) shall not exceed **(TBC)**.

Conditions proposed by the Licensing Authority

23. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Conditions proposed by Environmental Health



Resident count: 18

| Premises within 75metres of 32 The Market, London | | | | |
|--|--------------------------|---|----------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 17/09694/LIPT | 21 | 21 The Market Covent Garden London | Restaurant | Monday to Saturday; 09:00 - 02:30 Sunday; 12:00 - 23:00 |
| 16/08885/LIPDPS | The Crusting Pipe | 27 The Market Covent Garden London WC2E 8RD | Restaurant | Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:30 |
| 16/03798/LIPVM | Le Pain Quotidien | 26 - 49 The Market Covent Garden London WC2E 8RF | Cafe | Monday to Sunday; 07:00 - 00:00 |
| 16/05916/LIPN | Aubaine | 22 The Market Covent Garden London WC2E 8RD | Shop | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30 |
| 16/12633/LIPT | Sushi Samba | 35 The Market Covent Garden London WC2E 8RF | Restaurant | Monday to Saturday; 08:00 - 00:30 Sunday; 09:00 - 00:00 New Year's Eve; XXXX - XXXX |
| 12/01629/LIPDPS | Battersea Pie Station | 28 The Market Covent Garden London WC2E 8RE | Restaurant | Monday to Sunday; 09:00 - 20:00 |
| 18/03993/LIPDPS | Shake Shack | 23 The Market Covent Garden London WC2E 8RD | Restaurant | Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30 |

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|-----------------|---------------------------|--|--------------|---|
| 10/04974/LIPN | Dinner Jackets | Unit 18 And Unit 19 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE | Restaurant | Monday to Sunday; 11:00 - 19:00 |
| 18/02583/LIPCH | Vini Italiani Wine Cafe | 33 The Market Covent Garden London WC2E 8RE | Restaurant | Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 12:00 - 22:30 |
| 16/03019/LIPN | Sushi Samba Covent Garden | 35 The Market Covent Garden London WC2E 8RF | Not Recorded | Monday to Thursday; 07:00 - 00:45 Friday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 23:30 Sundays before Bank Holidays; 07:00 - 01:15 |
| 09/07681/LIPD | Tutti Frutti | Unit 29 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE | Restaurant | Monday to Sunday; 11:00 - 19:00 |
| 16/12515/LIPDPS | Meatailer | Unit 1a Mezzanine Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE | Restaurant | Monday to Sunday; 09:00 - 00:30 |
| 18/03886/LIPDPS | Hotel Chocolat | 10 The Market Covent Garden London WC2E 8RB | Shop | Not Recorded; XXXX - XXXX |
| 18/02631/LIPVM | Bun Buns | 5 The Market Covent Garden London WC2E 8RA | Restaurant | Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30 Friday; 08:00 - 00:30 Sunday; 08:00 - 00:00 |

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|-----------------|--------------------------------|--|-----------------------------------|---|
| 17/03007/LIPDPS | Whittard Of Chelsea | 18 The Market Covent Garden London WC2E 8RB | Restaurant | Monday to Sunday; 09:00 - 22:00 |
| 16/06937/LIPCH | Punch And Judy Public House | The Punch And Judy 40 The Market Covent Garden London WC2E 8RF | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 23:30 |
| 12/06319/LIPDPS | Laduree | 1 The Market Covent Garden London WC2E 8RA | Restaurant | Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30 Sundays before Bank Holidays; 09:00 - 00:00 |
| 15/07111/LIPN | Morelli's Gelato CG Ltd | 20A The Market Covent Garden London WC2E 8RB | Cafe | Monday to Sunday; 07:00 - 23:30 |
| 15/08311/LIPN | Harrods Pop Up Store | 7 The Piazza Covent Garden London WC2E 8HD | Shop | Monday to Sunday; 09:00 - 20:30 |
| 16/12630/LIPT | Sushi Samba | 7 The Piazza Covent Garden London WC2E 8HD | Shop | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 17/06988/LIPV | Chez Antoinette | The Piazza Covent Garden London | Not Recorded | Monday to Sunday; 11:00 - 23:00 |

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| 15/09173/LIPVM | The Roadhouse | Basement 35 The Piazza Covent Garden London WC2E 8BE | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00 |
| 17/06018/LIPN | Not Recorded | Basement 35 The Piazza Covent Garden London WC2E 8BE | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00 |
| 06/07969/WCCMAP | The Rock Garden And Gardening Club | 6 - 7 The Piazza Covent Garden London WC2E 8HB | Restaurant | Monday to Sunday; 09:00 - 06:00 |
| 17/08680/LIPN | Andronicas World Of Coffee (Shadow 27B The Piazza) | 28B The Piazza Covent Garden London WC2E 8RD | Cafe | Monday to Saturday; 08:00 - 00:30 Sunday; 10:00 - 00:30 |
| 10/05017/LIPV | Andronicas World Of Coffee | 28B The Piazza Covent Garden London WC2E 8RD | Restaurant | Monday to Friday; 08:00 - 00:30 Saturday to Sunday; 10:00 - 00:30 |
| 10/05496/LIPN | Hola Paella | 28B The Piazza Covent Garden London WC2E 8RD | Restaurant | Monday to Saturday; 09:00 - 23:00 Sunday; 09:00 - 22:30 |
| 17/02051/LIPCH | Apple | 1 The Piazza Covent Garden London WC2E 8HB | Shop (large) | Monday to Sunday; 09:00 - 21:00 |

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| 16/10733/LIPN | Creme De La Crepe | 29 The Market Covent Garden London WC2E 8RE | Not Recorded | Monday to Sunday; 11:00 - 23:00 |
| 18/03990/LIPT | Maxwells Restaurant | 8-9 James Street Covent Garden London WC2E 8BH | Restaurant | Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00 |

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