



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

17/04023/LIREVP

Date:

15 June 2017

Classification:

For General Release

Title of Report:

**The Union
88-90 George Street
London
W1U 8PA**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Miss Heidi Lawrance
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 2751
E-mail: hlawrance@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	Rosemary Hook	Date Application Received:	18 April 2017
Premises Name and Address:	The Union 88-90 George Street London W1U 8PA		
Ward Name:	Marylebone High Street	Cumulative Impact Area:	Not applicable.
Description of Premises:	The premises is operating as a public house and restaurant with an outside drinking area.		
Preliminary Note:			

2. SUMMARY OF APPLICATION

- 2.1 An application has been submitted by a local resident, Mrs Rosemary Hook, for a review of the premises licence for The Union, 88-90 George Street, London, W1U 8PA was received on 18th April 2017 on the grounds of Public Safety and the Prevention of Public Nuisance. **Please see 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 00:30 (Ground Floor)
Monday to Saturday: 23:00 to 23:30 (Basement)
Sunday: 23:00 to 00:00 (Ground Floor)

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00 (Ground Floor)
Monday to Saturday: 10:00 to 23:00 (Basement)
Sunday: 12:00 to 22:30 (Basement)
Sunday: 12:00 to 23:30 (Ground Floor)

Playing of Recorded Music: Unrestricted

- 2.5 These review proceedings are brought under the licensing objectives on the grounds of Public Safety and the Prevention of Public Nuisance. A history of issues experienced by the resident has been provided by the applicant can be found in **Appendix 1**.
- 2.6 The main issue the resident has experienced is the noise emanating from the outside area of the premises in which patrons congregate to drink and smoke. This was a particular issue during the summer of 2016.
- 2.7 A copy of the existing Premises Licence (16/13469/LIPDPS) is attached at **Appendix 2**.

3. REPRESENTATIONS:

- 3.1 The Environmental Health Service, as a responsible authority supports the review application on both grounds. **Please refer to Appendix 3 for further information.**
- 3.2. The Licensing Authority supports this review on the grounds of public safety and the prevention of public nuisance. **Please refer further to Appendix 4 for further information.**

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:

‘A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.’

EITHER

‘Patrons shall not be permitted to consume alcohol or smoke to the rear of the premises’

OR

‘Consumption of alcohol to the rear of the premises shall be restricted to the terrace area immediately adjacent to the rear door. Patrons and the consumption of alcohol must not be permitted to overspill into the adjoining car park.

‘Patrons permitted to use the area to the rear of the premises described in condition [] shall be restricted to 12 at any one time.’

‘Patrons shall not be permitted to use the area to the rear of the premises described in condition [] for any purpose after 9pm.’

‘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 or private land’

‘All external windows and doors to the rear of the premises shall be kept closed after 9pm, except for emergency ingress and egress.’

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;



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
4th 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
4th 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**

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.

I Rosemary Hook

(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

Postal address of premises or, if none, ordnance survey map reference or description Union 88-90 George Street	
Post town London	Post code (if known) W1U 8PA

Name of premises licence holder or club holding club premises certificate (if known) Faucet Inn Limited
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Number of premises licence or club premises certificate (if known) 16/13469/LIPDPS Original reference: 05/08359/LIPC
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) 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

Hook

Rosemary

Please tick ✓ yes

I am 18 years old or over

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

75 Blandford Street

Post town

London

Post Code

W1U 8AB

Daytime contact telephone number

E-mail address (optional)

rosemary@roberthook.f2s.com

(B) DETAILS OF OTHER APPLICANT

--

Telephone number (if any)

E-mail address (optional)

(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)

The application seeks to amend and update the premises licence to ensure that the operation of the premises promotes the licensing objectives. The issues experienced can be summarised as follows:

'Prevention of public nuisance' and 'public safety'

- Outside drinking. Although the premises has a designated area at the front on George Street which benefits from a 'tables and chairs' licence, in the warmer months large numbers of customers congregate at the back of the premises either in an area just outside the back door of the pub, or beyond there in a private car park.
- The back of the premises is overlooked by the residential properties on Blandford Street.
- There can be well over 50 customers outside the rear of the premises in the warmer months.
- This creates a din the result of which means it is impossible to relax in our homes in the evening even when all windows are closed.
- The cars using the car park have to negotiate the crowds of drinkers. The car park is also by delivery vehicles delivering to the back of the Tesco Express on George Street. This can be dangerous for the customers of the pub.

