



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 7th December, 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Melvyn Caplan  
Susie Burbridge  
Shamim Talukder



**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, Jonathan Deacon.**

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://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 Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

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#### **1. MEMBERSHIP**

To report any changes to the membership and to appoint a Chairman.

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#### **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**

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#### **1. BE HEALTH CHINESE MEDICAL CENTRE LTD, 98 SHAFTESBURY AVENUE, W1**

(Pages 1 - 30)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward	Be Health Chinese Medical Centre Ltd, 98 Shaftesbury Avenue, W1	Application requesting to revoke special treatment premises licence	16/09470/LIM STR

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**2. TEMPER, 5 MERCER WALK, WC2**

**(Pages 31 - 52)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / West End Cumulative Impact Area	Temper, 5 Mercer Walk, WC2	New Premises Licence	17/11396/LIPN

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**3. REIGN (FORMERLY KNOWN AS RAH RAH ROOMS), 215-217 PICCADILLY, W1**

**(Pages 53 - 120)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / not in cumulative impact area	Reign (formerly known as Rah Rah Rooms), 215-217 Piccadilly, W1	Premises Licence Variation	17/11198/LIPV

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**4. THE CLIFTON, 96 CLIFTON HILL, NW8**

**(Pages 121 - 476)**

App No	Ward / Cumulative Impact	Site Name and Address	Application	Licensing Reference Number
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	Area			
4.	Abbey Road Ward / not in cumulative impact area	The Clifton, 96 Clifton Hill, NW8	Review of Premises Licence	17/11411/LIRE VP

**Charlie Parker**  
**Chief Executive**  
**30 November 2017**

In considering applications for premises licences under the Licensing Act 2003, 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 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **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

**Meeting:** *Licensing Sub-Committee*

**Date:** *7 December 2017*

**Classification:** *General Release*

**Premises:** *Be Health Chinese Medical Centre Ltd  
98 Shaftesbury Avenue  
London  
W1D 5EQ*

**Licence Reference Number:** *16/09470/LIMSTR*

**Wards Affected:** *St James's*

**Financial Summary:** *None*

**Report of:** *Director for Public Protection and Licensing*

### 1. Executive Summary

- 1.1 The Council has received a request from the City Inspectors to revoke the special treatment premises licence for Be Health Chinese Medical Centre Ltd, 98 Shaftesbury Avenue, London, W1D 5EQ.
- 1.2 The report sets out the revocation request details and legal context along with other considerations that the Licensing Sub-Committee requires to determine this request under Part 2 of the London Local Authorities Act 1991 (the Act).

### 2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the City Inspectors and licence holder, Members may;
  - 2.1.1 Revoke the licence.
  - 2.1.2 Deny the request to revoke and allow the licence to continue.

### 3. Details

- 3.1 The special treatment premises licence was granted on 23 December 2011 and has been renewed annually since that date. The current special treatment licence, 16/09470/LIMSTR, will remain in force until 22 December 2017 and permits the provision of massage and reflexology (see licence at **Appendix A1**).

- 3.2 The licence holder, Be Health Chinese Medical Centre Ltd, has already applied to renew their special treatment for the period 23 December 2017 – 22 December 2018. That application (17/09754/LIMSTR) has been granted under delegated authority and the licence has been issued with effect from 23 December 2017.
- 3.3 On 21 September 2017, the Council successfully prosecuted the licence holder in the City of London Magistrates Court for an offence under the Act. The offence related to a breach of licence condition 2(d) on 23 December 2016. Condition 2(d) reads as follows:
- “No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises or in the vicinity of the premises.”*
- 3.4 The premises has previously been identified as breaching the condition regarding touting in July 2015. Mr Francis Keegan, City Inspectors Team Manager, warned the premises at the time (see email at **Appendix B1**) and was reassured by Mr Qin Xiao that the company had retrained staff to avoid a repeat of this practice.
- 3.5 On Friday 23 December 2016 at 23:35hrs, City Inspectors Mr Tony Miah and Mr Tim Butterfield were touted by a female from within the premises who was knocking on the glass door to attract attention of people passing by. Both officers approached the premises and the female opened the door and offered massage for £30. City Inspector Tony Miah entered the premises and asked if the female was allowed to tout for the business in this manner. She appeared not to understand and pointed to a tariff displayed on a counter in the premises. Mr Miah’s witness statement is included as **Appendix B2**.
- 3.6 On 21 September 2017, the case proceeded to trial at City of London Magistrates’ Court (please refer to the attendance note by Senior Solicitor-Advocate (Litigation) Miss Kirsty Panton at **Appendix B3**). The Magistrates found the matter proved beyond all reasonable doubt and fined the licence holder £750.

#### **4. Revocation request**

- 4.1 Following the successful prosecution, on 23 October 2017, Mr Francis Keegan (City Inspector Team Manager) requested that the Licensing Sub-Committee hear the request to revoke the special treatment licence (see **Appendix B4**).

#### **5 Applicants Submissions**

- 5.1 The licence holder has submitted documents showing measures that have been imposed to combat touting at the premises. These are included as **Appendices C1 to C4**.
- 5.1.1 The licence holder has implemented a signed staff notice sheet which makes staff aware of the requirements of licence condition 2(d) (see **Appendix C1**). A revised version of this document has been provided at **Appendix C2**.
- 5.1.2 Copies of an agreement document signed by the licence holder and the staff member have been provided (see **Appendix C3**). The agreement document sets out the rules for the provision of massage at the premises. A revised version of the agreement terms has been provided at **Appendix C4** which highlights the consequences for breaching licence condition 2(d).

## **6. Legal Implications**

6.1 Special treatment premises are licensed under Part 2 of the London Local Authorities Act 1991. S6 of Part 2 states:

- (1) No premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.
- (2) The borough council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to restrictions as may be specified.
- (3) Without prejudice to the generality of subsection (2) above, such conditions may relate to-
  - (i) The manner in which the establishment is operated and the way it is advertised.

6.2 The Council has produced standard conditions for special treatment premises which are attached to all special treatment licences. Standard condition 2(d) states:

(d) No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises or in the vicinity of the premises.

6.3 Under s14(2) of the Act, if any premises in respect of which a licence is in force are used as an establishment for special treatment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then the holder of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

6.4 The Licence Holder has been found guilty of breaching standard condition 2(d) on their special treatment licence and fined accordingly.

6.5 Under s14(3) of the Act, the borough council may revoke a licence if its holder is convicted of an offence under s14(2) of the Act.

6.6 Therefore, the Licensing Sub-Committee may determine to:

- (a) Revoke the licence; or
- (b) Deny the request to revoke and allow the licence to continue.

6.7 Should the Licensing Sub-Committee determine to revoke the licence, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application. Should the licence holder determine to appeal a decision to revoke the special treatment licence, the licence shall be deemed to remain in force until the time for bringing an appeal has expired or the appeal is determined or abandoned.

## **7. Human Rights Act and Equality Implications**

7.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well

advised to consider whether any interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others, or in the case of Article 1, Protocol 1, can be justified in the general interest".

7.2 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.

## **Appendices**

- A1 – Special Treatment Premises Licence
- B1 – Email from Mr Keegan to Mr Xiao
- B2 – Witness statement of Mr Tony Miah dated 22 January 2017
- B3 – Case notes from City of London Magistrates' Court dated 21 September 2017
- B4 – Email requesting licence revocation from City Inspectors dated 23 October 2017
- C1 – Be Health Staff Notice
- C2 – Revised Be Health Staff Notice
- C3 – Be Health and staff agreements
- C4 – Revised Be Health staff agreement

**If you have any queries about this report or wish to inspect any of the background papers please contact: Nick Nelson on 020 7641 3431 or at [nnelson@westminster.gov.uk](mailto:nnelson@westminster.gov.uk)**

## **BACKGROUND PAPERS**

London Local Authorities Act 1991  
Special Treatment Rules of Procedure  
Special Treatment Standard Conditions



City of Westminster

16/09470/LIMSTR

## SPECIAL TREATMENT LICENCE

The CITY OF WESTMINSTER, under the provisions of Part II of the London Local Authorities Act 1991

hereby authorises BE HEALTH CHINESE MEDICAL CENTRE LTD

to use the premises BE HEALTH CHINESE MEDICAL CENTRE LTD  
98 SHAFTESBURY AVENUE  
LONDON  
W1D 5EQ

as an establishment for SPECIAL TREATMENT.

This licence commences on 23 DECEMBER 2016  
This licence is in force up to 22 DECEMBER 2017

The following treatments are permitted under this licence:

LOWER RISK TREATMENTS	HIGHER RISK TREATMENTS
Massage and Reflexology	N/A

Special Treatments may only be carried out in the permitted areas shown on the plans attached at APPENDIX 1.

This licence is granted subject to the Special Conditions at APPENDIX 2 and the Standard Conditions of the Council at APPENDIX 3.

SIGNED:

DATE : 8 SEPTEMBER 2016

pp Director – Public Protection and Licensing

CITY OF WESTMINSTER, Licensing Service, Westminster City Hall, 64 Victoria Street, London SW1E 6QP  
Telephone : 020 7641 6500 Email : licensing@westminster.gov.uk

## **APPENDIX 1:**

### **PLANS**

## **APPENDIX 2:**

### **SPECIAL CONDITIONS**

1. The following treatments are not permitted under the authority of this licence: facial, manicure, pedicure and nail extensions.

## APPENDIX 3:

### STANDARD CONDITIONS

#### GENERAL RULES RELATING TO MANAGEMENT, CONDUCT ETC

- 1 The relevant licence or a clear copy shall at all material times be prominently exhibited within the premises in a position where it can easily be read by patrons.
- 2 (a) The licensee shall take all reasonable precautions for the safety of all persons using the premises; shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974 and, except with the consent of the Council, shall at all material times retain control over all parts of the premises.
- (b) The licensee shall be in charge of and upon the premises at all material times. The licensee may authorise in writing a duty manager to deputise for him. If he does so this written authorisation must be kept on the premises and be readily available for inspection by any police officer or authorised officer.

NOTE: Hereafter in these rules the term 'Duty Manager' will mean the licensee or the duty manager as appropriate.

- (c) The duty manager shall at all reasonable times admit to the premises any police officer or officer of the Fire Authority, or any authorised officer of the Council (whose written authority will be provided on request).
- (d) No soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises or in the vicinity of the premises.

NOTE: This does not prohibit the distribution of leaflets to persons within the premises.

- (e) The licensee shall comply with any other statutory enactment relating to the construction and use of the premises.

NOTE: In this connection it is the Council's policy that generally applications for licences or for variation of licences will not be considered unless the activity to be authorised by the Council is lawful in planning terms.

- (f) The licensee shall take out third party insurance with a liability cover of at least £2,000,000 and shall submit evidence of such cover.
- 3 (a) The duty manager shall be familiar with all licence conditions including these rules which shall be kept on the premises.
  - (b) The duty manager shall not engage in any duties which will prevent general supervision of the premises. The duty manager shall whenever necessary be assisted by suitable adults.
  - (c) Before admitting the public the duty manager shall carry out all necessary safety checks.

NOTE: A specimen check list is provided in Appendix A of these rules.

- 4 (a) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed, sold or supplied anywhere by or on behalf of the licensee which is unsuitable for general exhibition. If the licensee is notified by the Council in writing that it objects under this rule to a poster, advertisement, photograph, sketch, synopsis or programme, it shall not be displayed, sold or supplied.
- (b) The duty manager shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

NOTE: The Council may require clearly legible notices to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

- (c) The duty manager shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
  - (i) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;

- (ii) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;
    - (iii) the offer of any sexual or other indecent service for reward;
    - (iv) acts of violence against person or property and/or the attempt/or threat of such acts.
  - (d) The duty manager shall ensure that no part of the premises are used by prostitutes, for soliciting or any other immoral purposes.
  - (e) The duty manager shall not do, or permit in the establishment, any act of an indecent or disorderly character and shall take all necessary steps to exclude from the establishments a customer or any other person who has committed such an act in the establishment and shall cause all persons in his employ engaged in the establishment to be decently and properly attired,
  - (f) The duty manager shall not permit the door of any room or place in the establishment for the time being in use for the giving of special treatment to be locked during the period that the client is therein. However, where a special treatment is being performed without a therapist in attendance (such as in the use of sunbeds or tanning booths) such booths or cubicles may be locked from the inside notwithstanding Regulation 6(f), provided that the staff have the means of opening the booth/cubicle in the event of an emergency.
  - (g) The duty manager shall ensure that whenever more than one person is being treated in a room sufficient screening is provided to maintain privacy.
  - (h) The duty manager shall ensure that with the exception of those persons receiving treatment in accordance with the conditions of the licence all clients present in any part of the establishment shall be decently and properly attired and separate changing accommodation for males and females shall be provided.
- 5 There shall be prominently and legibly displayed a comprehensive tariff of charges which shall be adequately illuminated and be placed in such a position that it can easily and conveniently be read by persons before entering the premises. Where this is impossible, the tariff may with the consent of the Council, be displayed in the reception area.
- 6 The type of treatment provided under the licence shall not be changed without the consent of the Council.
- 7
- (a) No alterations (including temporary alterations) shall be made to the premises, without the consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.
  - (b) Where the works necessitate the premises being closed for a period of time, the premises shall not re-open for the purpose of the licence without the consent of the Council.

NOTE: Any consent under this rule does not relieve the licensee of any need to seek a variation in the terms of the licence.

- 8
- (a) Licensed treatments shall only be provided by a special treatment practitioner or by a person undertaking training who is under the direct supervision of a special treatment practitioner.
  - (b) The licensee shall ensure that all special treatment practitioners providing licensed treatments are suitably qualified and trained as defined in the Council's Guidance on the Qualification and Training of Special Treatment Practitioners.
  - (c) The licensee shall ensure that any person undertaking training to achieve the required level, as defined within the Council's Guidance on the Qualification and Training of Special Treatment Practitioners, is carrying out a licensed treatment under the direct supervision of a special treatment practitioner who has attained the relevant qualification and/or experience (as defined by the council) for that licensed treatment.
  - (d) Records including copies of relevant qualifications and /or training shall be kept on the premises, in a form approved by the Council of every special treatment practitioner or trainee practitioner who provides licensed treatments on the premises.
  - (e) The records described in paragraph (d) above shall be kept on the premises whilst the special treatment practitioner or trainee practitioner is employed and/or carrying out special treatments at the premises and for a period of 1 year from the date when that special treatment practitioner or trainee practitioner ceases employment or providing treatments at that premises.

- 9 (a) The duty manager shall ensure that any electrical or other special equipment (such as ultra-violet radiation equipment) is used and operated in accordance with any appropriate approved code of practice.
- (b) All electrical equipment used in the provision of special treatments shall be approved by the Council.
- 10 Records shall be kept at the premises, in a form approved by the Council, of persons receiving treatment. The record shall include the name of the person receiving treatment, the time of admittance for treatment and the name of the special treatment practitioner giving that treatment. In the case of persons undertaking training to meet the requirements of the Council's Guidance on the Qualification and Training of Special Treatment Practitioners, the entry shall include both the name of the person giving treatment and of the person supervising.
- 11 The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:
- (a) maintain each sanitary convenience in clean and efficient order;
- (b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lit and ventilated and is kept clean;
- (c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc., in order that satisfactory sanitation can be maintained.
- 12 Each treatment room shall be provided with a suitable wash-hand basin with a suitable supply of hot and cold water, together with soap, a nailbrush and either a supply of disposable towels or a clean towel at all times.
- 13 Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.
- 14 A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.
- 15 The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation, including any electrical equipment, and mechanical equipment, shall at all material times be maintained in good condition and in full working order.

NOTE: Appendix B gives details of what is required in respect of the maintenance of fire appliances, fire alarms and water supply.

- 16 (a) 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 approved arrangements.
- (b) No changes shall be made to the approved layout of the premises without the consent of the Council.
- (c) All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
- (d) Any approved removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in an approved position.
- (e) All fire doors shall be maintained effectively self closing and not held open other than by an approved device.
- (f) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (g) The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 17 (a) Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British

(or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

- NOTE:
- (1) Appendix C sets out the method of seeking consent for permanently installed materials.
  - (2) In the case of temporary decorations a statement must be provided advising the period it is desired to retain the decorations.
- (b) Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
  - (c) Curtains, where permitted across doors, shall be hung in two halves on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 25mm between the bottom of the curtain and the floor.
- 18 A log book shall be maintained in which shall be recorded all checks, tests and defects of fire fighting equipment and any fire alarm system. The log book shall be kept on the premises and be available for immediate inspection by an authorised officer.
- 19 Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.
- 20 (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.
- 21 The Fire Brigade shall be called at once to any outbreak or suspected outbreak of fire, however slight, and details thereof shall be recorded in a log book. Suitable notices shall be prominently displayed indicating how the Brigade can be summoned.
- 22 All lighting (including escape lighting) shall be maintained in full working order.
- 23 The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition at all times as prescribed by the Electricity at Work Regulations for electrical installations BS 7671.
- 24 Unless otherwise decided by the Council:
- (a) at least once every 5 years the entire electrical installation for the premises (including the escape lighting) shall be inspected and a certificate of that inspection be submitted to the Council;
  - (b) at least once a year any electrical equipment used in connection with the special treatment shall be inspected and a certificate of that inspection be submitted to the Council;
  - (c) the inspection shall be in accordance with Guidance Note 3 to BS 7671; and
  - (d) the certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting or, with the approval of the Council, another competent person.
- 25 (a) The escape lighting installation, including its load, shall not be altered without the consent of the Council.
- (b) Any escape lighting battery shall be fully charged before the admission of patrons.
- (c) Should the normal lighting fail and the escape lighting system have a one hour capacity patrons shall leave the premises within 30 minutes unless within that time the normal lighting has been restored and the batteries are being re-charged. If the escape lighting system has a three hour capacity patrons shall leave the premises within one hour unless within that time the normal lighting has been restored and the batteries are being recharged.
- (d) If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
- (e) The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.

- 26 (a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.
- (b) Portable heating appliances shall not be used without the Council's consent.
- (c) No alterations / additions to the approved heating system shall be made without the written consent of the Council.
- 27 No alteration shall be made to any part of the electrical, gas or mechanical ventilation systems without the consent of the Council.
- 28 Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).
- 29 Paraffin or other mineral oil shall not be used in any lamp stove or other appliance in premises except with the consent of the Council.

#### APPENDIX A SPECIMEN CHECKLIST

To be used as a guide by the Duty Manager or other persons carrying out a safety check before the public are admitted.

Date \_\_\_\_\_ Name of person carrying out inspection \_\_\_\_\_

Job title of person carrying out inspection \_\_\_\_\_

Tick only if everything is in order.

Do not open the premises until any problems have been rectified.

1. All exit doors are available for use.
2. Any chains or other removable fastenings are removed from exit doors and hung in their approved storage position.
3. Any panic bolts and panic latches are in working order.
4. Any doors, gates or shutters that should be kept open are locked in the open position.
5. All internal and external escape routes and exit doors are clear and free from obstruction.
6. All fire doors are shut unless held open by devices approved by the Council.
7. All exit routes including stairways and all fire safety signs are adequately illuminated.
8. Where two power supplies are provided e.g. mains and battery, both are operative throughout the premises.
9. There are no obvious fire hazards such as combustible waste or litter.
10. All fire fighting equipment is in position and available for use.
11. The first aid equipment is available for use.
12. Any public address system is in working order.
13. Any fire alarm system is in working order.

#### APPENDIX B

##### MAINTENANCE OF FIRE APPLIANCES, WATER SUPPLY AND FIRE ALARMS.

##### FIRE APPLIANCES

1. (a) The approved fire appliances shall be kept in the approved positions and be maintained in satisfactory working order so as to be available for instant use.
2. (b) Portable fire appliances shall be inspected at least once a year in accordance with the relevant British Standard and the date of the inspection clearly marked on the appliance or on a stout tab securely attached to it. Extinguishers which incorporate an antifreeze agent shall be inspected and recharged in compliance with the manufacturer's instructions.
- (c) Any hydraulic hose reels shall be inspected once a year to ensure that they are in working order and the date of the inspection clearly marked on the appliance and recorded in the log book.
- (d) Any drenchers or sprinklers shall also be inspected once a year to ensure that they are in working order and the date of the inspection clearly marked on the appliance or recorded in the log book.

## WATER SUPPLY

2. The Duty Manager shall notify the Fire Authority immediately if the water supply to any hydrant, hose reel, sprinkler, or other fire extinguishing installation is cut off or restricted.

## FIRE ALARMS

3. Any fire alarm system shall be maintained in satisfactory working order. The system shall be maintained and serviced in accordance with BS 5839 and tested regularly in accordance with conditions imposed by the Council.

## APPENDIX C

### PERMANENTLY INSTALLED CURTAINS, HANGINGS, UPHOLSTERY

#### 1. CURTAINS AND HANGINGS

Applications for consent to use curtains and hangings shall be made in writing and shall be accompanied by full details including a certificate in respect of fire-retardancy issued by a recognised laboratory e.g. one accredited by NAMAS showing that each fabric has been tested using the methods in BS 5438 1989 Tests 2A and 2B using a 10 second flame application time in each case. The results of tests on each fabric shall show that no part of any hole nor the lowest boundary of any flaming reached the upper or either vertical edge of any specimen and that there was no separation of any flaming debris.

Where any fabric is stated to be durably flame retarded this means that it has been chemically treated to render it flame retarded. Prior to the above ignitability tests each flame retarded fabric shall be subject to the appropriate wetting or cleansing procedure in BS 5651: 1989. The minimum procedure required shall be that in BS 5651: 1989, Paragraph 3, 'Water soaking procedures'.

#### 2. UPHOLSTERY

Application for consent for all upholstery (whether provided new or second-hand) shall be made in writing and shall be accompanied by full details, including a certificate in respect of fire-retardancy issued by a recognised laboratory e.g. one accredited by NAMAS showing that the upholstery composite of each item has been tested using the methods in BS 5852: 1990, Section 4 or Section 5, and has been classified as "not ignited" using ignition source 0 (cigarette test), ignition source 1 (simulated match flame) and ignition source 5 (timber crib test);

- NOTE:
- (1) Tip-up seating should be resistant to ignition using the method in BS 5852 : 1990, (as amended) Section 5, 20.34 using crib ignition source 5.
  - (2) All seating in public areas should also be resistant to deliberate ignition from below and should therefore pass additional tests as set out in BS 5852 : 1994 Section 5, 20.5 using at least ignition source 1.

## NAMAS

NAMAS is the National Measurement Accreditation Service, it is the UK national unified accreditation service for calibration and testing laboratories. It is a service of the National Physical Laboratory, Queens Road, Teddington, Middlesex, TW11 0LW.



**Signed:**

**DATE : 8 SEPTEMBER 2016**

**pp Director – Public Protection and Licensing**

**CITY OF WESTMINSTER, Licensing Service, Westminster City Hall, 64 Victoria Street, London SW1E 6QP**  
**Telephone : 020 7641 6500 Email : [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)**

18/07/15 at 00:55 by fkeegan

18/07/15 at 00:55 by fkeegan

18/07/15 at 00:52 by fkeegan

See below for email sent, and apology received..... (F Keegan)

=====

Dear Francis,

I am writing regarding your recent visit to both venue. The company has train the staff under the required regulation and also set the straight rule to avoid the same matter happen again. As company officer, we will certainly follow the regulations. Please do not hesitate to contact me if further info needed

Regards

Qin Xiao

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To: Mr Qin Xiao / Be Health Chinese Medical Centre Ltd.

I refer to my recent visit to your special treatment licensed venue at 98 Shaftesbury Avenue, during which I spoke to Dr Bi by telephone (although I now know that she is no longer an officer of the company).

On this occasion I was touted by a young lady as I tried to walk past the shop, in clear breach of the terms of the company's licence . This is why I entered the venue and asked for the manager.

The manageress seemed to have little idea of the terms of the licence, and she certainly had little control over what was going on. Furthermore, the letter of delegation produced at my request related to a different venue (No 108 Shaftesbury Avenue).

These matters are of obvious concern and so I would be grateful to receive your urgent written comments.

Thank you.

Francis Keegan  
City Inspector Team Manager - City Operations Public Protection and Licensing  
City of Westminster  
4th Floor Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP  
Tel: 020 7641 4429



# City of Westminster

## Official - WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Tony Miah

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation City Inspector

Address and Telephone Number: Westminster City Council  
City Co-ordination  
Public Protection and Licensing  
City of Westminster  
Portland House  
Bressenden Place  
London SW1E 5RS

Tel: 0207 641 3385/8511

This statement (consisting of 1 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** \_\_\_\_\_

**Signature:** 22.01.2017

I am a City Inspector employed by Westminster City Council within the Public Protection and Licensing Team. On Friday, 23<sup>rd</sup> December 2016 at about 23:35hrs I was on duty with my colleague, Mr Tim Butterfield on Shaftesbury Avenue, London W1. We were carrying out visits to various premises in the area in relation to the Licensing Act 2003. As we were walking along Shaftesbury Avenue, towards Cambridge Circus I heard a knocking sound, I turned to my right and saw a female of Chinese appearance knocking on the glass door from within a premises. I looked up at the signage which identified the premises as Be Health, a Chinese herbal medicine shop which I now know to be 98 Shaftesbury Avenue, London W1. There were posters in the window advertising the various treatments provided which included massage.

At this point the female opened the door and offered Mr Butterfield and I massage by saying 'massage £30' and repeated the phrase. I approached the female who and asked if she was permitted to tout for business in this manner. She appeared not to understand the question and opened the door wider beckoning me to enter the premises. I entered the premises and asked again if she was permitted to tout, offering massage as she was. She then showed a tariff list stuck to a glass counter top. At this point I showed her my Westminster ID and asked again if she was allowed to tout for business. Upon seeing the ID she said 'No, sorry sorry'. I gave the female a verbal warning and told her to stop tout in this manner. While in the premises I noticed two other females sitting by the counter. All three were dressed in tight clothing not in keeping with the attire normally worn by massage therapists.

**Signature** \_\_\_\_\_

**Signature witnessed by:** \_\_\_\_\_

page 15

IN THE MAGISTRATES COURT  
AT CITY OF LONDON

WESTMINSTER CITY COUNCIL

- v -

BE HEALTH CHINESE MEDICAL CENTRE LIMITED

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TRIAL

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DATE:	21 <sup>st</sup> September 2017
COURT ROOM:	4
CORAM:	3 Lay Justices
PROS:	Miss K Panton
CONTRA:	Richard Barca

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I was instructed to represent WCC at the trial in relation to the above named defendants, for an offence under the London Local Authorities Act 1991.

### PRE-HEARING:

I spoke with Mr Barca who confirmed that the trial was still proceeding. Ms (Dr) Bey was in attendance as director of the company. There were also 2 defence witnesses in attendance, Miss Long and Miss Ruan, employees of the business.

Tony Miah and Tim Butterfield were in attendance to give live evidence on behalf of the prosecution. Francis Keegan was also in attendance in case Mr Barca took issue with his evidence, particularly in relation to the adoption of the legislation.

As the issue for trial was simply that they did not offer the massage, I spoke to Mr Barca to confirm most of the evidence was agreed and the witnesses could be led on this point. Mr Barca confirmed this was acceptable.

We then commenced the trial.

### HEARING:

I proceeded to open the case, providing the Magistrates with a summary of the legislation and took them through the points the prosecution had to prove, making particular reference to the fact this offence is one of strict liability.

However, Mr Barca then took issue with my opening saying that 'nothing was agreed and nothing can be led'. This naturally changed the dynamics of the trial and length of time it would take.

To prove the prosecution's case, I called Tony Miah and Tim Butterfield to give live evidence.

Following my examination-in-chief they were all cross-examined by Mr Barca.

Once the prosecution case was concluded it was for the defence to put their case.

Miss Long gave live evidence first, followed by Miss Ruan and Ms Bey. I cross-examined all 3 defence witnesses.

In summary Miss Long is the receptionist and she said she works every Friday from 9pm until about midnight and 'never leaves the desk'. However, it was established through cross-examination that she would need to leave the desk for toilet breaks etc and, in fact, she couldn't recall exactly what happened on the 23<sup>rd</sup> December 2016.

Miss Ruan is a masseuse who would mainly be in the basement working when she had clients. It was also established through cross-examination that she also couldn't recall exactly what happened on the 23<sup>rd</sup> December 2016.

Ms Bey gave evidence as to the instructions she gives her staff about touting and produced a document which the staff would sign to confirm that they understand they mustn't tout or distribute leaflets. However, this document only had approximately 8 signature entries for November 2016. When all 3 witnesses were cross-examined about this document they had varying responses. Miss Long said she have to sign it every shift, Miss Ruan said maybe just once and Ms Bey was unclear. They were also unable to produce any further documents showing signatures for December when I cross-examined them on this point.

2 of the witnesses also referred to "WeChat" which is a group app that the employees and Ms Bey use. It was said in their examination in chief that they were also told on the group chat not to tout. However, during cross-examination they were unable to produce any printouts of such conversations (although this would not assist that they hadn't touted in any event, as it is a strict liability offence).

During cross-examination Ms Bey confirmed she wasn't even present on 23<sup>rd</sup> December so would be unable to provide evidence as to what would have happened on this occasion.

I then made my closing speech for the prosecution's case, followed by Mr Barca's closing speech.

The Magistrates retired to deliberate.

**Decision:**

When the Magistrates returned they said the following;

*"We found the evidence of both the council inspectors credible and we believe them. Mr Miah was the officer involved after his attention was drawn to the window and he was quite clear he was offered a massage for £30. Mr Butterfield remembered more than 1 member of staff being present and Mr Miah made notes and these were quite clear. We were told by the receptionist that there would be 3 or 4 members of staff working at any one time, we only heard from 2 of them and they said they couldn't be clear what happened. We therefore find the matter proved beyond all reasonable doubt".*

**Sentence:**

Fine: £750  
Costs: £1,500.00  
VS: £75

The company is to pay the full amount within 28 days.

Miss K. Panton  
Senior Solicitor-Advocate

**From:** [Keegan, Francis: WCC](#)  
**To:** [Nelson, Nicholas: WCC](#)  
**Cc:** [Miah, Tony: WCC](#); [Ralph, Andrew: WCC](#)  
**Subject:** Be Health 98 Shaftesbury Avenue  
**Date:** 23 October 2017 13:12:58  
**Attachments:** [disclosure sch non-sens - Be Health.doc](#)  
[Exhibits.doc](#)  
[File Note FWK July 2015.docx](#)  
[History.doc](#)  
[23.12.16 Witness Statement Be Health 98 Shaftesbury Ave.docx](#)  
[3848852.pdf](#)  
[Be Health Chinese Ltd.msg](#)  
[Brief Facts - Be Health 98 Shaftesbury Avenue.doc](#)  
[Case Paper Front Sheet - Be Health 98 Shaftesbury Avenue.doc](#)  
**Importance:** High

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Nick,

This is a fairly basic case of touting in breach of the Standard Conditions resulting in a recent conviction (see attached).

**Sentence:**

Fine: £750  
Costs: £1,500.00  
VS: £75

Can you please consider putting this case to the LSC as soon as possible with a recommendation that the current licence be revoked ?

Thank you.

**Francis Keegan**

City Inspector Team Manager – City Operations  
Public Protection and Licensing

Portland House  
Bressenden Place  
Victoria  
London  
SW1E 5RS

Tel: 020 7641 4429

[fkeegan@westminster.gov.uk](mailto:fkeegan@westminster.gov.uk)

[www.westminster.gov.uk](http://www.westminster.gov.uk)

Please don't print this e-mail unless you really need to.



Global city, strong neighbourhoods, thriving community

# Be Health

## STAFF NOTICE

All staff must read and comply with all points below.

No soliciting for custom, Including the distribution of leaflets. Shall take place from the premises, immediately outside the premises or in the vicinity of the premises.

Name	Sign	Date	Name	Sign	Date
Feng YingHE	何凤英	13/02/2017	李淑珍	Li Shu zhen	13/02/2017
Wei Ruan	韦阮	14/02/2017	Tian Qiuxia	田秋霞	14/02/2017
OPREA ELENA GEORGIANA	G. Oprea	14/05/2017			

# Be Health

79 Shaftesbury Avenue

## STAFF NOTICE

All staff must read and comply with this directive below

There shall be NO soliciting for custom, including the distribution of leaflets, from the premises, immediately outside the premises or in the vicinity of the premises.

**FAILURE TO COMPLY WILL RESULT IN DISCIPLINARY ACTION BEING TAKEN!**

page 21

Name	Signature	Date	Name	Signature	Date

Staff to read and sign EVERY 6 months, without fail.

**THIS AGREEMENT** is made the 4<sup>th</sup> day of November 2016

**BETWEEN:**

(1) **BE HEALTH CHINESE MEDICAL CENTRE LTD** ("the Company") and

(2) Ying Wang of 35 Hawthorn Hatch Tw8 8NY  
("the Masseuse").

**NOW THIS AGREEMENT WITNESSES** as follows:

1. This Agreement sets out the terms and conditions upon which the Masseur agrees to and will operate at the Company's premises at 98 Shaftsbury Ave London W1 ("the Premises"), pursuant to the terms of a Special Treatments Licence ("the Licence") granted to the Company by Westminster City Council ("the Council")
2. The Masseuse confirms that the documents of identification and qualification that have been supplied to the Company are genuine and that they relate to the Masseuse, and that they have completed a relevant training course from a duly authorised training provider, and obtained a recognised certificate of qualification.
3. The Masseuse confirms that she is at the date hereof, and whilst this Agreement subsists, remains entitled to work without restriction in the United Kingdom, and is over the age of 18 years at the date of this Agreement. The Masseuse agrees that she is free work such hours each week as are agreed with the Company in advance but that she is free to leave the Premises at any time.
4. The Masseur acknowledges that she is engaged on a self-employed basis and confirms that she is responsible for payment of their own income tax and National Insurance, and if required, public liability insurance. The Masseur will provide upon request evidence of her Self Assessment tax references and will be responsible to register for VAT if her earnings are over the relevant VAT threshold at the time applicable.
5. The Masseur can arrange appointments for their own clients to attend at the Premises. The Masseur acknowledges however that the choice of room in which the treatment for such clients is carried out by her shall be at the complete discretion of the Company

6. The Masseuse agrees that any treatment or massage supplied by them will be lawful and in accordance with the terms of the Licence, and agrees further to indemnify the Company against any claims for personal injury, loss or damage that may be made by any client of the Masseur in respect of any massage carried out by her on the Company's premises.
7. The masseuse understands and accepts that no sexual services of any kind can be supplied by her, and if a complaint is made that she has done so, she will not be permitted to remain at the Premises
8. The Masseuse agrees that she is aware of the conditions of the Licence held by the Company and in particular of conditions 4 (c), (d) (e) (f), and hereby acknowledge that she has been supplied with a copy of the Licence by the Company and will abide by the conditions of the Licence.

*Executed as a deed by the parties the day and date first above written*

*Signed as a deed for BE HEALTH*

**CHINESE MEDICAL CENTRE LTD**



*in the presence of:*

Signature of Witness..... Qi Ren

Name: Qi Ren

Address: 32 Turnpike Lane

Occupation: (TCM) Doctor

*Signed as a deed by the above-named Ying*

*in the presence of:*

Signature of Witness..... Qi Ren

Name: Qi Ren

Address: 32 Turnpike Lane

Occupation: (TCM) Doctor

**THIS AGREEMENT** is made the 4<sup>th</sup> day of Nov 2016

**BETWEEN:**

(1) **BE HEALTH CHINESE MEDICAL CENTRE LTD** ("the Company") and

(2) *Tian Qiu Xiang* of *Penrose House Flat 11* ("the Employee Masseuse").  
*Penrose Street, London. SE17 3DU*

**NOW THIS AGREEMENT WITNESSES** as follows:

1. This Agreement sets out the terms and conditions upon which the Masseur agrees to and will operate at the Company's premises at *98 Shaftesbury Avenue*, London W1 ("the Premises"), pursuant to the terms of a Special Treatments Licence ("the Licence") granted to the Company by Westminster City Council ("the Council")
2. The Employee Masseuse confirms that the documents of identification and qualification that have been supplied to the Company are genuine and that they relate to the Masseuse, and that they have completed a relevant training course from a duly authorised training provider, and obtained a recognised certificate of qualification.
3. The Employee Masseuse confirms that she is at the date hereof, and whilst this Agreement subsists, remains entitled to work without restriction in the United Kingdom, and is over the age of 18 years at the date of this Agreement.
4. The Employee Masseur can arrange appointments for their own clients to attend at the Premises. The Employee Masseur acknowledges however that the choice of room in which the treatment for such clients is carried out by her shall be at the complete discretion of the Company
5. The Employee Masseuse agrees that any treatment or massage supplied by them will be lawful and in accordance with the terms of the Licence, and agrees further to indemnify the Company against any claims for personal injury, loss or damage that may be made by any client of the Employee Masseur in respect of any massage carried out by her on the Company's premises.

6. The Masseuse agrees that any treatment or massage supplied by them will be lawful and in accordance with the terms of the Licence, and agrees further to indemnify the Company against any claims for personal injury, loss or damage that may be made by any client of the Masseur in respect of any massage carried out by her on the Company's premises.
7. The masseuse understands and accepts that no sexual services of any kind can be supplied by her, and if a complaint is made that she has done so, she will not be permitted to remain at the Premises
8. The Masseuse agrees that she is aware of the conditions of the Licence held by the Company and in particular of conditions 4 (c), (d) (e) (f), and hereby acknowledge that she has been supplied with a copy of the Licence by the Company and will abide by the conditions of the Licence.

*Executed as a deed by the parties the day and date first above written*

*Signed as a deed for BE HEALTH*

**CHINESE MEDICAL CENTRE LTD**



*in the presence of:*

Signature of Witness..... Qi Ren

Name: Qi Ren

Address: 32 Turnpike Lane

Occupation: (TCM) Doctor

*Signed as a deed by the above-named* 李淑珍

*in the presence of:*

Signature of Witness..... Qi Ren

Name: Qi Ren

Address: 32 Turnpike Lane

Occupation: (TCM) Doctor

**THIS AGREEMENT** is made the 4<sup>th</sup> day of November 2016

**BETWEEN:**

(1) **BE HEALTH CHINESE MEDICAL CENTRE LTD** ("the Company") and

(2) YU ZHEN LI of 222 Grenvile Poplin Square  
("the Masseuse").

**NOW THIS AGREEMENT WITNESSES** as follows: London SW1V 3LX

1. This Agreement sets out the terms and conditions upon which the Masseur agrees to and will operate at the Company's premises at 98 Shatteshbury Avenue London W1 ("the Premises"), pursuant to the terms of a Special Treatments Licence ("the Licence") granted to the Company by Westminster City Council ("the Council")
2. The Masseuse confirms that the documents of identification and qualification that have been supplied to the Company are genuine and that they relate to the Masseuse, and that they have completed a relevant training course from a duly authorised training provider, and obtained a recognised certificate of qualification.
3. The Masseuse confirms that she is at the date hereof, and whilst this Agreement subsists, remains entitled to work without restriction in the United Kingdom, and is over the age of 18 years at the date of this Agreement. The Masseuse agrees that she is free work such hours each week as are agreed with the Company in advance but that she is free to leave the Premises at any time.
4. The Masseur acknowledges that she is engaged on a self-employed basis and confirms that she is responsible for payment of their own income tax and National Insurance, and if required, public liability insurance. The Masseur will provide upon request evidence of her Self Assessment tax references and will be responsible to register for VAT if her earnings are over the relevant VAT threshold at the time applicable.
5. The Masseur can arrange appointments for their own clients to attend at the Premises. The Masseur acknowledges however that the choice of room in which the treatment for such clients is carried out by her shall be at the complete discretion of the Company

6. The Employee Masseuse understands and accepts that no sexual services of any kind can be supplied by her, and if any complaint is made that she has done so, she will be dismissed for gross misconduct.
7. The Employee Masseuse agrees that she is aware of the conditions of the Licence held by the Company and in particular of conditions 4 (c), (d) (e) (f), and hereby acknowledge that she has been supplied with a copy of the Licence by the Company and will abide by the conditions of the Licence.


*Executed as a deed by the parties the day and date first above written*

Signed as a deed for **BE HEALTH** )

**CHINESE MEDICAL CENTRE LTD** ) 

By a director

*in the presence of:*

Signature of Witness  .....

Name: LIN ZHOU

Address: Dean Street 79

Occupation: Receptionist

Signed as a deed by the above-named employee)

)

*in the presence of:* 

Signature of Witness  .....

Name: Lian Niu

Address: 79 Dean Street

Occupation: Analyst

**THIS AGREEMENT** is made the *4<sup>th</sup>* day of *November* 2016

**BETWEEN:**

(1) **BE HEALTH CHINESE MEDICAL CENTRE LTD** ("the Company") and

(2) *Wei Ruan* of *37 Boswall Court NW9 5WU*  
("the Masseuse").

**NOW THIS AGREEMENT WITNESSES** as follows:

1. This Agreement sets out the terms and conditions upon which the Masseur agrees to and will operate at the Company's premises at *98 Shaftesbury Avenue* London W1 ("the Premises"), pursuant to the terms of a Special Treatments Licence ("the Licence") granted to the Company by Westminster City Council ("the Council")
2. The Masseuse confirms that the documents of identification and qualification that have been supplied to the Company are genuine and that they relate to the Masseuse, and that they have completed a relevant training course from a duly authorised training provider, and obtained a recognised certificate of qualification.
3. The Masseuse confirms that she is at the date hereof, and whilst this Agreement subsists, remains entitled to work without restriction in the United Kingdom, and is over the age of 18 years at the date of this Agreement. The Masseuse agrees that she is free work such hours each week as are agreed with the Company in advance but that she is free to leave the Premises at any time.
4. The Masseur acknowledges that she is engaged on a self-employed basis and confirms that she is responsible for payment of their own income tax and National Insurance, and if required, public liability insurance. The Masseur will provide upon request evidence of her Self Assessment tax references and will be responsible to register for VAT if her earnings are over the relevant VAT threshold at the time applicable.
5. The Masseur can arrange appointments for their own clients to attend at the Premises. The Masseur acknowledges however that the choice of room in which the treatment for such clients is carried out by her shall be at the complete discretion of the Company

6. The Masseuse agrees that any treatment or massage supplied by them will be lawful and in accordance with the terms of the Licence, and agrees further to indemnify the Company against any claims for personal injury, loss or damage that may be made by any client of the Masseur in respect of any massage carried out by her on the Company's premises.
7. The masseuse understands and accepts that no sexual services of any kind can be supplied by her, and if a complaint is made that she has done so, she will not be permitted to remain at the Premises
8. The Masseuse agrees that she is aware of the conditions of the Licence held by the Company and in particular of conditions 4 (c), (d) (e) (f), and hereby acknowledge that she has been supplied with a copy of the Licence by the Company and will abide by the conditions of the Licence.

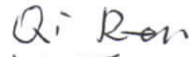
*Executed as a deed by the parties the day and date first above written*


*Signed as a deed for* **BE HEALTH**

**CHINESE MEDICAL CENTRE LTD** 

*in the presence of:*

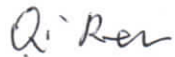
Signature of Witness...  .....

Name:   
Address: 32 Turnpike Lane  
Occupation: (TCM) Doctor

*Signed as a deed by the above-named*  .....

*in the presence of:*

Signature of Witness...  .....

Name:   
Address: 32 Turnpike Lane  
Occupation: (TCM) Doctor

8. The Masseuse agrees that he/she is aware of the conditions of the Special Treatment licence held by the Company and, in particular, the Standard Conditions which form part of the licence and hereby acknowledges that he/she has been provided with a copy of the said licence and Standard Conditions, and will abide by them.

9. In accordance with Standard Condition 2(d), the Masseuse will ensure that *'no soliciting for custom, including the distribution of leaflets, shall take place from the premises, immediately outside the premises or in the vicinity of the premises'*. **Failure to comply with this, or any of the conditions of this licence (including the Standard Conditions) will result in Disciplinary action, and may result in Dismissal!**

# Licensing Sub-Committee

## Report

Agenda Item 2

Item No:	
Date:	7 December 2017
Licensing Ref No:	17/11396/LIPN - New Premises Licence
Title of Report:	Temper 5 Mercer Walk London WC2
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 October 2017		
<b>Applicant:</b>	Casper & Cole Limited		
<b>Premises address:</b>	Temper 5 Mercer Walk London WC2	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises intends to operate as a restaurant.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	The applicant originally applied for a start time of 10:00 on Sundays for the sale by retail of alcohol. However, this has now been amended to the start time of 12:00 for the sale by retail of alcohol on Sundays, as per Westminster's Core Hours Policy.		
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		From 23:00 on New Years Eve until 05:00 on New Years Day.					

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/ Non-standard timings:		From the start time on New Years Eve until the finish time on New Years Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Adam Deweltz
Received:	13 October 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>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.</p> <p><b>Following the agreement of conditions, the Metropolitan Police Service has withdrawn their representation.</b></p>	

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Shannon Pring
<b>Received:</b>	31 October 2017

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:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The premises currently falls within policy RNT2 and it must demonstrate how the additional people will not add to the cumulative impact area.

Additionally, the licensable activities (sale by retail of alcohol on the premises) as applied for Sundays fall outside of core hours and although the council's full model condition 66 has been offered no additional information has been received which addresses the policy concerns in relation to adding to cumulative impact and we ask that this is addressed by submission to address the above concerns. We would also request that hours sought for on sales, in the application, on Sundays are brought in line with core hours; specifically midday to 22:30 instead of starting at 10:00.

Furthermore, we note that you have not given an indication, within the application, as to what the capacity for the premises will be, we would ask that you provide us with a figure in order for us to consider further the implications that this may have on cumulative impact.

Please accept this as a formal objection and we look forward to receiving documents as soon as possible.

<b>2-B Other Persons</b>	
<b>Name:</b>	Resident 1
<b>Received:</b>	7 November 2017
<p>I am writing to object to the proposed application for a restaurant to operate in the new Mercer's Walk development beyond the hours that were in the planning application. If the application is granted it will cause considerable nuisance to local residents such as myself. The late hours will cause people to exit in the largely residential Mercer St which has always been one of the few times when it is quiet. The small streets and pavements of our neighbourhood will get blocked as patrons try to find transport at that hour and wait and smoke cigarettes causing noise that will disturb local residents.</p> <p>It seems wrong that they can apply to operate for longer hours than were proposed in the planning application. This will create a new 7 days a week, late night nuisance for all the people who live along Mercer St.</p> <p>The size of the proposed licensed restaurant will surely mean they hope to cater for large groups and parties that will inevitably linger on the small streets of our Covent Garden neighbourhood. The proposal to allow entrance and exit into Mercer St will just add to the problems for those of us who live here, and the new premises should open into the interior of this development so as to not add disturbance to the long-term residents of Mercer Street, of which I am one!</p> <p>I am also concerned about the disruption and nuisance that the servicing of these new premises (the first of its kind in Mercer St.) will cause, especially considering the size of this establishment. That will inevitably cause more nuisances in the hours beyond the opening hours.</p>	
<b>Address and/or Residents Association:</b>	The Ching Court Association
<b>Received:</b>	8 November 2017
<p>As the residents' association representing more than 20 dwellings not far from these premises, four of which belong to families with children, we ask you to refuse this application as it currently stands.</p> <p>The building in which Temper will be situated has its main entrance on Mercer's Walk and a large part of it faces onto Mercer Street. We are on the north side of the junction with Shelton Street, only a short distance from the premises.</p> <p>When the premises were given Planning Permission we expressed concern about the impact of A3 uses in the late evening in this location, and a restriction was imposed on the hours to end at 11pm. We continue to believe that this restriction is the very least that we need. What the applicant now proposes (11.30pm during the week, and Midnight at the weekend) is far too late.</p> <p>Our streets are narrow – with high, old brewery buildings which echo to every sound. The area has little ambient noise after the theatre closes (at around 10.15pm), and very little traffic, so any sound acts as a peak which disturbs residents. The customers leaving this venue will have been drinking alcohol as well as eating, so they will speak loudly even if they are otherwise behaving well. And noise will emanate from the</p>	

premises themselves. Noise from Mercer's Walk echoes around the hard surfaces and carries particularly badly; we can hear it from over a block away, so we will not be able to escape this.

We believe that in order to protect residents around Ching Court, and those who live closer to the premises on Mercer Street, the terminal hour should remain 11pm at the very latest.

In addition, we would like to see a requirement that customers disperse onto Langley Street and not Mercer Street, and that use of any outside tables and chairs on Mercer's Walk ends at 9pm. Any openable windows should be closed at the same time. The rules on the Camden side limit tables & chairs to 9pm, which is liveable. Noise from people eating and drinking outside echoes around the area and can be very disturbing.

It is worth noting that we supported the aspects of this new development that increased the number of residential flats in the area – flats which are situated directly above the premises that Temper is taking on. However, these flats are not yet home to 'real' residents, but are being used as corporate apartments for guest workers at the moment. These guest workers have just arrived and have not engaged with the local community. However, we are very keen that the flats should in future become homes for people who can become long-term members of our community. For this to happen the environment needs to be favourable to families, and clearly this means being quiet enough for people to get to sleep not too late at night. Again, we believe that a terminal hour of 11pm for the licence, and 9pm for tables & chairs, is the latest that will enable this.

Our community is already under a lot of pressure, as you know, with families finding it difficult to remain open. We appeal to you to refuse this application as it currently stands.

**Address and/or Residents Association**

CGCA Planning & Licensing Sub-Committee

**Received:**

8 November 2017

This representation is being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St Martin's lace, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 16<sup>th</sup> March 2015.

This Representation is being made regarding the Application for a New Premises Licence for Temper. This is situated in a newly constructed A3 unit on Mercer's Walk which is a new development situated between Langley Street and Mercer Street. The application is for a restaurant under MC56 conditions to operate during Core Hours. The unit is situated under newly built flats. It is on the Eastern side of the new development and has a frontage onto Mercer Street. The application includes tables and chairs on Mercer's Walk on the Western frontage of the premises and also a concertina glass wall

on this frontage.

### **CGCA View**

The development is situated between Langley Street and Mercer Street. Langley Street is broadly commercial in nature and has 3 existing Licensed Premises. Mercer Street is in residential/commercial mixed use and has only 1 Licensed Premises (Crazy Bear) which has been closed for more than 2 years. The CGCA is concerned about the impact of the people arriving and leaving the premises in the later part of the evening on residents living in the area, as well as noise coming from inside the premises themselves and from people seated outside. We believe that these will harm the Licensing Objectives of the Prevention of Public Nuisance.

We note that the Planning Permission which granted permission for the development includes a Condition 4 which requires that no customers use the premises after 23:00 Monday to Saturday and 22:30 on Sunday. We believe that this is also an appropriate time for the licence to end to prevent public nuisance being caused in the area.

In addition we are concerned about the impact of noise from the operation of the premises on the environment of Mercer's Walk (which has residential on the upper floors) and also echoing out into Mercer Street. This noise will be generated by customers seated outside the premises and through the openable front onto Mercer's Walk which is shown on the plans. To prevent this causing a public nuisance we ask that a condition be imposed that all doors and windows are closed at 21:00 and that the outside tables should not be used by customers after this time.

In the St. Martin's courtyard development (to the East of Mercer's Walk) there is a similar A3 unit (Dalla Terra) which has an openable front and tables and chairs outside. This area clearly is impacted by the noise generated by this type of use. This has not given rise to Public Nuisance only because the area is not overlooked by residential flats. In the case of Mercer's Walk it is overlooked and is likely to cause a nuisance.

The servicing condition proposed in the application is that no deliveries shall take place between 23:00 and 08:00 hours the following day. There is no reference to collections (including waste). The premises are required (by their landlord) to comply with a servicing plan where all deliveries are made from the public realm are within the development between 07:00 and 10:00 each day and all waste is to be stored in the commercial waste area provided by the Landlord. These conditions are intended to minimise the public nuisance which could be caused if deliveries and waste collections were made directly from Langley or Mercer Street. They should be reflected in the conditions on the Licence.

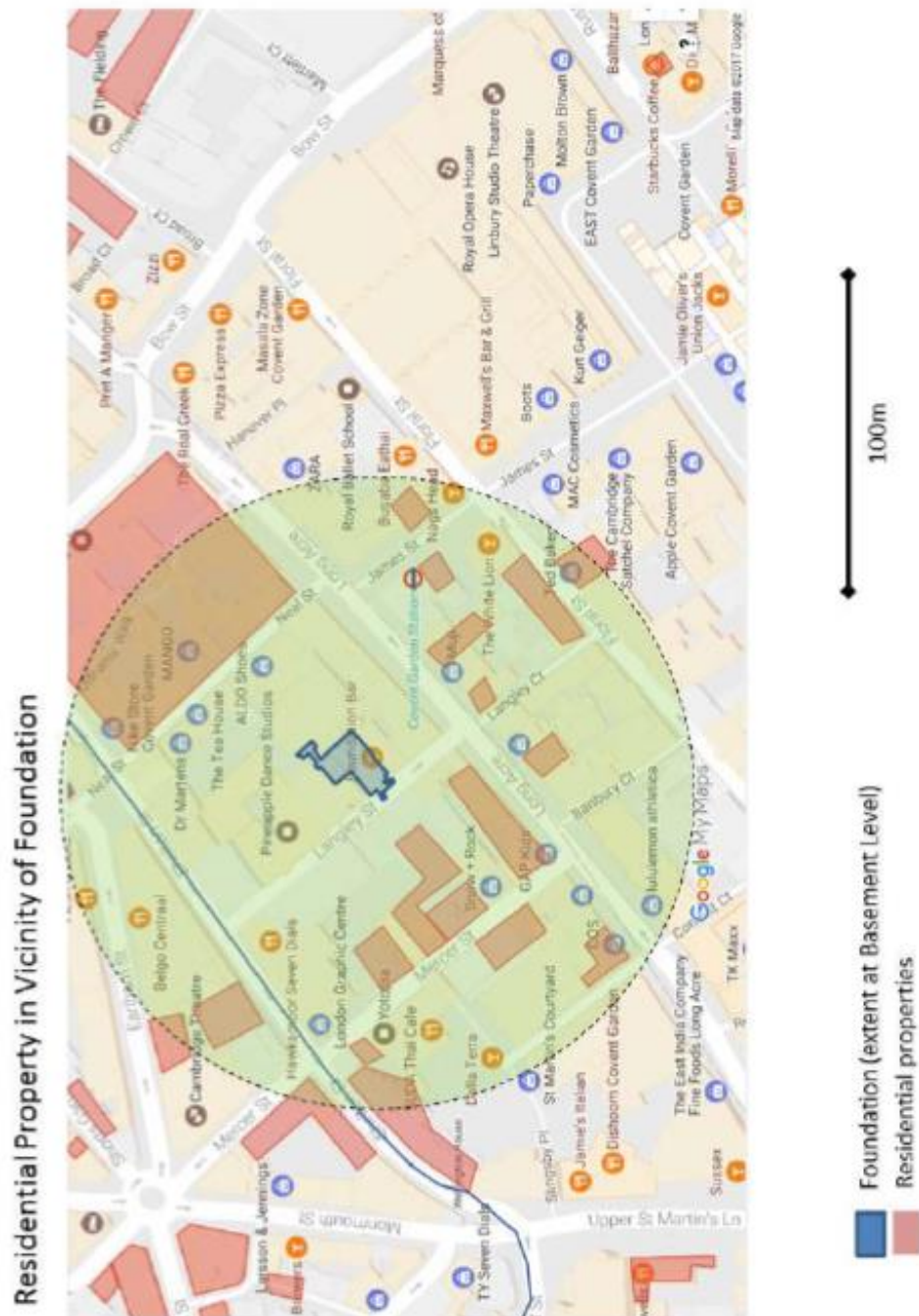
In summary, we are asking for the following changes:

- The licence should require that the premises closes at 23:00 (mirroring the Planning condition)
- The openable shopfront should be closed and the tables and chairs out of use at 21:00
- The servicing conditions should be consistent with the servicing and management plan for the development.

If the Licensing Committee is minded to grant a licence until a time later than the planning permission time we would ask for the following additional conditions:

- Last entry will be 60 minutes before the premises close
- After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

We hope that this representation is clear.



<b>Name:</b>	Resident 2
<b>Received:</b>	7 November 2017
<p>I wish to make this representation as a local resident. My flat is situated on the opposite side of Mercer Street, very close to the entrance of Mercers Walk.</p> <p>I believe that the noise coming from inside the premises, from people seated outside and from people coming and going, particularly in the late evening, will undermine the Licensing Objective of the Prevention of Public Nuisance.</p> <p>I feel that it would be appropriate to suggests that all the doors and windows should be closed after 21:00 and that outside tables should be closed after 21:00.</p> <p>I am also concerned that the servicing conditions should be consistent with the management plan for the development.</p>	
<b>Name:</b>	Resident 3
<b>Received:</b>	8 November 2017
<p>I am writing to object to some aspects of the application for Temper at 5 Mercer Walk. I am a long term resident within 50m of the application - my front door faces Long Acre 4 doors around the corner and my rearward facing windows and terrace face the applicants site over the roof tops.</p> <p>My concerns with the application relate to the late hours of opening, open window and external seating in combination with the fact that licensed premises have to date been completely absent from Mercer Street which currently maintains a quiet aspect in the evenings.</p> <p>Given the scale and nature of the restaurant it can be expected to draw patrons along Long Acre and down Mercer Street late into the evening. Excessive noise and associated anti social behaviour is likely to result. We would expect to see an uptick in Pedicabs, Ubers, and Deliveroo traffic. It may form a draw for the criminal activities commonly associated with the Tower Street / Shaftsbury Avenue / Cambridge Circus / Newport Court zone.</p> <p>There are many residents including families with young children (my family is one such) on each side of Mercer Street, Long Acre and Shelton Street in close proximity to the proposal.</p> <p>For the reasons above associated with the prevention of crime, disorder, public nuisance and protecting public safety we would request the following:</p> <ul style="list-style-type: none"> <li>• The hours of opening be limited to 11pm and that the openable shopfront and tables and chairs that are proposed be required to be stowed by 9pm.</li> <li>• Servicing must be required to be performed in line with the management plan for the development.</li> <li>• Queuing must be managed.</li> </ul> <p>If the Licensing Committee is minded to grant a licence until a time later than the planning permission time we would ask for the following additional conditions:</p> <ul style="list-style-type: none"> <li>• Last entry 60 minutes before the premises close</li> <li>• After 23:00 the door closest to Mercer Street will be used only as an emergency</li> </ul>	

exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

- Management use their best endeavours to ensure dispersal via Langley Street.

