



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 17th December, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Nickie Aiken (Chairman)
Nick Evans
Murad Gassanly

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 by ticket, issued from the ground floor reception at City Hall from 9.00am. 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 Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. WATERSTONE'S, 203-206 PICCADILLY, W1

(Pages 1 - 32)

App No	Ward / Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward / not in stress area	Waterstone's, 203-206 Piccadilly, W1	Variation	15/09428/LIPV

2. SIR JOHN BALCOMBE, 21 BALCOMBE STREET, NW1

(Pages 33 - 300)

App No	Ward / Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	Bryanston And Dorset Square Ward / not in stress area	Sir John Balcombe, 21 Balcombe Street, NW1	Review	15/08646/LIRE VP

Charlie Parker
Chief Executive
11 December 2015

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.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

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.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	17 December 2015
Licensing Ref No:	15/09428/LIPV - Premises Licence Variation
Title of Report:	Waterstone's 203 - 206 Piccadilly London W1J 9HD
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:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	26 October 2015		
Applicant:	Waterstones Booksellers Limited		
Premises:	Waterstone's		
Premises address:	203 - 206 Piccadilly London W1J 9HD	Ward:	St James's
		Stress Area:	None
Premises description:	The premises are operated as a book store with bar and restaurant facilities.		
Variation description:	<p>To vary the premises licence to include the ground floor and ground floor mezzanine cafe seating area.</p> <p>The sale of alcohol, late night refreshment and opening hours for the ground floor and the ground floor mezzanine café seating area to be the same as the lower ground floor.</p>		
Premises licence history:	The premises is currently licensed and the premises licence history can be found at Appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment – Basement, Fifth and Sixth Floors						
Indoors, outdoors or both	Current :			Proposed:		
	Indoors			No change		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Basement, fifth and sixth floors	No change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Sunday	N/A	N/A				
Seasonal variations:	Current:			Proposed:		
	On New Year's Eve until 05:00 on New Year's Day.			No change		
Non-standard timings:	Current:			Proposed:		
	Not applicable			Not applicable		

Late night refreshment – Lower Ground Floor (Existing) - Ground floor and Ground floor mezzanine (Proposed)
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Indoors, outdoors or both		Current :				Proposed:	
		Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	23:00	00:30	No change		Lower ground		Lower ground, ground and ground mezzanine floors
Tuesday	23:00	00:30					
Wednesday	23:00	00:30					
Thursday	23:00	00:30					
Friday	23:00	00:30					
Saturday	23:00	00:30					
Sunday	23:00	00:00					
Seasonal variations:		Current:				Proposed:	
		On New Year's Eve until 05:00 on New Year's Day.				No change	
Non-standard timings:		Current:				Proposed:	
		Not applicable				No change	

Sale by Retail of Alcohol – Basement, Fifth and Sixth Floors							
On or off sales		Current :				Proposed:	
		On and Off				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	10:00	23:00	No change		Basement, fifth and sixth floors		No change
Tuesday	10:00	23:00					
Wednesday	10:00	23:00					
Thursday	10:00	23:00					
Friday	10:00	23:00					
Saturday	10:00	23:00					
Sunday	12:00	22:30					
Seasonal variations:		Current:				Proposed:	
		On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).				No change	
Non-standard timings:		Current:				Proposed:	
		Not applicable				No change	

Sale by Retail of Alcohol – Lower Ground Floor (Existing)							
Ground floor and Ground floor mezzanine (Proposed)							
On or off sales		Current :				Proposed:	
		On and Off				No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	

Monday	10:00	00:00	No change	Lower ground floor	Lower ground, ground and ground mezzanine floors
Tuesday	10:00	00:00			
Wednesday	10:00	00:00			
Thursday	10:00	00:00			
Friday	10:00	00:00			
Saturday	10:00	00:00			
Sunday	12:00	23:30			
Seasonal variations:	Current:			Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).			No change	
Non-standard timings:	Current:			Proposed:	
	Not applicable			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	10:00	00:30	Basement, lower ground, fifth and sixth floors	Basement, lower ground, ground, ground mezzanine, fifth and sixth floors
Tuesday	10:00	00:30	10:00	00:30		
Wednesday	10:00	00:30	10:00	00:30		
Thursday	10:00	00:30	10:00	00:30		
Friday	10:00	00:30	10:00	00:30		
Saturday	10:00	00:30	10:00	00:30		
Sunday	10:00	00:00	10:00	00:00		
Seasonal variations:	Current:				Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).				No change	
Non-standard timings:	Current:				Proposed:	
	Not applicable				No change	

1-C Layout alteration
To vary the premises licence to include the ground floor and ground floor mezzanine cafe seating area as part of the licensed premises.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	18 November 2015

I refer to the application for variation of the Premises Licence.

The applicant has submitted floor plans of the Mezzanine and Ground Floor dated 03/25/15.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To vary the licence to include the ground floor and Mezzanine Café within the scope of the licence being Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours and Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours. On New Years Eve to provide late night refreshment and Supply of Alcohol from the end of authorised hours on New Year's Eve to commencement of authorised hours on New Years Day.

I wish to make the following representation

1. The areas and hours requested for the Supply of Alcohol and Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

Following an inspection of the premises, they have proposed the addition of the ground floor to the licensed area be withdrawn from the application and the conditions below to be attached to the premises licence if the Committee is minded to grant.

With regard to the ground floor mezzanine area I propose the following conditions.

- The maximum number of person permitted on the ground floor mezzanine floor (excluding staff) shall not exceed 60 persons.
- The consumption of alcohol on the ground floor mezzanine floor shall only be by customers that are seated.
- After 23.00 hours the sale of alcohol on the ground floor mezzanine floor shall only be ancillary to a meal.
- All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

- Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Responsible Authority:	Metropolitan Police
Representative:	Bryan Lewis
Received:	18 November 2015

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application would undermine the Licensing Objectives.

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- The hours sought for the sale of alcohol are beyond core hours as defined by the WCC Licensing Policy

Subsequently, they have propose the conditions below to be attach to the licence if the Committee is minded to grant.

1. 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.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service

4. No open containers of alcohol shall be allowed beyond the boundaries of the licensable area.
5. All staff shall receive training in the responsible sale of alcohol as required by the 2003 Licensing Act
6. 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.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. Save for pre booked private functions, the sale of alcohol shall be made by waiter/waitress service and only to those customers that are seated.
9. There shall be no sale of draught beer.
10. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol.

3. Policy & Guidance

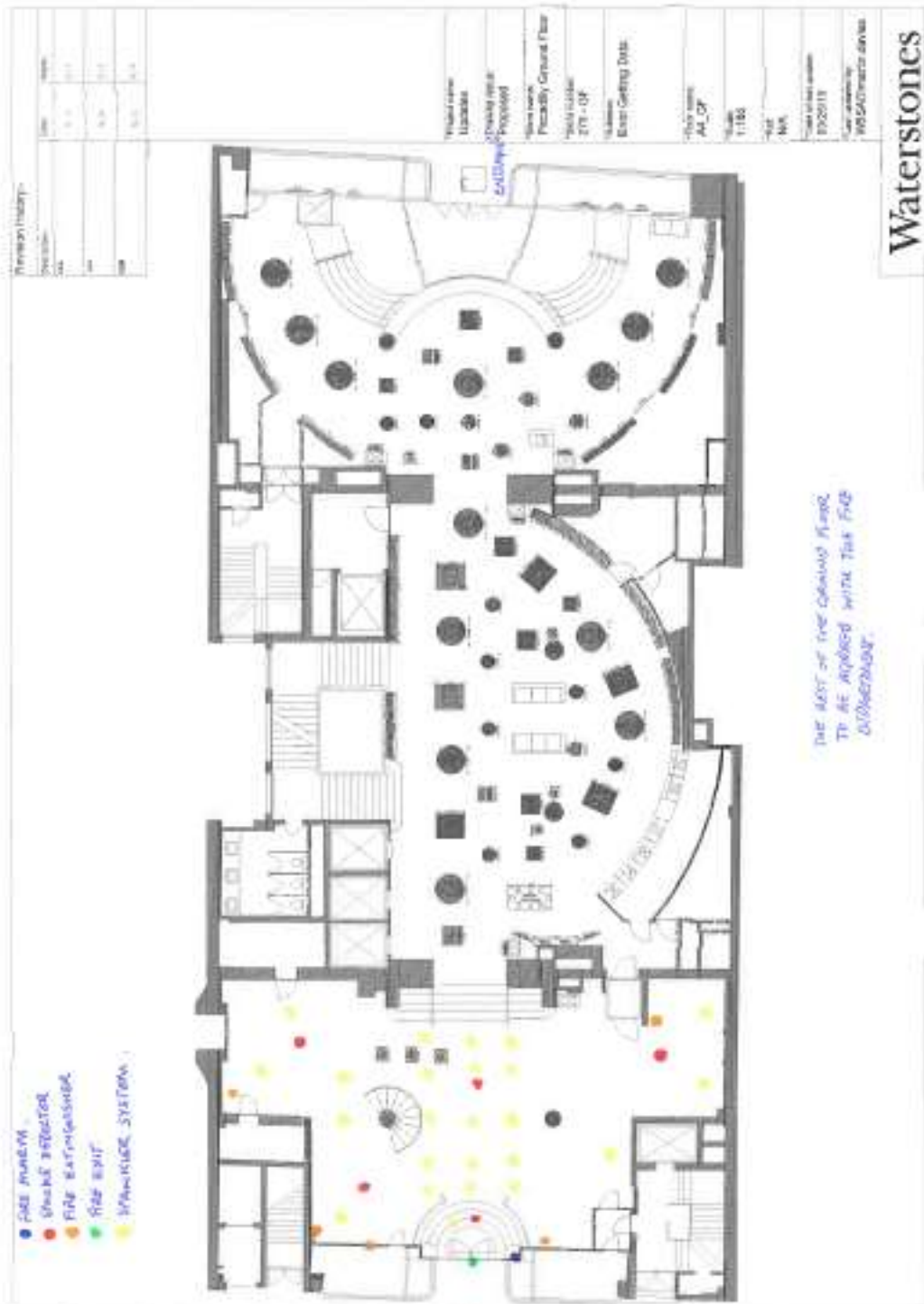
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT1 applies:	<p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>
Policy PB1 applies:	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>




4. Appendices

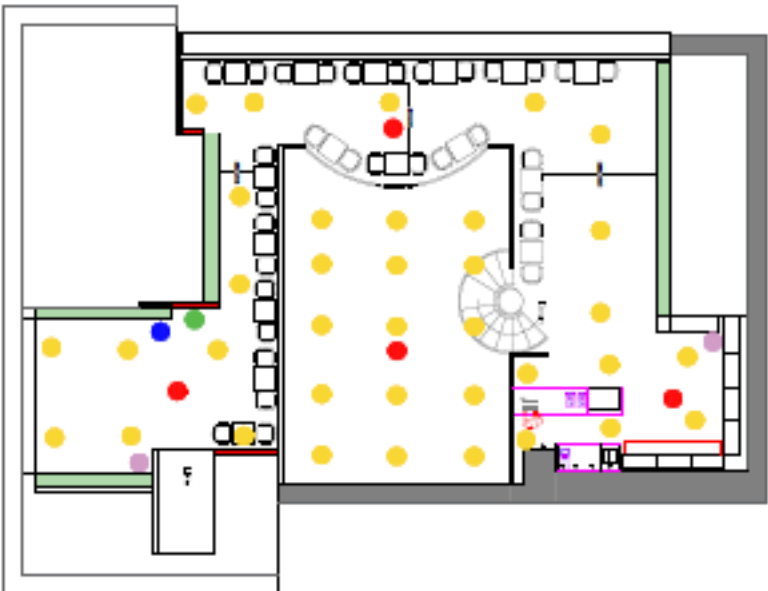
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

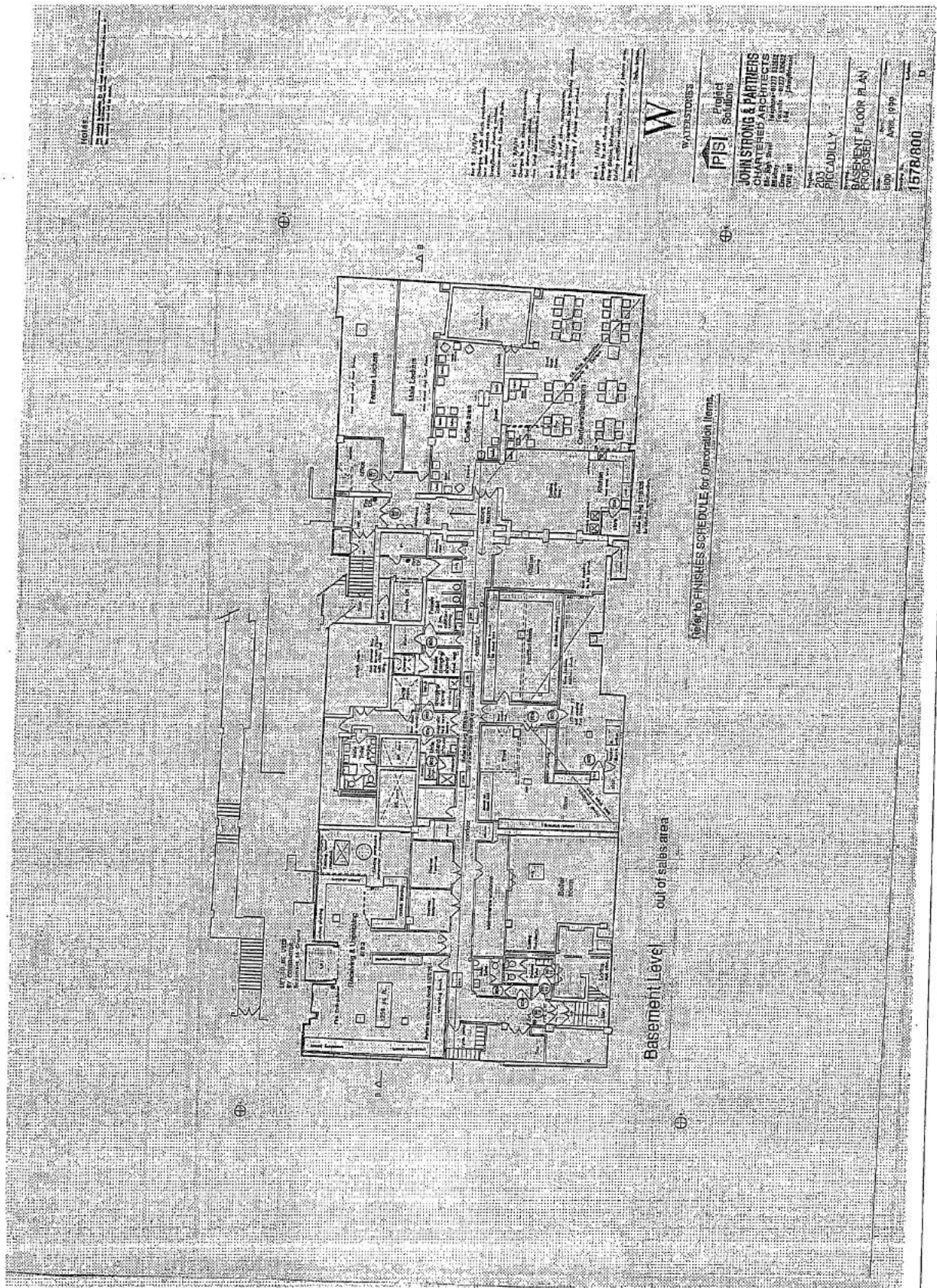


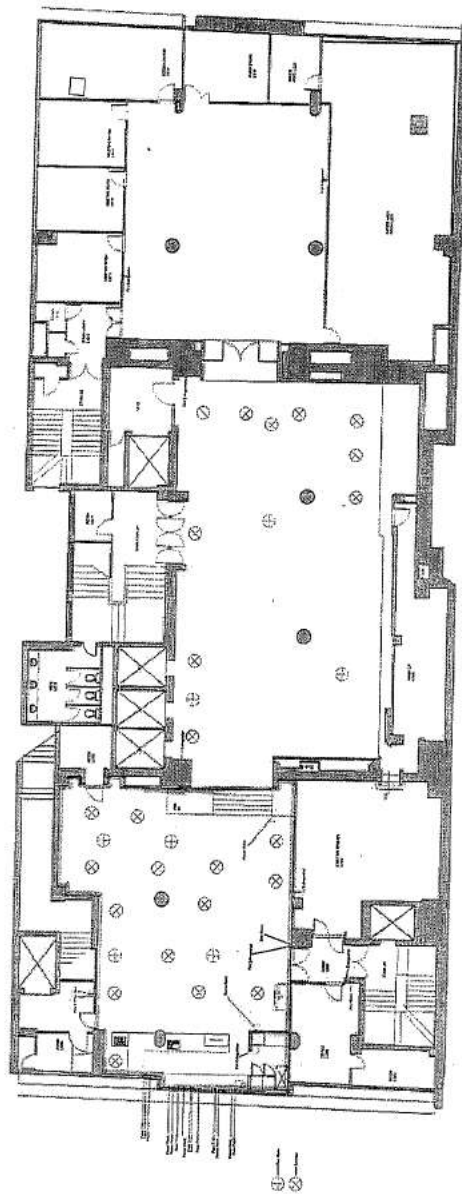


	table seats
	red seats
	te Dymola
	te Ef
	te Alf



Waterstones
 Piccadilly
 Manchester Cafe
 Scale - 1:100 (A3/34d)
 ref: Plan Points





Waterstones
Piccadilly Lower Ground Floor
Safety Points
Scale - 1:100 @ A1
ref: 300714BRAE01 [REV B]

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2006 AND THE BUILDING ACT 2003.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURE.

4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES AND SERVICES.

6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING SERVICES AND STRUCTURE.

8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL ADJACENT PROPERTIES AND SERVICES.

10. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.



WILFREDS

Project Solutions

JOHN STRONG & PARTNERS
 CHARTERED ARCHITECTS

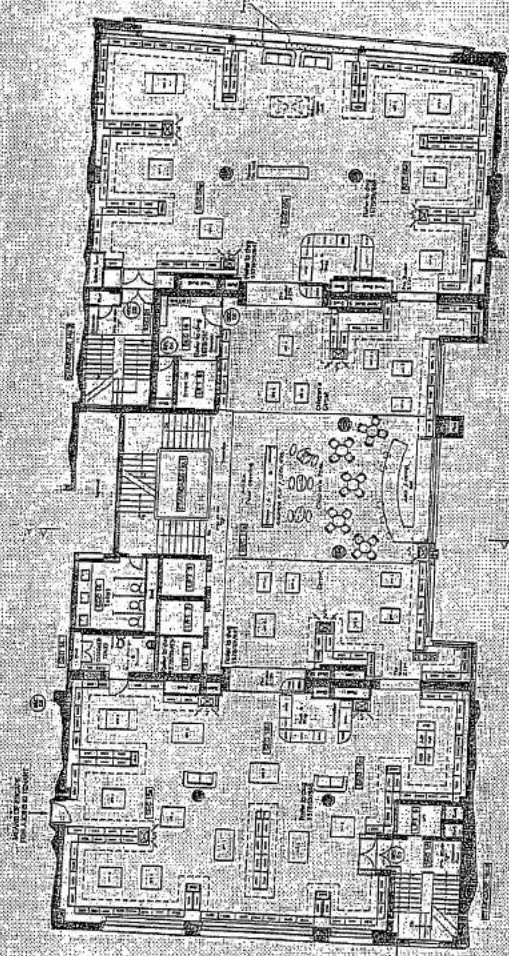
200, 201 & 202
 THE BRICK BUILDING
 100, MARKET STREET
 LONDON, EC3A 3BT

7003
 PICCADILLY

SECOND FLOOR
 PROPOSED LAYOUT

1000 April 1999

12-79-78/03



Second Floor Level

Notes:
 1. See General Notes to the Plans.
 2. See Section Notes to the Plans.
 3. See Schedule of Materials to the Plans.

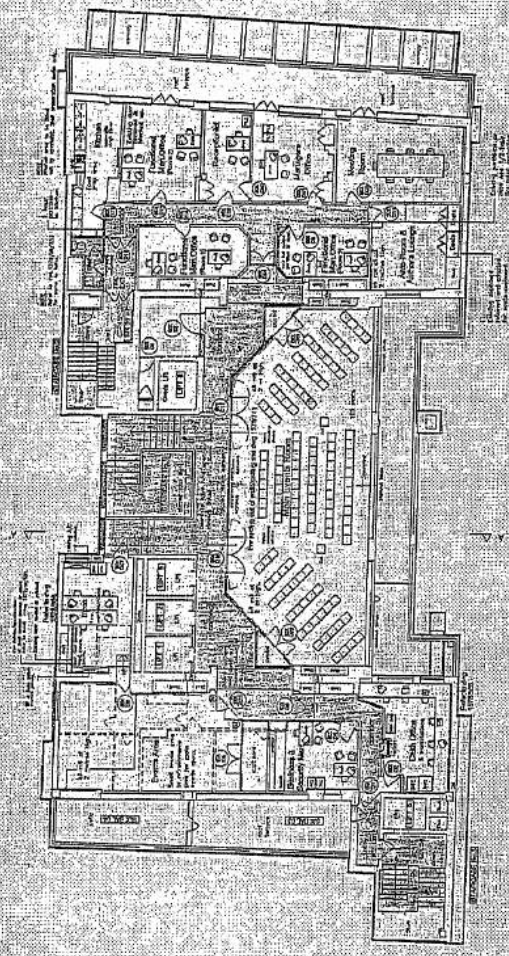
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF THE DISTRICT OF COLUMBIA AND THE NATIONAL BUILDING CODE, AS AMENDED.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR STRUCTURAL STEEL, CONCRETE, MASONRY, MECHANICAL AND ELECTRICAL.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR METALS AND ALLOYS.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR WOOD AND WOOD PRODUCTS.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR GLASS AND GLAZING.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR PAINTS AND COATINGS.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR ROOFING AND FLOORING.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR LIGHTING AND FIXTURES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR FURNITURE AND FIXTURES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE SPECIFICATIONS FOR SIGNAGE AND IDENTIFICATION.

W

WASHINGTON
 IP Solutions

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 Fax: (202) 462-1001
 E-mail: jstrong@ip-solutions.com

203
 PICCADILLY
 SIXTH FLOOR
 PROPOSED
 Date: 10/15/99
 Project No.: 1578/808
 Sheet No.: D



Sixth Floor Level

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion	Application to convert existing Justices on Licence and Supper Hours Certificate	18.9.05	Granted under delegated authority
Variation	Change of layout on the fifth floor to extend the studio lounge bar	2.6.06	Granted under delegated authority
Variation	Change of layout on the fifth floor to add a new restaurant	10.2.10	Granted under delegated authority
Minor Variation	<p>To change the layout on the lower ground floor so as to</p> <p>Remove the toilets in the top right corner of the plans within the licensable area</p> <p>Decrease the licensable area within the lower left corner to be de-licensed to use for office space</p> <p>All other floors within the premises licence to remain as existing.</p>	2.12.14	Granted under delegated authority

There is no appeal history

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

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

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

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

Conditions: 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.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect.

Conditions Related to the Sale of Alcohol

Applicable to such parts of the basement, lower ground, fifth and sixth floors as are shown more particularly coloured and edged in red on the deposited plan.

9. Substantial food and non-intoxicating beverages shall be equally available at all times during permitted hours.
10. The maximum number of persons to be present in the licensed premises on each floor shall not exceed the number specified from time to time by the proper officer of the LFCDA. Currently no restriction on numbers.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

For the Basement, Lower Ground, Fifth and Six floors;

11. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

For the Lower ground floor

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours in the basement, fifth and sixth floors and (thirty minutes on the lower ground floor), the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

For the Basement, Lower Ground and Sixth floors

12. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

For the fifth floor

14. No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
 - (e)
 - (i) He is in an area shown coloured orange on the plan of the fifth floor attached to the licence or in an area show edged red on the plan deposited with the Licensing Authority from 21.06.06.
 - (ii) Meals and non-alcoholic beverages are available for sale for consumption in that area.
 - (iii) He is in the company of a person aged 18 or over.
 - (iv) He is there prior to 17:00.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. Save for pre booked private functions, the sale of alcohol will be made by waiter/waitress service and only to those customers that are seated.

16. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol.

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

None

Conditions proposed by the Police

17. 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.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
20. No open containers of alcohol shall be allowed beyond the boundaries of the licensable area.
21. All staff shall receive training in the responsible sale of alcohol as required by the 2003 Licensing Act
22. 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.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
24. Save for pre booked private functions, the sale of alcohol shall be made by waiter/waitress service and only to those customers that are seated. **Alternative to condition 15**

25. There shall be no sale of draught beer.

26. Food and non-alcoholic drinks shall remain available for purchase throughout the hours the premises is open to the public for the sale of alcohol. **Alternative to condition 16**

Conditions proposed by Environmental Health

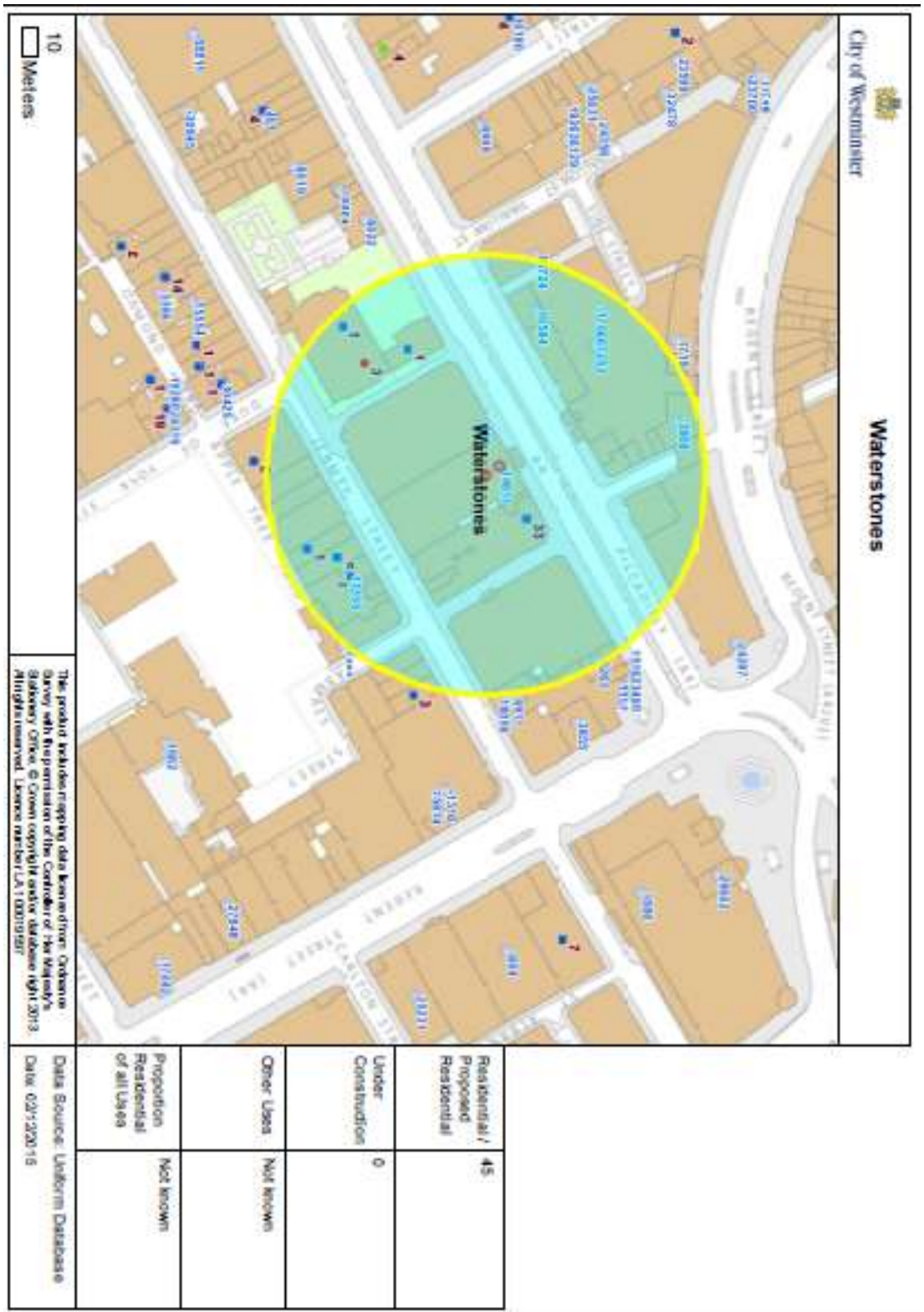
27. The maximum number of person permitted on the ground floor mezzanine floor (excluding staff) shall not exceed 60 persons.

28. The consumption of alcohol on the ground floor mezzanine floor shall only be by customers that are seated.

29. After 23.00 hours the sale of alcohol on the ground floor mezzanine floor shall only be ancillary to a meal.

30. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises. **Duplicate of condition 23**

31. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. **Alternative to conditions 16 and 26**



Premises within 75 metres of: Waterstones 203-206 Piccadilly			
p / n	Name of Premises	Premises Address	Opening Hours
820	Rush	200 Piccadilly London	Monday to Friday 08:00 - 21:00 Saturday 08:30 - 18:00 Sunday 10:00 - 17:00
6263	San Carlo Cicchetti	215 Piccadilly London W1J 9HL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13355	BG Group	Fifth Floor To Sixth Floor Eagle House 108 - 110 Jermyn Street London SW1Y 6RP	Monday to Sunday 00:00 - 00:00
-17566	Le Meridien Hotel	Le Meridien Hotel 21 Piccadilly London W1J 0BH	Monday to Sunday 00:00 - 00:00
-14811	Waterstone's	203-206 Piccadilly London W1J 9HD	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
10584	Caffe Concerto	29-31 Piccadilly London W1J 0LF	Monday to Sunday 08:00 - 23:30
3868	Hawksmoor (entrance 5a Air Street)	First Floor 65 Regent Street London W1B 4EA	Monday to Saturday 09:00 - 02:30
7253	Le Meridien Piccadilly	Le Meridien Hotel 21 Piccadilly London W1J 0BH	Monday to Sunday 00:00 - 00:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Existing licence	26/10/15
5	Application form	26/10/15
6	Service and Acknowledgement	26/10/15
7	Plan	27/10/15
8	Public Health no representation	27/10/15
9	Public notice	27/10/15
10	Residents notification	29/10/15
11	LFEPA no representation	9/11/15
12	Environmental Health representation	18/11/15
13	Hearing notification	1/12/15
14	Police representation	2/12/15
15	Police conditions	2/12/15
16	Environmental Health conditions	9/12/15
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City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/08646/LIREVP
Date:	17 December 2015
Classification:	For General Release
Title of Report:	Sir John Balcombe 21 Balcombe Street London NW1 6HE
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:	James & Natalie McDonough & Jacob Rawel	Date Application Received:	6 October 2015
Premises Name and Address:	Sir John Balcombe 21 Balcombe Street London NW1 6HE		
Ward Name:	Bryanston And Dorset Square	Stress Area:	No
Description of Premises:	The premises is a Public House.		
Preliminary Note:	No applications have been made to alter the Premises Licence since this review application was received.		

2. SUMMARY OF APPLICATION

- 2.1 An application submitted by James McDonough, Natalie McDonough & Jacob Rawel for a review of the premises licence for Sir John Balcombe, 21 Balcombe Street, London, NW1 6HE, was received on 6th October 2015 on the grounds of the Prevention of Public Nuisance, Crime and Disorder & Protection of Children from Harm. **Please see Annex A.**
- 2.2 The applicant has also submitted additional information as part of their submission which include 1 audio clip and 11 videos which will be made available at the committee together with photographs and a noise log.. **Please see Annex G**

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:

Exhibition of a Film	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Indoor Sporting Event	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Performance of Live Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00

Sunday:	09:00 to 22:30
Playing of Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Anything of a similar description to Live Music or Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

2.5 These review proceedings are brought under the licensing objectives on the grounds of the Prevention of Public Nuisance, Crime and Disorder & Protection of Children from Harm. A history of incidents has been provided by the applicant can be found in **Annex A**.

2.6 The applicant has concerns that the premises is causing a continuous noise nuisance arising from loud music played inside the premises and from the noise outside from signing and shouting of patrons.

2.7 A copy of the existing Premises Licence (15/01173/LIPVM) is attached at **Annex B**.

3. REPRESENTATIONS:

3.1 The Environmental Health Service, as a responsible authority supports the review application on the grounds of the prevention of Public Nuisance. **Please refer to Annex C for further information.**

3.2 15 Representations have been received in support of the premises. **Please refer to Annex D for further information.**

3.3 5 representations have been received in support of the Review Application. **Please refer to Annex D for further information.**

4. OPTIONS:

4.1 The applicant is seeking to condition the Licence as the Licensing Committee deems 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.
- 6.3 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 Annex E.
- 5.2 The chronology relating to appeals and applications is set out in Annex E.

List of Appendices:	Annex A – Review Application Review Annex B – Current Premises Licence Annex C – Representation received from Environmental Health Annex D – List of Representations Received Annex E – Licence History Annex F – Current Conditions attached to the Premises Licence Annex G – Additional documentation received from the Applicant (plus 1 audio clip & 11 video clips) Annex H – Addition information received from the Licence holder Annex I – Map of the area
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)



PREMISES MANAGEMENT
LICENSING SERVICE

06 OCT 2015

CITY OF WESTMINSTER

City of Westminster

APPLICATION FOR REVIEW

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

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
14th Floor
64 Victoria Street
London
SW1E 6QP

AND

Please 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. Director of Public Health
Inner North West London Primary Care Trusts
(Hammersmith and Fulham, Kensington and Chelsea, Westminster)
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 ~~are~~ X James McDonough, Natalie McDonough, Jacob Rawel and 6 others
(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description SIR JOHN BALCOMBE 21 Balcombe Street	
Post town: London	Post code (if known) NW1 6HE

Name of premises licence holder or club holding club premises certificate (if known) Enterprise Inns Plc

Number of premises licence or club premises certificate (if known) 14/08732/LIPDPS

Part 2 - Applicant details

~~I am~~ We are

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

McDonaugh

First names

James & Natalie

We are ~~I am~~ 18 years old or over

Please tick ✓ yes



Current postal address if different from premises address

23 Balcombe Street

Post town

London

Post Code

NW1 6 HE

Daytime contact telephone number

E-mail address (optional)

natalie.bromley@gmail.com

(B) DETAILS OF OTHER APPLICANT

Jacob Rawel
Upper Maisonette, 34 Balcombe Street
NW1 6 ND

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)

1. The prevention of public nuisance

Since the current licensees took over the running of this pub, the premises have been a continuous source of serious noise-nuisance, arising from loud music played inside the premises and from the noise (singing and shouting) made by outside drinkers. A Noise Abatement Notice has been served, and breached.