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

Introduction

I am a local resident who lives in the very close vicinity of the Union ('the premises'). The front of the premises is situated on George Street. It has an outside seating area at the front, on George Street. The rear of the premises opens out on to a small 'patio' area, and then a large open area, a private car park not belonging to the pub. I overlook the rear of the premises only, and so it is on that which the application focuses. I enclose a photograph of the rear of the premises at appendix 5.

The outside area at the front has the benefit of a 'tables and chairs' licence issued by Westminster City Council. The area is not demarcated on the plans which form part of the premises licence.

The rear of the properties comprising nos 73 to 89 Blandford Street overlook the back of the premises. The rear exit of the premises is utilised by the licence holder for the egress of customers out into the large open space between the rear of the premises and our property. I presume that the small 'patio' area is within their demise. It appears to be included on the licence plans. The private car park where customers gather to drink is not within the licence holder's demise. I am not sure whether they have permission to use this area.

I have produced and signed a witness statement which explains in more detail where I live, our circumstances, and our concerns. A number of other local residents have also submitted statements in support of the review. The statements can be found at Appendix 1. I also produce at Appendix 2 a number of photos taken as evidence

Large numbers of customers congregate outside the rear of the premises. The noise they cause constitutes a nuisance for residents. We are not averse to customers drinking outside, even at the rear, to a reasonable time and in reasonable numbers. However, as the photographs we have submitted demonstrate, the numbers permitted outside by the licence holder and the spread of customers in the large open area, is problematic.

The purpose of the review is to amend and update the premises licence to ensure that the operation of the premises promotes the licensing objectives.

Overview

I and other residents have been troubled for a number of years by the operation of this premises. I have sought to engage with the relevant officers at Westminster City Council and with the management of the premises. Unfortunately, the manager at the premises through 2016 was very unpleasant and I had to stop raising concerns with him. He would come out of the back of the premises and encourage customers to look towards our flat, and he made threatening gestures towards us. I was subsequently advised by a noise officer from the City Council not to contact that individual. When I have telephoned the premises itself to make them aware of the noise issues, I have been told but them that 'we can do what we like'.

I and others have put up with these issues over a number of years, and we would like to resolve the problems so that they do not reoccur over the course of this spring and summer.

Glyn Franks and other officers of the City Council has been extremely helpful and fair in his dealings with myself and the premises. We have been close to applying for a review of the premises licence on a number of occasions. Glyn had liaised with the management on a number of occasions in order to seek a resolution. In 2016 a document was drawn up in conjunction with the management, to manage outside drinking at the rear.

Unfortunately, although it did improve for a short period (a week), nuisance has continued. The agreement has not been complied with. It is perhaps noteworthy that, according to the City Council's Licensing Register, there have been numerous changes of DPS within relatively short periods of time.

Accordingly, residents feel it is time that the licence is reviewed so that conditions can be added to resolve the issues we experience.

The principle cause of nuisance is the numbers of customers who drink outside the premises at the rear and the noise this causes, which is intrusive in our houses. There are 9 houses and 2 flats on our stretch of Blandford Street which overlook the rear of the premises and are affected.

Current premises licence

The current premises licence is attached at appendix 4. I am advised that it is an old 'converted' licence, and so does not have conditions which one might expect to find on more modern licences.