Thank you for your consideration.

### 3. Policy & Guidance

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

<b>Policy CIA1 applies:</b>	<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>
<b>Policy RNT2 applies:</b>	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.
<b>Policy HRS1 applies:</b>	<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>

## 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 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

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Daisy Gadd Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 2737 Email: dgadd@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Representation Metropolitan Police Service	13 October 2017
<b>5</b>	Representation Licensing Authority	31 October 2017
<b>6</b>	Representation resident	7 November 2017
<b>7</b>	Representation Ching Court Association	8 November 2017
<b>8</b>	Representation CGCA Planning & Licensing Sub-Committee	8 November 2017
<b>9</b>	Representation resident	7 November 2017
<b>10</b>	Representation resident	8 November 2017

## **Applicant Supporting Documents**

## **Appendix 1**

None Submitted

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 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 drinks 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.
10. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
11. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be

made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**Conditions proposed by the Environmental Health and agreed with the applicant**

14. 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.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. 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.
18. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. Before the Premises open to the public, the plans as provided with the application will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the Premises constructed and this condition has been removed from the Licence. Where the Premises layout has changed from the plans provided during the course of construction a variation application may be required.

### **Conditions proposed by the Police and agreed with the applicant**

21. 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.

### **Conditions proposed by CGCA Planning and Licensing Sub-Committee and resident 3**

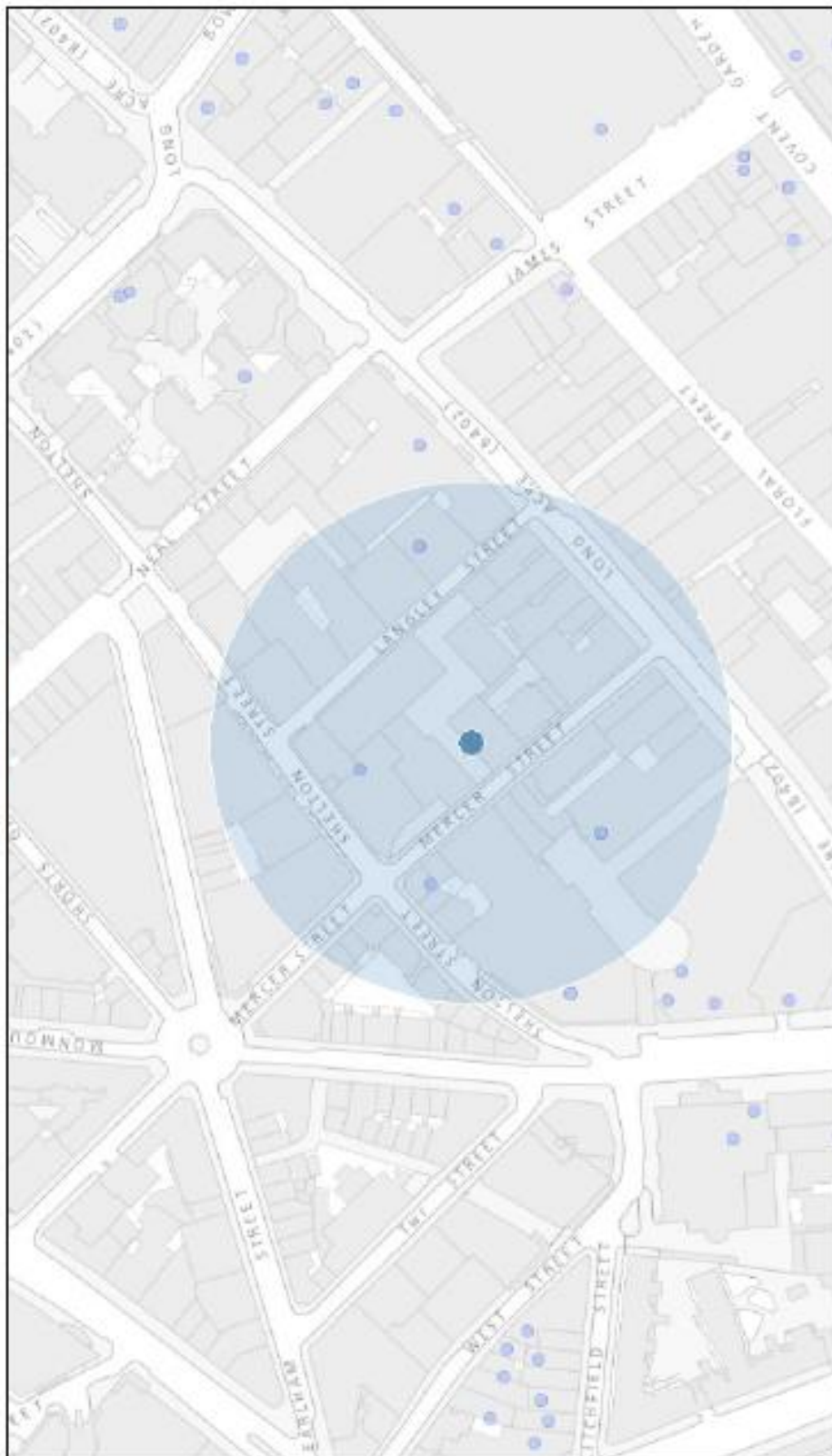
22. Last entry 60 minutes before the premises close.
23. After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

### **Conditions proposed by resident 3**

24. Last entry 60 minutes before the premises close.
25. After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.
26. Management use their best endeavours to ensure dispersal via Langley Street.

**Condition 26 has been agreed with the applicant.**

5 Mercer Walk



November 22, 2017  
 Live Licensing Act

1:1,500  
 0 0.0125 0.025 0.05 m  
 0 0.02 0.04 0.08 km  
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Resident count = 130

TradingName	Address	PremisesType	TimePeriod
Hawksmoor	11 Langley Street London WC2 9JG	Restaurant	Monday to Thursday: 10:00 - 00:30   Friday to Saturday: 10:00 - 01:00   Sunday: 12:00 - 23:30
Crazy Bear	17 Mercer Street London WC2H 9QJ	Restaurant	Monday to Saturday: 10:00 - 01:30   Sunday: 12:00 - 01:00
Department Of Coffee	19 Silingsby Place London WC2E 9AB	Cafe	Monday to Sunday: 08:00 - 21:00
Dalla Terra	25 Silingsby Place London WC2E 9AB	Cafe	Monday to Thursday: 10:00 - 23:30   Friday to Saturday: 10:00 - 00:00   Sunday: 12:00 - 22:30
Bills Produce	13 Silingsby Place London WC2E 9AB	Shop	Monday to Thursday: 08:00 - 23:30   Friday to Saturday: 08:00 - 00:00   Sunday: 08:00 - 22:30
Suda	23 Silingsby Place London WC2E 9AB	Restaurant	Monday to Thursday: 08:00 - 23:30   Friday to Saturday: 08:00 - 00:00   Sunday: 08:00 - 22:30
Foundation	Basement 5 Langley Street London WC2H 9JA	Restaurant	Monday to Saturday: 09:00 - 01:30   Sunday: 09:00 - 01:00
Cafe Pacifico	Ground Floor 5 Langley Street London WC2H 9JA	Restaurant	Monday to Saturday: 10:00 - 00:30   Sunday: 12:00 - 00:00



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	7 <sup>th</sup> December 2017
Licensing Ref No:	17/11198/LIPV - Premises Licence Variation
Title of Report:	Reign (Formerly known as Rah Rah Rooms) 215-217 Piccadilly London W1J 9HF
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 <sup>th</sup> October 2017		
Applicant:	Strongarm Holdings Limited		
Premises:	Reign (Formerly known as Rah Rah Rooms)		
Premises address:	215-217 Piccadilly London W1J 9HF	Ward:	St James's
		Cumulative Impact Area:	None.
Premises description:	The premises has been operating as a nightclub.		
Variation description:	<p>The applicant has applied to vary condition 55 of the premises licence <b>to read:</b> there shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p> <p>The proposed variation was previously heard by the Licensing Sub-Committee on 24<sup>th</sup> August 2017. The proposal to amend the condition to increase last entry or re-entry to 01:30 was refused by the Sub-Committee as the Applicant Company had not yet demonstrated their ability for this condition to be relaxed as the premises was yet to open and so it was considered on balance that this was likely to undermine the licensing objectives and that it was reasonable, appropriate and proportionate to refuse this amendment. <b>(A copy of the decision sheet can be found at Appendix 5 of the report).</b></p>		
Premises licence history:	<p>The premises have been licensed since January 2006 and has been known as Le Pigalle, Werewolf and Rah Rah Rooms. The premises have also benefited from the usage of Temporary Event Notices. On the 19<sup>th</sup> October 2017 two Temporary Event Notices were heard by the Licensing Subcommittee as they received objections from the Metropolitan Police. The Notices were allowed <b>(A copy of the decision sheets can be found at Appendix 5 of the report)</b></p>		
Plans	The premises plan can be made available upon request to the Licensing Authority and will be made available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Dance / Recorded Music / Anything of a similar description					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	04:00	No change.		
Tuesday	10:00	04:00			
Wednesday	10:00	04:00			
Thursday	10:00	04:00			
Friday	10:00	04:00			
Saturday	10:00	04:00			
Sunday	10:00	04:00			
Seasonal Variations/ Non-standard timings:	Current:				
	None.				No change

Performance of live music					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	03:00	No Change		
Tuesday	10:00	03:00			
Wednesday	10:00	03:00			
Thursday	10:00	03:00			
Friday	10:00	03:00			
Saturday	10:00	03:00			
Sunday	10:00	03:00			
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	None.				No Change

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	23:00	04:00	No Change.			
Tuesday	23:00	04:00				
Wednesday	23:00	04:00				
Thursday	23:00	04:00				
Friday	23:00	04:00				
Saturday	23:00	04:00				
Sunday	23:00	04:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No Change.	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			On Sales			
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	10:00	03:00	No Change.			
Tuesday	10:00	03:00				
Wednesday	10:00	03:00				
Thursday	10:00	03:00				
Friday	10:00	03:00				
Saturday	10:00	03:00				
Sunday	10:00	03:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No Change.	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	04:00	No Change.		
Tuesday	09:00	04:00			
Wednesday	09:00	04:00			
Thursday	09:00	04:00			
Friday	09:00	04:00			
Saturday	09:00	04:00			
Sunday	09:00	04:00			
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	None.				No Change.

1-C Conditions being varied, added or removed		
Condition		Proposed variation
<p><b><u>Condition 55:</u></b></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p>		<p><b><u>To be amended to:</u></b></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p>
<b>Adult entertainment:</b>		
<b>Current position:</b>		<b>Proposed position:</b>
None		None

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police Service ( <i>withdrawn</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	10 <sup>th</sup> October 2017
<p>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.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder and The Protection of Children from Harm.</p> <p><b><i>Following further discussions with the applicant, the Police have now withdrawn their representation.</i></b></p>	

2-B Other Persons	
<b>Received:</b>	31 <sup>st</sup> October 2017
<p>Comment: 1:54 PM on 31 Oct 2017 As a resident of Bank Chambers, a property situated in close proximity to the venue in question, I would object to any extension to the re-entry time for this premises, as will only further exacerbate the anti social behaviour that occurs in Eagle Place (a pedestrianised alleyway situated nearby). On, or around, the closing time of this venue (Friday nights and weekends in particular) Eagle Place suffers from both the public urination (which streams down into Jermyn Street) and noise pollution from the constant arguments and fights from the crowds that gather in the alleyway.</p> <p>Furthermore there are often times when crowds linger post the closure of this venue and the festivities continues in Eagle Place, with loud music being played from vehicles on the adjacent Jermyn Street (Sunday nights in particular).</p> <p>If anything this venue should have its access and closing hours cut, particularly on Sunday evenings.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy MD1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Copy of Existing Licence <b>17/05371/LIPDPS</b>
<b>Appendix 5</b>	Copies of Licensing Sub Committee Decisions - 17/06549/LIPV Variation Application heard on <b>24<sup>th</sup> August 2017</b> -17/11071/LITENP & 17/11073/LITENP Temporary Event Notices heard on <b>19<sup>th</sup> October 2017</b>
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: ywade@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016

<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Application Form	4 <sup>th</sup> October 2017
<b>7</b>	Representation – MET ( <b><i>withdrawn</i></b> )	10 <sup>th</sup> October 2017
<b>8</b>	Representation	31 <sup>st</sup> October 2017

**Applicant Supporting Documents**

(None)

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10670/LIPN	Application for a new premises licence	03/04/2006	Granted by Licensing Sub-Committee
11/03826/LIPT	Application to transfer the premises licence	24/05/2011	Granted under delegated authority
11/03830/LIPDPS	Application to vary the Designated Premises Supervisor	04/05/2011	Granted under delegated authority
11/03834/LIPVM	<p>Application for a Minor Variation:</p> <p>This Application is to:</p> <p>1. Remove conditions 13, 14, 23, 29, 36, 44, 45, 46 and 47. The removal of these conditions has been suggested by the Environmental Health Service and will not impact on the four licensing objectives.</p> <p>2. Modify conditions below:</p> <p>12 - Replace with Westminster Model Condition MC12, 15 - Replace with Westminster Model Conditions MC01, 17 - Upon completion of works in line with drawing 021-Licensing 01, 021-Licensing 02 and 021-Licensing 03 the number of persons accommodated at</p>	17/05/2011	Granted under delegated authority

	any one time (excluding staff) shall not exceed the following: Mezzanine - 100, Basement Auditorium 300. With a maximum capacity of - 400.		
12/06828/LIAN	Interim Authority Notice	04/08/2012	
14/01997/LIPT	Application to Transfer the premises licence	11/03/2014	Granted under delegated authority
14/02281/LIPDPS	Application to vary the Designated Premises Supervisor	08/04/2014	Granted under delegated authority
14/03174/LIPT	Application to Transfer the premises licence	18/06/2014	Granted under delegated authority
14/05370/LIPVM	<p>Application for a Minor Variation:</p> <p>The applicant seeks to regularise the position vis a vis the licence and the plans attached. The premises have recently been re-furnished and the plans seek to reflect the actual layout of the premises and follow a visit to site by the EHO. No actual layout alterations are being implemented. The current plans show fixed seating on the mezzanine level. The fixed seating has been re-configured, and the area generally. On the basement level fixed seating is shown. The current plans indicate re-configured fixed seating. A stage and DJ booth is located at basement level</p>	07/07/2014	Granted under delegated authority

	which is not currently shown on the existing plans. One of the bars at this level is configured differently than shown on the existing plans.		
14/11474/LIPT	Application to Transfer the premises licence	10/02/2015	Granted under delegated authority
16/01440/LIPDPS	Application to vary the Designated premises Supervisor	05/02/2016	Invalid application
16/07699/LIPDPS	Application to vary the Designated premises Supervisor	01/09/2016	Invalid application
16/07700/LIPCHT	Application to change the trading name	26/01/2017	Invalid application
16/08335/LIPT	Application to Transfer the premises licence	04/01/2017	Application granted under delegated authority
16/08340/LIPDPS	Application to vary the Designated premises Supervisor	04/01/2017	Application granted under delegated authority
16/12870/LIPVM	<p>Application for a Minor Variation:</p> <p>The minor variation was to add additional Model conditions agreed and requested by Westminster Police Licensing.</p> <p>-MC02 -MC01 -MC49 -MC87 -MC92</p> <p>-After 23.00hrs all persons entering or re-entering the premises shall be searched by an SIA-trained member</p>	04/01/2017	Granted under delegated authority

	<p>of staff and monitored and recorded by the premises CCTV system. The searching will be supplemented by the use of two functional metal detecting wands.</p> <p>After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.</p>		
17/00074/LIREVX	Application for an Expedited Review	21/01/2017	<p>Premises Licence suspended at interim steps</p> <p>Conditions add at full Licensing Sub Committee</p>
17/04952/LIPT	Application to transfer the premises licence	21/06/2017	Granted under delegated authority
17/05371/LIPDPS	Application to vary the Designated Premises Supervisor	21/06/2017	Granted under delegated authority
17/06549/LIPV	<p>Application to vary the premises licence:</p> <p>The applicant has applied to vary the plan of the premises following a refurbishment and also to vary condition 53, 55 and 12 of the premises licence.</p> <p>The proposed variation involves an increase in the capacity for the mezzanine level without increasing the overall capacity for the premises; a partial relaxation of the condition</p>	24/08/2017	<p>The Sub-Committee granted the application in part. The Sub-Committee granted the alterations to the layout, taking into account that Environmental Health and the Metropolitan Police had no concerns in respect of this element of the application. The Sub-Committee also granted the amendment to condition 12 with regard to capacity, again taking into account that this</p>

	<p>requiring customers to have their ID scanned before entering the premises and an increase in the last entry time from 00.30 to 01.30</p>		<p>had been agreed with Environmental Health and the District Surveyor. In relation to the proposed amendment to condition 53 regarding admission to the premises, this was partially amended, subject to the deletion of the final sentence in 53 (b), as the Sub-Committee considered that it was not appropriate that the manager have discretion to permit admission to the premises without any ID whatsoever as this had the potential to undermine the licensing objectives. The Sub-Committee also refused the proposed amendment to condition 55 to extend the last entry or re-entry to 01:30 as the Applicant Company had not yet demonstrated their ability for this condition to be relaxed as the premises was yet to open and so it was considered on balance that this was likely to undermine the licensing objectives and that it was reasonable, appropriate and</p>
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			<p>proportionate to refuse this amendment. The Sub-Committee also added a condition stating that licensable activities shall only be provided at the premises where it is primarily used for performance based entertainment. The Sub-Committee agreed to amend condition 28 relating to the consumption of alcohol, condition 26 (b), (c) and (d) relating to admission fee, membership fee and commencement of membership respectively and condition 50 concerning the time a personal licence holder shall be on the premises, as suggested by Ms Tricker on behalf the Applicant Company at the hearing. Condition 26 (c) was also further amended limiting the number of bona fide guests of members to 4 persons. Some other conditions were also appropriately re-worded, including where they reflected the latest model conditions.</p> <p>In determining the application, the</p>
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			<p>Sub-Committee took account of the concerns raised in the representations from the Metropolitan Police and the Licensing Authority and also the additional written statement that had been submitted in support of the application. The Sub-Committee also considered that the conditions on the premises licence, including those amended and added at the hearing, would help the Applicant Company uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).</p>
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**There is no appeal history**

## **Temporary Event Notices**

<b>Application</b>	<b>Date Determined</b>	<b>Decision</b>
17/11071/LITENP	19.10.2017	Granted by Licensing Sub-Committee
17/11073/LITENP	19.10.2017	Granted by Licensing Sub-Committee
17/11781/LITENP	25.10.2017	Notice Allowed
17/11896/LITENP	26.10.2017	Notice Allowed

## Appendix 3

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

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

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

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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
- o Reminding customers that this is a residential area and to respect the needs of neighbours
  - o To maintain an orderly queue where necessary
  - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder

- (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
15. 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.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. 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.
18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.
21. No striptease, no nudity and all persons to be decently attired at all times.
22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.
23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.

25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. On any evening where the premises or part of the premises are open for public music, dance and entertainment, alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
- (a) Persons taking a table meal; or
  - (b) Persons who have paid a minimum admission fee of at least £5 for music, dancing and entertainment (not to be credited against consumables)
  - (c) Persons who have paid a minimum annual membership fee of at least £150 payable in advance for music, dancing and entertainment (not to be credited against consumables) and their bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
  - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 24 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or
  - (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
  - (f) Artistes and persons employed by the premises; or
  - (g) persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.
27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale of intoxicating liquor must be ancillary to the use of the premises for music and dancing and substantial refreshment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.
30. A noise limiter located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31. 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.

32. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33. All entrance doors to be kept closed except for people's immediate access and egress.
34. No speakers shall be located in the entrance area.
35. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36. No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37. No persons 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: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

38. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The certificates listed below shall be submitted to the Licensing Authority annually.
  - (a) Any emergency lighting battery or system
  - (b) Any electrical installation
  - (c) Any fire alarm system.
40. 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.
41. All exit doors shall be available at all times without the use of a key, code, card or similar means.
42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.

45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Staff with specific responsibilities in the vent of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and generators
  - pyrotechnics and fog generators
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting.
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention or crime).
50. After 23:00, at least one Personal License Holder shall be on duty on the premises while intoxicating liquor is being sold or supplied.

**Conditions attached to the premises licence by the Licensing Sub-Committee at the hearing on 27 January 2017**

51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.
52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.
53. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details

recorded by the ID scanner system shall be made available to the Police upon request.

54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.

Notwithstanding this condition, with the written agreement of the Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

**The applicant proposes that condition 55 be amended to:**

There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to twenty five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.
59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

Premises licence

WARD: St James's  
UPRN: 010033541003

Regulation 33, 34

Premises licence number:

17/05371/LIPDPS

Original Reference:

05/10670/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Reign  
215-217 Piccadilly  
London  
W1J 9HF

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 10:00 to 04:00

**Performance of Live Music**

Monday to Sunday: 10:00 to 03:00

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 04:00

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

Monday to Sunday: 10:00 to 04:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 04:00

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 03:00

--

**The opening hours of the premises:**

Monday to Sunday: 09:00 to 04:00

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Strongarm Holdings Limited  
205 Regent Street  
London  
W1B 4HB  
C/o LT Law, 18 Soho Square, London, W1D 3QL  
:

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

10552484

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

Name: John Robert Taylor Common

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Licence Number: PA0009  
Licensing Authority: Durham County Council

Date: 21 June 2017

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

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv).
  - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
  - o Reminding customers that this is a residential area and to respect the needs of neighbours
  - o To maintain an orderly queue where necessary
  - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
15. 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.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. 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.
18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.

21. No striptease, no nudity and all persons to be decently attired at all times.
22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.
23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.
25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. On any evening where the premises or part of the premises are open for public music, dance and entertainment, alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
  - (a) Persons taking a table meal; or
  - (b) Persons who have paid a minimum admission fee of at least £5 for music, dancing and entertainment (not to be credited against consumables)
  - (c) Persons who have paid a minimum annual membership fee of at least £150 payable in advance for music, dancing and entertainment (not to be credited against consumables) and their bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
  - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 24 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or
  - (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
  - (f) Artists and persons employed by the premises; or
  - (g) Persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.
27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale of intoxicating liquor must be ancillary to the use of the premises for music and dancing and substantial refreshment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.
30. A noise limiter located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

31. 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.
32. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33. All entrance doors to be kept closed except for people's immediate access and egress.
34. No speakers shall be located in the entrance area.
35. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36. No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37. No persons 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: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

38. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The certificates listed below shall be submitted to the Licensing Authority annually. (a) Any emergency lighting battery or system (b) Any electrical installation (c) Any fire alarm system.
40. 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.
41. All exit doors shall be available at all times without the use of a key, code, card or similar means.
42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.

47. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- dry ice and cryogenic fog
  - smoke machines and generators
  - pyrotechnics and fog generators
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting.
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
50. After 23:00, at least one Personal License Holder shall be on duty on the premises while intoxicating liquor is being sold or supplied.

Conditions attached to the premises licence by the Licensing Sub-Committee at the hearing on 27 January 2017

51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.
52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.
53. All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.
54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.

Notwithstanding this condition, with the written agreement of the Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to twenty five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.
59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.

#### **Annex 4 – Plans**

Attached



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

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 010033541003**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

17/05371/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Reign  
215-217 Piccadilly  
London  
W1J 9HF

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 10:00 to 04:00

**Performance of Live Music**

Monday to Sunday: 10:00 to 03:00

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 04:00

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

Monday to Sunday: 10:00 to 04:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 04:00

**Sale by Retail of Alcohol**

Monday to Sunday:	10:00 to 03:00
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**The opening hours of the premises:**

Monday to Sunday:	09:00 to 04:00
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**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

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

Strongarm Holdings Limited  
205 Regent Street  
London  
W1B 4HB  
C/o LT Law, 18 Soho Square, London, W1D 3QL

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

10552484

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

**Name:** John Robert Taylor Common

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

Restricted

**Date:** 21 June 2017

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

## Copy of Licensing Sub-Committee Decision dated 24<sup>th</sup> August 2017

### LICENSING SUB-COMMITTEE No. 3

Thursday 24th August 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Toby Howes  
 Presenting Officer: Yolanda Wade

Relevant Representations: Metropolitan Police and the Licensing Authority.

Present: Ms Lana Tricker (Solicitor, representing the Applicant Company), Asher Amis (Owner, Applicant Company), Scott Chester (Company Director, Applicant Company), PC Adam Deweltz (Metropolitan Police) and David Sycamore (Licensing Authority).

<b>Reign (Formerly known as Rah Rah Rooms), 215-217 Piccadilly, W1 17/06549/LIPV</b>	
<b>1.</b>	<b>Layout alteration</b>
	<p>The premises has undergone a refurbishment and new plans have been produced.</p> <p>The main changes are re-orientation of the stage and performance spaces, slight reduction in mezzanine floor and bar on mezzanine to facilitate better customer viewing of the shows (with reconfiguration of all the seating).</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Ms Lana Tricker (Solicitor, representing the Applicant Company) began by confirming that there had been no objections to the proposed layout alterations and Environmental Health had withdrawn their representation. No overall increase in capacity was proposed and the Applicant Company had agreed with Environmental Health and the District Surveyor that the number of persons (excluding staff) at any one time should be 140 persons for the mezzanine, 300 persons for the basement auditorium and an overall maximum capacity of 400 persons. Ms Tricker referred to the number of conditions that had been added to the premises licence following a review hearing in January 2017 under the previous operator. She advised that the Applicant Company had met with the Metropolitan Police to discuss the premises before the Applicant Company had purchased the lease and acquired the premises licence from the previous operator in April 2017. The Applicant Company had secured the agreement of</p>

the previous operator to withdraw their appeal against the outcome of the January 2017 review as part of the terms in taking over the premises. Ms Tricker advised that the Applicant Company had no connections with the previous operator and written assurances had been provided to the Metropolitan Police to confirm this.

Turning to how the Applicant Company intended to operate the premises, Ms Tricker stated that it was intended to provide entertainment performances at 00:30, 01:30 and 02:30 hours, with the premises opening to the public from 21:00. She then introduced Mr Asher Amis (Owner, Applicant Company) to expand upon how the premises would operate.

Mr Amis began by stating that he had known the site for a number of years and he felt that it had yet to fulfil its potential. As the premises contained high ceilings and was located close to the West End's Theatreland, it was ideally placed to hold performances. Mr Amis felt that there was an appetite for the cabaret style entertainment that was proposed, which would be complemented by table service to customers. He added that show directors, choreographers and producers would be employed to create and produce the performances and the experience would be similar to watching snippets of a West End performance.

Ms Tricker continued her address to the Sub-Committee and stated that an amendment to condition 55 extending last entry until 01:30 was sought as the premises was a late night venue and food would be available for customers from 21:00, although it was not intended to be a restaurant. She contended that customers who intended to eat elsewhere at around 23:00, when a number of West End shows would finish, would not be able to arrive in time for the 00:30 last entry and so this was another reason why 01:30 last entry was sought. Ms Tricker also felt that the current 00:30 last entry time would lead to a number of customers arriving outside in the street at this time to ensure that they could enter the premises. She therefore suggested that the 01:30 last entry time proposed would allow for better door control and help the Applicant Company uphold the licensing objectives. Ms Tricker added that the theatre located next to the premises had not objected to the proposed later last entry time.

Ms Tricker stated that additional sound doors would be installed at the premises to prevent noise breakout. As there was no proposal to extend the terminal hour, she felt that there would be no additional impact in respect of customers leaving to enter the cumulative impact area nearby. Ms Tricker commented that Environmental Health had not objected to the last entry 01:30 proposal and other venues in the area had this or even later last entry times. In respect of proposed condition 53 (b), Ms Tricker stated that exceptions to customers having to produce ID and be subject to an ID scan to gain entry to the premises at the manager's discretion was sought as some customers would be high profile and well known publically. CCTV on the premises would provide facial recognition and all customers would be required to enter via a search arch. In respect of proposed condition 53 (c) requesting that patrons attending a pre-booked corporate event do not require an ID scan but instead have their names included on a written guest list, Ms Tricker anticipated that such events would usually happen around Christmas time and the guest list would be retained for

inspection for responsible authorities upon request.

Ms Tricker emphasised that the premises was not in a cumulative impact area and would be entertainment led, with no increase in capacity and terminal hours sought. The licence would be subject to a number of conditions and the Applicant Company had been in discussions with responsible authorities throughout the application process to ensure that the licensing objectives were met. Staff would undergo risk reduction training and cloakroom monitoring would also take place. Ms Tricker stated that there were no residential properties within the immediate area of the premises and there were good transport links to help with customer dispersal. The high prices that customers would pay would ensure a different clientele to those visiting the premises under the previous operator. The Sub-Committee heard that the Applicant Company would also be developing a membership scheme.

The Sub-Committee raised a number of questions about the application. The Chairman sought further details in respect of the operation of the premises and asked how many customers would be seated and the number of customers anticipated to watch the performances. In respect of conditions 26 and 28 on the current premises licence, he queried whether these were now strictly relevant and why had the Applicant Company not sought to amend these. As the Company sought a relaxation of conditions, it was queried how it would ensure that the licensing objectives would be met. It was also asked when the Applicant Company intended to open the premises.

In reply to the issues raised by the Sub-Committee, Mr Amis reiterated that the high prices intended to attract a certain type of clientele and that many would be international clients. He anticipated that a significant proportion of the clientele would be returning customers as the business developed. Technology installed in the 7 rooms on the premises would make it possible to track customers, including what times they arrive and the products they purchase and this would enable the Applicant Company to build up knowledge of the customers' needs and preferences. In respect of the membership scheme, Mr Amis stated that potential members would be identified by the management team. He stated that a large area of the premises was seated with larger seats installed and he anticipated that around 90% of customers would be seated, with around 250 customers seated overall. Mr Amis stated that a number of customers arriving would have pre-booked. Upon the premises opening at 21:00, a pianist or singer would provide accompanying music initially and there would be dedicated hosts and waiters/waitresses to serve customers, with food available in the basement. Mr Amis advised the Sub-Committee that it was intended to open the premises in mid-September.

Ms Tricker stated that the conditions added to the premises licence at the review hearing in January 2017 were extensive and proportionate for the previous operator. The Applicant Company would operate the premises significantly differently to the previous operator and there had been discussions with the Metropolitan Police to ensure that the licensing objectives were met. Ms Tricker stated that the Applicant Company felt that it could meet existing condition 26 (c) and she suggested that the annual membership fee could be increased from

£150 to £250.

Mr David Sycamore (Licensing Authority) then addressed the Sub-Committee and stated that the proposals as they stood only represented a concept. As the premises had not traded since the review, he felt that it was not appropriate to amend or remove conditions at this time. Mr Sycamore suggested that it would be preferable for the Applicant Company to operate the premises under the existing conditions for a period of time to demonstrate their effectiveness before making an application to vary conditions. Mr Sycamore also had concerns about the potential for queues to form in the street and a condition could be added to address this.

In reply to queries from Members, Mr Sycamore confirmed that he was satisfied with condition 48 on the existing licence in respect of the use of special effects and mechanical installations.

PC Adam Deweltz (Metropolitan Police) addressed the Sub-Committee and confirmed that he maintained his representation on the grounds of the crime and disorder licensing objective. He stated that the January 2017 review had been requested because of the high level of crime and disorder associated with the premises. PC Deweltz confirmed that he was satisfied that the Applicant Company had no links to the previous operator and that he had no concerns with respect to the proposed alterations to the layout.

During Members' discussions, concern was raised in respect of seating as there was potential for up to 150 customers to be standing and consuming alcohol with glasses and bottles and this could give rise to vertical drinking. Further information was sought with regard to what the performances would entail. In respect of the high quality and costs of the products on offer, it was commented that references to food such as hot dogs, as mentioned in the presentation, did not necessarily portray this view and more details were requested. Members asked who the other Applicant Company owner was. Members asked how the performances would work if there were a large amount of people standing and was seating also available at the bar. In respect of the fact that the premises was yet to open under the new operator, the Sub-Committee sought the Applicant Company's views about the possibility of trading for a few months to demonstrate their ability as an operator before applying for a variation.

Mr Barry Panto (Legal Adviser) commented that there were some conditions on the current licence, such as condition 28, that would effectively allow the premises to continue to operate as a nightclub and this condition may need to be appropriately re-worded, along with some other conditions. He added that the conditions as they stood did not state that persons could only consume alcohol that was ancillary to food and merely that food was available, which meant that potentially the premises could operate as a drinks led establishment.

In reply to questions and issues raised by the Sub-Committee and the Legal Adviser, Ms Tricker advised that condition 54 on the premises licence addressed matters in respect of drinking vessels in which all drinks provided to customers shall be in polycarbonate containers. She stated that most standing customers

would be part of a group of people at tables or located at the premises' two bars, where seating was also provided. Ms Tricker acknowledged that it was not possible to seat all customers, however as large a proportion of seating as possible was being provided. She added that there was potential for more seating to be provided at the bar in the mezzanine. The premises would not operate as a traditional theatre where a ticket is purchased and the performance is continuous. The intention was to provide short shows with intervals in between and customers could also enjoy shows whilst standing watching performers on podiums, as well as seated customers enjoying such performances.

Mr Amis stated that there would be no customer movement during shows as this would disrupt the performance. He stated that there would be continuing ambient performances between the main shows and the mixture of cabaret, performance dancers and pianists would be an immersive experience for the customers. The food offer would be led by Tom Sellars, a Michelin star chef, who would provide high quality, accessible food that was fun to eat. Mr Amis confirmed that Mr Stuart Finch was the other owner of the Applicant Company and who was the main investor. Mr Amis and Mr Finch had been in discussion for some years in providing such a venue and Mr Amis confirmed that neither knew the previous operator, nor any of the individuals who were associated with the previous operator.

The Chairman then allowed the Applicant Company a further 15 minutes to consider their proposals, in view of the number of issues raised.

Upon resumption of proceedings, Ms Tricker confirmed that 250 seats would be provided in the basement and 50 seats in the mezzanine, providing a total of 300 seats. In respect of condition 28, Ms Tricker suggested that it be re-worded so that the sale and consumption of alcohol be ancillary to the use of the premises for patrons attending performance based entertainment. For pre-booked corporate events, customers would have the option to be provided with performance events. Ms Tricker stated that the mezzanine would open from 21:00 and food would be offered to patrons. In respect of condition 26 (b), Ms Tricker proposed that persons may be sold or supplied alcohol after 23:00 where they have paid an admission fee of at least £20; for condition 26 (c), the membership fee to be at least £450, and; condition 26 (d), an interval of least 48 hours between application and membership for those given free membership, including their bona fide guests. In respect of condition 50, Ms Tricker suggested that this be amended so that at least one personal licence holder shall be on duty on the premises from 21:00 whilst alcohol is sold or supplied. She confirmed that condition 54 should be retained.

Ms Tricker concluded by emphasising that the premises would not operate as a traditional theatre, but would be performance based from the time of opening at 21:00. There was no link to the previous operator and there were a number of existing conditions on the premises licence. Ms Tricker stressed that the proposals only involved relaxing some conditions and not removing them.

The Sub-Committee granted the application in part. The Sub-Committee granted the alterations to the layout, taking into account that Environmental Health and

the Metropolitan Police had no concerns in respect of this element of the application. The Sub-Committee also granted the amendment to condition 12 with regard to capacity, again taking into account that this had been agreed with Environmental Health and the District Surveyor. In relation to the proposed amendment to condition 53 regarding admission to the premises, this was partially amended, subject to the deletion of the final sentence in 53 (b), as the Sub-Committee considered that it was not appropriate that the manager have discretion to permit admission to the premises without any ID whatsoever as this had the potential to undermine the licensing objectives. The Sub-Committee also refused the proposed amendment to condition 55 to extend the last entry or re-entry to 01:30 as the Applicant Company had not yet demonstrated their ability for this condition to be relaxed as the premises was yet to open and so it was considered on balance that this was likely to undermine the licensing objectives and that it was reasonable, appropriate and proportionate to refuse this amendment.

The Sub-Committee also added a condition stating that licensable activities shall only be provided at the premises where it is primarily used for performance based entertainment. The Sub-Committee agreed to amend condition 28 relating to the consumption of alcohol, condition 26 (b), (c) and (d) relating to admission fee, membership fee and commencement of membership respectively and condition 50 concerning the time a personal licence holder shall be on the premises, as suggested by Ms Tricker on behalf the Applicant Company at the hearing. Condition 26 (c) was also further amended limiting the number of bona fide guests of members to 4 persons. Some other conditions were also appropriately re-worded, including where they reflected the latest model conditions.

In determining the application, the Sub-Committee took account of the concerns raised in the representations from the Metropolitan Police and the Licensing Authority and also the additional written statement that had been submitted in support of the application. The Sub-Committee also considered that the conditions on the premises licence, including those amended and added at the hearing, would help the Applicant Company uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).

## 2. Conditions being varied, added or removed

### Condition 12

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.

### Proposed variation

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 160 Basement Auditorium- 350. With a maximum capacity of 400.

### Condition 53

All customers entering the premises

### Proposed variation

a) All customers entering the premises

<p>shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.</p>	<p>shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.</p> <p>(b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.</p> <p>(c) Notwithstanding (a) and (b) above, patrons who are attending a prebooked corporate event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.</p>
<p><b>Condition 55</b></p>	<p><b>Proposed variation</b></p>
<p>There shall be no entry or re-entry</p>	<p>There shall be no entry or re-entry</p>

	(excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).	(excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
	Amendments to application advised at hearing:  None.	
	Decision (including reasons if different from those set out in report):  Granted in part, subject to conditions as set out below (see reasons for decision in Section 1).	

Conditions attached to the Licence	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p>

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following

measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Additional Conditions**

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
- o Reminding customers that this is a residential area and to respect the needs of neighbours
  - o To maintain an orderly queue where necessary
  - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 140 persons; Basement Auditorium – 300 persons. Maximum capacity of 400 persons on the premises at any one time. A minimum of 50 seats will be provided in the mezzanine area and a minimum of 250 seats will be provided in the basement auditorium.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when

requested.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
15. 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.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. 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.
18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.
21. 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.

22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.
23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.
25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. Alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
  - (a) Persons taking a table meal; or
  - (b) Persons who have paid a minimum admission fee of at least £20 for performance based entertainment (not to be credited against consumables)
  - (c) Persons who have paid a minimum annual membership fee of at least £450 payable in advance for music, dancing and entertainment (not to be credited against consumables) and up to a maximum of 4 bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
  - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 48 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or
  - (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
  - (f) Artistes and persons employed by the premises; or
  - (g) persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.
27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale and consumption of alcohol must be ancillary to the use of the premises for patrons attending performance based entertainment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.
30. A noise limiter located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31.	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.
32.	Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33.	All entrance doors to be kept closed except for people's immediate access and egress.
34.	No speakers shall be located in the entrance area.
35.	All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36.	No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37.	No persons 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: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
38.	The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39.	The certificates listed below shall be submitted to the Licensing Authority annually: <ul style="list-style-type: none"> <li>(a) Any emergency lighting battery or system</li> <li>(b) Any electrical installation</li> <li>(c) Any fire alarm system.</li> </ul>
40.	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.
41.	All exit doors shall be available at all times without the use of a key, code, card or similar means.

42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Staff with specific responsibilities in the vent of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
  - dry ice and cryogenic fog
  - smoke machines and generators
  - pyrotechnics and fog generators
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting.
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention or crime).
50. After 21:00, at least one Personal License Holder shall be on duty on the premises while alcohol is being sold or supplied.
51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.
52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.

- 53 (a) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
- (b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created.
- (c) Notwithstanding (a) and (b) above, patrons who are attending a pre-booked corporate event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.
54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.
- Notwithstanding this condition, with the written agreement of the Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to twenty five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.

59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.
62.
  - a. No licensable activities shall take place on lower level 2 (basement auditorium) and in the toilet area and DJ booth on lower level 1 (mezzanine) of the premises until these areas of the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  - b. No licensable activities shall take place in the trading room/bar on lower level 1 (mezzanine) of the premises until this area of the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  - c. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

**Copy of Licensing Sub-Committee Reports for Temporary Event Notices**  
**Thursday 19<sup>th</sup> October 2017**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 19 October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Persons Objecting: The Metropolitan Police.

Present: Mr Philip Kolvin (QC, representing the applicant), Ms Lana Tricker (Solicitor, representing the applicant), Mr David Diaz and Mr John Common (Representing the applicant company) and PC Adam Deweltz (The Metropolitan Police).

**Reign, 215-217 Piccadilly, London, W1J 9HF ("The Premises")**  
**17/11073/LITENP (Temporary Event Notice)**

**Proposal:**

- **The sale by retail of alcohol;**
- **Provision of Regulated Entertainment; and**
- **Late Night Refreshment.**

**Event Period:**

- **00:00 on 28 October 2017 until 04:00 on 28 October 2017; and**
- **21:00 on 28 October 2017 until 04:00 on 29 October 2017.**

**Decision:**

The Sub-Committee considered an application for a Temporary Event Notice in respect of Reign, 215-217 Piccadilly, London, W1J 9HF.

The Licensing Officer provided an outline of the application to the Sub-Committee.

In response to a question from the Sub-Committee the applicant confirmed that the sole effect of the notice was to permit a last entry time of 01:30 instead of 00:30.

Mr Kolvin, representing the applicant, suggested that since the Premises had been operated by the current owners the Police appeared to be satisfied with the style of

operation currently in place. No complaints had been submitted to Environmental Health (EH) and the Police had not been notified of any issues arising from the Premises in relation to crime and disorder. There had only been one incident and this related to an issue which had subsequently been detected with the ID scanners. The issue with the machine was one that had also subsequently been detected on other scanners located at different venues. The Sub-Committee was advised that the Premises was highly serviced with thirty-eight staff on site during operating hours. The incident in question related to a customer who had been in the Premises for approximately one hour and when he displayed signs of intoxication safety procedures were followed. The customer was assessed, his friends were summoned following which he walked out of the Premises and continued further down the street where he then subsequently collapsed to the floor. The Premises staff were unaware of the incident until the customer's parents contacted them explaining that he was underage and had gained entry to the Premises using a fake ID. The applicant contacted the ID scanner provider immediately to ascertain any issues with the machines and straightaway implemented extra ID checking processes. Discussions with the Police had taken place and Mr Kolvin suggested that they were content that the applicant had done everything possible to ensure such a situation did not happen again. Mr Kolvin confirmed that the application was not seeking to change the capacity of the Premises.

In response to a question from the Sub-Committee Mr Kolvin explained that the fault detected with the ID scanner had been found on other machines at different premises. Discussions with the supplier were underway to rectify the issue. It was confirmed that since the incident the Applicant had increased human ID checks and staff had received specialist training and therefore it was submitted that the appropriate remedial action had been undertaken to promote the licensing objectives.

The Sub-Committee was given the rationale for submitting the application in the first place and Mr Kolvin explained that the Premises was a late night venue which catered for wealthy people of high standing. The operating model depended on customers entering the venue, following a meal for example, during peak hours. No special events were to be held during the operation of the TEN and the venue would operate as usual.

PC Deweltz, representing the Metropolitan Police, confirmed that its representation was maintained based on the grounds that the application undermined the licensing objective of preventing children from harm. Condition 55, which related to a last entry time on the current premises licence, existed because of a review brought by the Police in January 2017. The Premises had subsequently closed and the licence had then transferred to the current operator. PC Deweltz confirmed that there was no link between the current and previous operators. On 24 August 2017 the applicant had applied for a variation to the premises licence to extend the last entry time to 01:30. The Sub-Committee decided to retain a last entry of 00:30 as the applicant had not yet demonstrated their ability for this condition to be relaxed. As a result, the applicant had submitted a number of TENs which were granted allowing the last entry time to be extended to 01:30. These were granted as they were only for weekends and they provided an opportunity for the applicant to display that it could responsibly manage a last entry time of 01:30. Subsequently on 24 September 2017 a 17-year-old minor was permitted to access the Premises using a fake ID. The ID scanner in operation did approve the fake ID however if a staff member had clicked onto the screen of the scanner it would have shown that the ID had expired. This

irregularity would have been flagged up and then staff members would have had the opportunity to ask questions of the customer and properly assess his level of drunkenness.

PC Deweltz explained that when the individual then entered the venue he became visibly inebriated after consuming alcohol. The General manager then spoke to the individual as would be expected. At no point did the Premises SIA turn on their body cameras as should be the protocol when dealing with a vulnerable person who was clearly inebriated. The staff had a duty of care for the individual and an ambulance should have been called when the individual collapsed to the floor. PC Deweltz confirmed that between leaving the Premises and collapsing to the floor the individual had his watch stolen and a crime report had been submitted. The Sub-Committee was shown three videos of the individual immediately after leaving the Premises.

Mr Kolvin stated that the individual was assessed inside the Premises and then he exited with his friends in a cogent, unaided, manner. He walked away from the venue and then seven minutes later subsequently collapsed. The Premises staff were unaware this had occurred on the night it occurred. The Sub-Committee was shown CCTV footage of the individual exiting the Premises.

PC Deweltz highlighted that there were four areas of concern that the Sub-Committee needed to take into consideration. Firstly, the individual was only seventeen years old. Secondly, the individual had entered the Premises after 00:30 because the venue was operating under a TEN. Thirdly, the individual became so intoxicated he had to be conveyed to a hospital by an ambulance. Fourthly, during the incident the individual's watch was stolen.

In response to a question from the Sub-Committee Mr John Common, the General Manager of the Premises, confirmed there was a policy in place to keep intoxicated people within the venue and provide them with a safe space where they could sober up. In this instance the individual was assessed and was judged to be sober enough to leave as evidenced by the fact he walked away from the Premises unaided.

The Council's Legal Adviser asked PC Deweltz if in his opinion the operator failed in relation to their management duties on this occasion and failed to promote the licensing objectives? PC Deweltz confirmed to the Sub-Committee that in his opinion the operator had failed in their duty of care to the customers and a more proactive approach could have been taken. It was acknowledged that there was a deficiency with the ID scanner however the licensing objectives were not promoted on this occasion.

Mr Kolvin responded that the individual had been assessed, his ID had successfully passed through the scanner and when it was recognised that he was inebriated he was taken outside the venue. The operator had learned from this experience and further measures had now been introduced which the Police were satisfied with. PC Deweltz confirmed that no issues had been reported with regards to the operation of other TENS at the Premises.

Following a suggestion from the Sub-Committee the applicant agreed to sign the Premises up to the Best Bar None accreditation scheme.

After carefully considering the application the Sub-Committee requested that the

Council's Policy Adviser provide an update on how Westminster City Council aim to prevent situations like the one detailed before it from occurring. The Policy Adviser informed all parties present that the launch of Westminster City Council's Licensing Charter was expected at the end of October 2017. It was specifically aimed at helping and safeguarding people in such circumstances as described earlier. It was an industry led, voluntary scheme and had been developed in consultation with a number of responsible operators throughout the borough. It was based on the Best Bar None scheme and the Council encouraged as many operators as possible to sign up to it.

The Sub-Committee noted the severity of the incident in question and had carefully considered all the evidence provided by all parties. The Sub-Committee was, persuaded by the arguments, advanced by the Applicant that the said incident was merely a one off and that proper measures had now been put in place to prevent a re-occurrence. However, this application was for a TEN and the Sub-Committee felt this would provide an opportunity for the operator to demonstrate that extending the last permitted entry time for a limited time period would not undermine the licensing objectives. Previous TEN applications operated at the venue had not caused any concern and following the incident the applicant had introduced further stringent measures to ensure it would not happen again. The applicant had stated that lessons had been learned and allowing the TEN would provide the applicant with an opportunity to demonstrate that this was the case and that the licencing objectives would be promoted. Further reassurance was provided by the applicant's confirmation that it would sign up to the Best Bar None scheme. The application was therefore granted accordingly having regard to the responsible steps the Applicant undertook following the incident, in relation to training of staff, co-operation with the Police and the Applicant's unblemished track-record to date.

## **LICENSING SUB-COMMITTEE No. 4**

*Thursday 19 October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Persons Objecting: The Metropolitan Police.

Present: Mr Philip Kolvin (QC, representing the applicant), Ms Lana Tricker (Solicitor, representing the applicant), Mr David Diaz and Mr John Common (Representing the applicant company) and PC Adam Deweltz (The Metropolitan Police).

**Reign, 215-217 Piccadilly, London, W1J 9HF ("The Premises")  
17/11071/LITENP (Temporary Event Notice)**

**Proposal:**

- **The sale by retail of alcohol;**
- **Provision of Regulated Entertainment; and**
- **Late Night Refreshment.**

**Event Period:**

- **00:00 on 21 October 2017 until 04:00 on 21 October 2017; and**
- **21:00 on 21 October 2017 until 04:00 on 22 October 2017.**

**Decision:**

The Sub-Committee considered an application for a Temporary Event Notice in respect of Reign, 215-217 Piccadilly, London, W1J 9HF.

The Licensing Officer provided an outline of the application to the Sub-Committee.

In response to a question from the Sub-Committee the applicant confirmed that the sole effect of the notice was to permit a last entry time of 01:30 instead of 00:30.

Mr Kolvin, representing the applicant, suggested that since the Premises had been operated by the current owners the Police appeared to be satisfied with the style of operation currently in place. No complaints had been submitted to Environmental Health (EH) and the Police had not been notified of any issues arising from the Premises in relation to crime and disorder. There had only been one incident and this related to an issue which had subsequently been detected with the ID scanners. The issue with the machine was one that had also subsequently been detected on other scanners located at different venues. The Sub-Committee was advised that the Premises was highly serviced with thirty-eight staff on site during operating hours.

The incident in question related to a customer who had been in the Premises for approximately one hour and when he displayed signs of intoxication safety procedures were followed. The customer was assessed, his friends were summoned following which he walked out of the Premises and continued further down the street where he then subsequently collapsed to the floor. The Premises staff were unaware of the incident until the customer's parents contacted them explaining that he was underage and had gained entry to the Premises using a fake ID. The applicant contacted the ID scanner provider immediately to ascertain any issues with the machines and straightaway implemented extra ID checking processes. Discussions with the Police had taken place and Mr Kolvin suggested that they were content that the applicant had done everything possible to ensure such a situation did not happen again. Mr Kolvin confirmed that the application was not seeking to change the capacity of the Premises.

In response to a question from the Sub-Committee Mr Kolvin explained that the fault detected with the ID scanner had been found on other machines at different premises. Discussions with the supplier were underway to rectify the issue. It was confirmed that since the incident the Applicant had increased human ID checks and staff had received specialist training and therefore it was submitted that the appropriate remedial action had been undertaken to promote the licensing objectives.

The Sub-Committee was given the rationale for submitting the application in the first place and Mr Kolvin explained that the Premises was a late night venue which catered for wealthy people of high standing. The operating model depended on customers entering the venue, following a meal for example, during peak hours. No special events were to be held during the operation of the TEN and the venue would operate as usual.

PC Deweltz, representing the Metropolitan Police, confirmed that its representation was maintained based on the grounds that the application undermined the licensing objective of preventing children from harm. Condition 55, which related to a last entry time on the current premises licence, existed because of a review brought by the Police in January 2017. The Premises had subsequently closed and the licence had then transferred to the current operator. PC Deweltz confirmed that there was no link between the current and previous operators. On 24 August 2017 the applicant had applied for a variation to the premises licence to extend the last entry time to 01:30. The Sub-Committee decided to retain a last entry of 00:30 as the Applicant had not yet demonstrated their ability for this condition to be relaxed. As a result, the applicant had submitted a number of TENs which were granted allowing the last entry time to be extended to 01:30. These were granted as they were only for weekends and they provided an opportunity for the Applicant to display that it could responsibly manage a last entry time of 01:30. Subsequently on 24 September 2017 a 17-year-old minor was permitted to access the Premises using a fake ID. The ID scanner in operation did approve the fake ID however if a staff member had clicked onto the screen of the scanner it would have shown that the ID had expired. This irregularity would have been flagged up and then staff members would have had the opportunity to ask questions of the customer and properly assess his level of drunkenness.

PC Deweltz explained that when the individual then entered the venue he became visibly inebriated after consuming alcohol. The General manager then spoke to the individual as would be expected. At no point did the Premises SIA turn on their body

cameras as should be the protocol when dealing with a vulnerable person who was clearly inebriated. The staff had a duty of care for the individual and an ambulance should have been called when the individual collapsed to the floor. PC Deweltz confirmed that between leaving the Premises and collapsing to the floor the individual had his watch stolen and a crime report had been submitted. The Sub-Committee was shown three videos of the individual immediately after leaving the Premises.

Mr Kolvin stated that the individual was assessed inside the Premises and then he exited with his friends in a cogent, unaided, manner. He walked away from the venue and then seven minutes later subsequently collapsed. The Premises staff were unaware this had occurred on the night it occurred. The Sub-Committee was shown CCTV footage of the individual exiting the Premises.

PC Deweltz highlighted that there were four areas of concern that the Sub-Committee needed to take into consideration. Firstly, the individual was only seventeen years old. Secondly, the individual had entered the Premises after 00:30 because the venue was operating under a TEN. Thirdly, the individual became so intoxicated he had to be conveyed to a hospital by an ambulance. Fourthly, during the incident the individual's watch was stolen.

In response to a question from the Sub-Committee Mr John Common, the General Manager of the Premises, confirmed there was a policy in place to keep intoxicated people within the venue and provide them with a safe space where they could sober up. In this instance the individual was assessed and was judged to be sober enough to leave as evidenced by the fact he walked away from the Premises unaided.

The Council's Legal Adviser asked PC Deweltz if in his opinion the operator failed in relation to their management duties on this occasion and failed to promote the licensing objectives? PC Deweltz confirmed to the Sub-Committee that in his opinion the operator had failed in their duty of care to the customers and a more proactive approach could have been taken. It was acknowledged that there was a deficiency with the ID scanner however the licensing objectives were not promoted on this occasion.

Mr Kolvin responded that the individual had been assessed, his ID had successfully passed through the scanner and when it was recognised that he was inebriated he was taken outside the venue. The operator had learned from this experience and further measures had now been introduced which the Police were satisfied with. PC Deweltz confirmed that no issues had been reported with regards to the operation of other TENS at the Premises.

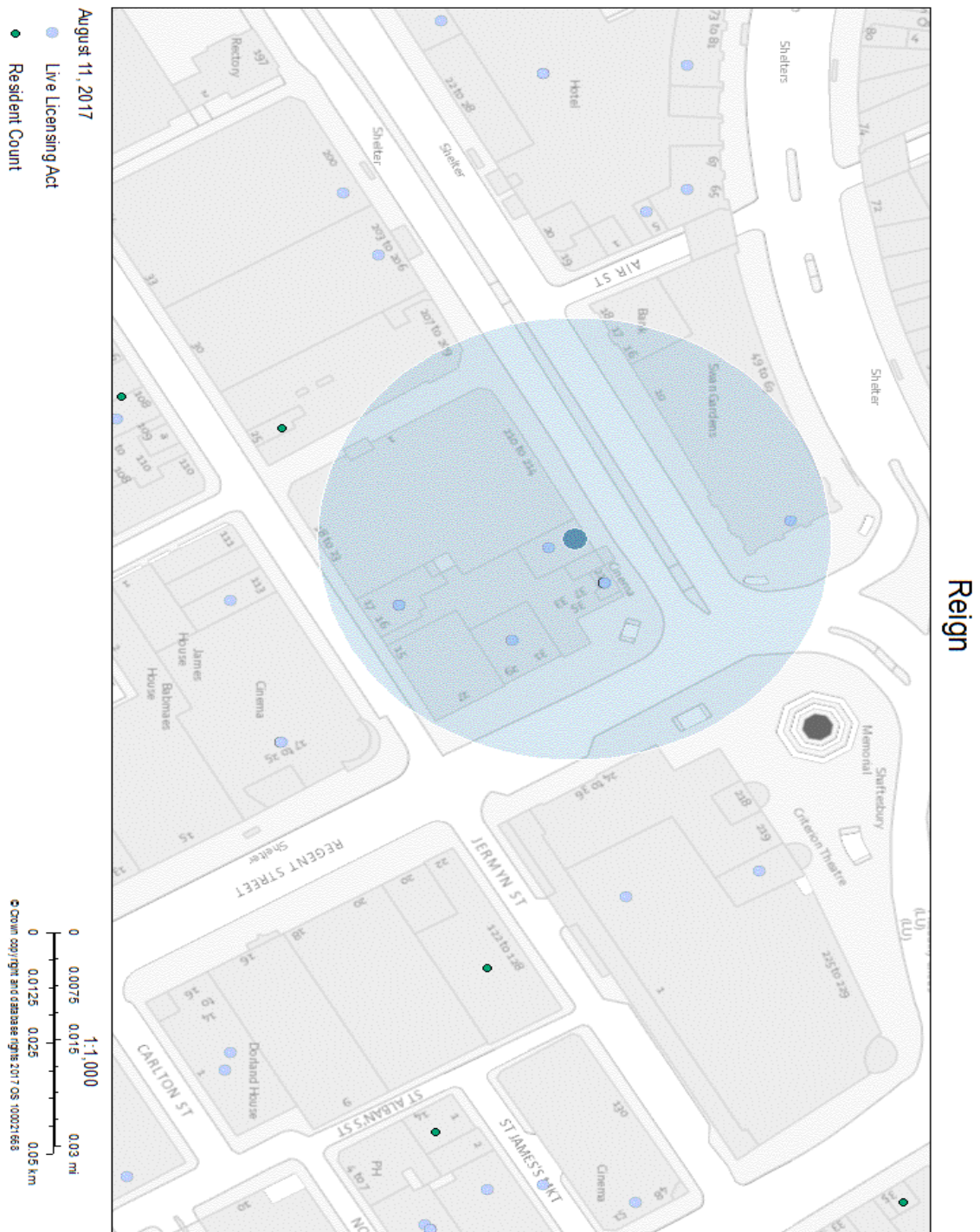
Following a suggestion from the Sub-Committee the applicant agreed to sign the Premises up to the Best Bar None accreditation scheme.