2. The prevention of disorder

On days when there are football matches at Wembley, and on Test Match days, (but by no means exclusively on those days), there are crowds outside the premises, chanting, blocking the pavement, intimidating passers-by – wholly uncontrolled by the premises staff.

3. The protection of children from harm

As a consequence of even the early-evening noise-nuisance, nearby houses and flats are not suitable for the bringing-up of young children.

Please provide as much information as possible to support the application:

We are making this application, with the consent of and on behalf of the following named local residents, who have not made separate written representations:

Susan Davies (29c Balcombe St.),
Sheila D'Souza (41 Balcombe St.),
Catherine Scovell (2nd floor, 36 Balcombe St.),
Carolyn Steel (45 Balcombe St.),
Mike Wood (41 Balcombe St.),
Clair Wormald (Ground floor, 36 Balcombe St.)

Noise nuisance from outside drinkers:

This pub is situated in a quiet residential street, which is part of the Bryanston and Dorset Square Ward Conservation Area. For many years the pub has peacefully co-existed with its neighbours, because it was run as a neighbourhood pub that fully respected the local residents' right to quiet enjoyment of their homes.

Enterprise Inns took the pub over in late 2014, and there was an instant change for the worse. The new owners have encouraged and/or failed to control a new and different clientele. The pavements outside the corner-site of the pub, cheek by jowl with dense residential occupancy, are not suitable for the gathering of anything but a handful of well-behaved drinkers. It only takes 10-20 outside customers (and there can be up to 60 of them), for noise levels to reach a peak that, in the opinion of an acoustic consultant, "changes the character from that of a residential street to that of an outside venue." The acoustic report (attached) continues:

"The residents of 23 Balcombe Street are affected by noise from people which can be heard, and measured at levels such that they can not be expected to open their windows in their kitchen, lounge, or any of the bedrooms and be able to use them without being seriously disturbed.... As such the use of their property in my opinion is being materially severely hampered between the hours of 6 pm and 9pm on a regular basis and not simply when there are notable events."

Intimidation and abuse

It is not just the noise made by the outside crowd that is of concern. Local residents have been insulted, abused and had their door-bells rung repeatedly if they have shown any signs of complaint. It is understood that on one occasion, even an officer of the Council was sufficiently intimidated by the disorderly crowd outside the pub to think it prudent to remain in his car and not risk confrontation.

Amplified music

In addition to the noise-nuisance and intimidation from the outside drinkers, there is a significant problem of noise-nuisance arising from the amplified music played in the pub. A Noise Abatement Notice was served on 7 May 2015, but it has not remedied the situation. Two extremes of loud music may be noted: on 30 May, and on 19 September. On the latter occasion Westminster's noise team attended and told the complaining residents that the pub was in clear breach of the Noise Abatement Notice.

History of complaints

Enterprise Inns are fully aware of the nature and extent of these problems: see the three letters written to them by the Citizen's Advice Bureau (on our behalf), dated 8 June, 26 June 2015 and 17 August (attached). The licensees have repeatedly failed to grapple with the straightforward issues raised in those letters and instead would seem to suggest that a solution is in some way dependent on a meeting between us. This is disingenuous and very disappointing. As the CAB letter of 26 June says, "further engagement should not be necessary to enable [Enterprise Inns] to put into place proactive measures to address the concerns." The 17 August letter points out that meetings have already taken place between residents and representatives of the pub. The letter of 26 June ended with the express words that "if [the issues] cannot be dealt with [the residents] will be forced to seek a review of the premises licence". The issues have not been dealt with, as is manifest from the recent (and serious) breach of the Noise Abatement Notice.

The on-site management are also fully aware of the problems and the complaints about them: see, for example, the letter of Jacob Rawel (18 September 2015, attached) in which he relates his going down, on two separate occasions, to speak to the management directly. The response of the management was

unhelpful, and their appraisal of the situation was worryingly defensive and unrealistic. On each occasion he tried to place all the blame for the disorder on a small atypical group of customers, when it was perfectly apparent that the issues were because of a broad range of the pub's customers, with whom he was either unable or unwilling to engage. Mr. Rawel described the situation as "*utterly out of control*".

We understand that there have also been meetings between Council officers and on-site management.

The residents feel, and feel strongly, that the usefulness of meetings, such as it has ever been, was long ago exhausted.

Conclusion and reason for application for review

Our concerns could not have been expressed more clearly, and the extent of the problems could not have been more self-evident. We (and others) have complained in unambiguous language, but to no avail. It is because no effective action has been taken to remedy nine months of serious nuisance and disorder, that we are driven to asking the Licensing Authority to review this premises licence. Mere assurances by the licensee have not proved effective, and we find it difficult to believe that they will be any more effective in the future. We would ask that the various problems be solved by conditioning the licence in whatever way the Licensing Authority feels appropriate.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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 *James McDonagh* *Natalie McDonough* *Jacob Kawel*
..... JAMES McDONAGH NATALIE McDONOUGH JACOB KAWEL
Date 04.10.15 04.10.15 04.10.15

Capacity Immediate neighbours to the licensed premises
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Natalie McDonough 23 Balcombe Street	
Post town London	Post Code NW1 6HE
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.

Mr & Mrs McDonagh

SIR JOHN BALCOMBE PUBLIC
HOUSE, NW1 6HE

Acoustic Investigation

Ref: 15-0109-0 R01



Acoustic Investigation of Noise Intrusion

Mr & Mrs McDonough

SIR JOHN BALCOMBE, BALCOME STREET, NW1 6HE

Ref: 15-0109-0 R01

Date: 24th July 2015 draft, 19th August 2015 Issue 1

Prepared by:

Peter Rogers



Managing Director: Peter Rogers BSc(Hons) MSc C.Eng FIOA

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INTRODUCTION

Sustainable Acoustics has been appointed to conduct an independent acoustic assessment of the noise affecting the properties immediately neighbouring the Sir John Balcombe public house, Balcombe Street NW1 6HE.

The investigation took place at 23 Balcombe Street, London between Tuesday the 14th and Tuesday 21st July 2015, with an attended visit by Peter Rogers on the evening of Thursday 16th July 2015.

The results of the survey are presented in this report, together with subjective opinions of the level of intrusion that exists and recommendations for possible mitigation measures to reduce it if appropriate.



QUALIFICATIONS

Mr Peter Rogers is a Fellow of the Institute of Acoustics, registered as an expert witness. He holds a masters degree in Acoustics and over 20 years of relevant experience.

He spent 5 of those years as an authorised Local Government officer assessing noise nuisance, relating to a variety of noise sources, including people noise. Since then he has provided evidence on numerous planning and licensing matters, within this area of expertise.

Mr Rogers has no conflicts to declare in the matter being considered, and is bound by the Institute Code of Conduct in considering the evidence that informs any opinion or recommendation that is expressed herein



LOCATION

Balcombe Street is primarily a residential street in character, to the north of Dorset Square, and to the north west of Marylebone Station. The street does not experience significant movements of traffic into the evening.

Movements of vehicles are intermittent and occasional.

The Sir John Balcombe public house is directly adjoined to 23 Balcombe Street to the south, and forms the corner with Taunton Mews.

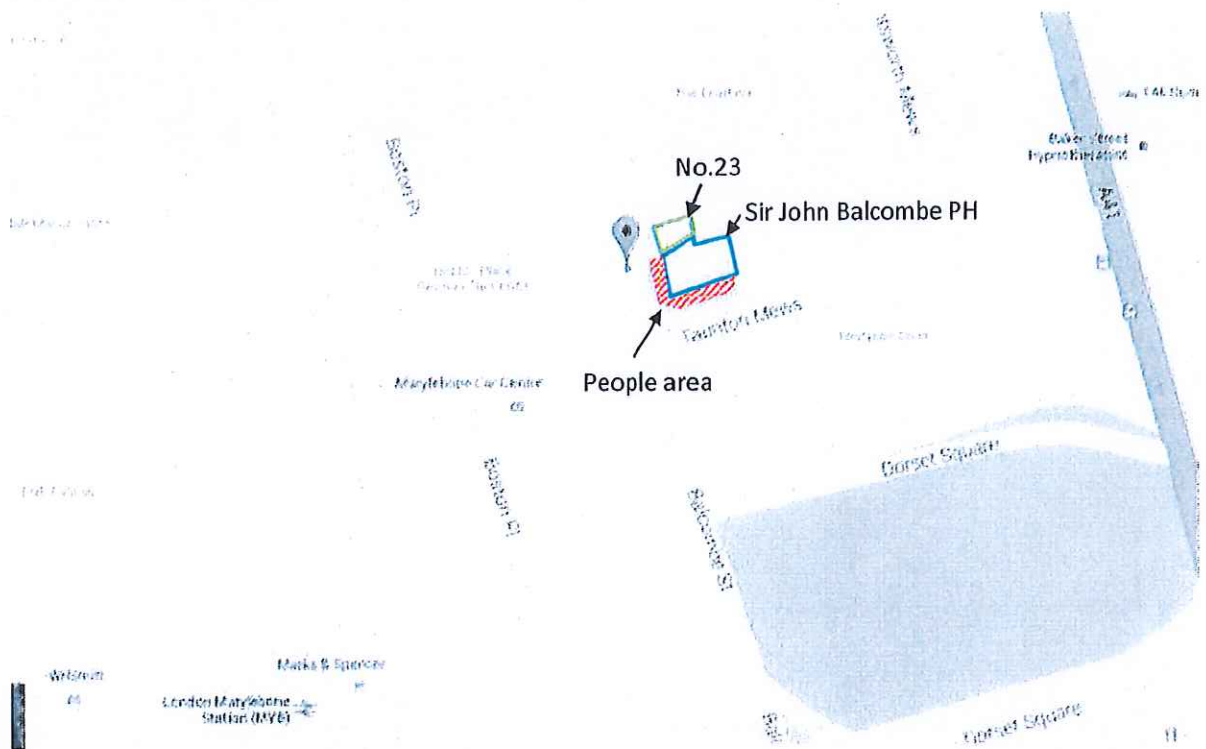


Figure 1 : Site Plan (Courtesy of Google Maps)

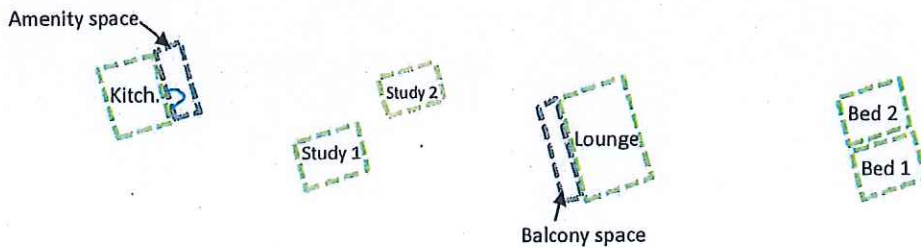


Figure 2: Plans of key rooms in 23 Balcombe Street (Lower Ground, Ground, First, Second respectively)

The master bedroom is on the 3rd floor for full width.



METHODOLOGY & EQUIPMENT

The equipment used is set out in Appendix A.

A logging sound level meter was set up on the balcony of the first floor of 23 Balcombe Street, which overlooks the area of the pavement on which people congregate.

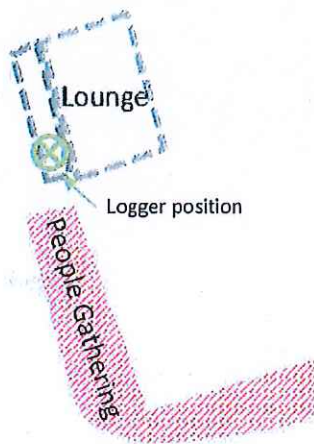


Figure 3 : Logger position and people

Figure 4 : Photo of people gathering outside pub on the 16th July 2015 at 6.50pm



RESULTS

Logging Time History

The noise levels were measured over the period of a week, from the balcony to provide a continuous trend of how the noise levels vary over 15 minute periods.

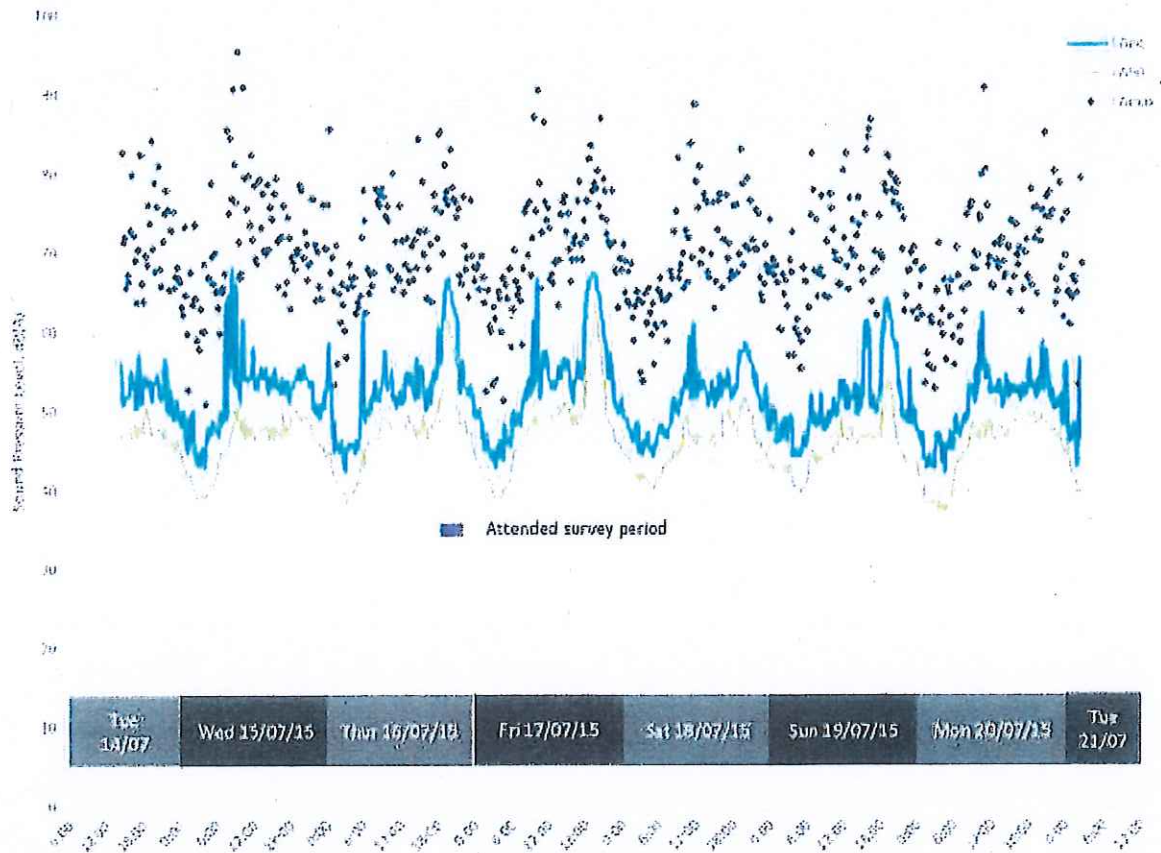


Figure 5 : Time history of noise levels on the balcony of 23 Balcombe Street

The three parameters measured show the maximums measured in the period ($L_{A_{Max}}$), the average noise levels ($L_{A_{eq}}$) and the underlying background level that occurs for 90% of the time ($L_{A_{90}}$). When the $L_{A_{eq}}$ and $L_{A_{90}}$ value are close together this shows that there is a reasonably constant level of noise for the majority of time, whereas a gap shows larger gaps between noise events.

What is very clear from the data is that noise levels in the evenings (of Thursday and Friday in particular, but also Sunday) were much higher than throughout the rest of the day, by some 10 to 15dB at peak periods of activity at the pub. These days coincided with the pub holding events linked to the Crickets Ashes series. The closeness of the $L_{A_{eq}}$ and $L_{A_{90}}$ value on Thursday and Friday show that the noise levels were sustained at these levels for the majority of the 15 minute periods of measurements. This noise therefore dominates the noise environment from around 4pm typically until it drops off quick at 9pm, with spikes again when people leave



the area. At the weekend a noticeable double spike is present, indicating a cessation at around 5pm for a short time, after the afternoon activity, before the evening rush then begins.

In contrast the noise profile on the Wednesday the 15th shows what would be expected on a day when such a special event was not occurring. Here there is only an apparent minor increase from around 6pm until 9pm, which raises the noise level by some 4dB(A) from that which would exist otherwise. This would still be sufficient to change the character in the area to being dominated by people noise due to the activity of the premises, and is evidence that under normal use it still impacts on the residents through the evening on weekdays.

Attended Survey

Mr Rogers arrived at the site for 6.50pm on Thursdays 16th July and left at to witness approximately 50 people or more talking on the pavement outside the Sir John Balcombe. A photo was taken, which is at Figure 4. It can be seen from this that people were packing the pavement, and spilling onto the road along Balcombe Street in particular, but also along Dorset Square.

Observations for 5 minutes from the location that the photo was taken indicated that there was general talking, with the occasional raised voices, but not apparent antisocial behaviour occurring. There was very little traffic using the street even though this was a time when the streets are still busy with car activity. This indicated that this street was not experiencing significant levels of traffic.

The noise climate was dominated by the noise cause by the people outside the premises.

Once inside Mr Rogers went into each room, taking measurements to quantify the noise levels with and without windows open, to establish how the noise affected the property. As this was happening simultaneously to the logger taking measurements on the balcony it was possible to establish what result those levels would cause inside under various conditions.

During the period of the survey the balcony noise levels were as follows:

End time	L _{avg}	L _{eq}	L _{max}
	dB		
18:43	81.1	62.4	55.5
19:00	76.8	63.6	58.4
19:15	77.7	66.2	61
19:30	76.1	66.7	62.1
19:45	83	66.5	60.6
20:00	78.2	64.5	59
20:15	76.8	63.5	57.7
20:30	76.4	63	56.9
20:45	74.5	62	56.2
21:00	75.5	61.9	55
21:15	67.1	52.3	48.5
21:30	65.1	52.4	48.4
21:45	77	56.5	48.5
22:00	70.8	53.7	48.8
22:15	67.8	52.9	48.4

Table 1: 15 minute noise values on balcony over survey period

end time	L _{1Amax}	L _{Aeq}	L _{A90}	v logger		
	dB			L _{1Amax}	L _{Aeq}	L _{A90}
19:07	51.3	50.5	32.7	26	16	28
19:09	66.5	36.3	45.6	11	30	15
20:00	55.6	44.8	41.3	23	20	18
20:03	67.4	59.6	56	9	4	2
20:18	56.7	44.1	39.2	20	19	18
20:23	49.5	33.2	31	27	30	26
20:26	55.2	38.2	33.8	21	25	23
20:28	62.2	48.2	41.2	14	15	16
20:32	72.9	56.4	51.3	2	6	5
20:35	76.2	60.2	38.4			
20:40	67.1	50.2	44.3	7	12	12
20:43	41	31.3	27.6	34	31	29
20:51	50.4	31.8	27	25	30	28
20:58	55.1	39.5	35.3	20	22	20
21:00	71.6	60.6	55.1	4	1	0
21:03	47.4	29.1	25.3	20	23	23
21:08	61.3	45.6	42.6	6	7	6
21:11	49.4	36.8	34.8	18	16	14
21:13	52.2	33.3	30.9	15	19	18
21:16	49.5	42.4	40.7	17	10	8
21:17	57.4	50.5	48.6	9	2	0
21:29	58.1	36	32.3			
21:30	60.6	49.3	43.8			

Table 2: Summary of overall hand held noise levels & relative difference from logger



The coloured regions show the periods in Table 2 when hand held measurements were taken at other locations.

The comparison of frequency content of the sound when there are people outside and when there were not can be seen in Figures 6 and 7 overleaf.

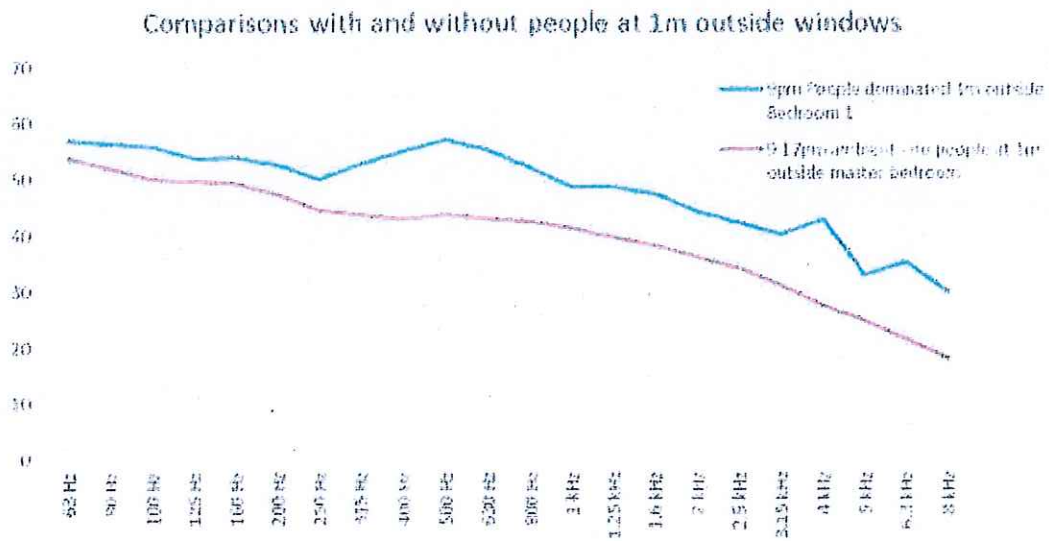


Figure 6: Sound pressure (in dB) against frequency content of sound incident on the facing closest bedroom with and without people noise

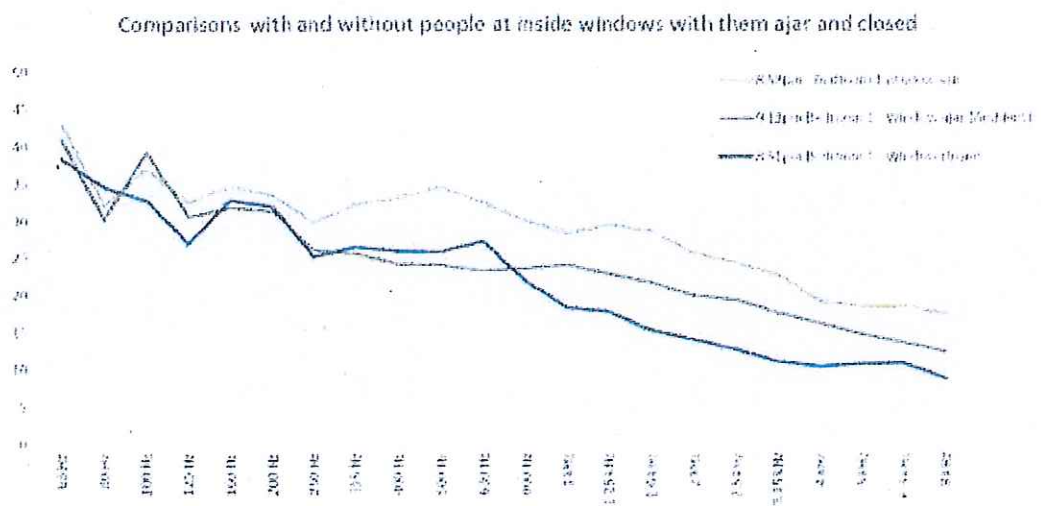


Figure 7: Sound pressure (in dB) against frequency content of sound inside the bedroom with window ajar and closed



Subjective Assessment

Mr Rogers has the following subjective views to add to the objective information, based on witnessing the noise generated by people outside the premises:

- i. Although the noise from people was not menacing in content or language the level was such that it was not possible to escape the constant sound of people without moving to the small rear lounge area and closing all of the doors;*
- ii. Where people were less well behaved than the patrons, whom were attending as fans of cricket rather than say football, I would expect that there would be more shouting and antisocial behaviour (including foul language) which would be both audible and intelligible inside most of the habitable rooms even with the windows closed*
- iii. The sound of people was coloured by reflected sound from the opposite facades, making that the sound seems to change as one went up the building, gaining a slight reverberant addition "or echo" and not reducing in level.*



OBSERVATIONS

Character of the area

Although Balcombe Street is close to busy areas of London these streets are primarily residential. There are very few vehicle movements along the street. It can be described as residential in character. The impact of the activity of the licensed premises on that character is the object of the investigation.

The Test

The effect of the activity of the Sir John Balcombe is whether there is sufficient disturbance caused by the noise that there is a detrimental impact on quality of life, such that it causes material interference to one or more people whom live in the area. According to the Licencing Act guidance this can include a low level nuisance.

The premises are required by the Licensing Act 2003 to demonstrate that they proactively promote the prevention of public nuisance (as defined within the Act). If they are not they a Review can be called.

Logging Time History

The time history results show that the noise climate in the area, during the late afternoon and evening, is significantly dominated by the noise from people using the outside space, and that this is greater than any other noise source during the daytime period.

It is clear that on days when the premises uses the outside space for events such as the ashes that there are peaks in noise levels around 7pm, which continue until a sharp fall off just after 9pm when they move people inside. This was the case on the day that the attended survey was conducted, although the Friday reached higher levels of noise and Sunday also exhibited similar characteristics. It can be concluded therefore that the noise climate experienced by residents living in the area is significantly affected during the evenings on a regular basis.

Attended noise measurements

The noise levels outside windows with people using the outside area are typically L_{Aeq} 66dB(A) at first floor, reducing to 60dB(A) higher up the building. This is equivalent to being about 10m from a busy and constantly flowing road, in terms of sound level. The levels reduce by 10dB to 50dB(A) when there are not people outside, which is a significant drop in noise level.

The measurements show that in many of the rooms of 23 Balcombe Street are affected by the noise levels created by people, even with windows closed, with the front rooms of the building (including study, lounge and all bedrooms) dominated by people noise.

When windows are open, as might be required on a warm day for ventilation, the internal noise levels increase significantly to 50dB(A) in the study and the lounge, and voices are very audible.

In bedrooms with the window open were measured to vary between 50 to 46dB(A). This reduces when windows are only ajar to 45dB(A) in the lounge and 40 dB(A) in bedrooms.



BS8233:2014 considers suitable levels of noise for new homes the upper permissible levels are 40dB(A) in lounges and 30dB(A) in bedrooms. For offices levels to enable concentration to take place not above 40dB(A) is desirable.

It required windows to be closed to achieve levels of 44dB(A) in the study, 35dB(A) in the lounge and 32dB(A) in bedrooms. These levels only apply to noise that is anonymous in character and the human voice is not.

We have evolved to be able to hear well in this frequency range, and therefore the sound frequency content, and variation over time makes speech particularly disturbing if it is audible, and especially if it is intelligible.

Therefore the frequency content must be assessed, and Figures 6 and 7 show that there are clear peaks in sound energy at 500 and 630Hz, at which male voice has most of its energy. In Figure 6 there is also a 4kHz peak suggesting female voices are also present and active.

Therefore the evidence suggests objectively that the residents of 23 Balcombe Street are likely to be forced to take steps to reduce noise levels within the habitable areas of their home, to achieve reasonable levels of sound level. Even then however the fact that this will not shut out the character of the sound it will remain disturbing to them when using the study and lounge through the evening. This is clear evidence of material interference to the way that they are likely to need to use their property, and as such is a nuisance.

Other considerations are that Mrs McDonough is pregnant, and may reasonably need to rest, using a bedroom. It would be very difficult for her to do so, given the levels of noise between 6pm and 9pm until after 10pm. Also once the baby is born it will be necessary to let the infant sleep regularly, and usually it is reasonable to expect that child night to begin at around 7pm. The only bedrooms available overlook the outside area, and have been shown to be severely affected by noise from people even when the windows are closed.

The only outside area is directly adjacent to the area that people stand, and is severely affected by noise from people, such that it is not unusable during this period, due to the sense of lack of privacy and intrusion from noise.

With the back door open the kitchen also becomes dominated by people noise, such that the idea of a relaxing family meal with the door open becomes impossible. Even with the door close it the noise from people, and in particular raised voices draws attention to the extent that this is my opinion that this space is unreasonably interfered with and intruded upon by noise from the premises' activity.

Mitigation

In considering whether steps could be taken to reduce the noise affecting the residents in this area, a number of measures have been considered.

The first would be using the canopy as a barrier to sound. The canopy is fabric and even if made sufficiently massive to offer any meaningful reduction of sound to those beneath there would be little to no benefit, and much of the sound is reflecting of the buildings opposite, and therefore would simply bypass the barrier. It would therefore not be practicable or offer a meaningful improvement as a solution.

The second is offering improved acoustic protection from windows. As the properties are grade two listed this means that the glazing is single glazed only, allowing sound to pass through reasonably unhindered at speech frequencies. Although improvements could be achieved inside with double glazing this is not an option that could be considered with the current restrictions of such historic properties. It also does not resolve the reasonable expectation that people should have in opening their windows for ventilation on a warm evening.

The management of the area is one way to keep behaviour, and noise under control, but in the situation witnessed the noise from people behaving reasonably was in itself a problem, and therefore that is no solution.

The only meaningful solution is to remove the use of the area for this purpose beyond 6pm.



CONCLUSIONS

Sustainable Acoustics have conducted an investigation into the noise from people that are using the outside areas of the Sir John Balcombe public house, and the impact that this is causing residents whom live in the vicinity, but in particular the occupants of 23 Balcombe Street whom are directly adjacent.

Both objective, subjective and attended witnessing of the noise created by patrons of the premises were undertaken between the 14th and 21st July 2015. On the evening of the 16th July Mr Peter Rogers attended and witnessed an example of that was found to be reasonably typically of the activities that occur on a regular basis.

During the week of monitoring there was evidence that the noise climate in the vicinity was being affected to some extent on all occasions between the times of approximately 4pm and 9.30pm. There were three afternoon and evenings where there was a significantly higher level of noise, which corresponded with events held to celebrate the cricket ashes series, although even on other evenings the noise climate in the areas was dominated by noise from those outside the premises. Both the subjective and objective evidence indicates that the noise from the people using the outside space through this period create noise that dominates the noise climate in the area, changing the character from that of a residential street to that of an outside venue, until after 9pm in the evening. There are also noticeable peaks as people leave later on.

The residents of 23 Balcombe Street are affected by noise from people which can heard, and measured at levels such that they can not be expected to open their windows in their kitchen, lounge, or any of the bedrooms and be able to use them without being seriously disturbed. Even when the windows are closed the voices are still clearly audible, and intelligible when they are raised in all front facing habitable areas. As such the use of their property in my opinion is being materially severely hampered between the hours of 6pm and 9pm on a regular basis and not simply when there are notable events. As such I consider that a nuisance is being caused, that demonstrates that the licence holder is failing to observe the licensing objective, and may be open to action under the Environmental Protection Act 1990.

In addition the only external amenity space available is so badly affected that it is not in my opinion viable to consider using it for rest and relaxation when people are gathered outside the premises. When it is not used in this way it would be entirely usable in this fashion.

Of greatest concern is that the pending birth of a child will place the family under the situation that the infant will need to sleep in one of the currently unoccupied bedrooms, which are those worst affected. I am extremely concerned, and fully expect that the child would be unable to achieve restful sleep in those spaces. This means that there is not only the risk of causing nuisance, but also the noise being prejudicial to the babies and mother health.

The evidence leads me to conclude that the premises should be prevented from using this outside area after 6pm, to protect the residents in the area, whom are likely to be being causing a nuisance sufficient to require formal action to abate it. I would expect this change of character, and noise intrusion to be sufficiently widely affecting a number of residents, who would experience similar material interference as those in 23. As such I would consider this to be causing a public nuisance as defined under the Licensing Act 2003. In light of this it is in my opinion beyond doubt that the premises are contravening their obligation under that act, by failing to implement proactive measures to prevent public nuisance occurring.

Mr Peter Rogers *FIOA, CEng, MSc*

APPLICATION FOR REVIEW

SIR JOHN BALCOMBE

21 Balcombe Street, London, NW1 6HE

Please find enclosed the supporting documents:

1. Natalie and James McDonough Statement (21.09.15)
2. Jacob Rawel Statement (18.09.15)
3. Acoustic Investigation of Noise Intrusion (19.08.15)
4. Letter from Westminster Citizens Advice Bureau to Enterprise Inns Plc (08.06.15)
5. Letter from Westminster Citizens Advice Bureau to Enterprise Inns Plc (26.06.15)
6. Letter from Westminster Citizens Advice Bureau to Enterprise Inns Plc (17.08.15)

Natalie McDonagh
23 Balcombe Street
London, NW1 6HE

21.09.15

Sir John Balcombe Pub, 21 Balcombe Street, London, NW1 6HE

My husband, James, and I have lived at 23 Balcombe Street for 2 years. We are directly next to the pub and share a party wall. We have always been supportive of a decent local pub for the community: we signed the petition to save the 'Swan & Edgar' from closing. We lived happily next to 'the Wood', the name of the pub under its previous management, and we were rarely disturbed.

We chose the house specifically to be a family home after much research and careful planning, e.g. making sure that the Wood pub was adequately sound proofed. When we bought our home, it was a peaceful, safe environment in which to raise children and to allow my husband and me to work from home when required. The character of the pub has changed since it came under new ownership in late 2014: it is no exaggeration to say that the Sir John Balcombe is making life in our home unbearable.

There is material interference in the majority of the house: 3 bedrooms, a sitting room, 2 studies, a kitchen-diner and the only outdoor space are all affected. Noise- nuisance arises on almost a daily basis, throughout the day, and often from lunchtime onwards. It can continue up until midnight, with customers leaving the pub noisily and shouting in the street. The peaceful enjoyment of our home is being ruined. (See independent Acoustic Investigation of Noise Intrusion.)

The management fails to control the levels of amplified music, and also the behaviour of the outside drinkers: both are separate sources of what can be intolerable noise. The management repeatedly offer extra door staff as a solution; but on many key occasions of noise nuisance the door staff have been present and failed even to try to prevent the noise and disorder: extra door staff are no solution at all when door staff do nothing.

The noise nuisance is getting worse, not better. On 19.09.15, during a wedding reception, the pub breached the Noise Abatement Notice. It does not help that the pub has recently breached the licence condition that prohibits outside drinking after 9.30pm.