In particular, the licence has not changed to take into account (i) the rise in popularity of outside drinking; and (ii) the effect of the smoking ban. Both these factors are at the root of the nuisance we experience. It is in our view clearly appropriate in these circumstances that the licence should be amended.

Reasons for the application: the licensing objectives

The issues fall under the licensing objective of prevention of public nuisance. The statements attached at appendix 1 will have some more detail, but the following is a general summary.

Prevention of public nuisance: Outside drinking and smoking; extent of area used for outside drinking; numbers of customers outside.

I attach at appendix 2 photographs which amply demonstrate the scale of the problem and why residents are asking for conditions to be imposed on the licence.

I and others have had to phone the City Council's Noise Team on numerous occasions. Please note that the number of calls recorded does not seem to reflect the number of times when noise has been an issue. We have not phoned the Noise Team on each occasion. We have also phoned the pub when there has been noise, with very limited success.

The problems which occurred during 2016 were much the same as previous years, and we want to resolve the issue before summer 2017.

As described in my and other supporting statements, the problem is from early to late evening in the summer months and tends to get progressively worse towards the end of the week. It is often the case that upwards of 50 people have spilled out of the rear of the car and into the car park.

Whilst the general pattern is that the actual number of people in the car park starts to fall after from around 9.00pm this does not necessarily mean that the nuisance abates. Those that remain later tend to get louder.

I have found the following email excerpts which show typical examples of the problems.

26 May 2016:

'Unfortunately I do not think that much regard has been paid and on this sunny Thursday evening it was the same problem, with far more people outside the bar and spilling well into the car park than actually in it. Again we have had to close all our windows and are unable to use our terrace or garden.

I am not prepared to accept this so would indeed like to understand how we can take things further ourselves.

In order to establish our position quite clearly I made another call to the noise team and the reference is 16/15198/ENC45. Kevin Stewart was very prompt in getting back to us and has subsequently attended

on site with one of your colleagues - I think he said Mr Keegan, but difficult to hear over the noise!

Corralling people back in has subsequently happened, for which I am grateful, but our reality is that our nice evening on the terrace had already been destroyed.'

27 May 2016:

'I telephoned Union bar at 10.45 when none of us could sleep because of the noise levels even with all our windows closed. To be fair they finally moved their customers side, but did not close the rear doors and why could they not have done that earlier, given that a noise complaint had already made? They have three floors of internal space!

The only solution has to be to prevent them using the rear of the property at all, with the rear door as fire escape only, and otherwise shut at all times. They have plenty of seating at the front which is on a trafficked street and where the noise is therefore far less of an issue than it is immediately outside our bedroom windows.

If we cannot reach this sort of compromise I and my neighbours will have to start campaigning to get their license revoked completely.

We will see what happens tonight but will be complaining and encouraging our neighbours to do so if we yet again experience severe nuisance.

Whilst I appreciate processes may take some time it seems to me that there is a simple and immediate solution as outlined above, thus preventing the time and cost associated with this.

Frankly, heartily sick of being deprived of the peaceful enjoyment of our home.'

21 June 2016:

'Yes, on-going problem on a sunny evening. We called noise team again on 18 June ref 16/17602/ENR345 and noise officer attended some time after 10.50pm. I know that Glyn has visited the premises in recent days but have not had any feedback from him. It seems to me there is a simple solution here. If the licensed area excludes the rear terrace and the license is restricted to sales and consumption ON the premises only they will be in contravention if anyone is outside at the rear. They have adequate external seating already on George St, which is a noisy trafficked commercial street. That is not the case at the rear where the majority of buildings immediately affected are residential and indeed, bedrooms.

At the least the poor weather in recent weeks has given us some peace and quiet, but no thanks to any care or consideration by the licensee to his neighbours, none has ever been demonstrated.

A number of our neighbours have also made complaints, including Carousel who have licensing restrictions in place to absolutely avoid the sort of problems the Union Bar is creating and which, in the most part they respect. Doesn't seem right does it?