After carefully considering the application the Sub-Committee requested that the Council's Policy Adviser provide an update on how Westminster City Council aim to prevent situations like the one detailed before it from occurring. The Policy Adviser informed all parties present that the launch of Westminster City Council's Licensing Charter was expected at the end of October 2017. It was specifically aimed at helping and safeguarding people in such circumstances as described earlier. It was an industry led, voluntary scheme and had been developed in consultation with a number of responsible operators throughout the borough. It was based on the Best

Bar None scheme and the Council encouraged as many operators as possible to sign up to it.

The Sub-Committee noted the severity of the incident in question and had carefully considered all the evidence provided by all parties. The Sub-Committee was, persuaded by the arguments, advanced by the Applicant that the said incident was merely a one off and that proper measures had now been put in place to prevent a re-occurrence. However, this application was for a TEN and the Sub-Committee felt this would provide an opportunity for the operator to demonstrate that extending the last permitted entry time for a limited time period would not undermine the licensing objectives. Previous TEN applications operated at the venue had not caused any concern and following the incident the applicant had introduced further stringent measures to ensure it would not happen again. The applicant had stated that lessons had been learned and allowing the TEN would provide the applicant with an opportunity to demonstrate that this was the case and that the licensing objectives would be promoted. Further reassurance was provided by the applicant's confirmation that it would sign up to the Best Bar None scheme. The application was therefore granted accordingly having regard to the responsible steps the Applicant undertook following the incident, in relation to training of staff, co-operation with the Police and the Applicant's unblemished track-record to date

# Residential Map and List of Premises in the Vicinity



Resident Count: 43

**Premises within 75 metres of: Reign (Formerly known as Rah Rah Rooms)  
215-217 Piccadilly**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
1.212347	Le Pigalle	215-217 Piccadilly London W1J 9HF	Monday to Sunday; 09:00 - 04:00
1.212347	Rah Rah Room	215-217 Piccadilly London W1J 9HF	Monday to Saturday; 09:00 - 04:00   Sunday; 09:00 - 00:00
1.212347	Reign	215-217 Piccadilly London W1J 9HF	Monday to Sunday; 09:00 - 04:00
1.212347	Werewolf	215-217 Piccadilly London W1J 9HF	Monday to Sunday; 09:00 - 04:00
1.212347	Not Recorded	215-217 Piccadilly London W1J 9HF	Monday to Saturday; 09:00 - 04:00   Sunday; 09:00 - 00:00
14.61272	San Carlo Cicchetti	215-217 Piccadilly London W1J 9HF	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
21.88557	Pizza Hut	215 Piccadilly London W1J 9HL	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
38.69058	Piccadilly Institute	29-31 Regent Street London SW1Y 4ND	Monday to Saturday; 07:00 - 03:30   Sunday; 07:00 - 01:00   Sundays before Bank Holidays; 07:00 - 01:30
40.58046	Jermyn Street Theatre	First Floor To Fifth Floor 1 Piccadilly Circus London W1J 0TR	Friday; 13:00 - 23:00   Saturday to Thursday; 13:00 - 22:00
40.58046	Getti Restaurant	Basement 16B Jermyn Street London SW1Y 6LT	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
69.94735	Criterion Theatre	Ground Floor 16-17 Jermyn Street London SW1Y 6EE	Friday to Saturday; 09:00 - 02:00   Sunday to Thursday; 09:00 - 00:00
70.38277	Criterion Brasserie	2 Jermyn Street London SW1Y 4XA	Monday to Saturday; 10:00 - 05:00   Sunday; 12:00 - 05:00
72.34648	Vue Cinema	224 Piccadilly London W1J 9HP	Monday to Sunday; 08:30 - 03:00
72.34648	Tesco Metro	The Plaza Cinema 19 Regent Street London SW1Y 4LR	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
73.45247	Rowleys	Ground Floor The Plaza 17 - 25 Regent Street London SW1Y 4LR	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	<b>17/11411/LIREVP</b>
Date:	<b>7 December 2017</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>The Clifton 96 Clifton Hill London NW8 0JT</b>
Report of:	<b>Director of Public Protection and Licensing</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Heidi Lawrance Senior Licensing Officer</b>
Contact Details:	<b>Telephone: 020 7641 2751 E-mail: hlawrance@westminster.gov.uk</b>

## APPLICATION DETAILS

<b>Application Type:</b>	A review of premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Clifton Hill Residents Group (CHRG)	<b>Date Application Received:</b>	11 October 2017
<b>Premises Name and Address:</b>	The Clifton 96 Clifton Hill London NW8 0JT		
<b>Ward Name:</b>	Abbey Road	<b>Cumulative Impact Area:</b>	Not applicable.
<b>Description of Premises:</b>	The premises are operating as a public house and restaurant.		
<b>Preliminary Note:</b>			

## 2. SUMMARY OF APPLICATION

- 2.1 An application has been submitted by the Clifton Hill Residents Group (CHRG), for a review of the premises licence for The Clifton, 96 Clifton Hill, London, NW8 0JT. This application was received on 11<sup>th</sup> October 2017 on the grounds of Prevention of Crime and Disorder and the prevention of Public Nuisance. A full copy of the application can be found at **Appendix 1**.
- 2.2 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.
- 2.3 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.
- 2.4 The premises currently benefits from a premises licence that permits:

### **Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

### **Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

- 2.5 These review proceedings are brought under the licensing objectives on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance. A history of issues experienced by the CHRG has been provided by the applicant can be found in **Appendix 1**.
- 2.6 The main issue the CHRG has experienced is the noise emanating from the outside areas in particular the Beer Garden and patrons congregating on the low wall and the conservatory to the rear of the premises.
- 2.7 A copy of the existing Premises Licence (17/09675/LIPRW) is attached at **Appendix 2**.
- 2.9 Videos and photographs submitted by the CHRG will be available to view at the Licensing Sub-Committee.

### 3. REPRESENTATIONS:

- 3.1 The Environmental Health Service, as a responsible authority supports the review application on both grounds. A copy of the representation can be found at **Appendix 3**.
- 3.2 6 resident representations have been received in support of the review application. The full details of these can be found at **Appendix 4**.
- 3.3 61 resident representations have been received in support of the premises. The full details of these can be found at **Appendix 5**.

### 4. OPTIONS:

- 4.1 The applicant is seeking to resolve the issues by way of conditions being added to the premises and has suggested the following:
- Stopping use of Beer Garden at an earlier terminal hour – 20:00 hours; Limiting the numbers of customers permitted in the Beer Garden; and/or requiring alcohol to be consumed in the Beer Garden only by persons who are seated;
  - Requiring the presence of a trained SIA person whose sole role is to manage the areas outside the premises building, including ensuring that customers using the Beer Garden do not cause a nuisance and ensuring that customers leave the premises as quietly as possible; and ensuring that customers do not extend beyond the licensed area;
  - Preventing customers from drinking or smoking outside the licensed area i.e selling, serving and consuming food, alcohol and soft drink will be limited ONLY to within the red line marked on the plan; ensuring smokers remain within the designated smoking area;
  - Stopping customers sitting on the low walls around the Beer Garden – installing low metal fencing.
  - Carry out noise attenuation works to the conservatory at the rear of the premises to prevent noise breakout.

Or any other conditions that the Licensing Sub-committee should deem appropriate.

- 4.2 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.

- 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 4.4 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

## **5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY**

- 5.1 Any applications under the Licensing Act 2003 are set out in Appendix 5.

<b>List of Appendices:</b>	Appendix 1 – Review Application and supporting documents Appendix 2 – Current Premises Licence and Plan Appendix 3 – Environmental Health Representation Appendix 4 – Resident Representations in support of the Review Application Appendix 5 – Resident Representations in support of the Premises Appendix 6 – Premises History Appendix 7 – Conditions Appendix 8 – Additional submissions from Mr Amir
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### **Background Documents – Local Government (Access to Information) Act 1972**

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2017)



# City of Westminster

## APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service  
Westminster City Council  
Westminster City Hall  
4th Floor  
64 Victoria Street  
London  
SW1E 6QP

## AND

You must give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service:

- 1. The Chief Officer of Police**  
Westminster Police Liaison Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP
- 2. Fire Safety Regulation:**  
South West Area 4  
169 Union Street London SE1 0LL
- 3. Premises Management (Environmental Health; Health & Safety; Weights and Measures)**  
Westminster City Council  
Environmental Health Consultation Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP

Continued.....

**4. Development Planning Services**

Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

**5. Area Child Protection Committee**

Head of Commissioning – Child Protection & Quality, Social and Community  
Services – Children and Families  
4 Frampton Street  
NW8 8LF

**6. Public Health**

Estates Lead  
NHS Central London Clinical Commissioning Group  
15 Marylebone Road  
London  
NW1 5JD

**For boats only:**

The Navigation Authority (for vessels not permanently moored)

Tidal Thames

The Harbour Master

The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames

The Environment Agency Recreation and Navigation, Thames Region, Kings Meadow  
House, Kings Meadow Road, Reading, RG1 8DQ

Canals

The Leisure Manager

British Waterways Board

1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General

The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll  
Rise

**Application for the review of a premises licence or club premises  
certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

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

**We Clifton Hill Residents Group ("CHRG")**

-----  
(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Clifton 96 Clifton Hill	
<b>Post town</b> London	<b>Post code (if known)</b> NW8 0JT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Robson Brothers Limited
--

<b>Number of premises licence or club premises certificate (if known)</b> 16/12331/LIPVM Original reference: 16/01702/LIPN
--

**Part 2 - Applicant details**

I am

Please tick ✓ yes

an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

**Current postal  
address if  
different from  
premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Clifton Hill Residents Group ("CHRG")  
c/o 91 Wimpole Street  
London  
W1G 0EF

Telephone number (if any)

E-mail address (optional)

cliftonpubreview@gmail.com (preferred method of contact from licensing authority)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓

✓

**Please state the ground(s) for review (please read guidance note 2)**

Prevention of public nuisance

- Customers permitted to drink and smoke outside the premises building are not managed sufficiently to ensure that this does not cause a noise nuisance to local residents, particularly on all evenings, and also in the afternoons on Friday, Saturday and Sunday.
- Customers are permitted to drink in a small side road and on the pavement, outside the boundary of the licensed premises, increasing noise and other nuisance.
- Dispersal of customers leaving in the evenings and late at night is not managed sufficiently to ensure that residents are not disturbed. A preponderance of 'Ubers' and taxis adds to noise.
- There is noise leakage from the conservatory at the rear of the premises.
- Early morning deliveries to the premises.
- Customers take drinks outside after the hour specified on the licence, increasing noise and other nuisance.

Prevention of crime and disorder

- Breaches of licence conditions have been noted, some of which are specifically intended to prevent the issues set out above.

Since The Clifton reopened in May 2017, residents who live in the vicinity of the premises have experienced a variety of nuisance linked directly to the operation of the premises. Numerous complaints have been made to the City Council. This has been ongoing throughout spring and summer 2017. We have sought to address these concerns with the owners and staff, and with Council officers. We have had many meetings with the owners both before and since the premises opened in an attempt to resolve matters.

We are not opposed to a pub at this location. However, the operation of the premises over the spring and summer of 2017 has clearly demonstrated that the operation of the premises under the current licence does not promote the licensing objectives.

We feel that the licence should be amended to ensure as far as possible that the licensing objectives are promoted in the light of our experience of the pub operating.

Please provide as much information as possible to support the application (please read guidance note 3)

### Introduction

The Clifton Hill Residents Group ("CHRG") comprises a number of households on Clifton Hill and Clifton Hill Studios. The CHRG was formed in early 2016 to facilitate a coordinated response from residents of Clifton Hill to the application for a new premises licence made by Robson Brothers Limited.

The premises is located on Clifton Hill, about 60 metres from the junction with Greville Road. We have attached at appendix 1 a map of the immediate vicinity. The locality is highly residential. Clifton Hill itself is a narrow road densely lined on both sides by households. Indeed, many families and young children live close to the premises. It is very quiet in the evenings.

This means that disproportionate noise, which can occur at any time from the afternoon to the late evening particularly in the mid / late evening when children are trying to sleep and adults are trying to relax, causes disturbance to the otherwise low ambient noise levels.

Our properties are situated on both sides of Clifton Hill, overlooking or in the vicinity of the front of the premises.

Certain households have provided a statement in support of the application. These can be found at appendix 2.

We have produced at Appendix 3 a number of photos and videos taken as evidence.

The purpose of the review is to amend the premises licence to ensure that the operation of the premises promotes the licensing objectives. We would like to emphasise at the outset that we are not seeking to have the premises licence revoked or suspended. We have a cordial relationship with the owners, and they are aware that this review is being brought.

We have set out at the end of this document some measures which we respectfully ask the licensing authority to take. We feel that these measures are fair, appropriate, necessary and proportionate and we would invite the licence holder to agree to them.

### Overview

There has been a pub on this site for many years. It was previously called the Clifton Hotel, but closed in 2013. It was listed as an Asset of Community Value ("ACV") in 2015.

Following the listing as an ACV, we expected that the premises would reopen at some stage. In March 2016 we became aware of the plans by Ben and Ed Robson to reopen the premises as a gastropub. We were aware that the venture was likely to be supported by many, but as residents living in the close vicinity of the pub we were likely to be affected by any noise nuisance issues which may arise. We were keen for the owners to fully appreciate, and hopefully assuage, our concerns relating to the proposed re-opening.

We therefore formed an ad hoc group, the CHRG. We engaged fully with the applicants prior to the licence application being submitted, so that they were aware of our concerns.

The previous incarnations of the pub were as a relatively quiet place and we didn't really notice the noise, only on the few evenings of the year when customers would stand outside and talk, the talking getting louder as they consumed more alcohol, for example if they had just come from Lords cricket ground. Then several years ago when outdoor heaters became freely available, there would be people outside the pub, sitting in the front garden, and we had to listen to loud talking which became louder when the pub was fuller. Also, since smoking was banned inside, many people gather to chat and smoke in the Beer Garden at the front of the pub in the evenings.

Residents living close to the premises were therefore concerned about a premises licence being



noise from or generated as a result of customers outside the premises, whether drinking, smoking or dispersing. We attribute this in part to a failure to comply with the relevant conditions.

We have had many meetings with the owners both before and after the premises opened. We have also liaised with City Council officers and the Noise Team. Regrettably, although the licence holder has made some effort, there remain many areas that cause us concern.

### **Current Premises Licence**

The current premises licence is 16/12331/LIPVM.

Conditions 10, 11, 13, 14, 16, 22, 24, 25, 26, 28, 29, 30, 32, 33, and 34 are relevant to the issues we raised when the application was made and/or issues we have experienced since the premises opened.

We fear that these conditions have not been adhered to fully. Some are breached on a near daily basis (e.g. timings of very early morning (prior to 8am) deliveries, although these have now reduced but still occur).

### **The licensing objectives**

The issues fall under the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'. We each give our individual perspectives in our witness statements, but have set out the following as a general summary.

#### **Prevention of public nuisance**

1. Noise arising from customers drinking outside the premises building
2. Noise arising from customers smoking outside the premises building

These two issues are obviously closely related.

It was our understanding from the application for a new licence that an area referred to at the hearing as the 'Beer Garden' would be used for outside drinking. This area is at the front of the premises, abutting Clifton Hill, and overlooked by a number of households.

We had understood from the layout of the area outside the premises building shown on the plans that it would be laid out to tables and chairs, with a designated number of covers of 24, with little space or opportunity for vertical drinking.

We were concerned about the scope for outside drinking. We acknowledged that customers would of course wish to drink and smoke in this area, but asked for a time restriction of 9pm be imposed on this area.

In fact, events have proven that this would in any event be too late and we now ask for an earlier terminal hour for the 'Beer Garden'.

We felt somewhat reassured at the time by the self-limiting nature of numbers who could drink in the 'Beer Garden' as 24 covers were marked on the plan. In fact, experience has shown that there can be up to 60+ customers outside.

In addition, the 'Beer Garden' is not the only area which is utilised for outside drinking and smoking. The side road immediately to the west of the pub, the rear courtyard and Clifton Hill itself are used by customers at times.

We understand that customers, including those from the wider local area, will wish to drink outside on a sunny afternoon and evening. We do not oppose this. However, we strongly feel that outside drinking should not cause a noise nuisance. This is more likely to happen:

- i) The larger the number of people outside

- ii) The later they are permitted to drink and/or smoke outside
- iii) If conditions are not adhered to
- iv) If there is not a designated SIA person to proactively manage the areas outside the premises building and manage dispersal during opening hours.

The following licence conditions are relevant:

10, 11, 13, 14, 24, 25, 26, 28, 29, 30, 34.

We have provided at Appendix 4 expert Noise Reports from KP Acoustics which we believe supports our assertions.

The above is a summary of the issues. Please refer to the individual statements at appendix 2 for further details and specific examples.

### 3. Noise from poorly managed dispersal of customers during and late in the evening.

This is another issue which we feel would improve enormously if the licence holder would implement some changes to the way the premises is managed.

When customers leave the premises, there is frequently noise nuisance while they say goodbyes, phone for and wait for taxis, slam doors etc. This may not appear unusually noisy to the customers or to staff, who are attuned to higher noise levels as they are either working or enjoying themselves. Added to this, the hard surfaces inside the pub reflect noise. The point which we have tried to get across to the owners is that to residents who are in their homes and relaxing or trying to sleep, the noise is disturbing. Bursts of noise, even if not prolonged, are a nuisance to residents who live close to the pub.

There seems to be little or no proactive and effective mitigation of this by management procedures. We feel that having an SIA person outside in the Beer Garden to manage the area proactively – for instance reminding customers that it is a residential area, greeting customers when they arrive, ensuring a quiet dispersal, reminding customers leaving on foot to keep noise down etc – would be far more beneficial than the ineffective notices currently provided. In the knowledge that a licence review was being prepared, only within the last few weeks has a part time man appeared outside the premises but seemingly doing very little to alleviate the issues.

The popularity of Uber taxis has been a particular problem. We are slightly frustrated that other common-sense suggestions we have made – for example, staff asking customers if they require a taxi and asking them to wait inside the premises building – do not seem to have been taken up.

The above is a summary of the issues. Please refer to the individual statements at appendix 2 for further details and specific examples.

### 4. Noise emanation from inside the premises building

The conservatory to the rear of the premises appears to be unfit for purpose. There is noise leakage from the conservatory which is a nuisance to those living facing the rear.

There is also noise emanation from doors and windows of the premises building. The pub is noisy inside due to all the surfaces having a hard finish.

The above is a summary of the issues. Please refer to the individual statements at appendix 2 for further details and specific examples.

### 5. Noisy deliveries in the early hours; noisy rubbish collections.

The latter is an occasional issue, but the former has been a regular and frequent problem.

Many – hundreds - of deliveries have taken place in the early hours of the morning at 4am-8am, which have woken residents. Residents have copious evidence of this, and we have provided a sample of this.

There is a condition on the premises licence that deliveries may only take place after 8am. This has not been adhered to, and it has caused a frequent nuisance.

As with the issue on noise, it seems that the owners do not appreciate how disturbing this can be for residents.

Latterly and belatedly, following a meeting on 10 September 2017, the owners seem to have now appreciated the problem and the early morning deliveries have now decreased, but they have not completely stopped.

The above is a summary of the issues. Please refer to the individual statements at appendix 2 for further details and specific examples.

#### **Prevention of crime and disorder**

As noted above, it seems to us that a number of licence conditions have been breached, some on a regular basis, although some have now been rectified.

For completeness, we have prepared a document at appendix 8 setting out the relevant conditions.

#### **Efforts made to resolve the issues**

We have not undertaken this licence review lightly.

At our instigation, meetings and phone calls have taken place between CHRG and the owners, and individual residents and the owners.

We have attached a chronology at Appendix 6 detailing some of these meetings.

We have even suggested many solutions for the owners to put in place. Some agreements have been reached, but not fully implemented or implemented belatedly, or just agreed to and then ignored.

We have liaised with officers from Westminster City Council, who advised us of the right to initiate the licence review process.

The Decision Notice dated 21 April 2016 records that 'it was down to management of the [outside] area by staff because there were appropriate numbers to be able to do so.' We do not feel that there are appropriate numbers to effectively manage the outside area, including dispersal, at present.

#### **Westminster City Council's Statement of Licensing Policy 2016**

The City Council's Policy regarding public nuisance (PN1) anticipates the potential for problems from outside drinking. The considerations (p.19) state that 'Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.' There are 6 considerations a-g in respect of 'Eating, drinking or smoking outside premises' (p.20). Among them are 'Whether the premises are under or near to residential accommodation', 'The hours for the sale of alcohol in open containers or food for consumption outside the premises' and 'Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink...between certain hours or at all times.'

The Policy therefore recognises the potential for these types of issues to arise.



## Conclusion

Para 11.2 of the Guidance issued under s182 Licensing Act 2003 states that 'At any stage, following the grant of a premises licence or club premises certificate...any other person...may ask the licensing authority to review the premises licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives'. In fact, we have sought to engage with both Council officers and the pub directly prior to doing this.

We are aware that the premises is popular – indeed, that is part of the reason why the management of the premises needs to be more proactive and why the conditions are insufficient. We have sought to propose a solution which enables the pub to remain popular but reduces the risk of the residents who live close by being affected by noise and other nuisance.

We respectfully ask that the Licensing Sub-Committee imposes such conditions as it considers to be appropriate and proportionate, to promote the licensing objectives. We suggest the following proposals as a basis for discussion. We feel that conditions of this nature are necessary, appropriate and proportionate because:

- i) The problems have existed since the pub re-opened under new management;
- ii) We have attempted to resolve the problems informally;
- iii) The licence holder has not been willing to implement the bulk of our suggestions voluntarily;
- iv) Any measures that the licence holder has put in place are either ineffective or not maintained;
- v) There is no likelihood of matters materially improving without changes to the licence.

Measures we would like the licensing authority and the licence holder to consider include:

- Stopping use of the Beer Garden at an earlier terminal hour – 8pm; Limiting the numbers of customers permitted in the Beer Garden; and/or requiring alcohol to be consumed in the Beer Garden only by persons who are seated;
- Requiring the presence of a trained SIA person whose sole role is to manage the areas outside the premises building, including ensuring that customers using the Beer Garden do not cause a nuisance and ensuring that customers leave the premises as quietly as possible; and ensuring that customers do not extend beyond the licensed area;
- Preventing customers from drinking or smoking outside the licensed area i.e. selling, serving and consuming of food, alcohol and soft drink" will be limited ONLY to within the red line marked on the plan; ensuring smokers remain within the designated smoking area;
- Stopping customers sitting on the low walls around the Beer Garden – installing low metal fencing.
- Carry out noise attenuation works to the conservatory at the rear of the premises to prevent noise breakout.

Any other such measures as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.



Have you made an application for review relating to the premises before		No
If yes please state the date of that application		
	Day	Month Year

**If you have made representations before relating to the premises please state what they were and when you made them**

The CHRG as a body has not made relevant representations. However, the following participants in the CHRG have done so in respect of application ref: 16/01702/LIPN:

On 9 March 2016, Simon Blackford made a relevant representation objecting to the application as presented.

On 22 February 2016, John Harrison made a relevant representation objecting to the application as presented.

On 8 March 2016, Simon Aron made a relevant representation objecting to the application as presented.

On 25 February 2016, HMB Fisher made a relevant representation objecting to the application as presented.

On 7 March 2016, Rachele Harrison made a relevant representation objecting to the application as presented.

On 10 March 2016, Karen Szerkowski made a relevant representation objecting to the application as presented.

On 10 March 2016, William Jaspert made a relevant representation objecting to the application as presented.

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓

I understand that if I do not comply with the above requirements my application will be rejected ✓

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

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature John Hams

Date 10 October 2017

Capacity **For and on behalf of the Applicant**

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
See previous contact details given for Applicant	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

#### **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



## Appendix 2.1

**In the matter of 'The Clifton' 96 Clifton Hill London NW8 0JT**

**Application to review premises licence under s.51 Licensing Act 2003**

### **Statement in support of application to review the premises licence**

1. My name is John Harrison. I live at 97 Clifton Hill. I have lived here for 22 years with my wife, Rachele, and two children.
2. This Statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG. I have no desire for the Clifton to close.
3. My house is directly opposite the pub and all of our 4 bedrooms face the pub as does our main living space/tv room.
4. This statement sets out my own personal experiences of the nuisance emanating from the Clifton and the impact it has on our lives and efforts that we have made to resolve the issues.

### **BACKGROUND INFORMATION**

From the commencement of trading of the Clifton Pub in May of this year we have experienced a variety of behavioral issues from the customers of the Pub and observed the

way the owners have managed such behavior. We have also noticed many breaches of the current conditions attached to their Licence some of which take place on a nearly daily basis. We attach a memory stick with a small number of videos and still photographs, and we have more such photographs if required by the Council.. We have also on many occasions telephoned the Westminster 24 hour noise line and have log numbers for all those calls if required.

For background as you may know Clifton Hill is a very quiet back street which is not a through road and therefore experiences a low traffic volume. It is predominantly residential with many families with children and older people in residence. It is a narrow Street where there is only room for one car at a time with parking on either side. For the majority of the time the road is silent.

**The nuisance we have experienced from the Clifton Pub is as follows.**

**The Beer Garden at the Front**

- i) There have been on many occasions a very loud level of noise from customers in the beer garden especially during the early evenings on Fridays, Saturdays and Sundays as well as during some mid-week evenings. This noise is normally intermittent but can also be continuous and carries on until closing of the beer garden. The beer Garden can also be very noisy on Friday Saturday and Sunday afternoons. The noise tends to come in waves as individual groups become more excited and intoxicated during their stay. Sometimes groups as small as 4 or 6 people who are sat there for maybe up to 4 hours drinking - the level of noise emanating gets louder and louder and disturbs us whether we be in our living room or bedroom with or without the windows being open. The beer

garden is often over full (standing room only) when on many occasions it has got so loud that calls have been made to the 24 hour noise line and to the Pub itself to try and alleviate the problem. The Pubs response is often to be seen to do nothing (as the noise does not quieten down) and to allow their customers to carry on drinking and disturbing our peace. The beer garden is also often busy and noisy in the evenings.

On occasions the Pub's customer also spill out into the side road where the Pub entrance is where they continue to drink and smoke and sometimes spill on to Clifton Hill. On one occasion there were more than 70 customers in the beer garden and side road at one time in the early evening.

- ii) There is also nuisance from customers in the side road and street when leaving the pub from 21:00 onwards waiting in groups of up to 10/15 saying goodbyes for long periods of time and awaiting transportation of taxis and ubers which seems to be a major way that customers arrive and depart from the Clifton (The uber/taxi culture has changed substantially from when the pub operated previously). The taxis and ubers wait outside of our gate and outside of the Pub and on occasions block the street when there are 2/3 cars at the same time. The nuisance from customers hanging around during the evening and late evening waiting for these taxis is often profound as the customers tend to make loud noise when waiting having presumably been in the Pub for some hours drinking. There seems to be no understanding by these groups, having just come out of a noisy environment, that they have arrived on a very quiet almost silent residential street at night and Management are absent the majority of the time from supervising such customers in an orderly manner – this can go on until 23:30/24:00 on any evening of the week.

- iii) We have also suffered nuisance by being woken up in the early mornings by vans delivering goods and then using trolleys to wheel the goods to the entrance of the Pub. Deliveries can be as early as 04:30 and run right the way through to 08:00. This has happened many times and is highlighted in our diary – attached.

**The impact this has had on our lives/household is:-**

- i) We have been woken up in the mornings by deliveries at various times.
- ii) We have been woken up after having gone to bed (we go to bed at about 22:00).
- iii) We have been woken up On Saturday and Sunday afternoons when we tend to have a rest somewhere between 15:00 and 18:00.
- iv) We are disturbed in our living/tv room when watching tv by the noise emanating from the front area of the Pub including the side road.
- v) It is now more difficult to park in Clifton Hill due to the higher volume of visitors and also our car gate is often blocked by waiting taxis/ubers.
- vi) The pub has therefore had a major impact on our ability to relax, and have quality leisure time within our own home and as all of our bedrooms have windows facing the front (and therefore the Pub) as does our living/tv room the impact of noise from the front area in the afternoons at weekends and early and late evenings throughout the rest of the week especially on Friday, Saturday and Sunday has impacted on the quality of our home lives substantially. We also hear the noise from the Pub in our garden to the rear of our property when we are sitting out there when there is a particularly noisy group which unfortunately does happen on a regular basis especially at weekends. For example one Sunday we were disturbed by an early delivery and then woken up

trying to catch a nap in the afternoon and then disturbed later that night – this is very upsetting

#### **The efforts to resolve the issues**

- i) We have had to complain to both the Council and the owners and Management of the premises on many occasions. By phone and letter and face to face meetings and chats.
- ii) I have personally had many meetings with Ed and Ben Robson and Adam Gostyn, to discuss the issues that we are experiencing and asking for their help to address these issues. We have also made numerous suggestions to them as to how they could improve life for neighbours living nearby and have agreed on many different proposals with them of which the majority have been agreed and then ignored. These meetings have taken place before the pub re-opened and also since opening. The only suggestions that the owners have adopted are to place some window boxes on the low wall adjacent to the beer garden/side road and the addition of some additional signage which unfortunately seems to be ineffective. They have in the past 2 weeks, Also at our suggestion, employed an individual to stand outside for limited hours at the weekends who we understand is meant to monitor the noise issues but our experiences is that he does not seem to do anything to help the situation. The suggestions which have been made and agreed in the past by the owners and not carried out are as follows:-
  - a) Put a lockable gate on the beer garden entrance
  - b) Put a very low railing on all the low walls surrounding the beer garden to stop customers sitting and drinking and smoking

- c) Incorporate additional signage near the rubbish bins in the side road to highlight where the smoking area is
- d) Put a removable rope barrier to guide customers in and out of the premises to stop them spilling on to the side road
- e) To put some form of acoustic barrier around the beer garden to mitigate the noise
- f) Put in place process for uber and taxi collections so customers do not have to wait on the road (this can be for up to 10 minutes with up to 10/15 people at a time during the mid-evening and late evening)
- g) Have a proper supervisor/security person who is well briefed to exclusively look after the outside areas at the front of the pub and to make sure all of the nuisance issues are supervised correctly
- h) Stop early morning deliveries before 08:00 to the premises. After numerous discussions on this points deliveries have reduced but still take place.

All the above points have been discussed with Ben and Ed Robson at meetings or in conversations and yet very little apart from the few window boxes and few signs have actually been actioned. I can only take from this behavior that their words and caring attitude (they are very affable guys) are hollow as they seem to have little intention of implementing any of these ideas which could help to mitigate the problems.

Unfortunately in a very quiet almost silent street a group of just 3 or 4 loud voices waiting for a taxi at 22:00 for 5 minutes at night can be heard clearly inside our house even with the windows closed – when there are more people the noise is obviously louder and can be much more intrusive. We also suffer from smokers sitting on the front low wall in front of the pub and drinking outside of the beer

garden and sometimes with glasses on Clifton Hill. These issues are more prevalent during the weekends but can take place on any night of the week as trading patterns are very hard to project. On one occasion 4 people were drinking in the street and when I approached them they were very abusive (they were carrying full wine glasses at the time) it was 22:20 on a weekend.

So in conclusion I have tried on so many occasions to try and communicate my and CHRG's concerns to Ben and Ed Robson and Adam Gostyn, but it seems they really have little interest in truly addressing the issues that we have raised in a positive and practical manner which would make the environment in Clifton Hill better for those residents who live near the Clifton Pub. They say they care but actions to improve the situation do not materialize even after they agree to do something. Hence our asking that the conditions on the Licence be reviewed and current conditions be enforced.



Soft opening Monday/Tuesday 16 MAY 2017

Friday 19 MAY

18:00 Drinking in side Road - 6 people  
+ Glasses + sitting on outside of wall - Photo -

21:30 2 Men walking towards Pub from  
Abbey Rd carrying 2 Pint Glasses (full)

22:05 1 Lady in front outside area  
smoking (sitting at 1 of tables)

Sat 20 MAY

NOT IN

Sunday 21 MAY

quiet day but getting warmer

Now have a wooden gate for late night

18:45 Man sitting on wall Drinking + Smoking  
- smoking area wall + Photo - - sitting on outside  
ledge

Went dark - Powerful external light comes  
on every time someone arrives/leaves  
Light behind Portico

Bench on side

Monday 22.

out at National.

Back 9:45 - no one sitting outside.  
- 6 Benches - 6 People per bench = 36.  
Plan says 24.

Tuesday 23

9-25 PM

Noisey - talking at Loud Level - outside are quite full.

side light on & bicycle against side wall smoking in outside area.

9:45

Closed the outside area. Side light on & off & on etc. Hood.

10:05

4 Standing outside smoking area - with glasses & smoking - making noise.

10:30

6 People around outside (4 at 2 in smoking area)

Wed 24<sup>th</sup>

Friday 26<sup>th</sup> 7PM Very Very

noisy + 15 People in side Road  
Drinking + people standing in front  
area (50+) 6 at each table or more  
+ standing  
+ can hear the sound in our  
garden

noisy in 3 front Bedrooms - unable  
to open windows

Taxi ~~pull~~ Picking up Blocking our  
drive/gate.

8-30 12 in side street  
50+ in front Area

still very noisy - getting louder  
as people get Drunkier

8:30

27 People in side  
street + front area  
full  
taxi → again →

9:10

25 in Side Street  
+ Garden Full.  
Very Noisy (Security  
called)

9:22

11 in Side Street.  
Noisy  
in 3 front Bedrooms

9:35

9 People in on side street  
(1 in Smoking area)

10:40

7 People outside +  
not in smoking area  
- 3 Cars -

SPOT Light outside on  
off every few minutes.  
- no roped off area-

10 41 2 more Tuxid outside

They closed the outside area at  
9:05 but did not close it off so  
a few drifted back.

Saturday 27<sup>th</sup> - Cup final  
12:00 trying to serve drink through  
the ~~front~~ window

- 15pm Quiet outside

7:15pm

front door open late

Sunday 28<sup>th</sup>

9.05 Front Door <sup>fixed</sup> open.

9.02 Door shut

9.20 Door open ~~fixed~~ (fixed)  
+ noisy people - just s/b  
but shouting

9.27 Door closed again

Door open again for 5 mins

Door fixed open again 9.30

9.45 Again. - 9.50

9.56

10.10 Door open again

+ then 3/4 people hanging around  
on street as there is no sign

10.11 - Door open.

22.20 4 People hanging  
around on street

10.23 - again

Monday 29th

8.58 - Biffa collected 2x Red  
Bins - video & stills

- some rubbish in street following  
morning - should be cleared up.

THURS 1st June 2017

9.15 2 people sitting on the wall  
(photo)

Friday 2nd June

people in side road drinking & loud  
talking - there was plenty of seats  
in Beer garden

All day people in side street  
when plenty of Room in Front Area.  
drinking - Bottles & glasses

Sat 3rd June

11:30 PM

10/15 People leaving  
very slowly - <sup>135/40</sup> very noisy  
- 1 had to <sup>go outside</sup> ask them to be quite  
NOT OK - 2nd time 20 People -

Reported by phone to Westminster  
By JH - had to wait on hold for mins  
- said we were in bed - 15/20 People  
asked them not to ring back

Sunday

4th June

Had late lunch <sup>(3PM)</sup> here in front garden  
& spoke to Ed. Ben & Adam  
- Ed said they want to go to a restaurant after tea a  
Pub. Food OK but Price 2 Course + water <sup>£35</sup>

Door at Back open at 3/4 PM.  
Front window closed. - waitress service of  
food & drink in BR.

Closed Sunday before 11 PM

Monday 5<sup>th</sup> June

10-10 PM outside open / no  
barrier in place

10-45 outside area still open  
But Raining

Tuesday - Friday 5PM - not at home.

\* on our way out I went over &  
saw Ed - and told him that drinking in side  
area outside Red line - not ok + noisy / nuisance  
- he said Enforcement officer said it was ok  
(think he was blinking) anyway he cleared the  
customers into front garden & hope he policed  
it for rest of evening !! At 9.30pm just  
area was closed.

Friday - after GB 9 June.

6.30 Start of Noise

7.00 7 People in side drinking

4-7.09 - 11 " " " "

getting noisier \*

noise coming out.

9.51 → front window open - told Robson  
who suggested we sit down on Monday to  
discuss any issues

But front area closed.

told him he really had to be on it  
as they are in breach of conditions

Thank him for clearing side area

11.25/30 8/15 Guys outside waiting  
for 2/3 UBERS - talking but + people ②  
sitting on wall until moved on by Adam.  
- There must be a better way - wait inside -

Saturday 10<sup>th</sup>  
we were out

Sunday 11<sup>th</sup>  
we were out

Monday 12  
we were out

Tuesday 13  
we were out

told guys that I am busy this week  
but can we sit down next. + Janine

Wednesday 14<sup>th</sup> June  
out until 9.30 PM.

Rubbish in Road - Smelly

9.30 PM and noisy so we need to close  
our bedroom window

People sitting on side low wall

tidying up in BG after 10.00 (10.17)

\* Letter to W re Rubbish

Friday 15<sup>th</sup> 10.36 PM 2 guys in  
smoking area - 1 Drinking & sitting  
on wall.

Sat 16<sup>th</sup>\*

plenty of noise from 6 PM to late  
with up to 10 on side street after 10

& drinking - Phoned Ed & Ben & Adam  
& lab but only reply from Ben who  
was not on site. after 10 PM

Sunday 18<sup>th</sup>  
Early Van noise 6:15  
Smoking after 10PM outside  
the corner area. + during day  
drinking in side street  
Poss drinking outside after  
10PM

Monday 19<sup>th</sup>

Early Van noise 6:30AM  
Letter to Pub. - Woke up -

Friday 23<sup>rd</sup> June

Early van - wake up 6:30/7  
Roller sound.

~~17/90294~~ Welnes 9-30

17/19294 Ref

Complaint re excess noise.

19<sup>th</sup> June - clock on CC TV  
Put correct.

Saturday 6-7pm Screening  
guests <sup>(24th)</sup> at the pub. for about an hour  
email to W. from RTH  
+ Lots of Ubers late 11/12PM (midnight)

Sunday 25th  
Early Van again!

Wednesday 28th June  
After 22.00 Smoking in Side Road.  
+ people in B & after 10. LETTER to W.

Thursday 29

Door open after 9 - 10 near 10PM  
After 10PM lots of smoking unsupervised in  
Side Rd + not in Smoking Area.  
+ noisy groups leaving late in Cth

Friday 30th

People in Side Road after 10.00PM  
smoking outside of SA unsupervised.

AWAY on Holiday / Ian & Scott  
at home

Saturday - 15 July 2017

just back  
from holiday

4-50 PM sitting on porch well  
smoking & in side ~~st~~ ally - getting  
loude

5:15 PM - very loud for small  
group

6:00 - Noisy

6:15 - still Noisy

7:00 sounds like large outdoor dinner party  
for 20+ people - over noisy people getting  
drunk

7:45 - still the same

8:00 but lower

8:30 louder again

our

email to WC (Italy with complaint)

Log - 17/22477

+Rang Ben Twice (on Sunday)

Sunday 16<sup>th</sup> July

18.15 Woken with noise from side window.

18.20 inside front room with all windows closed - Noisey - Loud overtop laughing

18.40 Rang Ben Robson to ask him to quit the Big table with the American race - he went out & a bit better for a short while - when 12/15 get together its just loud

17.10 had a second work with Ben about loud table - he has spoken to them & they are a touch lower it went on for a while & then quietened down. - see quills tonight

Disturbing enough to Ring the 24 hour  
help line @ 9.25 (Hold on for some  
time) - They closed outside area at 9.30  
what a relief - nice and quiet just a  
low noise from building  
It's the outside area that is the main  
problem at present.

### DIARY NOTES DICTATED TO THIS POINT

9.50 Andrew Bolton of Noise team rang  
back

~~22~~ 22-20/30 Smokers in side road  
and C Hill

23/30-40 waiting for uber - noisy  
& smoking

The noisy table were active for over 3  
hours before Management did anything!!

Monday 17 July

22-15 Delivery from a silver van

22-30 Groups outside on Clifton H.  
noisy - for about 5 mins.

22-40 Smokers not in S.A. & unsupervised

23-25 for 5 mins - groups of noisy (6+)  
on Clifton Hill & then I think  
another separate noisy group at  
23-40

Wednesday 19 July

8:30 PM - Noisy table in Beer Garden  
(end table) for 30/40 minutes

Thursday 20<sup>th</sup>

22-10 We were woken up in bed by  
very noisy group of women (video) &  
I think smoking - no supervision for some  
time. Think later noisy group but too  
tired to action.

Saturday 22 July

10.45 PM. Customers on way out smoking  
unsupervised - This is so common  
- most days

Sunday 23 July  
out

Monday 24 July  
out

Tuesday 25 July

Noisy evening in B6.

7.20 to 7.30 PM.

Friday 28 July

after 10 PM - Smokers outside of  
SA. & inside SA for 5/7 minutes  
unsupervised.

+ 10.10 PM Big Noisy groups in street

Saturday 29th.

After 10 PM - Lots of smokers outside  
of SA - up to 8 people unsupervised  
and on Clifton Hill - very loud. ATO

all evening to 11PM ++  
Video

often more smokers / leavers at  
23.25/35 8/10 People very  
loud + smoking (some) in S  
Road

This was a very loud evening  
we were woken up by leavers  
by first group at 11PM + then a  
Second @ 11.15/30  
emailed Westminster ref 17/24260/ANC

1 August Tuesday

Rubbish collection @ 7.45AM

Wednesday 3rd August

UMBRELLAS  
PUT INTO  
BE

out untill 8pm at hospital

10.12 - Smokers outside not in SA

10.25 - Smokers outside not in SA

(while one of Robson Bros  
drive off in his white mini  
- not doing anything about  
supervision)

Thursday - out

Friday out back at 7.45.

8.55/ to after 9. (6/8mins) Load group  
of say 6 customers in street (middle across)  
moving from one side to the other i. load  
saying goodbye for 8 mins - no supervision -

Saturday 5 August. (email To WC 17/25031/FNC 45)

Many Taxi's/whers - say 10/12.  
each one people in street waiting for up  
to 10mins.

Tuesday 8<sup>th</sup> August

Before 8AM - Rubbish collection  
Email to Robson on this day?

Wed / out

THURSDAY. 10<sup>th</sup>.

22.40 7+ people smoking in & outside  
of S.A.  
& then others on street - unsupervised

23.30 + 10 minutes.

Various groups by Gate on  
Clifton Hill - Smoking & noisy  
some waiting for users

sometimes getting worse with users  
2/3 turn up at same time  
blocking the street & lights etc

cont Fri/Sat/Sun/Monday

Tuesday 15 August

7:30 AM Very Noisy bottle  
collection - woke us up - Reported to  
WC Log number: ~~1~~

outside

Thursday 17<sup>th</sup> August

permitted

From 22.10/20 Smokers in Side Road  
unsupervised.

22-30 Same outside Smoking Area

23.08/10 " "

23-20 Very loud groups outside on C.H.  
by Gate.

23.00 Women's Voices - very loud.

one

Friday 18<sup>th</sup>

~~11~~ 11.20 PM on Clifton Hill by gate.  
female voices loud on C.H.

19<sup>th</sup>

Noisy Group (10+) at 23.20 on  
Clifton Hill.

Sunday 20 August.

Shift: 8.15 AM in Beer Garden  
loud. - waiting until 10.09 for manager  
to arrive. - disturbed in my front room

21/8:

22.00 Loud groups on C.H.  
Hill. - not supervised &  
some smoking.

Rang Ben & Ed as we were  
disturbed in our bedroom. & said would not  
ring W.C.

Tuesday 22nd August

JWH Diary

on C.H.

- 21 Aug

10-15/30

2/3 Groups leaving  
smoking & noisy

- called Ben  
Ed told  
him I would not call vi.

2et: 7109/1

25<sup>th</sup> August

smokers on Side Road outside of S.A.  
after 22.00 many times

+ Big crowd on C.H. 15/20

very noisy. - video -

after 23.00 Ben around + doing little to  
move people on - on C.H.

noisy Rang W.C. Ret

26 August - Saturday

after 10 PM - Same as always

- smokers not in S.A. + unsupervised  
up to 23.15.

Another.

27/8/9 out

29<sup>th</sup> Letter to Pub.

30 Aug - out

31 Aug - Thursday

22.25.

Smokers in Side Road

22.50

2 Wers together again

1st Sept Friday

5.00

+ 7.30.

early morning delivery

very noisy evening -

20:30/45 on wards - very very noisy  
crowd in B6 - Singing & at  
22:20 Drinking on Clifton Hill  
& smoking / drinking on Blackford's wall  
JH took photo while on phone to  
Westminster & they (Guy) & 2 girls & 2 men  
were rude / drinks & abusive to JH & told  
noise officer on phone to "F off"  
- girl had glass of wine in hand.

Not a good evening - I am very noisy  
about the incident with these people outside  
my home - They were very abusive  
Log call - 17/28291/INC 45

2nd Sept Saturday

early morning delivery SAM.  
25:30

afternoon - 16:20 Noisy table  
woke me up (afternoon nap) - They  
were here in B6 for 4 hours drinking  
(Indian group - 1 table)

Think I tune Westminster again

22.00

23.00 - People on street again.  
Dancing & noicey!

3rd Sept Sunday

6AM Delivery - woke up

- meet with Ed R in evening after  
Text from Sacha - its getting out of  
hand - them & us!! All over playing.

- good chat in Pub.

- Think Ed understood that its not all  
about them - they are doing <sup>some</sup> things wrong

- we are fed up telling them. - can  
they now Arrow & sort this issue out.

- its not difficult to do

Monday/Friday - not around

4-8th Sept.

Friday evening

Big goodbye's @ about 23-15 - new  
guy (security?) was just standing there doing  
nothing to move people on

9th Sept Saturday

Chincheet groups 18.00 on 1st table

in Beer Garden - very noisy  
celebrating England's Victory - Toasting victory  
getting drunk

call to W 17/29101 at 6pm  
by Rachelle

- New outside guy arrived at 18:30  
and does not quieten them down

+ Lots of UBERS/Taxis today!  
no system in place to organise this issue  
as suggested to owners many many times  
- up to 22:30.

Sun/Mon/Tues/Wed - not in

Thursday 14 Sept } Both fairly ok.  
Friday 15 Sept }

Sat 16<sup>th</sup>

kids party in afternoon  
18:30 - Nuxey leaving at 20:00 about

22:00 + Big good b'y's - Adam  
comes but to deal with it  
after 5 mins

00:40 Front door still unlocked!

Sunday 17<sup>th</sup> SEPT

Noisy around 20.00

& quite later

Tuesday 19

Early morning Delivery (white van)

Noisy

Friday 22 Sept

18.00 Big / crowded in BG.

Noisy - standing room only

19.10/30 very noisy to this  
time - I called the Noise line at Westminster



## Appendix 2.2

In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

Application to review premises licence under s. 51 Licensing Act 2003

### Statement in support of application to review the premises licence

1. My name is Richard Harrington I live at 91 Clifton Hill. I have lived here for 4 years. I live with my son, James
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. My house is directly opposite the premises and my living room, bedroom and son's bedroom directly face the pub.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

1. *The external area of the pub creates very intrusive noise  
On an intermittent, but serious basis. This varies from shouting and screaming, to chanting, which in the latter case has happened twice, as well as just general noise.  
There are regular, uber and taxi noises such as hooting and door slamming late at night.  
The noise is particularly bad at weekends*

11. *This means that in the evenings it is impossible to sit quietly in my living room and sleeping is impaired as my bedroom is on the 1<sup>st</sup> floor front of the house.*

111 I have frequently mentioned it to staff and asked people to make less noise. I have twice reported the noise to Westminster Council. I reported it on 29<sup>th</sup> August and 3<sup>rd</sup> September. The latter was after a very noisy Saturday afternoon. The noise continues on a daily basis.

*Set out anything else that you feel is relevant.*

5. I attach the following documentary evidence in support of my application: e.g. *noise log/photos/correspondence with management etc.*

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: Richard Hamington  
Address: 91 Clifton Hill London NW8 0JN  
Date: 26<sup>th</sup> September 2017

## Appendix 2.3

**In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT**

**Application to review premises licence under s. 51 Licensing Act 2003**

### **Statement in support of application to review the premises licence**

1. My name is Janine Glantz. I live directly next door to the pub at number 94 Clifton Hill. I have lived here with my three children for 7 years.
2. This statement is written in support of the application by the Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. I have bedrooms at both the front and at the back of my house; my kitchen opens onto my patio garden at the back of the house. I have been disturbed on many occasions by the noise from the pub and its clients. Most frequently this is between Friday - Sunday when there are a greater number of people in the beer garden, but this can also happen when there are just a few noisy individuals in the front who are left unchecked.
4. I am regularly disturbed by the noise from the conservatory which is directly next to my garden/kitchen as the conservatory is merely a glass construction. This means that very often I cannot have my kitchen doors open which is a great inconvenience as I do not have air conditioning. This also means that I am unable to read a book in my garden or sit in my living room in peace and quiet. I invariably have to turn the TV on at a loud volume just to drown out the noise from next door. I have also been disturbed by very early morning deliveries to the pub.
5. I have met with Ben and Ed Robson several times along with another neighbour and member of the CHRG. Each time they have been very accommodating and dealt with the smaller issues immediately, but unfortunately the main issue, ie, the noise, continues to be a problem both from the front of the pub and the conservatory despite having discussed this several times, and with them in fact agreeing that the conservatory is not fit for purpose. The conservatory is a particular problem on quiz nights and when there is a large/private party in there, or when the weather is bad and people have come in from the front beer garden.
6. Unfortunately any suggestions made or offered regarding the noise problems have not been followed through consistently, ie having full time dedicated security staff at the front to not only manage noise levels but to also make sure people leave quietly; and to improve/rebuild the conservatory.
7. I have phoned and/or texted the pub to deal with problems when they arise. I really do not like having to do this. It is uncomfortable to have to police my own home, and it also feels unreasonable for me to have to continue to ask for people (pub clientele) to behave respectfully and to show the common decency that is usually taken for granted in a quiet residential street.
8. I have also complained to the Council on several occasions; this is also unsatisfactory in practice as, by the time the noise team has come out, the problem has usually passed

but has none the less been a great nuisance. Please see below examples of occasions when I have either called and/or written to WCC noise team:

- 26/5/17 There was about 50 or so people at the front of the pub spilling out on to the street drinking and smoking and being very loud;
- 3/6/17 I was disturbed most of the evening by noisy customers both in the front and the back of the property, meaning that was unable to have any windows opened in my home. Then at about 11.15 a large drunken group of people left making a lot of disturbance. Complained to WCC on 4/6/17.
- 4/6/17 Very noisy and people spilling out on to the street.
- 20/06/17 I called the pub about noise problems caused by people in the conservatory. They acknowledged that they were aware of it and plan to remedy it as soon as possible.
- 24/6/17 Disturbance from the conservatory (afternoon), and then very noisy party of people at front of pub in evening. Complained to noise team by email (26/6/17).
- 26/6/17 Large very noisy party in the conservatory; called pub.
- 30/6/17 I arrived home to a large group of people standing outside the pub blocking the pavement for an extended period of time chatting and with car engines running, it was a struggle to get to my own front door. WCC (ref. 17/20379/ENRE45).
- 1/7/17 Very noisy in beer garden for prolonged length of time.
- 7/7/17 Very noisy people in the beer garden. Complained to WCC (ref. 17/21314/ENC45).
- 28/7/15 Disturbed by very noisy leavers late in the evening.
- 30/08/17 Excessive noise from late afternoon and into evening. Emailed Kevin Ezeogine of noise team on 31/08/17 to log complaint.
- 1/9/17 Excessive noise issues in the evening. Shouting and screaming from the beer garden. This was probably the worst evening and could have been shut down much quicker with supervision outside. Complained to WCC.

9. This is just a small example of some of the complaints that I have felt necessary to make. On many occasions I simply don't complain as I am either too tired or fed up of having to do so. I have a good relationship with the Robson brothers and do not want to damage that but I feel a binding agreement needs to be in place in order to prevent these problems arising in the future and which would be conducive to not only a more harmonious living environment but also a more honest relationship with our neighbours, which is what I believe we all want.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to

view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: Jaime Gx  
Address: 94 Clifton Hill NW8 0T  
Date: 29.9.17



## Appendix 2.4

**In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JN**

**Application to review premises licence under s. 51 Licensing Act 2003**

### **Statement in support of application to review the premises licence**

1. My name is Andrea Mackay and I live at 87 Clifton Hill, London, NW8 0JN. I have lived at this address for four years with my husband, Iain, and our three sons.
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. My house is across the street and four doors down from The Clifton. Our sitting room and bedrooms all face the quiet, tree-lined street we share with The Clifton. It is while in these rooms that we experience the greatest disturbances emanating from The Clifton.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

- i) When we moved to our new home in late December 2013, The Clifton was closed for business. Prior to the spring of 2017, our street was quiet in the evening and nearly silent after 9:00 p.m.

I can say, without hesitation, that every night The Clifton is open, I can hear, to one degree or another, the customers drinking in the beer garden and/or leaving the premises. During the weeknights it is sometimes a calmer, quieter departure. There have been several evenings, however, when this was not the case. On the weekends, it is consistently very noisy and annoying.

After 11:00 p.m., on many occasions, we were awakened by drunken customers yelling to each other across the street or down the block. On

three occasions, the customers were behaving rudely and aggressively and shouting profanity as well.

Customers congregate on the street to chat before departing. They are loud and boisterous. Taxis and/or Ubers can be heard idling in the street as they wait for their fares. If they wait in front of our property, exhaust fumes waft into our home through the open windows.

- ii) The presence of The Clifton has negatively impacted the quiet enjoyment of our property. There is no reason for drunken patrons being left to their own devices to disturb and waken sleeping families in the neighbourhood. I have also been wakened, on many occasions, from an afternoon nap by loud customers in the beer garden.

In addition, since The Clifton has been operating, there has been an increase in the number of incidents of damage and break-ins to residents' parked cars. No one has come forward to claim responsibility for the damages but since they have all occurred after The Clifton has opened, one wonders if there is a correlation.

I have also noticed an increase in the amount of trash being left on the pavements.

- iii) I was present at a meeting with management on June 28, 2017 when these disturbances were discussed at length. At that time, management made a commitment to increase the monitoring of the beer garden and patrons' departures by having a security person outside. They have yet to do this.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: .....

Address: .....

Date: .....



In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

Application to review premises licence under s. 51 Licensing Act 2003

**Statement in support of application to review the premises licence**

1. My name is Simon Blackford. I live at 98 Clifton Hill in the top flat. I have lived in this house for 11 years. I live with my wife Lesley.
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. The house I live in is next to the Clifton, separated from the Clifton by a passageway. Our bedroom is at the back of the house on the east (Clifton) side and there is a small window at the side in the ensuite bathroom very close (about 4 feet) to my side of our bed.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues.
5. The nuisance that has been caused by the public house is difficult to understand without describing in some detail our part of the road in which the pub is situated. Clifton Hill is a narrow street with cars parked on both sides of the road and with speed humps on the road. The road ends in a cul-de-sac the far end of which is about 130 yards to the west of our property. The road is not strictly a cul-de-sac for traffic purposes since Greville Road crosses Clifton Hill between our property and the cul-de-sac. However, whilst it is not a cul-de-sac for traffic purposes it is lightly trafficked. The reason for this is that there are good through routes parallel to Clifton Hill on both sides, namely Carlton Hill and Boundary Road. It is unlikely that any traffic would regularly use Clifton Hill as a route between Abbey Road to the east and Edgware Road to the west when there are through routes on either side. Moreover, the narrowness of the road means that cars travelling along Clifton Hill often have to give way to cars coming in the other direction. The result of this is that the road is not attractive to vehicular traffic and is lightly trafficked. Such traffic as there is tends to travel at a low speed. There is rarely any need for heavy braking or acceleration. So the traffic noise is generally low. Clifton Hill is very largely a residential road with some offices at the end of the passageway adjacent to our house. Most of the people working in the offices get there on foot or by bicycle because the permitted parking on Clifton Hill is limited to those with resident permits. There are two pay-by-phone spaces on Clifton Hill close to Abbey Road but that is all. Single yellow lines can be used for parking on Saturdays and Sundays and on weekdays after 6:30 pm.
6. The result is that Clifton Hill is a very quiet and almost exclusively residential street.
7. The above appears to be of importance because the noise coming from the pub, predominantly from the front garden area where there are tables, has been extremely intrusive. My wife and I often like to spend the evenings, during and after dinner (which we normally have quite early in the evening, almost invariably finishing before 7.30), in our front room. Our enjoyment of the

evenings has been very heavily affected by the noise coming from the pub. Very often the main noise from the pub appears to come from one or two tables that are being occupied in the front area, which I shall refer to as the beer garden. So the noise quite often comes from only about half a dozen people. Other tables may be occupied as well, but our experience is that a comparatively small number of voices, typically laughing and talking very loudly with perhaps a bit of shouting and noises that sound like jeering, whooping or heckling, makes an impact which appears quite disproportionate to the limited source. I can only think that the reason for that is the quietness of the street and something to do with the acoustics including buildings being (mainly four storeys) fairly close together. There have certainly been evenings where the source has been many more people than the occupants of a couple of tables and the noise has been a good deal louder than what I have just described; but what I have just described is typical and frequent.

8. The noise from the beer garden tends to abate after 9 pm, typically perhaps at around 9:30 pm. However there is a further problem after that because there have been many times when patrons of the pub have left late in the evening and have made a lot of noise out on the street whilst waiting for a taxi or uber car. The pub has notices up asking people to respect neighbours but they appear to have little effect. To me, this is not entirely surprising given that there is a proportion of people who appear to be fairly noisy to start with and who naturally become more uninhibited after a few drinks. I have on several occasions been woken up after 11 pm (I tend to go to bed around 10 or 1030). This surely needs supervision by a pub employee standing at the front in the last hour of busy evenings. (They have recently had someone standing outside at the end of the evening but he performs no useful function. He makes no effort to ask customers to leave quietly. He just stands there impassively, apparently trying to be as inconspicuous as possible.
9. The main noise from people is from the front in the evening but there is other noise as well. There is a conservatory at the back which has not affected us nearly as much as the noise from the beer garden but there have been a number of times when there have been parties and on those occasions a lot of noise tends to emanate from the conservatory. This does not affect us a great deal at present because we tend to spend our evenings at the front of the building. But we are having a lot of building work done at the moment on the bottom two floors and whilst the building work is taking place we cannot use the garden at the back of the house. However when we are able to use the garden again there can be no doubt that our enjoyment of the garden will be heavily affected by the noise from the conservatory. The Clifton is required to close the doors to the conservatory at 9 pm. By and large that constraint has been observed and the effect in terms of reducing the noise is dramatic. I would say that closing the doors changes the situation from "very noisy" to "quiet". Our ability to enjoy the garden would be greatly enhanced if the pub were required to keep the doors closed at all times (or, failing that, from 6 pm). There have also been occasions when people have spilled out from the conservatory into the area immediately outside it and on those occasions the noise has been extremely loud. Once again, the number of people involved is not great but the impact in this otherwise quiet environment is extremely intrusive.
10. All the noise that I have described from the front happens very regularly but is a good deal worse than usual at the weekends. The noise from the rear is irregular.
11. The next most intrusive noise is that of deliveries early in the morning. I have been woken up on a number of occasions by delivery vans and by a trolley which one of the delivery vans has on

board and which makes an extraordinary racket as it is wheeled along the uneven surface of the passageway between us and the pub. The other extremely loud and intrusive noise is that of the rear door of one of the vans which has a roll down door. The process of operating that door is very loud and extremely penetrating.