I am 6 months pregnant and the stress, anxiety and exhaustion experienced from this situation has put me under strain. I regret to say that on 30.05.15, 7 hours of noise from football fans both inside and outside the pub triggered a severe migraine.

In July 2015 London experienced a heat wave of temperatures exceeding 35 degrees Celsius. Notwithstanding the heat, I had to keep all of my windows and doors shut to reduce the noise heard from the pub. Our only outside space is a lightwell in the lower ground floor. It is not usable when drinkers are outside the pub. The noise is intolerable, and customers come up to our railings and lean their drinks on them. I am concerned that a glass could fall into our lightwell below and shatter. It is also an invasion of privacy.

Our ability to rest at the weekends is severely hampered, with noisy groups congregating outside the pub from **page 61** onwards. Naps, reading or even

watching the television are constantly disturbed. It is exhausting after a busy working week: this is no way to live - pregnant or otherwise.

I work from home on many days as I am self-employed, and the noise nuisance is such that I can hear it in my office at the back of the house, and it is difficult to concentrate. My husband's office is at the front of the house, next to the pub, and he cannot work in there when there are drinkers immediately outside.

I am also concerned about the effects that this will all have on my baby when it is born. On some week days – and most Saturdays and Sundays – patrons can gather outside as early as 1:30pm and make noise right the way through until after 11.30pm. This makes for over 10 hours of noise. The child will need peace and quiet both at night and, just as importantly, during the day. The noise would mean that essential daytime naps during its infancy would be compromised. I understand that this could affect the baby's health and also hinder its development.

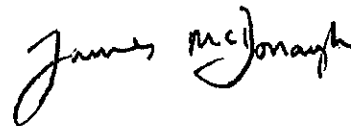
When the small child is old enough to do homework, how will it concentrate with the level of noise experienced in its bedroom? Together with my husband's office, these are the only places where there is room for an extra desk and both these rooms experience unacceptable levels of noise. I cannot believe that because we decided to move into a terraced house next to a quiet pub, we forfeited the right to bring up a family there. It is surely for those who moved into the quiet public house, and decided to change how it operated, to accept some limitations necessarily imposed on their expanded operation by reason of the fact that they have placed themselves in a quiet residential area.

Neither the management nor many of the customers of the Sir John Balcombe pub show any respect for local residents: they do not seem to understand the nature of the area into which they have moved; or if they do understand it, they do not seem prepared to adjust to it. The result is constant and severe noise nuisance. The pub is operated in a way that is manifestly unacceptable for a residential street: this is not Covent Garden. I hope that with a licence review we can change the character of the local environment back to how it was before the Sir John Balcombe opened, and restore the peaceful enjoyment of our home.

Yours faithfully,



Natalie McDonough



(and also)

James McDonough

Upper Maisonette
34 Balcombe St
London NW1 6ND

18-Sep-15

To Whom It May Concern,

Re: Sir John Balcombe Pub, 21 Balcombe St, London NW1 6HE

By way of background, my name is Jacob Rawel and I live in the Upper Maisonette at 34 Balcombe St, London NW1 6ND. I have lived in this property since April 2014; however, prior to that I lived in Flat 1 at 50 Balcombe St, London NW1 6ND (i.e. eight houses away) for over five years.

My current apartment is directly opposite the pub mentioned above. Although there has been a functioning pub on this site since I moved to Balcombe St over six years ago, the pub recently re-opened (towards the end of last year) under new management and since then has completely changed in character. In my view, the current arrangement is wholly inappropriate for a quiet residential street.

In particular, the noise outside the pub is out of control on a daily basis (particularly during the warmer months, when there are lots of patrons drinking in the outside area and being incredibly rowdy and disorderly) and is ruining the peaceful enjoyment of my own home. The situation is often particularly bad around pub closing time, when the pub deals with exiting patrons in a totally inappropriate and chaotic manner. It is clear to me that the pub attracts a far rowdier crowd than it did under previous management, a crowd that thinks nothing of making a lot of noise, swearing loudly and harassing neighbours until late in the night. Please see below details of two specific incidents that happened over the last few months:

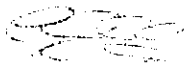
I submitted a noise complaint to Westminster Council on 15-Aug-15 after a particularly bad episode at closing time, where around fifty people exited the pub making a lot of noise on the street (including chanting, shouting and swearing), right outside my bedroom window, for at least twenty minutes until they dispersed. The noise woke me up from a deep sleep and I had to go downstairs to speak to the management, who were unhelpful and completely incapable of dealing with the situation. They blamed the incident on a small group of individuals from a student society at London Business School, but it was evident that the noise emanated from a much larger group of people – namely the majority of the pub's patrons – and that it was exacerbated by mismanagement. Very little was done to control the crowds, who appeared to be highly intoxicated, and they were left to disperse of their own accord.

Another incident occurred on 4-Jul-15 during the daytime (at around 2pm). The whole street was crowded with drunk and disorderly individuals, many of whom were consuming alcohol bought from the pub. Some of these drunk individuals repeatedly rang my doorbell, and the doorbells of my neighbours, for no reason, which constitutes a form of harassment. Lewd and inappropriate comments were also made to my girlfriend, and her sister, by patrons of the pub. The whole situation was utterly out of control and nothing was done, even after I directly complained to pub management. Pub management blamed this on fans of a rock band, who were apparently travelling later that day to a concert. However, once again, it was apparent that the noise and disorder emanated from a much larger group of the pub's patrons, and that the situation was managed appallingly.

I understand that other residents have also experienced abuse and harassment from pub clients.

Please take my above statement into consideration when reviewing the license of these premises.

Yours faithfully,



Jacob Rawel

Westminster Citizens Advice Bureau

Licensing Advice Project

21a Conduit Place
London W2 1HS
Email: licensing@westminstercab.org.uk
Telephone: 020 7706 6029
Fax: 020 7706 6039



Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

Our ref: LAP/RB
Your ref:

8 June 2015

Dear Sirs,

The Sir John Balcombe, 21 Balcombe Street, London NW1 6HE
Premises licence ref: 15/01173/LIPVM

We write on behalf of residents who live on Balcombe Street.

The residents are greatly concerned at the level of nuisance which they have experienced emanating from inside and outside the Sir John Balcombe since it reopened. We understand that other residents have complained to the pub and to the Council and that this is known to the management. Indeed, residents have been forced to involve officers of Westminster City Council. One such recent visit led to a Noise Abatement Notice being issued under s80 Environmental Protection Act 1990.

It may assist if we itemise the areas of concern as follows:

1. Loud music. This takes the form of both live music and recorded music emanating from inside the pub, particularly the basement. This causes severe noise nuisance. On 7th May 2015, the noise was so bad that an officer from Westminster City Council deemed it to be a statutory noise nuisance and served an abatement notice. However, this was far from the first occasion when music at this level had been experienced. Unfortunately, neither has it been the last occasion.

The residents note that they had no problem whatsoever with escape of music with the previous incarnation of the pub. Indeed, they believed that the ground floor at least was soundproofed. Was this the case? Were there any structural or other changes which could have damaged the integrity of the previous structure?

We note that there are conditions on the licence relating to live and recorded music (19 and

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Licensing Advice Project

21a Conduit Place
London W2 1HS
Email: licensing@westminstercab.org.uk
Telephone: 020 7706 6029
Fax: 020 7706 6039



20), which would not now be enforceable due to the recent changes in the law relating to these forms of regulated entertainment. Nevertheless, can you confirm that these conditions

are/will be adhered to?

2. Noise from customers of the pub inside the pub. This is an issue when customers are particularly loud. The same comments apply as above regarding the total absence of a similar issue before the pub closed for refurbishment.
3. Outside drinking. This is particularly an issue as we approach the warmer months, but has already been an issue since the pub reopened. We understand that a meeting has been held with some residents and a Council officer partly due to this issue. Crowds gather outside, sometimes from the early afternoon, until about 9.30pm when they tend to go indoors. Residents have noted up to 60 people outside, spread across the pavement and in the road. We enclose a photo by way of example. On 21 May 2015 the noise was so bad that an officer from Westminster City Council told the manager that it was unacceptable and affected a large part of the street as it could be heard as far as number 50 Balcombe Street. The noise this causes affects the residents' ability to enjoy peace and quiet in their own homes. The residents feel that much more control needs to be exerted on customers outside, whether drinking, smoking or talking on mobile phones. The residents appreciate that on a warm evening, some customers will naturally wish to have a drink in the open air. However, they feel that an appropriate balance would require outside drinking to be no more than 10 -15 people, including those seated at tables, and that there should be proactive management of customers who go outside to smoke.
4. Dispersal. When customers leave at the end of the night, they often do not do so in a quiet and expeditious manner. Residents feel that dispersal of customers should be managed much more proactively than is currently the case; for example, by having a member of staff at the door to remind people to leave quietly and that it is a residential area. Residents have found the signage erected in this regard to be ineffectual.

Residents had initially intended to ask us to send this letter a week ago but noted that the level of noise emanating from the pub had been reduced after visits from Westminster's Noise Team. In the interest of goodwill and community spirit they decided to hold off from sending the letter in the hope that the pub was now taking the appropriate action to abate the noise and disturbance. However, on 30 May residents experienced the highest level of noise to date from the pub:

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- The large crowd of football fans outside was not controlled. We note that the pub has recently offered extra door staff as a solution to managing the crowd and noise outside. There was an extra member of staff on duty that day but this measure failed to manage the drunken crowd. Residents report that fans were yelling aggressively and singing at full volume and residents nearly called the police. Two members from the City Council

who attended as a result of a noise complaint did not feel able to address the issues in case it caused a public order incident.

- In spite of the Noise Abatement Notice which was served recently, the jukebox was turned on twice at full volume for 20 minutes.
- The yelling and chanting continued inside the pub until 10pm with customers banging the tables. This made a total of 7 hours of noise (on a weekend).

The local area is very quiet at all times and there is little road traffic. Indeed, Dorset Square, directly adjacent to the pub, is a Conservation Area. Noise nuisance is therefore at a minimum, and the pub is the only significant source of noise, in a way that it was not before it was refurbished and it reopened.

That said, the residents accept that a local neighbourhood public house is a potential benefit to the area, provided it is operated in a way which promotes the licensing objectives.

We hope that you will take these concerns seriously, and we look forward to hearing from you with your responses to the points raised, and measures which you propose to ensure that the issues are satisfactorily resolved.

Residents are aware of their right under s51 Licensing Act 2003 to apply for a review of the premises licence. They are not at this time minded to do so. They are prepared to take formal action if necessary but wish to be reasonable and feel that the issues are capable of being resolved without the need for formal action.

We look forward to hearing from you.

Yours faithfully,

**Licensing Advice Project
Westminster Citizens Advice**

Enc

Cc Kay Cummings, Westminster City Council



Westminster Citizens Advice Bureau

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Mr Paul Harbottle
Group Commercial Director
and Managing Director of Bermondsey Pub Company
Enterprise Inns plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

Our ref: LAP/RB

Your ref: PH/lef

26 June 2015

Dear Mr Harbottle,

The Sir John Balcombe, 21 Balcombe Street, London NW1 6HE
Premises licence ref: 15/01173/LIPVM

Thank you for your letter dated 16 June 2015. We look forward to hearing from you in more detail with a point-by-point response to our letter dated 8 June 2015 following your meeting with Kay Cummings.

In the meantime, we note your confirmation that the pub is being operated in compliance with the conditions on the licence. The issue is that, unfortunately, this is not at the current time proving to be sufficient to ensure that the licensing objectives are being promoted – namely, prevention of public nuisance - as set out in our previous letter. We also made some suggestions as to what measures may improve the situation, and look forward to your comments on these. In fact, on 12 June there was another large crowd of about 40 people outside the pub which precipitated a noise complaint.

The residents do not agree that you have 'tirelessly sought to positively engage' with the community. They feel that the pub is not behaving appropriately in a quiet, residential area. Regardless of what measures may have been taken, unfortunately they have not been effective in managing the issues, which are the same now as shortly after the pub re-opened. As the pub is now fully aware of the issues which have been reported by local residents, further engagement should not be necessary to enable you to be in a position to put in place proactive measures to address the concerns. After seven months of repeated noise nuisance the residents are suffering severe stress. They simply wish to enjoy peace and quiet in their own homes which is not possible with the current activities of the pub.



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The residents feel it is important to emphasise that they do not have an issue with living on the same street as a pub; they did not have these issues with the pub's previous incarnation and happily co-existed. We are instructed that the previous pub did not cause similar problems,

and operated in a manner which was mindful of the quiet residential streets among which it was located i.e. with limited outside drinking and no noise seepage from inside the premises.

The residents feel that if the issues cannot be dealt with they will be forced to seek a review of the premises licence.

We look forward to hearing from you.

Yours faithfully,

**Licensing Advice Project
Westminster Citizens Advice**

Cc Kay Cummings, Westminster City Council

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Mr Paul Harbottle
Group Commercial Director
and Managing Director of Bermondsey Pub Company
Enterprise Inns plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

Our ref: LAP/RB
Your ref: PH/lef

17 August 2015

Dear Mr Harbottle,

The Sir John Balcombe, 21 Balcombe Street, London NW1 6HE
Premises licence ref: 15/01173/LIPVM

We refer to your letter dated 7 July 2015.

In the absence of a point-by-point response to the issues raised in our letter dated 8 June 2015, our clients do not see any value in having a further meeting. At least one meeting has already taken place between some residents and the representatives of the pub, and at least one meeting between an officer from the City Council and representatives of the pub. The issues – which are ongoing - are well known to the licence holder.

Our clients feel that as the licence holder has been fully aware of the issues which have been reported by local residents for some months, further engagement by way of a meeting should not be necessary to enable you to have put in to place proactive measures to address the concerns.

Yours faithfully,

Licensing Advice Project
Westminster Citizens Advice

Cc Kay Cummings, Westminster City Council



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 100023071665

Premises licence

Regulation 33, 34

Premises licence number:

15/01173/LIPVM

Original Reference:

05/08220/LIPN

Part 1 – Premises details

Postal address of premises:

Sir John Balcombe
21 Balcombe Street
London
NW1 6HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Indoor Sporting Event

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Playing of Recorded Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00

Sunday:	09:00 to 22:30
Anything of a similar description to Live Music or Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

The opening hours of the premises:	
Monday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 00:00

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:

Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ
Business Phone Number : Not supplied

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

02562808

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

Name: Agnieszka Jaskiewicz

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: 12713

Licensing Authority: London Borough Of Tower Hamlets

Date: 12 March 2015

This licence has been authorised by Mr Ola Owojori on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

11. Signage shall be displayed requesting customers to leave the premises quietly.
12. Children under the age of 18 shall not be permitted to use the AWP machine on the premises.
13. Films shall be exhibited by video entertainment on TV screens and amusement machines only.
14. Indoor sporting events shall be Pub Games only that may attract an audience whether by advertisement or spontaneous.
15. Recorded music shall be played with jukebox and karaoke, with or without a DJ, during normal business or as part of functions, and including audience participation.
16. Hot drinks and snacks shall be provided particularly during the chill out hour.

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

17. The maximum capacity within the basement shall be 50 persons excluding staff.
18. There shall be no outside drinking after 21:30
19. All doors and windows to be kept closed when live entertainment is carried out on the ground floor and in any event after 21:30.
20. Live entertainment is restricted to four performers with no amplification.
21. Substantial food and non- intoxicating liquor (including drinking water) shall be available during permitted hours.
22. All children shall be off the premises by 21:00.
23. Amplified music is restricted to the basement area and limited to two performers.
24. All tables and chairs outside the premises to be removed and secured safely by 21:30.
25. Films are to be restricted to AWP machines.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: Bryanston And
Dorset Square
UPRN: 10023071665

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/01173/LIPVM

Part 1 – Premises details

Postal address of premises:

Sir John Balcombe
21 Balcombe Street
London
NW1 6HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Indoor Sporting Event

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30

Playing of Recorded Music

Monday to Thursday:	09:00 to 23:30
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Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Anything of a similar description to Live Music or Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

The opening hours of the premises:	
Monday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 00:00

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:

Enterprise Inns Plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

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

02562808

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

Name: Agnieszka Jaskiewicz

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

Restricted

Date: 12 March 2015

This licence has been authorised by Mr Ola Owojori on behalf of the Operational Director - Premises Management.

ANNEX C

CITY OF WESTMINSTER

MEMORANDUM

TO Miss Heidi Lawrance

REFERENCE 15/08646/LIREVP

FROM EH Consultation Team, 4th Floor, City Hall

REFERENCE 15/039440/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT. 1774

DATE 29 October 2015

SIR JOHN BALCOMBE, 21 BALCOMBE STREET, LONDON, NW1 6HE

I refer to the application for review of the Premises Licence for the above premises.

I write to advise that Environmental Health supports this application and shall submit further information in due course detailing the involvement of the Council's Noise Team and Licensing Inspectors.

Environmental Health may also propose its own conditions and modifications to the Licence.

**Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team**



City of Westminster

This matter is being dealt with by:
John Crockford
Environmental Health Enforcement Officer
Tel: 020 7641 3130
jcrockford@westminster.gov.uk
Date 15 October 2015

Kevin Leach
Enterprise Inns plc
3 Monkspath Hall Road
Solihull
West Midlands
B90 4SJ

By email only

Dear Kevin

Sir John Balcombe P.H., 21 Balcombe Street, London NW1 6HE

I refer to the visit to the above premises in relation to the setting of the sound limiter on Wednesday 14th October 2015.

The sound limiting device has now been set to the satisfaction of the Public Protection and Licensing department. The following music noise levels have been recorded as the level at which the music may be played in each area of the pub:-

Basement level bar - **63 dB LAeq** (1 min)

Ground floor bar - **67 dB LAeq** (1 min)

The music played would be considered to be background music only and at these levels is inaudible at neighbouring properties. The levels are lower than those set at the time of installation of the sound limiter a week earlier. This was not because the levels needed to be reduced further. In fact, when I arrived and the engineer played the music it was only producing just over 60 dB in the basement. It was felt that people talking in the bar could drown out the music, so I advised that the level should be marginally increased.

I am not sure why this was the case. But it occurred to me later that a different input source may have been used. It is possible that a different source produces a varying music noise level. Nevertheless, I am confident that the levels set are such that there should be no further noise disturbance caused to neighbouring residents.

I must advise you though that, although the sound limiter has been set to the Council's satisfaction, this does not exempt your premises from any other statutory provision with respect to nuisance under the Environmental Protection Act 1990.

Yours sincerely

John Crockford
Environmental Health Enforcement Officer (Acoustics)

Sound Limiter Data Sheet

For Large Premises use a column for each area where limiters are set (e.g. basement, ground floor etc).

Premises	Sir John Balcombe P.H.					
Address	21 Balcombe Street, London, NW1 6HE					
Case Ref / UPRN	15/27668/EE1NON / 100023071665					
Contact Name	Kevin Leach, Regional Manager, Enterprise Inns					
Phone Number	07990 550 146					
Any previous complaints?	Yes – s80 served					
Does the premises have a H&S Risk Assessment						
Floor (B'ment, Grd etc)	Basement & Ground					
Limiter type	Formula Sound AVC-2					
Location of Limiter	Office/store room					
How is limiter locked?	Locking plate					
What area music played in	Basement & Ground					
Zones (if yes, how many)	Basement	Ground				
No. of speakers	3	4				
Bass bins	0	0				
Set Levels – LAmax	70.2	80.7				
Set Levels – LAeq	63.0	66.9				
Set Levels – LA90	56.7	61.6				
Occ H&S, Street, or complaint assessment	Complaint assessment					
Date set	14/10/15					
Set by	John Crockford & Steve Richardson (WCC), Steve (Middlesex Sound & Lighting). Kevin Leach (Enterprise Inns) unavailable					
Entered into Uniform (y/n)	Yes					

Notes / Recommendations:

Visit made on 7/10/15 when limiter was installed. No access available to res at this time so levels set arbitrarily to background music. Set at around 70 dB. When returned on 14/10/15 with access to res at 23 Balcombe St, the music level seemed quieter than set week earlier. Slightly increased so was at reasonable background level.

SR in residents no music audible from either basement or ground floor level. Did mention that could hear a voice from kitchen area(probably) to pub through partition wall, but only when ear up to wall.

15/00648/EP80A

CITY OF WESTMINSTER

5

ENVIRONMENTAL PROTECTION ACT 1990, Section 80
Abatement Notice in respect of Noise Nuisance

To: *Company name*
Enterprise Inns Plc, 31 Mark Lane, The Hall 12d, Silk Walk, B90 4S

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Westminster City Council being satisfied of the [existence] likely [recurrence] [occurrence] of noise amounting to a statutory nuisance under section [79(1)(g)] of that Act at premises in the vicinity of:

Sir John Balcombe Public House, 21 Balcombe Street, NW1
within the district of the said Council arising from the playing of amplified music at

Sir John Balcombe, 21 Balcombe Street, London, NW1 6HC

HEREBY REQUIRE YOU, as [(one of)] [(the person(s) responsible for the said nuisance)] the [owner][occupier] of the premises from which the noise is or would be emitted forthwith from the service of the notice (~~within~~ hour(s)) [to abate the same] [and also]

HEREBY PROHIBIT the recurrence of the same and for that purpose require you to: *Abate The Nuisance*

Take all the necessary measures to reduce the volume of amplified music/speech to a level where it does not cause nuisance in the nearest or any other occupied premises.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[(the nuisance to which this notice relates is [likely to be a limited duration such that suspension would render the notice of no practical effect])]
[(the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance)]

IF WITHOUT REASONABLE EXCUSE YOU contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (£5000) together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated *7th May 2015*
22.20 hours.

Signed: *Mr/Miss A. Both*
Environmental Health Enforcement Officer
(The officer appointed for this purpose)
For and on behalf of the Director of Community Protection
pp: R. Keithening

24 Hour Noise Team
Department of Community Protection
4th Floor North
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Ref: *15/11079/ENC45*

Tel: 020-7641 2000 / 7010 Fax: 020-7641-7047

NB: A person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. (see notes on the reverse of this form).

Interventions by Noise Team, Licensing and City Inspectors in respect of the Sir John Balcombe, 21 Balcombe Street (Between July 2014 and October 2015)

Date and day	Time	Reason	Actions/Result
27.11.14 Thursday	22:19	Public complaint regarding a lot of people standing outside the premises making a lot of noise talking and shouting	Noise Team spoke to customer who stated 16 people outside premises and no staff supervising at 22:00 in a very quiet street. Number greatly reduced at time of call. Passed to Licensing Inspectors for their information
04.12.14 Thursday	21:00	Public complaint that people outside public house being too loud	Noise Officer phoned complainant at 21:52 hrs when there were only 6 people outside smoking. Customer did not want a visit. Customer claimed that issue is worse on a Friday night and less so on a Saturday. The premises had only re-opened about 2 weeks earlier.
11.12.14 Thursday	22:36	Public complaint of loud noise coming from pub. People standing outside talking loudly	23:06 hrs Noise Officer rang complainant at 23:06 hrs and was advised that the pub shut at 23.00 hrs. Noise Officer agreed to visit after prior visit in Soho. At 00:29 hrs a drive by visit was made and premises closed and no activity or noise.
15.12.14 Monday	23:24	Public complaint that the noise level coming from the pub unexceptionally high due to the customers drinking outside the pub which eventually turns this residential street into a loud drinking session. The new owners do not ensure to keep the noise level down.	Licensing Inspector arranged a meeting to discuss complaints with the Regional Area Manager of Enterprising Inns. The venue was advised to put an ambitious and effective plan into action to manage the outside area. A meeting was to be arranged with local residents; businesses and the venue to discuss concerns and to ensure residents etc. have a point of contact during opening hours. It was discovered that the layout on the plans had been altered during the refurbishment and the venue were advised that they would have to submit a retrospective variation ASAP. There are also a number of

			<p>historical conditions that need to be amended or removed from the Premises Licence.</p> <p>Residents meeting organised for March and in the interim venue intended to implement practices so residents would experience an improvement in noise nuisance before the meeting took place.</p>
19.12.14 Friday	22:30	Public complaint received via email that smokers stand outside and talk loudly. The later it gets the drunker and rowdy the smokers are. The pub is surrounded by private residences.	The complaint was passed to Licensing Inspectors. No further actions recorded
27.02.15 Friday	21:30	Public complaint that after 9:30pm pub should have no-one outside and they have had people out until now and there are some people in the pub at the moment. Caller thinks that they will be gone before anyone gets there so no need to attend tonight but for a log of it and maybe check on in future.	<p>Visit carried out by Licensing Inspectors at 23:15 hrs on this occasion found a group of around 10 people who appeared to have left the pub, standing outside and talking quite loudly. They dispersed after about 5 minutes. Further observations were carried out for a further 15 minutes, during which 2 people left the pub and immediately left the area.</p> <p>Visit carried out by Noise Team at 23:27 hrs when there were no patrons outside the pub.</p>
01.03.15 Sunday	14:57	Public complaint of loud noise coming from the patrons of pub and a bunch of Chelsea fans.	No contact with customer and on this occasion no visit made.
20.03.15 Friday	21.29	Public complaint of noise coming from Sir John Balcombe Pub. People standing outside drinking. Return call is not required.	Visit by Noise Team at 23:40 hrs. The pub was closed and quiet. The Noise Officer spoke to the Duty Manager and advised him of complaints and the need to keep patrons quiet outside the pub and when leaving. Pub managers were on holiday and the Duty Manager was just filling the role.
04.04.15 Saturday	23:59	Monitoring by City Inspectors	Visit because of complaints about noise arising from (slowly) departing customers at the terminal hour of this recently re-opened pub (formerly The Hob Goblin). Because of traffic

			officers arrived later than they had hoped, and there was no activity of concern seen
10.04.15 Friday	18:22	Public complaint of very loud music and people having spilled onto the street	<p>Visit by Noise Team at 19.30 hrs and they counted about 15 patrons some sitting on chairs with tables and others standing and having loud conversations. The officer also noted that the front door was open and the music was occasionally loud.</p> <p>The Noise Officer spoke to the Designated Premises Supervisor who agreed to turn the volume of the music down and said that all the patrons would be inside by 9pm.</p> <p>Complainant updated</p>
28.04.15 Tuesday	18:18	Visit by City Inspectors in response to public complaint	<p>Attended premises and spoke to Mr Luis Pereira. Advised him of the complaint and provided him with copies of some of the photographs received from residents. (Complainants details not revealed). Requested he speak to DPS and/or Area Manager about the incident and ask them to provide an update on any measures they intend to implement to address the concerns. Advised Mr Pereira that if the DPS or Area Manager would like a meeting to let Inspectors know and that could be arranged.</p>
29.04.15 Wednesday	21:30	Public complaint that Sir John Balcombe playing loud music	<p>Noise Team telephoned customer and arranged to visit the pub. Visit at 23:15 hrs, no music from the public house. The Noise Officer waited a bit and left for another job.</p> <p>On 02.05.15 City Inspector noted complaint which would be followed up together with other noise complaints relating to same venue</p>
02.05.15 Saturday	18:30	Monitoring visit by City Inspectors	<p>No matters of concern highlighted. The Designated Premises Supervisor next on duty Monday from 10.30 am</p>
04.05.15 Monday	14:35	Visit by City Inspector	<p>Visit to speak to DPS but not available until week-end</p>
07.05.15 Thursday	20:50	Public complaint regarding loud music and noise coming from Sir	<p>A Noise Team visited the complainant's premises at 21:40 hrs. Some music audible in the kitchen</p>

		John Balcombe. Caller has lawyers involved and is insisting a visit tonight	and TV room of complainant's property. Music and singing audible. Clearly heard guitar and amplified voice. Heard a rendition of 'We are the Champions' by Queen, and other recognisable songs, border line nuisance, and gradually getting louder. At 22:00 hrs noise level was a statutory nuisance continuing until 22:10 hrs when officer left the property. Music and singing audible in kitchen; TV room; stairs; study and hallway to front door. S.80 served on Duty Manager at public house. <i>(COPY ATTACHED WITH E-MAIL)</i>
11.05.15 Monday		Email from Mr Harris of Enterprise Inns	Complaints being investigated by venue and in the interim live music suspended at venue.
14.05.15 Thursday		Email from Mr Cash of Enterprise Inns	Email detailing investigation by Licence Holders relating to complaints. On the 7th May a pre booked party of 40 in the lower bar requested 'We are the Champions' as a last song and all sang along with it. The venue admitted that it did not alter the fact that it disturbed their neighbours, not did it excuse the team at the pub. An Assistant Manager on duty at the time would be leaving the company as a result of the incident. Another member of staff was also dismissed following involvement of City Inspectors. The issues regarding the photographs from the FA Cup semi-final day and potential pinch points and opportunities to be discussed at forthcoming meeting. Resident's meeting that had been arranged was cancelled as none of the residents were available.
22.05.15 Friday		City Inspectors met with Representatives of Licence Holding Company	City Inspectors met with management for the premises Mr Cash; Mr Harris and DPS. Concerns regarding recent complaints outlined fully and discussions took place regarding 'way forward'. The venue has ceased all live music and two managers are no longer employed by the venue. The premises will supply a full management plan to address

			cricket; football and forward details via email. The plan will include - SIA; removing T & C to give standing room so path not blocked; barriers; polycarbs and liaising closely with residents including having a dedicated number etc.
30.05.15 Saturday	14:00	Public complaint of noise from public house at excessive levels. Football fans chanting and shouting, along with very loud music. Has been going on for about two hours and is getting worse. Complainant states that the pub has been served with a s. 80 noise abatement order for playing loud music a month ago and they are now, allegedly, in breach of this. Complainant requests immediate attendance from Noise Team to their address to hear impact of noise.	Noise Team made a visit at 15:40 hrs. The officer monitored venue for 15 minutes. About 30 Arsenal fans outside the pub no singing at the time of visit.
02.06.15 Tuesday	20:55	Monitoring by City Inspectors	5 persons outside at tables and chairs - no noise issues.
06.06.15 Saturday	16:20	Monitoring by City Inspectors	30 to 45 customers outside some conversational noise and footpath blocked in Balcombe Street. Photos taken. DPS outside monitoring so advice given to keep clear space for persons to pass without having to walk into the road
12.06.15 Friday	18:14	Public complaint of loud noise from public house	Visit undertaken by Noise Team. There were lots of people outside the premises some drinking, talking loud, shouting and laughing. Music was barely audible outside the premises despite the door wide open. Subsequently visited the customer. Heard voices from the pub as Noise Officer stepped into the property from hallway and into the habitable rooms even more pronounced in the basement kitchen. No music heard in the complainant's property. Customer mentioned that she took photograph earlier and she counted about 40

			people outside the pub. Noise Officer then attended the public house and counted 35 people outside still talking loudly, shouting and laughing. The Officer spoke to member of staff who said that he had no management responsibility and it was not possible to identify who was in charge at the time. The member of staff told the officer that Designated Premises Supervisor was not there. 15 people in the pub. The Designated Premises Supervisor then arrived and spoke to the Noise Officer. She said that they were trying to keep the noise down.
13.06.15 Saturday	20:08	Monitoring by City Inspectors	Drive pass of venue. 6 or 7 persons outside at T & C - no noise issues on this occasion
17.06.15 Wednesday	19:58	Monitoring by City Inspectors	Drive pass of venue should some customers stood on the corner but on footpath. One person in high visibility jacket monitoring them. Other customers at tables and chairs - footpath passable.
02.07.15 Thursday	20:51	Public complaint that group of people drinking on street outside pub. People not standing under pub canopy	Noise Team phoned complainant at 21:55 hrs and were informed that all the people were now inside the pub. No further action taken.
13.07.15 Monday	18:16 until 18:47	Monitoring by City Inspectors	At time of arrival there were four people sitting and drinking at the tables and chairs on the Balcombe Street elevation. Nobody was standing and drinking or smoking outside. At 18:20 hours a man came out of the pub with a pint of beer and sat at one of the tables on the Balcombe Street elevation. At 18:29 hours, a male and two females came out of the pub with drinks and went to stand and drink on the footway in Taunton Mews. At 18:44 hours a member of staff came out and cleared glasses from the outside tables.
14.07.15 Tuesday	18:05 until 18:26	Monitoring by City Inspectors	Weather warm and dry. Upon arrival there were five people sitting at the tables and chairs in Balcombe Street and three people standing and drinking outside the pub in Taunton

			<p>Mews. When the officer left there were five people sitting at the tables and chairs in Balcombe Street and eight people standing and drinking outside the pub in Taunton Mews. There were never more than five people at the tables and chairs and the most there were in Taunton Mews was eleven. Throughout the period of observation a female member of staff came out and went back inside the pub several times. She spent several minutes speaking to two of the men drinking in Taunton Mews and also collected glasses from both sides of the pub.</p>
15.07.15 Wednesday	12:17	Monitoring visit by City Inspectors	<p>16 people witnessed outside pub no obstructions or noise issues. Witnessed 2 customers try and sit with drinks across the street manager came over and asked them to move</p>
15.07.15 Wednesday	18:00 23:05	Monitoring visit by City Inspectors	<p>16 people outside of the pub no noise or obstruction witnessed. 2 customers tried to sit on pavement opposite pub in Taunton Mews but manager came over and asked them to move and they did. There were no empty glasses outside</p> <p>Approximately 20 people in premises, no children , no music, no smoking, no T & C's, no outside drinking, no disruption, customers all gone from premises by 23.15 and all left quietly.</p>
16.07.15 Thursday	18:30	Monitoring by City Inspectors	<p>30+ people outside premises. SIA Door Supervisor present in black hi visibility vest, actively asking customers to move and controlling the crowd well. Members of staff removing empty glasses no great noise emanating from crowd.</p>
17.07.15 Friday	21:20	Monitoring by City Inspectors	<p>Very quiet about 5 people outside no noise issues</p>
18.07.15 Saturday	20:10	Monitoring by City Inspectors	<p>Two SIA Door Supervisors - no noise audible in Dorset Square at junction of Balcombe Street but some conversational noise noted when driving past venue. 8 people under canopy area and another 7 people in the Mews. No shouting or loud laughter</p>