I suppose we need an update from Glyn before deciding on next steps, but it is very clear that the problem is not going to go away without further action.'

These incidents took place after a 'Patio Rules' document had been drawn up by the licence holder in conjunction with Mr Franks (see appendix 6). Clearly, the new 'rules' did not have the desired effect. This procedures set out in the document would not in any event have been sufficient as it did NOT prevent people spilling in to the car park area (although they did subsequently say they would stop people from spreading in to the car park area); it did NOT put a terminal hour on use of the outside area at the rear - it only set a terminal hour for use of the car park (10pm), after which customers could and did continue to drink and make noise in the smaller area directly outside the back door.

Unfortunately, the rules are only implemented sporadically in any event. This may have something to do with the frequent changes of DPS evident from the Council's Licensing Register. The car park

continued to be used.

Please see individual witness statements for further details.

Efforts to resolve the problems

For several years we have had to complain with increasing frequency to the manager and to staff by telephoning or visiting the premises. We have regularly contacted Westminster noise team and they and licensing offices have attended on site on plenty of occasions. We no longer call the noise team on every occasion that we experience nuisance due to the time lag between calling the noise team and the attendance of an officer on site. It must also be said that any effect of a visit from the noise team is very short lived.

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

It is worth noting that there is a licensed premises at 71 Blandford Street, two doors down from my property. A new licence was applied for in 2013. The applicant wished to use an external area at the back of their premises for drinking and eating. We expressed our reservations about this. Having considered the relevant representations, the Licensing Sub-Committee decided to permit activity in the external area, but only to 9pm. We considered this a reasonable compromise in the circumstances, and we have very good relations with the management of that premises, whose patrons rarely if ever cause an issue. The same cannot be said for the Union.

Slightly further afield, but relevant to this premises, is a pub on Crawford Place which has signs in the window informing customers that outside drinking is not permitted after 9pm.

I 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 conditions as a basis for discussion. Ideally, I would like there to be no use of the rear of the premises for the reasons set out in this application. If the Sub-Committee is not minded to take this step, I have set out a number of conditions below. I feel that these conditions are necessary, appropriate and proportionate.

Proposed conditions:

- 'A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.'

EITHER

- 'Patrons shall not be permitted to consume alcohol or smoke to the rear of the premises'

OR

- 'Consumption of alcohol to the rear of the premises shall be restricted to the terrace area immediately adjacent to the rear door. Patrons and the consumption of alcohol must not be permitted to overspill into the adjoining car park .
- 'Patrons permitted to use the area to the rear of the premises described in condition [] shall be restricted to 12 at any one time.'
- 'Patrons shall not be permitted to use the area to the rear of the premises described in condition [] for any purpose after 9pm.'
- '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 or private land'
- 'All external windows and doors to the rear of the premises shall be kept closed after 9pm, except for emergency ingress and egress.'

Any other such conditions 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.

All timings etc to be 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

n/a

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 Colin W. Hook

Date 18th April 2017

Capacity **Applicant**

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

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.

The Union, 88-90 George Street, London W1U 8PA

List of appendices to review application

1. Statements in support of application
 - 1.1 Statement of Rosemary Hook
 - 1.2 Statement of Robert Hook
 - 1.3 Statement of Charlotte Kearon
 - 1.4 Statement of Vojislav Vasic
2. Photographs
3. List of noise complaints recorded by Westminster City Council
4. Premises licence for 88-90 George Street
5. Map of vicinity and photograph of rear of premises
6. Correspondence and documentation from Licensing Inspector

**Statement in support of application to review the premises licence for Union, 88-90 George Street,
London W1U 8PA**

s51 Licensing Act 2003

My name is Rosemary Hook. I live at 75 Blandford Street, London W1U 8AD. I have lived here for almost 11 years.