12. As I have indicated above, the noise during the operational hours of the pub is very regular. When it is particularly bad I have phoned and complained to the pub and on most of the occasions when I have complained to the pub I have also phoned the Westminster noise team. I have certainly not complained to the pub on every occasion when it has been unduly noisy. That is partly the result of a reticence about making complaints. It also seemed to me more sensible to reserve the complaints for the extremely noisy evenings. I enclose with this statement a list of the major noise incidents. It will be seen that the list I have produced is far more detailed as regards July than as regards the other months since the pub has opened. The reason for that is partly that we have been away for short periods, partly changes in the weather which mean that the beer garden sometimes attracts few people, and partly disorganisation which has been contributed to our building works which have caused us a great deal of upheaval and moving things around from one room to another. I tend to record what happens on record cards or pieces of paper and I am unable to find a number of those records.
13. The reactions of the owners and people who work at the pub to the complaints I have made have been extremely disappointing. They are always friendly, polite and appear to want to help but the actions they have taken to actually deal with the noise appear to be minimal or non-existent. In any event whatever action they may have taken has been almost entirely ineffectual. Moreover, the attitude of the operators of the pub can be seen by the way in which they have disregarded and flouted the conditions imposed upon them regarding early morning deliveries. The conditions have been brought to their attention time and time again, most recently by the Westminster Council noise team. In spite of all those communications, they have gone on flouting the conditions month after month. That is what we are up against and I would ask that in considering the present application Westminster Council takes account of the fact that we are dealing with people who have very little interest in the welfare of their neighbours. We are dealing with people whose overtly sympathetic attitudes do little to conceal a contemptuous indifference to their neighbours and to their own responsibilities.
14. I am by no means opposed to having the pub on Clifton Hill. There is no reason why the pub should not be enclosed within the building and offer all the social benefits which a pub can provide. It simply does not have to encroach on the neighbours' enjoyment of their properties as it does now. I feel very strongly that the use of the beer garden in the evenings is wholly unacceptable in a neighbourhood like this. The amount of noise that has regularly come from the beer garden has had a very serious impact on our enjoyment of our homes – most particularly in the summer months when we want to keep our windows open and enjoy our gardens, terraces etc.. In addition, the fact that the beer garden is virtually on the street means that there is noise from cars which come to pick people up from the beer garden and think it's a good idea to sound their horns or shout a cheery greeting to attract the attention of their friends. I feel very strongly that the beer garden should not be allowed to operate in the evening or, if it were allowed to operate in the evening, that that should be only on terms that the Robson Bros put forward proposals for effective acoustic mitigation which are acceptable to the council. And in deciding what is acceptable I would ask the council to take account of what I have said above including the low level of ambient sound in this residential environment. As

regards the conservatory, it would be a huge benefit to immediate neighbours if the doors of the conservatory were to be kept shut at all times, alternatively after 6 pm.

15. There is a fair amount of noise which inevitably accompanies the running of a pub. The very noisy Biffa wheelie bin carts, some arrivals on motor bikes, the emptying of bottles into bins and so on. I do not think it unreasonable to expect the neighbours to put up with that sort of noise as the price of a valuable social facility. But the opening of the beer garden in the evenings and the opening of the doors to the conservatory at the back create an unnecessary nuisance to immediate neighbours which is entirely disproportionate to any possible gain.
16. I attach (i) a log of prominent incidents and (ii) a photograph downloaded from my phone, the date and time of which are apparent from the title of the document and (iii) a detailed statement regarding a delivery on the morning of the 19<sup>th</sup> September. I also have CCTV footage from the 26<sup>th</sup> May which I can readily supply and I will make inquiries as to the best format to use to make it available to the council.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: .....

Address: .....

Date: .....

### Clifton Diary of Events

On the 19th May in the early evening there were several people drinking in the passageway between us and the pub and a little later – around 7 o'clock there was a lot of noise from the front area.

On the 26th May there was a great deal of noise coming from the passage between our property (number 98) and the pub between about 5.30 and about 10.15. The noise consisted of laughing, talking loudly, some shouting and some jeering and clapping. There were several periods when there were more than 10 people in the passageway and the numbers rose to well over 20 at several times between 8pm and 9pm. I have this well-documented on CCTV clips.

Early June – exact date not known – I was woken up by a thunderous rattling noise. I went through to the front of our flat and saw that it was a white delivery van which had a roll down rear door, the operation of which was extremely noisy

On the 17<sup>th</sup> June there was a great deal of noise mainly from a very loud group of seven or eight people, initially from the front garden area which got worse when they were leaving the pub at shortly after 10p.m..

On July the 3<sup>rd</sup> I looked out of our rear window and saw that the doors of the conservatory were open and I rang the pub at 9.15 p.m. to point out that the doors should have been closed at 9 p.m..

On the 4th July I also saw the rear doors of the conservatory open after 9 p.m.

On the 5th July 2017 at 9:12 pm I complained to the Clifton about the doors being open at the back after 9 o'clock and pointed out that the same thing had happened on the two previous days. I rang Westminster to log the complaint and was given the number 17/21066/ENC45.

On the 7th July 2017 I complained to the Clifton about loud talking and shouting at the front of the premises shortly after 8 pm. This was logged with Westminster under reference 17/21322/ENC45.

On the 14th July 2017 at 9:05 pm I complained to the Clifton about the conservatory doors being open at the back after 9 o'clock. This was logged with Westminster under reference 17/22282/ENC45.

On the 15<sup>th</sup> July (Saturday) there was a great deal of the usual kind of noise from the front area, a lot of it from four or five male voices. It started early in the evening and went on till well after 9 pm. Later on there was a lot of noise from the street which may well have been the same group waiting for a taxi/uber car.

On the 16th July there was a lot of the usual type of noise – very loud talking and laughing from the front garden area

On the 17<sup>th</sup> July at about 11:20 pm I was woken up by the sound of women laughing, talking very loudly and shouting. They were in the passageway and then close to the road, by the south-west corner of the pub. I have since been shown photographs and a video clip of them taken from the other side of Clifton Hill.

On the 19th July 2017 I phoned the Clifton at 8:15 pm to complain about a good deal of noise at the front. I then phoned Westminster and the complaint was logged with Westminster under reference 17/22937/ENC45.

Slightly later on the 19th July between 8.20 and 9 pm there was a great deal of noise coming from the rear of the Clifton Public House. When I looked out of the top floor rear window I could see that there were up to 10 people talking outside the rear conservatory. I took a photograph of what I saw.

On the 25th July there was a great deal of noise -- men and women talking loudly and laughing in an exaggerated way at the front of the pub between

about 7.30pm and 9pm. My complaint was logged with Westminster – reference 17/23824/ENC45.

On the 25th August I phoned the pub at 8:20 pm about noise at the front of the building. I then phoned the noise team and got the reference number 17/27495/ENC45.

On the 30th August there was very loud laughing talking and shouting. I phoned the Clifton at around 8 PM and they said they would tell them to be quiet. But if they did anything about it had no effect whatsoever. There was also loud talking and laughing etc. on the part of people leaving the pub late in the evening (shortly before midnight). I phoned Westminster and got the reference number 17/28039/ENC45

On Friday evening, 1st September there was extremely loud shouting laughing during and clapping in the front garden area. It sounded as if somewhere between a dozen and 20 young men were trying to emulate a football crowd. It started to get really noise at about 8.40pm. I phoned the pub and they said they would deal with it all. There was no detectable difference – indeed the racket got worse. It ended up at 9.35pm with half a dozen men running out into the street and smashing glasses. One of them took his trousers down and lay on the carriageway obstructing the traffic. I rang Westminster and eventually spoke to someone called Andrew who did not seem very interested. The reference number was 17/28281/ENC45. In my opinion the pub waited far too long before chucking them out (if indeed they did chuck them out).

On the 9<sup>th</sup> September there was a very loud crowd of men shouting, laughing loudly, and making jeering and chanting noises early in the evening from about 6:30 pm. I phoned Westminster and complained and I was given the reference number 17/29106/ENC 45

On September the 19th just after 6 am I was woken by a loud noise in the passage between us and the pub. I looked out and saw that there was a

delivery taking place involving a large white van. The main noise came from a trolley -- from the sound of it a rickety metal trolley -- which was being used to deliver the goods to the side door of the pub.

September 24<sup>th</sup> at 7 pm there was a loud group of men and women talking and laughing in the front area of the pub. One of them was making hooting noises which were very loud and penetrating. This went on till about 8:30 pm.

This Tuesday morning (the 19<sup>th</sup> September) just after 6 am I was woken by a loud noise in the passage between us and the Clifton pub. It was a metallic sound. After a minute or so I went to the bathroom which is immediately next to my side of our bed and I looked out of the small window onto the passageway and saw that a man was placing a large cardboard box (at a guess something like 2'6" square) on the steps to the pub. It looked as if the box was being placed on top of other similar boxes. I then heard the metallic noise again. It sounded like a trolley -- from the sound of it a rickety metal trolley -- which was being used to deliver the goods to the side door of the pub. A minute or so later I went to the front of our flat and looked out of the window. I saw a long white van and a tallish man in his 20s or 30s in a pink or pinkish top getting into the driver's seat. I then looked at the clock on the oven in our kitchen and saw that it was 06:07. It took me a minute or two from being woken up to getting out of bed and looking through the window so I would put the time at which I was woken up at two or three minutes past six. When I wrote about this to Mr Keegan of Westminster City Council the following day I sent a copy to neighbours who have also suffered from the noise created by the pub and I received photographs of the van in question taken at the time from the other side of Clifton Hill.

The metallic sound of the trolley (I can only imagine that that is what it was although I did not catch sight of it) was penetrating as it was being rolled over the poor and uneven surface of the passageway.

Simon Blackford

Written at 11 am, 23<sup>rd</sup> September 2017



Appendix 2.6

Licensing Authority,  
Westminster City Council,  
City Hall,  
64, Victoria Street,  
London, SW1 6QP.

19th September 2017.

Dear Sirs,

**REFERENCE:- THE CLIFTON HOTEL (KNOWN LOCALLY AS  
"THE PUB") AND LICENCE NUMBER 16/01462/FULL.**

My wife and I would like to join the request for a review of the above numbered licence, on the grounds that the owners of the restaurant/pub have consistently failed to comply with many of the terms and conditions contained therein.

Since the premises were re-opened in the middle of May this year, officially as an Asset of Community Value, but which is actually a commercial restaurant, there has been a considerable and unwelcome increase in the level of anti-social behaviour of various types by their customers, mainly with regard to the level of noise emanating from the premises and road, especially late in the evening. The latest example of this was on Friday 1<sup>st</sup> September, when an altercation took place outside the premises. This is extremely troubling to the local residents, especially for children trying to sleep. In fact, at times it renders the use of certain rooms affected by it extremely difficult. Also, despite many complaints to the owners and their promises to rectify these matters, unfortunately little has actually been done.

We also, as pensioners, have a further major worry, which is that cars and cabs collecting customers persistently obstruct the street, thus rendering access for emergency vehicles impossible. We feel that something must be done about this situation BEFORE there is a tragedy, rather than hand-wringing after one has occurred. This is supposed to be a quiet and peaceful residential road, with (usually fully and legitimately occupied) Respark bays on both sides, leaving space for only one vehicle at a time to proceed in either direction. It is therefore obvious that if vehicles coming from either direction are waiting for passengers in the middle of the road, nothing else can pass. This is a most serious cause for concern, as there are many homes in the road with pensioners or children in them and failure of an emergency vehicle to be able to attend in time could well make the difference between life and death.

In these circumstances, we would therefore most strongly request that there should be an urgent review of this licence, with a view to ensuring that the terms and conditions agreed when the licence was issued are strictly adhered to and also that tighter regulations should be imposed for the health and safety of the long-term and long-suffering residents, with appropriate penalties for failing to comply.

We look forward to your favourable response at an early date.

Yours truly,



H.M.B. Fisher (Neighbour Watch Co-ordinator).

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## Appendix 27

### **In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT**

### **Application to review premises licence under s51 Licensing Act 2003**

#### **Statement in support of application to review the premises licence**

1. My name is Brian Derham Green. I live at 2 Clifton Hill Studios, 95A Clifton Hill, London NW8 0JP. I have lived here for 31 years. I live alone.
2. This statement is written in support of the application by the Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. My house is situated behind 95 and 93 Clifton Hill and is therefore shielded from the lower level noise emanating from The Clifton but the ground floor bedroom and first floor lounge are susceptible to the loud noise created in the front garden, side entry and the street outside the licenced premises. In addition, I experience the disruption from the licenced premises when leaving and entering the Studios through the gate opposite The Clifton and when in Clifton Hill.
4. This statement sets out my own experience of i) nuisance emanating from The Clifton, and, ii) the impact it has on my life. I deal with these in turn:
  - (i) Clifton Hill and particularly Clifton Hill Studios were a very quiet areas prior to the opening of The Clifton, as demonstrated by the noise surveys undertaken by CHRG. As such the introduction

of noise from The Clifton represents a deterioration in the ambient environment and a threat to the enjoyment of my premises. I am disturbed within my house and when entering and leaving the Studios by incidents of loud noise emanating from the front garden, the side entrance to the licenced premises and the street outside The Clifton. I include as an Annex a list of the incidents that I have observed in relation to noise, deliveries outside the permitted hours and failure to clean outside the licenced premises.. I would point out that as I spend time away from Clifton Hill Studios, the schedule included in the Annex is reduced from what I believe would be the case where I in residence all of the time. Noise emanating from the licenced premises appears to be concentrated around early evening (1730 to 1900) and late evening (2030 onwards). The former from the beer garden, the later from the beer garden, from smoking and drinking in the side entrance area and the street and from taxis picking up people leaving the premises. Separately, I have observed early morning deliveries (prior to 0800) when entering or leaving Clifton Hill Studios.

(ii)The noise incidents cause disturbance to normal domestic activities such as reading, watching television and, if later in the evening, to sleeping. The deliveries can cause me to wake up earlier than under the natural sleep pattern.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing register, and will form part of the Report to the Sub-Committee which is a public document.

A handwritten signature in black ink, appearing to read 'B D Green', with a long horizontal stroke extending to the right.

B D Green

2 Clifton Hill Studios

95A Clifton Hill

London NW8 0JP

17 September 2017

## Annex

### In the Matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

#### Incident Log of Disturbances

DATE	TIME	OBSERVED FROM	NATURE OF DISTURBANCE
19 May	1810	1 <sup>st</sup> floor (2 Clifton Hill Studios)	Noisy group in the beer garden; disturbance continued for at least 1 hour
26 May	1830-2130	1 <sup>st</sup> floor	Shouting from the beer garden and general noisy group
26 May	2235	Ground Floor (2 Clifton Hill Studios)	Shouting and car door slamming in street outside The Clifton
3 June	1650	Street (leaving/entering Clifton Hill Studios)	Large group in the beer garden shouting and singing
3 June	2230-2330	1 <sup>st</sup> floor	Shouting and car door slamming in street outside The Clifton
9 June	1910	Street	Group drinking and shouting in the side entrance to The Clifton
14 June	2115	1 <sup>st</sup> floor	Large group shouting in the beer garden
15 June	0910	Street	Refuse from The Clifton strewn across the street from earlier collection
19 June	0630	Street	Delivery vehicle making loud noise

<b>24 June</b>	<b>1820</b>	<b>1<sup>st</sup> floor</b>	<b>Large group shouting and screaming in beer garden (continued 45 mins)</b>
<b>30 June</b>	<b>2300</b>	<b>Street</b>	<b>Large noisy group milling around in street awaiting taxis)</b>
<b>3 July</b>	<b>2320</b>	<b>1<sup>st</sup> floor</b>	<b>Loud voices from street</b>
<b>7 July</b>	<b>1800</b>	<b>Street</b>	<b>Large group in beer garden making a loud noise</b>
	<b>2250</b>	<b>Street</b>	<b>Group leaving the premises making a loud noise in the street</b>
<b>16 July</b>	<b>1800</b>	<b>Street</b>	<b>Group in beer garden shouting at very high volume</b>
	<b>2200</b>	<b>Street</b>	<b>High volume noise from the beer garden</b>
<b>17 July</b>	<b>0650</b>	<b>Street</b>	<b>Delivery vehicle offloading Cigarette ends and other litter on pavement outside The Clifton</b>
<b>19 July</b>	<b>2030</b>	<b>1<sup>st</sup> floor</b>	<b>Loud voices from group in the beer garden</b>
<b>27 July</b>	<b>0640</b>	<b>Street</b>	<b>Delivery vehicle offloading Litter in street outside The Clifton</b>
<b>4 August</b>	<b>2100</b>	<b>Street</b>	<b>Group in Street and sideway talking loudly and shouting</b>
<b>21 August</b>	<b>2215</b>	<b>Street</b>	<b>High volume of noise coming from beer garden and street</b>
<b>24 August</b>	<b>0710</b>	<b>Street</b>	<b>Delivery vehicle slamming doors. Litter in street</b>
<b>25 August</b>	<b>2310</b>	<b>Street</b>	<b>Large rowdy group with glasses on Clifton Hill blocking pavement</b>
<b>28 August</b>	<b>1835</b>	<b>Street</b>	<b>Loud group in beer garden still audible when in Greville Road 200m away</b>
<b>2020</b>		<b>Street</b>	<b>Large group in sideway smoking and shouting</b>

<b>1 September 2100</b>	<b>1<sup>st</sup> floor</b>	<b>Singing and shouting coming from beer garden</b>
<b>2 September 1720</b>	<b>Street</b>	<b>Female group in beer garden making loud noise. Continued for 30 mins</b>

## Appendix 2.8

In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JE

Application to review premises licence under s. 51 Licensing Act 2003

### Statement in support of application to review the premises licence

1. My name is Charles F Lek. I live at 3 Clifton Hill Studios, 95a Clifton Hill, Saint John's Wood, NW8 0JP. I have lived here for 1.5 years. I live with my wife Olesya Lek and my daughter Susan Lek.
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. My house is opposite the pub down a path behind Clifton 95. My guest bedroom and daughter's bedroom are located on the ground floor.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:
  - i) The pub opposite my house has disrupted my neighbourhood and lifestyle by creating limited parking, noise which seems to last into the night, drunken patrons stumbling the street in search of their cars. In addition, I need to pay particular attention to Ubers that often park illegally in front of my house blocking access to my gate.
  - ii) I am concerned about the number of drunken patrons and why the pub is not able to keep its patrons within the designated areas. On at least one occasion (picture attached), I have seen a man in the middle of the street talking loudly (possibly due to over intoxication) yelling on his mobile phone. In addition, you can see from the picture that a group of people have congregated next to the rubbish bins, talking loudly.

I am concerned that the pub is allowing patrons to use the low wall as a seating area, and allowing empty pint glasses to rest unattended.
  - iii) I live directly across from the pub, and each morning when I leave to work I often times see rubbish and boxes pouring out of the rubbish bins of the pub. In addition, I must take extra precaution when walking the streets, especially on summer days and at night when patrons may overflow onto the streets. I feel uncomfortable about the number of drunken patrons, shouting, and worry that these persons may be leaving the pub intoxicated.

In addition, I often find it hard to park my car, and have witnessed on at least one occasion an uber using my gated area to park his car whilst he waited for a possible client in the pub.

I understand that a pub is an entertainment venue. Furthermore I understand that pubs can be noisy. I run a small firm in London, and I know how hard it is to grow a successful business. However, part of growing a business is having the appropriate procedures, and staffing in place so as to promote a healthy and compliant business.

However, I am concerned that the owners of the pub do not have the procedures and controls in place to stop patrons from using the Clifton Street road as an extension of their premises. The pub is plenty large inside, and I do not understand why patrons are often found outside the pub on the pavement and street.

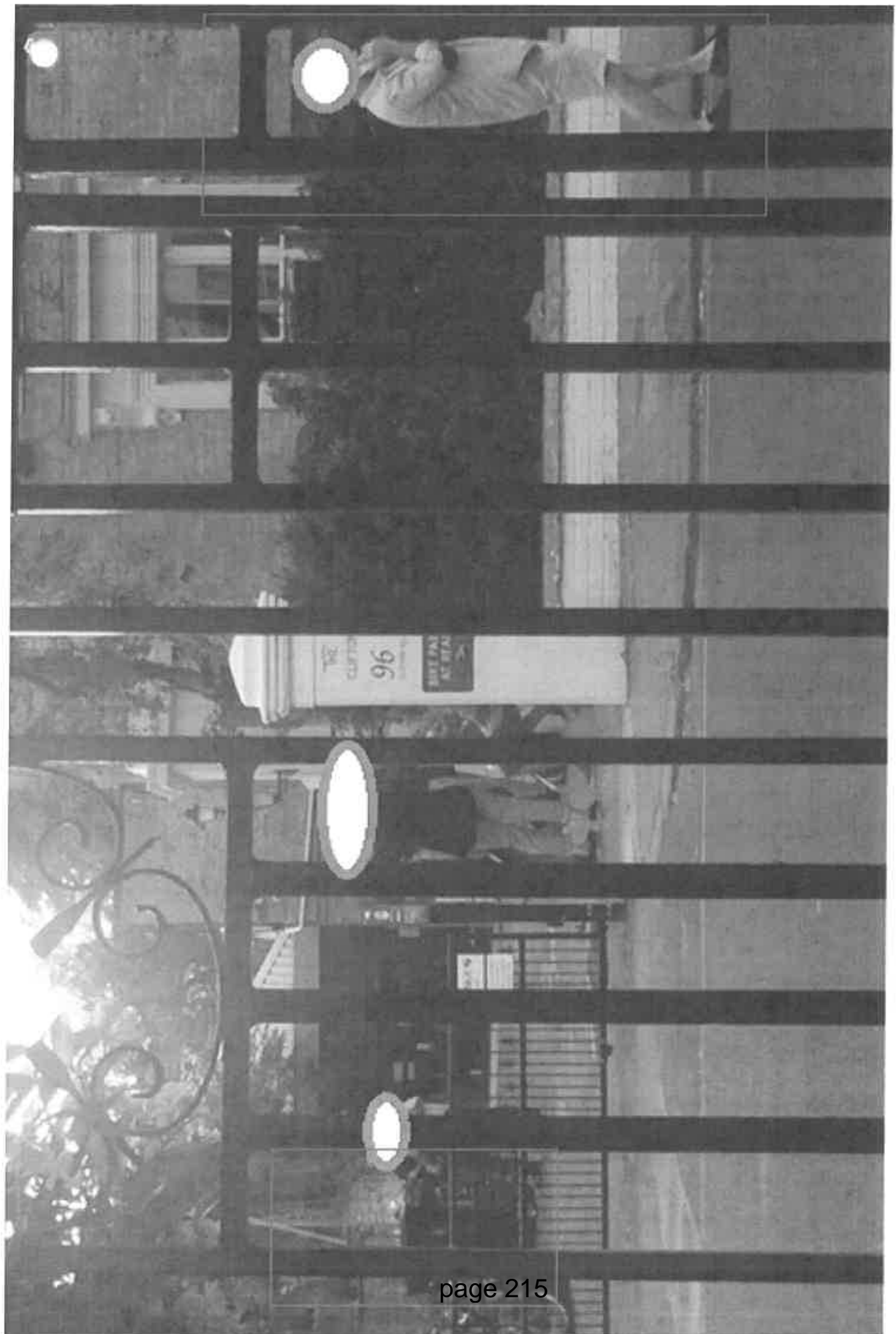
5. I attach the following documentary evidence in support of my application: e.g. noise log/photos/correspondence with management etc.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: 

Address: 3 Clifton Hill Street, PS Clifton Hill, St. John's Wood, NW8 8SB

Date: Sept 12<sup>th</sup>, 2017



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## Appendix 2.9

In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

Application to review premises licence under s. 51 Licensing Act 2003

### **Statement in support of application to review the premises licence**

1. My name is Steven Dashevsky. I live at 92 Clifton Hill, NW8 0JT. I have resided at that address for more than two years with my wife and two children of 2 and 14 years of age.
2. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.
3. My house is located in the building immediately next to the pub on the right. Our bedroom reception room windows face Clifton Hill, within an earshot of the pub, while our daughter's bedroom partially overlooks the pub's conservatory.
4. This statement sets out my own personal experiences of i) nuisance emanating from the Clifton; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:
  - i) The noise from the pub tends to have the greatest impact on my household in the evenings of Friday and Saturday, approximately 8-30PM - 9PM, when excessive noise from the people sitting in the front beer garden, as well as from people entering and leaving the pub's premises, creates inconvenience and disturbs our rest. This is especially relevant in case of our 2 year old son, who sleeps in our bedroom and as such, is routinely exposed to the loud sounds emanating from the pub next door. There are also routinely loud noises and sounds around 10PM – 11PM on the weekends, as people often leave the pub speaking in loud voices. Set against the overall extremely quiet nature of the area, such loud noises from the pub's patrons do represent a significant inconvenience.
  - ii) As part of my efforts to resolve these issues in a professional and centralized manner, I have joined CHRG at its inception and have sought to communicate my concerns and proposed remedies via various CHRG representatives, who in turn regularly communicated the collectively expressed views and opinions to the pub's management.
5. I attach the following documentary evidence in support of my application: time log recording the most significant noise disturbances. Please note that we have been away from London as a family from June 13, 2017 until August 28, 2017; hence my time log only covers the events that occurred during our presence in London.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: .....

Address: .....

Date: .....

*Deen [Signature]*  
*92 Clifton Hill, NW8 0ST*  
*September 21, 2017*

**Time log of noise disturbances from The Clifton:**

26 / 5 / 2017 (Friday) – around 20-30 – 21-30 – very loud noises from the pub's patrons, people standing on the sidewalk

3 / 6 / 2017 (Saturday) - around 22-30 - 23-30 - a large group was exiting the pub, making loud noises

9 / 6 / 2017 (Friday) - around 22-30 - 23-30 - a large group was exiting the pub, making loud noises

9 / 1 / 2017 (Friday) - around 20-30 - 22-00 - a very large group seating in the overcrowded beer garden (which was occupied well above the promised capacity levels) was extremely loud, yelling and screaming songs at the top of their lungs, and doing so repeatedly.



In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT

Application to review premises licence under s. 51 Licensing Act 2003

**Statement in support of application to review the premises licence**

Our names are Mr. Simon Aron and Ms Hinda Abbou. We live at 93 Clifton Hill. We have lived here for 7 years. Our son Jack, 15years old, stays with us on weekends.

1. This statement is written in support of the application by Clifton Hill Residents Group (CHRG) to review the premises licence for 'The Clifton'. I am a member of the CHRG.

Our house is directly opposite The Clifton. We have three bedrooms that are all at the front of the house. This includes our master bedroom which directly faces the beer garden and front windows of the pub. This bedroom has two set of French windows which are the only form of ventilation. Our lounge also faces the pub at ground level. As you can imagine these rooms are all sound sensitive but especially the master bedroom as noise from the pub echoes directly into the bedroom. As the road outside our house is the narrowest part of the street with single file traffic only (sound only needs to travel 50 feet with no obstructions blocking disturbances).

This statement sets out my own personal experiences of  
The Nuisance emanating from the Clifton and the impact it has on our life.

*The quality of our lives have been greatly affected since the Pub opened its doors. Our everyday peace and quiet has been disturbed. From reading to sleeping the nuisance has been constant. Sometimes daily but almost always weekly. We have suffered with deliveries to the pub from 4.30am to just before 8am, which is the earliest time agreed by the pub /council for any delivery. The collection of recycling and deliveries is being done on a regular basis between 4.30-7.45 am. All of the instances wake us up and are completely unacceptable as they are clear breaches of the licence conditions agreed.*

*The noise levels in the narrow corridor of this part of Clifton hill reach disturbing levels mainly when there are loud patrons in the front "Beer Garden". Sometimes it's just the sheer numbers of people (up to 60 people on a warm day gather around 20 or so seats detailed on the plans submitted) and sometimes it's just a handful of people that are very loud and not told to be respectful to neighbours.*

*Large numbers of pub goers you stand outside to smoke or even chat on the phone do so outside the "beer garden" in the private road directly opposite the entrance as well as around the side gate and on the street in front of the Pub . It was my understanding that smoking area was allocated for this purpose and was to be monitored.*

*The effect of people leaving the pub is also not supervised and patrons are not told to leave quietly, with the narrow street filled with multiple taxis (Uber mainly ) ,sometimes 4 or5 blocking up an already busy street that is filled by parked cars belonging to the visitors to the pub.*

*This is normally a very quiet street and on a regular basis the street becomes noisy and unbearable for one reason only the Clifton.*

*We are woken up very frequently by deliveries early in the morning .It is hard to get to sleep at night until the Pub is closed as there is always a disturbance when people leave. On the weekend when people are in the beer garden it's impossible to relax or take a nap during the afternoon. We are all tired for the next day and does affect our quality of life.*

*We have complained to the management of the Pub directly and logged complaints with Westminster council.*

*It seems that the management acknowledge our complaints but do not act upon them or choose to ignore them. They are not responsible or vigilant to ensure our quality of life in the street is maintained.*

*By placing signs in public view warning Patrons to be mindful of the neighbours is just not good enough! By offering the personal mobile numbers of the management so complaints can be made, is not good enough! We want then management to be active in creating a mutual symbiotic relationship with the neighbours and all the customers to the Clifton.*

*I attach a diary of the incidences that we have witnessed and the complaints to the management as well as the Council:*

*Friday 26<sup>th</sup> May 18.00 to 22.00*

*There were approximately 65 people outside .The beer garden was full, as was the side street and the pavement actually on the street. There was no regard for noise or smoking areas with no management present. Called Ed Robson and told him politely to quieten the crowd outside but there was no visible reaction. At approximately 22.45 there were 10 people outside smoking and noisy .Only half were in the smoking area and the other 5 in the side road. At 22.30 there were 3 Ubers blocking the road waiting for Patrons of the Clifton to come out.*

*Saturday 3<sup>rd</sup> June 23.00-23.40*

*Very noisy customers (approximately 18) woke me and my wife up and left slowly and with a lot of disturbance actually on the street .I went outside and told them directly to be quiet as we were trying to sleep.*

*Monday 19<sup>th</sup> June 06.28 Delivery woke me up*

*Friday 23<sup>rd</sup> June 06.45 Delivery woke us up*

*Sunday 25<sup>th</sup> June 06.45 Delivery woke us up*

Thursday 29th June 23.30-23.45

Awoken by 10\12 people leaving the pub very loudly and standing on the street chatting and saying goodbyes for 10 to 15 minutes. No management came out of the pub to ask them to move on. Called Westminster noise team on Friday 30<sup>th</sup> to log a complaint

Monday 10<sup>th</sup> July 19.30-21.45

Very noisy group of 8 having dinner in the beer garden. Called the pub and asked who ever was in charge, that evening to go to the beer garden and ask the noisy group to quieten down . After waiting for 10 minutes my wife went over and asked them to please lower their voices and respect the neighbours. They did! At 23.30 my wife had to four men sitting on the front wall of the pub after closing time to move away and chat somewhere else. On the morning of 11<sup>th</sup> July she called and logged a complaint with the noise team at Westminster Council.

Saturday 15<sup>th</sup> July 07.10 woken up by delivery

Sunday 16<sup>th</sup> July 06.50 woken by delivery

Friday 21<sup>st</sup> July 23.45

Very noisy leavers and street blocked by 4 Uber cars waiting for people leaving the Pub.

Saturday 22<sup>nd</sup> July 05.00 and 0630 early morning deliveries that woke up the house.

Tuesday 25<sup>th</sup> July 07.45 glass and bottle recycling collection

Thursday 27<sup>th</sup> July 05.00 and 07.30 Deliveries that woke the house again!

Thursday 17<sup>th</sup> August 23.30-23.55

Very Loud group of women leaving and hanging around on the street outside the pub, not able to get to sleep .no answer at the pub. Called and logged a complaint with the noise team Westminster Council (17/26617/ENC45).

Wednesday 23<sup>rd</sup> August 22.15-22.50

Loud group of women in the beer garden. Had friends over and all we could hear was the voices of the loud women Called Noise team Westminster Council the following morning 24<sup>th</sup> August.

Friday 1<sup>st</sup> September 20.30-23.59

Friday evening at around 8.30 pm, the noise level in the garden of the pub was getting greater and greater that I decided not to serve dinner on the upper living room but to move to the lower ground as I was worried we would get disturbed.

At 9.05 things became so loud that not only I could hear it downstairs but we all stopped for a minute wondering if something had happened as we heard screams and shouting as if something terrible had happened.

I went upstairs and opened the door to see it was the guests sitting in the garden who were screaming and shouting using terrible language.

I waited a few minutes to see if it stopped but it didn't and I went to the pub to talk to the manager.

Ed assured me that they are aware that the noise level was unacceptable and he said they would ask these guests to leave.

20 Minutes later things became even worse and these guest were now on the street shouting. It was a group of few men and maybe 1 or 2 women who now were clearly very drunk and ready for trouble. I was on the phone with Westminster noise team in that moment and the lady on the line could clearly hear what was happening. (Ref of this call 17/28283/ENC45) I went back inside as these guys were looking at me in a menacing way and I shut the door worried they would get aggressive as one guy was crossing the street coming towards me.

I stayed in the lower ground part of the house for the rest of the evening until 12pm as it is the only part of the house where the noise is not as bad. I could hear however well into the evening that noise was still taking place but by then I was just too stressed to deal with it.

Sunday 3<sup>rd</sup> September 05.39

I was woken up from car doors opening and shutting and people chatting in the street. It was a delivery of bread .The noise was strong enough to also wake up my guest sleeping on the top floor of the house. I called Westminster noise team to report that yet again an early delivery was being made and this time on a Sunday morning! Ref. of the call 17/28453/ENC45

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed: Simon Aron and Hinda Abbou

Address: 93 Clifton Hill London NW80JN

Date: 1<sup>st</sup> October 2017







**Appendix 3 – see USB/zip file**

x

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## **CLIFTON HILL, LONDON**

### **NOISE MONITORING SUMMARY**

Report 14152.NM.01 rev.A

**For:**

**Clifton Hill Residents Group**

**Clifton Hill**

**London**

Site Address	Report Date	Revision History
Clifton Hill, London	15/08/2017	Rev.A – 29/08/2017

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### List of Attachments

14152.SP2	Indicative Site Plan
14152.NMTH1	Noise Monitoring Time History of Key Events
14152.NMTH2	Noise Monitoring Time History
14152.NIA.02	Original Noise Impact Assessment
Appendix A	Glossary of Acoustic Terminology

## 1.0 INTRODUCTION

KP Acoustics has been commissioned by Clifton Hill Residents Group, Clifton Hill, London, to undertake noise monitoring following the opening of a public house in Clifton Hill, London.

Measured noise levels at 97 Clifton Hill during key events identified by the Clifton Hill Residents Group are compared with background noise levels from the results of previous surveys undertaken on site, in order to identify any increase in background noise level as a result of the public house operation.

## 2.0 ENVIRONMENTAL NOISE SURVEY

### 2.1 Procedure

Continuous environmental noise monitoring has been undertaken at the position shown in Site Plan 14152.SP2. The choice of this position was based both on accessibility and on collecting representative noise data in relation to the nearest noise sensitive receiver and previous survey data. Continuous automated monitoring was undertaken for the duration of the survey between 22<sup>nd</sup> June and 28<sup>th</sup> July 2017.

### 2.2 Equipment

The equipment calibration was verified before and after use and no abnormalities were observed.

The equipment used was as follows.

- Svantek Type 958 Class 1 Sound Level Meter
- B&K Type 4231 Class 1 Calibrator

## 3.0 RESULTS

### 3.1 Original Background Environmental Noise Survey

The  $L_{Aeq: 15min}$ ,  $L_{Amax: 15min}$ ,  $L_{A10: 15min}$  and  $L_{A90: 15min}$  acoustic parameters were measured and are shown as a time history in Figure 14152.TH2. This survey was undertaken as referenced in report 14152.NIA.02.

Initial inspection of the site at the time of the survey revealed that the background noise profile at the monitoring location was dominated by road traffic noise from the surrounding roads at the time of the original survey.

The minimum background noise levels as measured during the original survey during daytime and night-time over the weekend period are shown in Table 3.1.

	Background noise level $L_{A90:15min}$ dB(A)
Daytime (07:00-23:00)	34 dB(A)
Night-time (23:00-07:00)	30 dB(A)

**Table 3.1 Originally Measured Background Noise Levels**

### 3.2 Environmental Noise Monitoring Results

The  $L_{Aeq:15min}$  and  $L_{A90:15min}$  acoustic parameters were measured throughout the duration of the noise monitoring exercise. The full results of this are shown in time history 14152.NMTH2. A number of key events were logged by the Client during this survey period, and are highlighted in time history 14152.NMTH1.

The key events captured during the noise monitoring exercise as identified by the Clifton Hill Residents Group are as shown in table 3.2 below, excluding events occurring outside the weekend period (Friday – Sunday), in order to relate events to background noise levels measured during the original survey.

Date and Approximate Time of Event	Description of Event
Sunday 3 July, 17.00 to 22.00	Noise from Public House
Friday 7 July, 19.10 to 21.00	Noise from Public House
Saturday 15 July, 17.15 to 20.30	Noise from Public House
Sunday 16 July, 18.00 to 21.00	Noise from Public House

**Table 3.2 Description and approximate time of key events**

Average measured  $L_{Aeq:event}$ , minimum  $L_{Aeq:15min}$ , and minimum  $L_{A90:15min}$  throughout the duration of each even have been calculated and are shown in Table 3.3 below.

Date and Approximate Time of Event	Description of Event	Average measured $L_{Aeq:event}$	Minimum $L_{Aeq:15min}$	Minimum $L_{A90:15min}$
Sunday 3 July, 17.00 to 22.00	Noise from Public House	61 dB	50 dB	38 dB
Friday 7 July, 19.10 to 21.00	Noise from Public House	56 dB	53 dB	47 dB
Saturday 15 July, 17.15 to 20.30	Noise from Public House	56 dB	51 dB	43 dB
Sunday 16 July, 18.00 to 21.00	Noise from Public House	54 dB	53 dB	42 dB

**Table 3.3 Noise levels measured during events**

## 4.0 DISCUSSION

In order to provide a robust assessment, noise levels measured throughout the noise monitoring exercise for key events are compared with the background noise levels as measured prior to the opening of the public house.

In many cases, the criteria applied to the introduction of a new noise source into a residential area such as this is that noise emissions from the new noise source should not generate any increase over the existing background noise level in the area.

It should be noted that typically variations in background noise ( $L_{A90}$ ) in the region of 5dB are not uncommon as a result of a number of factors which may not be attributed to the noise source in question, such as weather, slight changes in road traffic patterns, changes in any overhead flight paths or other similar events. It would however be expected that any significant deviation (5dB or more) in the originally measured background noise level ( $L_{A90}$ ) during the identified events, would be attributed to the identified event itself. In this case this would mean that exceedances during these events would be attributed to the public house operation.

The daytime minimum background noise level during the weekend period according to the original survey undertaken was 34dB(A) without the public house in operation. As such, a noise emissions criterion of 39dB(A) is proposed in this case. Minimum dB  $L_{A90}$  exceeding the criteria would be expected to be sufficient to disturb the amenity of nearby residential receivers, such as the Client's premises.

Date and Approximate Time of Event	Description of Event	Original Background Noise Level (min. $L_{A90}$ )	Noise Emissions Criterion ( $L_{A90}$ )	Minimum $L_{A90-15min}$
Sunday 3 July, 17.00 to 22.00	Noise from Public House	34 dB(A)	39 dB	38 dB
Friday 7 July, 19.10 to 21.00	Noise from Public House			47 dB
Saturday 15 July, 17.15 to 20.30	Noise from Public House			43 dB
Sunday 16 July, 18.00 to 21.00	Noise from Public House			42 dB

**Table 4.1 Noise levels measured during events compared with criteria**

As shown in Table 4.1 above, all minimum  $L_{A90-15min}$  measurements during the identified event periods exceed the originally measured background noise level on site. The criteria of 39dB(A) is exceeded on three of these occasions by a significant and clearly discernible margin.

Based on this evidence alone, it would be expected that the amenity of neighbouring noise sensitive receivers to the public house would be negatively affected during the operation of the public house.

It should be noted that this presents the least onerous assessment. In similar cases, measured  $L_{Aeq-15min}$  during the event is compared directly with the noise emissions criterion. This assessment is shown in Table 4.2 below.

Date and Approximate Time of Event	Description of Event	Original Background Noise Level (min. $L_{A90}$ )	Noise Emissions Criterion ( $L_{A90}$ )	Minimum $L_{Aeq-15min}$
Sunday 3 July, 17.00 to 22.00	Noise from Public House	34 dB(A)	39 dB	50 dB
Friday 7 July, 19.10 to 21.00	Noise from Public House			53 dB
Saturday 15 July, 17.15 to 20.30	Noise from Public House			51 dB
Sunday 16 July, 18.00 to 21.00	Noise from Public House			53 dB

**Table 4.2 Noise levels measured during events compared with criteria**

As shown in Table 4.2 above, the minimum  $L_{Aeq-15min}$  measured during the identified events significantly exceeds the proposed noise emissions criterion. As a result, this would be expected to negatively impact the amenity of neighbouring noise sensitive receivers.

## 5.0 CONCLUSIONS

Environmental noise monitoring has been undertaken at 97 Clifton Hill, London, by KP Acoustics Ltd between 22<sup>nd</sup> June and 28<sup>th</sup> July 2017.

Measured noise levels during key events identified by the Client have been compared directly with a noise emissions criterion determined as a result of the original noise survey undertaken referenced in 14152.NIA.02.

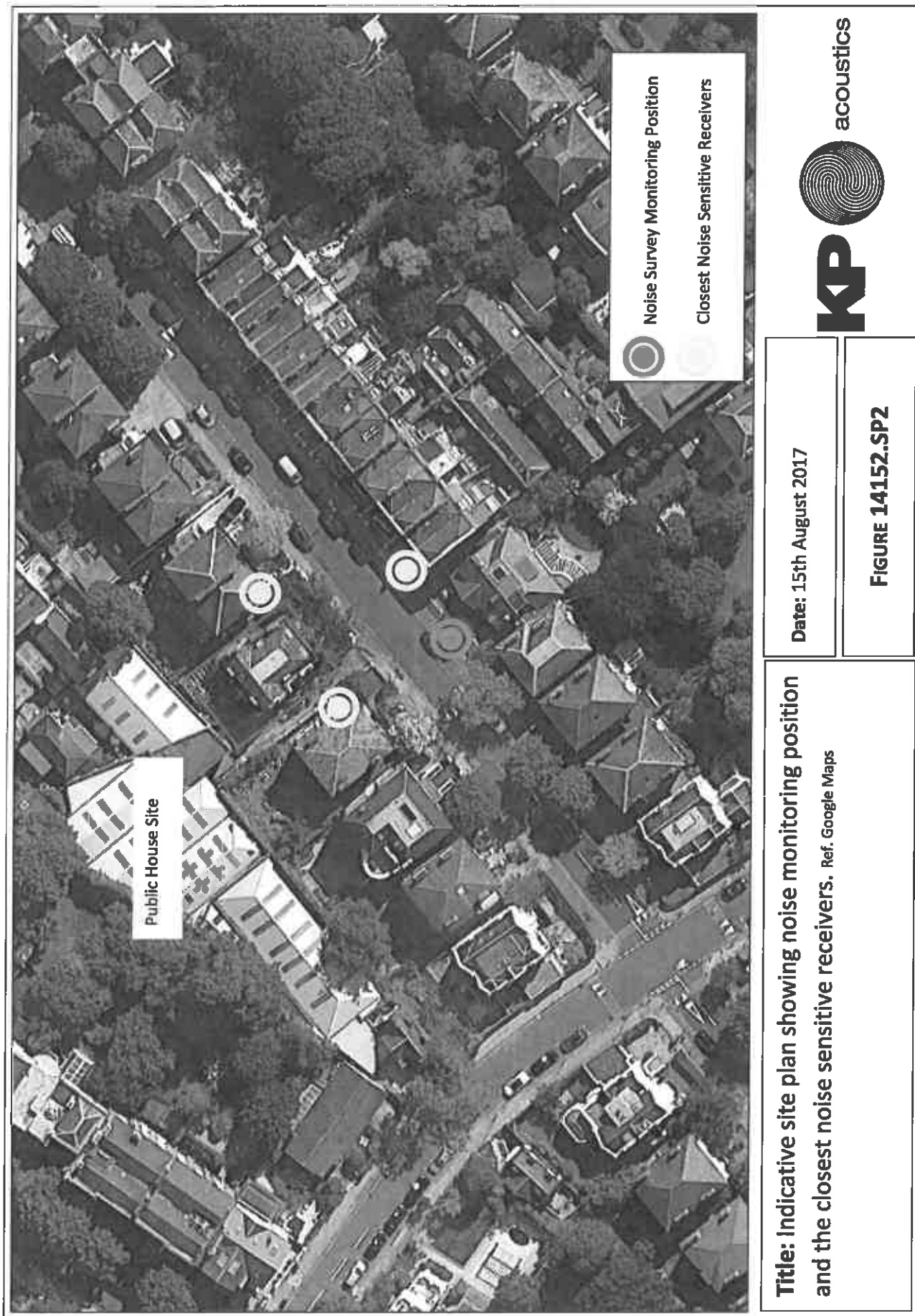
Comparison of noise levels received with the noise emissions criterion have determined that a negative impact on the amenity of neighbouring noise sensitive receivers to the public house would be expected to result from the continued operation of the public house.

Report by:

**Duncan Arkley AMIOA**  
**KP Acoustics Ltd.**

Checked by:

**Daniel Green AMIOA**  
**KP Acoustics Ltd.**



Clifton Hill, London  
Environmental Noise Time History  
21st April to 24th April 2017

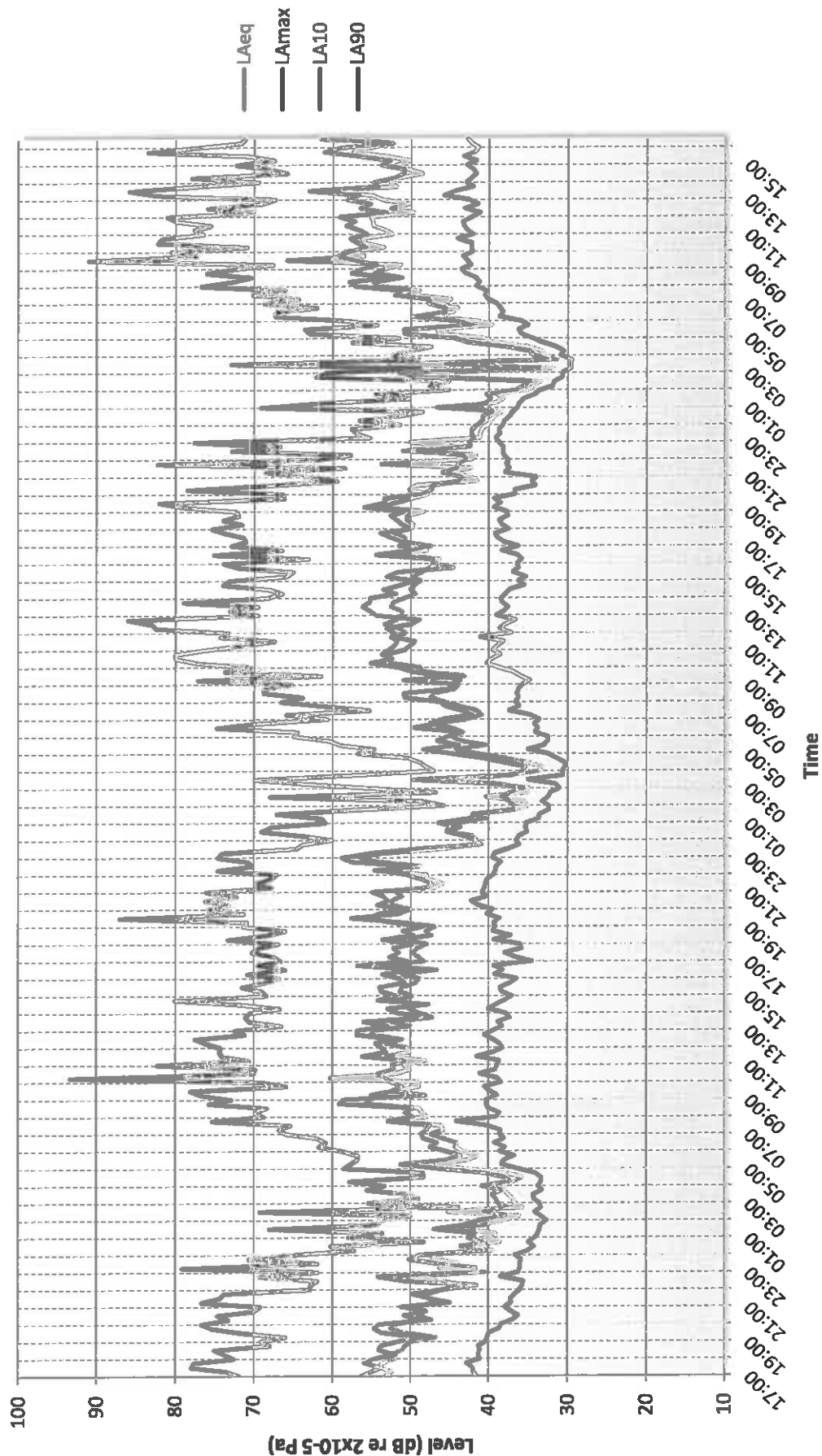


Figure 14152.TH2

Clifton Hill, London  
 Environmental Noise Time History - Key Events  
 3rd July to 16th July 2017

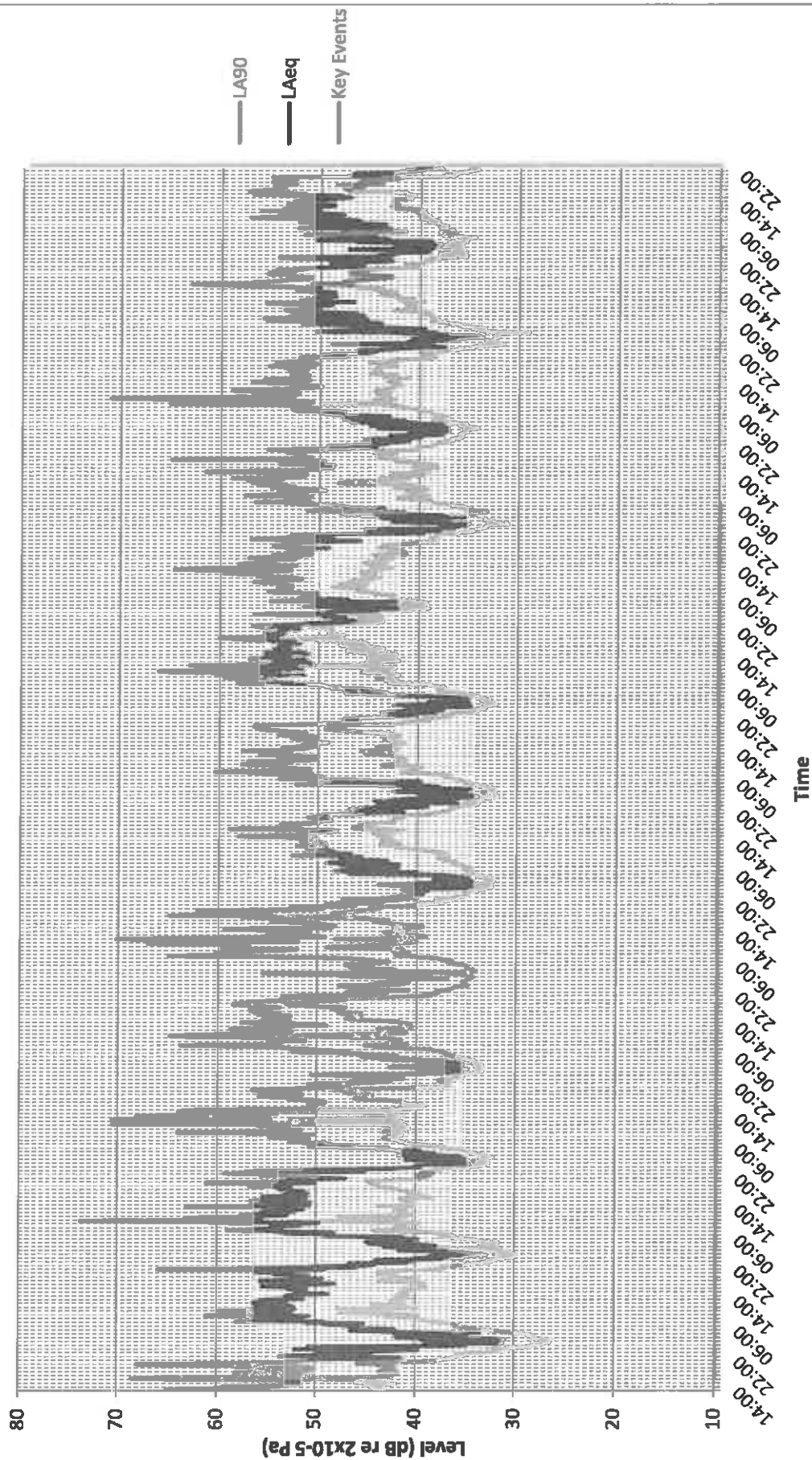


Figure 14152.NMTH1

Clifton Hill, London  
Environmental Noise Time History  
22nd June to 28th July 2017

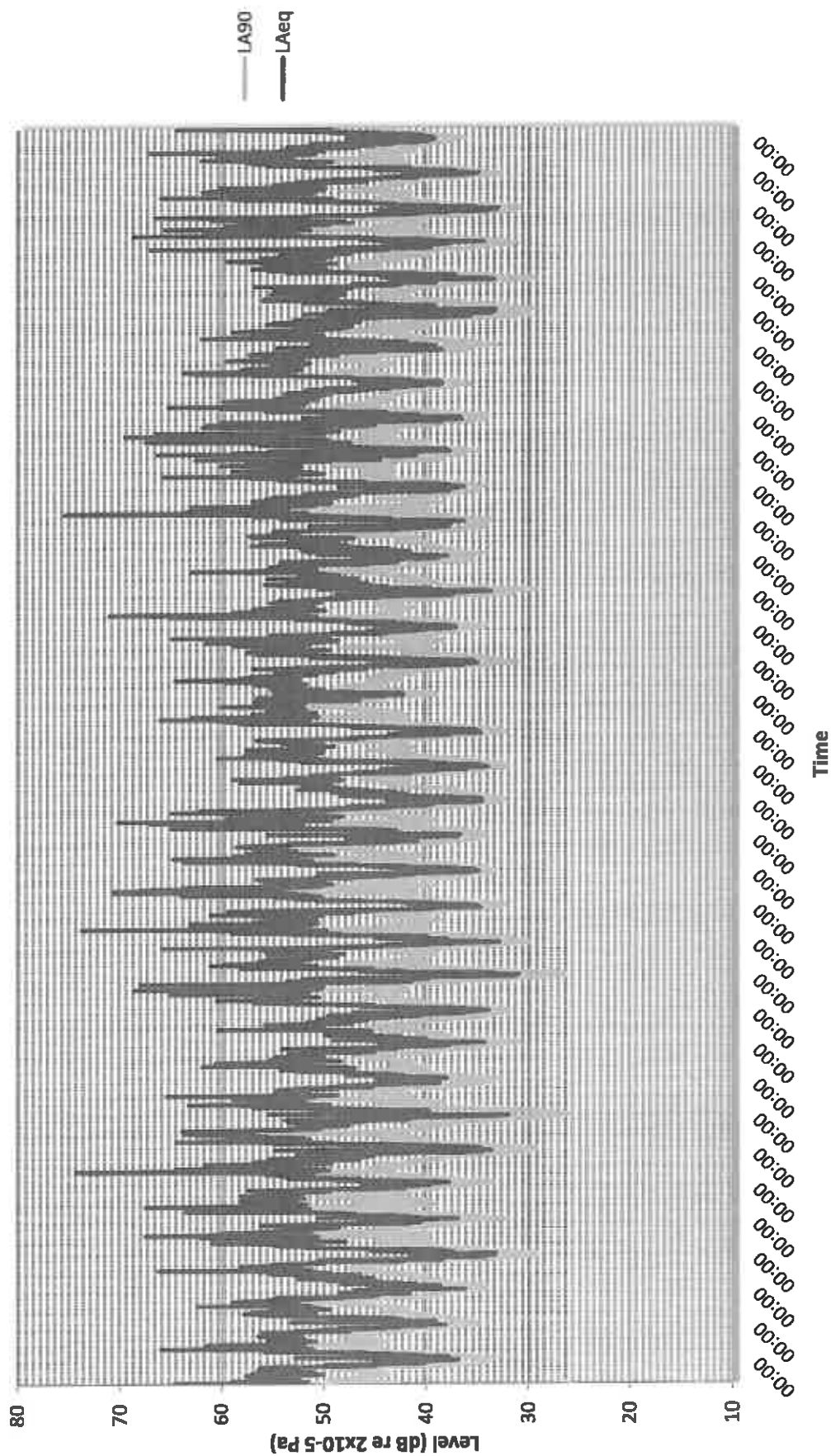


Figure 14152.NMTH2

## **CLIFTON HILL, LONDON**

## **NOISE IMPACT ASSESSMENT**

**Report 14152.NIA.02 Rev.A**

**For:**

**Mr John Harrison**

**97 Clifton Hill**

**London**

**NW8 0JR**

Site Address	Report Date	Revision History
Clifton Hill, London	15/05/2017	Rev.A – 01/06/2017

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### List of Attachments

14152.SP2	Indicative Site Plan
14152.TH2	Environmental Noise Time History
Appendix A	Glossary of Acoustic Terminology
Appendix B1-2 Rev.A	Calculations for predicted noise levels

## 1.0 INTRODUCTION

KP Acoustics has been commissioned by Mr John Harrison, 97 Clifton Hill, London, NW8 0JR, to undertake a noise impact assessment for a proposed public house located Clifton Hill, London.