24.07.15 Friday		Letter from Licence Holding Company	Letter from Licence Holding Company regarding trial of having customers stand on private forecourt
27.07.15 Monday	Reported via email on 29.07.15	Public complaint regarding a lot of people outside shouting when they are leaving the pub well after 11.30pm. Totally unreasonable given it's a Thursday. The bouncer was inside immediately after doors shut and made no effort to move the people on despite the residential nature of our street.	Email sent to complainant requesting additional information. Complainant had not confirmed noise from Sir John Balcombe but only pub in the road.
05.08.15 Wednesday	12:22	Public complaint of outside drinkers at venue	City Inspectors acknowledged complaint and advised resident to liaise with Mr Richard Brown of the CAB (Licensing) regarding seeking a 'Review'
10.08.15 Monday		Public complaint received via email repeating details of complaint made in respect to 27.09.15 from another complainant.	Emailed Mr Harbottle (Managing Director of Enterprise Inns) and advised him of recent complaints which he stated he would investigate.
11.08.15 Tuesday	21.51	Public complaint with photograph relating to breach of licence condition regarding outside drinking after 21:30 hrs	City Inspector responded to complainant. Email sent to Mr Harbottle advising him that residents do not wish to attend a meeting with the licence holders. He was also informed of the complaint with the photograph of the incident attached requesting an explanation.
14.08.15 Friday		Correspondence with venue	Letter received from Mr Harbottle detailing CCTV checks carried out between 28.07.15 and 01.08.15. In the letter he states that there were no instances of a lot of people leaving the public house at any time or any evidence to suggest any customers from the pub caused a nuisance. He also stated no evidence of 3 drunks leaving the pub as alleged. In addition he states that no complaints were made to the premises or spoken with the management at the time of the alleged incidents. He stated he would welcome a meeting with residents to discuss the issues

			further.
16.08.15 Sunday		Public complaint received via email regarding alleged incident on 15.08.15 at 23:15 hrs. Complaint about group of 50 persons causing a noise nuisance outside venue	City Inspector acknowledged complaint and requested further information. In addition advised him to phone venue; police and WCC Noise Team. Complainant advised about 'Review' procedures and he was asked if he was willing to attend a meeting with venue and/or other residents. Subsequent to this further information was received from complainant and the Area Manager for the venue was made aware of the full details.
16.08.15 Sunday	17:33	Public complaint that customers shouting and talking loudly. People on the pavement from the pub	Visit carried out by Noise Team at 18:40 hrs. 8 people sat at tables drinking outside the front of the pub. Noise from general chatter audible in the street.
18.08.15 Tuesday		Public complaint received via email regarding incident on 15.08.15 at 23:15 hrs relating to noise from customers leaving the venue.	City Inspector contacted complainant and advised them of 'Review' procedures and given Richard Brown's details. Venue subject to monitoring
18.08.15 Tuesday	17:55 until 18:25	Monitoring by City Inspectors	<p>Weather fine and dry. Not very busy, no significant noise or disturbance. On arrival, four people drinking outside, all standing, two on the corner of Balcombe Street and Taunton Mews and two in Taunton Mews.</p> <p>On departure, eleven people drinking outside, three standing on the corner, five standing in Taunton Mews and two seated at the tables in Balcombe Street.</p> <p>The highest number of people seen drinking outside was thirteen at around 18:10. Three were standing on the corner, six standing in Taunton Mews and four sitting at the tables in Balcombe Street.</p>
19.08.15 Wednesday		Public complaint received via email regarding noise issues on 16.08.15	Noise Team passed information to City Inspectors due to delay in report from resident

		I live at xx Balcombe St - we were kept awake until well after 11.30 pm last night by some 40 or so hotel patrons drinking on the footpath. We noticed that the hotel manager was also there condoning this. We have frequently spoken with the manager about loud noise from this hotel but she will not listen our complaints	
20.08.15 Thursday		Response to email relating to breach of licence condition.	Email received from Mr Richard Taylor (Solicitor) who has been instructed to act on behalf of the licence holders. Admissions were made in relation to the lady who was drinking outside the premises however the premises have claimed that staff did not see she had a glass in her hand when she walked outside.
21.08.15 Friday		Meeting with Residents	City Inspectors attended a meeting with local residents to discuss their concerns. Clarification was given in respect to their options and to the licensing objectives. They were again advised to liaise with Mr Brown CAB (Licensing) with a view to obtaining independent advice and potentially calling a 'Review' The residents were again provided with contact details for the premises and the Regional Manager
22.08.15 Saturday	21:15 until 21:40 hrs	Monitoring by City Inspectors	Observations undertaken in respect to the management of the outside of the premises by City Inspectors. 8 customers seen sat at outside tables and chairs. No apparent public nuisance on this occasion. At 21:30 hrs staff came outside and quietly rendered the tables and chairs unusable. Some of the customers dispersed and the rest entered the premises.
23.08.15 Sunday		Email to Richard Taylor – Solicitor	Email sent to solicitor following a meeting with local residents regarding on-going concerns and as a result of video footage viewed during

			<p>premises are the subject of a private function which is defined as a booking of more than 20- 25 people in the basement area of the pub, One SIA Door Supervisor will be employed to assist with enforcement of dispersal policy</p> <p>3. Whenever an event is scheduled that is expected to increase footfall in the local area (for example events at Wembley Stadium or Lords) a risk assessment will be undertaken with regard to SIA Door Supervisor requirement. Door supervisors will be employed between such times and in such numbers as identified by the risk assessment. When door supervision is employed then at least one SIA Door Supervisor will remain on duty until the last customer has been dispersed from the premises.(An example of this recently was for the Lords Test Match where my client employed 2 SIA Door Supervisors from 5pm until close based on their risk assessment.)</p> <p>4. A verbal briefing will be given to door supervisors advising of the standards required in managing the outside area. The written policy will be given to the SIA Door Supervisors Company detailing the expectations of their employees whilst on duty at the premises.</p> <p>5. The Duty Manager is responsible for the outside area and will continually risk assess during the day to day operation, events and private</p>
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			<p>functions.</p> <ol style="list-style-type: none"> 6. A new dispersal policy will be implemented to ensure that customers leave the premises quietly and without causing disturbance to neighbours. 7. Any customers waiting for taxis will be required to wait for those taxis within the premises. 8. Local residents will be provided with a contact number for the pub, contact number and e-mail address for Regional Manager via the residents meetings. 9. The DPS will arrange residents meetings to discuss any changes in operating practices and to gain feedback from residents. These will be held on a quarterly basis which will be reviewed on an annual basis. This meeting will be chaired by the Regional Manager or Operations Director and will include information on forthcoming events. 10. All staff will be trained with regard to the new operating policies and the conditions on the premises licence. The training will be regularly refreshed and staff records maintained on site. 11. All policies and training records will be regularly reviewed and made available to the responsible authorities on request.
15.09.15 Tuesday		Email from Richard Taylor (Solicitor)	Email from Legal Representative for the premises enclosing full policy documents covering Events; Dispersal and Private Functions

19.09.15 Saturday	19:37	Public complaint of noise from loud music coming from the pub	Noise Team attended resident's premises and witnessed a breach of the s.80 Noise Abatement Notice. Prosecution action commenced.
20.09.15 Sunday	15:16	Public complaint Pub making a lot of noise with lots of people pouring onto the street talking loudly and shouting	Noise Team phoned resident at 15:42 hrs by which time the noise had stopped As a result of this complaint and information from the Noise Team that the s.80 had been breached the Lead City Inspector sent an email to solicitor for venue regarding these issues. In addition advised the Regional Manager (Mr Leach) by phone about the complaints.
21.09.15 Monday	13:40	CCTV from premises viewed regarding previous complaints	Mr Leach attended Westminster City Hall with CCTV footage from the 15.08.15 Venue apparently originally had a booking from the London School of Music for approximately 20 persons from 17:00 hrs for drinks. A second group arrived later in the evening associated with the School increasing the overall numbers. Another group (Australians) then turned up at the venue without a booking increasing overall numbers at the premises. About 22:50 hrs customers start to disperse in small groups with approximately 5 standing outside for about 2 or 3 minutes talking. 23:14 hrs 25 customers approximately outside by private forecourt. Small group on opposite side of road by Mews. DPS is outside trying to move people on and another group are seen by the junction of the Mews. 23:20 hrs 5 or 6 of the larger group by the forecourt start play fighting for a short period then stop but remained in same location for a period until taxi's arrive around 23:22 hrs.

			<p>Customers still seen by main entrance by the Mews when neighbour comes over to the premises and enters to speak to the DPS.</p> <p>23:26 hrs Appears all customers dispersed from outside</p> <p>-----</p> <p>Not on CCTV but also discussed s.80 breach on 19.09.15. A wedding party was booked in the basement. The DPS worked from 11 am until 18:30 hrs preparing food and ensuring party in venue then she left for a break. Prior to her leaving the music was at incidental background levels. When she returned at 21:01 hrs the Noise Team had already attended having found a Statutory Noise Nuisance.</p> <p>-----</p> <p>CCTV - 20.09.15 The footage commenced around 14:55 hrs and showed the outside T & C 3 customers initially visible with one male sat at a table which his chair located partly on the public footpath.</p> <p>14:56 hrs customers start dispersing walking away from the venue towards Marylebone Road in small groups 2 of 4 people then 2 people left. They appear to be walking away and no obvious signs of them turning back and calling to anyone at the venue.</p> <p>15:00 hrs 12 customers outside venue at T & C some seated and they appear to be talking. This number increases to about 15 persons and then 1round 15:16 hrs 6 or 7 people leave the public house including some of the persons located outside the venue at the T & C.</p> <p>Apparently there had been a peak number of customers on the 20.09.15 of between 45 and 50 who were eating and drinking prior to going to</p>
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			<p>the rugby. They had an SIA Door Supervisor but he was in the main static by the entrance monitoring customers leaving.</p> <p>In addition to viewing the CCTV and email was received by the Lead City Inspector from Mr Taylor (Solicitor) requesting additional information regarding recent complaints. This was forwarded to him via email.</p>
24.09.15 Thursday	18:45	Monitoring by City Inspectors	There were approximately a dozen people outside. There was an SIA door security on duty and no noise or obstruction issues noted.
25.09.15 Friday		Email from Solicitor for Premises Licence Holder	Email received from solicitor stating that venue considering installing a sound limiter at the premises. As a result of this City Inspector contacted local resident so that arrangements could be made for limiter to be set.
26.09.15 Saturday		Email received relating to noise complaint for the 19.09.15 The complainant also raised concerns about 'A' board advertising to encourage customers attend the venue to watch rugby	City Inspector responded to complainant and provided advice on seeking a 'Review'. Mr Brown's details supplied and also contact details for the venue.
26.09.15 Saturday	16:44	Monitoring by City Inspectors	<p>There was one female behind the bar and four customers on the premises, one drinking and three eating. As seen in photo nobody outside and background music very low. One large screen TV was showing the end of the Italy v Canada rugby game. The TV volume was very low.</p> <p>As there was no Wembley game today this reflected on the business, however there is a game on Sunday at Wembley where Ireland play Romania.</p>
26.09.15 Saturday	18:02	Monitoring by City Inspectors	<p>There was no noise coming from the premises, one female member of staff and one licensed male doorman on duty. There were approximately 12 to 15 customers in the premises.</p> <p>On the same Balcombe Street there</p>

			was a party in the basement of number 22-24 with girls singing loudly. There was no party at this location at my 16:44 visit.
26.09.15 Saturday	20:52	Monitoring by City Inspectors	<p>As England playing their rugby game during the evening visit undertaken. At time of arrival approximately 5 people outside venue in Balcombe Street and a brief sound of loud laughter audible 70 metres away. 3 further customers outside in the Mews by the public house. One SIA Door Supervisor on duty outside.</p> <p>A check of a side door leading into the venue from the Mews found it to be locked. Premises entered and a number of people seen leaving the basement. A check of the locked door revealed it was the emergency escape route from the basement. A walk-through was undertaken and the basement area checked. An unsupervised and unlocked bar found with alcohol readily accessible. Spoke to the DPS who was present and was made aware of these concerns. The emergency escape route door was immediately unlocked by which time the basement was empty except for a member of staff. A check of the CCTV revealed that it only covered the bar area and not the main room although the CCTV is not a condition of the licence. There were some items in the staff emergency escape route from the basement which were impeding on the exit and advice given to remove them.</p> <p>As a result of this visit a remedial letter was sent to the premises via their solicitor Mr Taylor</p>
30.09.15 Wednesday		Email from Local Resident with sound recording from noise complaint of the 20.09.15	City Inspector forwarded sound recording to solicitor for venue requesting comment from the Premises Licence holder.
03.10.15 Saturday	17:15	Monitoring by City Inspectors	There were never more than seven persons sitting quietly on the T&C's outside. Within the pub, there were a

			few customers and all appeared quiet. Whilst rugby was being shown on a TV screen, no flags, banners, scarves or England shirts related to the rugby were seen.
03.10.15 Saturday	20:10	Monitoring by City Inspectors	Observed the premises for twenty minutes. Photos taken upon arrival and departure. Very quiet, almost deserted. At time of arrival there was one man outside smoking in Huntsworth Mews, who later left without entering the pub. There were two customers inside the ground floor of the pub, where the rugby match between England and Australia was being shown on the television. There was nobody in the basement, which was closed. City Inspectors left at 20:30, there were two women sitting and drinking at a table outside and three people inside the ground floor. This was the busiest it became during the time the City Inspectors were there.
03.10.15 Saturday	23:10	Monitoring by City Inspectors	Venue closed.
13.10.15 Tuesday		Email from Mr Taylor (Solicitor)	Email sent in response to matters raised following visit to venue on the 26.09.15 by City Inspectors outlining remedial actions taken:- 1. The side door leading into the Mews serves both the basement bar and ground floor. The basement had been used until shortly before your arrival but when the last customers left, the staff down there moved upstairs. The door had been locked following the last customers leaving the basement in order to ensure that the only access into/out of the premises was through the front door, where the door supervisor was positioned to ensure that customers leaving caused no nuisance to neighbours. Since your visit, written instructions have been issued to the staff to ensure that the door remains open at all times and that the

			<p>stairwell is free from obstruction.</p> <p>2. My client is investigating how best to secure the stock in the basement when the bar is not staffed. Quotes have been sought for security shutters/lockable cabinets and once received the most appropriate security measures will be implemented.</p> <p>3. Additional CCTV cameras will be installed to give enhanced coverage of the basement bar area. The existing CCTV system features 8 cameras. My client is investigating whether further cameras can be added to this system or whether it will be necessary to install a new 12 camera system.</p> <p>4. As 1 above - written instructions have been issued to the staff to ensure that the door remains open at all times and that the stairwell is free from obstruction.</p> <p>It is anticipated that the security measures and CCTV upgrade detailed in points 2 & 3 will be implemented within the next 4 weeks.</p>
14.10.15 Wednesday		Sound Limiter to be Set	<p>Arrangements made by EH Officer to set sound limiter which has been installed following breach of s.80 <i>(COPY OF LETTER AND SOUND LEVELS SET ATTACHED WITH E-MAIL)</i></p>

Details of public representations relating to 15/08646/LIREVP

Comments received electronically via Public Access:

1. Mr Albert Ratcliffe - 26 Balcombe Street, London, NW1 6ND

Received: 17th October 2015

COMMENTS:

I learn to my surprise that a review is being carried out for the premises licence at the above address.

I have lived in the street since the early 1980's, and can attest that the establishment has never been quieter or better run. I reside directly opposite, and have never been disturbed. I am sure other residents, if canvassed, would confirm this.

There has always been licensed premises on this corner, providing a valuable social hub for the local community.

One wonders whether objectors are recent arrivals, more concerned with the value of their properties than with integrating.

I find objections petty, selfish and unfounded. This relates to all of the objectives, namely crime and disorder, public nuisance, protection of children and public safety.

2. Mr Robert McAulay - 33 Linhope Street, London, NW1 6HU

Received: 29th October 2015

COMMENTS:

I, my wife and daughter have lived in the proximity of the pub since 1991 and been a customer through all the various incarnations. The recent refurbishment has turned what was once a very run down pub into a pleasant place to drink, eat and meet. The Sir John Balcombe (SJB) is the last pub in the area for locals to use as a community.

The pub has always been busy and by definition noisy when the weather is good, there is a local football match (Wembley, Arsenal, Chelsea) and big matches at Lords.

I therefore think it is naive for new people in the area to buy property next door to or near a London pub to complain about noise and people using the street when leaving.

The new management of SJB are trying their best to keep disturbance under control and I would hope that their licence is not restricted.

3. Mr & Mrs Brian & Elizabeth Aubrey - 37 Balcombe Street, London, NW1 6HH

Received: 21 Oct 2015

COMMENTS:

We wish to express our concern over the notice relating to the possible withdrawal of license to the above premises. We have been resident in Balcombe St since 1982 with the pub being part of our social life until the present day. We speak for many of the locals that the closure of this facility would be detrimental to the spirit of the community.

The clientele of the pub is a mixture of local residents and businesses with never a hint of improper behaviour therefore creating a relaxed atmosphere for all to enjoy.

Did the complainants intend to object to the pub when they bought their property in such close proximity???

The business structure of the pub presents a first class service and does not deserve the pointed criticism as the benefits far outweigh the imperfections as registered by the complainants.

Comments received via other means:

4. Mr & Mrs O'Connell, 28b Balcombe Street
Received: 18th October 2015

We live directly across from the Sir John Balcombe and can honestly say we have no trouble or excess noise. The noise level is the same as it was many years ago. No change, just a pub.

Most of the noise in the street comes from people leaving other establishments on their way home. They go down Taunton mews nw1(side of the pub) to catch the night bus, i.e 13 from Gloucester place. We have lived here for several years and have had no trouble from the pub.

People that have bought flats near the pub must have noticed upon purchase of their property that the pub was there.

There has been a rapid increase in closure of pubs due to lack of customers but the Sir John Balcombe is thriving as it provides a vital service to local business and community + good food for families. We have attended this establishment for 40 years.

We are 60+ and enjoy attending as a family.

5. Stephen & Luiza Kirk
Received: 23rd October 2015

My wife and I live in Ivor Place - a minute away from the Sir John Balcombe pub.

We were so pleased when the pub was refurbished and opened. It is a great amenity and we enjoy going there. It has a lovely atmosphere and is especially appreciated after the closure of the Swan and Edgar pub nearby.

We understand you are reviewing the pub licence following complaints from nearer neighbours. We can only say that the loss of this pub will be to the detriment of the neighbourhood as a whole as the pub is a community asset where we can meet others in the area.

I do hope you will take this view into account when making your decision on the licensing future of the pub.

6. Mr Ray Harris - Via Email
Received: 29th October 2015

COMMENTS:

I would like to submit my views in support of the present licensing arrangements for the above public house. I have lived in Balcombe Street for eleven years and have seen this pub pass

through several different owners. The present owners are by far the most responsible to date. They have made a considerable investment in the premises and it is a very well appreciated asset in the community. In fact it is now quieter than it used to be five years ago large crowds would assemble across the street outside the pub. The present owners have employed stewards to manage this eventuality.

Most pubs in London are in residential areas it is a feature of London life. I understand the present complainants are relative new comers to Balcombe Street. No doubt they moved into the area fully aware that the pub existed. They are now trying to curb a service the existing community value and don't wish to have curtailed.

This pub is well managed the level of disturbance and noise created by its presence is not excessive. It is an asset to the community.

7. Mr Graham Young - 47 Dorset House, Gloucester Place, London

Received: 2 Nov 2015

COMMENTS:

I understand that there may be a risk of the pub being closed down due to complaints from neighbours.

I have lived in this area since 1992 and would like to point out the following: Any one buying or renting a property in the vicinity of a pub is surely going to be aware that there may be an amount of noise.

During all my time of living in this area I have never known the Balcombe to be other than a well run and well controlled pub appropriate for a residential area. It is a true "local".

The pub has a cut off time of 9:30 PM for outside drinking. This is enforced by security staff.

The pub is a valuable community amenity and is one of the more pleasant pubs remaining in the area. The alternatives in the vicinity are principally gathering places for football fans attending Wembley which are hardly agreeable environments in which to meet friends and socialise.

At least 4 pubs in the immediate vicinity have closed in recent times.

Any suggestion that a license for the pub not being granted or renewed or restricted would be a significant loss to the Dorset Square area community and very much against the interests of the majority of those living in the neighbourhood.

I do hope that the licensing authorities see sense over this issue and grant a continuance of the license.

8. Mr Ollie Brown - 25 Balcombe Street, London, NW1 6HE

Received: 3 Nov 2015

COMMENTS:

I am very saddened and rather shocked to be made aware that there is to be a review of the premises licence for the "Sir John Balcombe" on Balcombe Street.

I live at no 25 and my family have done so since the early sixties when they moved around from Linhope Street.

The Street still manages to retain much of its charm and community focus that has been evident since I was a young child attending Hamden Gurney School not far down the road, or attending a wonderful street party for the Silver Jubilee. At the centre of this community is the local Pub.

Originally when I was younger this was the Portman Arms, then with a Bernie Inn attached and it then morphed into a "champagne and Oyster bar" Henley's.

Hobgoblin took it over I believe about 20 years ago and the community spirit went to new highs, the landlord would welcome all for Christmas lunch especially if you were here on your own, the pub would be a weekend focus serving wonderful Sunday Lunches and regular summer days we would be entertained outside by Morris dancers.

Sadly the pub moved into new hands and then finally to its previous landlord who for some reason thought it would be best not to welcome the locals any more and attracted an outside crowd who I believe may have had other intentions of visiting rather than the pints that may be on offer, Personally at this time I stopped frequenting the "local" along with many of my fellow residents and slowly the pub would get quieter and quieter until finally shutting up approx 18 months ago.

This now left us with NO locals - We had a long time past lost the Boston Arms (now the London Business School) we have lost the Gloucester Arms (now part of Francis Holland School) and most sadly we have lost the delightful "Feathers" or as it was at the end the "Swan and Edgar"

But all was not down as late last year an army of people moved in and started to work on the premises.

In Brief a wonderful professional Job was done including fully refitting the old kitchens and gratefully replacing the antiquated cooling / extraction fans that would whine away during the night echoing into my house..

They chose a name local to the street, they opened by inviting all the locals around for free lunches, they employed a wonderful team of staff and yes we had a lovely pub back.

So why these complaints I ask?

I can only surmise that the complainants are not originally "locals" in the street and have chosen to live here not for the beauty of the street but for a housing reason and or profit making reason.

The letter I have says the reasons for this review are:

- 1: Prevention of Crime and Disorder - I would suggest that the complete opposite has happened since the present occupants have taken over, No longer do we have a lower life peddling in substances not wanted around here; No longer do we have Beaten up White Vans delivering Kegs of Beer in the early hours of the morning. Instead we have a vibrant community pub looking out for all the street, Taking in parcels when you are not in, Welcoming your friends when you are late home and serving wonderful food and a very decent pint.
2. Prevention of Public Nuisance - I am not quite sure the exact reference this could refer to? but could imagine that this could be noise?
The Pub as become very successful once again and during the summer months this does lead to a number of people having an after work drink, All involved are mostly local professionals enjoying the good hospitality and investing in our local economy.
This may also refer to the odd day during the year when its location (near to Lords Cricket Ground) and en route to Wembley Stadium will mean it will attract (along with all the other local pubs) a large number of people for odd durations.

A calendar is available of all the events at Lords and Wembley and with prior knowledge known of these events, prevents any issues of crime / disorder or any other disturbance other than some good natured folk having a sing song..

It should be noted that at all times over late weekday nights the pub employs security staff and does not allow drinking outside after 21:30

3. The protection of Children from Harm... I am amazed that this is here and would actually relish in the opportunity to here anyone explain to me just how the local premises could or does have any effect on the safety of children?

I would suggest that the much more serious matter of residents "dumping" rubbish outside their properties on days prior to the 2 bin collects we are lucky enough to have a week are of a much more serious nature to all the above points

Crows and Foxes can regularly be seen ripping bags of rubbish apart and attracting further vermin to the area

In summing up I please urge you to reject any claim for a review to this license as in doing so you will be removing the heart and sole out of the local community, we have already lost 3 local pubs and we cannot afford to lose the 4th and last of the area

9. Shivana Maharaj & Derk Louwerse - 8 Taunton Mews, London, NW1 6HJ

Received: 3 Nov 2015

COMMENTS:

On behalf of my partner Derk Louwerse and myself, currently residing at 8 Taunton Mews, NW1 6HJ - we would like to make a representation regarding the review of license for the premises Sir John Balcombe at the above listed address.

Our flat is currently situated on the opposite side of the pub, within eyesight from the second level of our property. From the time we have spent in London we have to this day had absolutely no problem with the noise levels or the patrons of the pub. As a matter of fact - at times when either of us are walking home alone from the station - we have a choice of taking two routes: either via Huntsworth Mews (from Gloucester Place) or via Taunton Mews (from Balcombe Street) - we have resorted to always coming via Balcombe street simply because we feel with the pub security present and the patrons on the outside this is the safer option for us.

Huntsworth Mews at night usually has one or two cars parked up under one of the unused garage entrances with very often a group of guys smoking marijuana and drinking. We do not feel safe walking to our flat from Gloucester Road and as a result Sir John Balcombe provides a level of security as we know there will be a security guard at the door and patrons outside.

To this day we have not had a problem with the noise or any of the litter of patrons. As a matter of fact the patrons are quite prompt to go indoors and the staff are usually quite friendly. On that note we are very happy to have the amenities provided by Sir John Balcombe and it would be a real shame if this were to be restricted further.

10. Dr Frances Loughridge & David Burn - 53 Linhope Street, London, NW1 6HL

Received: 1 Nov 2015

COMMENTS:

I believe there may have been complaints about the Sir John Balcombe public house.

We live at the south end of Linhope Street with our roof terrace jutting out near the Sir John Balcombe Public House; we sleep at the back of the house near the public house. I go to bed early.

We are writing in support of the publican to say that we have never suffered any disturbance or noise from the pub at night.

I personally have lived in Linhope Street for over 20 years and have no complaints about the running of the public house.

We have no connection with the pub and do not know the manager or staff and rarely go there.

11. Mrs Nikki Browne And Mr James Walmsley - 32 Huntsworth Mews, London, NW1 6 DB

Received: 1 Nov 2015

COMMENTS:

I am writing regarding the reference above. I believe based on complaint by local residents the Sir John Balcombe pub 's licensing is being re-considered. I would like to state that in the 3 years I have lived in the local area it has been essential as part of the community to have a local gathering place. The nearest one to my house was the Swan and Edgar in Linhope Street but this was closed down, sadly, over a year ago.

The Sir John Balcombe opened approximately one year ago and reinvigorated the community as a place to meet and socialize. The pub owners have shown willing to engage with the community and the pub manager and staff have always been helpful and friendly. I hope that you see fit not to put limits or constraints on this local community establishment so that we can continue to use it as it was meant.

As for the complaints from locals I believe that compromise should be the order of the day and the pub owners have shown willing in that regard. Bearing in mind that those living next to a pub have actually made that particular decision they themselves need to be tolerant to some extent and cannot blame the pub for all disorder that happens much of which is just part of city life.

Hopefully, tolerance and common sense will prevail in this decision making process.

12. Mr Clive Annaly - 38 Huntsworth Mews, London, NW1 6DB

Received: 1 Nov 2015

COMMENTS:

I am a nearby, but not immediate, neighbour of the Sir John Balcombe public house. I am also an occasional customer there.

I value its contribution to the local neighbourhood, for local people meeting, and for its addition of 'life' to otherwise quiet residential streets.

But I also understand that on certain occasions noise can cause problems to near neighbours. I have myself been at the pub when the volume of music has been louder than I find comfortable, although this seems to have been tempered recently.

So while I would like the licensees to carry out any possible reasonable actions to minimise noise, I would not want any limitations imposed that jeopardise the continued successful trading of the pub.

13. Gaby Higgs - Balcombe Street, London.

Received: 31st October 2015

COMMENTS:

I am a long term resident in Balcombe Street, having lived here since 1988, and with three children am embedded into the community. I am Chair of the St Marylebone Society but writing now as a resident.

I am writing in support of the public house for the following reasons:

Traditional & Community Reasons

I also worked as a student in Linhope Street from 1984-85. Hence, I can remember when there were many more pubs locally and I strongly believe that the few that remain should be retained and helped to succeed commercially. The commercial viability of the pub should not be harmed, especially when many pubs are struggling to survive.

The Public House, now the Sir John Balcombe, was existent long before any of us moved into the area. Traditionally pubs were integrated with residential areas and they perform a vital function in providing a public meeting place, creating cohesive communities. The pub contributes to the Dorset Square Conservation Area character, not in how it looks but specifically by its use.

Pubs and Children

We have always taken our children to pubs and taught them sensible behaviour and social skills. Outdoor seating has been important to allow this and especially in summer it gives adults with children the opportunity to go out together. Back street pubs are even more attractive to parents as they are less polluted and dangerous from traffic. The suggestion that outdoor seating hours be restricted at the Sir John Balcombe would prevent this family activity and I think that the current agreement to drink inside after 9.30pm is a reasonable compromise.

Street Safety

Now that our children are older the pub performs a different positive social function by bringing life to the street after dark. Returning from the cinema or theatre after 11pm, the fact that there is still activity in the pub is reassuring to me as a parent. Our eldest son was mugged on Balcombe Street some years ago and I have always told my children that if they feel they are being followed or worried to call into any pub and ask the landlord for help. The Sir John Balcombe is an active frontage and a beacon of light on a street that is very dark and often quiet in the evenings. The normal serving hours should be retained for safer neighbourhood reasons.

City Living

We are fortunate that Balcombe Street is so quiet and this perhaps exaggerates the actual noise levels perceived. It is such a tranquil area that we forget that we are actually living in Central London. London is lively at night and social activity going on around us is something we accepted when we chose to live here. Buying or renting a property adjacent or opposite a pub is a personal choice and one which it would be reasonable to suggest should have taken into account the context.

Social Function

That said, some new residents may have bought their properties when the pub was undergoing restoration, and the fact that this is currently the only pub in our area has led to it being busier than it used to be at certain times. If the Swan and Edgar on Linhope Street can be reopened then the crowds will likely to be shared between the two pubs. As pubs become scarcer those that remain are inevitably likely to become more popular and the improvements made by the new owners of the Sir John Balcombe have also contributed to their increased clientele, serving food etc. especially with people who work in our neighbourhood.

Following a recent meeting called by the pub manager and owner I am satisfied that they are doing their best to try to resolve problems with their neighbours, who of course ought to be able to sleep at night.

Improvements

- The Sir John Balcombe did play quite loud music when they first opened and they have already agreed to lower this to a fixed, acceptable level. This should reduce the levels needed for conversation inside and outside the pub. I note that the correspondence from the CAB is somewhat out of date and noise levels may well have improved since then.
- I can see as I walk past that the after 9.30pm outdoor seating rule is being enforced.
- They have employed a doorman to ensure good outdoor behaviour and disperse customers after 11pm. A suggestion that the door man stay on till 11.30 would help encourage people to go home quickly.
- Previously the waste and recycling bins for the pub presented an ugly sight. These have been tidied up and sensitively screened.

At a recent meeting attended by locals, it would appear that the complainants are in a minority and I think that the wider benefits to the public, the local economy and whole community need to be recognised.

The pub should be given a chance to prove it can control its customers before any sanctions are put on its license.

14.C Poole - The St Marylebone Society (Planning Subcommittee Chair), London,

Received: 1 Nov 2015

COMMENTS:

The St Marylebone Society has represented local people in this area for 67 years, and we are well aware of the distress that frequent and prolonged loud noise can cause to neighbours, and the difficulties of dealing with the problem.

We are also aware that there has been a public house in this location for many years, and to our knowledge there has never previously been a problem with the pub use in this building, and previous operators presumably had the same licence conditions as at present.

This suggests to us that the pub operators and the neighbours ought to be able to reach a compromise: music can and should be turned down, and activities outside the pub limited to (for example) before 9pm. If there is a problem with structural transmission of sound through the

walls, good soundproofing would be an option. The operator of the pub for the 5 years before new management took over last year was not successful, and it is possible that some of the neighbours moved in during this less lively period.

The Bemondsey Pub Company held a public meeting on 28th October and representatives of the St Marylebone Society attended. It was clear from the meeting that the management are willing to listen to residents and to take measures to alleviate the recent problems, and we hope that these actions will make it unnecessary to restrict the current licence, which might threaten the viability of the pub.

We strongly support continuance of the Public House function in this location: the ongoing and significant loss of such venues, which have a very important neighbourhood function as places to gather and meet friends and neighbours, has resulted in the disappearance of most of the traditional pubs in this neighbourhood already.

The activity in the pub also contributes to the safety of the streets: more people on the streets especially after dark makes it much safer for locals to walk around too.

15. Mr Tom Wood

Received: 9 Oct 2015

COMMENT:

I have worked in Marylebone for the past 20 years. Over that time our favoured pub has changed. For example the Harcourt no longer exists.

Obviously noise and people blocking the pavement is an issue to residents near a pub within the area and this is compounded by the smoking ban.

I was surprised that local residents complaints about noise at the Sir John Balcombe have been given such precedence that tables may be banned from the front of the pub.

However, the resident must be aware of the pub when they move to the area. I am reminded of people who move into a village near the church and then complain about bell ringing. The church was there long before the resident and the same must apply to a pub.

The Sir John is a perfectly reasonable pub with a great basement bar. I realise that after being the Wood there was downtime and it is thus comparatively noisy. However to limit their trade makes it highly probable that another pub will be forced out of business.

16. Michael King, 43 Balcombe Street, NW1 6HH

Received: 18th October 2015

OBJECTION:

I wish to make representation concerning your notice of review of a premises licence. I have lived at this address since 1995 and have seen several licensees come and go at this public house. All previous ones have respected the tranquillity and community spirit of this quiet residential, conservation area. Thus, I have never before had cause to complain. Over the past year this pub has become a public nuisance with noise and poor behaviour coming from its patrons in the street. Former licensees had placed notices asking drinkers to respect neighbours by limiting noisy behaviour. These have gone. On several major football match days during this 12 months there were masses of noisy and sometime offensive patrons on the pavement and across the street, few of whom were recognizable as living in the area. This is also the case after matches at Lords Cricket Ground. The noise and disturbance must be intolerable at times for residents living

very near to the premises. Certainly several neighbours have mentioned it to us. Except for one Estate Agent, all other premises in the street are private residences. The fact that the pub regularly hires security men to stand outside is a sign of how it has deteriorated. There was never a need to do that before in all the years I have lived in the street.

I have complained to Westminster City Council on two occasions when it was particularly bad. I would stress, however, that there is frequently noise and pavement crowding but one despairs of complaining when the issue seems to go nowhere. Thus, I welcome this review.