My house is on Blandford Street, which runs parallel to George Street, one block north. The rear of our property faces the rear of the George Street properties in between which is a large surface car park. The width of the car park is approximately 50 metres. It is a four storey house with a rear garden and external amenity areas (large balconies) on the rear of the first and third floors.

This statement is written in support of my application to review the premises licence for 88-90 George Street. A number of other residents affected by the nuisance created have also submitted statements in support of the review.

This statement sets out my own personal experiences of i) nuisance emanating from the Union; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

- i) The problem emanates from the use of the small terrace to the rear of Union Bar, which comprises part of the licensed premises. There is no control over numbers of people outside the rear of the Bar who overspill onto the adjacent surface car park. Noise levels can be very higher with well over 50 people in the car park. The noise is amplified by the canyon effect of the tall buildings surrounding it. Noise levels are much higher at our first floor windows than on the ground and even worse at the higher bedroom floors. A further contributing factor is that whilst the Bar has plenty of external seating to accommodate smokers on George Street (by separate licence I believe) George Street is in shade by early evening and customers therefore congregate in the car park to the rear which is still in full sun. It is often the case on a sunny evening that the George Street external area and the bar itself are virtually empty and the large majority of the customers are not even in the licensed premises, but in the car park outside it. The nuisance to us is most severe during the summer months in the evenings and becomes more intense as the week progresses, culminating in hellish Fridays. Even at this time of year (March) noise from the car park travels and a handful of people outside is disturbing and can be heard in our bedrooms even with the windows closed.

Whilst not of direct concern to the use of our property there is also a conflict between large numbers of people standing around drinking with cars entering and leaving the car park and HGVs servicing the Tesco store immediately next door.

- ii) The nuisance we experience is largely weather dependent. On pleasant sunny evenings when we would like to be enjoying our rear garden and first floor dining terrace the noise levels make this impossible. We are not only forced to retreat indoors but have to

close all our doors and window however hot and humid it is. On occasion we have found that we have to move to rooms at the front of the house. Whilst the number of people in the car park gradually drops off as workers leave for home that does not mean that noise levels abate – fewer people will by 9.00pm being making as much noise if not more than the early evening crowd. The noise often goes on well past 11.00pm making it impossible for us to sleep. Once all the customers have finally dispersed there is then disturbance from staff clearing up. We have provided photographic evidence from last summer showing the large numbers of people gathered in the car park.

This problem has increased year on year because the use of the car park continues to go unchecked and the current licence under review has no conditions to protect the welfare of local residents. Interestingly residents were involved in the licensing of the Carousel restaurant at 71 Blandford Street, a couple of doors away from our home. We have no such problems from this restaurant which is our very near neighbour. To give context, Union bar is located in a predominantly residential neighbourhood (particularly to the rear) which is extremely quiet at night with the exception of unauthorised use of the car park by customers of the Union Bar. The customer base of the Union bar is office workers from Baker Street. It provides no community focus and, indeed, is closed at weekends. This further reflects the lack of natural local night time footfall in the area

- iii) For several years we have regularly complained to the manager and staff both by telephoning or visiting the bar. In the main this has little to no effect. For the last two summers we have requested a meeting with the owners who have refused to meet. We regularly call the noise team and they and licensing officers have attended on site. This does have some short term impact. We no longer call the noise team on every occasion because it can take officers a couple of hours to attend – if we are at 10.00pm that becomes a pointless exercise as not only do we have to stay up even later, often circumstances have moved on.

I feel that the use of the outside space at the rear of the premises and the use of the car park for drinking has caused a public nuisance and will continue to do so unless legally restrained. In order to avoid ANY overspill into the car park and to reduce noise levels at all times we would like the rear terrace to be excluded from the licensed premises and the fire door onto it only be open for an emergency evacuation. Smoking can comfortably be accommodated on George Street which is a commercial street with external seating. There is no need for the external area to the rear to be available to customers.