Measured background noise levels will be used to assess the potential noise impact of the proposed public house to nearby neighbouring noise sensitive receivers.

## 2.0 ENVIRONMENTAL NOISE SURVEY

### 2.1 Procedure

Measurements were taken at the position shown in Site Plan 14152.SP2. The choice of this position was based both on accessibility and on collecting representative noise data in relation to the nearest noise sensitive receiver. Continuous automated monitoring was undertaken for the duration of the survey between 20<sup>th</sup> April and 24<sup>th</sup> April 2017.

Weather conditions throughout the survey were dry generally with light winds, therefore suitable for the measurement of environmental noise.

The measurement procedure fully complied with ISO 1996-2:2007 Acoustics "Description, measurement and assessment of environmental noise - Part 2: Determination of environmental noise levels".

### 2.2 Equipment

The equipment calibration was verified before and after use and no abnormalities were observed.

The equipment used was as follows.

- Svantek Type 958 Class 1 Sound Level Meter
- B&K Type 4231 Class 1 Calibrator

## 3.0 RESULTS

### 3.1 Environmental Noise Survey

The  $L_{Aeq: 15min}$ ,  $L_{Amax: 15min}$ ,  $L_{A10: 15min}$  and  $L_{A90: 15min}$  acoustic parameters were measured and are shown as a time history in Figure 14152.TH2.

Initial inspection of the site revealed that the background noise profile at the monitoring location was dominated by road traffic noise from the surrounding roads. Due to a typical background noise received as a result of building works on site, noise data from Thursday 20<sup>th</sup> until Friday 21<sup>st</sup> at 17:00 have been omitted from the survey results.

The proposed hours of operation for the public house are understood from the premises license to be 10:00 – 23:30 Monday to Saturday, and 12:00 – 23:00 on Sundays.

The minimum background noise levels for each period are shown in Table 3.1.

	Background noise level $L_{A90:15min}$ dB(A)
Daytime (07:00-23:00)	34 dB(A)
Night-time (23:00-07:00)	30 dB(A)
Operating Hours (10:00-23:30 Friday-Saturday), (12:00-23:00 Sunday)	34 dB(A)

**Table 3.1 Background noise levels**

From available layout plans and proposals for the public house, the primary point of entrance and egress from the public house will be to the South West. It would be expected that this will be the primary noise breakout element, in particular when patrons are leaving the public house.

In this case, one potential noise issue could arise from conversation between patrons as they enter and exit the public house, or while patrons are seated in the external seating area to the front of the public house. While this cannot be directly controlled by the site management, noise from patrons will inherently be present with the introduction of the proposed public house with external seating areas as these are currently planned.

An additional noise issue would be expected to arise from noise breakout from the public house itself. Based on nominal attenuation figures to be expected from the external building fabric of the public house, and typical internal noise levels to be expected, noise propagation from the public house to the nearest noise sensitive receivers has been predicted.

Table 3.2 shows spectral noise levels of typical a busy pub/bar, which will be used in this assessment as a nominal internal noise level for the public house.

	Sound Pressure Level (dB) in each Frequency Band							
Source	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	dB(A)
Busy Pub/Bar (Typical values)	80	85	85	85	85	80	70	88

**Table 3.2 Sound Pressure Level of a typical busy pub/bar**

Table 3.3 shows spectral noise levels of typical male human speech, which will be used in this assessment as a reference for noise levels within the front external space. It is now understood that up to 5 patrons will use the external space during the critical hours after 22:00.

Source	Sound Pressure Level (dB) in each Frequency Band (at 1m)							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Human Speech (Typical values)	37	48	59	64	61	53	46	37

**Table 3.3 Sound Pressure Level of Human Speech**

### 3.2 Objective overview

Taking all acoustic corrections into consideration, including distance corrections and nominal external building fabric attenuation, the noise levels expected at the closest residential window would be as shown in Table 3.4 as a result of both patron noise and noise breakout. Detailed calculations are shown in Appendix B1-2.

We would recommend the adoption of the operating hours minimum background level  $L_{A90}$  (15 minutes) as a noise emissions criterion to ensure the amenity of the closest receivers will be protected.

Receiver - Nearest Noise Sensitive Window	Minimum background level $L_{A90:15min}$ criterion	Noise Level at closest Receiver as a Result of Noise Breakout	Noise Level at closest Receiver as a Result of Public House Patrons
External seating area	34 dB(A)	36 dB(A)	52 dB(A)

**Table 3.4 Predicted noise level at nearest noise sensitive receiver**

As shown in Appendix B1-2 and Table 3.4, transmission of noise to the nearest sensitive windows due to both noise breakout and externally located patrons would be expected to exceed the background noise levels in the area.

It would be expected that the source of noise related complaints potentially received would be as a result of patrons using the site externally to the building, such as external seating areas to the front and rear of the site.

While it is possible to limit noise emissions from these spaces by means of screens and the incorporation of a noise management plan, control of noise would still be difficult to implement due to the inherent nature of the noise sources. As such, it would be recommended that general control measures such as acoustic screening, and time restrictions, are investigated further for use of the external space.

## 4.0 CONCLUSIONS

An environmental noise survey has been undertaken at Clifton Hill, London, by KP Acoustics Ltd between 20<sup>th</sup> April and 24<sup>th</sup> April 2017.

Calculations show that noise emissions from the proposed public house, including external seating areas, would exceed the measured background noise levels on site, and as such would be likely to cause complaints, without the use of suitable mitigation measures such as a noise management plan and the implementation of noise control measures.

Report by:

**Duncan Arkley AMIOA**  
**KP Acoustics Ltd.**

Checked by:

**Kyriakos Papanagiotou MIOA**  
**KP Acoustics Ltd.**



**Title:** Indicative site plan showing noise monitoring position and the closest noise sensitive receivers. Ref. Google Maps

**Date:** 15th May 2017

**FIGURE 14152.SP2**

Clifton Hill, London  
Environmental Noise Time History  
21st April to 24th April 2017

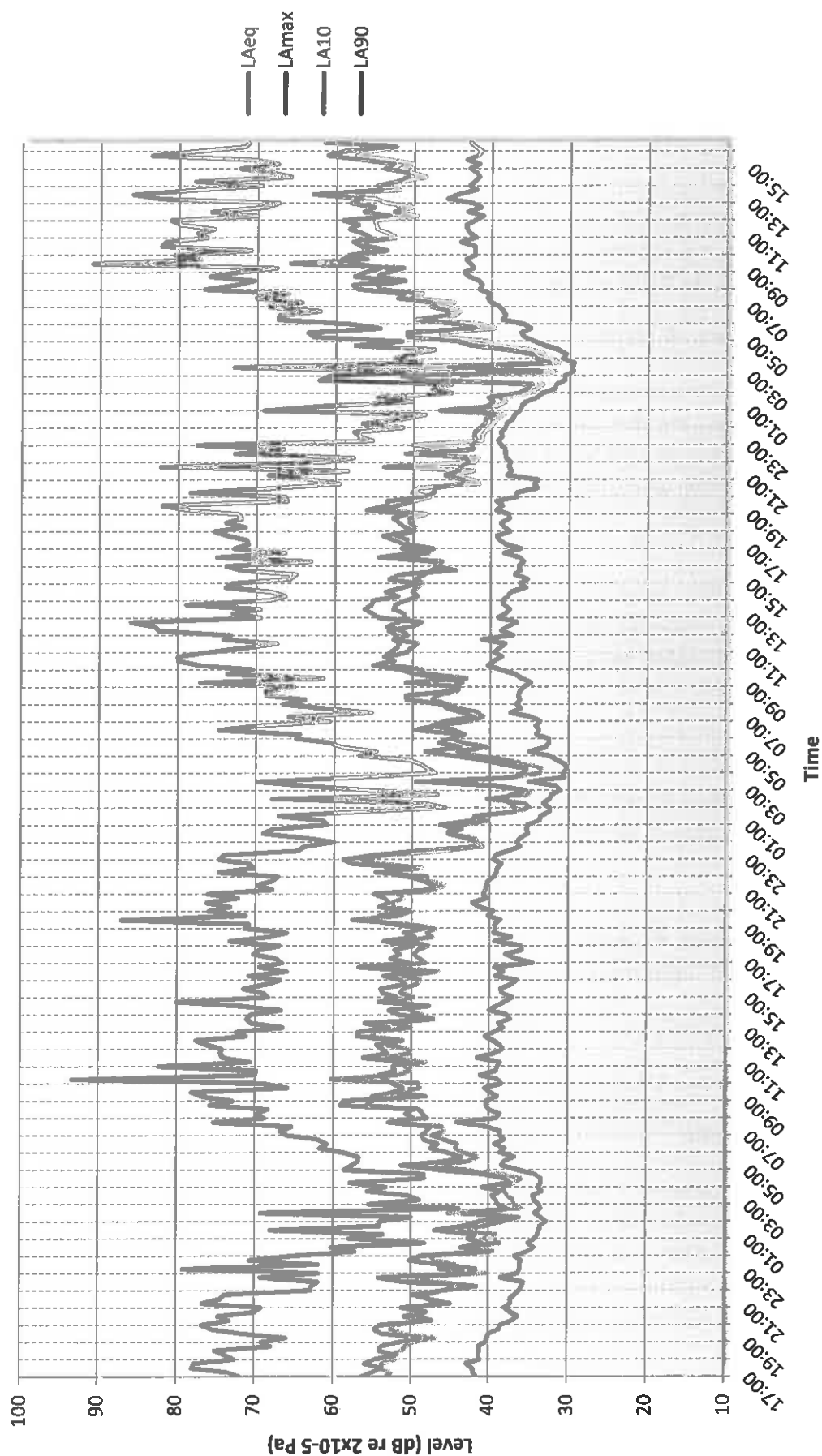


Figure 14152.TH2

## GENERAL ACOUSTIC TERMINOLOGY

### Decibel scale - dB

In practice, when sound intensity or sound pressure is measured, a logarithmic scale is used in which the unit is the 'decibel', dB. This is derived from the human auditory system, where the dynamic range of human hearing is so large, in the order of  $10^{13}$  units, that only a logarithmic scale is the sensible solution for displaying such a range.

### Decibel scale, 'A' weighted - dB(A)

The human ear is less sensitive at frequency extremes, below 125Hz and above 16Khz. A sound level meter models the ears variable sensitivity to sound at different frequencies. This is achieved by building a filter into the Sound Level Meter with a similar frequency response to that of the ear, an A-weighted filter where the unit is dB(A).

### $L_{eq}$

The sound from noise sources often fluctuates widely during a given period of time. An average value can be measured, the equivalent sound pressure level  $L_{eq}$ . The  $L_{eq}$  is the equivalent sound level which would deliver the same sound energy as the actual fluctuating sound measured in the same time period.

### $L_{10}$

This is the level exceeded for no more than 10% of the time. This parameter is often used as a "not to exceed" criterion for noise.

### $L_{90}$

This is the level exceeded for no more than 90% of the time. This parameter is often used as a descriptor of "background noise" for environmental impact studies.

### $L_{max}$

This is the maximum sound pressure level that has been measured over a period.

### Octave Bands

In order to completely determine the composition of a sound it is necessary to determine the sound level at each frequency individually. Usually, values are stated in octave bands. The audible frequency region is divided into 11 such octave bands whose centre frequencies are defined in accordance with international standards. These centre frequencies are: 16, 31.5, 63, 125, 250, 500, 1000, 2000, 4000, 8000 and 16000 Hertz.

Environmental noise terms are defined in BS7445, *Description and Measurement of Environmental Noise*.

## APPLIED ACOUSTIC TERMINOLOGY

### Addition of noise from several sources

Noise from different sound sources combines to produce a sound level higher than that from any individual source. Two equally intense sound sources operating together produce a sound level which is 3dB higher than a single source and 4 sources produce a 6dB higher sound level.

### Attenuation by distance

Sound which propagates from a point source in free air attenuates by 6dB for each doubling of distance from the noise source. Sound energy from line sources (e.g. stream of cars) drops off by 3dB for each doubling of distance.

### Subjective impression of noise

Hearing perception is highly individualised. Sensitivity to noise also depends on frequency content, time of occurrence, duration of sound and psychological factors such as emotion and expectations. The following table is a guide to explain increases or decreases in sound levels for many scenarios.

Change in sound level (dB)	Change in perceived loudness
1	Imperceptible
3	Just barely perceptible
6	Clearly noticeable
10	About twice as loud

### Transmission path(s)

The transmission path is the path the sound takes from the source to the receiver. Where multiple paths exist in parallel, the reduction in each path should be calculated and summed at the receiving point. Outdoor barriers can block transmission paths, for example traffic noise. The effectiveness of barriers is dependent on factors such as its distance from the noise source and the receiver, its height and construction.

### Ground-borne vibration

In addition to airborne noise levels caused by transportation, construction, and industrial sources there is also the generation of ground-borne vibration to consider. This can lead to structure-borne noise, perceptible vibration, or in rare cases, building damage.

### Sound insulation - Absorption within porous materials

Upon encountering a porous material, sound energy is absorbed. Porous materials which are intended to absorb sound are known as absorbents, and usually absorb 50 to 90% of the energy and are frequency dependent. Some are designed to absorb low frequencies, some for high frequencies and more exotic designs being able to absorb very wide ranges of frequencies. The energy is converted into both mechanical movement and heat within the material; both the stiffness and mass of panels affect the sound insulation performance.

## APPENDIX B1 Rev.B- Noise Breakout

### Clifton Hill, London

#### NOISE BREAKOUT CALCULATIONS

Acoustic Calculation used for Indoor to Outdoor Transmission:

$$SPL_{outdoor} = SPL_{indoor} - SRI_{composite} + 10 \log_{10} S + 10 \log \left( \frac{Q}{4\pi r^2} \right) - 6dB$$

Source: Typical Internal Levels via Main Entrance Door Breakout  
Receiver: Nearest Residential Window

	Frequency, Hz								dB(A)
	63	125	250	500	1k	2k	4k	8k	
Typical Internal Levels	80	85	85	85	85	80	70	70	88
Typical nominal sound reduction index of façade	-15	-15	-20	-20	-23	-26	-28	-30	
Correction for total area of building facade (S = 15m <sup>2</sup> )	12	12	12	12	12	12	12	12	
Correction for directivity (Q) and distance (r) (Q=2, r = 10m)	-18	-18	-18	-18	-18	-18	-18	-18	
Non reverberant correction	-6	-6	-6	-6	-6	-6	-6	-6	
Predicted sound pressure level 1m from nearest residential receiver	35	40	35	35	32	24	12	10	36

Design Criterion

34

## APPENDIX B2 Rev.B - External Patron Noise

## Clifton Hill, London

## Outdoor Seating Area Noise Calculations

## APPENDIX B2: Noise Assessment for Receiver

Noise Source: Site Patrons in Front Seating Area

	Frequency, Hz								dB(A)
	63	125	250	500	1k	2k	4k	8k	
Typical Sound Pressure Levels (at 1m)									
Human Speech (Male)	37	48	59	64	61	53	46	37	
Correction for number of patrons (5)	7	7	7	7	7	7	7	7	
Attenuation due to distance (10m), dB	-20	-20	-20	-20	-20	-20	-20	-20	
Total Sound Pressure Levels from Patrons	24	35	46	51	48	40	33	24	
Total Sound Pressure Level from Outdoor Bar Area	24	35	46	51	48	40	33	24	52
Design Criterion (Background Noise Level)									34

## GENERAL ACOUSTIC TERMINOLOGY

### Decibel scale - dB

In practice, when sound intensity or sound pressure is measured, a logarithmic scale is used in which the unit is the 'decibel', dB. This is derived from the human auditory system, where the dynamic range of human hearing is so large, in the order of  $10^{13}$  units, that only a logarithmic scale is the sensible solution for displaying such a range.

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Appendix 5

## THE CLIFTON HILL RESIDENTS GROUP

c/o 97 Clifton Hill, London NW8 0JR

For the attention of  
Ed Robson, Ben Robson & Adam Gostyn  
The Clifton  
96 Clifton Hill  
London NW8 0JT

cc. Environmental Health Officer, Westminster Council

19 June 2017

Dear Ed, Ben and Adam

We are writing to you in order to bring to your attention to several real issues the local residents have had to experience since your opening in May. Many of our issues are not just based on the conditions laid out in the licence but also contradict some of the agreements made with residents after several meetings since early 2016. Whilst we are sympathetic to the fact that you are still in the early phase of opening, we feel it is imperative to highlight these problems now in order to encourage a good working relationship for the future.

For ease of reference, we have included the number and brief headline of the condition as they appear in Annex 3 of the premises licence followed by our observations. We also refer to the licence plan. We have followed a numerical order, again for ease of reference.

### Condition 10 - Smoking signage

It was agreed that a roped-off area would be created where patrons would be permitted to smoke after 10pm, limited to 5 people. There is a smoking area, but it is not contained. Consequently patrons are smoking anywhere they like, from near the exit, around the perimeter wall of number 98 and on the pavement at the front of your establishment. As you can imagine this is both unpleasant and causes a disturbance to the residents. Prominent signage and more staff supervision outside would help eliminate this problem. We also believe that the smoking area needs to be properly contained, and we would welcome your suggestions as to how you intend to achieve this.

### Condition 11 – Signage (to respect the needs of local residents / leave area quietly)

Signage is insufficient and inappropriately displayed. It should be displayed at eye-level, A4 size and in bold lettering, placed at all possible exits both inside and outside

and especially in the beer garden, and there should be a free standing sign next to the white pillar at the front, just inside the boundary. The existing signage is not adequate. Many pubs in residential areas have free standing signs encouraging appropriate behaviour, and we suggest that this point be considered.

#### Condition 13 - Noise Nuisance

On several occasions, particularly on Friday and Saturday evenings, up to 25 patrons have gathered outside the premises in the side street and on the pavement in the side street, with up to 50 more in the beer garden, causing a terrible disturbance and nuisance. On one occasion, the noise emanating from the beer garden was so loud it could be heard half way down the street, causing many complaints directly to the pub and to Westminster's Noise Team. On that occasion the problem was finally dealt with after the private security firm working on Clifton Hill visited the premises. We feel very strongly that the outside area is not supervised enough nor does it have adequate signage. Ideally a member of staff should be outside permanently at all busy times and especially on Friday and Saturday evenings. The noise nuisance experienced by several residents is having a real impact on their amenity and is preventing a peaceful existence.

#### Condition 15 – Waste

Rubbish, bottles and waste have been overflowing from your bins and, when collected by dustcarts, rubbish, food debris and broken glass have been spilled on to the street. There has been a serious vermin problem emanating from the pub for several months. This has hopefully now been dealt with in recent weeks and so we are keen not to see a resurgence. It is stipulated in Condition 15 of the licence that all waste must be properly presented and no waste should be left outside more than 30 minutes before collection is due. This is not being adhered to.

#### Condition 16 – CCTV System

We would appreciate confirmation that the installation of a CCTV system, conforming to the specifications as laid out in the licence, is up and running.

#### Condition 25 - Windows being used as serving hatch

It has been noted that customers were seen ordering and being served drink through the left hand front window. Perhaps staff are not aware that this is not permitted?

#### Condition 26 - Windows and doors must be closed after 21.00 hours

On many occasions the windows, the conservatory door and the entrance door have been left open beyond this time. As regards the entrance door, a soft closing lever on this door would partially deal with this problem.

#### Conditions 28 and 29 - Patrons leaving and re-entering after 22.00 hours

Patrons have been seen smoking with drinks in their hands outside the designated area as indicated both on the plans and in the licence after 10pm. Drinks or bottles are also not permitted outside after 10pm. No more than 5 people are supposed to be in the designated smoking area after 10pm, but the number of people often exceeds this. Closer supervision and signage are required please.

#### Condition 34 - Supervision of patrons and obstruction of the public highway

Unfortunately we have not seen any evidence of staff or security personnel outside other than serving staff. On occasion, residents have had to get out of bed and leave their homes and go outside as late as 23.30 to ask patrons to keep the noise down.

During trading hours and especially on busy evenings, Uber drivers and taxis have obstructed the road, making it very difficult for residents to pass through as well as a danger should an emergency vehicle be required on the street; staff supervision would help.

#### Additional Points

- Your patrons have been regularly consuming alcohol in the side street, outside of your demise as delineated on the licensing plan. This is causing a disturbance and nuisance. We suggest that a removable rope barrier is installed as agreed with you earlier this year.
- On the licence plan it is noted that there would be seating for only 24 people in the beer garden, in fact the benches provide enough seating for up to 30+ people. Again, this is not supervised.
- On a number of occasions up to 15 patrons, leaving late at night, have been waiting for Ubers / taxis or just saying goodbye making a lot of noise for up to 10 minutes at a time – this could easily be managed by people waiting for their taxis inside the premises and management policing these leavers, and also other late leavers, to move them on quietly.
- The conservatory is not sound insulated. On busy nights it is not possible for the surrounding properties to have their doors or windows open. Additionally, as mentioned above, the conservatory door is left open beyond the 9pm time stipulated in the licence. Double glazing had been suggested by the Robson Brothers, and hopefully that would make a significant difference. Confirmation of this measure being implemented would be appreciated.
- Patrons have been securing their bicycles to the streets lampposts, and this can not only block the pavements but also damage residents' cars and make it difficult to open their car doors. It had previously been agreed with the residents

that the pub would provide a bicycle rack, separate to the one at the back of the property belonging to the offices. That and signage would be helpful.

- Finally, it was also made clear by you to the Licensing Committee at the 21 April 2016 Licensing Hearing that no advertising to Lord's cricket patrons would take place during Lord's match days. The Clifton's Twitter site has directly tweeted the Lord's Ground, Ian Botham and David Gower, who have a combined total of over 575,000 followers. Tweeting constitutes modern day advertising.

All these points could be relatively easily rectified and would make an enormous difference to the residents' quality of life, which in turn would create a much more open and less sceptical relationship. It is not the residents' intention or desire to continue to "police" The Clifton; we are really hopeful that your Management will do so for us.

Kind regards.

On behalf of  
**The Clifton Hill Residents Group**

## **THE CLIFTON HILL RESIDENTS GROUP**

c/o 97 Clifton Hill, London NW8 0JR

For the attention of  
Ed Robson, Ben Robson & Adam Gostyn  
The Clifton  
96 Clifton Hill  
London NW8 0JT

cc. Environmental Health Officer, Westminster Council

4 August 2017

Dear Ed, Ben and Adam

First thank you for your time on 18 July 2017. We have now met three times since your opening and many times prior. A number of residents have also had many face to face and telephone conversations with each of you.

In our letter to you of 19 June 2017, copied to Westminster Council, we raised many issues which we were concerned about at that time and, in the spirit of co-operation, we have been hoping that you would address all these points. You have addressed some but unfortunately the major ones are still an issue as we mentioned when we met on 18 July.

We will not list again all of them as we have spoken at length but we are still being disturbed on a regular basis by a number of issues including very loud customers in the beer garden, being woken at night and disturbed during opening hours by leaving customers, noise leakage from the conservatory, customers in the side road, noise disturbance very early in the morning from deliveries. When it rains, there are less customers and this obviously helps, but we can't rely on bad weather to ease some of the outstanding issues.

It is also clear that you are not complying with the conditions imposed by the licensing committee which makes us question whether you would comply with any measures introduced at the premises.

We have suggested many possible solutions to you on a number of these issues but it seems to be getting worse, not better. Our quality of life in our homes matters greatly to us as I am sure you understand.

Kind regards.

On behalf of  
The Clifton Hill Residents Group



**In the matter of 'The Clifton', 96 Clifton Hill, London NW8 OJT**

**Application to review premises licence s51 Licensing Act 2003**

**Chronology and timeline**

December 2013	Clifton Hotel closed down.
February 2015	96 Clifton Hill designated as 'Asset of Community Value'
11 February 2016	Application for new premises licence submitted
4 March 2016 7 March 2016	Residents met with owners Ben and Ed Robson
21 April 2016	Hearing of application for new premises licence
22 August 2016 31 August 2016 8 September 2016 12 December 2016	Residents met with owners
Mid- May 2017	'The Clifton' opened to the public
19 June 2017	Residents met with owners to discuss issues. Letter subsequently sent on 19 June from CHRG to owners.
28 June 2017 18 July 2017	Residents met with owners to discuss issues.

4 August 2017	Letter sent from CHRG to owners.
10 September 2017	Resident met with one of the owners.

## LICENSING SUB-COMMITTEE No. 5

Thursday 21<sup>st</sup> April 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: In support – 52 x residents and representation from 72 interested parties

Objections - Environmental Health, 10 x residents (a copy of one of the representations was signed by 86 other residents).

Present: Mr Niall McCann (Solicitor, representing the Applicant), Mr Alun Thomas (Solicitor, on behalf of the Applicant), Mr Ben Robson and Mr Ed Robson (Applicant Company), Councillor Lindsey Hall (representing Mr Maxwell Owusu Koduah and Mr Anil Drayan (Environmental Health), Mr Andrew Woods (Counsel, representing residents objecting to application), Mr John Harrison, Mr Simon Aron and Mr Simon Blackford (local residents objecting to application)

<b>The Clifton, 96 Clifton Hill, NW8 16/01702/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Saturday: 23:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Prior to the hearing the Applicant's Representative, Mr McCann, produced a written statement of his clients' case. The Sub-Committee also received the views of Mr McCann and Mr Woods, representing the Clifton Hill Residents Group (local residents who had particular concerns about the application). Mr McCann commented at the hearing that it was his understanding that the residents Mr Woods was representing were not requesting that the application was refused but that specific conditions were attached to the premises licence.

Mr McCann stated that there had been a pub at the premises for a very long time until it was closed in 2013. The current landlord had intended to achieve a change of planning use and develop the premises into a single dwelling house. The planning application was rejected and ultimately The Clifton was given Asset of Community Value status which protects the premises' use as a pub. He added that whilst good quality food would be served, the Robson brothers wished to run The Clifton as a pub and not a restaurant. The proposed hours of operation which were less than the Council's Core Hours policy were the same as those on the previous licence. He commented that it was possible when referring to the plans that the microbrewery concept would not be taken forward.

Mr McCann explained that the pub needed to be renovated. There would be an improvement in comparison with the previous incarnation of the premises in that there would be improved conditions on the premises licence, a superior layout and soundproofing. He also referred to the consultation that his clients had carried out with the local community. He made the point that there was significant support for the venture, as demonstrated in the many representations in favour. He appreciated that there were some concerns but ultimately the Robsons were keen that local residents were patrons of The Clifton.

In terms of the proposed conditions, Mr McCann stated that a number of proposed conditions had been agreed with Environmental Health in the event that the Sub-Committee was minded to grant the application. The Applicant was seeking that deliveries and waste collections take place between 23:00 and 08:00 on each day of the week. Mr McCann expressed the view that he could understand if the residents wanted more flexibility on Sundays in terms of these hours. Mr McCann made the point that a condition had been agreed with Environmental Health that alcohol would not be consumed in the beer garden after 22:00. He added that he was not aware of issues at the premises previously when it had been the case that there had been no restrictive condition on the licence. The Applicant wished to avoid the patrons in the beer garden having to be seated and served by waiter or waitress as requested by the Clifton Hill Residents Group. This would increase staff costs and would be akin to a restaurant.

Mr McCann wished to emphasise that certain conditions proposed by Clifton Hill Residents Group such as that there would be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises suggested that the premises would be a nightclub. He stated this was not the case as the Applicant was not proposing to have regulated music. Windows and doors would be closed after 21:00. He added that his clients would not be bringing in people en masse from Lords. The Applicants did not consider that there was a requirement for a door supervisor when a major sporting event was taking place at Lords Cricket Ground although they would be content to undertake a risk assessment in that respect. They also requested that a blanket ban was not put on cooking outside.

Councillor Hall addressed the Sub-Committee on behalf of the St John's Wood Society. She referred to the history of the premises and the significant

community support for the premises remaining a pub. The Council had found in favour of the premises becoming an Asset of Community Value. She stated that there was support for the Robson brothers as premises licence holders as they had a good track record, were enthusiastic and had consulted residents. The Application was for less than Core Hours and Councillor Hall concurred with Mr McCann's view that it was important not to put such restrictive conditions on the premises licence that it would affect the viable running of The Clifton.

Mr Koduah and Mr Drayan for Environmental Health confirmed that the premises had to operate as a pub and that they had agreed a number of conditions with the Applicant including collection and delivery times. Environmental Health had not agreed the proposed conditions of the Clifton Hill Residents Group that 'flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties and any lighting will be low level lighting' as there were concerns about how practical it was to enforce it and there were other provisions to assess whether it was a statutory nuisance or not. Environmental Health had also not agreed the Residents Group's noise limiter condition as only background music would be played at The Clifton. Mr Drayan stated that Environmental Health did not believe that a SIA door supervisor was needed on the grounds that The Clifton was not that close to Lords and there had been no recorded complaints of public nuisance. Officers were of the view that it was not proportionate to require food and drink in the outside area to be served by waiter or waitress only or to prevent food being cooked in the outside area of the premises. It was possible that if a barbeque was held outside every day during the Summer it could cause nuisance. However, it was possible to re-heat pre-cooked food in the outside area without this causing a nuisance to local residents. The Applicant would need to ensure that if there was cooking outside it was done in such a way that it did not cause issues to local residents as amplified in those particular objections.

Mr Woods on behalf of the Clifton Hill Residents Group stated that he was representing the residents that were most likely to be affected by the application. He emphasised that the area was exceptionally residential and that Clifton Hill is a very quiet road. Residents' particular concern was the use of the outside area at The Clifton and deliveries. He added that it had been the case that local residents had complained to the previous landlord and landlady, including issues at the front of the property. It was correct to state that there had been no formal complaints to the Noise Team. Mr Woods confirmed that residents did not want to prevent a pub operating at 96 Clifton Hill but wanted appropriate conditions attached to the premises licence.

Mr Woods on behalf of the Clifton Hill Residents Group commented that the description of the front of the premises as a beer garden was incorrect. It was more appropriate to call it a "front patio". Residents were concerned that they would hear talking from patrons in the front area in their houses. It had been used by the previous operators and had adversely affected residents. Mr Woods in addition to requesting that the front area was not used after 21:00, asked that patrons were seated in order to limit the number of patrons and the potential for public nuisance. He also requested that the food and drink was served by waiter or waitress. Mr McCann wished to make the point at this juncture that the beer

garden was hidden behind bushes and there would be tables and chairs in this area.

Mr Woods stated that noise from collections and deliveries or removal of waste would be easily heard by residents and they would be disturbed if these took place as late as 23:00 hours or as early as 08:00. The residents were seeking no collections of waste or recycling materials and no deliveries between 21:00 and 09:00 on the following day and between 21:00 and 10:00 on Saturdays, Sundays and Bank Holidays. Mr Woods, when addressing Members on the remaining conditions, clarified that he did believe there should be a 'no advertisements promoting the establishment' condition and also a 'no payment to any person for bringing customers to the premises' condition because there was the potential for patrons to be brought to The Clifton from Lords Cricket Ground. He informed Members that it was not a vital condition but residents did seek SIA registered door staff to be on duty when there was a major sporting event at Lords. Mr Woods added that he was sure his clients would have good relations with the Robsons but that it should not be necessary for residents to have to complain in the event of being inconvenienced by noise.

The Sub-Committee also heard from the local residents being represented by Mr Woods. Mr Harrison referred to Clifton Hill being a quiet, residential area. He did not object to the idea of a pub. However, the previous operation had created issues. It had been a destination area for patrons from Lords and it needed to be supervised and properly managed. There had been a problem with outside cooking by the previous operators. Congestion was caused in a narrow street by delivery vehicles and those driving to The Clifton. Mr Harrison had been concerned at the lack of consultation from the current Applicant but wished the Robson brothers well with running the pub.

Mr Aron described in some detail patrons speaking outside the pub as a canyon effect. Patrons could not be seen behind the bushes but they could be heard. He had found it necessary to complain to the landlord. A large number of patrons came to the pub on event days at Lords and Mr Aron expressed the view that a SIA security person was therefore required. The previous operators had carried out outside cooking and brought large screens outside. Residents were content with the outside area being used until 21:00.

Mr Blackford informed Members that he supported Mr Jaspert's representation that his young daughter would be affected by use of the premises late in the evening. His biggest concern was the numbers outside in the front area. Collections of bottles would, he believed, also be noisy. Larger vehicles would be a particular issue in the evenings, potentially giving rise to public nuisance.

Mr Drayan, having heard the comments made, stated that Environmental Health tended to agree a terminal hour for the use of the outside area until 23:00. Where residents lived close by, officers tended to advise an earlier time which had led to the agreement with the Applicant of 22:00. He believed that 21:00 was more appropriate given that he had become aware that residents had made complaints in the past. He advised that if the microbrewery was operated it would need to comply with the condition that no fumes, steam or odours would

be permitted to be emitted from the licensed premises so as to cause a nuisance to residents in the area.

Mr McCann responded to some of the points that had been made by residents and also on their behalf. There would be no TVs or outside screens in the outside area. This area would be regularly patrolled and managed. The Applicant had agreed a terminal hour of 22:00 for the outside area with Environmental Health when there had been no condition on the previous licence for the premises. He expressed the view that it was down to management of the area by staff because there were appropriate numbers to be able to do so. If there was a problem the Applicant would voluntarily lessen its hours of use outside and if not would expect to face a review of the premises licence. There would be no leafleting relating to the pub when events took place at Lords.

A designated smoking area was discussed. It had not been designated when the previous licence had been in operation. There were some residents who were concerned that a smoking area to the rear of the premises would adversely affect them and others who were concerned that smokers at the front of the premises would adversely affect them. The Sub-Committee was advised by the Applicants that if a rear area for smoking was used it would mean walking through the conservatory and residents were worried about noise escape when this happened. Environmental Health recommended limiting the smokers to five later in the evening. Mr McCann requested that a maximum of 10 smokers later in the evening was permitted.

The Sub-Committee gave careful consideration to all the points made on behalf of the various parties who had made representations both in writing and at the hearing. Members of the Sub-Committee in reaching their decision, noted that The Clifton had been designated an Asset of Community Value as a pub. They also noted that representations were not seeking the refusal of the application. In assessing how The Clifton would impact on the neighbourhood, Members took into consideration that the Applicant had sought less than Core Hours and that it was not located in a designated cumulative impact area. In granting the application, it was important to impose conditions that created a balance ensuring the successful operation of the pub but also being mindful of the fact that local residents could suffer public nuisance as a consequence.

The Sub-Committee considered that management had to be given the opportunity to run the premises properly in accordance with the promotion of the four licensing objectives. . The Applicant would be required to ensure that staff did in particular monitor the outside area effectively so that a public nuisance was not caused. Should management fail to do so, then local residents would have the ability to request a review of the premises licence. The Applicant had, in discussions with Environmental Health, agreed conditions which had not been on the previous premises licence for The Clifton. These included a terminal hour for the use of the beer garden by customers of 22:00. This had been a compromise based on a recognition that residents are in close proximity to the pub and it was considered that 22:00 was a suitable cut off time for licensable activities to cease in that area. The Sub-Committee whilst noting Environmental Health's subsequent advice considered that 22:00 was an appropriate terminal

	<p>hour for licensable activities in the outside area. The Sub-Committee decided that patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke would be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line. This would be limited to a maximum of five people. This was with the purpose of minimising the impact on residents. Members did not consider it proportionate to require the Applicant to have patrons seated and served by waiter or waitress in the outside area. With the ability to run the premises as a pub, however, came a responsibility to promote the licensing objectives and manage the patrons effectively. A condition was not imposed requiring a door supervisor when events were held at Lords. The Applicant would be expected to be responsible in terms of any outside cooking as recommended by Environmental Health.</p> <p>The Sub-Committee also gave careful consideration to timings for deliveries and collections. Members considered that it was appropriate and proportionate for these not to take place from Monday to Friday between 22:00 hours and 08:00 hours the day following. There would be additional respite for residents on Saturdays, Sundays and Bank Holidays when deliveries and collections would not take place between 22:00 hours and 09:00 hours the day following.</p> <p>The Sub-Committee did not impose any conditions relating to music inside the premises, as recommended by Environmental Health, as recorded music had not been applied for. The Applicant had agreed a condition proposed by Clifton Hill Residents Group that 'recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area' and this was attached to the premises licence.</p>				
<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>				
	<table> <tr> <td>Monday to Saturday:</td><td>10:00 to 23:00</td></tr> <tr> <td>Sunday:</td><td>12:00 to 22:30</td></tr> </table>	Monday to Saturday:	10:00 to 23:00	Sunday:	12:00 to 22:30
Monday to Saturday:	10:00 to 23:00				
Sunday:	12:00 to 22:30				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, subject to conditions. The use of the beer garden at the front of the premises was permitted until 22:00 (see reasons for decision in Section 1).</p>				
<b>3.</b>	<b>Opening Hours</b>				
	<table> <tr> <td>Monday to Saturday:</td><td>10:00 to 23:30</td></tr> <tr> <td>Sunday:</td><td>12:00 to 23:00</td></tr> </table>	Monday to Saturday:	10:00 to 23:30	Sunday:	12:00 to 23:00
Monday to Saturday:	10:00 to 23:30				
Sunday:	12:00 to 23:00				

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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</p>

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.

### **Additional Conditions**

9. 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.
10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
12. 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.
13. 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.
14. No rubbish, including bottles, shall be moved, removed or placed in outside areas on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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 and the outside area 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.
17. 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.

18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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.
20. There shall be no self-service of alcohol.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
22. During the hours of operation of the premises, the licence holder shall each day 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.
23. 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.
24. The Beer Garden shall not be permitted to be used by customers after 22:00 hours.
25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.
26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass

containers with them.

29. After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
30. Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.
31. During the hours of operation of the premises, the licence holder shall each day 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.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
33. No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
34. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. No licensable activities shall take place at the premises until the premises have

been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition has been shall be removed from the Licence by the Licensing Authority.

41. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
42. 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.
43. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area.

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**In the matter of 'The Clifton', 96 Clifton Hill, London NW8 0JT**

**Application to review premises licence under s51 Licensing Act 2003**

**Current licence conditions and comments on compliance**

***10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.***

There were no such notices when the premises opened to the public. A tiny sign then appeared on a window ledge.

Following residents raising the issue at meetings, a number of additional signs were put up but they seem to be ignored by customers, and cannot be seen when it gets dark.

The condition is therefore ineffective.

A dedicated SIA person whose role it is to manage and control the outside area could draw customers' attention to the signs and remind them of the residential nature of the area.

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

Comment as above.

A dedicated SIA person whose role it is to manage and control the outside area could draw customers' attention to the signs and remind them of the residential nature of the area.

***13. 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.***

This is regularly breached. There is much noise generated on the premises (NB the licensed premises includes the Beer Garden) and it does give rise to a nuisance.

***14. No rubbish, including bottles, shall be moved, removed or placed in outside areas on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.***

The waste is in fact kept in the side road in wheely bins, often overflowing.

Movement of glass bottles can be particularly jarring.

***15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.***

See comment above.

**16. 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 and the outside area 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.**

This was not done when the premises opened, although we understand that it has now been done.

**22. During the hours of operation of the premises, the licence holder shall each day 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.**

One particular rubbish collection in June left broken glass and very malodorous waste liquid on Clifton Hill. Whilst this may have been the fault of the contractor, the management (who saw the mess) made no attempt to clean it up until prompted.

There are also lots of cigarette butts on Clifton Hill.

**24. The Beer Garden shall not be permitted to be used by customers after 22:00 hours.**

There have been occasions when customers have gone back into the Beer Garden after 2200, as there is no lockable gate or barrier preventing them from doing so.

A dedicated SIA person whose role it is to manage and control the outside area could ensure that this does not happen.

**25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.**

When the pub first opened, the window was used as a serving hatch until residents pointed out the relevant licence provision.

**26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.**

This is not always the case. On many occasions the front door has been left open after 9pm, and noise spills out.

**28. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.**

This is also not always supervised properly – drinking in the side road and on Clifton Hill has been witnessed.

A dedicated SIA person whose role it is to manage and control the outside area could ensure that this does not happen.

**29. After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.**

This is not always the case and is not always supervised properly. There can be up to 10 people, which increases noise.

A dedicated SIA person whose role it is to manage and control the outside area could ensure that this does not happen.

**30. Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.**

See comment above. Customers are not supervised and are therefore not always restricted to a designated area.

A dedicated SIA person whose role it is to manage and control the outside area could ensure that this does not happen.

**32. No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.**

Rubbish has been collected before 8am on a few occasions, and this has woken up residents.

**33. No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.**

This condition has been breached on many – hundreds – of occasions.

The management seem finally to have recognised this after many complaints and meetings on the subject, but early deliveries are still occurring though less frequently. We hope that all deliveries will take place at sociable times in accordance with the licence condition.

**34. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.**

We do not feel that there is sufficient supervision. One of the major flaws which we see in the management of the premises is a lack of a person whose role it is to manage the outside area. This seems strange, as there would appear to be sufficient staff to manage the inside.

A dedicated SIA person whose role it is to manage and control the outside area could ensure that the condition is complied with.





# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part AWARD: Abbey Road  
UPRN: 100022737503

Premises licence

Regulation 33, 34

Premises licence number:

17/09675/LIPRW

Original Reference:

16/01702/LIPN

## Part 1 – Premises details

## Postal address of premises:

The Clifton  
96 Clifton Hill  
London  
NW8 0JT

Telephone Number: Not Supplied

## Where the licence is time limited, the dates:

Not applicable

## Licensable activities authorised by the licence:

Late Night Refreshment  
Sale by Retail of Alcohol

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

<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 23:30
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

## The opening hours of the premises:

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Robson Brothers Limited  
311 Ballards Lane  
North Finchley  
London  
N12 8LY

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

08183962

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

Name: Mr Edward Robson

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: PERS-LIC/03/02/2023  
Licensing Authority: London Borough of Camden

Date: 04 October 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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**

None

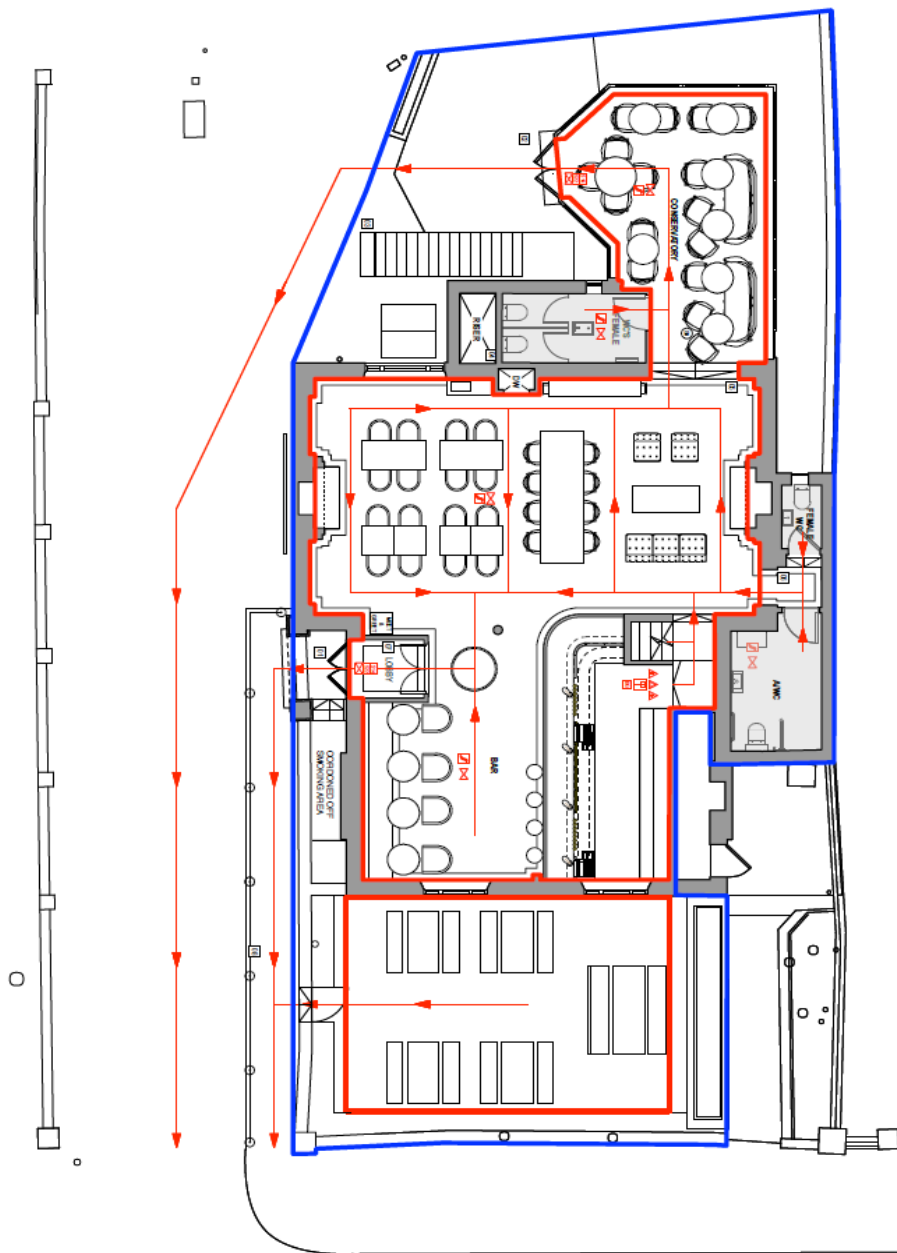
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. 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.
10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
12. 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.
13. 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.
14. No rubbish, including bottles, shall be moved, removed or placed in outside areas on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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 and the outside area 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.
17. 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.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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.

20. There shall be no self-service of alcohol.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
22. During the hours of operation of the premises, the licence holder shall each day 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.
23. 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.
24. The Beer Garden shall not be permitted to be used by customers after 22:00 hours.
25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.
26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
29. After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
30. Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.
31. During the hours of operation of the premises, the licence holder shall each day 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.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
33. No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
34. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. 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.
41. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area.

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

**Schedule 12**  
**Part B**

**WARD: Abbey Road**  
**UPRN: 100022737503**

**Premises licence**  
**summary**

**Regulation 33, 34**

**Premises licence number:**

17/09675/LIPRW

**Part 1 – Premises details**

**Postal address of premises:**

The Clifton  
96 Clifton Hill  
London  
NW8 0JT

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 23:30  
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Robson Brothers Limited  
311 Ballards Lane  
North Finchley  
London  
N12 8LY

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

08183962

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

**Name:** Mr Edward Robson

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

Restricted

**Date:** 04 October 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

Representation – Environmental Health

CITY OF WESTMINSTER

MEMORANDUM

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**TO** Miss Heidi Lawrance**REFERENCE** 17/11411/LIREVP

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**FROM** EH Consultation Team, 4<sup>th</sup> Floor, City Hall**REFERENCE** 17/049699/EHCT**BEING DEALT WITH BY** Anil Drayan**TELEPHONE EXT.** 1774**DATE** 7 November 2017

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**THE CLIFTON, 96 CLIFTON HILL, LONDON, NW8 0JT**

I refer to the application for review of the Premises Licence for the above premises.

Environmental Health supports this application pending review of the information submitted by the applicants and also so that Environmental Health may be party to any discussions held between all interested parties.

Environmental Health will also submit further information in due course detailing the involvement of the Council's Noise Team and City Inspectors with the premises and residents.

Please contact me if you require further advice or information.

**Anil Drayan**

**Environmental Health Officer**

**Environmental Health Consultation Team**

**Resident Representations in support of the Review Application**

<b>Name:</b>	Amir Nadal
<b>Received:</b>	01 Nov 2017

My name is Amir Nadel and I live at 90c Clifton Hill, London NW8 0JT. I am writing in connection with the application submitted by the Clifton Hill Residents Group (CHRG) for a licence review of the above premises.

I am in full support of a licence review.

Attached is a copy of my logbook which I have prepared detailing incidents and breaches of licence conditions relating to The Clifton Pub together with supporting evidence. The logbook also incorporates my written representations at the beginning of the document.

You will see from the logbook that, even after the submission of the application for review, the licence condition breaches continued. These breaches could have, and should have, been prevented by the operators, however their unwillingness to act goes to show that they care very little about how to properly operate a pub in a residential area. They have shown a flagrant disregard for the licence conditions already imposed on them by the Licensing Sub-committee, and they are disrespectful to me and the other local residents who have been complaining to them about the way they operate. They have shown themselves to be wholly unprofessional both in the way they have abused their licence and in the way that they have ignored my concerns.

I am aware that the pub operators have been spreading false and malicious rumours about me. Their campaign against the review application has, regrettably, been driven by the making of misleading representations to their customers and residents in the street that "the aim of the review is to close the pub", despite the fact that the application and supporting evidence (which I have viewed online) clearly states the opposite. The review is in fact about the operators' failure to adhere to their current licence conditions and the necessity to introduce proper methods to control their customers and deal with their mismanagement.

Yet again, the operators have shown not only a lack of understanding of what the review is about, but also a blanket refusal to acknowledge the true facts.

I would also like to add that the operators' "campaign" (if I can call it that) has brought about a level of harassment and intimidation to the street, still ongoing, which is ugly and a total overreaction to the request for a licence review. They have allowed the review application to be turned into a personal matter, which has brought animosity, bullying, threats and racial hatred to the street. This has created an unpleasant atmosphere which is very concerning to me and other local residents. This again shows that the operators are wholly insensitive to my and other neighbours' concerns.

I am also particularly concerned about the way in which the operators have used a vulnerable elderly man, who has been sitting outside the front door of the pub on a chair (with a small table) brought from his home, from the early hours of the morning to the late hours of the night, to gather signatures for the operators incomprehensible "save the Pub" campaign, telling anyone who will listen that the review is "illegal" and that anyone who supports the review in any way is a "liar". The matter was brought to the attention of the Police who have been called on several occasions to deal with this individual. Whilst I believe that everyone has the right to express their opinion and stand for what they believe in, using this man in this way is a step too far. I consider that the manner in which the operators are dealing with the application for review is wrong on so many levels.

<b>Name:</b>	Platon Tserliagkos	
<b>Received:</b>	20 Oct 2017	
<p>I am writing in support of the above licence application review that was submitted by the Clifton Hill Resident Group (CHRGg).</p> <p>Whilst I am a customer of the Clifton Pub, since it opened in May this year, I have experienced on many occasions noise nuisance originating from noisy customers in the front garden (the beer garden) and the side road . This normally occurs Monday to Friday, especially Wednesday, Thursday, Friday and Saturday , between around 6pm and 9pm. Also , on Sundays from around 2 pm till around 8 pm. The noisy crowd make it impossible for me to sit and enjoy a quiet evening at home, even when my living room windows are shut.</p> <p>Very noisy late leavers around 11pm -11:30pm walking by my flat often wake me up.</p> <p>Sometimes , there are groups of customers standing for long periods of time on Clifton Hill , speaking in a very loud voice and laughing loudly at night. They should be asked to leave by the pub operators.</p> <p>Also , occasionally early morning deliveries at times as early as 4am wake me up , especially the banging doors of the delivery trucks.</p> <p>I think my life in this street will return to what it was before the opening of the pub and will be more peaceful and of higher quality , if the following recommendations could be considered in the hearing:</p> <ol style="list-style-type: none"> <li>1) Early closure of the front garden , preferably at 6 pm to coincide with Westminster building works regulations ,</li> <li>2) selling , serving and consuming of food and alcohol to be restricted to the inside of the pub and front garden ,</li> <li>3) not allowing the pub customers to use the side road or Clifton Hill</li> <li>4) supervision of customers by a professional steward until closing time</li> </ol> <p>Introducing a supervision by a steward , especially from 5pm till closing time and all the weekend will be a great help. I believe that this should be required from a business of this kind in a residential street .</p> <p>Lastly, I would like to emphasise that I do not write in order to ask for closure of the pub , but to request the introduction of additional restrictions to control the noise and to assure that my quality of life in the street are what they used to be.</p>		
<b>Name:</b>	Ben Howard	
<b>Received:</b>	19 Oct 2017	
<p>I have been passed your details as someone I could share my experiences with since the Clifton Pub opened last year. I live at 1 Clifton Hill Studios, which is directly opposite the pub.</p> <p>Firstly the noise level, particularly during the summer weekends, is very high. This level of noise runs until 11pm or later, and is very disturbing even with all windows closed.</p>		

Secondly the parking situation is a complete disaster. Especially as during the weekend the parking spaces are freely available to those without a permit. Not that this makes a difference because many vehicles are parked illegally on double yellow lines. Despite being a resident of Clifton Hill, with a permit, I frequently have to park on adjacent streets.

Finally, there are a small number of individuals who continue to make noise after the pub closes. We have seen people sitting in the middle of the street, leaving empty beer bottles on the pavement etc.

To me this seems just crazy that this kind of goings on can continue on such a residential street.

<b>Name:</b>	Simon Bernstein
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<b>Received:</b>	8 Nov 2017
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I understand that you are the licensing officer dealing with an application requesting a review of the licence for the Clifton Pub at 96 Clifton Hill, London NW8 0JT. I am writing to support the application for a licence review as I believe that the current owners are failing to manage the venue in a way which complies with the Licensing Objectives, in particular the prevention of public nuisance.

I live in Carlton Hill, which is a residential side street within the St John's Wood Conservation Area. Our home is parallel to but one street south of Clifton Hill and some 5 houses west of the pub. The houses on Clifton Hill are tall and even when detached built close together so we have been surprised that they have not acted as barrier against the noise from the beer garden which appears heavily used when the weather is amenable. The nuisance is sufficiently loud even some distance from the pub and through the barrier of a row of large houses and two lengths of garden.

There have been a number of instances when our family have been affected by the operation of the premises due to noise intrusion for prolonged periods into the late evening when we and our children have been trying to sleep.

We have contacted the pub and the noise team at Westminster several times about these matters and emailed the noise team on 7 July regarding a particularly bad night on Wednesday 5 July. We received no response.

We support the pub and have visited it a couple of times. However, we feel strongly that the operators should be more proactive in managing noise from the beer garden and when patrons are leaving at the end of the night.

Your licence review should remind the operators of the seriousness of their obligations to their neighbours given the completely residential nature of the area where they operate.

<b>Name:</b>	Phillip Davis
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<b>Received:</b>	7 Nov 2017
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I understand that you are the licensing officer dealing with an application which has been submitted requesting a review of the licence for the Clifton Pub at 96 Clifton Hill, London NW8 0JT.

I live in Clifton Hill, which is a residential side street within the St John's Wood Conservation Area. I am writing to support the application for a licence review as I believe that the current owners are failing to manage the venue in a way which complies with the Licensing Objectives, in particular the prevention of public nuisance.

There have been a number of instances where I have been affected by the operation of the premises and these generally take the form of people shouting and screaming in the street late at night and other similar drunken behaviour. The events I remember as being particularly bad are the following:

On the evening of Friday 26th May 2017, there were perhaps 40 or so people gathered outside the pub, some of them spilling out onto the path to the side of the pub and also on Clifton Hill itself. They were there until late into the evening getting more and more inebriated and making a terrible amount of noise which was really very disturbing not just from a noise point of view but also from this great mass of people. It was also worrying because the street is residential with families. My young children were visibly upset.

I hoped this might be a one-off. However I was wrong. On the night of Saturday 3rd June 2017, there were again problems in the street. This time, I was so concerned by the events that I emailed the Council the following morning to make a formal complaint. I did this because I thought that the matter should be escalated given what had happened a week earlier on the 26th May. I also thought about complaining to the pub, but I sensed that this would be futile and I was also of the opinion that the seriousness of the matter meant that the best person to handle the complaint was Westminster Council as licensing authority. My email to the Council of 4th June 2017 read as follows:

"I want to report antisocial behaviour (shouting and screaming) along Clifton Hill NW8 caused by drunken customers - approx 15 or 20 people - who were leaving the Clifton pub at no. 96 Clifton Hill last night .... The noise lasted for about 20 or 25 minutes and was incredibly loud waking many of us up in the street. I was worried not only by the loud noise but I also felt very unsafe. Please can you look into this for me and other residents as a priority. It is completely unacceptable for this to happen in what has been a quiet residential street. The Clifton at no. 96 opened only a couple of weeks ago. This is not the first time this has happened since it opened and I am concerned that the operators do not know how to deal with these issues and do not care for the residents of this street. The operators seem to be attracting the wrong sort of crowd."

I received what was clearly a standardised response from a Mr Michael Peters that same day saying: "Your complaint has been noted by the Noise Team and has been passed to the City Inspectors as they deal with Licensing matters and regularly visit problematic premises. The Council does operate a 24 hour call out service for noise and can be contacted on 02076412000 at any time. We do act as the eyes and ears for our Licensing inspectors and would visit to assess the problem. However, with this sort of short lived anti-social behaviour the chances of the Noise Team officer witnessing anything are remote. We aim to respond within 45 minutes."

I did not at the time know who the "City Inspectors" were, but I heard nothing further from Westminster in response to my complaint. This was frustrating because I do not complain lightly. I put it down to the fact that the Council must get a large number of complaints about noise across the Borough.

Then on Friday 1st September 2017, there were further issues at the pub and this was really very shocking. I recite below the content of an email which I sent to Westminster in the small hours of the morning (2nd September):

"I am writing to make a formal complaint about the events of this evening (Friday 1 September) at the above pub. I was unable to get through to the noise team on the phone as no-one answered the line, hence this email to you written in the early hours of the next morning. There was from approx 9pm onwards on 1 September extremely loud noise coming from the beer garden at the front of the pub, literally screaming, shouting and totally drunken and unacceptable behaviour in this residential street. I was extremely concerned and worried especially as I had to walk by to get to my house with my wife and two children. I was left speechless. It was more like being in the midst of a football match with chanting and screaming. Something has to be done about this. I would add that this is not the first time that this has happened at this pub and things are getting worse each week. Please can someone call me back either tomorrow morning if possible (or Monday if no one is around) so that I can discuss this in more detail with one of your team members. Thank you."