1. I complained in early August 2015 that there had been noise and disturbance on many days of the week on the street and pavement outside the pub. On the Saturday before my complaint, in the early evening, I and my partner were shouted at and abused by three drunk youths heading away from the premises towards Dorset Square. I have no idea why this happened as we had not engaged in any way with the youths – however I considered it a threatening example of disorder that I had not seen on this street before. A security man at the pub witnessed the event but made no comment. This sort of thing is unacceptable in a quiet residential street.
2. My second complaint was made on 19 September 2015 when there was more unacceptable noise coming from a large crowd of people (about 20) in the mid afternoon and early evening. In the preceding few days, we had also noticed that the pub was erecting an advertising blackboard on the corner of Melcombe Place and Balcombe St, near Marylebone Station offering cheap alcohol to watch the World Cup Rugby. I feared this would draw even noisier crowds that have no connection with this street or area. This blackboard later was withdrawn and I did not see it subsequently.

I welcome public houses in this area as they provide a community resource which is valued. The fact that I have never had an issue with a previous licensee is testament to that view. However I expect much better control of patrons. For a start I believe it is a public nuisance when crowds block the pavement and I do not think that sporting crowds should be actively encouraged into a residential area. There are large pubs on Marylebone Rd that already cater to such crowds and are not near residential areas.

17. Dr Nazareth Irwin

Received: 18th October 2015

OBJECTION:

I have already complained to the Westminster licensing inspectorate in mid-August 2015 and hence I am emailing you to re-iterate the points I has raised then in relation to the above mentioned premises and its effect on us residents living in the area. These are as follows:

- 1) There have been several threatening groups of people at major football matches crowding around the pub and causing tremendous noise especially during the football games played in May 2015.
- 2) On one occasion when the two of us were walking home one evening at around 6pm, we were accosted by a group of inebriated young men shouting unintelligible words to us. As their speech was slurred it was difficult to follow what they were saying. But their attitude was threatening. This is not something we have ever experienced in this area after having lived here for over 20 years.

- 3) We have never previously had a bouncer stand outside this pub. But in this instance, this has indeed been the case since this management has taken over the pub. This would suggest that the clients need to be kept in check. This however, has not seemed to have worked as several residents remain concerned at the nature of the drunken client who frequents this pub (as described under 1 and 2) and the constant noise that we have been subjected to since it was set up.
- 4) As I was settling in for the night on the 15th August 2015, I was woken at 11.15 pm with a terrible noise from a group of 15-20 people who walked down the street talking to each other in a loud disorderly manner. The owner of the pub I was later told was accompanying these people who were possibly clients. This lasted for 5 minutes and just as I was falling asleep once again the racket started up at 11.40 pm with the group walking back to the pub having strolled down the street.

This is a residential area and although we have had several other companies manage this pub, none of the previous owners have caused us any such trouble. I do not believe that the management has any control on their unruly clients.

18. Sarah Carr – 34 Balcombe Street, London, NW1 6ND

Received: 23rd October 2015

OBJECTION:

I have lived at 34 Balcombe Street since April 2014 and prior to that 50 Balcombe Street.

Prior to the recent change of hands of the pub I did not notice the same noise pollution, litter and general nuisance on the street. Balcombe Street was previously a quiet residential street, however since the new ownership it has been extremely noisy and rowdy, spoiling the resident feel of the street. People are often in the road and spill out over the pavement from the pub drinking, plus the volume of people means it is extremely noisy late into the night. I have been woken up on many occasions by people congregating outside the pub.

One incident of note – one Saturday afternoon in July, I was going back and forth to the flat clearing rubbish and some men standing outside the pub proceeded to shout sexist and lewd comments and then repeatedly ring the front doorbell. This harassment is not acceptable and must be stopped.

In light of the license review I thought I should make the above representation.

19. Prath - 19A Balcombe Street, London, NW1 6HE

Received: 1 Nov 2015

OBJECTION:

I am the resident / owner of 19a Balcombe Street, the ground floor apartment directly next to the above licensed premises.

I would like to set out some context and background to this representation first:

- 1) I have owned my property since 2007 and very much enjoy living in the area and plan to be here for the foreseeable future.
- 2) I have always had a good relationship with the Pub next door both with Aggie (current Manager) and previously Andy (past owner).

- 3) I would also like to mention I have had several family functions in the pub and feel that Aggie and her team have made huge improvements to the running of the pub and attempting to address the residents' concerns, but I also feel this means that scope for further improvement is very much limited.
- 4) My thoughts below are all relevant to the period of time since the new owners have taken over the running of the pub under its new name "The Sir John Balcombe"
- 5) Numerous noise tests have been done, but just this Friday 30/10/2015 the noise was so bad I called the noise complaint team and logged a call

Prevention of crime & disorder

- 1) There have been numerous occasions where at closing time crowds of up to 20 to 30 people come pouring out of the pub, drunk, and I strongly feel this to be intimidating both to me, my family and the local residents. Previously the pub was not hugely busy so this would never occur, but since the change of ownership this has been a regular problem. The character of the pub and the crowd that attend it is very much different now than to when Andy was the licence holder. This is the case despite Aggie employing doorman on Wed / Thur & Fridays. This is especially prevalent during summer hours when the crowds will be large well past 10pm.
- 2) On 2 occasions revellers from the pub, upon leaving time, have attempted to steal / ride my bike which is chained to the railings outside my apartment. This has caused damage to my bike and on both occasions a doorman was present but failed to respond / I have made my thoughts known to the pub management
- 3) On a Saturday during a large crowd for football, my motorcycle, also chained up outside my property has been pushed over
- 4) The crowds outside the pub on a busy, sunny Thursday evening, I would argue are unreasonable for a residential area and propose a danger to users of the public highway (see pictures attached)
- 5) I have been accosted twice by drunk revellers leaving the pub at c.1145pm on a Friday night through my very own window. On 1 occasion when I asked someone to stop trying to tear my bike off the railings outside my apartment I was told to "f**k off back home you f**king Paki". The police were called for this and I asked they record the incident against the pub record, so this should be documented. I cannot even convey how that made me feel being spoken to in such a manner in front of my family literally in my own home.
- 6) The other occasion 2 weekends ago, again on a Friday night, I was having a dinner party and again some drunken leavers from the pub, at around 11.30pm shouted "we're going to smash the f**king door down and come in". I didn't call the police on this occasion as nothing could be done about it.
- 7) I have CCTV footage (on a rolling 3 month basis) and on any given night can prove the crowds leaving the pub in the evenings. I also have numerous videos to record the noise generated by the pub at leaving time.

I hope the above draws a picture of what it is like to live next door a very busy and late opening public house. This was not always the case as when I moved to the area I had no such incidents, and I think the pub management are doing their absolute best to tackle the issues as best as possible, but fundamentally the pub is noisier and busier than before (which must be great for business) but to the severe detriment of the local residents.

My thoughts on the above matter as the fairest solution for all is the simple solution of curtailing the licensed hours to stop serving alcohol at 10pm. Andy, the previous owner would stop serving at 10.30 and the doors would be shut by 11pm. Under the new management serving stops at 11.00pm with doors shut by 11.45pm, whilst the premises is significantly busier. Doors should be shut by 10.30 which means most pub goers would be gone by 11pm. This is much more reasonable for all, and will allow the pub to trade well in a more sustainable manner.

After the meeting we had yesterday for the locals, a couple of other very good suggestions came up including having the manager (Aggie) based on site at the apartment above, and keeping the doorman for 30-45 minutes after doors are shut to ensure patrons are moved on after closing in a quiet and reasonable manner. These are both good suggestions.

Fundamentally, I don't feel the curb side drinking to be a problem. Drinks outside is stopped at 9.30pm. Perhaps moving this to 9pm will be enough to help calm the atmosphere at the pub before closing. Combined with a last drinks time of 10pm and doors shut by 10.45-11pm would solve most of the problems being raised by residents It is the noise made at close to 12pm that is definitely emanating from the pub that is the main annoyance and cause for concern in the neighbourhood. If the pub's management truly want to be resident friendly, taking a small hit on the last hour of trading to keep local residents happy is surely a small sacrifice.

I would suggest this to be the fairest solution as it allows the premises to capture the majority of its trade whilst also respecting the primarily residential area the pub is located within. I do not think it is fair to have noisy people who's had a few drinks to be shouting and waiting around on a residential street on a Wednesday or Thursday at 11.45pm for 20 minutes whilst waiting for cabs or saying their good byes. Stopping drinks being served at 10pm would solve most problems being raised.

Prevention of public Nuisance

- 1) I think the blocking of the roads & pavements with pub clients, as mentioned above, is a public nuisance, Aggie has made significant efforts to curtail this and credit must be given for this. However on very busy evenings or football match days on Saturdays, or if Aggie isn't present, the situation gets out of control (please see attached pictures noting dates sent)
- 2) I know my wife and some of our neighbours have felt very unsafe late at night, especially when walking the dog, as unsavoury types left outside the pub often make women feel unsafe.
- 3) I think there is a very high risk to motor vehicle users with so many people standing on a busy street, which will get busier with the proposed 2 way

The above points I feel could be addressed with better crowd management.

20.W Lees & A Gillams - Flat 2, 20 Dorset Square, London

Received: 2 Nov 2015

OBJECTION:

Our concern is the level of noise from customers leaving The Sir John Balcombe at closing time. On Thursdays and Fridays, in particular, there are frequently groups of people talking loudly, shouting and laughing in the street between 10:30 and 11:30 pm.

In good weather, groups linger in Dorset Square, before departing. As you are probably aware, planning regulations prevent double glazing, so there is little we can do to soundproof our environment.

This was a very quiet residential area, and as many residents need to rise early to work, they (and we) are usually trying to sleep at this time.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence 05/08220/LIPN	Application for Premises Licence Conversation following new legislation. Applied for Regulated Entertainment, Sale of Alcohol and Late night Refreshment.	03.11.2015	Granted by Licensing Sub-Committee
Vary Designated Premises Supervisor 06/00128/LIPDPS	Vary the Designated Premises Supervisor	12.12.2005	Granted under Delegated Authority
Master Licence 07/01717/WCCMAP	Application for Premises Licence Conversation following new legislation. Applied for Regulated Entertainment, Sale of Alcohol and Late night Refreshment.	12.12.2005	Granted under Delegated Authority
Vary Designated Premises Supervisor 07/07961/LIPDPS	Vary the Designated Premises Supervisor	05.09.2007	Granted under Delegated Authority
Transfer the Premises Licence 09/10127/LIPT	Application to Transfer the Licence Holder	07.01.2010	Granted under Delegated Authority
Transfer the Premises Licence 10/04820/LIPT	Application to Transfer the Licence Holder	12.07.2010	Granted under Delegated Authority
Transfer the Premises Licence 12/08900/LIPT	Application to Transfer the Licence Holder	26.10.2012	Granted under Delegated Authority
Transfer the Premises Licence 14/06497/LIPT	Application to Transfer the Licence Holder	07.10.2014	Granted under Delegated Authority
Vary Designated Premises Supervisor 14/08732/LIPDPS	Vary the Designated Premises Supervisor	23.10.2014	Granted under Delegated Authority
Minor Variation 15/01173/LIPVM	To alter the premises in accordance with the plans deposited with the Licensing Authority as requested by	12.03.2015	Granted under Delegated Authority

	The Police Licensing Officer and extend the Licensing activities into the areas as altered which consist of the female toilets shown adjacent to the Bar area relocated, next to the male toilet as the rear of the premises and fixed seating adjacent to the front entrance of male toilets has been removed.		
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There is no appeal history for this premises.

TENS history for premises:

TENS Application	Details of Application	Date Determined	Decision
11/00304/LITENN	Application to permit the sale of alcohol, and regulated entertainment on 30.01.2011 from 00:00 to 02:00 hrs.	14.01.2011	Notice Granted

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

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

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

This schedule lists those conditions (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. 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.

Current conditions on the existing licence: 15/01173/LIPVM

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.

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

10. All persons guarding the 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

- 11. Signage shall be displayed requesting customers to leave the premises quietly.
- 12. Children under the age of 18 shall not be permitted to use the AWP machine on the premises.
- 13. Films shall be exhibited by video entertainment on TV screens and amusement machines only.

14. Indoor sporting events shall be Pub Games only that may attract an audience whether by advertisement or spontaneous.
15. Recorded music shall be played with jukebox and karaoke, with or without a DJ, during normal business or as part of functions, and including audience participation.
16. Hot drinks and snacks shall be provided particularly during the chill out hour.

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

17. The maximum capacity within the basement shall be 50 persons excluding staff.
18. There shall be no outside drinking after 21:30
19. All doors and windows to be kept closed when live entertainment is carried out on the ground floor and in any event after 21:30.
20. Live entertainment is restricted to four performers with no amplification.
21. Substantial food and non- intoxicating liquor (including drinking water) shall be available during permitted hours.
22. All children shall be off the premises by 21:00.
23. Amplified music is restricted to the basement area and limited to two performers.
24. All tables and chairs outside the premises to be removed and secured safely by 21:30.
25. Films are to be restricted to AWP machines.



06.12.14
14.56 PM



SIR JOHN BALCOMBE

WELCOME

SIR JOHN BALCOMBE

30.04.15
18.59 PM



15.05.15
13.46 PM



SIR JOHN BALCOMBE

WELCOME

SIR JOHN BALCOMBE

BALCOMBE STREET NW1

BALCOMBE STREET NW1
CITY OF WESTMINSTER





SIR JOHN BALCOMBE

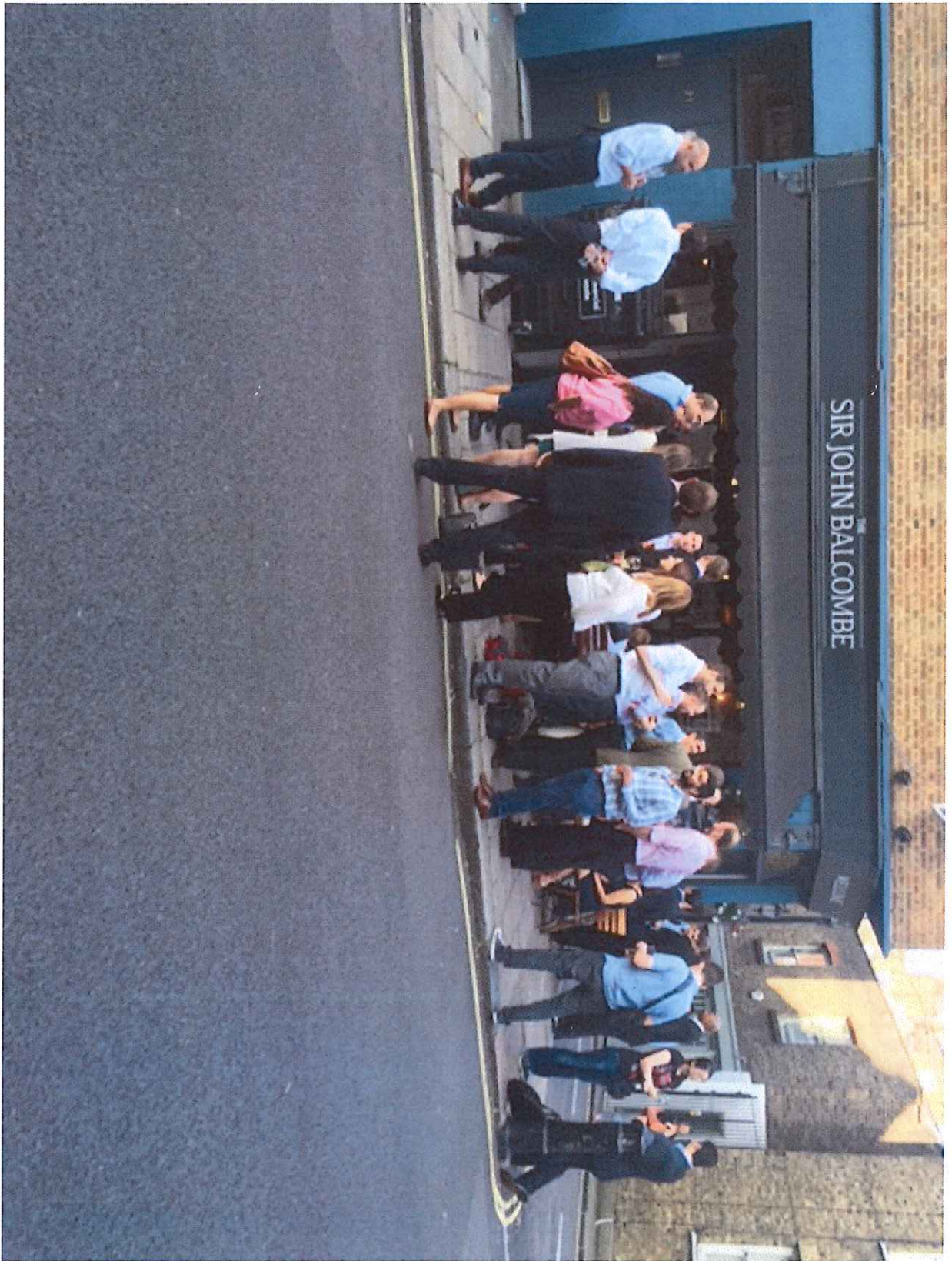


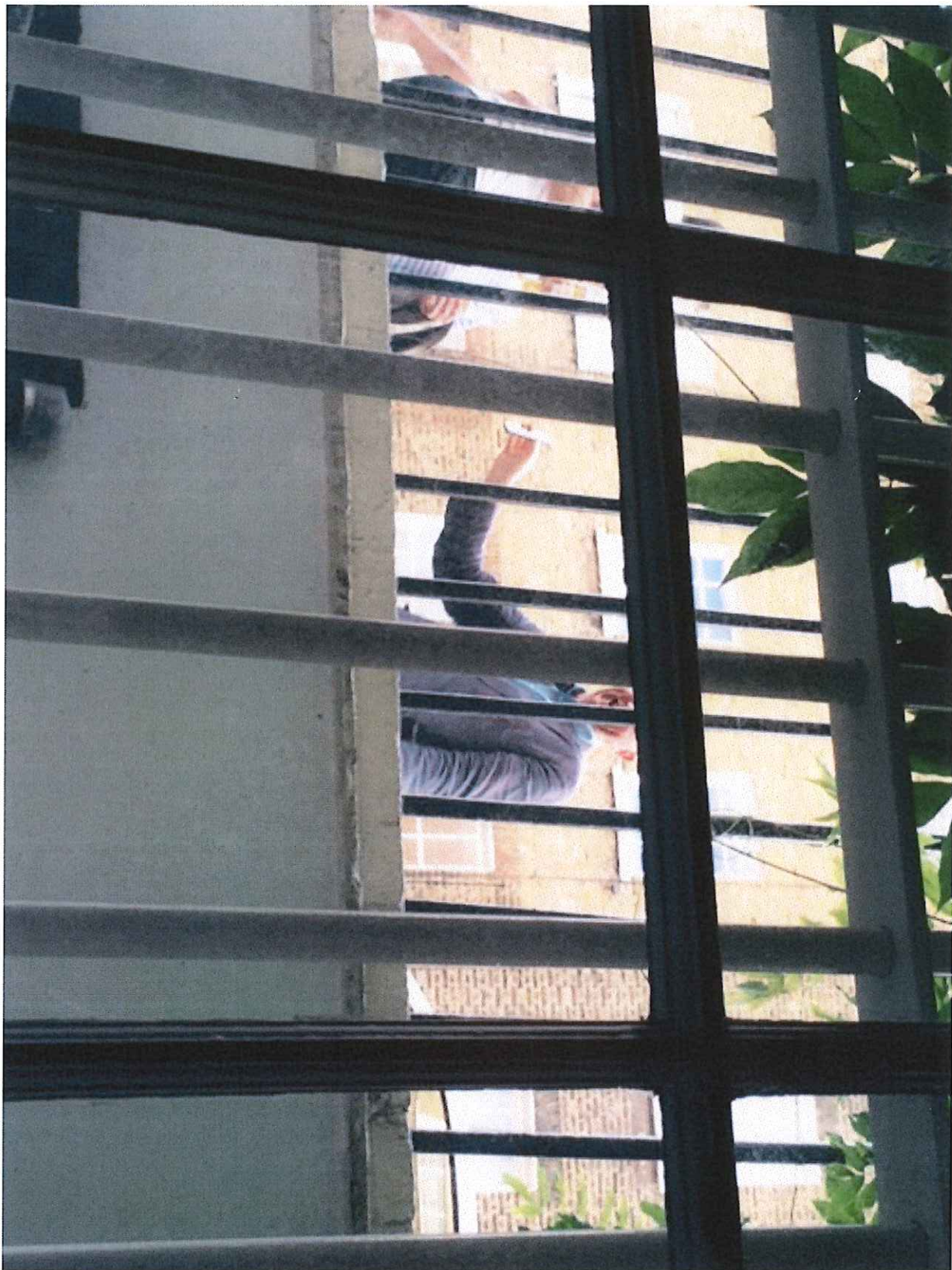
12.06.15
18.02 PM





02-07-15 (1)
18:54 PM









NOISE LOG (Part 3)

Premises: SIR JOHN BALCOMBE

Record kept by:

NATALIE & JAMES MCDONAUGH

Address: 23 BALCOMBE STREET LONDON NW1 6HE

Date	Time noise started	Time noise stopped	Description of nuisance	How did it affect you? Please also note any call out to Environmental Health etc
Fri 30.10.15	evening		Chanting, shouting, very noisy group outside pub. Halloween party?	See photo 30.10.15
Weds 4.11.15	6.49PM		Yelling and woman laughing loudly	Can't concentrate in husband's office
	7.46PM		Man "f-ing and blinding" as he leaves pub	Can hear every word of his rant
Weds 11.11.15	7.15PM		Noisy group with women laughing loudly	
Thurs 19.11.15	6.45PM		2-3 noisy drinkers outside. Loud laughter	
Mon 23.11.15	8AM		Noisy beer delivery. Unloading inside/outside goes on for about 45 minutes	
Fri 27.11.15	6PM	Continues just after 9.30PM	Noisy group outside. Stand right outside our house. Doorman does nothing to move them away. Quiet family meal inside kitchen is impossible again	See videos x3: 23.11.15 7.35PM, 23.11.15 7.36PM, 23.11.15 8.06PM

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Statement of Paul Harbottle

Paul Harbottle will say as follows:-

Introduction

1. I am the Group Commercial Director of Enterprise Inns PLC and an Executive Director of the Bermondsey Pub Company (BPC), a company wholly owned by Enterprise Inns PLC and established to operate Enterprise Inns' managed houses. I am duly authorised to give evidence on behalf of Enterprise Inns PLC and have prepared a bundle of documents to accompany this statement.
2. I make this statement to assist the Licensing Sub Committee with regard to the review application made by James McDonough, Natalie McDonough, Jacob Rawel and 6 others in respect of the Sir John Balcombe public house, 21 Balcombe Street. I am responsible for the operation of these premises.
3. In preparing this statement, I have spoken to the Regional Manager, Kevin Leach and the DPS, Agnieszka Jaskiewicz (Aggie) in order that I may give the Licensing Sub-Committee all of the facts about the operation of these premises, the complaints that have been received about the premises and the actions taken to address the complaints.
4. Enterprise Inns PLC was founded in 1991 and has grown over time to become the largest leased and tenanted pub business in the UK. The company has 5,105 (as at November 1st 2015) public houses in England and Wales. The vast majority of the company's pubs are the subject of leases and tenancy agreements through which the tenant operates

his/her/its own business out of the company's premises. In these premises, the tenant holds the licence and is wholly responsible for the operation of the premises and the employment of staff.

5. In 2014, Enterprise Inns PLC made the decision that it would start to manage some of its own pubs.

Bermondsey Pub Company (BPC)

6. BPC is one of the three managed house brands now operated by Enterprise Inns PLC.
7. The intention of a BPC pub is to create a place for groups of people to meet, relax, socialise and do business in a friendly atmosphere. Efficient service, genuine hospitality and good food and drink are key elements to make this a Great British pub. As a company, we set great store by service excellence, retail standards and attention to detail. I attach at PH1 (pages 21 – 32) the BPC concept booklet explaining our aims.
8. There are currently 15 BPC pubs operating. Four of these are in London – The Sir John Balcombe in Marylebone, The Duchess of Cambridge in Hammersmith, the original St James in Bermondsey and The White Lion in Amersham. Outside London, there are sites as far as Manchester to the North and Swansea to the West.

The Sir John Balcombe

9. Enterprise Inns PLC has owned this pub since 2005 when it acquired Unique Pub Company. At that time, The Sir John Balcombe was the subject of a 20 year lease in favour of Community Taverns Limited who operated the premises under the Hobgoblin brand.

10. Community Taverns Limited went into administration in 2009. The pub was then subject to tenancy agreements in favour of Wood Marylebone Limited (April 2010 – August 2012) and then to Marylebone London Limited. It latterly traded under the name of “The Wood”. It was only open sporadically and appeared only to trade when the publican saw the opportunity to make money for example on Thursday and Friday evenings and when there were sporting events locally which would attract an increased footfall. This was not a successful business model and resulted in the tenant falling into debt.

11. In summer 2014, Enterprise Inns took the premises back. An investment of £250,000 was made by BPC to refurbish and regenerate the pub.

12. The Sir John Balcombe opened as a BPC pub in November 2014. The trade areas remain unchanged from its previous incarnation and I produce layout plans of the premises at PH2 (page 33) and photographs of the premises both before and after the refurbishment at PH3 (pages 34 – 41).

13. We have tried to create a true local pub, operating as a community facility. The pub is frequented by local residents, some of whom come with their children during the day, people from local businesses and commuters using Marylebone station. The pub offers an all-day service from 9am, with breakfast, Wi-Fi, good coffee, beer, wine and food which is freshly prepared on the premises. Several local groups use the downstairs area for meetings and events, which are booked in advance. Since June 2015, we have hosted two wedding receptions and operated a successful charity night for Help for Heroes.

14. I produce a copy of the menu at PH4 (pages 42 – 48). I hope the Sub-Committee can see from it the quality of local service we are trying to provide.
15. In September we engaged with a local school, The Solomon Academy NW1, in conjunction with Stride Ventures, to provide an interactive course in which pupils gain business and enterprise skills while setting up their own mini business in teams. Pupils learn and practice business and enterprise skills in an interactive, innovative environment where independent thought and learn-by-doing is the focus. I attach details at PH5 (pages 49 - 57).
16. The DPS appointed to run The Sir John Balcombe was Agnieszka Jaskiewicz (Aggie). Aggie has 15 years' experience in the licensed trade. Prior to her employment with BPC, she was a relief manager for Mitchells and Butler for 4 years before moving to the Bramwell Pub Company for whom she was a DPS for 6 years. She is therefore a mature and highly experienced individual. We value staff retention highly. It is key to the operation and the success of a local facility that relationships are forged over time. She reports to Kevin Leach who reports to me.
17. Like many London pubs, The Sir John Balcombe has an outside area. This is popular with customers who are permitted by the terms of the licence to drink outside until 9.30pm. I produce a copy of the premises licence at PH6 (pages 58 – 66). There are two conditions which relate to the operation of the outside area. Those conditions are:-
- i. 18 – There shall be no outside drinking after 21.30
 - ii. 24 – All tables and chairs outside the premises to be removed and secured safely by 21.30

18. The ability to use the outside area is very important to this pub. This is a profitable pub but if use of the outside area was lost or it was limited such that the outside area could not be used in the evenings then I would have no doubt that this would render the business unviable. I have reviewed the trading figures and CCTV logs and they clearly demonstrate that Thursdays and Fridays are the busiest trading days with the evening being the busiest parts of those days.

19. Following legal advice when the review proceedings were issued, we have been monitoring the number of customers using the area outside the pub with headcounts taken on an hourly basis in order that we could ascertain the actual usage of the area.

20. I produce at PH7 (pages 67 – 68) a table showing the headcounts taken since September 23rd 2015. The table shows that Thursday and Friday evenings are the busiest evenings in terms of outside usage. The highest number of customers counted outside was 52 on 2nd October. As can be seen, on the vast majority of counts, the number is far lower than that.

Engagement with Westminster City Council

21. Since I have been responsible for the operation for these premises I have been made aware of a number of complaints that have been made to Westminster Council. I have recently discovered that these complaints started before the pub reopened to the public (there was a complaint relating to building noise). I suspect that the complaints that have been received have been from a small number of households. At this point I must state that complaints have always been made directly to Westminster City Council direct. I am

aware of only a couple of occasions where local people have approached Aggie to raise concerns over the running of the pub. Where complaints have been made to the council we have only been made aware of them when the council have informed us.

22. The intention has always been for BPC to manage first class, well run community pubs. We try very hard to engage with the local community, to get their feedback, both positive and negative so that we can be considered a good neighbour at all times. It is however difficult to deal with issues when the feedback from our neighbours is positive and yet any concerns or complaints are sent directly in writing to the council without our knowledge. We are not perfect and we know we have made some errors, but I sincerely believe that we have always made our best efforts to learn from our mistakes and improve the ongoing operation of the pub. I am concerned, however, that on investigation some of the complaints that have been made are not borne out by CCTV footage and/or information received from the pub. In my opinion, not all the complaints are entirely accurate.

Complaints raised in the application for review

7 May 2015

23. The review application refers to an incident of noise nuisance caused on 7th May 2015. The circumstances of this are that there was a pre-booked party of 40 people in the basement bar with a local guitarist providing the entertainment. The levels of noise emanating from the basement disturbed our next door neighbour who complained to Westminster's Noise Team. A request was made to play "We are the Champions" as the last song of the evening. The party sang along with it. This resulted in a noise abatement notice being served on the Assistant Manager as Aggie was not working at the premises

that evening. The event finished at 11pm and this was the first complaint that we are aware of for noise from live music emanating from the basement.

24. Immediately that the complaint was received, I instructed the regional manager to investigate. The Assistant Manager and another member of staff were disciplined and they have subsequently left the business. To prevent further complaints it was decided that no further live music events would take place at the premises.

21st May 2015

25. The application for review appends letters from Westminster Citizens Advice Project to me. One of these letters (8 June 2015) refers to an incident of noise occurring on 21st May 2015 *"so bad that an officer from Westminster City Council told the manager that it was unacceptable and affected a large part of the street as it could be heard as far as number 50 Balcombe Street."*

26. I have investigated this and cannot find a record of any complaints made on 21st May 2015. Furthermore, as part of the preparation for this review a Freedom of Information Act request has been made for full details of complaints made to Westminster City Council about these premises. The response received makes no mention of any complaint made on 21st May or of any officer intervention. In this circumstance, I am unable to comment upon this.

27. A meeting was held on 22nd May 2015 between Aggie, the regional manager and Kay Cummings from the noise team. There was no mention of any complaint made the previous day.

28. The application for review refers to further "extremes of loud music" on 30th May and 19th September. I will deal with the circumstances of these incidents separately.

30th May 2015

29. The FA Cup Final was held at Wembley Stadium on 30th May 2015. The match was between Arsenal & Aston Villa and kicked off at 5.30pm. A complaint was received by Westminster City Council and was a direct complaint from a neighbour from the flats opposite the pub.

30. Around 4pm our neighbour raised a concern to Aggie that the music was too loud. The music volume was immediately reduced and the door supervisor on duty instructed members of the public drinking outside that they should keep their voices down.

31. The second part of the noise complaint related to football fans outside the premises. I understand that the complaint was that the fans were singing and causing a general disturbance. I have seen information from the noise team which indicates that there were around 30 Arsenal fans outside the pub when the noise team visited the premises at 15.40. The premises were monitored for 15 minutes and at no time was any singing witnessed at the pub.

32. The operation of the pub on that date followed advice and agreement with Westminster City Council's officers. The tables and chairs were removed and only plastic glasses were

permitted outside. Two door supervisors were engaged on the date to prevent any issues and to ensure that no disturbance was caused by persons outside.

33. The application for review produces Westminster Citizens Advice Bureau letter dated 8th June 2015. This letter followed the complaints of noise referred to above.

34. I attach a copy of my reply to that letter at PH8 (page 69). A meeting had already been arranged with Kay Cummings from Westminster's Noise Team and my intention was to respond in full after that meeting.

35. The meeting was held with Kay Cummings on 24th June 2015. I attach at PH9 (pages 70 – 71) a copy of my letter dated 26th June 2015 following the meeting. Within the meeting, we agreed to the following:-

- i. To remove the tables and chairs from the outside area at an earlier time – It was agreed that on Thursdays and Fridays, tables and chairs will be removed at 6pm from 2nd July. This was a trial to see whether or not this would improve the situation for the neighbours. Kay Cummings agreed to liaise with the neighbours and gain feedback on the success of the test.
- ii. To consider an additional (second) door supervisor on duty when events are taking place at Lords or at Wembley
- iii. To ensure that a nominated manager/duty manager would be contactable on site at all times that the pub trades.
- iv. That the pub manager would be on duty for all events and key trading sessions.
- v. That the telephone number and mobile of the Regional Manager was to be provided to Kay Cummings to circulate to the residents.

- vi. It was suggested that a direct line of communication between us and the residents could be sent up. Kay Cummings committed to try to set up a meeting with the residents which would be arranged to suit them.
36. A copy of my letter dated 26th June 2015 was sent to Westminster Citizens Advice Project. I attach a copy of my letter dated 7th July 2015 at PH10 (page 72).
37. On 6th July 2015 I received an e-mail from Kay Cummings. This attached photographs taken at 18.53 and 18.54 and alleged that customers were drinking on the footpath. It also alleged that a rowdy crowd was outside the premises at 11pm. I attach a copy of my letter of reply to Kay Cummings dated 8th July 2015 at PH11 (pages 73 – 74).

16th July 2015

38. The application for review appends a document entitled "Acoustic Investigation of Noise Intrusion". This followed noise measurements being taken place at 23 Balcombe Street between 14th & 21st July 2015 with the author of the report, Peter Rogers, attending at the premises on the evening of Thursday 16th July 2015.
39. Thursday 16th July 2015 was the first day of the second Ashes test match played at Lords. Play finished for the day at 6.16pm. The pub is always busy when there is a match at Lords. It is no surprise that the pub was extremely busy on the evening of 16th July. This is not indicative of a usual trading evening.
40. I was pleased to read in Mr Rogers' survey that when he visited the premises at around 6.50pm there was no apparent anti-social behaviour occurring. I have also been made

aware that there was monitoring by City Inspectors that evening from 18.30. The City Inspector's report indicates *"30+ people outside the premises. SIA door supervisor present in black high visibility vest, actively asking customers to move and controlling the crowd well. Members of staff removing empty glasses, No great noise emanating from crowd."*

41. There is an Ashes test match at Lords once every 4 years. The evidence provided indicates to me that despite this being the first day of one of the biggest contests in cricket, there was no problem witnessed by Westminster City Council officers by the number of people outside.
42. I have reviewed the trading figures for June, July and August 2015. I can confirm that in monetary terms, the four hour period between 6pm and 10pm on 16th July 2015 was the third busiest evening trading period, the busiest being the following day.
43. The first day of the Ashes test match at Lords is not therefore indicative of normal trading at this pub.
44. I wrote to Kay Cummings on 24th July 2015 and attach a copy of my letter to PH12 (pages 75 – 76). Throughout the series of complaints that had been received, the residents had expressly asked Kay to keep their identities confidential for fear of reprisals. However, I had consistently been asking Kay to try to arrange for me to meet with these local residents in a location away from the pub, as I was confident that if I could meet with them face to face rather than have all communication through City Council officers, a mutually acceptable compromise could be reached with regard to the operation of the premises. Unfortunately, those complaining did not wish to meet with me.