At the very least the licence should be conditioned to limit the number of customers permitted on the terraced area and no overspill onto the car park be tolerated. I think the terrace could accommodate about 12 people. If this is the case then the use of the terrace should be until no later

than 9.00pm and no one should be allowed out of the back to drink or smoke after that time. The fire door would need to be closed from 9.00pm and used only for escape purposes.

If the licensee cannot demonstrate a workable management plan to implement this and the intention to actually apply it then the use of the terrace should be entirely prohibited at all times. Past experience has clearly demonstrated that such plans are NOT implemented neither is there the intent to implement. If the use of the terrace is entirely prohibited the legal position is clear and the Westminster noise team will have one less regular infringement to deal with. Our quality of life in the summer months would be hugely improved.

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..... *Gregory Hoole*
Address..... *75 DUND FCA Street BIUGAD*
Date..... *30th March 2017.*

Statement in support of application to review the premises licence for Union, 88-90 George Street, London W1U 8PA

s51 Licensing Act 2003

My name is Robert Hook. I live at 75 Blandford Street, London W1U 8AD. I have lived here for about 11 years.

My house is approximately 50m north of the premises across the open surface car park.

This statement is written in support of the application to review the premises licence for 88-90 George Street. I am aware that my wife is applying for a review of the premises licence, and I am fully supportive of the application.

This statement sets out my own personal experiences of i) nuisance emanating from the Union; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

- i) Very often, particularly in the spring, summer and early autumn months a large and noisy crowd collects at the rear of the premises spilling out over a large area of the car park. This tends to be more prevalent on Thursdays and Friday and as the evening goes on the noise tends to intensify and often goes on until late. Occasionally at weekends there are private parties when the nuisance tends to be loud music with an incessant bass throb heard when the rear doors remain open.
- ii) This prevents our use of our own amenity space and even prevents us from leaving windows open and often delays going to sleep. As the carpark is surrounded by buildings there is a "canyon" effect and this intensifies the noise.
- iii) We have complained to the council on many occasions and also I have complained to the bar staff with varying degrees of response.

I would like the council to control the area that is used by the bar so that they do not use a large part of the car park so that fewer people are outside and that the rear area should be vacated by a certain time each night to prevent this public nuisance.

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.



Robert Hook
75 Blandford Street
London W1U 8AD

**Statement in support of application to review the premises licence for Union, 88-90 George Street,
London W1U 8PA**

s51 Licensing Act 2003

My name is Charlotte Kearon. I live at 73 Blandford Street. I have lived here for 1.5 years.

My house is on Blandford Street, which runs parallel to George Street, one block north. The rear of our property faces the rear of the George Street properties, in between which is a large surface car park. It is a four storey house with a rear garden and has large balconies that we enjoy sitting out on at the rear of the first and third floors.

This statement is written in support of the application to review the premises licence for 88-90 George Street. I am aware that my neighbour Ms Hook is applying for a review of the premises licence, and I am fully supportive of the application.

This statement sets out my own personal experiences of i) nuisance emanating from the Union; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

- i) Union Bar backs onto the car park behind our house. It has a small outdoor smoking area of its own, both at the front and at the back of the pub. However, these areas are not nearly big enough to fit all their customers and so they spill into the car park and essentially transform the area of the car park that is directly facing our house into an outdoor pub. This is especially the case on warm evenings after work. Sometimes it seems that the pub itself is being used like a shop, only there to sell the drinks, while all of the socialising and drinking is played out in the car park and not on the pub's own premises.*