It is difficult to explain in words how serious and troubling the events were that evening. I was genuinely concerned and worried for the safety of my family. In response to my complaint, I was telephoned on the morning of Saturday 2nd September 2017 by someone called Ken Agnew and he told me that he would escalate this to a Mr Keegan. He then emailed me to confirm this and also gave me what he called a "Job Reference": 17/28271/ENNS45. Mr Francis Keegan emailed me on Monday 5th September 2017 asking me to call him. His email stated that he was a City Inspector and Team Manager in the Council's public protection and licensing section.

We spoke that afternoon about my complaint and also generally about the venue. He told me that the noise team had received a number of complaints from other residents in the street that he had followed up on. Mr Keegan said that he would be visiting the premises to speak to those in charge. I felt satisfied that the complaint I had made concerning what happened on 1st September was at least being looked into by someone who was clearly a sensible and responsible person.

On Friday 6th October 2017, there was another issue involving loud noise coming from outside the pub late at night, at about 10.15pm. This involved a group of (probably drunk) people standing on the street outside the pub, shouting and laughing extremely loudly at that late hour of the night. The noise disturbed me and also woke up my young daughter whose bedroom looks onto the street. Unhappy at having to endure yet another occurrence of people shouting in the middle of a residential street at night, I made a further complaint to the Council. I really felt by then that it was high time that proper steps were taken by the licensing authorities to deal with noise issues in the street, which was becoming a regular occurrence since the pub re-opened in May 2017. My complaint was logged with reference number 17/32411/ENC45.

There have been other occasions where I have been disturbed and these are generally at night, and are caused by noisy customers leaving the premises, having had too much to drink and behaving inappropriately in a residential street at night. On such occasions, where there are these short bursts of anti-social behaviour, calling or emailing the Council would be pointless so I have not bothered doing this. However, it does not really seem fair that I should have to put up with this. I do not think it is asking too much for the owners of the pub to properly regulate their business and control their customers.

Clearly, whatever they are doing (if anything) is not enough. I believe that the management either do not appreciate the effect that the pub is having on me and other local residents or, worse still, they know what is happening but are more interested in keeping their customers happy than caring about whether residents in the street are disturbed or woken up by revellers.

I hope that a review will deal with my concerns. I would appreciate it if you could pass on this email so that my views are aired at any review hearing.

<b>Name:</b>	Lesley & Simon Blackford
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<b>Received:</b>	4 November 2017
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My name is Lesley Blackford. I live with my husband Simon in the top flat at 98, Clifton Hill which is separated from the pub only by a passageway.

I have lived in this house since 1988. I never remember the pub being as noisy as it has been this summer. The landlords used to be much stricter about any noise.

When the weather has been good there have been a number of evenings, especially at the weekends, when we would have liked to have the windows fully open but it has been impossible as the noise has been so loud. The noise is mainly from the front garden area but it includes young people who come out of the pub for a few minutes to spend time on their phones between the pub and our home. If our windows are open we can hear every word they say. The pub seems to attract a younger crowd than the old Clifton did.

When our building works are finished we will have a terrace at the back of the property and I am worried about the noise from the conservatory area at the back of the pub and the people who congregate in the passageway between us and the pub.

I believe that the facts stated in this witness statement are true. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will also form part of the Report to Sub-Committee which is a public document.

**Resident Representations in support of the Premises**

<b>Name:</b>	Louise Richmond
<b>Received:</b>	6 November 2017
<p>It is really sad to see that the Clifton is having its licence reviewed. It is such a fantastic amenity for our local area and we would hate to see it go. We were there only yesterday for lunch with another family and their young children and it is such a welcoming family pub. We also went there on Halloween and they were making hot dogs and welcoming everyone who was passing.</p> <p>I used to live at 100 Clifton Hill when the pub was run by previous landlords and it was always a real gem on our doorstep. We were only 2 houses away but there was never a time when the customers woke us up or kept us awake (and our bedroom was roadside) and it was always a brilliant addition to the neighbourhood. My sister in law still lives on Clifton Hill as do many friends and we all love the pub. The food is great, the landlords are lovely and it has a very safe feel. There is certainly no noise, crime is certainly not up (if anything it is down as the road is no longer deathly quiet as there are customers walking to and from the pub) which puts off those intent on causing damage and stealing items from cars and it really adds to the local community. We were all delighted when the pub re-opened its doors and we would hope that you can see that to revoke the licence would be a terrible mistake and a great loss for everyone in St Johns Wood.</p> <p>Please please allow the pub to keep its licence, it is a truly warm and welcoming place for all.</p> <p>It is really sad to see that the Clifton is having its licence reviewed. It is such a fantastic amenity for our local area and we would hate to see it go. We were there only yesterday for lunch with another family and their young children and it is such a welcoming family pub. We also went there on Halloween and they were making hot dogs and welcoming everyone who was passing.</p> <p>I used to live at 100 Clifton Hill when the pub was run by previous landlords and it was always a real gem on our doorstep. We were only 2 houses away but there was never a time when the customers woke us up or kept us awake (and our bedroom was roadside) and it was always a brilliant addition to the neighbourhood. My sister in law still lives on Clifton Hill as do many friends and we all love the pub. The food is great, the landlords are lovely and it has a very safe feel. There is certainly no noise, crime is certainly not up (if anything it is down as the road is no longer deathly quiet as there are customers walking to and from the pub) which puts off those intent on causing damage and stealing items from cars and it really adds to the local community. We were all delighted when the pub re-opened its doors and we would hope that you can see that to revoke the licence would be a terrible mistake and a great loss for everyone in St Johns Wood.</p> <p>Please please allow the pub to keep its licence, it is a truly warm and welcoming place for all.</p>	

<b>Name:</b>	Iain Fraser
<b>Received:</b>	15 October 2017
<p>I object to this review. I have visited the pub regularly 3 or 4 times a month since it reopened. I have never heard excessive noise levels outside. On every occasion when I visited in the evening, the beer garden was closed at the correct time and the premises windows were shut at the same time, preventing excessive noise outside. My overall impression is the current pub is much quieter and "neighbour friendly" than when it operated prior to closure some years ago.</p> <p>The residents group must appreciate you will always get some noise when you live next to a pub, however, they chose to locate there and there has been a pub on that site before they were residents in the area.</p>	
<b>Name:</b>	Joram Siegel
<b>Received:</b>	2 November 2017
<p>The Clifton is our favourite restaurant in the area. We go there all of the time with our kids. It is a neighbourhood institution, family friendly and greatly contributes to the charm of the neighbourhood.</p> <p>In all of our time going there, we have never seen behaviour that would be considered disruptive to the neighbourhood. It is not just a pub, but a family friendly part of the block.</p> <p>I would even say that its presence on the block makes the block safer, as the street would be somewhat dark without it. The Clifton should be viewed as a beacon of light that adds to the enjoyment and safety of living in the neighbourhood.</p>	
<b>Name:</b>	Alice Rink
<b>Received:</b>	1 November 2017
<p>The Clifton makes me feel much safer walking in the neighbourhood at night as there is now a spot you can duck into if you feel unsafe or need help on what is otherwise street upon street of private residences. I have never seen any rowdy or disruptive behaviour at the Clifton.</p> <p>It is a pub I would be thrilled to have on my own street as it is so professionally run and respectful of the residents. I can say in all honesty, I have never been to such a quiet pub. Last night we left at 10pm and as soon as you exit you can't hear a clink of a glass or a conversation. It has no noise pollution.</p> <p>A wonderful family pub/restaurant. No problem with noise, Clients respectful, My child is often with us, Very professionally run Car crime has reduced since it has opened I'm confused by the objections, especially as they are from a group that have taken on the name of Clifton Hill and yet I have never been asked to join any Street group? This is mis-leading. The document submitted is false and unfair,</p>	

biased my negative opinions, was very sad to see that a minority of residents (The same residents that have always hated the pub in the street, made the previous landlords life a misery, and have been instrumental in the ongoing objections and blocking of the present pub) Have actually been able to question the licence AGAIN!

**Name:** Kevin Conaty

**Received:** 31 October 2017

I object to the review. The pub continues to be an asset to the community. The new owners and patrons are considerate and are making a significant effort to run a quite neighborhood pub that has important historical value.

**Name:** Susan Johnson

**Received:** 2 November 2017

My husband, Neil Kell, and I reside at 95 Clifton Hill, with our three children (15, 13 and 8). We have lived directly across the street from the Pub for over a year so we have experienced life on the street both before and after the Pub opened. We can unequivocally assert that the quality of our life on the street has not changed in a detrimental way since the Pub opened. It is, in fact, quite the opposite.

The Pub has brought a bit of excitement to the street. It is a physically attractive space which draws a lovely crowd of people, including a great number of families. We meet friends at the Pub and enjoy the Sunday roast with our kids on a regular basis. The atmosphere at the Pub is very relaxed. The ambience is quiet and cultured. It is in no way rowdy or rambunctious. It really is a soothing environment where families are embraced. The owners and their staff go out of their way to get to know the regulars, which is a much appreciated touch.

As I noted, we live directly across the street from the Pub. If there were a "line of fire" we would be caught directly in the crosshairs...but there is none. My youngest child goes to bed by 7 pm. Her bedroom faces the pub. Not once since the pub opened has noise emanating from across the street kept her awake. Our bedroom faces the street as well. The odd time we might hear a small amount of chatter around closing time but it is fleeting and not troublesome. I have seen a security guard out front of the pub on the weekend nights ushering people along.

Security, safety: not a concern at all. We have not experienced anything untoward since the pub opened. Parking is not an issue. Increased car traffic is not an issue. We do not have a heightened sense of anxiety in any way. We feel as safe as we did before the pub opened.

We fully support the continued operation of the Pub in its current capacity. It is a bright spot on our street and in our neighbourhood.

**Name:** Manuela Eine

**Received:** 1 November 2017

I am a frequent guest at the Clifton Pub with my husband and often children as well. The owners are doing a wonderful job of keeping the pub safe, quiet and family friendly. There are NO rowdy pub goers - it is a neighbourhood pub with excellent

food and drink. It has been closed far too long and now that it has reopened so many of us are extremely happy and frequent the pub regularly to socialize have a meal, have a pint while on a dog walk, meet friends, etc. Some mothers and I even stop in for a coffee occasionally in the afternoons. Everyone is very respectful of the neighbours and the owners are diligent in keeping the noise to a minimum outside.

This is a wonderful gathering place and I beg you to please not take any drastic measures that might jeopardize the pub and how it operates.

There are very few people who have gone to great lengths to make this appeal - and MONEY and power talk. Please don't be fooled.

We have trust in our council that you will engage with both sides and understand that this pub is a wonderful addition to the community.

Thank you in advance for your consideration.

<b>Name:</b>	Erin Brown
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<b>Received:</b>	1 November 2017
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I am a frequent customer of the pub and find it to be an excellent addition to the neighborhood. The staff are always extremely welcoming, the service is courteous, the food is well above average and the clientele are a nice mix of local residents. I have been to visit the pub at numerous different times throughout the week - midweek for dinner, Friday/Saturday evenings for drinks and/or dinner and Sunday for lunch. Each time I have come away with a positive experience and as such it has quickly become a favourite local establishment. I have never experienced any unsociable behaviour while at the pub and never have I thought that the pub is anything other than a community benefit - a nice, relaxing place to socialize with friends and neighbours in peaceful enjoyment. I am a strong supporter of this local, family run business and sincerely hope that it remains open.

<b>Name:</b>	Chris Zlatarev
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<b>Received:</b>	15 October 2017
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I would like to express my strong support for the current operators for the Clifton. The Clifton has been part of the neighbourhood for many years and operating as a pub and restaurant is an important meeting for st johns wood residents and friends for many years.

Following the acquisition of 96 Clifton hill by a greedy developer who was only interested in converting the building into a residential house he also got the support of a small number of residents who were not in favour of the pub. in addition the same owner converted the floors above the pub into apartments (it would be astonishing if the same people are now complaining)

The reality is the Clifton has never been a nuisance and has never attracted the type of loud drunk the are more common in other areas of town. In fact due to the long closure of the pub the current operation is very quiet with a much smaller number of customers than common prior to the pubs closure. Furthermore, the pub is really a

gastro-put as was the case before and one don't really have any of the problems associated with heavy drinking at other pubs.

The operator should be allowed to continue its operations as any further restrictions are unreasonable and could make it difficult for the pub to stay in business. The pub is an important part of the fibre of St Johns Wood and its history and its continued operations should not be restricted. Any neighbours complaining are somewhat hypocritical as they have bought their apartments in the full knowledge that there is a pub in the street. as for the conversion of the area above the pub into residential, the planning authorities clearly have done this without any regard for the history of the building or the convenience of residential units on top of a commercial premise, however it is the pub which was there first and its operations have been and continue to be in full harmony with the area.

<b>Name:</b>	Rita Padam
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<b>Received:</b>	3 November 2017
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I think it would be a terrible shame if the pub was to go. It is a place where we as a community can get together. I feel as a woman much safer when I come home in the evenings. It is a lovely safe pub which brings a community feel to the road. There is never a noise problem as it's a very quiet pub which is its charm. Many thx

<b>Name:</b>	Mark Jones
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<b>Received:</b>	28 October 2017
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I have lived in the area for 18 years (7 of which was in Ainsworth Way) and was a regular to the Clifton in its previous incarnation. I think we would all agree that the pub has been in existence longer than anybody alive today and one would therefore assume the members of the CHRG would have considered the potential noise emanating from a pub when they openly chose to purchase or rent a property on the street.

Notwithstanding, the above my reading of the licence and experience of going to the new Clifton has clearly highlighted that the Robson Brothers are working under a much more restrictive operation than the previous licensee. This highlights that local resident concerns have been taken in to account. There will always be minor discretions of the rules, but I have witnessed the Robson Brothers and team actively, close the beer garden and close windows as per the licence requirements and there are signs requesting customers to be considerate to local residents.

The CHRG state they are not opposed to the pub but many of them attended the ACV listing appeal (I also attended) and their testimonies clearly demonstrated a desire for the pub to be closed. They are clearly aware that restricting the use of the beer garden or its closure which is the core point of their argument will put the business operation of the pub in jeopardy. This is a very thorough but subjectively orchestrated attempt at ultimately seeking closure of the pub.

Maybe the Robson Brothers could consider some softer furnishings internally, for example carpets which can actively reduce any potential noise pollution especially if the pub is busy.

This is a wonderful community asset which brings together the rich diversity of our city.

**Name:** Paul Davis

**Received:** 6 November 2017

Pub has been re done and is such a nice Environment with nice people nice food nice guys who run it. Not sure what the issue is but feel the people in the pub always very nice and it's nice to have a local pub for local residents go to

**Name:** Richard Schumacher

**Received:** 8 November 2017

My experience of the Clifton is at odds with what is described in the application for review.

There are also more notices to respect neighbours and disperse quietly than I can ever recall seeing in any other pub in London. Whilst I acknowledge there are probably some times when there is more noise than one would want, in general the ambient sound to me has seemed subdued and the beer garden volume contained. That's been true in my experience in warm months and, more recently, in colder ones.

When I walk down Clifton Hill, it's really not until I am right in front of the pub that I know it's there. You don't hear loud conversation booming down the street. (This is in marked contrast to, for example, the Duke of York pub at the top of the St. John's Wood High Street.)

The Clifton is an asset of community value, and I believe the management are acting in a manner respectful of the local community.

I do not believe further conditions should be imposed.

**Name:** David Matthews

**Received:** 1 November 2017

I live less than 500 metres from the Clifton pub. I've lived in the area for over 30 years.

I have visited the pub over the years many many times. On the birth of my first child, death of my mother, New Year's Eve and Just to have a quiet drink and a snack with friends. It is a vital part of the community. The current landlords run a very nice pub I would be happy to live next door to. It would be a travesty if the pub closed or restrictions were placed on its trade that made it commercially unviable. I see no reason to change anything about the current operation.

<b>Name:</b>	Bela Mongia
<b>Received:</b>	5 November 2017
<p>I am a neighbour of The Clifton pub and a regular customer. I've been a resident on Clifton Hill since 2007, first at 72 and now at 114 Clifton Hill. I have seen the pub under the previous ownership and under the current management.</p> <p>The current incarnation of the pub is far more in keeping with the atmosphere of the street. It is quiet and civilised and it is a hub for the community. We are a friendly street and we have a thriving community spirit as evidenced last week at Halloween. The Clifton is the perfect place to meet neighbours and support local business.</p> <p>I have never had a problem with loud noises or music from the pub. And I have not been aware of any increase in crime or threat of crime in relation to the pub. In my opinion the pub is a wonderful asset to our street. It serves fantastic food and drink, and the customers are quiet and respectful. In fact many of my friends are envious that we have such a high quality establishment on our doorstep. I strongly feel that The Clifton should remain exactly as is. I fully support the pub and in general I am a great supporter of local businesses. It would be a shame to impose restrictions on this wonderful establishment which serves as a hub for our community.</p>	
<b>Name:</b>	Mary McCartney
<b>Received:</b>	26 October 2017
<p>As a local resident I have been going to The Clifton on and off for the last 20 years. Since The Clifton has re opened, from my experience, it has brought a sense of community back to the street, I have been there on various occasions such as to meet with my neighbours for dinner, taken my children for lunch on Sundays, meet friends and family socially. We also have my sons birthday meal there in the conservatory at the long table, the staff were helpful and very friendly and calm.</p> <p>I always find the atmosphere there very welcoming, and it has a very neighbourly feel to it. I live a few doors away from The Clifton and when I walk my dog past at night I feel much safer having it back open and with such nice respectful clientele. I have had no negative issues arise since from The Clifton. I am very happy with the new management.</p> <p>I have however felt uncomfortable with a neighbour who seems set on complaining about The Clifton, he ruined one summer's evening I was spending with family by taking photos from the pavement of us as we sat at the outside table, we found it very off-putting. On several occasions I have been upset by seeing him leaning out of his front window with his phone I presume taking photos and recording, on these occasions it is him I have found very upsetting, not any disruption coming from The Clifton.</p>	

<b>Name:</b>	Gabriel McLaughlin
<b>Received:</b>	5 November 2017
The pub is a great asset and facility for the local community run by professional operators who have the community at its focus and heart.	
<b>Name:</b>	Laura Cyzer
<b>Received:</b>	13 October 2017
<p>I fully support The Clifton pub. I live almost opposite and have 3 children from the age of 1-10 years old</p> <p>For the period between the closure of the old clifton and its Re opening, we were victims of 2 crimes. 1- our car being smashed, 2- being burgled. Since it's re opening I feel safe again, crime is down and there are responsible business owners who I know care about the community</p> <p>Furthermore, the association that is demanding a review are NOT the residents association as they have excluded the majority of the residents and not invited or allowed them to attend meetings. The only people invited are people who have issues with the pub, i.e. They do not want to hear everyone's thoughts. We feel victimised and threatened by this exclusive organisation. In fact when we were burgled members of this association said they saw the burglars sitting outside our house for hours watching it but didn't tell us until after the event. It is partly for this reason that I am so appreciative of the Clifton pub, since for the rest of my street and the streets around, it has brought back a wonderful sense of community and caring for each other.</p> <p>I have never heard noise from the pub, and having a baby makes me very sensitive to any disturbances as am awake often at night.</p> <p>It is very sad that in this day and age, haters are the loudest, and that society now doesn't appreciate or recognise family and community values. I very much feel that as my kids grow up I want to have somewhere safe that I can take them and eventually when they are old enough, they can go out, have a drink and be somewhere I know cares.</p> <p>Finally, I just want to say how beautiful the pub is, and how lovely it is for our street This is the quietest, sweetest pub, and I think it would be a tragedy for the licence to be taken away.</p> <p>Further comments:</p> <p>I object to the licence review of The Clifton. The pub is family friendly, quiet and community focussed Crime seems to have gone down and the owners are considerate We enjoy going to the pub and have noticed how quiet it is compared to its previous incarnation There are licence restriction than have stopped us having birthday dinners etc there which is a shame.</p>	

I fully support the existence of The CliftonI oppose the review of their licence and I oppose the restrictions that are in place. It is the quietest loveliest pub that brings together the local community.

Our children are happy their, the owners know us and our kids by name, crime has gone down and it is a beautiful place to go

<b>Name:</b>	Matthew Cyzer
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<b>Received:</b>	17 October 2017
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I absolutely object to the review of the licence for The Clifton pub  
The group of what I believe to be 8-10 people out of the near 120 houses on my street who called themselves the residents association, are not a true representation of the community and have excluded everyone who fully support the Clifton

In fact if each of those people mentioned are addressed, you will find their names have been included without their understanding of what the repercussions of this will be. They had issues that have now been addressed

We support the pub as it has added huge benefits to our community, crime is lower, ( we had 3 criminal situations while the pub was closed and none since), our children are welcomed and love it there, and the old sense of community has returned. At times we find the pub unreasonable in their requests for us to keep quiet, leave quickly and not take bookings if we have more than a handful of people. So further than just objecting to the review, we would like some of their restrictions lifted

I moved here when the previous, very lively version of the pub was open and it was my choice to live near a local pub, one I am proud to have in our street.  
The family guys who own it, are delightful and having only met and got to know them in the last 6 months, I would be devastated if the pub was made either financially unviable so had to close or was just closed

I have just been informed that the online portal isn't working and I did put my comments online a week or so ago in support of The Clifton pub and in opposition to the review of its licence Did it get through as I also know of quite a few other locals who also used the portal to show their support?

Sorry if I am repeating myself but this really matters to me as the pub is absolutely terrific and provides a great sense of community I have lived here for nearly 15 years, while the last Clifton was open, during the years it was closed and now I honestly don't know how the pub can operate with all its restrictions as it is, and the guys that own the pub are good men doing their best to make things work under such difficult circumstances They turned down my birthday dinner as they were worried we would be noisy going back to my house, a few doors down How can a pub operate like this, and moreover how can people be complaining about the quietest pub in the world. ?

I'm well aware of the 1 Friday night where there was the most oddly conspicuous group of guys who just happened to stumble on the pub and make noise. 1 day out of the year or so they have been opened and they just so happen to have been filmed??

This pub has provided security and prevented crime in my eyes having been victim to crime when the pub was closed I used to hear noise from the old Clifton at weekends and I have not heard ANY at all since this one opened I only wish all the hundreds who support the pub had been building up evidence over the last year to show how fantastic and gentle the pub is, so we could counteract the handful of people who are not supporters of it It's certainly easier to show evidence of a few loud moments than evidence of hundreds of quiet pleasant evenings Sorry to go on, but I wish you could come and see the pub and be there every night. You would see if there is ever a disturbance it's once in a blue moon And finally to say there are too many Uber's, they arrive in seconds and people of this street get a lot of cabs, surely we aren't all going to be disallowed getting taxis??

### Additional Comments

#### Noise level

People using the outside area to the front of the pub produce a very high level of noise, particularly during the weekends. This can run through to 11pm and beyond. During the summer months the noise levels were bordering on unbearable, with the level of noise still highly disturbing with all the windows closed.

#### Parking

Since the opening of the pub the availability of parking for residents has decreased hugely. This is particularly the case at weekends when the residents' parking bays are open to all. Having said that, a great deal of illegal parking takes place on the double yellow lines. I frequently have to park on adjacent streets due to lack of availability on Clifton Hill. As a permit holding resident I deem this wholly unacceptable.

<b>Name:</b>	Allen Lydon
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<b>Received:</b>	19 October 2017
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My family have lived in the neighbourhood for over 50 years. We have enjoyed many get togethers in the Clifton. A unique public house where all walks of life gather . We were sad when it closed for \_four years, But elated when it reopened . People I take for the first time are always impressed with the location and the fact the building has been a public house for over 200 years

<b>Name:</b>	Zahabia Brainch
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<b>Received:</b>	25 October 2017
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The noise coming from the pub and running the business is not actually a nuisance and nowhere nearly as bad as they are making out.

- The pub is taking every step to ensure that customers respect the neighbourhood such as signage, staff monitoring outside, asking customers to be quiet when they leave, asking if customers wait for cabs inside etc
- The Pub is full of local families and customers of all ages- The pub makes people feel safer knowing there is an extra presence around
- The noise and nuisance from the current pub is no where nearly as bad as the previous establishment

-We LOVE this pub and our children ages 7 & 8 enjoying their roast dinners, ice creams and playing board games at the pub

**Name:** Simon Aboud

**Received:** 30 October 2017

An important part of us moving to Clifton Hill in 2007 was the existence of the pub. It's been a pub for a lot longer than any of us have been there and is a much welcomed gathering point for our community. We live 4 doors from the pub and we're thrilled when it re-opened. In our view is, in fact, much quieter than it was under previous management and our street seems safer since it reopened. For example, my wife is now happy to walk our dog at night now the pub is there.

**Name:** Juliana Mann

**Received:** 23 October 2017

I am a regular visitor to the Clifton. It is an upmarket place with a clientele who is most definitely not rowdy. It is just not that kind of a pub. It is a very good quality fresh produce gastro-pub style restaurant. The staff very efficiently close up the front garden early and are there to point out the need for our quiet exit. There are numerous signs to remind us.

The pub owners themselves are always there and run a very efficient outfit, fully aware of their obligations to their licence at all times.

I am suspicious of the neighbours who are against the pub as I feel their motives are property price driven.

Ed, Ben and Adam are three experienced and hard working family guys just wanting to get on and run their lovely and friendly family pub we all love and enjoy going to.

**Name:** Kristin Scott Thomas

**Received:** 23 October 2017

The Clifton contributes to the community as a centre for socialising in a non disruptive manner. The clientele is local and the staff are friendly which helps the atmosphere of safety in the area. The noise is absolutely minimal. In fact I wasn't even sure it was open until I went in to ask. There has been a pub there for many years, but this one attracts a mature and sensible clientele.

Please Allow The Clifton pub to remain open. Instead of the street being emptied of residents during the weekend, the pub keeps Clifton Hill populated by people interested in eating well and socialising in a sensible manner. It is absolutely not noisy or an eye sore.

**Name:** Rachel Roberts

**Received:** 5 November 2017

It is wonderful to have this community space reopen especially when so many community meeting places have been closed in the last few years. It is an asset to any community to have a well run and safe place for people to meet in the neighbourhood. As a woman, it is a place where I feel I can meet with others safely. I credit this to the excellent management staff of the Clifton Pub.

<b>Name:</b>	C S
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<b>Received:</b>	25 October 2017
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We are in support of the Pub! With the small exception of one incident (which was rectified swiftly and with great consideration and care from the owners.) We have no issues with the noise, traffic or rowdy behaviour. (I believe I am a real authority on the matter as I'm only one house removed from the pub on the same side.) We find the pub to be a lovely place and a welcome addition to the neighbourhood. I also find the owners to be kind, decent and family oriented men that understand the needs of the majority of the Pub's Clientele. If there was ever to be a future problem caused by the pub, I feel confident I would be able to have these issues addressed quickly and effectively by the owners based on past experience.

I sincerely apologise to those who feel this Pub a hindrance, but we have not found this to be the case at all.

<b>Name:</b>	David Shepherd
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<b>Received:</b>	4 November 2017
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This is our local pub and after 3 years of campaigning to get it reopened to now in less than 1 year to have the license challenges is outrageous local wealthy residents (who to note bought properties in this street when this pub was already open ) are making false accusations of the noise .The landlords Have made every effort to curb disturbance to neighbours closing the garden at 9pm closing windows at 9 pm signage throughout the pub reading respect our neighbours to even having security on Friday and Saturday nights and all taxis are ordered inside the pub so no noise of telephone conversations on the street.

The landlords could not have been more accommodating and understanding .They welcome us and our family and friends to great food and drink and are a real part of our community

One of the reasons for me moving to this road was the pub -for us 100+ happy residents don't let 3 take away this historic pub which King Edward VII used to frequent -it is steeped in history and is visited by tourists and cricket fans (after Lords test ) all happy to see this 'country pub in the city' open again alongside locals from the St Johns Wood /Maida Vale /Hampstead and Kilburn area congregate.

In the past World Cup rugby and football was shown at the pub ,hog roast served on our annual Halloween party to no complaint

No laws have been broken and the landlords have bent over backwards to listen to the locals

The pub has been renovated to a very high standard and with a lot of investment by the landlords and this should be respected

The Clifton is part of the community and is what the vast majority of local residents want don't let 3 people opinions ruin this -we welcome this pub with open arms and hope Westminster acouncil do to !

**Additional comments:**

I write as an extremely concerned resident of Clifton Hill regarding the outrageous claim by 3 residents that the newly opened Clifton Pub is in breach of its license . These claims are ridiculous and simply not true. The new owners have taken extensive steps to involve the local community and the whole street in the re opening of the pub

-what we want and what we don't -they have taken everything into consideration regarding Noise ,local safety ,respect for the neighbours As a resident of the area for over 30 years and for the past 6 living at 81,Clifton Hill almost opposite the pub I would like to mention a few facts

-I have visited this pub for over 20 Years as it was a fantastic local pub serving great food and was like a 'country pub in the city '

-one of the reasons I moved to the street was because of the pub ...it was a welcome part of the community where locals ,tourists and people from the surrounding areas met (and still meet ).

-The Clifton is steeped in heritage and we as locals campaigned for the pub to be Re-opened for over 3 year period -at last to be granted a license and now in jeopardy in less than a year of re opening It is outrageous!

-I hosted my pre wedding drinks at this 'local' pub 21 years ago as I was proud for family and friends from around the world to experience a true London local pub -the same visitors helped celebrate my 50th birthday here's just 4 years ago again me proud to invite all to ' my local 'pub -and today since re opening visit weekly for food with my wife and 14 year old son and friend and always receive a warm welcome

-since re opening the new landlords Ed and Ben have 'bent over backwards ' to re install this local pub into the local community -now getting a regular crowd from the local St Johns Wood /Kilburn /Hampstead area with great food and beverage -there is always satisfied customers

-respect has been given to the neighbours with the outside closing at 9pm -windows shut ( even during the hot summer nights ) security present ,taxis ordered inside the pub so Customers are not talking or waiting on the street ,to notices throughout the pub ( including the urinals )to respect the neighbours when leaving the pub and curb the noise

-its must be remembered this pub pre-dates any of the locals -in the past World Cup rugby and soccer was shown on big screens in the pub garden ,Hog roasts served on our annual Halloween street party with no complaint ....

Now just 3 local residents are kicking up a stink when the pub was in presence and trading when they bought their properties and moved to the street in FULL knowledge there has always been a public house trading here

-threats have been thrown by these 3 residents who are all very wealthy that they will 'fight and pay to have this pub closed ' which for us other local residents ( of well over 100 )welcome this pub and it is part of our local community and this should be considered let alone the lively hood

and great expense the current landlords have gone ,to re furnish to a high standard but in keeping with tradition -let alone offering fantastic food and beverage

We want this pub that is steeped in British history and heritage from Edward VII our former King of England that cannot be lost in the borough of Westminster-every week local hotels send tourists to sample a great British roast in a traditional local London Pub -who always leave delighted ,a traditional crowd during test matches for those cricket fans that have known of 'this fantastic local pub in a side street off Abbey Road 'delighted it has re -opened ,to the numerous black cab drivers who are also delighted that 'that little pub 'is re opened who have known it for years

The Clifton is part of the community and is what the majority of local residents want -don't let 3 peoples opinions ruin this (they are exaggerating and telling lies about the effect the pub is having on the street ) we welcome it with open arms and hope Westminster Council do to

Enclosed an article from the British Airways Highlife magazine for Oct 17 -'24 hours in London '

"Settle down to Beef carpaccio at The Clifton in St Johns Wood -the historic tavern where King Edward VII used to have clandestine meetings"

<b>Name:</b>	Sonia Torrenco
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<b>Received:</b>	26 October 2017
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I have lived in SJW for the last sixteen and a half years. My husband and I were delighted when the Clifton pub reopened its doors. I understand that some people are actively trying to prevent the renewal of the Clifton pub's license. We live very close to another local pub called The Salt House. Yes, sometimes people are somewhat loud and a couple of times cars have hooted their horns late in the night, but it is very pleasant to have these small social circles around us. They take away the sterility of the place, add somewhere to socialise with locals and the presence of people/life even add to the security of the neighbourhood. Our local pubs and restaurants, like the Salt House (Belgrave Gardens) and Cafe Med (Carlton Hill), even offer private rooms for kids' parties - so they are family oriented at appropriate times. Taking away the Clifton's license would contradict keeping The Salt House and Cafe Med's licenses which are similar neighbourhood venues. I would like you to consider that any serious issues will be reported and expected to be dealt with duly. But to date, it has only been positive to have these venues in our neighbourhood and I do hope that you will renew the Clifton's license. The owners have invested in its renovation and it would be awful to end up with yet another 'ghost property' in the neighbourhood. I do hope you renew the Clifton's license. Thank you for taking the time to read my comments.

<b>Name:</b>	Kevin Nealis
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<b>Received:</b>	2 November 2017
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I support the Clifton Pub. I have lived in SJW for the past 10 years and for a few years lived on Clifton just several doors down from the pub. I have never experienced an issue with the pub. In fact, during the years it was closed, the street lost much of its appeal. The Clifton pub has a history of being in existence for hundreds of years - many years before any of the locals raising objections moved to the street! The Clifton pub is a melting pot of all types of local residents - rich, poor, educated, non-educated, British and non-British - who quietly enjoy a few

hours of conversation on a regular basis. It is a family and pet friendly establishment that should be allowed to continue to operate without distraction from a few grumpy residents - who knew the pub was there well before they moved to the street!

**Name:** Alexander Carlton

**Received:** 5 November 2017

I have lived in the area for over twenty years, still own a property on Hamilton Terrace, (adjacent to the venue) and frequent this wonderful, heritage establishment on a weekly basis. I can only emphasis the high quality of the patrons, who are undoubtedly the most discerning respectful individuals who cherish this charismatic, charming idyllic pub. In all the years I have visited I have never witnessed any rowdy, aggressive or untoward behaviour by anybody and quite simply do not anticipate this to ever be the case as the venue is simply too far off the radar in terms of offering and location to attract such a crowd. It is imperative this pub remains as it is a valuable little nugget that only enhances the area and bring the community together with a spirit exclusive to The Clifton

**Name:** Jacob Duff

**Received:** 3 November 2017

They are a lovely group of people who run the local gastro pub. I can personally vouch for them myself. Their is minimal noise made and it only helps the community become closer

**Name:** Peter Cassidy

**Received:** 4 November 2017

I object to this review. The owners and staff are doing all they can to keep noise down and neighbours happy. I was there last night - Friday 3 Nov - are round 7 pm. In the front garden were a couple of groups - one of them a dozen of teachers having a meeting. Lanterns were lit. Conversations we being had.

I am sure there have been a few noisy customers over the weeks since the pub re opened. I know the owners have signs up, speak with noisy groups, have signs on the doors and even over the urinals in the men's loo!

Some noise is inevitable. That what is one gets living in a city. Those who live near a pub, have chosen to buy near a pub must know this comes with the territory. Houses are less expensive near pubs for this very reason.

This pub is well managed, well maintained and has brought life to the area after years of it not being open. It creates revenue for the council and employment for many residents. It deserves to stay.

**Name:** Mary Kathryn Turner

**Received:** 6 November 2017

We are writing to you in support of The Clifton Pub. Its present owners have worked very hard to ensure they and the pub meet the four main license objectives required of such an establishment. We moved to London in August of this year and choose to live in the City of Westminster, and on Clifton Hill, in part due to the Clifton's establishment. With two small children, age 5 and 8, our family feels safer and more insulated from petty crime, disturbances, and other public nuisances because we have the pub in operation as is and under its current standards for operation. Our two children know they can use the Pub and its property as a safe haven if they or other children feel uncomfortable or in harms way.

Additionally, as a new family to London (and England) we have been treated with nothing but kindness and respect by the patrons and staff of The Clifton. The owners have gone out of the way to ensure that when we as patrons enter or leave we respect the neighborhood by keeping our noise level down, etc. Without a car, our family walks up and down the street many times a day noting that the area outside and around the pub is clean, free from any trash or rubbish, and the pub patio and gardens add a beautiful touch to the public sidewalk and streetscape of Clifton Hill. Two of our family members have asthma, but we are able to sit and enjoy the pub and patio without notice of significant smoke or other air pollution. Our two boys can ride their scooters past the pub and walk safely around the area the pub occupies and appreciate the staff's continued concern over their safety and well being. We are not disturbed by excessive noise, taxi traffic, or traffic congestion, even on Friday afternoons and the weekend when the pub is quite busy. We appreciate the owners' continued adherence to their licensing restrictions in accordance with the City Council's goals of public protection and safety for all residents of Westminster.

**Name:** C Marks

**Received:** 1 November 2017

Fantastic local pub, beautifully restored by young hard working very professional team. Bringing neighbours together again as a local should. Great food and atmosphere. Born and bred on the street as a child. New ownership has brought the community spirit back. Quaint and non rowdy. 100% to remain open.

**Name:** Siobhan O'Connor

**Received:** 25 October 2017

It has been really great to have The Clifton on our street. A nice crowd of people, including kids and dogs, from the area forms the clientele. Its a lovely surprise to go out for dinner or a drink and bump into someone you know. I thought having a pub open a few doors down on our quiet street would be a pain with all the noise and traffic, but to tell you the truth, the owners have gone out of their way to keep the noise down in such a respectful way. They are extremely friendly and helpful and everyone seems to like them. Having this friendly local pub actually makes the place seem safer.

**Name:** Rebecca Hogenhuis

**Received:** 25 October 2017

I frequently walk past the pub during the day and evenings and view it as an asset to the neighbourhood. Whenever I pass by, the pub is quite subdued -- perhaps a few customers chatting quietly one of the 6 outside tables. It's a lovely place to go for a pint on a sunny afternoon, for dinner or during the dog's evening walk. We enjoy finding neighbourhood friends there. I feel much safer having a pub in that space than an empty building or office which is deserted at night.

In my experience, the management has always been very considerate of local residents and solicitous of their concerns. The pub also has a wonderful beer selection which my husband enjoys very much. We would be very disappointed if the pub's license were to be restricted in any way.

<b>Name:</b>	Dina Dacy
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<b>Received:</b>	3 November 2017
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Pub is a clear asset to the community.

<b>Name:</b>	Iain Doleman
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<b>Received:</b>	4 November 2017
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I am writing this as a member of the St Johns Wood community and frequent customer of The Clifton. When I heard of the closing a few years back, I thought of what a shame that was. As I understand, it was purchased by developers with the intent to turn the property into a residence and they were not granted planning permission. Now here we are several years later and the new Clifton is back and even better and embraced by the community. They have been received with open arms by the vast majority of the community, minus a few. Unfortunately, there are a few individuals who don't appreciate the pub as a community asset and how it represents the true nature of British culture. Hopefully, the pub will continue to prosper into the future without the few exerting their influence on the many and not based on actual events but on an expectation that somehow the pub will have a negative effect on the neighbours. Let's keep our neighbourhoods true to the British village feel.

<b>Name:</b>	Stephan Wilcke
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<b>Received:</b>	6 November 2017
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This is just a short note to say that my wife and I have enjoyed this quiet neighbourhood pub on many occasions over the last decade that we have lived near it (and it is close to our boys school so has hosted the odd parents get together over the years. Never have we witnessed any loud or rowdy behaviour or noise, and I was shocked to hear from a fellow school parent that there is a threat of closure, possibly driven by some NIMBY petition.

In our humble view, London needs more pubs like the Clifton not less!

<b>Name:</b>	George Richmond
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<b>Received:</b>	6 November 2017
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I have lived in St Johns Wood for 40 years or so, firstly on Acacia Road through my childhood, then I moved to the top floor of 100 Clifton Hill (two doors from the Pub) in the late 90's and lived there until I moved to Alma Sq in 2006. The Clifton Pub had been a big part of mine, my families and the communities life until it suddenly closed a few years ago. Always a very pleasant pub to go to to have some food and a drink with friends and family.

Since the pub re-opened, much to the delight of my family and all of our friends, it has again become an important part of our life and of the community. The clientele are very respectful and quiet and in no way a nuisance to the residents of Clifton Hill, I have never witnessed any negative or antisocial behaviour either inside or outside the pub. We have the added bonus of the pub reducing crime in the area because of its presence, from what I can see as a local, the passing trade has scared away much of the element who are involved in car crime and muggings.

The Clifton Pub adds to the community in a very positive way, and in my opinion there is not enough of this around. Property developers and money minded residents have been trying to remove venues like the Clifton Pub from our communities so they can make money, with out any thought of the impact it makes to ordinary people who use places like the Clifton to enrich their lives.

I have known the Landlords Ed and Ben since they were running the Horseshoe in Hampstead. These guys do an amazing job, they have a personal touch that brewery run pubs cannot match, they are always reminding the clientele to be quiet outside and are always policing the street to make sure no-one is drinking on the pavement. They have the respect of all the people who use the Pub. As someone who lived next to the former iteration of the pub, I can confidently say it is not as noisy as it used to be.

Please allow the Pub to stay in existence on Clifton Hill as it is, it is important that this London way of life is not erased form the map, the pub was around a lot longer than all of the residents on the street and should be around long after everyone has moved on.

<b>Name:</b>	Richard & Christiana Murray-Bruce
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<b>Received:</b>	6 November 2017
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I would like to share with you how much we appreciate and enjoy this local pub - the Clifton - in St Johns Wood.

I would like to emphasise that it is no way creating a nuisance. In my experience crime is not up as a result of its existence - in fact I can imagine that having people visiting the pub might actually help to keep crime down in the area. Most of all, the pub is distinctive and really adds to the community.

<b>Name:</b>	David Cox
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<b>Received:</b>	7 November 2017
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I am a local resident of The Clifton. I just want to say it is a great pub which is vital for the local community. It is not noisy and is run in a way which is in keeping with the local community. I am in strong favour of keeping the pub open.

<b>Name:</b>	Jonathan & Vanessa Barnett
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<b>Received:</b>	7 November 2017
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We have lived on Carlton Hill (17) for over 10 years and we can safely say the Clifton is an integral part of the local community. It is a great place to take the family for lunch and would be sorely missed by all.

When ever I've been there in the evening you can barely notice it is there. It really is a hidden gem.

Since the refurbishment, the quality of the food and the atmosphere has improved immeasurably.

In an area where many houses are now empty due to overseas ownership a quaint old pub like the Clifton is a core part of the local community. We shouldn't lose it we should cherish and encourage it to thrive.

<b>Name:</b>	Antonia Moussaieff
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<b>Received:</b>	6 November 2017
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The current Clifton is the quietest version of the pub that we have ever had. I know this as i have lived on Clifton Hill for 16 years. only 6 doors down. The Clifton has been my local my whole life and I have seen it run under many different managements. We have never had a pub so quiet and respectfully run. I have first hand experience of the management requesting people keep their voices down in the beer garden. Moving them inside way before the 10pm allocation. Asking if you want them to wait for your uber for you outside when they give your bill.

The previous pub did an outdoor hogroast once a week, played all major sporting events on a big screen tv in the front garden and had another beer garden at the back. It is ridiculous to say it is noisier. The crowd is mostly middle aged locals looking for a quiet drink and and a great meal.

The street is not filled with smokers and drinkers spilling onto the street. Smokers smoke when they want to as it is not illegal to smoke outside. If you try and restrict the number of people who smoke or force them to stand in a small roped off area, they will simply leave the establishment and walk up the road to smoke. This really would be a nuisance.

Requesting the beer garden closes at 8 is clearly just a way to place so many restrictions that it is no longer financially viable. ALL of the applicant bought a house next to a pub with a working beer garden. It is the centre of our community and particularly defines our street. It was here before any of the residents and saying that its "unacceptable to a neighbourhood like this" doesn't make sense as it has always been part of the neighbourhood.

I have been a resident of Clifton Hill for 16 years, first two doors away and now 6 doors away. If I had thought that The Clifton was in any way a cause of crime and

disorder or a public nuisance I would not have moved my family from one side of the street to the other.

The pub is a deterrent of crime, and a huge reason why most of us love living here. It has always been a popular meeting place for many diverse groups, for example teachers and parents from local schools, resident group gatherings, new mums and expecting mums, and many more. When I moved here 16 years ago there was live music every weekend in the conservatory, a beer garden at the back as well as the front, outdoor sports screenings and barbecues, patrons were allowed to sit in the beer gardens until closing time. Today's version of the pub is heavily policed by the landlords for fear of a phone call or an angry visit from a member of the misleadingly named 'Clifton Hill Residents Group' which comprises around 2% of Clifton Hill itself and represents the tiny minority. Its members have frequently provoked patrons of the pub by filming and taking photos of them as they enjoyed a quiet drink. I witnessed this on several occasions with astonishment. This often incited a reaction, which was also photographed and submitted as evidence of public nuisance - hugely misleading. The pub was far noisier when the members of this group bought their properties. It attracts people of all ages wanting a quiet chat and a drink in a relaxed atmosphere.

Car crime which was way more prevalent in the three year closure of the pub, is considerably less. I haven't had my car broken into since the pub reopened. I always walk my dog past the clifton and now stay up this end of the road at night as i feel much safer with the pub there and my 3 children know to go there if they are in danger

<b>Name:</b>	Richard Selby
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<b>Received:</b>	15 October 2017
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Although I do not live in Clifton Hill I do frequent the above pub and find it is a well run establishment and have not encountered any behaviour which is anti social.

<b>Name:</b>	Kristi Baksht
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<b>Received:</b>	2 November 2017
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I am a resident on Blenheim Terrace. I have heard the Clifton Pub is under review and would like to express how heartbreaking that would be for our family and neighbours. Since it's opening, we've visited no less than 10 times (most often at night, but once for Sunday brunch). Our family has found the staff to be extremely friendly and welcoming. The food is outstanding and offers variety for children and adults alike. There has never been excessive noise around the pub and the owners seem absolutely conscientious of respecting the neighbours. Most people visiting the pub on our visits were local to the area, and it seems like a perfect addition to help property values, not harm them. From my perspective, it was a much needed venue for this part of St John's Wood and should remain open.

<b>Name:</b>	Linda Richmond
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<b>Received:</b>	1 November 2017
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I am writing this email to you regarding the 'reviewed license' of The Clifton Pub' I have never heard anything so ridiculous or indeed absurd, as the allegations that are being made against The Clifton, by the people opposite and next door. I would just like to clear something up here, and that is that I have known this pub in Clifton Hill one way and another for decades. I am seventy four years old. I have lived in St John's Wood for over fifty years. First in Marlborough Place, then Acacia Road for thirty four years and for the last nine years in Ordnance Hill, and wait for it, ironically, I am waiting to move into Carlton Hill not only to be near my daughter who lives nearly opposite the The Clifton Pub, but also because of that very extraordinary restaurant and Pub..... I cannot believe what is going on here.

My mother lived in the top floor flat in 100 Clifton Hill, before it was turned into one dwelling, then after she died I had it for two years, then my son owned and lived in the flat until its redevelopment, also my daughter and son in law owned and lived in the ground floor flat of 100 Clifton Hill right up until they started their family and moved to the opposite side of the road. My oldest son now lives on Alma Square and uses the pub, my middle son lives on Bolton Road, round the corner, and uses the pub .

My very honest and very relevant point is that this pub has always been part of our community life, and if anything it is quieter and more dignified now, than it was before these two lovely brothers took it over to created this stunningly good restaurant and great public house. By the way, many of which are closing down all over the country, in case you have forgotten!

Please please, don't get sucked into believing these out and outright lies, against the pub. I can promise you that if anything, it is, as I said, quieter now and more dignified than ever it was!!!!

And in case you have not experienced the restaurant, I suggest you do, because it is absolutely outstanding food. But also you will be able to see for yourselves the clientele, and realise how utterly ridiculous this opposition is.

<b>Name:</b>	Marty Plocica
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<b>Received:</b>	2 November 2017
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I write in support of my neighbourhood pub - The Clifton! I have had many great experiences there and always find the pub goers to be orderly, quite and respectful of the community. I believe it adds a great service to the service to neighbourhood. The lack of traditional pubs in the area are shocking and negatively impacts on the social quality of life. Please help keep the pub open. Please hear the option of the community not just a few boisterous NIMBY's.

<b>Name:</b>	Linda & Peter Robson
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<b>Received:</b>	27 October 2017
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I have now read through in detail the Application for a Licence Review submitted by those still supportive of the Clifton Hill Residents' Group (CHRG) & its intentions.

I have also taken the time to revise the record of the original Premises Licence Application (16/01702/LIPN) back in April 2016, together with records & my own

notes of previous representations made by the same group of people ever since the Premises Licence was granted, in particular the details of Planning Application (RN No.17/01462/FULL), which was a meeting that my husband & I attended.

Due to the birth yesterday of our grand-daughter, I am afraid that we will not be able to formulate a full & proper response directly to you in time before you go on leave. We will certainly do so by November 8th & we will send this to the email [licensing@westminster.org](mailto:licensing@westminster.org), as you have suggested.

In the meantime, however, I do want to put on immediate record that my husband & I do NOT support this Application for Licence Review.

We also wish to put on record that we have numerous concerns over the details that have been presented to you, which we will discuss fully in our response. However, our over-riding concern is that this Application is not what it seems.

Our overall & considered impression is that, despite protestations to the contrary, those residents who remain supportive of CHRG are using the Licensing process as a means to achieve their ultimate unstated intention, which is to ensure that The Clifton cannot continue to be run effectively, successfully, or viably.

In view of the fact that the CHRG was formed as soon as the original Premises Licence was applied for (cf. p.9 'Introduction' & 'Overview' of Mr. Harrison's submission on behalf of CHRG) & a full year after ACV status was granted following overwhelming community support, this would seem to be an attempt by the few to subvert the will & wishes of the majority.

## **SUMMARY**

We do NOT support this Application for License Review from the Clifton Hill Residents Group (CHRG) for a number of reasons (as given below); nor do we recognise any of the grounds for review under the objectives 'Prevention of Public Nuisance' or 'Prevention of Crime & Disorder' of the current Licence (No. 16/01702/LIPN), as implied in Part 2 (C) of this Application & as expanded upon subsequently by the Applicant(s). Furthermore we consider that much of the evidence given by the Applicant(s) is misconstrued or misrepresentative &, having read this Application along with previous Licensing & Planning submissions made by CHRG against the License holders, we have come to believe that the tenor of this Application for License Review is intentionally personally & professionally damaging to the license holders & their staff team, as well as to their long-term success in going about their lawful business of running these premises viably & responsibly for the benefit of the greater majority of supportive residents & wider local community.

We respectfully ask the Committee to refer to our reasons & comments as given below.

## **CLARIFICATIONS:**

### **1. Clifton Hill Residents Group (CHRG):**

**1.1.** With regard to this current Application for Licence Review, we note with interest that 3 people named as party to the lead CHRG submission (p.17), signed by John Harrison, have each made additional separate submissions (v. Appendices 2.5, 2.6, 2.11) as individuals supportive of this Application for License Review; in accountancy terms this would appear to be 'double counting'.

**1.2.** We note also that a further 2 people who have made individual submissions in support of this Application (v. Appendices 2.8 & 2.9) have lived on Clifton Hill for less than 4 years & therefore have determined the 'the overall extremely quiet nature of the area' only during the period that the pub remained closed (February 2013 –

May 2017). It would therefore seem to us unfair to judge the operational business of a public house against this unrealistic criterion.

**1.3.** It would also appear to us unfair in a capital city where many popular & successful pubs operate on residential streets (& where this one has operated for more than 200 years under far less restrictive Licence) that any resident, who knowingly set up home next door to or 'opposite' The Clifton, should now make excessive, exaggerated or generic objections to noise emanating from its current professional & responsible operation.

**1.4.** We note that 3 residents who support this Application for Licence Review state that they live 'directly opposite The Clifton' (Appendices 2.2, 2.8, & 2.11). Whilst we accept that in reality they live on the other side of the street, the only house that can truly claim to be directly opposite (& therefore directly opposite the beer garden) is No. 95, whose residents appear not to have been included in this CHRG submission.

**1.5.** Similarly, in the light of objections to disturbance from deliveries, traffic, rubbish management & parking, we would point out that the premises down the shared access mews behind the pub at 96 & 96A Clifton Hill house a number of businesses, one of which includes a commercial kitchen.

**1.6.** In the light of this, we would therefore question the objective & accurate interpretation of complaints about deliveries, as well as much of the 'supportive' CCTV & photographic evidence included with this Application for Licence Review.

**1.7.** As the parents of Edward & Ben Robson we are happy to disclose an interest in this matter that is personal. However, we have many friends in the St. John's Wood area & environs with whom we often meet up at The Clifton & as such we comment first & foremost as regular patrons of the premises.

**1.8.** Furthermore, having ourselves lived in a 'quiet' (such as is possible in central London) residential street opposite a pub for a number of years when our children were very young, as well as currently living in a neighbourhood where there are a number of pubs operating vibrantly in wholly residential streets, we feel we are well placed to judge whether or not what is construed as 'Public Nuisance' or 'Crime & Disorder' by the

Applicant(s) is reasonable.

**1.9.** In our Comments in response to this Application for Licence Review we have made the detail of the evidence submitted our focus. However we do note that the papers we have read imply sustained personal animosity from some members of CHRG that has been directed against the Licence holders, especially since they gained their Premises Licence. Judging by material included with this submission, some of this animosity encompasses obsessive & continuous close monitoring of the premises via a personal CCTV camera, exchanges with both patrons & staff, covert photographing of patrons in their private coming & going, in addition to constant unreasonable demands & accusations involving outside agencies, who very often appear to have found little cause for complaint. We also wonder whether this Application for License Review has deliberately been timed in its submission when Edward & Ben & their team are entering the busy lead up to Christmas crucial to the success of their 6-month old business & when both their wives are about to give birth; perhaps it is hoped that the pressures they are under will limit their scope for a full & proper response. If this is true, it would seem to us ruthless at best & callous in the extreme.

**1.10.** At least two of the Applicants mention that they want to see the pub succeed, yet seem impervious to the notion that their continual personal demands have created &, in the event of this Application being upheld, would continue to create a heavy economic cost that is detrimental to the viability & success of such a new business, one that has already been burdened with extra costs incurred by

defending against earlier CHRG objections (both to the Licence & to Planning Applications). We are therefore led to wonder whether this Application for Licence Review has this ultimate detrimental effect as its true undeclared & underlying motive.

## **COMMENTS**

### **1. Public Nuisance:**

**1.1.** Having patronised The Clifton 2-3 times weekly since its re-opening in late May this year, very often with friends or family & often at weekends, we can confirm that this is indeed the typical clientele of the pub under the current proprietorship. To be clear, this is typically an intergenerational family or 'group-of-friends' clientele with an age range from babies to 90 year-olds. This is not a clientele that causes disturbance over & above their legitimate right to enjoyment of the premises & the necessity of coming & going that is common to all Public House premises.

**1.2.** Furthermore, because at least one of the management team is always on shift & because the staff are all carefully trained to handle patrons & urge consideration for the residential nature of the vicinity (supported by numerous prominently displayed notices to this effect), neither we nor any of our friends have ever witnessed or experienced anything like any of the behaviours described in this Application for License Review & its supporting submissions.

**1.3.** We have certainly never ever witnessed nor heard about from other residents or friends visiting the pub or living in the vicinity 'shouting and screaming, to chanting' (App.2.2), 'jeering, whooping or heckling' (App. 2.5), 'anti-social behaviour of various types by their customers' (App. 2.6), 'shouting & screaming' (App.2.7), 'drunken patrons stumbling in the street' & repeated references to 'drunken patrons' or 'drunken patrons, shouting,' who 'may be leaving the pub intoxicated' (App.2.8), 'very noisy customers', 'people leaving very loudly', & other such references (App.2.11) or 'terrible disturbance and nuisance' (App.5), nor any of the 'loud/noisy groups' generically & repeatedly referred to throughout.

**1.4.** Therefore to state that 'we are dealing with people whose overtly sympathetic attitudes do little to conceal a contemptuous indifference to their neighbours and to their own responsibilities' (App.2.5) is an accusation that is not only unfounded & based on misrepresentation of the facts, but also is arguably libellous, defaming the Licence holders both personally & in terms of their professional conduct, & must surely be retracted.

**1.5.** In view of all this, to state under 'Grounds for Review' in Part 2(C) of the lead submission that customers 'are not managed sufficiently to ensure that this does not cause a noise nuisance to local residents, particularly on **all** evenings, and also in the afternoons on Friday, Saturday and Sunday' is substantially untrue.

**1.6.** In fact we & many others who have visited The Clifton commonly comment that, because of the general good behaviour of its clientele & because it is so discreetly located behind high yew hedging & with the front garden covered by a canopy of large contiguous patio umbrellas, the noise from patrons is so muffled, even in high summer when the outside front garden is being used, that the presence of a pub is not noticeable from the street, sometimes even when stood right outside it. In a number of instances people who visit for the first time have walked right past it & have eventually phoned to find out where it is. (This difficulty was exacerbated by the fact that there has been no swing sign displayed until only in the last fortnight).

**1.7.** Furthermore, having had the experience of living opposite a pub with small children in the past, we would make the comment that noise nuisance is subjective:

there are those who have knowingly made their home close to pub premises (very often at an advantageous cost discount) & in doing so willingly accept that there will be an element of disturbance that would not exist elsewhere & there are some who, despite this knowledge, maintain an excessive sensitivity that easily spills into a culture of complaint, rancour & unreason. This is sad & toxic within a community that might otherwise be brought together by the opportunities for social interaction & cohesiveness afforded by the responsible operation of a local pub. It is from this perspective that we seriously doubt the assertion given (also in 2 (C) & elsewhere by others) that 'We are not opposed to a pub at this location.'

**1.8.** The subjectivity of noise disturbance is actually acknowledged in the Report by AP Acoustics (App.4) that was commissioned in the first instance by John Harrison (15/05/2017) & subsequently for CHRG (15/08/2017) in Appendix A under 'Subjective Impression of Noise': 'Hearing perception is highly individualised. Sensitivity depends on

frequency content, time of occurrence, duration of sound and psychological factors such as emotion & expectations.' Having read through all the documentation submitted for this Application for License Review (together with previous representations to the Council made by the same people), our impression is that 'psychological factors such as emotion & expectations' are a key issue here.