45. The lack of direct dialogue with the complainants has led to frustration at times. I feel that some of the complaints received about the pub have been unjustified and sometimes exaggerated. A good example of this follows a complaint made to Kay Cummings and detailed to me in an e-mail dated 10th August 2015. I attach a copy of that e-mail at PH13 (pages 77 – 78).
46. The complaint to Westminster City Council is general in nature and makes claims that cannot be substantiated. We investigated this thoroughly and reviewed the footage from the external CCTV cameras from 28th July, 29th July and 1st August. The complaint referred to noise and nuisance on a Thursday night although the date given was 29th July. The 29th July was a Wednesday. In the circumstances, I reviewed the CCTV system for both Wednesday 29th July and Thursday 30th July. The complaint was that *"...lot of people outside shouting when leaving the pub well after 11.30pm. Totally unreasonable given it's a Thursday. The bouncer was inside immediately after doors shut and made no effort to move the people on despite the residential nature of our street..."* The pub was closed and locked up by 22.56 on 29th July and by 23.24 on 30th July. It is not the case, therefore, that there were lots of people hanging around well after 11.30pm. I attach a copy of my letter dated 14th August 2015 to Kay Cummings at PH 14 (pages 79 – 81) which outlines this.
47. On 15th August 2015, Kay Cummings wrote to me alleging a breach of condition on the licence I produce her email at PH15 (pages 82 – 83) and our company solicitor's reply at PH16 (page 84).
48. The allegation relates to a breach of condition where a female took a drink outside at 9.51pm. I have reviewed the CCTV and it is clear that the lady in question does leave the premises with a glass in her hand. She was originally seated behind the coffee machine on

the bar. She stands up, takes out a cigarette and keeps holding her wine glass in her right hand which is obscured from the CCTV camera by her body. She leaves the premises and is outside for 1 minute 55 seconds and does appear from the CCTV to drink from the wine glass while outside. The complainant has photographic evidence of this incident to support their allegation.

49. There was then a further exchange of correspondence between Kay Cummings and our company solicitor. This culminated in a request for pub operating plan to be prepared by the company for Kay to review by 14th September 2015.

50. An 11-point action plan was agreed within the company and sent to Kay Cummings by the company solicitor on 11th September 2015. This is produced at PH17 (pages 85 – 86).

51. The operating plan details the following actions to be taken:-

- i. A minimum of one SIA registered door supervisor will be responsible for managing the outside area from 6.30pm until the last customer leaves the premises on Wednesday, Thursday and Friday evenings.
- ii. On any other day when the premises are the subject of a private function which is defined as a booking of more than 20- 25 people in the basement area of the pub, One SIA Door Supervisor will be employed to assist with enforcement of dispersal policy
- iii. Whenever an event is scheduled that is expected to increase footfall in the local area (for example events at Wembley Stadium or Lords) a risk assessment will be undertaken with regard to SIA Door Supervisor requirement. Door supervisors will be employed between such times and in such numbers as

- identified by the risk assessment. When door supervision is employed then at least one SIA Door Supervisor will remain on duty until the last customer has been dispersed from the premises
- iv. A verbal briefing will be given to door supervisors advising of the standards required in managing the outside area. The written policy will be given to the SIA Door Supervisors Company detailing the expectations of their employees whilst on duty at the premises.
 - v. The Duty Manager is responsible for the outside area and will continually risk assess during the day to day operation, events and private functions.
 - vi. A new dispersal policy will be implemented to ensure that customers leave the premises quietly and without causing disturbance to neighbours.
 - vii. Any customers waiting for taxis will be required to wait for those taxis within the premises.
 - viii. Local residents will be provided with a contact number for the pub, contact number and e-mail address for Regional Manager via the residents meetings.
 - ix. The DPS will arrange residents meetings to discuss any changes in operating practices and to gain feedback from residents. These will be held on a quarterly basis which will be reviewed on an annual basis. This meeting will be chaired by the Regional Manager or Operations Director and will include information on forthcoming events.
 - x. All staff will be trained with regard to the new operating policies and the conditions on the premises licence. The training will be regularly refreshed and staff records maintained on site.
 - xi. All policies and training records will be regularly reviewed and made available to the responsible authorities on request.

52. On 15th September 2015, our solicitor followed up the 11 point plan with details of the new company policies that had been adopted. These were sent by email to Kay Cummings. This email and the policies are produced at PH18 (pages 87 – 90).

53. The staff at the premises received training in these new policies on 15th and 16th September 2015. The new policies were then implemented with immediate effect.

54. Two further complaints followed, on 19th and 20th September. I attach a copy of an e-mail from Kay Cummings to our company solicitor at PH19 (page 91) detailing these complaints.

19th September 2015

55. The first complaint related to noise escape from the premises. The Local Authority officer attended at the pub, explained that a complaint had been made and that music was audible at a nuisance level. The volume of the music was immediately reduced.

56. The event was the wedding reception of a local resident. This resident has lodged a representation in respect of these premises.

20th September 2015

57. The second complaint related to people outside the pub at 15.16 on 20th September 2015. The events policy was being operated.

58. Following receipt of the complaint, arrangements were made for Kay Cummings to view the CCTV. The complaint relating to people outside the premises on 20th September was not substantiated. I attach a copy of our solicitors' e-mail to Kay Cummings sent on 24th September 2015 at PH20 (page 92) which explains that at 15.16 on 20th September the CCTV outside the premises showed around a dozen people seated outside. Small groups left the premises but there was no sign of any chanting, shouting or singing.

59. As far as the complaint of noise escape was concerned, the company voluntarily made arrangements to install a noise limiting device. That device was installed on 7th October 2015 and noise levels set in conjunction with Mr Crockford from Westminster's Noise Team.

60. On 14th October a further test was carried out in conjunction with the Westminster Noise Team inside our nearest neighbour's accommodation (23 Balcombe Street) to ensure that the levels of recorded music played within the premises were not such as to cause nuisance.

Residents meeting 28th October 2015

61. As part of our desire to be a good neighbour we invite local residents to feedback sessions at our pubs on a quarterly basis. These sessions are normally chaired by the Regional Manager and/or the Pub Manager and any actions resulting from these meetings are documented and feedback provided at the next session. There have been four such meetings planned at the Sir John Balcombe since its opening in November 2014. The

meetings in February and May were cancelled due to a lack of interest and non-attendance by any residents.

62. The meetings are referred to in the action plan sent to Kay Cummings on 11th September.

63. The latest of these residents meetings was arranged for 28th October 2015.

64. I attach at PH21 (page 93) a copy of my letter to local residents dated 20th October 2015.

These letters were hand delivered to residents on Balcombe Street, Taunton Mews, Huntsworth Mews and Linhope Street. A total of 200 letters were sent out.

65. A number of local residents had also seen the review notices displayed in the pub and Aggie had been receiving questions from concerned local residents who believed that the pub was to be closed down.

66. I attach at PH22 (pages 94 – 96) a copy of the minutes of the residents meeting held on 28th October 2015. Given the sensitivity of the review and a heightened interest in our pub by the residents, I took the decision to chair this meeting myself. It was encouraging to note that 18 local residents attended the meeting, including 4 of the residents who had called for our licence review.

67. At the meeting, there was a strong view that we could disperse people better at the end of the evening. We discussed ensuring that the door supervisor on duty would remain for an hour after closing. There was also a suggestion from those present that they would feel more comfortable if the manager lived on site.

68. I am happy to extend the hours of the door supervisor(s) so that when we have door supervision in an evening, the supervisor(s) remains engaged for an hour after last orders to manage the dispersal of our customers and ensure quiet in the street outside.

69. I am also happy to ensure that a member of staff lives on site. I can ensure that this individual will be a personal licence holder and that his/her contact details are made available to our neighbours.

70. Both of these compromises were discussed at the meeting, but the complainants did not wish to further these options on a trial basis prior to the more formal input of the licensing sub-committee at the review hearing

Conclusion

71. My intention has always been that the Sir John Balcombe operates as an integral part of the local community in which it sits. I want it to be a good neighbour and I regret that we haven't been able to meet with those complaining much earlier.

72. I am encouraged by the support for Aggie and overall I remain proud of what BPC have produced at the Sir John Balcombe shown by the majority of the local residents at the meeting and subsequently in the letters of representation. These demonstrate that the vast majority of our neighbours support us and enjoy the amenity of a local pub in their community. I am determined that we continue to work to assuage the concerns of the minority who are expressing them. I am very much hoping that in future they will feel confident to communicate with us directly, since they will find us willing and co-operative partners.

73. In order to ensure that the operation of the premises can continue to function in a manner that best meets the needs of all parties, I suggest that the following conditions be added to the premises licence.

New Conditions

1. There shall be a personal licence holder on the premises at all times when the premises are open and authorised to sell alcohol.
2. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
3. The dispersal policy provided to Westminster City Council will be operated to ensure that customers leave the premises quietly and without causing disturbance to neighbours.
4. Between 1st May and 30th September on Wednesday, Thursday and Friday evenings, a minimum of one SIA registered door supervisor or a personal licence holder will be responsible for managing the outside area from 6.30pm until thirty minutes after the last alcohol sale
5. On any other day when the premises are the subject of a private function which is defined as a booking of more than 25 people in the basement area of the pub, one SIA Door Supervisor will be employed to assist with enforcement of dispersal policy
6. On any date that an event is scheduled that is expected to increase footfall in the local area (for example events at Wembley Stadium or Lords) a risk assessment will be undertaken with regard to SIA Door Supervisor requirement. Door supervisors will be employed between such times and in such numbers as identified by the risk assessment
7. When door supervision is employed then at least one SIA Door Supervisor will remain on duty until thirty minutes after the last alcohol sale
8. The written dispersal policy will be given to the SIA Door Supervisors Company detailing the expectations of their employees whilst on duty at the premises.
9. A verbal briefing will be given to door supervisors by the duty manager advising of the standards required in managing the outside area.

10. Any customers waiting for taxis will be requested to wait for those taxis within the premises.
11. The DPS will arrange residents meetings to discuss any changes in operating practices and to gain feedback from residents. These will be held on a quarterly basis which will be reviewed on an annual basis. This meeting will be chaired by the Regional Manager or Operations Director and will include information on forthcoming events.
12. Local residents will be provided with a contact number for the pub, contact number and e-mail address for Regional Manager via the residents meetings.
13. All staff will be trained with regard to the new operating policies and the conditions on the premises licence. The training will be regularly refreshed and staff records maintained on site.
14. All policies and training records will be regularly reviewed and made available to the responsible authorities on request.

Replacing Existing conditions

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.(To replace existing condition 11 in Annex 2)
2. All outside tables and chairs shall be rendered unusable by 21.30 each day. (To replace existing condition 24 in Annex 3).

74. The contents of this statement are true to best of my knowledge and belief.

Paul Harbottle

Signed

Dated

SIR JOHN BALCOMBE, LONDON

ATTACHMENTS TO PAUL HARBOTTLE'S STATEMENT

PH1 – Concept booklet

PH2 – Layout plans

PH3 – Before and after photos

PH4 – Menus

PH5 – BPL/Stride

PH6 – Premises Licence

PH7 – Headcount schedule

PH8 – PH letter to WCAB dated 16th June 2015

PH9 – PH letter to KC dated 26th June 2015

PH10 – PH letter to WCAB dated 7th July 2015

PH11 – PH letter to KC dated 8th July 2015

PH12 – PH letter to KC dated 24th July 2015

PH13 – KC email to PH dated 10th August 2015

PH14 – PH letter to KC dated 14th August 2015

PH15 – KC allegation breach condition dated 15th August 2015

PH16 – RJT reply

PH17 – RJT email dated 11th September 2015

PH18 – RJT email dated 15th September 2015 (including policies)

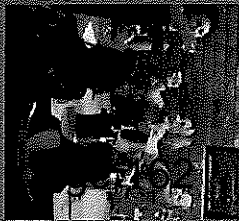
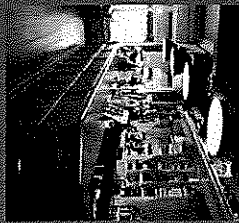
PH19 – KC email dated 20th September 2015

PH20 – RJT email to KC dated 24th September 2015

PH21 – Letter to local residents date 20th October 2015

PH22 – Minutes from residents meeting.

PH1



THE MEETING HOUSE



ABOUT US

The Bermondsey Pub Company is independently run, dedicated to giving our customer's great service, good food and drink and above all, fun times in any of our pubs and bars. We have the security of being owned by a plc giving us access to investment funds, economies of scale and industry expertise. We believe passionately that the great British pub should be at the heart of every community and part of everyday life in Britain.

Our pubs need to adapt and reflect contemporary consumer needs and aspirations. We are only ever as successful as our customer's feel about us. That's why we always listen and adapt, delivering what they want each and every time they visit.

We have a relentless focus on ensuring our customer's enjoy their time in any of our pubs and have developed unique concepts to meet their different needs.

Bermondsey
Pub Company

OUR PHILOSOPHY

To be the very best at what matters to our customers the most:

Great service

Good food and drink

Great atmosphere

Fun times

Value for money

Delivered through ... great people dedicated to service excellence, retail standards and attention to detail who thoroughly enjoy working with us and our customers.

Measured by ... what our customers think and tell us and more importantly their personal recommendation and word of mouth. The most important metric driving our success.



AT A GLANCE

The place for groups of friends, couples and singles to meet, relax and enjoy each other's company in a friendly and vibrant atmosphere whenever it suits them.

The restaurant staff will always be welcome and the team will do everything in their power to make you feel at home and comfortable.

The guarantee that you will find freshly prepared food and a great selection of drinks at value for money prices.

The advantage that at Mya's on your own you will feel like, your amongst friends and our team will make you feel part of whatever is going on. It's a bliss away from the hustle and bustle of the busy city from centre.





OUR PROPOSITION

We share a passion with our customers for friendly and efficient service, genuine hospitality, good food and drink in a great British pub. Simply, the perfect place to meet where you will always feel the mood is relaxed and up tempo.

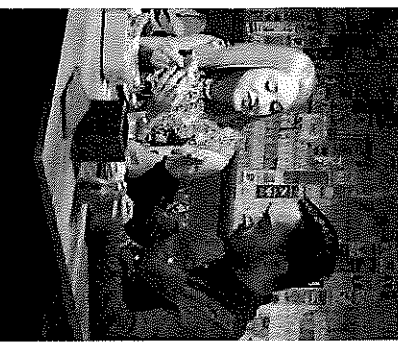
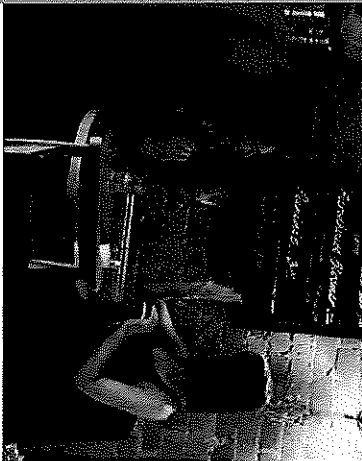
OUR CUSTOMERS

An eclectic mix of discerning and successful people who know what they want and are happy to pay a premium for a great product and outstanding service.

They come to The Meeting House to mix with people like them in a fun and friendly environment. We want our customers to enjoy the products, entertainment and atmosphere on offer at The Meeting House. Our competitors ensure our offer needs to be strong and we never forget that our customers have choices and are not slow to make them.

They range from high earning executives, young and older professionals through to better off empty nesters. Both men and women are equally comfortable meeting in our pubs.

We are always listening to our customers and adapting our offer so that we can continue to appeal to the ever-changing needs of our clientele.



To understand what makes The Meeting House so popular and to deliver a great experience every time, we make sure we know our customers well. Let's meet a few...

Harriet



I'm an account director for a local PR company. I have been there since I left school and I can't believe that I'm already in my late thirties, time seems to go so quickly when you live in the 'fast lane' like me.

I think the only way to get on is to network constantly and that's why I love The Meeting House. I meet all my friends there in the evening. When I'm not working, I'm shopping and I can lose myself in Selfridges for a whole day. I have been seeing Dwight for a couple of years now and we always go to The Meeting House on Sunday lunchtime so that we can catch up with our friends.

Tony



I have run my own recruitment search business for the last ten years. I'm hoping to retire in a couple of years, when I'm 55. I find The Meeting House is a really great place to work. It's ideal for me to catch up on some work on my own and to interview potential candidates.

The team are always helpful and friendly and offer table service. I can also charge up my laptop. I have my usual table and I don't feel like anyone is listening in to my conversations. The lunch light bites menu is also ideal for a quick, unhurry meal.

Sally



I'm really excited that I have just started the next phase of my life. My three children have left home and the youngest is in his final year at university. I gave up work to have a family and now have lots more

time on my hands. The Meeting House has become a major part of my social life. I run a book club on the first Thursday of every month there. We even started popping in for a glass of wine after my weekly shop at Sainsbury's. I really appreciate that I can take my West Highland Terrier Mr Jones in with me and the team make a real fuss of him when I feel like a coffee after a long walk.

George



Since I retired a few years ago I really don't know what I would do without The Meeting House. I had previously spent over 30 years running my own successful hotel in Cheshire with my wife Eileen. I really miss being with lots of people and that's why I spend every morning in The Meeting House having a coffee or two and reading the paper. The team treat me as one of the family. Some days I find myself staying for a couple of continental lagers and a bite to eat.

Eileen occasionally joins me for a glass of wine and some lunch after she finishes her shopping in the high street or having her hair done.

Henry



I'm 26 years old and graduated from Loughborough University with a sports degree.

I work for a well-known estate agent and I have always had the philosophy to work to live, so the Meeting House is a home from home to relax in the evenings and weekends. My fiancée, Jane, loves the wine and music on a Saturday night and catching up with her friends. My friends call me 'Designer Henry' as I simply can't wear anything that's un-branded. I also get ribbed by them when they catch me checking how I look in the mirror.

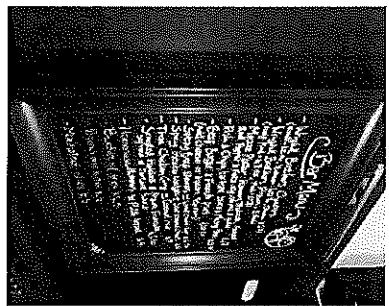
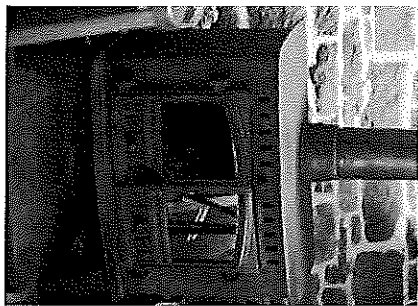
THE SERVICE

We call it intelligent service, it's not effusive and overpowering but simply there when you need it and invisible when you don't.

We pride ourselves on our team being knowledgeable about our products and their preferences, helping customers choose what's right for them and even suggesting something different they wouldn't normally try. The team can also help with local knowledge and facilities we offer table service for drinks and food if customers want it.

We do all we can to make our customer's feel at home and offer some simple home from home complements/ extras such as free paper's and local magazines and even free coffee top-ups at the team's discretion. You may well even find a bowl of water so that your dog can also enjoy a drink while you are with us.





LOOK & FEEL

Outside

Great coffee means the pub will have large open windows so it's easy to see what's going on inside. It will probably be a fair, traditional building with contemporary signage and traditional architectural features.

Some may say it's like a proforma taken from the assembly of the pub, but have been brought back to life with careful and sensitively executed refurbishing made.

Each of our pubs maintains its traditional heritage but with a new contemporary feel. You will always find references to historic pictures and objects from the local area or history of the pub and community.

The big windows and open spaces ensure our pubs feel light and airy. Big mirrors not only add to the feeling of space, but provide our customers with something to gaze themselves or check out what's happening behind them.

There will always be practical and comfortable seating areas, well as cosy and private corners to ensure there is enough room for intimate conversation or a natter over a pint or a coffee. At our pubs, we set well-considered furniture to move the furniture to create the right space for their friends and to ensure they feel at home.

It will stand out as a habit to go to escape from the hustle and bustle of the street.

THE ATMOSPHERE

Every pub will be designed in a classic and enduring style to deliver a quality environment for our customers, not a style bar that will date in a year or so.

The furniture and bric-a-brac are individually selected to give each of our Meeting Houses a unique look and feel. Much of the furniture will be easily moved and configured by the customer as required.

Natural light will flood the pub during the day through the large open windows but artificial lighting is critical to creating the right mood at different times of the day and evening. Lighting is also used to highlight key features such as the back bar, hand-written blackboards and the wine and coffee service areas.

Colour is used creatively to ensure the pub is warm and welcoming with a contemporary twist. However, most of the colour will be created by our customers enjoying their surroundings.





FOOD & DRINK

All our food is freshly prepared on the premises. It's uncomplicated, unpretentious and wholesome. You will always find something you will like on the menu including many pub favourites, some served with a contemporary twist. However, we believe it's better to serve a few great dishes, restricted by day part rather than a shopping list menu.

Where possible we build relationships with local suppliers, making some of our menu items unique to every site. We believe in supporting local suppliers and providing them with the opportunity to reach a local customer base.

Every pub has its own signature dishes inspired by British and international pub classics that change to reflect the seasons.

We offer popular, premium and craft beer brands as well as locally sourced beers where possible.

We will always welcome our suppliers' trailing new and innovative drinks to keep our customers at the cutting edge.

You will always find the most popular spirits range available as well as some surprising gems our team can advise you on.

Our comprehensive wine range will ensure there is always a wine you recognise or would to try for the first time with a selection of good wines for every occasion that won't break the bank.

Everything we offer we believe to be great quality and good value. We aim to offer great drinks and food at great prices.

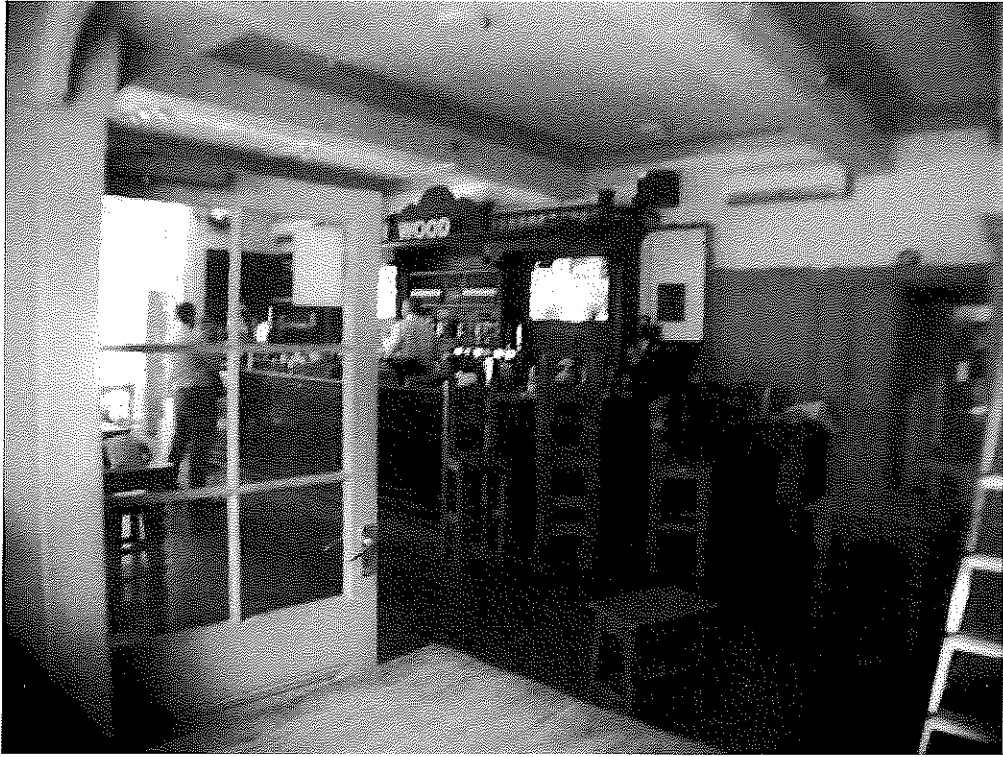
PH2

PH3 BEFORE











PH3 AFTER





PH4

SIR JOHN BALCOMBE

- BREAKFAST MENU -

SIR JOHN BALCOMBE

-BREAKFAST MENU-

Served daily till noon

Eggs Benedict An English muffin topped with roasted ham, free-range poached egg and hollandaise sauce	£5.25
Eggs Royale† An English muffin topped with Scottish smoked salmon, free-range poached egg and hollandaise sauce	£5.25
Full English Breakfast Bacon, Lincolnshire sausages, mushroom, tomato, black pudding, free-range fried egg, baked beans and bloomer toast	£6.50
Vegetarian Breakfast (V) Vegetarian sausages, mushrooms, tomato, free-range fried egg, baked beans and bloomer toast	£5.25
Sausage or bacon with egg on toast Choose from Lincolnshire sausage or bacon on bloomer toast accompanied with a free-range fried egg	£5.25

Free coffee or tea with each breakfast

All our food is prepared in a kitchen where nuts, gluten and other allergens are present. Menu descriptions do not include all ingredients, please speak to our staff before you order food and drink if you have any allergy or intolerance or require any further information about the ingredients used. (V) Vegetarian option.

SIR JOHN BALCOMBE

- LUNCH MENU -

SIR JOHN BALCOMBE

-£5 MENU LUNCH DEAL-

Available Monday–Wednesday, till 5pm

Fish Finger Sandwich†

on your choice of white or brown bloomer,
with homemade tartar sauce and crisps

Hot Lincolnshire Sausage Sandwich

on your choice of white or brown bloomer,
with balsamic onion chutney and crisps

Roast Halloumi & Roasted Vegetables (V)

mixed leaves, cherry tomatoes, marinated olives,
brioche croutons and olive oil dressing

Spicy Chicken Wrap

tomato salsa, lettuce, mayo, southern fried
chicken, cheese and crisps

Goat's Cheese Wrap (V)

red onion chutney, beetroot,
tomato, lettuce and crisps

Enjoy your
sandwich or wrap
with a mug of soup
or pot of skinny fries
for an extra £1

Ham, Eggs & Chips

free-range fried eggs and ham, served with skinny fries

Whitby Wholetail Scampi

served with skinny fries, homemade tartar sauce
and lemon wedge

All our food is prepared in a kitchen where nuts, gluten and other allergens are present. Menu descriptions do not include all ingredients, please speak to our staff before you order food and drink if you have any allergy or intolerance or require any further information about the ingredients used. (V) Vegetarian option. † May contain bone or shell, please ask your server for details.

SIR JOHN BALCOMBE

Starters & Nibbles	Garlic Ciabatta Bread (V) ♦	£2.95
	Cherry Tomato Bruschetta (V) ♦ with red onion, basil, garlic and olive oil	£3.50
	Ciabatta Bread & Olives (V) ♦ ciabatta with olive oil and balsamic vinegar and mixed olives marinated in garlic and peppers	£3.50
	Crispy Halloumi, Ciabatta Bread & Olives ciabatta with olive oil and balsamic vinegar and mixed olives marinated in garlic and peppers	£4.75
	Tomato & Basil Soup (V) with warm bread	£3.95
	Hog Roast Pâté with balsamic onion chutney and char-grilled ciabatta	£4.95
	Crispy Salt & Pepper Squid† ♦ with citrus mayonnaise	£4.95

Perfect for sharing
Feeling a bit peckish? You can enjoy any three dishes from our selection marked with a ♦ for £10.95

Beer-Battered Gherkins (V) ♦ in tempura batter with a pot of sweet chilli dipping sauce	£3.95
Sticky Glazed Sausages ♦ served hot, glazed in wholegrain mustard and honey	£4.25
Baked Camembert for Two (V) with sliced gherkins and brioche croutons for dipping	£5.95
Crispy Coconut Prawns† ♦ with a pot of sweet chilli sauce	£4.95

Tailor-made Burgers

All of our burgers are served on a toasted brioche bun with Cos lettuce and tomato.
Tailor made to suit you with a choice of burger, side, topper and sauce – all for £10.95

Burger	Sides	Toppers	Sauces
6oz British bred Aberdeen Angus*	Chunky chips	Mature Cheddar cheese	Mayonnaise
Spinach and falafel burger	Skinny fries	Bacon	Citrus mayo
Char-grilled chicken breast	Onion rings	Avocado	Sweet chilli
Beer-battered fish burger†	Salt and pepper squid	Halloumi	Caesar sauce
	Beer-battered gherkins	Pan-fried mushrooms	Homemade tartare sauce
		Free-range fried egg	Peri peri sauce
		"Popping" capers	Hot salsa
		Balsamic onion chutney	Dill and lemon mayonnaise
		Parmesan shavings	Dijon mayo
		Roasted vegetables	Teriyaki, ginger and chilli sauce

Extra toppers
£1.45 each

Can't decide?
Try our house favourite!

Devil Burger
Grilled chicken fillet with mature Cheddar cheese, bacon, hot salsa and a shake or two of Tabasco (let us know how much) plus a side of onion rings £11.95

Steaks

Served with chunky chips, beer-battered onion rings, roasted vine cherry tomatoes and creamed spinach

Char-grilled Boz* Rump	£14.95	Char-grilled Steak Salad	
Char-grilled Boz* Sirloin	£16.95	Boz* rump steak with mixed leaves, sautéed mushrooms, vine cherry tomatoes, brioche croutons and a pot of teriyaki, ginger and chilli dressing	£12.95
Want to give it a little something extra? Add peppercorn or béarnaise sauce	£2.00		

Classics	
Cod & Chips† Beer-battered cod fillet topped with "popping" capers, served with chunky chips, garden peas and homemade tartare sauce	£10.95
Chicken Curry Chicken Jalfrezi served with basmati rice and naan bread	£11.95
"Blue & Moo" Pieminister Pie British Beef Steak and Long Clawson Stilton pie with creamy mash, garden peas and gravy	£11.95
Lincolnshire Sausages & Mash with creamy mash, beer-battered onion rings, garden peas and onion gravy	£9.95
Crab & Chilli Linguine† with garlic, chilli, ginger and fresh basil, topped with crispy calamari	£12.95
"Wildshroom" Pieminister Pie (V) Wild mushroom, asparagus, white wine and cream pie with creamy mash, garden peas and gravy	£11.95
Ham, Egg & Chips with fried free-range egg, garden peas and chunky chips	£9.95
Whitby Wholetail Scampi† with salad, chunky chips, homemade tartare sauce and a lemon wedge	£9.95
Sweet Potato & Chick Pea Curry (V) with basmati rice and naan bread	£10.95
Peri Peri Chicken Char-grilled chicken breast fillet with tomato and fresh basil salad, chunky chips and a pot of peri peri dipping sauce	£9.95

Sides	
Chunky chips	£2.75
Skinny fries	£2.95
House salad	£2.95
Roasted vegetables	£2.95
Creamed spinach	£2.95
Garlic ciabatta bread	£2.95
Onion rings	£2.95

Sunday Roast

Love your roast? Why not let us do the hard work and join us between 12 noon and 8pm for a traditional British Roast with all the trimmings!

See our chalkboards for details

Light Bites

They're also available as larger portions

Moules Marinier† Mussels in a shallot, parsley and cream sauce with garlic ciabatta bread	£5.25 £9.95
Avocado, Bacon & Blue Cheese Salad Mixed leaves, cherry tomatoes, red onion, brioche croutons and a free-range hard-boiled egg with lemon dressing	£5.25 £9.95

Chicken Caesar Salad Marinated anchovies, parmesan shavings and brioche croutons	£5.25 £9.95
Crispy Halloumi & Roasted Vegetable Salad (V) Cherry tomatoes, mixed olives marinated in garlic and peppers, brioche croutons and olive oil dressing	£5.25 £9.95

Sandwiches

You can choose from a wrap, white or brown bloomer bread, served with crisps and side salad

The Sir John Balcombe Club Sandwich (not available as a wrap) Classic club with chicken, bacon, free-range hard-boiled egg, avocado and lettuce on toasted bloomer	£7.95	Ham & Cheese Ham, mature Cheddar cheese, Cos lettuce and Dijon mustard	£6.95
Crab† with Cos lettuce and dill and lemon mayonnaise	£7.95	Hot Lincolnshire Sausage with balsamic onion chutney	£6.95
Fish Finger† with homemade tartare sauce	£6.95	Grilled Halloumi with roasted vegetables and fresh basil	£6.95

Desserts

Vanilla Crème Brulee (V) Set vanilla custard topped with a burnt sugar	£4.50	Four Layered Chocolate Fudge Cake (V) Four layers of dense chocolate sponge layered with white and dark chocolate ganache served with double cream or ice cream	£4.50
Salted Caramel Cheesecake (V) Rich baked cheesecake swirled with a smooth salted caramel served with double cream or ice cream	£4.50	Red Berry Crumble (V) Hot berries and currants with crumble topping served with double cream or ice cream	£4.50
Lemon Tart (V) Crisp biscuit crumb with a thick lemon custard topping served with mixed red berries and double cream	£4.50		

All our food is prepared in a kitchen where nuts, gluten and other allergens are present. Menu descriptions do not include all ingredients, please speak to our staff before you order food and drink if you have any allergy or intolerance or require any further information about the ingredients used. (V) Vegetarian option. † May contain bone or shell, please ask your server for details. *All weights are approximate prior to cooking. Metric equivalent 16oz = 1lb = 454g.
Terms & Conditions: Three dishes for £10.95 offer available on selected dishes in dictated by † on the menu. Offer available all day, every day. Not available in conjunction with any other offer or voucher.

PH5

Stride Putting Young
Minds to Work

ABOUT US

ABOUT STRIDE

THE MISSION

Stride opens young people's minds to the world of business and enterprise.

Our courses plant the seeds of entrepreneurship, stimulate business awareness and introduce employability skills in a fun, relevant and memorable way.