- ii) The noise is worst on week nights, especially in Summer, when it feels like we are sitting in the middle of a busy pub! The worst night is Friday, but other week nights can also get extremely busy and noisy. My 12 year old son has the hardest time of all of us because his bedroom is on the top of the house and facing into the car park. The canyon effect of the buildings around the car park holding in the sound and propelling it up means that the noise is much worse on that top floor than it is lower down. There is no way he can have any windows open in his bedroom and, even closed, it is often just completely impossible for him to get to sleep. He either lies awake till the pub finally closes, which often carries on well past 11pm - much too late for a child his age, especially on a school night - or, more commonly, I have to move him onto a mattress on the floor in one of his sister's bedrooms. It is very disruptive. My husband and I also have a bedroom that faces onto the car park and we also find it impossible to sleep until the pub closes. There is absolutely no way we can have our large terrace doors in the sitting room open when the pub is busy and neither can we sit outside in our garden or eat on our balcony.*

iii) *We have also had a lot of noise coming through from Carousel Restaurant that is next door to us – the noise comes when they 'throw parties' for clients and play music for dancing. On such occasions, we have sometimes called them and they have responded by reducing level of the noise of the music. We have not found it possible to do this with the Union Bar because the noise is not coming from their music but from customers / members of the public who are standing out in a car park that doesn't even belong to the Union Bar, so it feels much harder to get the management to make it stop! They appear to lack any control of their customers. I am aware my neighbours have complained frequently and I understand the manager has not been cooperative.*

I feel there are a number of potential solutions to this problem... perhaps Union Bar could erect a screen around their outdoor area at the back so as to stop people spilling onto the car park? This would mean only a handful of people could fit out there and the noise level would be massively reduced. Or perhaps the door to the back could be locked at a certain time so that none of the customers could access the back after eg 9pm [they would still have access to the front of the pub where they have a seating area]. We do not have any strong opinion as to what the solution should be, but we just want the current problem to go away so that we can open our windows on warm evening, we can sit outside in our garden or the balcony and so that our children [and us] can get to sleep at a more reasonable time.

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.....Charlotte Keaton

Address...73 Blandford Street, London W1U 8Ad.....

Date.....29.03.17.....

**Statement in support of application to review the premises licence for Union, 88-90 George Street,
London W1U 8PA**

s51 Licensing Act 2003

My name is Vojislav Vasic. I live at 89 Blandford Street W1U 8AF. I have lived here for 7 years.

My house is the last terraced house approximately 40 meters away from the back of Union Bar

This statement is written in support of the application to review the premises licence for 88-90 George Street. I am aware that my neighbour Ms Coles is applying for a review of the premises licence, and I am fully supportive of the application.

This statement sets out my own personal experiences of i) nuisance emanating from the Union; ii) the impact it has on my life; and iii) efforts to resolve the issues. I deal with these in turn:

- i) During the summer months Union bar is using a terrace at the back of the premises. On several occasions noise, shouting, singing and short screams have been heard. This is usually happening on Thursday and Friday. (much louder on Fridays)
I have complained to the Westminster Council on several occasions (Complaint Ref No 16/16821/ENC45 (10/06/2016) and complaint Ref No 15312 (27/05/2016))
Apart from logged complaint, there were several complaints which were not logged since Mr Glynn Franks (Senior City Inspector) was already aware of the issue and assured me that someone is on its way to Union Bar as we speak.

We haven't experienced any such issues with Carrousel restaurant which is closer to our property.

- ii) Our children's bedrooms are facing parking and it is not possible to have a window open in the summer months because of the noise. On several occasions we had to calm our daughter down and postpone her bedtime. Also, on several occasions noise was disturbing as it sounded like serious argument.
Noise was worst on Fridays. We do have sport activities on Saturday morning and we are getting up at the same time as on working days. With summer approaching, I am concerned that pattern will be repeated.
- iii) We have complained to the Council and they have sent officers to the premises. This procedure lasts few hours and by the time officers arrive we had to postpone child's bedtime. Even though officers have attended the premises pattern would repeat weekly. After few Fridays in a row we did have few noise free Fridays but in my opinion it had more to do with the rain than with genuine control of noise.

I would like Council to limit the use of the back terrace to 10 p.m. and make sure that this is enforced. In addition there should be a limit to how much people can use the terrace as they frequently use parking space as an informal bar area.

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.

V. Vasic 

89 Blandford Street W1U 8AF

23/03/17