**1.9.** We notice that reference is made to the disturbance where 'many **hundreds** of deliveries have taken place in the early hours of the morning 4-8 a.m.' (2(C), item 5), yet we can only find reference in the submissions to 12 such instances, none of them before 6.30 a.m, certainly not as early as 4 a.m., & almost all of them in June & July.

**1.10** We would further make two other pertinent comments: i) that Ocado (who deliver from 6.30 a.m. - 11.30 p.m.) & other deliveries (e.g. from Amazon or other online ordering sources) to residents on Clifton Hill are unregulated by this Licence condition; & ii) that a separate business operates a commercial kitchen at 96 Clifton Hill in the mews premises behind the pub & where the access path for deliveries is shared.

**1.11.** We also note the repeated references to Ubers: since these vehicles are electric, in common with most London mini-cabs nowadays, we fail to understand the engine disturbance that they cause. We know from experience that patrons are always asked by staff to wait for them inside, all are reminded to be considerate of neighbours when they leave, & most happily comply.

**1.12.** There is frequent reference to the behaviour & management of smokers. Given that it is unlawful for patrons of a public house to smoke indoors within the premises, it would seem to us to be highly discriminatory & unreasonable against smokers to deny or to further overly restrict their use of the front garden or side passage, especially where smoking by any member of the public in any street or outside any premises is otherwise lawful. There are clear signs & facilities in these areas set up for patrons who wish to smoke & we have noticed that the Licence holders & their staff regularly monitor such patrons, the majority of whom behave quietly & responsibly.

**1.13.** Several assertions are made in this submission that Licence conditions pertaining to the use of windows & doors & to the use of the front garden by patrons are repeatedly breached. In our experience of regularly visiting The Clifton, we do not recognise this as the reality. The front window is never used by staff as a hatch for the serving of food & drinks (Condition 25) & staff explain this limitation to patrons. All windows & external doors are closed at 9 p.m. (Condition 26), even in hot weather & as such often to the discomfort of some patrons & staff; indeed we ourselves have witnessed on at least one occasion in the heat of summer a patron

opening the rear conservatory doors on account of a companion being in distress from the heat, in one instance where an older customer had a heart condition. The front garden is always cleared by staff at 9.30 p.m., well before the 10 p.m. deadline imposed (Condition 24), with patrons invited to continue their evening inside, even in the height of summer when it is still hot & still light outside; a large, heavy barricade is put in place at 10 p.m.

**1.14.** We detect an implication in the reference to 'what the applicant termed the 'beer garden'' (Part 2 (C) of the lead submission & other uses of the term throughout) that this is something undesirable & detrimental to the refined residential ethos of the neighbourhood. In fact, 'beer garden' is a generic term (as used in the current Licence (16/01702/LIPN) & often in other documents) for any outside garden space included in the amenity of a pub. We ourselves have lived opposite one & there are many other such premises with 'beer garden' facilities in the residential areas of our neighbourhood, most operating without rancour & without being subject to limitations on use.

**1.15.** It is a repeated refrain throughout this Application for Licence review that many of their perceived problems could be solved by the Licence holders' employment of a 'trained SIA person' (2 (C) Conclusion, Appendix 8, & elsewhere). This suggestion seems as unreasonable & unnecessary as it might be pernicious. There is little persistent nuisance from patrons, over & above their legitimate enjoyment of the social interaction & facilities that such premises typically afford, to justify this recourse. Also the constant presence of such an SIA trained person would not only add an extra burden on the costs of operation, but would also detrimentally change the ethos of the pub itself: as patrons we would feel distinctly 'put off' by the patrol & obtrusive presence in such a small area of an official employed specifically to monitor the level of our conversation or laughter & our general behaviour about the premises in the manner of a 'bouncer' or overly strict Prefect at school. We feel quite sure that other patrons who come to enjoy the relaxed, family & highly social atmosphere of the pub would be equally repelled, which would quickly ensure loss of custom & the ultimate demise of the pub.

**1.16.** There seems to be particular antipathy towards Lord's in this Application for Licence Review, together with a suggestion that the Licence holders have 'advertised' the pub to Test match audiences. This seems unjustified. In fact, a member of the MCC committee is a local resident who has been very supportive not only of the campaign to save the pub from offshore developers, but also of the pub itself since it opened at the end of May. We cannot see how any recommendation that he might make to people he knows at Lord's can be construed as 'advertisement' & any subsequent enquiry or engagement made via Twitter would surely be as a result of this. In fact, we would emphasise that the success & popularity of The Clifton under the current proprietors has come about by word of mouth & not by advertisement. This would seem the best form of good repute that speaks volumes for the professionalism of the current proprietors, for the high standards that they achieve & for the ethos that they engender at the pub. On the subject of Lord's we would further point out that Test matches occur only twice a year & that Test match devotees even take taxis even up to pubs in the residential areas of Hampstead & are generally good-natured, if more high-spirited & loud than normal patrons.

**1.17.** We note that two professional Acoustic Reports (dated 15/08/2017 & 15/05/2017) (Appendix 4), commissioned by CHRG & by John Harrison personally, have been included as part of this Application for Licence Review, presumably as technical back-up evidence of the level of Public Nuisance from Noise & Disturbance. We have read these, together with a previous Acoustic Report (dated

6/10/2016) that was submitted with objections to the current Licence (16/01702/LIPN) by the same group of people, & we observe that much of the information is repetitive.

**1.18.** We further note that two of the above mentioned reports were commissioned & compiled before the Clifton re-opened in late May 2017. Therefore, it would seem, for the purposes of fair evaluation, that any assertions made in these reports with regard either to existing noise levels in the street or to the The Clifton as an operational pub should be treated with close care.

**1.19.** It appears from the Acoustic Reports that receivers have been placed externally, outside the boundaries of properties, rather than internally within the properties in the areas where Mr. Harrison & others claim are noise sensitive. This suggests that the noise levels recorded are not actually as they would have been heard.

## **2. Crime & Disorder:**

**2.1.** We have never witnessed, nor heard from friends enjoying the amenities of the pub, of any instance of crime & disorder associated with the operation of The Clifton under the current Licence holders.

**2.2.** Furthermore, since The Clifton offers an excellent twice-daily dining experience alongside drink sales, it is not the culture or ethos of the pub to encourage rowdy, drunken or habitually anti-social behaviour. Apart from weekends, day-time trade is modest &, whilst evening trade may be busy, it is habitually supported by individuals, couples & groups meeting socially, responsibly & happily in safe, congenial surroundings. Saturday Brunches & Sunday Roast Lunches are popular with families & multigenerational groups. Newspapers, board games, such as backgammon, high-chairs & children's colouring are always available.

**2.3.** Therefore we detect from the submissions that there is a mischievous misrepresentation of the reality of the pub inherent in this Application for Licence Review.

**2.4.** Having lived opposite a pub in the past, we accept, as we are sure any pub landlord would accept, that there will be instances where a patron, or a gathering of patrons, may behave unthinkingly or inconsiderately with regard to the volume of their voice, concerted laughter, or in taking their farewells at the end of an enjoyable evening. But this is very different from the persistent drunken rowdiness implied throughout this Application for Licence Review & it would be unreasonable to class it as such.

**2.5.** In addition, again based on our experience of living opposite a pub in a residential area, we would suggest that the coming & going from a popular, well-run pub actually affords a level of protection against crime since there is a higher likelihood of perpetrators being disturbed or observed by witnesses. We would therefore be surprised if crime levels have gone up since the re-opening of The Clifton at the end of May 2017.

## **CONCLUSIONS:**

In conclusion, having considered the full detail of this Application for Licence Review, we do not recognise in this submission from CHRG any clear or legitimate evidence for the assertion that 'the operation of the premises under the current licence does not promote the licensing objectives' (Part 2(C)). Nor do we see any reasonable grounds for claiming or implying permanent & persistent negligence or unreasonable or unlawful breach of Licence conditions 10, 11, 13, 14, 15, 16, 22, 24, 25, 26, 28, 29, 30, 32, 33, 34 on the part of the Licence holders or their staff-team in the management of the premises.

We have endeavoured throughout our response to this Application for Licence Review to comment fairly on the substance & the detail contained within it. However, having considered both the detail & the tenor of the lead submission by CHRG, alongside the evidence from individual members & other Appendices, & having done so in tandem with previous Licence & multiple Planning objections raised against the premises by the same group of people, we are forced to wonder from the repetitive nature of the claims made against the premises, both before & after the pub re-opened, whether this latest action by the remaining supporters of CHRG has an underlying, undeclared intent where there might be some common ulterior motive. What that motive could be, over & above a possible gain in property values, is unfathomable to us.

We are aware from friends in the area of the schism between the majority who wanted to save The Clifton as their local pub & the minority who didn't. It would appear normal for some residents to feel apprehensive about the re-opening of a pub following a period of closure, but we question whether it is reasonable for a few to persist with their animosity towards the business of the pub & its operation to quite this degree. For instance, based on the full content of this submission:

**a)** Is it normal & proportionate for individuals, even in a residential area, to undertake such close monitoring of the day-to-day legitimate operation of a pub right from its re-opening, to continually draw on the time of statutory agencies, & to conduct surveillance of the premises & its patrons on personal CCTV?

**b)** Is it an invasion of privacy, or even harassment, against the proprietor their staff & patrons to continually record or photograph their lawful comings & goings?

**c)** Is it lawful under the Data Protection Act to record, keep & disseminate the CCTV & photographic images obtained?

**d)** Is it normal & proportionate for other pub businesses & Licence holders operating in residential areas in London to be held to such unrelenting account & to be repeatedly threatened with actions against their legitimate, responsible & professional development of a true Asset of Community Value?

With regard to all of the above, we respectfully request that consideration by the Licensing team & the Licensing Committee of this Application for Licence Review by CHRG is denied.

<b>Name:</b>	Kamil Sammour
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<b>Received:</b>	19 October 2017
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I live almost directly behind the Clifton Pub which is on Clifton Hill and I'm saddened to hear that there is a possible review of their licence. This pub is wonderful for the community (and me!)

I go there weekly and have never seen any problem at all I feel safer having the pub there than when it was closed for a few years When my children are here they feel part of the community and they keep the street clean and beautiful Please understand that the people complaining about the pub are the loudest and most of them bought when there was a pub in existence and I think another had bought but didn't move in until the last one had closed

I fully support The Clifton

<b>Name:</b>	Peter Gilmore
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**Received:**

25 October 2017

I wish to go on record as NOT supporting any of the observations made by local residents calling themselves the Clifton Hill Residents Group (CHRG)... In fact ,the CHRG complaints about noise issuing from the front terrace (or, Beer Garden as they refer to it), plus noise "leaking" through the backroom conservatory, apparently disturbing neighbours, both seem so unlikely, that I am compelled to respond,. Although, it should be noted I am only a casual customer of The Clifton, not a resident of Clifton Hill.

However, I used to live in nearby Blenheim Terrace NW8, for the 8 years from 1978 through 1986, so know the area well, and would regularly visit The Clifton Hotel, as it was then named. My wife and I returned several months ago, delighted to find the revived Clifton much improved, having suffered years of erratic management, and is now a well-run pub. Not too surprisingly, as the Robson brothers, Ben and Edward, managed the Horseshoe at 28 Heath Street, Hampstead NW3 for several years, where I also was a customer on occasion, so know these gentlemen have brought to The Clifton hands-on experience and professionalism, plus an accurate sense of what local residents had hoped The Clifton would become.

Yes, noise was always going to be an issue. How could it not, being located on an otherwise residential street? Yet, we old-timers recall the front porch arrangement at the former Clifton Hotel, which faced directly onto the street... hence, the Robsons have planted a thick yew hedge along the front, enclosing the front terrace (or Beer Garden), muffling conversations to the point that when walking toward the entrance, first-time customers regularly mention they mistakenly walked past, not seeing or even hearing the pub, Signs are posted inside and outside requesting customers respect local residents by keeping voices down, especially when leaving the premises.

The terrace is emptied of customers well before 10:00, with the front windows kept shut, Quiet conversation is all I have personally witnessed when sitting or passing by the front.

The CHRG are suggesting an 8PM curfew and/or seated-only customers on the terrace, which seems unreasonable, not to mention uneconomic. They also suggest investing in acoustic remodelling of the conservatory, but again this seems an unnecessary expense.

I may be only an occasional customer of The Clifton, not a local resident, but please appreciate that I have spent enough afternoons and evenings inside and outside The Clifton, since 1978, to know that current noise decibel levels are, if anything, well below where neighbours might reasonably expect them to be. Indeed, neighbours' hosting BBQs in their gardens, using leaf blowers and lawn mowers, not to mention their children playing, cause at least as much and probably more noise than The Clifton.

A murmur of conversation as dozens of customers enjoy the unique community asset The Clifton has once again become is not a problem, but rather a delight. I would be pleased to respond to any questions you may have.

<b>Name:</b>	Kacie Taylor
<b>Received:</b>	2 November 2017
<p>I just want to comment to let you know how lovely and wonderful the Clifton Hill pub and its employees are. I enjoy taking my family, my husband and our three sons ages 9, 7 and 5 for a Sunday roast. Despite what some people may say, Clifton Hill has to be the quietest pub I've ever been to. Their customers, including me and my family, are lovely and are not causing the problems alleged. The staff are kind, accommodating and respectful of the residents. It would be a tremendous disservice to force this establishment out. It is a part of the community and brings people together.</p>	
<b>Name:</b>	Lucy Davidson
<b>Received:</b>	3 November 2017
<p>It has come to my attention that The Clifton Pub located on Clifton Hill, NW8 is under review.</p> <p>I am a local resident (26 abbey gardens, Nw8 9at) I am writing to ask that my views are taken into consideration, I have visited the pub at various times since it opened. I am very conscious that the management of the Pub is extremely focussed on ensuring that patrons leave quietly and do not disturb the street. They are very helpful in ensuring people stay within the Pub until taxis arrive and also clear the Pub well before 1030pm.</p> <p>I also believe that the Pub lights the street up and wards away from night crime. As a woman I always found this street very quiet and empty, now I feel slightly more reassured that there is a place which is open and brings light to a dark street.</p> <p>I believe the Clifton pub brings more positive attributes to the neighbourhood than it detracts. I also view this as more of a restaurant than a pub, it offers more of a food experience than simply drinking and it is always full of families with young children such as myself</p>	
<b>Name:</b>	Grainne Fletcher
<b>Received:</b>	20 October 2017
<p>I'm writing in reference to the license review mentioned above. I knew nothing about this license review application by the so-called "Clifton Hill Residents Group" until last night. And none of the neighbours I have spoken to know anything about it either.</p> <p>Several of us have tried to post comments online but it simply comes up with an error code. I have been told that you are aware of this problem and that you are working on it. But it is very worrying as I also heard, this afternoon, that all comments must be in by November 8th? That doesn't give an awful lot of time, especially considering so much of the street are completely oblivious to this issue.</p>	

Could I please urge you to get the system working as soon as possible! We fought so hard as a community to keep The Clifton pub and the new owners have done an amazing job so far! I'm sure that other residents would like to have their say. I am astounded to hear of an objection to this wonderful, quiet, neighbourhood pub. I have lived on Clifton Hill for 25 years.

We have known many landlords during that time, and for many years The Clifton was a fairly lively establishment. Since the Robson brothers took it over it is a much quieter affair. I cannot think of a more family-friendly, neighbourhood pub. They are very aware that they are in the middle of a residential street and, as far as I'm concerned, they do absolutely everything within their power to keep disturbance to a minimum. I walk my dog along the street throughout each day and evening up to, and past, closing time and I have never seen/heard any disturbance whatsoever. I fully support its existence, and am opposed to this licence review. Pubs are a very important part of the community and we have lost so many in this area. There is nowhere else where you can sit in an inviting, safe environment and meet and chat to neighbours and other locals. Indeed I would never have met many of my neighbours had I not got chatting with them in the pub! We have formed great friendships through The Clifton.

Our friends range from 25-85. We all use The Clifton regularly and I can assure you, we are kind to each other and considerate of our neighbours. I am literally astonished to hear that anyone thinks this pub causes a nuisance/crime/disruption of peace. I find it an absurd accusation. This pub is so quiet, I feel much safer walking along Clifton Hill when the pub is open, and I can say, hand on heart, I have never witnessed any issues or cause for concern. Quite the contrary, I feel there are many unnecessary restrictions in place. Window cannot be opened during hot summer evenings after a certain time? The garden has to close at 9pm even in mid-summer? I cannot reiterate enough: this is a QUIET, family-friendly pub. It is not full of revellers! I cannot imagine any future landlord giving as much thought to the neighbourhood. This is a pub, after all.

<b>Name:</b>	Derek Thomas
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<b>Received:</b>	18 October 2017
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I and my family have been using the Clifton (formerly the Clifton Hotel) for some 25 years and indeed signed the petition to keep the Clifton as an ACV.

Over the years the Clifton has been managed by different Corporates with different managers and I can categorically state that the Ben and Ed Robson have managed the premises far better and with more respect to the neighbours than any other management company.

In the past, I have witnessed and indeed enjoyed, full blown barbeques in the small access road adjacent to the pub, TV's in the front garden showing sporting events, fire work displays and live music.

On the contrary, the Robson brothers ensure that all windows on the premises are closed at 9pm (whatever the weather), the front garden is closed at 9:30pm, signage is display in the garden and side road asking to respect the neighbours when leaving the premises including an SIA security guard patrolling the side road on Friday & Saturday evenings.

I understand that although Mr Harrison and the Clifton Hill Residents Group (representing a minor portion of residents in Clifton Hill) did complain in the past to the pub management on occasions, but at no time did he lodge a complaint to Westminster Council, perhaps he did not want to clash with a major corporate but feels he has a better chance against two brothers who have invested heavily in bringing the community back together and want to provide a facility that has stood on this site since 1846.

In my opinion this is a case of pure victimisation and that the appeal be declined.

<b>Name:</b>	Jean Thomas
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<b>Received:</b>	28 October 2017
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I strongly object to the review of the licence for 96 Clifton Hill called for by CHRG. CHRG consists of a tiny number of residents in Clifton Hill and can hardly be representative, in fact a number of residents have been very vocal in objecting to the inference that they support this review.

The application is totally disingenuous from beginning to end.

The Robson brothers have worked diligently to comply with the draconian restrictions imposed on their licence and have gone above and beyond to do so. The allegations that have been made are simply untrue and do not bear any relation to the way in which the pub is being run which is efficiently and with every consideration for the residents, many of whom enjoy the new environment which exists and which promotes inclusion for all the community inclusive of young and old alike.

The Robson brothers and indeed the staff work relentlessly to introduce every possible method of adhering to the licence granted i.e. planting introduced so that people are unable to sit on the walls outside the premises; the garden is cleared religiously at least half an hour each night before the prescribed time and the area then sealed so that nobody can enter the area; numerous notices tastefully displayed asking customers to leave quietly - which they are happy to do in order to keep the pub open.

Given the history of the premises this has probably been the best-run and totally respectful period in the thirty or so years that we have been using it. In the past there was little objection to noise created by the pub when there was more of a case to answer, and I believe that whilst the group did not want to get into a wrangle with a corporate entity they have been unyielding in their harrying of the Robson brothers and their wonderful staff, who have remained calm and professional throughout this harsh campaign by a few irritated residents who clearly (despite protests to the contrary) do not want a pub in this area

<b>Name:</b>	Theodore Turner
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<b>Received:</b>	6 November 2017
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I would like to reiterate my wife's strong support of our neighbourhood pub, The Clifton. The Clifton has been a welcoming establishment for our family, including our young boys, since moving to Clifton Hill (and to London) just a short time ago. We have been impressed by the consideration its owners have expressed to its neighbours. Indeed, we live just a few residences from the establishment and have not noticed whatsoever any disturbances in the vicinity. In fact, I would say that we, as a family, feel safer with the pub there.

As Mary Kathryn stated in her email, please do let us know if we can provide any assistance whatsoever in your evaluation of this matter.

<b>Name:</b>	Sacha Moussaieff
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<b>Received:</b>	7 November 2017
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I have been a resident of Clifton Hill for 16 years, first two doors away and now 6 doors away. If I had thought that The Clifton was in any way a cause of crime and disorder or a public nuisance I would not have moved my family from one side of the street to the other.

The pub is a deterrent of crime, and a huge reason why most of us love living here. It has always been a popular meeting place for many diverse groups, for example teachers and parents from local schools, resident group gatherings, new mums and expecting mums, and many more. When I moved here 16 years ago there was live music every weekend in the conservatory, a beer garden at the back as well as the front, outdoor sports screenings and barbecues, patrons were allowed to sit in the beer gardens until closing time. Today's version of the pub is heavily policed by the landlords for fear of a phone call or an angry visit from a member of the misleadingly named 'Clifton Hill Residents Group' which comprises around 2% of Clifton Hill itself and represents the tiny minority. Its members have frequently provoked patrons of the pub by filming and taking photos of them as they enjoyed a quiet drink. I witnessed this on several occasions with astonishment. This often incited a reaction, which was also photographed and submitted as evidence of public nuisance – hugely misleading. The pub was far noisier when the members of this group bought their properties. It attracts people of all ages wanting a quiet chat and a drink in a relaxed atmosphere.

On November 10th I attended a meeting with a member of this group and the landlords. The group's requests for no more early morning deliveries and for weekend outdoor security to avoid having people waiting for taxis outside were adhered to immediately but still a review was called. Reported crime in the street is down since the pub reopened. I have not witnessed any public nuisance or disorderly behaviour, other than provocation by the applicants with their cameras.

<b>Name:</b>	Tim Wren
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<b>Received:</b>	7 November 2017
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I'm a regular customer of the Clifton from both before it closed at the end of 2013 and after it reopened in May this year.

In my view the establishment is extremely well run and the whole team do a superb job.

The pub is quite hard to find and was closed for 3 and a half years, consequently it has been much less busy since it reopened.

I've always found the clientele to be well behaved and quiet since the reopening. Most seem to arrive and leave on foot in my experience.

I don't believe that the smoking ban could be considered a factor in any perceived increase in outdoor noise as the pub was busier and had a busy outdoor area in the front when the ban on smoking indoors came in in 2007 and apparently this wasn't a problem up to the point that it closed at the end of 2013.

Notices about noise are clearly displayed in many places and the management & staff attentive to ensuring that people behave.

I fear that the pub might not survive as a viable business if further restrictions are applied. This would be a terrible shame for all the nearby residents who enjoy visiting and other regular customers.

It would be awful to see it close again.

<b>Name:</b>	Barry Davies
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<b>Received:</b>	15 October 2017
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I am writing in respect of the application to amend the conditions of the licensing held by the Clifton Hotel.

I do not see any reason to amend the conditions.

Having been a regular in the Clifton for many years I can say that the pub is as well run now than it has ever been, in all the time I have been using it.

When ever you go there:

- ☐ ☐ There is always one of the owners in the premises
- ☐ ☐ The windows facing onto the front garden are always closed at the required time (even on the warmest of evenings)
- ☐ ☐ Smokers to go out side but you do not see large numbers at any one time

In my opinion the outside noise is not louder or more excessive than over the previous years I have been there

I do agree that the surfaces are all hard.

This is more of an eating pub rather than one having large groups of drinkers congregating.

All the objectors seem to be the same people who previously objected. As a business they need to be able to offer a service that customers want. If they cannot do that, then it will not be a viable business and no doubt the owner will again look to convert to a mega house.

In my opinion the conditions of the license seem appropriate for the current operation of the premises.

<b>Name:</b>	Julia Soning
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<b>Received:</b>	1 November 2017
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I am writing because I am a frequent visitor to the Clifton Pub which is run by the most friendly, and considerate people. I do not live in the immediate area but go out of my way to visit. I believe that it is great to have a small friendly pub on hand. I have been there throughout the summer and the owners and staff are always very

considerate of the neighbours and ask us to come inside at 9, which everyone does. One of the main reasons I keep coming back to the Clifton is because the patrons that are always there are a nice crowd, not rowdy, there is never any loud noises and it is great to visit a pub where you feel safe and you can hear yourself have a conversation with the people you are with. I also bring my children there for lunch on a Sunday and I would not take them to a lot of pubs because of the clientele.

I think the Pub is a great asset to the area and it would be a great shame to lose it. I do not believe in any way that the pub has affected the street, I still remember the last pub there ( as my husband used to live on the road) and I believe it is a great community feeling pub with many of the regulars being from the immediate roads and it is so nice to go in and know the local people ( its a bit like Cheers – where everyone knows your name).

The landlords are very kind and responsible people and on each occasion I have visited have made us aware if we are outside that we need to come inside by 9 and to keep the noise down because we are in a quiet neighbourhood but honestly I have never been there when any rowdy or noisy behaviour has occurred.

I hope you listen to my voice and not just the voice of a few miserable people who want to take away the quiet, pleasant establishment The Clifton as it would be a great shame as I was so happy it finally reopened after so many years.

<b>Name:</b>	Janine Shelley
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<b>Received:</b>	30 October 2017
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I understand the above reference number pertains to a review of the licence of the Clifton Pub, in Clifton Hill.

I live at number 113 Clifton Hill.

I wish to state that I have not found any increase in disturbance in the area.

I am not in the immediate vicinity but the establishment seems to be much more sedate than previously and the Owners/staff are very keen in respect of abiding by their regulatory obligations.

The Pub brings a strong sense of community to the area and I often pop in for a drink or a coffee and find it very comforting to bump into neighbours and, indeed, make new local friends.

One concern was that the parking maybe affected in the area. Again, there has been no visible increase in the perceived problem, possibly because the main customer base are local and walk.

The Clifton makes Clifton Hill very unique within the residential roads in our area and has worked as a drinking establishment for decades. The new owners have worked hard to bring a welcome addition to the street.

<b>Name:</b>	Rich Cohan
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<b>Received:</b>	2 November 2017
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I am writing in support of the Clifton pub at 96 Clifton Hill.

While I dont live on the street, I do live nearby on Loudoun Road and not only frequent the pub on a regular basis, I also often walk down the street on my nightly dog walk. Also, my daughter's best friend is directly across the street from the pub (I know her family supports keeping the pub open), so feel I very often see how the pub is fitting into the neighbourhood.

We moved to St. John's Wood from Chiswick just over a year ago, and one of the things we miss in comparison to Chiswick are the local pub options - in comparison there just aren't that many in St Johns Wood. So when the Clifton re-opened we were excited to be adding another one, and particularly happy that it was one that truly was part of a neighbourhood and not on a busy street. We have eaten there many times and enjoyed a pint or two other times.

First, the management is very courteous and concerned about being a good neighbour. We witnessed that first hand when we spoke to them about hosting a small gathering for parents of our kids school - times and access to outside space were discussed vis-a-vis how that would impact the neighbourhood - so I know they are very conscious of that when making decisions.

Second, on my numerous visits to the pub and walks by it, I have always been impressed with the low level of noise - when I approach it, I expect to be able to hear it before I see it, and in fact I really don't think I have ever heard load noise from there. On one occasion, I saw a group of 3-4 people on the sidewalk have a discussion as they left the pub and before they went their separate ways. But they were not yelling, visibly drunk or rude in any way. Other than that one time, I swear you wouldn't know there was a pub there before walking by the patio or door.

Please keep the pub open - it adds so much value, colour and enjoyment to the neighbourhood and it would be missed. The neighbourhood pub is such an iconic British lifestyle staple that losing another one would be a shame.

<b>Name:</b>	Jennie Shepherd
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<b>Received:</b>	2 November 2017
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I was very sad to see that a minority of residents (The same residents that have always hated the pub in the street , made the previous landlords life a misery , and have been instrumental in the ongoing objections and blocking of the present pub) Have actually been able to question the licence AGAIN !

The problem is that a few negative individuals , who will not rest until the pub is made a residence seem to get more of a voice than the rest of the Street & Neighbourhood .

I started to read the dossier of complaints and it's a joke , a deliberate and slanderous load of rubbish .

I live a few doors down from the pub.

I sleep at the front of the house so hear all road noise .

I eat and drink in the pub with friends and family about once a week .

My 14 year old son and his friends eat with us .

The owners are ridiculously paranoid about the noise levels , there are signs everywhere and in the summer months you could not use the pub after 9pm as with windows closed it was a sweat shop?

The pub is well run , I have not seen any unsavoury characters in the pub , it is really child and dog friendly. Noise at worst is a friendly hum of life . I am also thrilled that since opening my car that got broken into 3 times last year has been left alone .

This pub is in no way a risk to the neighbourhood. It is an asset . However I believe that it will cease trading if restrictions keep being added . The owners are being set up to fail in unreasonable circumstances . I believe the 9pm curfew should be

extended to 10pm. I also believe that if our local police force had seen a rise in crime or a risk to safety it would be noted .

People , who have nothing better to do with there time and money than try and crush 3 young men's start is just bullying . These individuals are not talking on behalf of our community, they are driven by greed, selfishness and stubbornness.

Can the normal and positive people in this community please be given their say ? Each time a complaint comes in can it's authenticity be checked ? I couldn't bare to continue reading the dossier of lies , put together only to create an impossible trading environment. Will this ever end?

Surely the same individuals should be stopped from time wasting ?

The Clifton was here before any of us.

If I felt in anyway threatened or unsafe in my Street , I'd move !!! That is not what is going on here . What lengths will these people go too ? They are praying on financial weakness and making it impossible for the pub to be successful.

No more lies , No more restrictions....in fact loosen things and give the pub a chance to thrive !!!

Please advise what we can do to help and support this lovely pub?

## Appendix 6

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
06/07861/WCCMAP	New Premises Application	Granted under delegated authority	26.03.2007
06/13408/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted under delegated authority	30.12.2007
08/11269/LIPCH	Application to change Licensee details	Granted under delegated authority	03.03.2009
10/06165/LIPV	Variation Application	Application Withdrawn	28.09.2010
10/10608/LIPVM	Minor Variation Application	Granted under delegated authority	13.01.2011
12/08766/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted under delegated authority	01.02.2013
13/00369/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted under delegated authority	01.02.2013 (Lapsed) 14.01.2014
16/01702/LIPN	New Premises Application	Granted by Licensing Sub-Committee	21.04.2016

16/09910/LIPVM	Minor Variation Application	Refused Licence	04.10.2016
16/12331/LIPVM	Minor Variation Application	Granted under delegated authority	29.11.2016
17/09675/LIPRW	Application of the Removal of a works condition	Granted under delegated authority	04.10.2017

There is no appeal history for this premises.

**TENS history for premises:**

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
12/05095/LITENP	Temporary Event Notice	Notice Granted	20.07.2012
12/03935/LITENP	Temporary Event Notice	Notice Granted	23.05.2012
12/03036/LITENP	Temporary Event Notice	Notice Granted	19.04.2012
11/08203/LITENP	Temporary Event Notice	Notice Granted	15.08.2011
11/02133/LITENP	Temporary Event Notice	Notice Granted	10.03.2011
11/02129/LITENP	Temporary Event Notice	Notice Granted	10.03.2011
10/06578/LITENP	Temporary Event Notice	Notice Granted	31.08.2010
10/04754/LITENP	Temporary Event Notice	Notice Granted	28.06.2010
10/04666/LITENP	Temporary Event Notice	Notice Granted	25.06.2010

10/04656/LITENP	Temporary Event Notice	Notice Granted	24.06.2010
10/01099/LITENP	Temporary Event Notice	Notice Granted	17.02.2010
05/12943/LITENP	Temporary Event Notice	Notice Granted	09.12.2005
05/12941/LITENP	Temporary Event Notice	Notice Granted	09.12.2005
05/12774/LITENP	Temporary Event Notice	Notice Granted	04.12.2005
05/12851/LITENP	Temporary Event Notice	Notice Granted	04.12.2005

This premises has been listed as an Asset of Community Value.

An Asset of Community Value allows Community groups to have the legal right to apply to the council to nominate local assets as being valuable to the community.

If the nomination is successful, when the asset comes up for sale, community groups that wish to buy the asset will be given 6 months to make a bid.

It gives voluntary and community groups the chance to save important local places like pubs, libraries and village shops.

## Appendix 7

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

When determining a review application, the authority must have regard to the application and the representations under the provisions of the Licensing Act 2003 and take such steps (if any) it considers appropriate for the promotion of the licensing objectives.

At a hearing the licensing authority may, in accordance with section 52(6) of the 2003 Act, modify the licence conditions or exclude licensable activities, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

This schedule lists those conditions (if any) 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.

#### **Current conditions on the existing licence: 16/13469/LIPDPS**

##### **Annex 1 – Mandatory conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been

made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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**

None

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

9. 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.
10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
12. 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.
13. 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.
14. No rubbish, including bottles, shall be moved, removed or placed in outside areas on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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 and the outside area 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.
17. 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.

18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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.
20. There shall be no self-service of alcohol.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
22. During the hours of operation of the premises, the licence holder shall each day 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.
23. 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.
24. The Beer Garden shall not be permitted to be used by customers after 22:00 hours.
25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.
26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
29. After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
30. Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.

31. During the hours of operation of the premises, the licence holder shall each day 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.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
33. No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
34. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. 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.
41. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area.

#### **Conditions proposed by the Applicant**

42. Stopping use of Beer Garden at an earlier terminal hour – 20:00 hours; Limiting the numbers of customers permitted in the Beer Garden; and/or requiring alcohol to be consumed in the Beer Garden only by persons who are seated.
43. Requiring the presence of a trained SIA person whose sole role is to manage the areas outside the premises building, including ensuring that customers using the Beer Garden do not cause a nuisance and ensuring that customers leave the premises as

quietly as possible; and ensuring that customers do not extend beyond the licensed area.

44. Preventing customers from drinking or smoking outside the licensed area i.e selling, serving and consuming food, alcohol and soft drink will be limited ONLY to within the red line marked on the plan; ensuring smokers remain within the designated smoking area.
45. Stopping customers sitting on the low walls around the Beer Garden – installing low metal fencing.
46. Carry out noise attenuation works to the conservatory at the rear of the premises to prevent noise breakout.

# Logbook

## Licence Issues Relating To

### The Clifton Pub

96 Clifton Hill

London NW8 0JT

**27<sup>th</sup> May 2017 – 26<sup>th</sup> October 2017**

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## Logbook - Licence Issues Relating to The Clifton Pub

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Clifton Hill is a quiet, narrow residential street in the St John's Wood conservation area. The residents have always enjoyed tranquillity and a peaceful quality of life, even when the former pub was operating. The previous pub owners respected these attributes and ensured that the residents were not affected by the operation of the business.

Since the opening of the Clifton Pub under new ownership in May 2017, however, there have been numerous verbal and written communications between the local residents and the owners, describing the problems that are affecting the residents' quality of life and the tranquillity of the street. This was done in attempt to resolve the issues directly with the owners of the pub in a friendly and neighbourly manner. The communications covered issues such as repeated intrusive noise from customers using the beer garden and the side road (which is not part of the pub's demise), multiple early deliveries from around 4 am and noisy crowds leaving the pub in the evening and at night.

Form the very beginning, whilst the pub was being re-designed (in 2016) as well as after it was open (in May 2017) the new owners made numerous promises and commitments to me and other residents with respect to the running and operation of the pub which they did not keep. Those commitments were requested, and promised, in order to ensure that the quality of life in the street would remain as it had been once the new pub became fully operational.

Deliveries outside of the allowed hours continued despite (i) the Council notifying the operators of the residents' complaints in this regard, and (ii) the operators' licensing lawyer saying in email correspondence that this will not happen again and saying that his clients promise that such activities will stop immediately and that they will stop using any supplier who delivers outside the hours permitted by the licence. From this logbook you will see that this is not the case. The owners of the pub were advised about early deliveries both verbally and in writing for several months but always strongly denied such activities ever occurred and chose to be in total denial about it.

Fifteen licence conditions have been breached on a regular basis. Several of these conditions occurred on the same day, and some occurred multiple times a day. A few of the breached conditions have been corrected, but all the others are still occurring despite written and verbal notifications by individual residents and the Residents Group to the owners of the pub. The Council's Noise Team and EHO department have also been made aware of these issues. The owners of the pub represented themselves to the residents and also to the Licensing Committee at the April 2016 hearing to be experienced and respectful pub operators especially within a residential environment. This has certainly not turned out to be the case at all.

Noisy drop offs and pick-ups from taxis, ubers and minicabs occur often, especially between 9 pm and 11:30pm. They impact the peace and quiet of the street and therefore the residents' quality of life. Taxis often park in the middle of the street to pick up very noisy customers who wait in the street or the side road, rather than inside the pub. The side road is not part of the pub's demise and it is clearly marked as not being part of the demise at the Land Registry.

## Logbook - Licence Issues Relating to The Clifton Pub

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As Clifton Hill was always a very quiet residential street (prior to the new pub opening in May 2017), a noise level that one might consider to be acceptable in one of London's busy areas (e.g. Soho, Camden Town, Oxford Street or King's Road, etc) cannot be considered to be an acceptable level in a street like Clifton Hill in the quiet backwaters of St John's Wood where background noise levels are very low.

The "steward" that the owners have occasionally and belatedly hired only in the past few weeks makes no difference whatsoever to the noise emerging from the beer garden. He takes no visible steps to actively quell noise or deal with noisy clientele in the beer garden or on the side road, or noisy clients when they leave the pub. It is as if he is not there. I also believe that recently this person's hours have in fact been *reduced*; he is now only on site for perhaps a few hours on only one day per week.

Since the opening of the pub in May 2017 "C zone" resident parking in Clifton Hill has become a problem. The customers of the pub occupy many of the resident parking bays till about 11:30 pm. Thus, no resident parking is available when returning home from work or after social outings in the evening.

I have only logged in this logbook the incidents that I am aware of and for which I have evidence (photographic or otherwise). As time progressed, the scale and extent of the breaches, and the affects they were having on my life, became more apparent. I therefore took it upon myself to look into the various breaches in further detail so that a comprehensive log could be created, backed up by supporting evidence. There were however further incidents, over and above those in my logbook, which I have not included only because I was unable to obtain supporting photographic evidence.

The purpose of this logbook is certainly not to force a closure the pub, but to bring to the attention of Westminster Council the repeated ongoing issues relating to the way that the pub is operating with respect to its written licence and the continuous problems relating to the outside area and especially the front beer garden, the side road, the rear of the pub and at times the people flowing onto Clifton Hill. This is after many failed attempts to resolve them directly with the pub owners, hoping that the owners will address and resolve the issues in order to protect our quality of life and the tranquillity in this small, and what used to be a very quiet, residential street. Instead the owners continued to refuse to accept the facts and be in denial. I believe that revising some of the existing conditions, tightening and clarifying some of them and introducing new conditions and restrictions is necessary to resolve the regular breaches of numerous conditions and return the street back to one where the residents once again enjoy a quality of life and tranquillity which we deserve.

It is my opinion that, in order to have the pub operating without causing deterioration in the quality of life in Clifton Hill, the Licensing Committee should consider the following:

- 1) Close the beer garden no later than 8 pm.
- 2) After 6 pm Monday to Friday and all day on week-ends and public and national holidays – the beer garden can only be used by clientele who buy "substantial food" (and this should exclude snacks and starters).

## Logbook - Licence Issues Relating to The Clifton Pub

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- 3) The sale, serving and consuming of food, alcohol and beverages must be within the **red boundary** of the pub as marked on the licensing plan submitted to Westminster by the owners.
- 4) Limit the number of people in the beer garden to 24. This is the number that appears in the Key on the licence plan which the owners submitted to Westminster.
- 5) Requiring the operators to take active steps to prevent customers from using any areas which are non-licensed (outside the red boundary), for example the side road, the rear of the pub and on Clifton Hill. This will hopefully reduce noise nuisance from customers who have been gathering, drinking, smoking, waiting in the street for taxis etc.
- 6) Have an SIA steward on site during the following hours: Mon - Fri from 6pm to closing time; Sat – Sun and public and national holidays: all day from opening to closing.

Clear and detailed instructions should be provided to the SIA steward, including but not limited to noise control, gathering on Clifton Hill and the side road, to properly police leavers and arrivals.

- 7) Clauses 10, 11, 13 & 34 in the licence require clarification. In particular clause 13 is a problematic clause as noise generated from the premises might not be considered a nuisance in Oxford Street but has had severe effects in Clifton Hill, a narrow, quiet residential street.
- 8) In order to clarify condition 35, a specific condition to state that food shall not be prepared, heated or cooked (by BBQ grill or otherwise) in the outside area of the premises, ie external to the four walls of the premises building. This clarification will have the effect of preventing odour and noise nuisance outside.
- 9) Opening hours on all public and national holidays should be the same as Sundays (12 noon to 11 pm), and deliveries and rubbish collections on public and national holidays should be similarly restricted to current Sunday timings, ie no deliveries/rubbish collections between 10 pm and 9 am.

### NOTES ON LOGBOOK

- 1) The clock on the CCTV camera of the photographic evidence was not changed to summer time until Monday 19 June 2017. Thus, the difference between the time in the description and the time stamped on the relevant photo between 26 May and 19 June 2017 is one hour.
- 2) Annex 3 Clauses 10 and 11, regarding prominent signs: These were breached every day from the opening of the restaurant. To avoid a daily repeat of the same entry in this logbook, I have only stated this issue in this note. Clause 10 was corrected around the middle of June 2017 following a letter sent by the Residents Group to the owners of the pub on the 19<sup>th</sup> June 2017. Clause 11 was corrected two months later on 5<sup>th</sup> August 2017 after it was raised by the Residents Group in a meeting with the pub owners on that day. Sadly the signs have no impact and/or they are not even seen, or paid attention to, after dark.
- 3) The introduction of six large umbrellas on the 2<sup>nd</sup> August 2017 in the beer garden has blocked the pub's CCTV cameras and therefore is a breach of Licence Condition Annex 3 Clause 16 which states that: "All entry and exit points and the outside area will be covered enabling frontal identification of every person entering in any light condition". This breach occurred on a daily and continuous basis until the 25<sup>th</sup> August 2017 when the umbrella located directly under the relevant CCTV camera was removed.




Due to the location of the camera and the other five umbrellas, how do we know if it meets the licence condition because the camera still has only a limited view?
- 4) In the Licence, Annex 3 Clauses 22 and 31 are identical, duplicate conditions. In this logbook Clause 22 has been used, and Clause 31 has been ignored.
- 5) Annex 3 Clause 19 requires that the pub will keep an up to date "Incident Logbook". The entries should include among others "any complaints received concerning crime and disorder" and "any visit by a relevant authority or emergency service". There were many calls from several local residents about disturbances from the pub, as well as noise officers' visits and, according to the pub owners, a visit from the police reviewing their CCTV system. I suggest that the Licensing Committee is shown a copy of the owners' incident book.
- 6) Annex 3 Clauses 30 and 34 of the licence have been breached from the day the pub was opened, regularly on a daily basis. I have never seen any supervision of smokers, or leavers for that matter, at any time and especially in the evening where, on many occasions, smokers were loud and disturbing. At times, they are seen walking on Clifton Hill outside the premises, smoking and speaking loudly on their mobile phones. This clause has been breached a multitude of times since the pub opened. Furthermore, on a regular basis people smoke at the rear of the building after 10pm, and this is also outside the designated smoking area.

## Logbook - Licence Issues Relating to The Clifton Pub


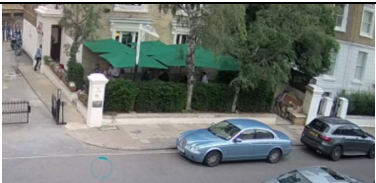

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- 7) The information provided in this logbook has been prepared to the best of my knowledge and belief with a view to providing a factually accurate and objective log of licensing issues at the Clifton Pub, and the entries in this logbook are based on my understanding and interpretation of the Licence.

## SUMMARY OF ENTRIES BY CATEGORY

Sample Evidence	Summary of Entries
	<p><b>Licence Conditions Licence Part 1</b> (opening hours)</p> <p>21-7-17 11:44</p>
	<p><b>Licence Conditions Annex 3 Clause 10</b> (prominently displayed of smoking signs)</p> <p>From opening day till Middle of June 2017</p>
	<p><b>Licence Conditions Annex 3 Clause 11</b> (prominently displayed of Quiet signs)</p> <p>From the opening day till 5<sup>th</sup> August 2017</p>




## Logbook - Licence Issues Relating to The Clifton Pub

Sample Evidence	Summary of Entries				
	<b>Licence Conditions Annex 3 Clause 13</b> (noise)				
	26-5-17 5 pm	9-6-17 7:02 pm	15-7-17 6:51 pm	5-8-17 5:15 pm	2-9-17 5:38 am
	27-5-17 6 pm	9-6-17 9:26 pm	15-7-17 9:47 pm	6-8-17 4:12 am	2-9-17 7:42 pm
	3-6-17 6:42 am	9-6-17 11:22 pm	15-7-17 10:20 pm	13-8-17 3 pm	3-9-17 6:18 am
	3-6-17 6:47 am	11-6-17 10:24 pm	15-7-17 11:35 pm	15-8-17 7:41 am	9-9-17 6:00 pm
	3-6-17 11:01 pm	18-6-17 7:41 pm	16-7-17 5:32 pm	17-8-17 11:18 pm	22-9-17 6:42 pm
	6-6-17 6:07 am	24-6-17 7:40 pm	19-7-17 6:30 pm	21-8-17 10:06 pm	
	7-6-17 11:27 pm	25-6-17 6:48 pm	25-7-17 7:15 am	24-8-17 4:53 am	
	9-6-17 6:30 pm	1-7-17 9:45 pm	29-7-17 10:55 pm	24-8-17 9:18 pm	
	9-6-17 6:57 pm	5-7-17 10:17 pm	1-8-17 7:48 am	25-8-17 8:46 pm	
		6-7-17 6 pm	4-8-17 8:15 pm	27-8-17 5:45 am	
		6-7-17 9 pm	4-8-17 8:55 pm	30-8-17 7:30 pm	
		7-7-17 6:41 pm	4-8-17 9:32 pm	1-9-17 8 pm	
		8-7-17 8:17 pm			
		<b>Licence Conditions Annex 3 Clause 16</b> (CCTV)			
From the 2-8-17 till 24-8-17 (Note: one of the umbrellas was removed to allow better view for the camera but it seems that the rest of the umbrellas still do not allow full view as required.)					
	<b>Licence Conditions Annex 3 Clause 22</b> (litter)				
	15-6-17 10 am 2-7-17 6:17 pm				



## Logbook - Licence Issues Relating to The Clifton Pub

Sample Evidence	Summary of Entries
	<p><b>Licence Conditions Annex 3 Clause 24</b> (usage of the Beer garden after 10pm)</p> <p>13-8-17 11:03 pm</p>
	<p><b>Licence Conditions Annex 3 Clause 25</b> (Serve or order through window)</p> <p>27-5-17 12:01 pm</p>
	<p><b>Licence Conditions Annex 3 Clause 26</b> (Doors &amp; Windows close from 9pm)</p> <p>26-5-17 11:23pm 2-7-17 9:21 pm 14-7-17 9:04 pm</p>
	<p><b>Licence Conditions Annex 3 Clause 28</b> (Drinking outside after 10pm)</p> <p>25-10-17 10:04 pm</p>

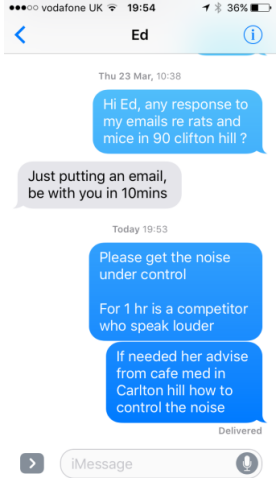

## Logbook - Licence Issues Relating to The Clifton Pub

Sample Evidence	Summary of Entries					
	<b>Licence Conditions Annex 3 Clause 29</b> (more than 5 smokers)  14-10-17 10:10 pm					
	<b>Licence Conditions Annex 3 Clause 30</b> (smoking outside the designated area)	3-6-17 11:01 pm 21-6-17 10:15 pm 1-7-17 10:25 pm 15-7-17 10:20 pm 21-7-17 10:20 pm 29-7-17 10:55 pm	2-8-17 11:02 pm 2-8-17 11:07 pm 17-8-17 10:22 pm 17-8-17 10:33 pm 17-8-17 11:10 pm 18-8-17 10:15 pm 25-8-17 10:16 pm	25-8-17 10:39 pm 25-8-17 10:56 pm 26-8-17 10:17 pm 26-8-17 10:10 pm 26-8-17 10:35 pm 7-10-17 10:27pm 11-10-17 11:05 pm	12-10-17 10:28 pm 14-10-17 10:10 pm 14-10-17 10:13 pm 14-10-17 10:20 pm 14-10-17 11:17 pm 16-10-17 10:24 pm 25-10-17 10:04 pm 26-10-17 10:19 pm	
	<b>Licence Conditions Annex 3 Clause 32</b> (Rubbish collection outside the allowed hours)  25-7-17 7:45 am 1-8-17 7:48 am 15-8-17 7:41 am					

## Logbook - Licence Issues Relating to The Clifton Pub

Sample Evidence	Summary of Entries				
	<b>Licence Conditions Annex 3 Clause 33</b> (Deliveries outside of the allowed hours)  1-6-17 7:37 am 3-6-17 6:42 am 3-6-17 6:47 am 5-6-17 5:08 am 5-6-17 6:17 am 6-6-17 6:07 am 7-6-17 5:04 am 7-6-17 6:14 am	8-6-17 6:09 am 14-6-17 6:25 am 24-6-17 5:03 am 12-7-17 5:15 am 14-7-17 5:07 am 15-7-17 5:12 am 16-7-17 6:57 am 17-7-17 6:57 am 17-7-17 10:14 pm 20-7-17 5:21 am	22-7-17 5:04 am 25-7-17 4:56 am 27-7-17 5:03 am 29-7-17 5:04 am 29-7-17 5:08 am 31-7-17 6:45 am 1-8-17 5:04 am 2-8-17 6:46 am 3-8-17 4:57 am 4-8-17 7:08 am 5-8-17 4:57 am	6-8-17 4:12 am 8-8-17 4:57 am 9-8-17 6:59 am 10-8-17 4:51 am 12-8-17 4:56 am 15-8-17 5:06 am 17-8-17 5:04 am 19-8-17 4:55 am 21-8-17 7:05 am 22-8-17 5:01 am 24-8-17 4:53 am 26-8-17 5:16 am 27-8-17 5:45 am 29-8-17 4:55 am	1-9-17 5:05 am 1-9-17 7:27 am 2-9-17 5:38 am 3-9-17 6:18 am 4-9-17 6:54 am 5-9-17 4:34 am 8-9-17 6:18 am 19-9-17 6:04am 23-9-17 5:59 am 26-9-17 6:52 am 3-10-17 7:34 am 6-10-17 00:05 am 12-10-17 7:07 am
	<b>Licence Conditions Annex 3 Clause 34</b> (Smoking unsupervised after 10pm)  3-6-17 11:01 pm 21-6-17 10:15 pm 1-7-17 10:25 pm 15-7-17 10:20 pm 21-7-17 10:20 pm 29-7-17 10:55 pm	3-6-17 11:01 pm 21-6-17 10:15 pm 1-7-17 10:25 pm 15-7-17 10:20 pm 21-7-17 10:20 pm 29-7-17 10:55 pm	2-8-17 11:02 pm 2-8-17 11:07 pm 17-8-17 10:22 pm 17-8-17 10:33 pm 17-8-17 11:10 pm 18-8-17 10:15 pm 25-8-17 10:16 pm 25-8-17 10:39 pm 25-8-17 10:56 pm	26-8-17 10:17 pm 26-8-17 10:10 pm 26-8-17 10:35 pm 7-10-17 10:27 pm 7-10-17 10:34 pm 11-10-17 11:05 pm 12-10-17 10:28 pm 14-10-17 10:10 pm 14-10-17 10:13 pm 14-10-17 10:20 pm	14-10-17 11:17 pm 25-10-17 10:04 pm 26-10-17 10:19 pm

## Logbook - Licence Issues Relating to The Clifton Pub

Sample Evidence	Summary of Entries	
	<b>Communication (emails, texts &amp; calls) with Westminster and/or the Robson Brothers and/or Adam Gostyn</b>  27-5-17 29-5-17 Advert on Twitter. This is in clear contradiction to the formal Minutes of the Licensing Hearing of 21.04.16 8-6-17 19-6-17 28-6-17 16-7-17 17-7-17	18-7-17 5-8-17 25-8-17 29-8-17 30-8-17
	<b>Minicab/Taxi/Uber collection</b> 27-5-17 6 pm 15-7-17 9:47 pm	



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## Logbook - Licence Issues Relating to The Clifton Pub



### TOTALS BY CATEGORY

Breaches	Total	May	Jun	Jul	Aug	Sep	Oct
<b>Breach</b> of the Licence Conditions - Licence Part 1	1	0	0	1	0	0	0
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 10 (smoking signs)	21	5	16	0	0	0	0
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 11 (Quiet sign)	71	5	30	31	5	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 13 (noise)	51	2	14	14	15	6	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 16 (CCTV)	23	0	0	0	23	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 22 (litter)	2	0	1	1	0	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 24 (Beer garden after 10pm)	1	0	0	0	1	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 25 (Serve via window)	1	1	0	0	0	0	0
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 26 (Doors & Windows)	3	1	0	2	0	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 28 (Drinking outside after 10)	1	0	0	0	0	0	1
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 29 (over 5 smokers supervised)	1	0	0	0	0	0	1
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 30 (smoking outside allowed area)	28	0	2	4	12	0	10
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 32 (Rubbish collection)	3	0	0	1	2	0	0
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 33 (Deliveries)	56	0	11	13	19	10	3
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 34 (Smoking supervised)	28	0	2	4	12	0	10
Communication (emails, texts & calls) with Westminster and/or the Robsons	12	2	3	3	4	0	0
Minicab/Taxi/Uber collection	2	1	0	01	0	0	0
<b>TOTALS</b>	<b>305</b>	<b>17</b>	<b>79</b>	<b>75</b>	<b>93</b>	<b>16</b>	<b>25</b>


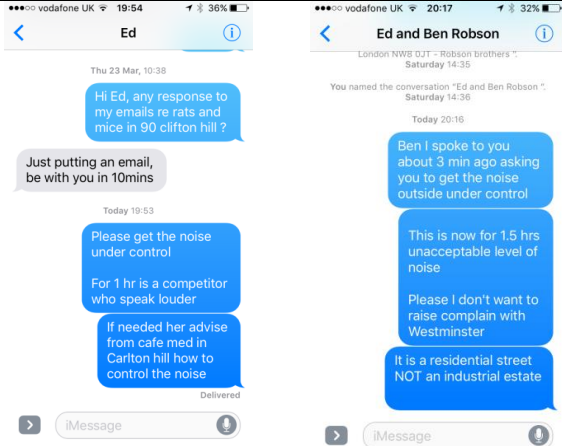
## Logbook - Licence Issues Relating to The Clifton Pub

Date	Time	Description	Supporting Evidence & Communications	Breach
<b>MAY 2017</b>				
Friday 26 May	5 pm	<p>Noise between 5pm till 9pm from people in the beer garden and the side road speaking and laughing extremely loudly, shouting at times and intruding into my living room, being disturbed and affecting my living standards. It makes it impossible to have dinner and a pleasant evening at home even after shutting the windows. With open windows it was a nightmare.</p> <p>No prominently signs to be quiet or showing smoking area are displayed anywhere as required in the Licence.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Friday 26 May	11:23 pm	<p>The front door is open after 9pm</p> <p>The licence states that all doors and windows should be shut by 9pm</p>		Breach of the Licence Conditions Annex 3 Clause 26





## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 27 May	12:01 pm	<p>Ordering through front window is in Breach of the licence.</p> <p>The licence forbids the ordering or serving of food or drinks through the windows.</p>		Breach of the Licence Conditions Annex 3 Clause 25
Saturday 27 May	6 pm	<p>Noise between 6pm till 9pm of people in the beer garden and the side road speaking very loudly, shouting at times, and intruding into my living room, even with shut window.</p>		Breach of the Licence Conditions Annex 3 Clause 13



## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 27 May	6 pm	Minicabs blocking the road (extract from video) despite plenty of free space to park.		Minicab-taxi- uber pickup
Saturday 27 May	7:53 pm	<p>7:53pm to 9 pm, when raising the noise issue on the telephone and via text communication with either Ed or Ben Robson, their response on the phone was <b><i>“people are having a good time .... it is not noisy”</i></b>. The noise could be easily heard in front of no. 76, 10 buildings away, and further.</p> <p>Despite the communication with the Robsons the noise continued and got even louder from the people in the beer garden who in my opinion were extremely drunk.</p>		Communication


## Logbook - Licence Issues Relating to The Clifton Pub

Monday 29 May		<p>The pub operators confirmed that they would under no circumstances promote the pub to Lord's cricket ground spectators on match days. <b>This is in the formal Minutes of the Licensing Hearing of 21.04.16.</b></p> <p>This advertising to Lord's cricket ground spectators, by the pub's Twitter account, is a Breach.</p> <p>In the age of multimedia, such an advert needs to be sent only once and it stays out there forever and is then re-distributed (re-tweeted) on a daily basis without the ability to stop it.</p> <p>In the last Lord's series (recently) the pub was full with cricket spectators making a huge amount of noise.</p>	  	Communication
<b>JUNE 2017</b>				
Thursday 1 June	7:37 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 3 June	6:42 am	<p>Noisy delivery before 9am banging the door, disturbing the weekend morning.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
Saturday 3 June	6:47 am	<p>Noisy delivery before 9am banging the door. Again disturbing the weekend morning.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>



## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 3 June</p>	<p>11:01 pm</p>	<p>Smoking after 10pm outside the designated area. The condition was imposed to control noise at late hours. This type of breach occurs often and leads to noise.</p> <p>The pub operators made no attempt to stop it.</p> <p><b>The noise was reported to Westminster and the issue was logged with Westminster Noise Team. Reference number: 17/17186/ENNS45</b></p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

Monday 5 June	5:08 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33
Monday 5 June	6:17 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33



## Logbook - Licence Issues Relating to The Clifton Pub

Tuesday 6 June	6:07 am	<p>Delivery before 8am</p> <p>Truck's door banging early in the morning.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
Wednesday 7 June	5:04 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 7 June	6:14 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33
Wednesday 7 June	11:27 pm	<p>Group of about 10 people gathering outside the pub on Clifton Hill speaking very loudly which woke me up.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Thursday 8 June		<p>The Residents Group had face-to-face meetings with Ed and Ben Robson and Adam Gostyn, the owners/operators of the pub and raised all the problems concerning the pub</p>		Communication



## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 8 June	6:09 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33
Friday 9 June	6:30 pm	<p>Noise of people in the beer garden getting worse as time progresses. The speaking is getting louder, screaming and shouting at times. Trying to read in my living room which faces Clifton Hill and it is impossible to concentrate as the noise level is intrusive and disturbing. It is impossible to relax at home, not even to read a book. Too hot today to shut the window so the only choice is having fresh air but having to hear high levels of noise coming from the beer garden.</p> <p>It seems that the only way to overcome this is to shut the window and put the TV on. Surely this is not right.</p>		Breach of the Licence Conditions Annex 3 Clause 13



## Logbook - Licence Issues Relating to The Clifton Pub

Friday 9 June	6:57 pm	Getting nosier from people in the beer garden and the side road, at times their voices are so loud that I can hear it even when the windows are shut and the TV is on. Very frustrating and making life at home very unpleasant.		Breach of the Licence Conditions Annex 3 Clause 13
Friday 9 June	7:02 pm	The noise from people in the beer garden and side road is getting worse and more frequent.		Breach of the Licence Conditions Annex 3 Clause 13



## Logbook - Licence Issues Relating to The Clifton Pub

Friday 9 June	9:26 pm	Drinking and smoking in side road, making lots of noise. Again making it unpleasant and impossible to sit and enjoy a nice and quiet evening at home.	 A surveillance camera still from 'Camera 01' showing a street scene at night. The timestamp is '06-09-2017 Fri 20:26:05'. The image shows a residential street with a large house on the left, trees, and several cars parked or moving on the road.	Breach of the Licence Conditions Annex 3 Clause 13
Friday 9 June	11:22 pm	People leaving the pub and gathering outside on Clifton Hill speaking and laughing in a very loud and disturbing way which was heard in my home at this late hour of the night	 A surveillance camera still from 'Camera 01' showing a group of people gathered outside at night. The timestamp is '06-09-2017 Fri 22:23:41'. The group of people is circled in yellow. The scene is dark, with some street lighting visible.	Breach of the Licence Conditions Annex 3 Clause 13



## Logbook - Licence Issues Relating to The Clifton Pub

				
Sunday 11 June	10:24 pm	Customers of the pub, leaving late at night, shouting and waking me up		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 14 June	6:25 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33
Thursday 15 June	10 am	<p>Rubbish on the street Clifton Hill from previous evening's collection. The pub operators passed by it and did nothing till one of the neighbours insisted that they deal with it</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 1513345</b></p> <p>Surely the pub's operators, as specified in the Pub's Licence, should care about the street and its appearance throughout the day especially in front of their venue and would not want smelly rubbish on the street in front of their pub. However, the operators ignored it until they were embarrassed into action. This is irresponsible behaviour and in breach of the Licence which badly affects our street and its image.</p>		Breach of the Licence Conditions Annex 3 Clause 22



## Logbook - Licence Issues Relating to The Clifton Pub

Sunday 18 June	7:41 pm	<p>Even on the weekend we cannot have a quiet day at home. Today (Sunday) a small group of guests at the pub seated in the beer garden are very noisy. The staff passed by them several times and said nothing.</p> <p>My weekends have become a nightmare. Even on a Sunday I cannot have a quiet day and enjoy my home.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Monday 19 June		<b>The CCTV Clock was moved forward by 1 hour to summer time.</b>	<b>All the photographic evidence from today shows the correct time.</b>	
Monday 19 June		Letter was emailed to the owners/operators of the pub, copying Westminster Noise Team, listing the Residents Group's concerns such as noise, breaches etc.		Communication
Wednesday 21 June	10:15 pm	Smoking after 10pm outside the designated area. The condition was imposed to control noise at late hours. This type of breach occurs often and leads to noise.		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>



## Logbook - Licence Issues Relating to The Clifton Pub

				
<p>Saturday 24 June</p>	<p>5:03 am</p>	<p>Delivery before 9am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 24 June	7:40 pm	Noisy customers in the beer garden making intrusive noise and it is unpleasant to sit at home with open windows. I can't even open the window a little bit for fresh air without being affected by the noise.		Breach of the Licence Conditions Annex 3 Clause 13
Sunday 25 June	6:48 pm	Very noisy customers at a table in the beer garden by the front window. Pub owners passed several times and said nothing to them. This is a quiet street and it has become an almost daily nightmare to sit at home with open windows during this summer without suffering from the noise.		Breach of the Licence Conditions Annex 3 Clause 13
Wednesday 28 June		The Residents Group had a face to face meeting with Ed and Ben Robson, the owners/operators of the pub, and raised all the problems concerning the pub, using the letter from the 19 <sup>th</sup> June as an agenda		Communication



## Logbook - Licence Issues Relating to The Clifton Pub

JULY 2017				
Saturday 1 July	10:25 pm	<p>The licence permits up to 5 people to smoke in a designated marked area after 10pm. The individual on the phone is smoking after 10pm outside the designated area.</p> <p>Smokers stubbing out cigarettes on the wall of a neighbour's home (no. 98) and then throwing the cigarette on to Clifton Hill.</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>



## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 1 July</p>	<p>9:45 pm</p>	<p>Our road was extremely busy and felt more like a noisy high street rather than our residential street. There was no parking to find and people were honking horns and driving with open windows whilst playing music very loud.</p> <p>The noise died down around 10-10:30pm</p> <p>This is not King's road or Oxford Street and the impact of the noise originating from the pub's beer garden badly affects many of the residents who leave nearby.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/20749/ENC45</b></p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
<p>Sunday 2 July</p>	<p>6:17 pm</p>	<p>Employee of the pub emptying foul liquid onto the street.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 22</p>

## Logbook - Licence Issues Relating to The Clifton Pub

				
Sunday 2 July	9:21 pm	<p>The front door is open after 9pm</p> <p>The licence states that all doors and windows should be shut by 9pm</p>		Breach of the Licence Conditions Annex 3 Clause 26
Wednesday 5 July	10:17 pm	<p>Very noisy in my bedroom (<i>back of the property, the same side as the pub's conservatory which looks on to the back of my property</i>).</p> <p>Noise emerging from the conservatory makes it impossible for me to fall asleep,</p>	<p><i>No photo evidence could be provided as this incident relate to noise that was originated from the pub's conservatory which is located in the back of the proprty</i></p>	Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

		<p>adding unnecessary stress and aggravation to my life.</p> <p>In the history of this pub I never used to hear noise from the conservatory. Either the conservatory doors are open or else a window in the conservatory is open. There is no other logical explanation.</p>		
Thursday 6 July	6 pm	<p>Very noisy between 6pm till 6:40pm from small group of customers in the beer garden speaking very loudly and shouting. It is like there is a competition to see who can shout the loudest.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Thursday 6 July	9 pm	<p>People drinking and smoking on side road and using neighbour's (no. 98) wall as a table.</p> <p>Again a very intrusive and disturbing night; the noise makes it a frustrating time to be at home and impossible to relax after a long working day. This regular, uncontrolled noise is badly affecting the quality of my life, and the tranquillity of the neighbourhood.</p>		Breach of the Licence Conditions Annex 3 Clause 13


## Logbook - Licence Issues Relating to The Clifton Pub

Friday 7 July	6:41 pm	<p>Called Westminster's noise team because of non-stop very loud noise from the beer garden since 6pm.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 12/21316/ENRE45</b></p>		Breach of the Licence Conditions Annex 3 Clause 13
Saturday 8 July	8:17 pm	<p>People in the beer garden are very noisy, drinking and smoking on side road and using neighbour's (no. 98) wall as a table.</p>		Breach of the Licence Conditions Annex 3 Clause 13



## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 12 July	5:15 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Friday 14 July	5:07 am	<p>Delivery before 8am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 12/22260/ENNS45</b></p>		Breach of the Licence Conditions Annex 3 Clause 33

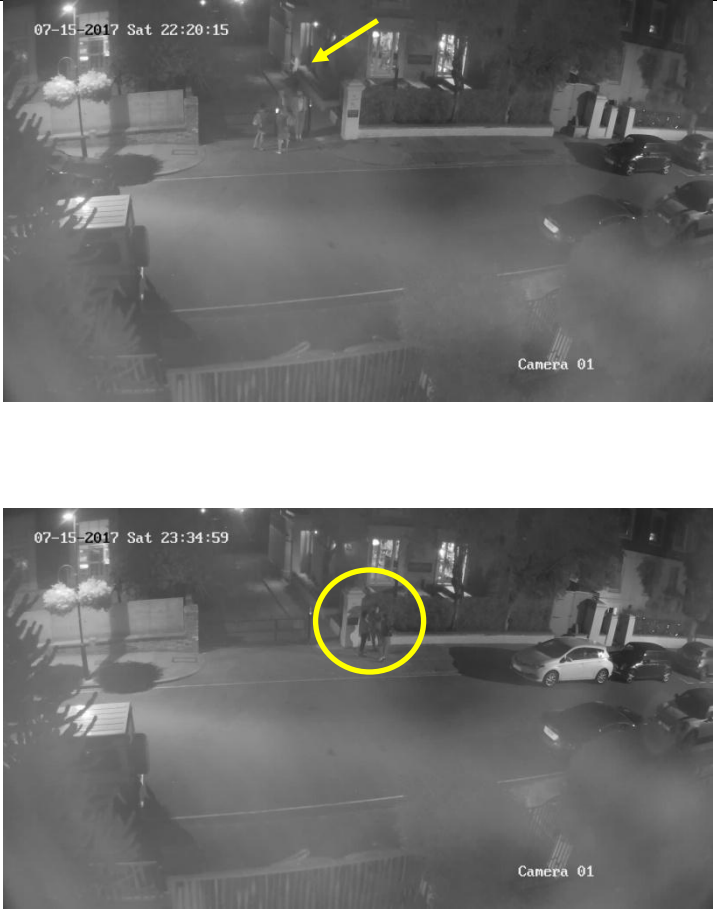
## Logbook - Licence Issues Relating to The Clifton Pub

Friday 14 July	9:04 pm	<p>The licence states that all doors and windows should be shut by 9pm.</p> <p>The door is open after 9pm.</p>		Breach of the Licence Conditions Annex 3 Clause 26
Saturday 15 July	5:12 am	<p>Delivery before 9am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33


## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 15 July	6:51 pm	<p>From 6:30 pm till 9:30 pm bursts of intrusive loud voices and extremely loud laughter originating from a small group in the front garden of the pub. This got worse between 7:30pm till 9:15pm</p> <p>The landlords, their staff and management were in and out of the front garden, smiling to the guests and said nothing.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Saturday 15 July	9:47 pm	<p>Very noisy between 6pm till 9:47pm caused by pub customers in the street waiting for taxi/Uber pick-ups. They were dancing, singing and shouting at 9:47pm.</p> <p>Was really bad today.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p> <p>Minicab-taxi- uber pickup</p>

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 15 July</p>	<p>10:20 pm</p>	<p>Smoking after 10pm outside the designated area. The condition was imposed to control noise at late hours. This type of breach occurs often and leads to noise.</p> <p>At 10:20pm a group of people were shouting whilst waiting for an Uber.</p> <p>At 11:34 pm small group of pub customers standing in front of the pub speaking loudly. This is a very quiet street and such noise levels at this time of the night can easily be heard from a long distance.</p> <p>The noise issues continue to badly affect my quality of life and for the first time, due to the repeated noise level and disturbances I have started to think about moving. This is not right.</p> <p>Even in the previous life of the pub the noise level was never so bad and it never occurred so frequently.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 15 July</p>	<p>11:35 pm</p>	<p>Loud speaking and laughing after customers leaving the pub, standing in front of and then sitting on the front small wall in Clifton hill. They have woken me up but sadly the pub's management did not address this behaviour.</p> <p>This went on for a while and then they left.</p> <p><b>This kind of disturbance should never be allowed to happen, especially with the apparent years of experience of running a pub in a residential area that the owners claimed they have.</b></p> <p>This is not an industrial or commercial street, but a small residential street where the peace &amp; quiet, tranquillity and quality of life is being continually disrupted.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook - Licence Issues Relating to The Clifton Pub


<p>Sunday 16 July</p>	<p>6:57 am</p>	<p>Delivery before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p> <p>This happens regularly, even on weekends, and today is a Sunday.</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
<p>Sunday 16 July</p>	<p>5:32 pm</p>	<p>Very noisy between 5:32pm till 9:30pm from a table of customers in the beer garden next to the window, near to no. 94. The staffs are doing nothing to stop the noise despite another neighbour in the street going over to the pub from their house to ask the operators to deal with the terrible noise.</p> <p>This did not help and the noise continues and got much worse.</p> <p>Another weekend has been destroyed by the noise from the pub.</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 13</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Sunday 16 July	12:03 pm	I wrote to Mr Patrick Bangura from the Noise team and copied the Westminster noise team, advising them of the noisy early deliveries.	Dear Patrick  .....further more this morning 16th July 2017, around 6:45-:6:5 am they pub received delivery which wake me up. This early morning deliveries, normally around 5am, become a regular disturbing routine....."	Communication
Monday 17 July	6:57 am	Delivery before 8am.  The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.		Breach of the Licence Conditions Annex 3 Clause 33
Monday 17 July	4:40 pm	Summary of call with Westminster noise officer	The officer called within 30 min after I logged the call. I detailed for him the issues as follows :  1) early delivery breaches at around 5am  2) delivery on Sunday at around 6:50 am  3) noisy motorbike belonging to one of the people who works in the pub, speeding through the street. The exhaust pipe sounds like someone drilled a hole in it to make it sound nosier.  4) noisy table from 5pm till around 9:15pm. The table was	Communication


## Logbook - Licence Issues Relating to The Clifton Pub

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			<p>located at the end of the beer garden next to the window.</p> <p>5) another neighbour spoke to the Robsons but it did not help and the noise got worse after 7:30.</p> <p>6) Ben Robson and a staff member were in and out of the garden very often but did nothing to stop the noise.</p> <p>7) this is a regular incident and it is getting worse, making it impossible to sit at home with open windows.</p> <p>8) the officer advised not to hesitate and call every time that there is a noise issue. He explained that all calls would be logged.</p> <p>9) I also advised him of late night noisy groups of people waiting for ubers/taxis.</p> <p>10) staff leaving the pub speaking loudly around midnight.</p>	
Monday 17 July	10:14 pm	<p>Delivery after 10pm.</p> <p>The licence does not allow deliveries after 10 pm.</p>		Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub


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Tuesday 18 July		The Residents Group had a face to face meeting with Ed and Ben Robson and Adam Gostyn, the owners/operators of the pub, and raised all the problems concerning the pub, using the letter from the 19 <sup>th</sup> June as an agenda plus new issues.		Communication
Wednesday 19 July	6:30 pm	<p>Noisy between 6:30pm till 9pm at times from customers of the pub in the beer garden. I had to shut the windows to achieve some level of peace and quiet.</p> <p>The bursts of very loud talking and very loud laughing were very disturbing. Staff members did nothing about it.</p>		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 20 July	5:21 am	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		Breach of the Licence Conditions Annex 3 Clause 33
Friday 21 July	10:20 pm	Smoking after 10pm outside the designated area.		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Friday 21 July	11: 44 pm	<p>People leaving the pub after the designated closing hour of the premises (11:30pm).</p> <p>They got into several Uber taxis and were very noisy in the street at this very late hour.</p>		Breach of The Licence Condition - Part 1 "The opening hours of the premises"
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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 22 July</p>	<p>5:04 am</p>	<p>Delivery before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
<p>Tuesday 25 July</p>	<p>4:56 am</p>	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Tuesday 25 July</p>	<p>7:15 pm</p>	<p>Loud crowd in the beer garden. This is now going on for about 30 min and hasn't quietened down since. It seems that no one has asked them to be quiet. I had to close my living room window in order not to hear them whilst having dinner at home.</p> <p>It is a nice evening and great weather; surely I should be able to enjoy sitting at the end of working day in my own home with open windows for fresh air enjoying a quiet evening.</p> <p>This situation has become increasingly frustrating as these noise incidents from the beer garden become more and more frequent and louder.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
<p>Tuesday 25 July</p>	<p>7:45 am</p>	<p>Noisy rubbish recycling collection before 8am.</p> <p>Such activities at the early hours of the morning turn our residential street into a commercial street in the middle of town.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 32</p>


## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 27 July	5:03 am	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Saturday 29 July	5:04 am	<p>First delivery this Saturday before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 29 July	5:08 am	<p>Second delivery this Saturday before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Saturday 29 July	22:55 pm	<p>Noisy group of men making lots of noise speaking very loudly at this late time of the night. They could be heard even in my bedroom which is located at the back of the property.</p> <p>Such disturbance and intrusive noise at such late hours of the night is not a rare occurrence. It is badly affecting the quality of my life, I am unable to enjoy being at home or the benefit and tranquillity of living in a small quiet residential street.</p> <p>Group of men smoking outside the designated area after 10pm.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>

## Logbook - Licence Issues Relating to The Clifton Pub

				
Monday 31 July	6:45 am	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33



## Logbook - Licence Issues Relating to The Clifton Pub

AUGUST 2017				
Tuesday 1 August	5:04 am	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
Tuesday 1 August	7:48 am	<p>Rubbish recycling collection before 8am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 32</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>


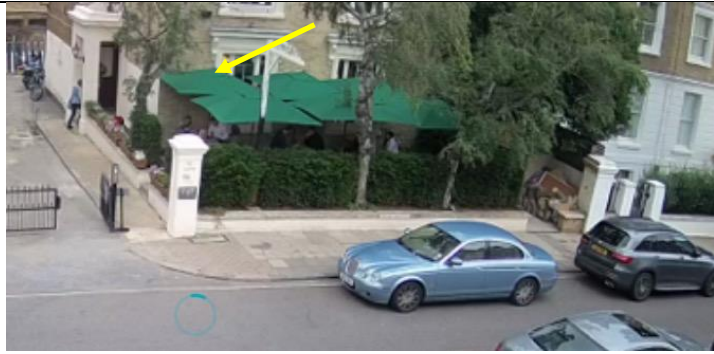
## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 2 August	6:46 am	<p>Delivery before 8am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of Conditions of the Licence Annex 3 Clause 33
Wednesday 2 August	9:18 pm	<p>The garden's umbrellas are blocking the view of the CCTV system which the Licence states must operate and identify people in all light conditions (day and night vision).</p>		Breach of the Licence Conditions Annex 3 Clause 16

## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 2 August	11:02 pm	<p>Smoking after 10pm outside the designated area.</p> <p>The condition was imposed to control noise at late hours. This type of breach occurs often and leads to noise.</p>	 <p>08-02-2017 Wed 22:02:23 Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Wednesday 2 August	11:07 pm	<p>Smoking after 10pm outside the designated area.</p>	 <p>08-02-2017 Wed 23:07:19 Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 3 August	4:57 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Thursday 3 August Till Today	1:30 pm	<p>The garden's umbrellas are blocking the view of the CCTV system which the Licence states must operate and identify people in all light conditions (day and night vision).</p>		Breach of the Licence Conditions Annex 3 Clause 16

## Logbook - Licence Issues Relating to The Clifton Pub

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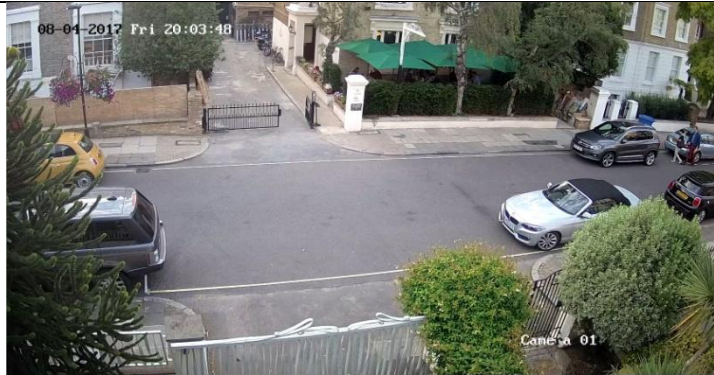
				
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Logbook - Licence Issues Relating to The Clifton Pub


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## Logbook - Licence Issues Relating to The Clifton Pub


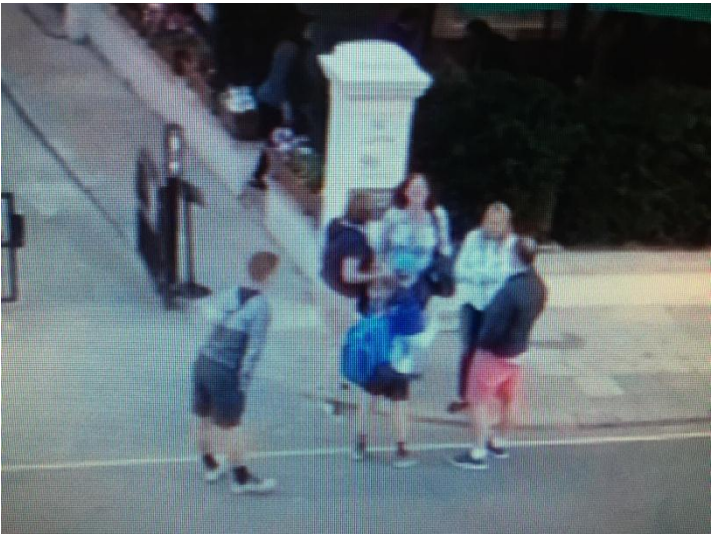
Friday 4 August	7:08 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Friday 4 August	8:15 pm	<p>Intrusive noise by customer in the beer garden, seating in the middle table between the window, speaking and laughing loudly, in particular between 6:45pm and 9:30pm, with constant bursts of VERY loud speaking and laughing. Noise bursts got worse and more frequent the later it got, especially between 8pm and 9:30pm.</p> <p>Very unpleasant and unfair to sit in your own home after a long week and not be able to relax and enjoy a quiet evening, dinner, chatting to friends and reading unless I shut the window. Shutting the window on this nice warm evening deprives me of breeze/fresh air and forces me to eat dinner in a hot room.</p>		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub



		<p>The issue was logged with Westminster Noise Team. Reference number: 17/25003/ENC45</p>		
<p>Friday 4 August</p>	<p>8:55 pm</p>	<p>Another extremely intrusive noisy group leaving the pub, gathering on Clifton Hill and engaging in shouting style conversation and laughter. In this particular case the pictures speak louder than words.</p> <p>NO supervision by the pub owners or management whilst people are leaving the pub.</p> <p>The noise from the beer garden hasn't stopped since 6:45 pm today.</p> <p>The issue was logged with Westminster Noise Team. Reference number: 17/25003/ENC45</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>

Logbook - Licence Issues Relating to The Clifton Pub



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## Logbook - Licence Issues Relating to The Clifton Pub

				
Friday 4 August	9:32 pm	<p>The noisy group from the beer garden left, walking along Clifton Hill towards Abbey Road, with intrusive shouting/speaking to each other.</p> <p>This was followed at 10:30pm by another group of people leaving the pub, not as noisy as the first group but still speaking loud enough that they were heard through closed windows and disturbed me.</p> <p>This is a very quiet residential street and such incidents have significant effect on quality of life at home.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/25003/ENC45</b></p>		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 5 August	4:57 am	<p>Delivery Saturday morning before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Saturday 5 August		An e-mail from the Clifton Hill Residents Group was sent to Ed & Ben Robson and Adam Gostyn and copied to Westminster Noise Team advising them of the ongoing problems with the pub following the last meeting.		Communication
Saturday 5 August	5:15 pm	<p>Arrived home at 5:15pm to a very intrusive noisy crowd in the beer garden. The noise continues for about 30 minutes getting louder and more frequent.</p> <p>At 5:45pm the noise stopped.</p> <p>My quality of life is important to me especially on the weekend after a long working week.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/25061/ENC45.</b></p>		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

Sunday 6 August	4:12 am	<p>Delivery Sunday morning before 9am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>	 <p>08-06-2017 Sun 04:12:02</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
Tuesday 8 August	4:47 am	<p>Delivery before 8 am</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>	 <p>08-01-2017 Tue 04:57:05</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 33</p>



## Logbook - Licence Issues Relating to The Clifton Pub

Wednesday 9 August	6:59 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Thursday 10 August	4:51 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		Breach of the Licence Conditions Annex 3 Clause 33



## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 12 August</p>	<p>4:56 am</p>	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
<p>Sunday 13 August</p>	<p>3 pm</p>	<p>From 1 pm to 6:30 pm the beer garden is full with people having lunch and speaking with long bursts of very loud voices. It can be heard even with the TV on. It is a summer evening, 23 degrees outside, and the only way to avoid these bursts of loud voices and annoying noise nuisance is to close the window.</p> <p>It seems that each table is speaking louder than the other table in order to hear themselves.</p> <p>People leaving the pub are very noisy whilst walking on Clifton Hill.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>



## Logbook - Licence Issues Relating to The Clifton Pub

<p>Sunday 13 August</p>	<p>11:03 pm</p>	<p>Customer using the beer garden after 10pm.</p> <p>The Licence does not allow usage of the beer garden by customers after 10pm.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 24</p>
<p>Tuesday 15 August</p>	<p>5:06 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>



## Logbook - Licence Issues Relating to The Clifton Pub

<p>Tuesday 15 August</p>	<p>7:41 am</p>	<p>Very noisy rubbish recycling collection before 8am.</p> <p>A very intrusive noisy rubbish collection of glass bottles and rubbish bins, outside the allowed hours. The disturbing noise before 8am from the rubbish truck, collecting the pub's bins, is affecting our quality of life and disturbing this quiet street and its tranquillity.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/26187.</b></p>		<p>Breach of the Licence Conditions Annex 3 Clause 32</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>
<p>Thursday 17 August</p>	<p>5:04 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>



## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 17 August	10:22 pm	<p>Smoking after 10pm outside the designated area.</p> <p>I saw this as I was looking for a free residents' parking space.</p> <p>The pub operators made no attempt to stop it.</p>	 <p>08-17-2017 Thu 22:12:49</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Thursday 17 August	10:33 pm	<p>Smoking after 10pm outside the designated area.</p> <p>This continued for several minutes.</p> <p>The pub operators made no attempt to stop it.</p>	 <p>08-17-2017 Thu 22:33:03</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 17 August	11:10 pm	<p>Smoking after 10pm outside the designated area</p> <p>The pub operators made no attempt to stop it.</p>	 <p>08-17-2017 Thu 23:10:37</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Thursday 17 August	11:18 pm	<p>Very noisy group of girls left unsupervised the pub speaking and laughing in exceptionally loud voices, stopping for a while on Clifton Hill in front of the gates to the side road.</p>	 <p>08-17-2017 Thu 23:18:17</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 13</p>




## Logbook - Licence Issues Relating to The Clifton Pub

				
Friday 18 August	10:15 pm	<p>Smoking after 10pm outside the designated area.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>





## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 19 August	4:55 am	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Monday 21 August	7:05 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am</p> <p>I was distracted while working in my living room by the 'Covent Garden Supply' truck.</p>		Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Monday 21 August</p>	<p>10:06 pm</p>	<p>Number of loud, noisy groups left the pub, standing in front of the pub on Clifton Hill for 20 minutes, clearly heard in my living room. These disturbing, noisy and inconsiderate incidents late in the evening are a regular occurrence.</p>	<div data-bbox="1128 209 1765 568"> <p>08-21-2017 Mon 22:06:49</p>  <p>Camera 01</p> </div> <div data-bbox="1128 603 1765 962"> <p>08-21-2017 Mon 22:16:53</p>  <p>Camera 01</p> </div> <div data-bbox="1128 997 1765 1356"> <p>08-21-2017 Mon 22:23:17</p>  <p>Camera 01</p> </div>	<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

Tuesday 22 August	5:01 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Thursday 24 August	4:53 am	<p>Delivery before 8 am.</p> <p>Woken up by delivery van (reg KK17 ODS) and cleaning van (reg BL66 FDO) slamming the doors. This is NOT the first time this has happened despite numerous communications on the matter with the pub's owners and Westminster Noise Team. I went down to take photos.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p> <p><b>The noise was reported to Westminster and the issue was logged with Westminster Noise Team. Reference number: 17/27245/ENC45</b></p> <p>Westminster called back. The officer I</p>	 <div style="display: flex; justify-content: space-around; margin-top: 10px;">   </div>	<p>Breach of the Licence Conditions Annex 3 Clause 13</p> <p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

		<p>spoke to logged the call and asked for evidence. I explained that I had photos.</p>	<div></div>	
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## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 24 August	9:18 pm	<p>A group of people leaving the pub and standing outside for several minutes shouting and laughing loudly.</p> <p>My living room window was shut. I was watching TV and their shouting was heard and was disturbing and intrusive.</p> <p>I looked through my living room windows and no one from the pub came out to control them.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Friday 25 August	8:46 pm	<p>Very noisy crown in the beer garden. Called the pub at 9:11pm to complain and spoke to Adam Gostyn. His answer was <b><i>“wait 20 minutes, we are closing anyway in 20 minutes”</i></b>. I answered that I did not want to wait 20 minutes and asked him to deal with the noise immediately</p> <p>My house guest was witness to the conversation with Mr Gostyn, which was on speaker phone, and was as shocked as I was about this disrespectful and “don’t care” attitude (<i>see testimony in Appendix 3</i>).</p> <p>I called Westminster’s Noise Team and a voice message stated that it can take up to 15 minutes for someone to answer. As I had a guest I could not wait and wrote an email at 21:26 to log this incident.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p> <p>Communication</p>

## Logbook - Licence Issues Relating to The Clifton Pub

		<p>At 10:08 I emailed the Robson brothers asking them to address Mr Gostyn's attitude and deal with the repeated noise problems from the beer garden – No response was received from either Ed or Ben Robson.</p> <p><b>The noise was reported to Westminster and the issue was logged with Westminster Noise Team. Reference number: 17/27565/ENC45</b></p>		
Friday 25 August	10:16 pm	<p>Smoking after 10pm outside the designated area.</p> <p>There were 3 different occurrences of the same breach within 1 hour and the pub owners, management and staff members made no attempt to stop it.</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Friday 25 August	10:39 pm	<p>Smoking after 10pm outside the designated area.</p> <p>The pub owners, management and staff members made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Friday 25 August	10:56 pm	<p>Smoking after 10pm outside the designated area.</p> <p>The pub owners, management and staff members made no attempt to stop it.</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 26 August	5:16 am	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	 <p>08-26-2017 Sat 05:16:57</p> <p>Camera 01</p>	Breach of the Licence Conditions Annex 3 Clause 33
Saturday 26 August	10:17 pm	<p>Smoking after 10pm outside the designated area.</p> <p>They throw their cigarette butts on the side road.</p>	 <p>08-26-2017 Sat 22:17:57</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

Logbook - Licence Issues Relating to The Clifton Pub

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			<div><div>08-26-2017 Sat 22:22:13</div><div>Camera 01</div></div> <div><div>08-26-2017 Sat 22:23:29</div><div>Camera 01</div></div>	
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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 26 August</p>	<p>10:10 pm</p>	<p>Smoking after 10pm outside the designated area.</p> <p>Smoking on Clifton Hill.</p> <p>The pub owners, management and staff members made no attempt to stop it.</p>	<div data-bbox="1131 209 1836 614"> <p>08-26-2017 Sat 22:10:53</p>  </div> <div data-bbox="1131 646 1836 1051"> <p>08-26-2017 Sat 22:13:52</p>  </div>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 26 August	10:35 pm	<p>Smoking after 10pm outside the designated area.</p> <p>The pub owners, management and staff members made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Sunday 27 August	5:45 am	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p> <p>I was woken up by the delivery.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>


## Logbook - Licence Issues Relating to The Clifton Pub

<p>Tuesday 29 August</p>	<p>4:55 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	<div data-bbox="1128 209 1839 612"> <p>08-29-2017 Tue 04:55:37</p>  <p>Camera 01</p> </div> <div data-bbox="1128 647 1839 1051"> <p>08-29-2017 Tue 04:56:07</p>  <p>Camera 01</p> </div> <div data-bbox="1128 1086 1610 1358"> <p>08-29-2017 Tue 05:02:24</p>  <p>Camera 01</p> </div>	<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 29 August		An e-mail from the Clifton Hill Residents Group was sent to Ed & Ben Robson and Adam Gostyn, and copied to Westminster Noise Team, advising them of the ongoing problems with the pub following the last meeting.		Communication
Wednesday 30 August	7:30 pm	<p>From around 7:30pm till 9:40pm there was non-stop intrusive bursts of loud speaking and loud laughter from a small group of men in the beer garden. It could be heard with closed window and the TV on.</p> <p>It then got quieter to an acceptable level from about 8pm till 8:30pm.</p> <p>It then got worse and even louder from around 8:40 till 9:40pm caused by very loud people in the beer garden.</p> <p>There was not much point in calling the pub as on the previous occasion when I called to ask them to quieten down their customers they were rude and disrespectful.</p> <p>At around 10 pm, I emailed Westminster noise team with this incident</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p> <p>Communication</p>



## Logbook - Licence Issues Relating to The Clifton Pub

		The issue was logged with Westminster Noise Team. Reference number: 17/28056/ENC45		
SEPTEMBER 2017				
Friday 1 September	5:05 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		Breach of the Licence Conditions Annex 3 Clause 33



## Logbook - Licence Issues Relating to The Clifton Pub

Friday 1 September	7:27 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		Breach of the Licence Conditions Annex 3 Clause 33
Friday 1 September	8pm	<p>Noisy crowd in the beer garden. Bursts of very loud talking and laughing from 8pm to 9pm. It got extremely noisy with loud singing from around 9 pm till 22:23pm. It could be heard even with the TV on and windows shut. It felt like I was in the middle of a riot.</p> <p>I spoke to Mr Buck at Westminster who said he was in Edgware Rd and on the way to Clifton Hill. At 8:40 pm, the noise hasn't stopped.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/28271/ENNS45</b></p> <p>I called the pub at 10:23pm and spoke to Ed who advised that they had called the Police.</p>		Breach of the Licence Conditions Annex 3 Clause 13

## Logbook - Licence Issues Relating to The Clifton Pub

		<p>Mr Keegan later advised that the police were called at 21:41 and arrived at 21:59.</p> <p>Clearly the pub owners could not control or contain the disorder for over 2 hours.</p>		
Saturday 2 September	5:38 am	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am</p> <p>Noisy delivery. I was woken up by the truck's rear shutter doors being opened and closed.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/28338/ENV45</b></p> <p>I also Spoke to Ed Robson about the delivery this morning and he claimed he did not know that there had been any early morning deliveries, which is strange as I spoke to him about the daily early morning deliveries when I called him about the</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>


## Logbook - Licence Issues Relating to The Clifton Pub

		severe noise last night (1-9-17 8pm till 10:23 pm).		
Saturday 2 September	7:42 pm	<p>Noisy crowd in the beer garden with long bursts of very loud voices that could be heard even whilst the TV was on.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/28418/ENC45</b></p> <p>Whilst on the phone to the Noise Team's call centre an email arrived from Roderick Thorne with the above reference number. The call centre also gave a reference number for this incident: <b>17/28420/ENC45</b></p> <p>Both reference numbers (<b>17/28420/ENC45</b> and <b>17/28418/ENC45</b>) are for the same incident.</p>		Breach of the Licence Conditions Annex 3 Clause 13
Sunday 3 September	6:18 AM	<p>Delivery before 9 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am</p> <p>I was woken up by the truck's rear shutter doors opening and closing.</p> <p>This is despite Ed Robson saying that he will stop deliveries immediately during our yesterday's morning telephone</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p> <p>Breach of the Licence Conditions Annex 3 Clause 13</p>

## Logbook - Licence Issues Relating to The Clifton Pub

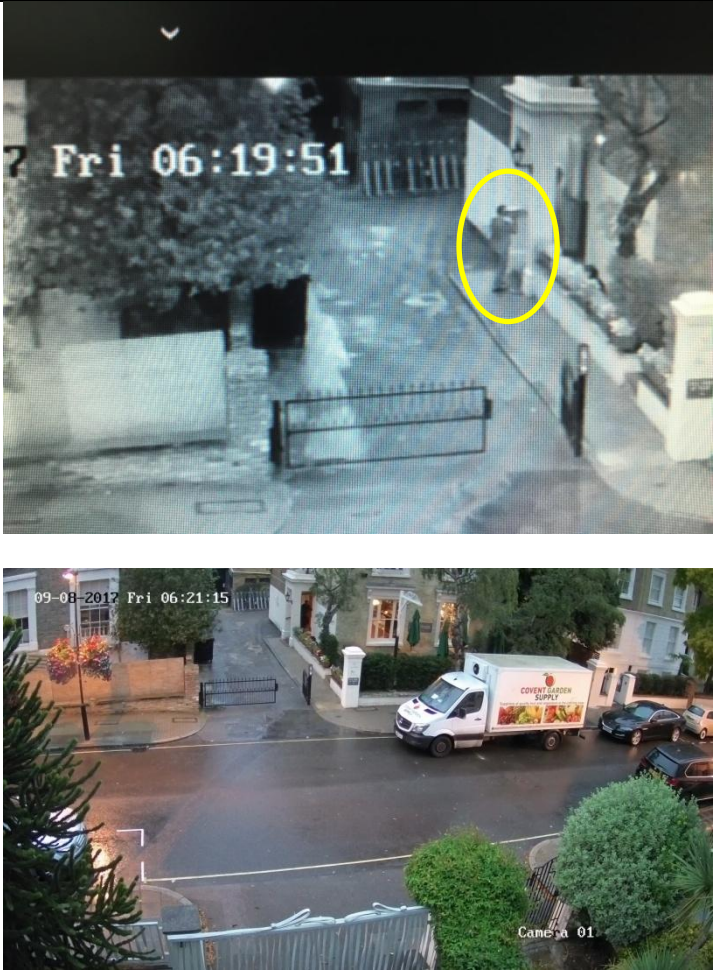
		conversation, when I complained about being woken up by a delivery yesterday morning.		
Monday 4 September	6:54 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	 	Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub

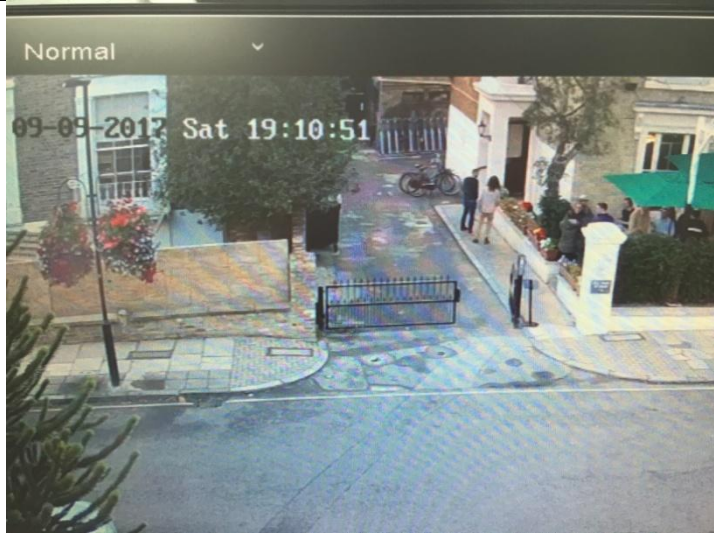

Tuesday 5 September	4:34 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	 <p>09-05-2017 Tue 04:34:18</p> <p>Camera 01</p>	Breach of the Licence Conditions Annex 3 Clause 33
Friday 8 September	6:18 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	 <p>Normal</p> <p>09-08-2017 Fri 06:18:37</p> <p>Camera 01</p>	Breach of the Licence Conditions Annex 3 Clause 33

## Logbook - Licence Issues Relating to The Clifton Pub


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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 9 September</p>	<p>6 pm</p>	<p>Noisy crowd in the beer garden. Looks like they arrived from Lord's cricket ground.</p> <p>There is a video clip for this incident showing the group acting in a very animated manner.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/29169/ENC45</b></p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
<p>Tuesday 19 September</p>	<p>6:04 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p> <p>This is yet another delivery despite receiving advice from Mr Keegan that he had been told by the pub's lawyer that his clients had guaranteed that there would be no more deliveries outside the permitted hours.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Friday 22 September</p>	<p>6:42 pm</p>	<p>People in the beer garden are very noisy. Had to shut the windows and even then was disturbed by them. The “steward” stood at the entrance to the beer garden and walked in and out of it, but did nothing to stop the noise. It was like he wasn’t there or doesn’t know what his role is.</p> <p><b>The issue was logged with Westminster Noise Team. Reference number: 17/30643/ENC45</b></p> <p>Patrick from the noise team called at 7:38pm to ask if there was still noise. By then it had quietened down.</p> <p>I asked when he visited the pub and he answered “half an hour”.</p> <p>I asked him if it was noisy in his opinion. He gave me a vague answer and then said “people were talking but I have to check from your home if it is nuisance”.</p> <p>I asked him why he didn’t call me when he was in the pub to come to my home to check the noise. His answer was “yes, probably I should have”. He promised to call back for follow up but he didn’t.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook - Licence Issues Relating to The Clifton Pub


<p>Saturday 23 September</p>	<p>5:59 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>	 <p>09-23-2017 Sat 05:56:25</p> <p>09-23-2017 Sat 05:59:03</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Tuesday 26 September</p>	<p>6:52 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
<p>Tuesday 3 October</p>	<p>7:34 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>

## Logbook - Licence Issues Relating to The Clifton Pub

Friday 6 October	00:05 am	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 33</p>
Saturday 7 October	10:27 pm	<p>Unsupervised smoking after 10pm outside the designated area.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>



## Logbook - Licence Issues Relating to The Clifton Pub

Saturday 7 October	10:34 pm	<p>Large group of customers leaving unsupervised, gathering on Clifton Hill outside the pub for a loud chat late at night.</p> <p>The condition was imposed to control noise at late hours. This type of breach occurs often and leads to noise.</p>	 <p>10-07-2017 Sat 22:34:42 Camera 01</p>	Breach of the Licence Conditions Annex 3 Clause 34
Wednesday 11 October	11:05 pm	<p>Unsupervised smoking after 10pm outside the designated area.</p> <p>The pub operators made no attempt to stop it.</p>	 <p>10-11-2017 Wed 23:05:30 Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>


## Logbook - Licence Issues Relating to The Clifton Pub

<p>Thursday 12 October</p>	<p>7:07 am</p>	<p>Delivery before 8 am.</p> <p>The licence does not allow deliveries before 8 am Mon to Fri and, on weekends and bank holidays, before 9 am.</p>		<p>Licence Conditions Annex 3 Clause 33</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

Thursday 12 October	10:28 pm	<p>Unsupervised smoking after 10pm outside the designated area.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
<b>Breaches after the Licence Review Application was submitted</b>				
Saturday 14 October	10:10 pm	<p>Over 5 people unsupervised smoking after 10pm outside the designated area and on Clifton Hill and the side road.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 29</p> <p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Saturday 14 October</p>	<p>10:13 pm</p>	<p>Unsupervised smoking after 10pm outside the designated area and on Clifton Hill and the side road.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
<p>Saturday 14 October</p>	<p>10:20 pm</p>	<p>Unsupervised smoking after 10pm outside the designated area and on Clifton Hill and the side road.</p> <p>The pub operators made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub



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Saturday 14 October	11:17 pm	Unsupervised smoking after 10pm outside the designated area.		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook - Licence Issues Relating to The Clifton Pub

<p>Monday 16 October</p>	<p>10:24 pm</p>	<p>Smoking after 10pm outside the designated area on Clifton Hill</p> <p>One of the owners (I believe it to be Ben Robson) followed them out, witnessed this but made no attempt to stop it.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p>
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## Logbook - Licence Issues Relating to The Clifton Pub

<p>Wednesday 25 October</p>	<p>10:04 pm</p>	<p>Smoking after 10pm outside the designated area on Clifton Hill</p> <p>Drinking after 10pm outside building on the side road.</p> <p>No supervision.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 28</p> <p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
<p>Thursday 26</p>	<p>10:19 pm</p>	<p>Smoking after 10pm outside the designated area on Clifton Hill</p> <p>Drinking after 10pm outside building on the side road.</p> <p>No supervision.</p>		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## **Appendix 1 - List of the Licence conditions that were breached**

### **Licence Part 1**

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

#### **Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

#### **The opening hours of the premises:**

Monday to Saturday: 10:00 to 23:30

Sunday: 12:00 to 23:00

### **Licence Annex 3 Clause 10**

Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

### **Licence Annex 3 Clause 11**

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

### **Licence Annex 3 Clause 13**

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.

### **Licence Annex 3 Clause 16**

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 and the outside area 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.

## Logbook - Licence Issues Relating to The Clifton Pub

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### **Licence Annex 3 Clause 22**

During the hours of operation of the premises, the licence holder shall each day 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.

### **Licence Annex 3 Clause 24**

The Beer Garden shall not be permitted to be used by customers after 22:00 hours.

### **Licence Annex 3 Clause 25**

The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.

### **Licence Annex 3 Clause 26**

All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.

### **Licence Annex 3 Clause 28**

After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

### **Licence Annex 3 Clause 29**

After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

### **Licence Annex 3 Clause 30**

Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.

### **Licence Annex 3 Clause 32**

No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.

### **Licence Annex 3 Clause 33**

No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.

## Logbook - Licence Issues Relating to The Clifton Pub

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### **Licence Annex 3 Clause 34**

The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

## Appendix 2 – 3<sup>rd</sup> Party Testimony

From: Philomena Freeman pf@freeman-associates.co.uk  
Subject: Friday 25th August- High volume of noise from the Clifton's beer garden  
Date: 26 Aug 2017, 21:10:28  
To: amir nadel amir.nadel@gmail.com

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Good evening Amir,

This is just to confirm what I witnessed yesterday evening between the hours of 19.45pm and 21.30pm approximately.

1- There was an excessive amount of high volume noise coming from the pub's beer garden that I could hear clearly from your living room.

It completely disrupted our conversation and for that reason I suggested you recorded it.

2- You telephoned the pub at around 21.10 and spoke in a polite manner to Adam. As he was on speaker phone I heard him say 'wait 20 minutes till we close'. His response was not only utterly dismissive but very disrespectful.

3- After that you telephoned Westminster Noise Team and a recorded message announced that it could take up to 15 minutes for the call to be answered.

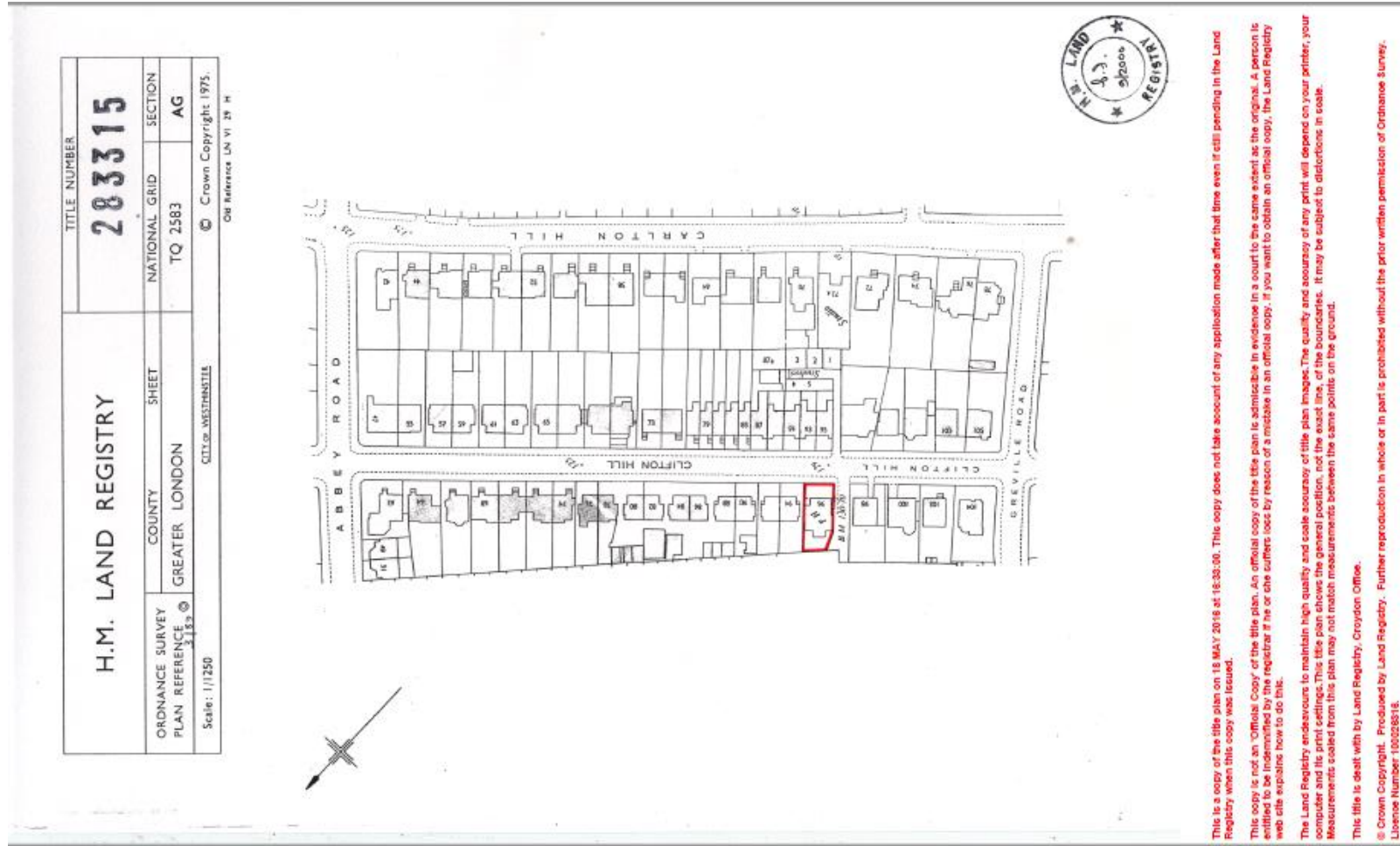
This is not the first time I have been present when the level of noise disturbed a visit and made it impossible to relax . You should be able to enjoy peace and quiet at home.

I am more than happy to relay my experience to the Westminster Noise Team or any person you feel appropriate.

Kind regards,  
Philomena



## Appendix 4 – the pub's boundaries



# Logbook 2

## Licence Issues Relating To

### The Clifton Pub

96 Clifton Hill  
London NW8 0JT

14<sup>th</sup> October 2017 – 25<sup>th</sup> November 2017

**Entries since the submission of the licence review application  
on the 12<sup>th</sup> October 2017**



### TOTALS BY CATEGORY

Breaches	Total	Oct	Nov	Dec
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 13 (noise)	1	0	1	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 28 (Drinking outside after 10)	2	2	0	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 29 (over 5 unsupervised smokers)	2	1	1	0
<b>Breach</b> of the Licence Conditions - Annex 3 Clause 30 (smoking outside allowed area)	14	8	6	0
<b>Breach</b> of the Licence Conditions -Annex 3 Clause 34 (Unsupervised Smoking)	13	7	6	0
<b>TOTALS</b>	<b>32</b>	<b>18</b>	<b>14</b>	<b>0</b>

## Logbook 2 - Licence Issues Relating to The Clifton Pub

OCTOBER 2017				
Breaches after the Licence Review Application was submitted on the 12 <sup>th</sup> October 2017				
Saturday 14 October	10:02 pm	<p>Smoking outside the designated area after 10pm.</p> <p>Unsupervised smoking after 10pm.</p> <p>One of the owners (believed to be Ed Robson) watches the smokers, watched them but made no attempt to stop the breach.</p>	 <p>10-14-2017 Sat 22:02:08</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>




## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Saturday 14 October</p>	<p>10:10 pm</p>	<p>More than 5 people smoking within the designated area after 10pm.</p> <p>Smoking outside the designated area after 10pm.</p> <p>Unsupervised smoking after 10pm.</p>	 <p>10-14-2017 Sat 22:10:21</p> <p>Camera 01</p>	<p>Breach of the Licence Conditions Annex 3 Clause 29</p> <p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
<p>Saturday 14 October</p>	<p>10:11 pm</p>	<p>Drinking after 10pm outside the building on the side road.</p> <p>Smoking outside the designated area after 10pm.</p> <p>Unsupervised smoking after 10pm.</p> <p>The customer on the left is drinking. The customer on the right is smoking and sharing his cigarette with the customer on the left (see photo 1).</p>	 <p>4.0X</p> <p>1</p>	<p>Breach of the Licence Conditions Annex 3 Clause 28</p> <p>Breach of the Licence Conditions Annex 3 Clause 30</p>

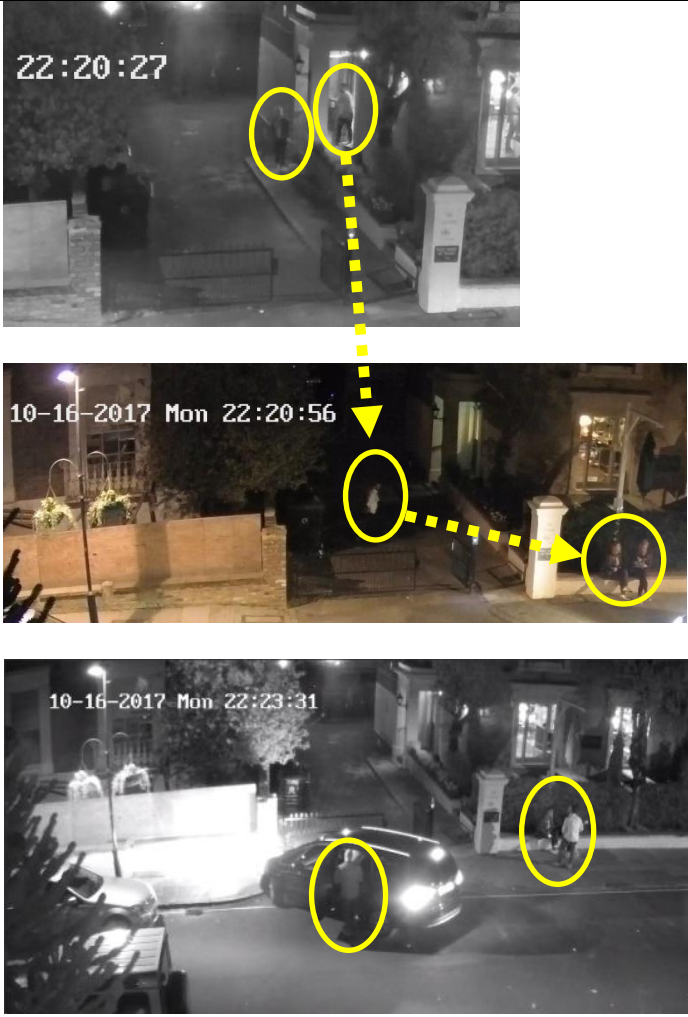
## Logbook 2 - Licence Issues Relating to The Clifton Pub

		<p>The customer picks up his drink from next to the flower box (see photo 2).</p> <p>The customer then raises his hand with the drink for a 'toast' (see photo 3).</p>	 	<p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Saturday 14 October	10:20 pm	Unsupervised smoking after 10pm outside the designated area.		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>



## Logbook 2 - Licence Issues Relating to The Clifton Pub

			 	
Saturday 14 October	11:17 pm	Unsupervised smoking after 10pm outside the designated area.		<p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>



## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Monday 16 October</p>	<p>10:24 pm</p>	<p>Smoking after 10pm outside the designated area on Clifton Hill.</p> <p>One of the owners (believed to be Ben Robson) followed the smokers out, watched them but made no attempt to stop the breach.</p> <p>Several minutes later Ben Robson escorts Adam Gostyn to a waiting taxi and then proceeds to chat with the smokers.</p> <p>Neither Ben Robson nor Adam Gostyn stopped them.</p> <p>Several minutes later one of the smokers returns to the pub and the other leaves.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 30</p>
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## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Wednesday 25 October</p>	<p>10:04 pm</p>	<p>Drinking after 10pm outside the building on the side road.</p> <p>Unsupervised smokers after 10pm outside the designated area.</p> <p>I was watching the 10pm BBC news at the time, hence the time is accurate.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 28</p> <p>Breach of the Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
<p>Thursday 26 October</p>	<p>10:19 pm</p>	<p>Unsupervised smokers after 10pm outside the designated area.</p>		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook 2 - Licence Issues Relating to The Clifton Pub

NOVEBER 2017				
Wednesday 8 November	10:29 pm	Unsupervised smokers after 10pm outside the designated area.		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
Thursday 9 November	10:07 pm	Unsupervised smokers after 10pm outside the designated area.		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>

## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Thursday 9 November</p>	<p>11:02 pm</p>	<p>Large group left the pub and made loud and intrusive noise which woke me up.</p> <p>The noise was reported to Westminster Noise Team and the issue was logged with reference number: 17/37027/ENC45.</p>		<p>Breach of the Licence Conditions Annex 3 Clause 13</p>
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## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Saturday 18 November</p>	<p>10:13 pm</p>	<p>Unsupervised smokers after 10pm outside the designated area. After smoking the customers went back into the pub.</p>		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
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## Logbook 2 - Licence Issues Relating to The Clifton Pub

Wednesday 22 November	10:15 pm	Unsupervised smokers after 10pm outside the designated area. After smoking the customers went back into the pub.		<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
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## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Saturday 25 November</p>	<p>10:17 pm</p>	<p>Unsupervised smokers after 10pm outside the designated area.</p>	<div data-bbox="1131 209 1832 609">  <p>11-25-2017 Sat 22:17:54</p> <p>Camera 01</p> </div> <div data-bbox="1131 644 1411 1016">  </div> <div data-bbox="1131 1086 1832 1297">  <p>11-25-2017 Sat 22:18:36</p> </div>	<p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
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## Logbook 2 - Licence Issues Relating to The Clifton Pub

<p>Saturday 25 November</p>	<p>10:57 pm</p>	<p>More than 5 people smoking within the designated area after 10pm.</p> <p>Smoking outside the designated area after 10pm.</p> <p>Unsupervised smoking after 10pm.</p>		<p>Licence Conditions Annex 3 Clause 29</p> <p>Licence Conditions Annex 3 Clause 30</p> <p>Breach of the Licence Conditions Annex 3 Clause 34</p>
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### **Appendix 1 - List of the Licence conditions that were breached**

#### **Licence Annex 3 Clause 13**

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.

#### **Licence Annex 3 Clause 28**

After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

#### **Licence Annex 3 Clause 29**

After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

#### **Licence Annex 3 Clause 30**

Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.

#### **Licence Annex 3 Clause 34**

The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

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