This year Stride has inspired over 200 children to start mini-businesses that have raised more than £2,500 for charities.

THE FOUNDERS

Stride was founded in 2014 by Elena Macia and Nikki de Bruin, both MBA graduates, with over 26 years of business experience between them.

Nikki de Bruin worked in business for thirteen years across a range of industries. She has eight years experience as a Training and Development Manager with organisations including Independent News & Media, Van Leer and Designers Guild. She has extensive experience in designing and presenting coursework. Nikki's undergraduate qualification is in Human Resources and Business Economics. She was awarded a gold medal for her post-graduate Masters in Business Administration. Nikki also volunteers as an Advisor to pupils participating in the Young Enterprise programme at Heathside School in Weybridge.

Elena Macia spent thirteen years in business as a Management Accountant including ten years at News International in various finance functions. Elena's undergraduate degree is in Modern Languages with Business Studies. She qualified as a CIMA accountant and has a Masters in Business Administration from London Business School. Elena has taught English as a foreign language to all age groups. She also facilitated La Jolie Ronde French classes at KS1 and KS2 levels. Elena volunteers as an IT skills trainer for Age UK.

THE NEED

There is a growing need to introduce business and enterprise learning to children at an early age, when they are open to new ideas. "*Enterprise For All Report*"

Our country's economic growth relies heavily on growth from small to medium sized businesses. (SMEs account for 99.9% of the private sector companies and provide 60% of private sector jobs).

Kent University lists the top 10 skills that employers want as: verbal communication, teamwork, commercial awareness, analysing and investigating, initiative/self motivation, drive, written communication, planning and organising, flexibility and time management. Stride provides the opportunity to learn and practice these attributes.

ABOUT PUTTING YOUNG MINDS TO WORK

What is PUTTING YOUNG MINDS TO WORK?

An interactive course in which pupils gain business and enterprise skills while setting up their own mini business in teams. Pupils learn and practice business and enterprise skills in an interactive, innovative environment where independent thought and *learn-by-doing* is the focus.

Who is it for?

Pupils aged 10 - 13. Optimum group size of 30

What is the format?

Using a loan of £40, pupils set up a mini-business in teams. They conceptualise, produce and sell a product or service at their school fair or similar sales event.
8 double-period sessions or 6 x 2 hours sessions and a mini-business sales experience at the School Fair or similar event.

1. Introduction to Business, The Economy and Entrepreneurship
2. Products and Raw Materials
3. Budget Week
4. Promotion
5. Business Plan Theory
6. Business Plan Compilation
7. Perfect Pitch Rehearsal
8. Perfect Pitch to Judges

- School Fair or other Sales Event
- Results and Awards presentation during Assembly

Who delivers the course?

Each session is delivered by two Stride-trained facilitators, with business experience.

Learning techniques

Active and participative learning where the teacher is facilitator. Reinforcement through workbook and engagement in practical activities.

BERMONDSEY PUB CO.
AND STRIDE



THE STRIDE / BERMONDSEY PUB CO CSR PARTNERSHIP

Stride is delighted to have the opportunity to partner with Bermondsey Pub Co. Their generous initiative allows us to offer our highly regarded business and enterprise course to pupils at schools that would not usually have funding for our projects.

WHO IS STRIDE

Stride was founded in 2014 by Elena Macia and Nikki de Bruin, both MBA graduates, with over 26 years of business experience between them.

Their mission is to *Open Young Minds to the World of Business and Enterprise.*

They want to make a contribution to meeting the need in our country to introduce young people to the skills needed in their future working lives, be it in self-employment or in any other business.

WHO IS BERMONDSEY PUB CO

Bermondsey Pub Co is a community minded, family friendly pub company. They are a local employer, keen on business education and helping the communities in which they serve. In addition to forming a partnership with Stride to fund courses in schools in their local area, Bermondsey Pub Co also run a Community Hero Awards initiative for managers who make an exceptional contribution to the local community.



THE SPONSORSHIP

Stride Involvement (Putting Young Minds to Work Programme for Year 6 pupils)

- Teaching by two Stride tutors
- Workbooks and course materials
- Awards

Sponsor Involvement

- Welcome letter from the sponsor in the workbook
- Sponsor mention in Stride's letter to parents introducing the course
- Observe and assist in delivery of sessions (tbc)
- Judge at Perfect Pitch along with school staff
- Present Awards and cheque for money raised to school
- Host Finalists Workshop (tbc)
- Display sponsorship certificate in local pub
- Opportunity for agreed publicity in trade and local press



LETTER FROM THE SPONSOR

Dear Pupils

Welcome to Putting Young Minds to Work! We are delighted to be able to give you the opportunity to participate in this fantastic business and enterprise experience.

Bermondsey Pub Co is a community minded, family friendly pub company. We are an employer in your area and are committed to business education and contributing to the success of young people in their future working lives.

In addition to sponsoring this course, we also run a Community Hero Awards initiative for managers who make an exceptional contribution to the local community.

While you are setting up your mini-businesses, you might find it useful to know what values we believe make our business successful, motivate our staff and give our customers satisfaction. At Bermondsey Pub Co, we commit to

- **Teamwork:** To support each other to achieve great standards.
- **Customer Focus:** To deliver outstanding service to every customer, every time.
- **Quality:** To be known for our quality food and drink.
- **Community Support:** To be involved in the communities that we operate in.
- **Employee Focus:** To have fun and be a great place to work.

We hope you enjoy the entrepreneurial journey you are about to begin and that you make full use of this opportunity to learn about business and develop skills that will help you in all aspects of your life.

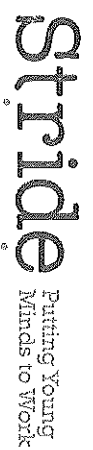
We are looking forward to seeing you present your business plans at Perfect Pitch.

Good luck.

Paul Harbottle
Group Commercial Director, Bermondsey Pub Company



BERMONDSEY PUB CO. SPONSORED SCHOOLS TIMETABLE AUTUMN TERM



Duchess of Cambridge W6

Bentworth Primary School (BP), W12 7AU
Head: Moira Cruddas
Year 6: Lucy Thompson
30 pupils

Sir John Balcombe NW1

King Solomon Academy Oxford Class (KSO),
NW1 6RX
Deputy Head: Rashid Benserghin
Year 6: Nisha Kumar
30 pupils

Flora Gardens (FG), W6 0UD

Head: Sam Naismith
Y6: Lindy Woodcock
27 pupils

King Solomon Academy Cambridge Class (KSC), NW1 6RX

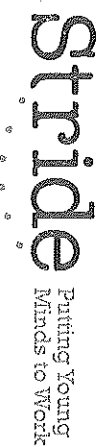
Deputy Head: Rashid Benserghin
Y6: Sian Fullerton
28 pupils

Autumn Term

02/11/15	09/11/15	16/11/15	23/11/15	30/11/15	07/12/15	14/12/15
BP1 1.00 – 3.00	BP2 1.00 – 3.00	BP3 1.00 – 3.00	BP4 1.00 – 3.00	BP5 1.00 – 3.00	BP6 1.00 – 3.00	KS Awards tba BP7 1.00 – 3.00
03/11/15	10/11/15	17/11/15	24/11/15	01/12/15	08/12/15	15/12/15
KSO1 1.15 – 2.3 KSC1 2.35 – 3.50	KSO3 1.15 – 2.30 KSC3 2.35 – 3.50	KSO4 1.15 – 2.30 KSC4 2.35 – 3.50	KSO5 1.15 – 2.30 KSC5 2.35 – 3.50	KSO6 1.15 – 2.30 KSC6 2.35 – 3.50	KSO7 1.15 – 2.30 KSC7 2.35 – 3.50	
04/11/15	11/11/15	18/11/15	25/11/15	02/12/15	09/12/15	16/12/15
FG1 1.30 – 3.30	FG2 1.30 – 3.30	FG3 1.30 – 3.30	FG4 1.30 – 3.30	FG5 1.30 – 3.30	FG6 1.30 – 3.30	FG7 1.30 – 3.30 BPEF 1.00 – 3.00
05/11/15	12/11/15	19/11/15	26/11/15	03/12/15	10/12/15	17/12/15
KSO2 1.15 – 2.3 KSC2 2.35 – 3.50					KSO8 1.15 – 2.3 KSC8 2.35 – 3.50	FGEF 1.30 – 3.30
06/11/15	13/11/15	20/11/15	27/11/15	04/12/15	11/12/15	18/12/15
					KSO&C EF 1.15 – 3.50	FG Awards tbc

BP = Bentworth Primary, KSO = King Solomon Oxford Class, KSC = King Solomon Cambridge Class, FG = Flora Gardens, WP = Woodside Primary, CB = Chesham Bois, TB = Tower Bridge, SF = Snowfields, EF = Enterprise Fair, AA = Awards Assembly.

BERMONDSEY PUB CO. SPONSORED SCHOOLS TIMETABLE SPRING TERM



The White Lion

HP7
Woodside (WP),
HP6 6NW
Business Mngr: Lindsey Wilkins
Year 6: Louise Fox
30 pupils

Chesham Bois (CB),

HP6 6DE
Head: Lorraine Sutherland
Y6: Rebecca Goodenough
35 pupils

St James of Bermondsey

SE16
Snowfields (SF),
SE1 3TD
Head: Kate Wooder
Year 6: Maureen Chance
27 pupils

Tower Bridge (TB),

SE1 2AE
Head: Kate Wooder
Y6: Katie Stejskal
26 pupils

05/01/16	12/01/16	19/01/16	26/01/16	02/02/16	09/02/16	23/02/16	01/03/16	08/03/16	15/03/16	22/03/16
		TB1 1.30 - 3.30	TB2 1.30 - 3.30	TB3 1.30 - 3.30	TB4 1.30 - 3.30		TB5 1.30 - 3.30	TB6 1.30 - 3.30	TB7 1.30 - 3.30	TBEF 2.30 - 4.30
06/01/16	13/01/16	20/01/16	27/01/16	03/02/16	10/02/16	24/02/16	02/03/16	09/03/16	16/03/16	23/03/16
CB1 9.30-11.00 WP4 1.15 - 3.15	CB2 9.30-11.00 WP2 1.15 - 3.15	CB3 9.30-11.00 WP3 1.15 - 3.15	CB4 9.30-11.00 WP4 1.15 - 3.15	CB5 9.30-11.00 WP5 1.15 - 3.15	CB6 9.30-11.00 WP6 1.15 - 3.15	CB7 9.30-11.00 WP7 1.15 - 3.15				SFEF 2.30 - 4.30
07/01/16	14/01/16	21/01/16	28/01/16	04/02/16	11/02/16	25/02/16	03/03/16	10/03/16	17/03/16	24/03/16
		SF1 1.30 - 3.30	SF2 1.30 - 3.30	SF3 1.30 - 3.30	TB4 1.30 - 3.30		SF5 1.30 - 3.30	SF6 1.30 - 3.30	SF7 1.30 - 3.30	TBAA tba SFAA tba
08/01/16	15/01/16	22/01/16	29/01/16	05/02/16	12/02/16	26/02/16	04/03/16	11/03/16	18/03/16	25/03/16
						CBEF 1.30 - 3.30 WPEF 1.30-3.30				

HALF
TERM

BP = Bentworth Primary, KSO = King Solomon Oxford Class, KSC = King Solomon Cambridge Class, FG = Flora Gardens, WP = Woodside Primary, CB = Chesham Bois, TB = Tower Bridge, SF = Snowfields, EF = Enterprise Fair, AA = Awards Assembly.

BENEFITS OF OUR COURSES

STRIDE programmes allow pupils to become commercially aware and gain entrepreneurial and business skills in a fun and creative way. The course builds confidence, encourages innovation and improves presentation; teamwork, leadership & problem-solving skills. Pupils acquire business knowledge and independent learning skills

Pupils gain the self-belief and business knowledge

"I really enjoyed working in teams and having the freedom to choose our own ideas." Newland House pupil, 2014.

"It was a fun course that allowed us to learn skills we need for life that we don't learn in school." The Mall pupil, 2015.

"Without you I would have no idea what I would have done when I grow up." Kew College pupil, 2015.

- **Pupils learn how to work effectively as part of a team**

"I enjoyed working as a team and behaving like a proper adult." Kew College pupil, 2015. *"I really enjoyed working in teams and having the freedom to choose our own ideas."* Newland House pupil, 2014.

- **Pupils' communication and presentation skills are developed**

"Having done graduate recruitment for many years, I can honestly say that the presentation stacked up really well against many I saw in terms of clarity of thought!" Parent at Newland House School, 2014.

"I enjoyed starring in the video and loved making our product." Ravenscourt Park Prep School Pupil, 2015.

- **Pupils learn to lead and gain confidence in their own abilities**

"It is vital that young people of today appreciate and are prepared for life after school and I have enjoyed watching the girls plan their adventure with passion and enthusiasm." David Alexander, Head of Newland House School, 2014

- **Pupils have fun whilst learning new skills and solving problems**

"Thank you for your help in business and your exciting games." Kew College Pupil, 2015.

"It was fun, informative and interactive. I learned what business may be like when I am an adult." The Mall Pupil, 2015

- **Pupils become commercially aware**

"You took me on a journey through the business world." *"You taught me how a business works and how to start my own."* Kew College Pupil, 2015.

"I enjoyed the sales event seeing my hard work pay off and dealing with real money." Kew College pupil, 2015

"The school is buzzing tonight about the Stride work and initiatives that have been set up – we are immensely proud of the children and whole-heartedly thank you for all your work with them." Deputy Head, Kew College.

PH6



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

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 100023071665

Premises licence

Regulation 33, 34

Premises licence number:

14/08732/LIPDPS

Original Reference:

05/08220/LIPN

Part 1 -- Premises details

Postal address of premises:

Sir John Balcombe
21 Balcombe Street
London
NW1 6HE

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Provision of facilities for making Music
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Provision of facilities for making Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Indoor Sporting Event	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Performance of Live Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00

Sunday:	09:00 to 22:30
Playing of Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Anything of a similar description to Live Music or Recorded Music	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

The opening hours of the premises:	
Monday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 00:00

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:

Enterprise Inns Plc
 3 Monkspath Hall Road
 Solihull
 West Midlands
 B90 4SJ
Business Phone Number : Not supplied

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

02562808

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

Name: Agnieszka Jaskiewicz

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: 12713
Licensing Authority: London Borough Of Tower Hamlets

Date: 23rd October 2014

Signed: pp 
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person 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 premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

Where -

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

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

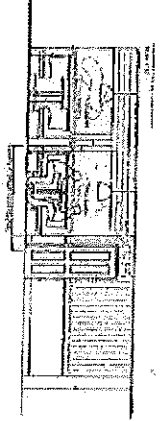
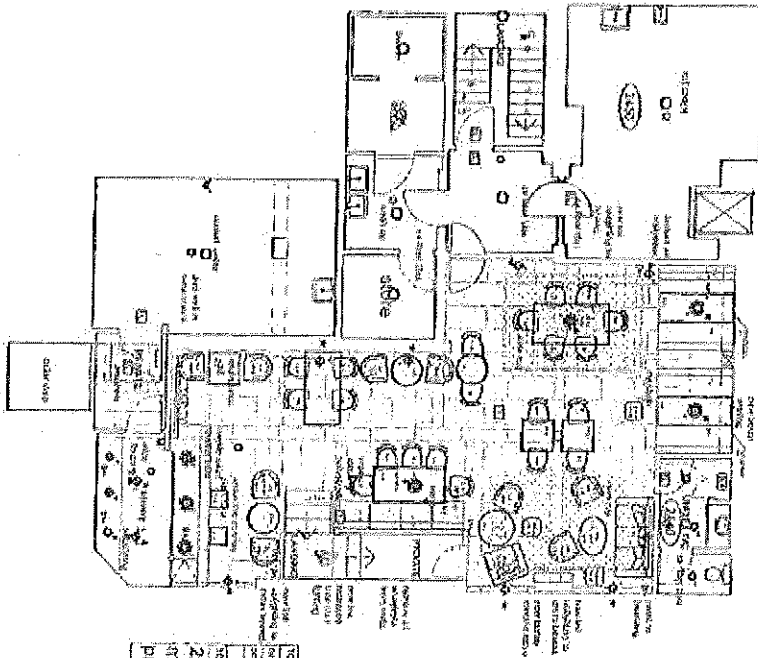
Annex 2 – Conditions consistent with the operating Schedule

11. Signage shall be displayed requesting customers to leave the premises quietly.
12. Children under the age of 18 shall not be permitted to use the AWP machine on the premises.
13. Films shall be exhibited by video entertainment on TV screens and amusement machines only.
14. Indoor sporting events shall be Pub Games only that may attract an audience whether by advertisement or spontaneous.
15. Recorded music shall be played with jukebox and karaoke, with or without a DJ, during normal business or as part of functions, and including audience participation.
16. Hot drinks and snacks shall be provided particularly during the chill out hour.

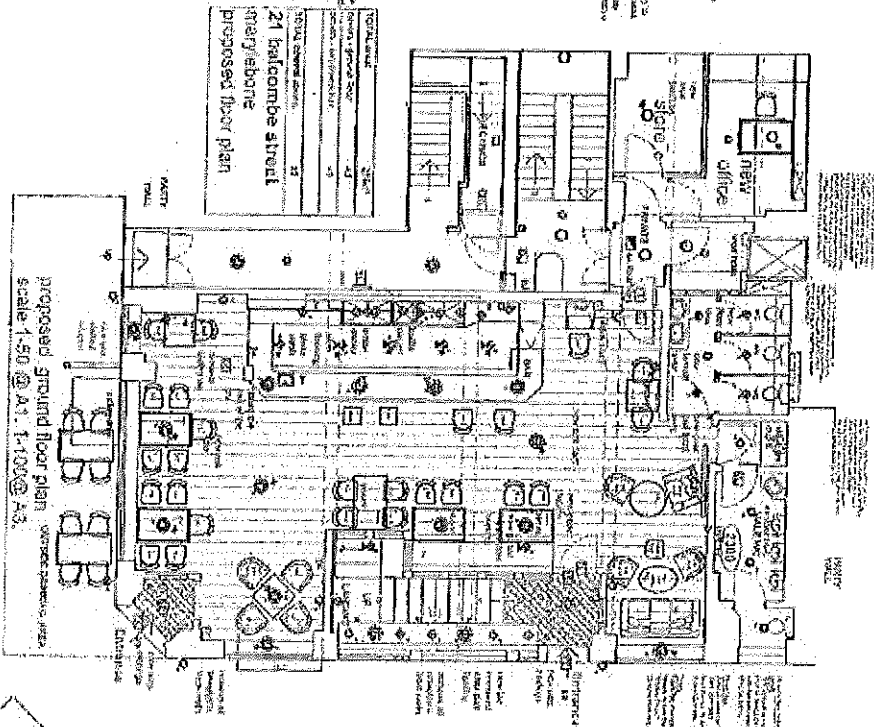
Annex 3 – Conditions attached after a hearing by the licensing authority

17. The maximum capacity within the basement shall be 50 persons excluding staff.
18. There shall be no outside drinking after 21:30
19. All doors and windows to be kept closed when live entertainment is carried out on the ground floor and in any event after 21:30.
20. Live entertainment is restricted to four performers with no amplification.
21. Substantial food and non- intoxicating liquor (including drinking water) shall be available during permitted hours.
22. All children shall be off the premises by 21:00.
23. Amplified music is restricted to the basement area and limited to two performers.
24. All tables and chairs outside the premises to be removed and secured safely by 21:30.
25. Films are to be restricted to AWP machines.

Proposed basement floor plan
 scale 1/50 @ A1, 1/100 @ A2.



21 Balcombe Street
 Marylebone
 proposed floor plan



proposed ground floor plan
 scale 1/50 @ A1, 1/100 @ A2.

NO.	DESCRIPTION	DATE
1	ISSUE FOR CONSTRUCTION	15/01/2010
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

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8	REVISIONS	
9	REVISIONS	
10	REVISIONS	



No. 21, Balcombe Street, Marylebone, London W1G 9QJ
 21 Balcombe Street
 Marylebone
 London W1G 9QJ
 Tel: 020 7493 8888
 Fax: 020 7493 8889
 Email: info@peterjohnson.co.uk
 www.peterjohnson.co.uk
 Peter Johnson Architects Ltd
 21 Balcombe Street
 Marylebone
 London W1G 9QJ
 Tel: 020 7493 8888
 Fax: 020 7493 8889
 Email: info@peterjohnson.co.uk
 www.peterjohnson.co.uk

PH7

Hour	Wed 23 Sep 2015	Thu 24 Fri 25 2015	Sat 26 Sep 2015	Sun 27 Mon 28 Sep 2015	Tue 29 Sep 2015	Wed 30 Sep 2015	Thu 1 Oct 2015	Fri 2 Oct 2015	Sat 3 Oct 2015	Sun 4 Oct 2015	Mon 5 Oct 2015	Tue 6 Oct 2015	Wed 7 Oct 2015	Thu 8 Oct 2015	Fri 9 Oct 2015	Sat 10 Oct 2015	Sun 11 Oct 2015	Mon 12 Oct 2015	Tue 13 Oct 2015	Wed 14 Oct 2015	Thu 15 Oct 2015	Fri 16 Oct 2015	Sat 17 Oct 2015	Sun 18 Oct 2015	Mon 19 Oct 2015	Tue 20 Oct 2015	Wed 21 Oct 2015	Thu 22 Fri 23 2015	Sat 24 Oct 2015	Sun 25 Oct 2015	Mon 26 Oct 2015	Tue 27 Wed 28 Oct 2015	Thu 29 Fri 30 2015	Sat 31 Oct 2015	Sun 1 Nov 2015	Mon 2 Nov 2015	Hour					
9:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9:00 AM			
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12:00 PM	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2	3	3	3	0	0	2	0	4	2	0	0	0	0	0	0	0	12:00 PM		
1:00 PM	3	2	7	7	0	0	4	2	2	5	8	1	0	0	2	0	9	2	0	0	5	0	0	6	1	4	6	0	1	0	0	0	0	0	0	0	0	0	0	1:00 PM		
2:00 PM	3	3	11	2	0	0	2	2	2	3	13	4	0	0	0	0	0	5	0	2	0	2	3	5	2	0	4	0	0	0	3	3	0	2	2	3	3	5	6	4	2	2:00 PM
3:00 PM	1	3	4	0	0	0	0	3	3	0	8	4	4	0	0	0	1	0	0	0	0	2	2	3	1	0	4	0	0	0	8	0	0	0	1	2	1	3	1	4	1	3:00 PM
4:00 PM	2	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	5	0	2	0	4	3	2	4	2	5	2	4	3	4	3	2	3	2	0	2	2	4	2	4:00 PM	
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8:00 PM	8	12	14	3	0	0	0	2	4	16	0	0	0	3	9	5	7	5	2	0	2	8	0	21	7	4	0	0	2	3	26	15	2	4	0	4	2	2	46	3	4	8:00 PM
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11:00 PM	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	1	1	0	0	0	2	7	2	2	0	0	0	0	0	6	3	0	0	11:00 PM	

	Tue 3 Nov 2015	Wed 4 Nov 2015	Thu 5 Nov 2015	Fri 6 Nov 2015	Sat 7 Nov 2015	Sun 8 Nov 2015	Mon 9 Nov 2015	Tue 10 Nov 2015	Wed 11 Nov 2015	Thu 12 Nov 2015	Fri 13 Nov 2015	Sat 14 Nov 2015	Sun 15 Nov 2015	Mon 16 Nov 2015	Tue 17 Nov 2015	Wed 18 Nov 2015	Thu 19 Nov 2015	Fri 20 Nov 2015	Sat 21 Nov 2015	Sun 22 Nov 2015	Mon 23 Nov 2015	Tue 24 Nov 2015	Wed 25 Nov 2015	Thu 26 Nov 2015	Fri 27 Nov 2015	Sat 28 Nov 2015	Sun 29 Nov 2015	Mon 30 Nov 2015	Tue 1 Dec 2015
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PH8

Our ref: PH/lef
Your ref LAP/RB

16 June 2015

Westminster Citizens Advice Bureau
Licensing Advice Project
21a Conduit Place
London
W2 1HS

Dear Sirs

Sir John Balcombe, 21 Balcombe Street, London, NW1 6HE
Premises Licence ref: 15/01173/LIPVM

Thank you for your letter dated 8th June 2015. We are of course disappointed if any of our neighbours in Balcombe Street have issues with our operation of the Sir John, although are pleased that it is recognised as a local amenity.

We do seek to promote the licensing objectives responsibly and take seriously any complaints made. We have tirelessly sought to positively engage with the local community since the Sir John opened under the stewardship of our own experienced manager Aggie Jaskiewicz on 12th November 2014 and comply with all the conditions on our licence.

We have arranged a meeting with Kay Cummings on the 24th June 2015 to try and resolve any issues which may remain and will respond to you in more detail after that.

In the meantime we do have a Help for Heroes charity event scheduled at the Sir John on the 25th June 2015. We do hope it will be well attended and warmly welcome all residents of Balcombe Street to attend and enjoy the event and support an excellent cause.

Yours faithfully



Paul Harbottle
Group Commercial Director
& Managing Director of Bermondsey Pub Company

PH9

Our ref: PH/lef

26 June 2015

Ms Kay Cummings
Senior City Inspector
City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Kay

Sir John Balcombe, Marylebone – Noise Complaint

Thank you very much for your time yesterday and the productive conversation around the complaint from a neighbour reference the noise egress from the Sir John Balcombe. Below I have summarised the actions that I recorded from our meeting.

- Bermondsey Pub Co committed to a trial period of two weeks, during which the outside tables and chairs would be removed at an earlier time. The key busy days are Thursday and Friday and it is proposed that the tables and chairs are removed at 6pm from Thursday 2nd July. Kay to confirm this trial with the neighbours and gain feedback on the success of the test period.
- For trading days that coincide with events such as Lords Cricket matches and Wembley football matches consideration to be given to adding an additional (2nd) door staff person on duty. The next planned event is the Ashes at Lords commencing 16th July for five days.
- A nominated manager/duty manager to be contactable on site at all times that the pub trades.
- The pub manager to be on duty for all events and key trading sessions, i.e. large booked events at the pub and sporting events in the locale.
- The pub telephone number and mobile number of the regional manager to be made available to Kay Cummings to circulate to the residents who have raised concerns over the noise at the pub. This number to be used by the residents to contact the pub or the area manager in the event that they have concerns.
- It was recognised that the best way forward would be to set up a line of communication between Bermondsey Pub Co and the residents who have raised concerns with Westminster City Council. Kay Cummings committed to try to set up a meeting. The location and timing of this meeting to suit the residents. A neutral location for the meeting may be more appealing to the residents and Kay suggested City Hall as an option.

The contact details and telephone number for the pub and the regional manager are as follows:

Pub Manager: Aggie Jaskiewicz
Contact number: 020 3601 0167 / 07958 586 888

Regional Manager for Bermondsey Pub Company: Kevin Leach
Contact number: 07990 550 146

I look forward to the feedback on the above, including the proposed date to meet with the residents should they be amenable to our request.

I suggest we meet again in late July to review success and any further feedback on the above.

Kind regards

Paul Harbottle
Group Commercial Director
& Managing Director of Bermondsey Pub Company

PH10

Our ref: PH/lef

7 July 2015

Westminster Citizens Advice Bureau
Licensing Advice Project
21a Conduit Place
London
W2 1HS

Dear Sirs

Sir John Balcombe, 21 Balcombe Street, London, NW1 6HE
Premises Licence ref: 15/01173/LIPVM

Thank you for your letter dated 24th June 2015. I enclose a copy of my letter dated 26 June 2015 to Kay Cummings at Westminster following our recent meeting.

I understand that Kay may have forwarded a copy of my letter to you or at least conveyed the gist of its contents.

I would very much welcome the opportunity to engage directly with any local residents who remain concerned with our operation at the Sir John Balcombe and I hope such a meeting can be arranged soon.

Yours faithfully



Paul Harbottle
Group Commercial Director &
Managing Director of Bermondsey Pub Company

Enc

PH11

Our ref: PH/lef

8 July 2015

Ms Kay Cummings
Senior City Inspector
City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Kay

Sir John Balcombe, Marylebone – Noise Complaint

Following the receipt of your email dated 6th July 2015, I have now investigated the alleged incident on 2nd July with Aggie and her regional manager Kevin Leach and on reflection I would like to continue the trial and extend it to include the weekend of 18th/19th July which corresponds with the Lords Ashes test match.

In a proactive attempt to demonstrate our intention to be a good neighbour I intend to remove the tables and chairs from the outside area of the pub from 6pm on Thursday 9th and Friday 10th July. On both evenings we will have one SIA registered door person on duty from 6pm who will be briefed in the following way.

- a) All customers of the Sir John Balcombe who wish to enjoy a drink on the pavement outside the pub, to be contained in an area to the front of the pub outlined by the canopy and with careful management no customer to be allowed to drift onto Balcombe Street with their drinks.
- b) Customers who choose to stand at the side of the pub along Taunton Mews, to be allowed to congregate in an area close to the pub without causing obstruction to traffic using the road.
- c) Noise levels to be managed to allow customers to enjoy their visit to the pub, but no shouting or excessive noise.
- d) In accordance with our licence, external drinking will not be permitted after 9.30pm. Thereafter customers will only be permitted to use our outside area to smoke.
- e) The door staff will remain on duty until the last customer has been dispersed from the pub. Customers will be reminded, on leaving the pub that they must respect the peace and quiet of the neighbourhood.
- f) Any customers awaiting taxis to get home will be asked to wait inside the pub as opposed to on the pavement.

Bermondsey
Pub Company

For the Ashes test that starts on Thursday 16th July, we will adopt the same policy as above but we will extend the removal of the outside furniture at 6pm, to include Thursday 16th to Monday 20th July inclusive. We will also increase the number of door staff on duty to two people from 6pm for Thursday, Friday and Saturday. Depending on the Weather and England's performance in the match, we will increase the door staff numbers to two on Sunday and Monday if necessary.

Please let me know if you have any thoughts on the above. If you are in agreement, then I would be grateful if you could let me have any feedback from the residents as the next couple of week's progress.

As part of my investigation I have ascertained that no call was made to either the regional manager or the pub in connection to the alleged noise at 11pm on 2nd July. I would be grateful if, on my behalf, you could reissue the contact details of the regional manager, Kevin Leach and the pub to the complainant. Being able to deal with the problem at the time will allow us to make our own assessment of the situation and resolve the issue as opposed to investigating it after the event.

Details are as follows:

Kevin Leach-Regional Manager - mobile 07990 550146
Sir John Balcombe – landline 0203 6010167

We would still welcome a meeting to see if matters may be resolved locally.

Yours sincerely



Paul Harbottle
Managing Director

Bermondsey
Pub Company

Bermondsey Pub Company Limited, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ
T: 0121 256 3322 • bermondseypubco.com
Registered in England & Wales. Company no. 8836925

Bermondsey

PH12

Our ref: PH/lef

24 July 2015

Ms Kay Cummings
Senior City Inspector
City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Kay

Sir John Balcombe, Marylebone

Having completed the two week trial involving a change of operating procedures at the Sir John Balcombe I am writing to ask you for your thoughts and any feedback on the success of the trial.

I can confirm that the trial was implemented in accordance with my letter of 26 June 2015 and 8 July 2015.

I am aware that there was some interest from your team who were observing the operation at the pub on one of the evenings, as well as a neighbour who was seen taking photographs on several occasions.

However, there was no contact made by any third party to either the pub or the regional manager over the two week trial period. I would welcome any feedback that you have from your team or the neighbours in connection to the execution of this trial plan.

Please be aware that for now we have returned our operation to its original format i.e. tables and chairs to remain outside until 9.30pm on every day and a member of door staff to be present from 6.30pm on a Thursday and Friday evening.

Subject to any further discussions with yourselves we do not intend to modify our operating practices other than for any future major sporting events of which we believe football at Wembley is the next one due in September. For this event we intend to remove the furniture and increase the door staff presence.

Bermondsey
Pub Company

Bermondsey Pub Company Limited, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ
T: 0121 256 3322 • bermondseypubco.com
Registered in England & Wales. Company no. 8836925

Bermondsey

I look forward to catching up soon. If you could broker a meeting with any local residents who are still concerned with the operating of the premises I remain keen for that to take place.

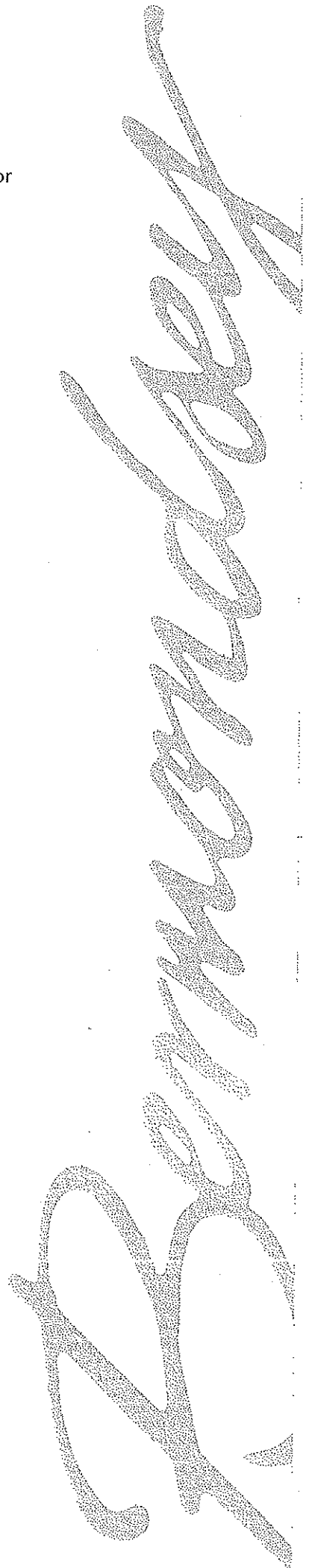
Yours sincerely



Paul Harbottle
Managing Director



Bermondsey Pub Company Limited, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ
T: 0121 256 3322 • bermondseypubco.com
Registered in England & Wales. Company no. 8836925



PH13

From: Cummings, Kay [mailto:kcummins@westminster.gov.uk]
Sent: 10 August 2015 14:28
To: Lyndsey Falconer; Loretta Togher; Paul Harbottle; sir John Balcombe
Subject: Sir John Balcombe, 21 Balcombe Street, NW1
Importance: High

Good Afternoon,

I have today received details of a public complaint made in respect to your venue that was received on the 5th August 2015. The nature of the complaint is as follows and has been provided from a new complainant.

".....There is noise and disturbance on many days of the week on the street and pavement outside. Since this pub changed hands about 1 year ago, the noise disturbance and nuisance have steadily increased. Former owners had notices asking drinkers to respect neighbours. These have now gone. On several major football match days there were masses of noisy and sometime offensive patrons, none of whom live in the area. This is also the case after matches at Lords Cricket Ground. **Last Saturday we were shouted at and abused by three drunk youths heading away from the premises. All this has really become intolerable in a quiet residential street.** Except for one Estate Agent, the only other buildings in the street are private residences. The fact that the pub regularly hires security men to stand outside is a sign of how it has deteriorated. There was never a need to do that before in all the 20 years we have lived in the street. The noise and disturbance must be intolerable at times for residents living adjacent to the premises. Certainly several neighbours have mentioned it to us...."

You will notice that the complaint is fairly general in nature but then there is reference to a recent incident. I also received a complaint on the 29th July and have been trying to contact the complainant for more details. The nature of his complaint – which is not the same resident as the above – is that "...lot of people outside shouting when leaving the pub well after 11.30pm. Totally unreasonable given its a Thursday. The bouncer was inside immediately after doors shut and made no effort to move the people on despite the residential nature of our street..."

I am very concerned that complaints are still being received in respect to your premises and it appears that the management techniques you are employing are not resolving resident's issues.

Please can you look into both these matters i.e. the 29th July and the Saturday prior to the 5th August to see if you can highlight how these matters have arisen?

I look forward to hearing from you further in respect to these matters.

Kind regards

Kay Cummings (Ms)
Senior City Inspector

City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street

London
SW1E 6QP
Tel: 020 7641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk

You can now apply online for the majority of licensing applications that the authority is responsible for. Please visit www.westminster.gov.uk/licensing Please don't print this e-mail unless you really need to.



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Westminster City Council: www.westminster.gov.uk

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PH14

Our ref: PH/lef

14 August 2015

Ms Kay Cummings
Senior City Inspector
City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Kay

Sir John Balcombe, Marylebone

Further to your email of 10 August 2015, I have investigated the dates mentioned by your complainants, although there is some confusion as to which date one of the anonymous complainants actual refers to as 29th July is a Wednesday, not a Thursday.

Having reviewed our CCTV footage for 28th July, 29th July and 1st August, it shows the following:

28th July - 11pm - midnight

- 23.07pm person walks past the Pub (not a customer)
- 23.16pm 3 customers leave the pub walk down the road
- 23.17pm Staff move tables and chairs inside
- 23.18pm ambulance turns up for lady over the road (unrelated to Pub) still there at midnight
- 23.27pm lights off and Pub is locked up

29th July - 22.00 - 23.00

- 22.01 lady having cigarette outside (2.5 mins)
- 22.07pm man walks past pub (not customer)
- 22.08pm two customer leave and wait 20 seconds before walking off
- 22.09pm 2 men walk past Pub (not customers)
- 22.17pm big group (7) walk past pub (not customers)
- 22.20pm staff member has cigarette outside side door (3mins)
- 22.21pm staff move tables and chairs inside
- 22.31pm 2 customer leave and walk up road
- 22.37pm 2 men walk past Pub (not customers)
- 22.56pm lights off and Pub locked up

30th July - 23.00 -24.00

- 23.00 all tables and chairs taken in
- 23.03 doorman and staff member stand outside (6mins) when staff member walks back in
- 23.06 man walks past Pub (not customer)
- 23.09 doorman returns inside
- 23.14 2 customers leave Pub and walk up road

Bermondsey
Pub Company

- 23.17 group of 3 walk past Pub (not customers)
- 23.20 doorman returns outside talking with a female member of staff
- 23.24 lights off and pub locked up

1st August - 3pm -11pm

All customers sitting outside were eating and drinking at no point does the CCTV show any customers miss behaving

- 3pm - 4pm no more than 6 customers (all sitting down) outside
- 4pm - 5pm no more than 7 customers (all sitting down) outside
- 5pm - 6pm no more than 7 customer (all sitting down) outside
- 6pm -7pm one table of 6 and table of 3 (family) (all sitting down) outside
- 7pm - 8pm same table of 6 and one guy on his own
- 8pm - 9pm table of 6 leave at 22.20 table of 3 sits down.
- 9pm first table folded down rest all down by 21.17
- 9.31pm 2 customers leave Pub and walk up road
- 9.53pm 2 men walk past pub (not customers)
- 21.59pm group of 4 walk past Pub (not customers)
- 22.01pm one customer comes outside for cigarette (3mins)
- 22.06pm two people walk past Pub (not customers)
- 22.11pm group of 3 enter Pub
- 22.15pm 2 customers and a dog leave the Pub and walk up the road
- 22.16 staff member has cigarette outside (2mins)
- 22.22pm group of 3 walk past Pub (not customers)
- 22.33pm 3 customers leave pub and walk up road
- 22.37pm group of 4 walk past Pub (not customers)
- 22.46pm 4 customers leave Pub and walk up road
- 22.48pm 2 men walk past Pub (not customers)
- 22.51pm 2 men walk past Pub (not customers)
- 22.52pm 3 customers leave Pub and walk down road
- 22.54pm group of 4 walk past Pub (not customers)
- 22.55pm 2 customers leave Pub and walk down road
- 22.59pm 2 people walk past Pub (not customers)
- 23.09pm staff bring in tables and chairs
- 23.16pm 5 customers leave the Pub and walk down the road
- 23.22pm 2 men walk past Pub (not customers)
- 23.24pm staff sweep up outside
- 23.25pm lights out and Pub locked up

As you can see from the details above, there were no instances when 'a lot of people' left the pub at any one time, or any evidence to suggest any customers from the pub caused a nuisance or disturbance, in particular we did not see any evidence of 3 drunks leaving the pub as alleged.

With regard to match days, you are already aware of the considerations and provisions that have been made as we have discussed these at length.



We take the reputation of our company and our social responsibility extremely serious, so the notion described by one of your complainants that our security staff is a sign of the pub's deterioration is completely inaccurate and is in fact to satisfy Westminster City Council and to ensure that our customers do not cause any disturbance whilst outside of our pub. This isn't something we should be criticised for and I would hope that your understanding of the situation would warrant an explanation from you to your complainant on the subject. I would also add that the notices asking our customers to respect the neighbours are still in place and I attach photos taken today to substantiate this.

I would reiterate to you once again, that no-one has called the pub to complain and no-one has spoken with the management at the time of the alleged incidents, therefore any alleged disturbance caused to be dealt with immediately on site. It seems to be the case that any disturbances alleged may have had no connection to the Sir John Balcombe whatsoever, and are in any event, as you say, the complaints are fairly general in nature and as such very difficult for us to address, more so as it appears that any issue may be unconnected with the Sir John and no attempt seems to have been made to raise a concern or complaint either at the time or even soon after.

We would still welcome a meeting with the resident, or residents, can you confirm how you are getting on with this aspect please and whether they are willing to meet so that we might address any genuine issues that might concern local residents.

Thank you for your assistance in this and I look forward to hearing from you

Yours sincerely



Paul Harbottle
Managing Director



PH15

From: Cummings, Kay <kcummings@westminster.gov.uk>
Sent: 15 August 2015 16:17
To: Paul Harbottle
Cc: Lyndsey Falconer; Loretta Togher; Steve Cash; Kevin Leach
Subject: Sir John Balcombe, 21 Balcombe Street, NW1 6HE
Attachments: 11.08.15 woman drinking outside 9.51pm.pdf

Good Afternoon Mr. Harbottle,

Thank you for your letter of the 14th August with details of various days showing a time recording of matters recorded by your CCTV to address new complaints raised by two complainants as forwarded to you on the 10th August. I would recommend that you retain the CCTV footage. In respect to these two new complaints I will contact both parties and see if they are willing to attend a meeting to discuss their concerns.

In respect to the resident who made the earlier complainants I must advise you that this person is currently unwilling to meet with the premises. This resident is consulting with Mr. Brown of the CAB and further communication on this point may be forthcoming although this has yet to be agreed.

Moving on I am afraid I have yet another issue to raise. Please find attached a photograph of a female outside the above venue smoking and drinking. I am advised that this incident occurred on Tuesday 11 August 2015 at 9:51pm. The woman (in the white t-shirt) was apparently enjoying a glass of wine and a cigarette outside the pub and she can be seen her walking around outside with her glass.

I would remind you of the following condition:-

18. There shall be no outside drinking after 21:30

Please can you investigate this matter urgently and give me a written explanation, within the next 7 days, as to how this apparent breach of your Premises Licence has occurred.

I will advise you whether or not the two new complainants wish to meet up with you to discuss the concerns that they have raised and which resulted in my email of the 10th August.

Kind regards

Kay Cummings (Ms)
Senior City Inspector

City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 8511
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kcummings@westminster.gov.uk

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PH16

From: Richard Taylor
Sent: 20 August 2015 14:59
To: kcummings@westminster.gov.uk
Cc: Paul Harbottle; Joanne Hipkiss; Lyndsey Falconer; Loretta Togher; Kevin Leach; Steve Cash
Subject: SIR JOHN BALCOMBE, 21 BALCOMBE STREET, MARYLEBONE, LONDON NW1 6HE

Dear Kay,

I hope this email finds you well. I have been instructed by Enterprise Inns PLC to advise with regard to the ongoing complaints from residents at these premises. I would be grateful if you could note my involvement and ensure that I am copied in on future correspondence.

I have been asked to reply to your email sent to my client's Group Commercial Director, Paul Harbottle on the 15th August 2015. That email related to an allegation that there had been a breach of premise licence condition 18 on Tuesday 11th August 2015.

My clients have reviewed the CCTV footage from the premises and the photograph that you sent. The lady who was photographed is originally seated behind the coffee machine on the bar. She stands up, takes out a cigarette and keeps holding her wine glass in her right hand. She turns and heads for the front door with her cigarette in her left hand and wine glass in her right hand. Her left hand is visible but her right hand is obscured by her body. This lady exits the premises at 21.48.12, turns immediately right, lights her cigarette, returns through the door one minute and 55 seconds later at 21.50.07. It appears from the CCTV that she does drink from the wine glass whilst outside. My client accepts that the fact that this lady drank from the wine glass means that condition 18 is breached. I hope, however, that in the circumstances you can understand how this happened. The bar staff have all been trained to prevent people drinking outside after 2130 and notices are displayed within the premises advising customers that they may not drink outside after that time. Unfortunately nobody saw the lady go outside with the glass which was partially obscured from view and therefore she was not stopped. The lady had also ignored the notices to customers asking them not to do this.

My client wishes to continue to work with you and with the local residents in order that these premises may co-exist with the locals and be a benefit to the local community. My client is frustrated that offers to meet with local residents have been rejected and that complaints are made to the Authority rather than to the pub management. It is also concerned that some of the complaints have turned out to be without justification or exaggerated when CCTV is checked. Notwithstanding this my client has instructed me to see whether or not a meeting can be arranged with Richard Brown and those that he represents in order that discussions may be held and the neighbours of the pub encouraged to liaise with the premises rather than through the authorities.

Having reviewed the conditions, it may be that these could be improved to make them enforceable. This is something that we could perhaps discuss.

Kind regards

RICHARD

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

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PH17

From: Richard Taylor
Sent: 11 September 2015 17:30
To: kcummings@westminster.gov.uk
Cc: licensing@westminstercab.org.uk
Subject: Sir John Balcombe, 21 Balcombe Street, NW1

Dear Kay

I hope that you have enjoyed your time away. In the last fortnight, I have not heard from Francis Keegan with regard to any further issues. During that period, my client and I have been working on new policies to be implemented to address the issues highlighted within the complaints that you have received. I have also had the opportunity of discussing matters with Richard Brown who I have copied into this email.

I thank you for confirming that nobody wants to see this pub closed. My client invested £250,000.00 in the refurbishment of these premises. The intention was to create a premium drink/food venue of a much higher quality than previously existed.

Bermondsey Pub Co Ltd regrets the fact that the operation of its premises has caused difficulties to its neighbours. The issues highlighted within the complaints have been escalated to the highest level at Enterprise Inns PLC and new operational policies will be implemented to ensure that no disturbance is caused by customers leaving the premises at closing time, to ensure that the outside areas are carefully managed whenever there are events on at Lords/Wembley and to ensure that there are no breaches of the terms of the premises licence.

I am more than happy to forward a copy of the new policies to you should you require them.

Bermondsey Pub Co will implement the following steps:-

1. A minimum of one SIA registered door supervisor will be responsible for managing the outside area from 6.30pm until the last customer leaves the premises on Wednesday, Thursday and Friday evenings.

1. On any other day when the premises are the subject of a private function which is defined as a booking of more than 20- 25 people in the basement area of the pub, One SIA Door Supervisor will be employed to assist with enforcement of dispersal policy

2. Whenever an event is scheduled that is expected to increase footfall in the local area (for example events at Wembley Stadium or Lords) a risk assessment will be undertaken with regard to SIA Door Supervisor requirement. Door supervisors will be employed between such times and in such numbers as identified by the risk assessment. When door supervision is employed then at least one SIA Door Supervisor will remain on duty until the last customer has been dispersed from the premises.(An example of this recently was for the Lords Test Match where my client employed 2 SIA Door Supervisors from 5pm until close based on their risk assessment.)

1. A verbal briefing will be given to door supervisors advising of the standards required in managing the outside area. The written policy will be given to the SIA Door Supervisors Company detailing the expectations of their employees whilst on duty at the premises.

1. The Duty Manager is responsible for the outside area and will continually risk assess during the day to day operation, events and private functions.

1. A new dispersal policy will be implemented to ensure that customers leave the premises quietly and without causing disturbance to neighbours.

1. Any customers waiting for taxis will be required to wait for those taxis within the premises.

1. Local residents will be provided with a contact number for the pub, contact number and e-mail address for Regional Manager via the residents meetings.

1. The DPS will arrange residents meetings to discuss any changes in operating practices and to gain feedback from residents. These will be held on a quarterly basis which will be reviewed on an annual basis. This meeting will be chaired by the Regional Manager or Operations Director and will include information on forthcoming events.

1. All staff will be trained with regard to the new operating policies and the conditions on the premises licence. The training will be regularly refreshed and staff records maintained on site.

1. All policies and training records will be regularly reviewed and made available to the responsible authorities on request.

My client is confident that its new policies and processes will ensure that these premises operate as a benefit to the community rather than a burden upon it. The Managing Director of Bermondsey Pub Co Ltd, Paul Harbottle, would like to meet with the local residents to assure them that the premises will operate without any negative impact on the local community and to explain how concerns can be addressed moving forward. I have mentioned this to Richard Brown and I would be grateful if Richard could confirm whether or not those local residents who have approached him would welcome such a meeting.

If you have any problems or queries or require sight of the policies then please do not hesitate to contact me.

Kind regards

RICHARD

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PH18

From: rjt@gosschalks.co.uk
Sent: 15 September 2015 10:42
To: kcummings@westminster.gov.uk;
Subject: Sir John Balcombe, 21 Balcombe Street, NW1 GTE:00941004

Dear Kay

I write further to the email below. I enclose copies of the new Events Policy, Dispersal Policy and Private Function Policy implemented at these premises.

I am awaiting instructions with regard to the arrangements to be made for viewing the CCTV. As soon as I have those, I will let you know.

Kind regards

RICHARD

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From: Richard Taylor
Sent: 14 September 2015 14:31
To: Cummings, Kay
Cc: Mandy Mighty
Subject: RE: Sir John Balcombe, 21 Balcombe Street, NW1

Hi Kay

I'll get the new policies to you and make enquiries about the CCTV footage.

Sir John Balcombe – Events Policy

This page sets out the events management procedures to be put in place. An event is defined as a function or occasion away from the pub which will increase footfall to the local area e.g. events at Wembley and Lords.

The events policy is to be read in conjunction with the dispersal policy.

POLICY

- Outside drinkers to be contained in front area of the pub outlined by the canopy, with careful management no customer will be allowed to drift onto Balcombe Street.
- Customers who stand along Tauton Mews to be allowed to congregate in an area close to the pub without causing obstruction to traffic.
- Noise levels to be managed to allow customers to enjoy their visit but no shouting or excessive noise.
- External drinking not permitted at 9.30 pm thereafter customers will only be permitted to use the outside area to smoke.
- Risk assessment to be undertaken with regard to SIA Door Supervisor requirement and the number to be employed.
- One SIA Door Supervisor to remain on duty until the last customer has been dispersed from the pub (if applicable).

TRAINING & REVIEW

- Employees will be trained and made aware of their responsibility to assist in the implementation of this events policy. This events policy shall be subject to review and amendment on a regular basis should the need arise for any alterations to the policy.

Sir John Balcombe – Dispersal Policy

This page sets out the dispersal management procedures to be put in place.

INFORMING CUSTOMERS

- Notices will be placed at exits of the pub, asking customers to leave the premises quietly and respect our local residents.

DISPERSAL

- At the end of the evening, Duty Manager or SIA Door Supervisor will be monitoring internal and external areas so that customers disperse appropriately from the pub.
- Customers in groups will be reminded to respect local residents and asked to leave the area quickly and quietly.
- The volume of background music will be reduced.
- Lighting levels are raised to become 'brighter' at the end of trading hours to encourage the gradual dispersal of customers during the last part of trading and the drinking up period
- Where customers require individual assistance in obtaining safe transport from our premises we do whatever is reasonably possible to help, for example by providing details of bus routes or contacting taxi and private hire operators on their behalf.

RESIDENTS

- We will provide local residents with a contact number for the pub, contact number and e-mail address for Regional Manager via the residents meetings.
- Residents meeting to discuss any changes in operating practices and to gain feedback from residents. This will be held on a quarterly basis which will be reviewed on annual basis. This meeting will be chaired by the Regional Manager or Operations Director. This will include information on forthcoming events.

TRAINING & REVIEW

- Employees will be trained and made aware of their responsibility to assist in the implementation of this dispersal policy. This dispersal policy shall be subject to review and amendment on a regular basis should the need arise for any alterations to the policy.

Sir John Balcombe – Private Function Policy

This page sets out the private function management procedures to be put in place. A private function is defined as a booking of more than 20- 25 people in the basement area of the pub.

The private function policy is to be read in conjunction with the dispersal policy.

POLICY

- Noise levels to be managed to allow customers to enjoy their visit but no shouting or excessive noise.
- External drinking not permitted after 09.30 pm thereafter customers will only be permitted to use the outside area to smoke.
- SIA Door Supervisor employed to assist with enforcement of dispersal policy.
- The door supervisor to remain on duty until the last customer has been dispersed from the pub.
- Any customers awaiting taxis will be asked to wait inside the pub.
- Pub Manager / Deputy Manager to be present.
- At the time of the booking, customers will be advised of the private function policy.

TRAINING & REVIEW

- Employees will be trained and made aware of their responsibility to assist in the implementation of this private function policy. This private function policy shall be subject to review and amendment on a regular basis should the need arise for any alterations to the policy.

PH19

On 20 Sep 2015, at 19:01, Cummings, Kay <kcummings@westminster.gov.uk> wrote:

Good Afternoon Mr. Taylor

I thought I would make you aware that our Noise Team received a complaint regarding the venue at 15:16 hrs today relating to "persons making a lot of noise which apparently lots of people pouring onto the street talking loudly and shouting". By the time our Noise Team called the complainants back the noise had ended and I am assuming that customers had dispersed. I have spoken to Kevin (Leach) today and requested CCTV footage also be provided from today which he hopes to be able to download tomorrow morning for our meeting in the afternoon.

In addition to the above I am advised that the Noise Team attended the premises on the 19.09.15 following a noise complaint at 19:37 hrs. The Noise Officer has informed me that a breach of the s.80 Noise Abatement Notice was detected. I am currently unsure how the Noise Team intend to proceed in this matter but I will be liaising with them about this matter.

I have to say that I am extremely concerned that despite all the recent noise complaints; meetings with the management of these premises and the letters sent to Enterprise Inns by both me and Mr. Richard Brown of the CAB (on behalf of the residents) that these issues are still being reported. Despite the undertakings made on behalf of the holders of the Premises Licence it would appear that the management of this venue are still failing to prevent public nuisance.

Please can you liaise with your clients urgently in respect to these recent events and advise me what further action they intend to take in this matter?

Kind regards

Kay Cummings (Ms)
Senior City Inspector

City Co-ordination
Public Protection and Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 8511
Fax: 020 7641 3436

kcummings@westminster.gov.uk

PH20

From: rjt@gosschalks.co.uk
Sent: 24 September 2015 09:12
To: kcummings@westminster.gov.uk;
Cc: mandy_mighty@gosschalks.co.uk;
Subject: RE: Sir John Balcombe, 21 Balcombe Street GTE:00941051

Dear Kay

I write further to the emails below and to your meeting with Kevin Leach on Monday.

I understand that you reviewed the CCTV footage from Sunday afternoon when the allegation made by the local resident was that, "Pub (St John Balcombe) making a lot of noise - people pouring on to the street talking loudly and shouting..."

I appreciate that the CCTV system like most systems does not record sound but understand that the footage you reviewed showed around a dozen people seated outside and on a couple of occasions two people standing. Small groups left the premises but there was no sign of any chanting, shouting, singing or indeed anything untoward.

I'm sure that you will appreciate my client's frustration. It is trying to be a good neighbour and would welcome engagement with the residents. Nobody contacted the pub or Kevin with any complaint, instead it appears that an exaggerated complaint was made direct to you.

I will forward a copy of this to Richard Brown and will liaise with him to see whether or not the local residents would take Mr Harbottle upon his offer to meet.

I understand that you advised Kevin that you would like to see the door supervisor moving around the area more. This has been passed on to the pub.

Finally, we have discussed this issue of noise escape from the basement. My client proposes to install a noise limiting device, and will liaise with the noise team in order that the levels may be set such that no nuisance is caused to our neighbours.

Please could you let me have the contact details of the appropriate officer who could assist with the setting of the limiter.

Thank you for all of your help with this.

Kind regards

PH21

Our ref: PH/lef

20 October 2015

Neighbour of Sir John Balcombe

Dear Neighbour

My name is Paul Harbottle and I am the Managing Director of the Bermondsey Pub Company. I am responsible for the operation of the Sir John Balcombe public house.

Bermondsey Pub Company was set up in 2014 to manage quality food and beverage pubs on behalf of its owners Enterprise Inns PLC.

We took over the pub in November 2014, with the intention of improving the business, to become a successful food and beverage pub, of benefit to the local community. We have invested heavily in the refurbishment and we are really passionate about wanting it to be successful, not just for us, but for the local community as well. I am pleased to say that we have enjoyed some success and since opening we have welcomed in local residents, commuters and people who work in the area.

Unfortunately we seem to be the victims of our own success and I am aware that we have had some teething problems, which may have caused some local concern.

An application for review of our licence has been made to Westminster City Council, following allegations of noise and nuisance caused by the operation of the premises. In order that we can understand fully how the local community feel about our pub, I'd like to invite you to an open meeting on Wednesday 28th October to help us to understand if there is anything we can do better and how we can work with our neighbours to find a sustainable long term solution that works for all parties.

The meeting will be held at the Sir John Balcombe on Wednesday 28th October 2015 and will start at 7pm.

I hope that you can attend and I look forward to meeting you there.

Yours sincerely



Paul Harbottle
Managing Director – Bermondsey Pub Company

PH22

Sir John Residents meeting – 28th October 2015

Key	Attendees
PH – Paul Harbottle KB – Karen Baskett Aggie – Pub Manager	18 x Residents 5 x BPC staff (PH, KB, Kevin Leach , Aggie, Lyndsey Falconer)

Name / House No	Comment
Next door neighbour (Issues)	Originally said he wasn't able to stay and gave his thoughts before we started the meeting, but ended up staying for the meeting anyway.
Next door neighbour (issues)	Aggie done as much as she can but problem is it is a fairly busy pub & leaving time is the issue. Neighbour drinks here and wants us to do well but people running up & down St at night is the issue. Circumstances have changed as it is now noisier and busier than previously. Used to be 11pm all done & dusted now 12pm. Bought knowing there is a pub here.
PH	Opened meeting welcoming everyone. Introduced team and provided brief history and where we are today with Licence Review.
Resident (issues)	Only 2 previous meeting had been held, what else have you done to engage other than this? Do you have other London businesses in residential areas?
KB	Yes we do & all have external dining areas / pavement licences.
PH	Pub is more popular now than ever. BPC has 4 London pubs all with outside areas.
Resident (support)	Disagrees as previously a lot busier with more people on the street. This has previously been a good boisterous pub, when it traded as the Hob Goblin run by Gary. It went downhill with last landlord. Feels that it is now an extremely well run establishment.
PH	Some of the local residents have raised concerns about noise from the pub.
Resident - No 34 (issue)	When pub closes people loiter. Knew when they bought the property that there was a pub opposite.
Resident – No 28b (support)	Lived here for 20yrs. There is no change to how this pub has been in the past other than with last tenant. Has been far more boisterous in the past.
Resident No 37 (support)	Lived here since 1982 & never had a problem.
Resident - No 34 (issue)	They do get disturbed by noise.
PH	What is the worst time?
Resident - No 34 (issue)	Pretty constant
Next door neighbour (issues)	11-11.25 is the noisiest.
Resident (support)	People come from other establishments and use cut through (Taunton Mews) to get night bus. This creates noise as well.
Aggie	Last orders are at 11pm, pub closed by 11.30pm and everyone is out. 11pm we stop serving. 20 mins to finish drinks and leave premises so closed by 11.30pm.
Sheila – resident (support)	Example – Friday last week going to cinema, went before 9pm & people where on tables outside, back at 11.15pm & group by apartments across the road were loud, another group further down the road were loud and looked as though they had just left the pub.
Resident	How do you know they come from this pub? Neighbour on other street noticed

(support)	noise last week & it was 3-4 guys having cigarette opposite and was quite loud but don't think they had used the pub. Street is an open space after closing and the pub can't control this.
Resident (support)	Up to midnight is city life & I don't see what the pub can do after customers have left the building.
Resident (support)	Why is licence under review?
PH	Brought to review by neighbours concerned by the noise we create and the impact of the pub on children in the area. The licensing committee are due to hear the review on 10 th December, when they will decide based on evidence from both sides, as to what if any action should be taken.
Resident	Is it currently a condition to usher people out?
PH	No. Authority can change our licence condition. They could restrict pavement licence or licence hours.
Resident (support)	Have complainants advised what they would like to happen?
Resident - No 34 (issue)	3 letters written by CAB – listed what complaints are and not had point by point response to letter.
Resident (support)	Management done as much as possible – what do we think the solution is?
PH	Taking outside drinking away at 6pm would not be good for the pub. London life & London pubs goes on beyond 6pm.
All / general	General feedback that this was not what was required.
Next door neighbour (issues)	Solution for him: Last orders at 10pm- then all gone by 11 not 12 (later agreed that 10.30 would also be acceptable).
PH	How does everyone else feel?
Resident – No 25 (support)	(Lives 2 doors away), family been here since early 60's. Travel with work not here a lot of the time. Congratulated on what we have done on refurb & success we have created. Horrified to see review and remarks about worries of children. Other local pubs now gone and we have reinvented a local pub & we should be congratulated on what we have done. Number of people who have moved into the area, restrictions on what you can do to your property. Wish council would show more about people leaving rubbish out. Pub serving local community & trying to create local feel. Met with Aggie when refurbishment taking place and seen transitional periods. A lot of people who have complained have moved in since the last 'good times' of the pub (Gary as Hob Goblin) which was successful. Last tenant run the pub into the ground, stopped coming in along with colleagues. Drug dealing under previous landlord – written strong letter to council. Can't believe people are complaining that pub can be harmful to children. Ashes – wonderful times. Let people go home after football games is a suggestion so to close like other pubs do. Very rarely trouble or incidents now at this pub. Attitude of security staff not that good. The investment in the pub has improved the look and feel and the replacement of the extraction fans from the kitchen has cut down the noise at night to nothing. It's now possible to sleep. It's clear a lot of money has been spent here. Will do anything he can to support what we are trying to do. Having pub on corner is why it is a lovely street.
Resident	Happy & love pub – need to think of compromise. Loud music in the pub.
PH	What we have done re concerns about things being thrown at people's doors in stair wells, abusive behaviour & bad behaviour? We have not seen any of this. In response to this & noise what have we done? <ul style="list-style-type: none"> 1. door team, told they were escalating problem so recently changed door staff 2. Disturbances, wedding reception – taken advice from EHO & installed

	noise limiters, now acceptable to EHO. Lady in pub a week ago and too loud for her – thinks it is still too loud even with noise limiter.
Resident No 23 (issue)	Written to CAB
Resident with small baby No 10 Taunton Mews (support)	Doorman were more helpful than in other pubs. This is a gastro pub. New to area, temp as renting. Own flat in Mayfair & lived there for 10yrs. Comparing their management of crowd to here, doormen more attentive. Amazing example of how it should be run. Review could end up with change and other outlet. Good experience in terms of guarding little one / push chair. Sleep very important, really enjoy being our neighbours. 1 suggestion – Mews at Mayfair – drunken people, fights in street. Bouncers stayed longer, another 45 mins after closing & usher people away. Could this be trialled here as a compromise?
KB	If last hour brought forward by an hour would it affect our business? This would be a problem at weekends; Thursday & Friday are our biggest nights.
PH	Actions from meeting tonight: 1. Music - review level of noise 2. Keep external bouncer for longer
Resident (support)	1 st time since known pub where manager has not lived on premises. Is there the facility for manager to live on site? Why doesn't the manager live above the pub? This is the first time to their knowledge that the manager is not living in.
PH	We own the flat above and this could be an option.
Resident – No 25 (support)	Manager always lived above pub and always knew point of contact and could see goings on.
PH	Does everyone have number for Kevin & Aggie? Please call either of them at any time if there is an issue.
Resident – No 25 (support)	Called Aggie once as doorman was noisy entertaining girls on street and shouting louder than they were. Phoned, emailed Aggie, no-one on site. If she lived above she would be part of community. New door team are much more professional and better than old ones.
PH	Do any compromises discussed make this better for people concerned?
Resident No 23 (issue)	Would rather discuss in formal review does not want to comment now.
Resident (support)	Small minority appear to be complaining about pub and everyone seems happy with pub.
PH	We need to recognise everyone has point of view.
Resident (support)	Wonderful amenity to have and community space, live long way down street on 3 rd floor with windows open. When it does happen it is disturbing – another constructive suggestion is door staff ask people to tone it down if it is getting loud.
KB	We have put signs up, asked door people to see customers out. Thank them for coming.
Resident across road (issue)	Lives directly across road – windows open, people come out and stand outside and talk, it can be infuriating. If doormen stay ½ hour longer to move people on will be good idea.
PH	Will take all points into consideration & continue to engage with residents. We will decide if we can put things in place – if we try can we have feedback. If not until after 10/12 we understand. Conclude now thank you for coming.
PH	Concluded the meeting and thanked everyone for attending

Statement of Rhys Scrivener (KR Associates)

Quietly confident

KR04807

Sir John Balcombe Public House

Enterprise Inns Plc.
21 Balcombe Street,
London. NW1 6HE.

Proof of Evidence - Noise
Mr. R. M. Scrivener MSc MIOA

December 2015



KR Associates

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Authorisation

Report Prepared By:	Mr. R. M. Scrivener	Date:	4 th December 2015
Report Checked By:	Mrs. T. Cooper	Date:	4 th December 2015
Report Approved By:	Mr. R. M. Scrivener	Date:	5 th December 2015

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1. EXECUTIVE SUMMARY OF REPORT

1.1. Instruction

I have been instructed by Gosschalks Solicitors on behalf of Enterprise Inns to undertake a noise survey and produce a report to determine if the normal operation of the Sir John Balcombe Public House (“venue”) has the potential to cause excessive noise that could be considered a public nuisance.

1.2. Scope

The residents of No. 23 and 34 supported by six other named residents have made an application under section 51 of the Licensing Act 2003 to the City of Westminster to review the current premises licence in terms of three of the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm. I will consider if the use of the external area at the front of the venue will cause a public nuisance to the surrounding residential properties. I will not be considering the question of crime and disorder or protection of children from harm.

1.3. Experience

I am a member of the Institute of Acoustics, a registered expert witness and hold a Master of Science degree in Acoustics and Noise Control. I have been a noise consultant for 20 years and a director of KR Associates for the last 14 years with a wide range of experience including work on licenced premises.

I can confirm that the investigation into the noise issues at the venue is within my field of expertise, that I have no declared conflict of interest and that I have fully complied with the current Institute of Acoustics Code of Conduct in preparing this report.

1.4. Layout of Proof

The proof provides an executive summary within section 1 and then the following sections:

- Section 2: Background noise levels around the site and acoustic context of the area.
- Section 3: Details of the measurements of the external drinking area.
- Section 4: A specific site criterion for public nuisance in terms of the Licensing Act 2003.
- Section 5: Details of any mitigation measures that could reduce the noise emissions.
- Section 6: A review of the noise report used by the residents to support their section 51 application.
- Section 7: Conclusion.

1.5. Overall Summary of Report

I have fully investigated the noise levels created by customers using the outside of the venue each night and have concluded that they do not in the context of the location cause a reduction in living amenity and environment of the persons living in the area and do not cause a statutory nuisance in terms of noise. If the residents surrounding the venue close their window the resultant internal noise from customers drinking and talking outside the front of the venue will be acceptable.

1.6. None Technical Summary of Report

1.6.1 Section 2 – Background Noise Levels around Site

I have undertaken long term remote measurements and spot measurements around the site and have established the background noise level between 19:00 and 21:30 hours to be $L_{Aeq, 1 \text{ hour}}$ 54 dB.

1.6.2 Section 3 – Noise Measurements of External Drinking area.

I have undertaken measurements on three separate occasions and determined the typical noise emissions from the use of the external area up to 21:30 can at maximum be $L_{Aeq, 1 \text{ hour}}$ 63 dB 1m from the residential windows.

1.6.3 Section 4 - Public Nuisance

I consider it appropriate that nearby residents will close their windows between 19:00 and 21:30 hours and that the resultant internal noise level will be around $L_{Aeq, 1 \text{ hour}}$ 35 dB which in the context of the Licensing Act 2003 I do not consider to constitute a public nuisance.

1.6.4 Section 5 - Residents Noise Report

The noise report commissioned by the residents to support their section 51 application for a review of the premises licence does not establish a robust background noise level, incorrectly uses British Standard 8233: 2014 to establish a criterion for public nuisance and does not clearly define the noise emissions from outside drinking in the context of the site and surrounding area.

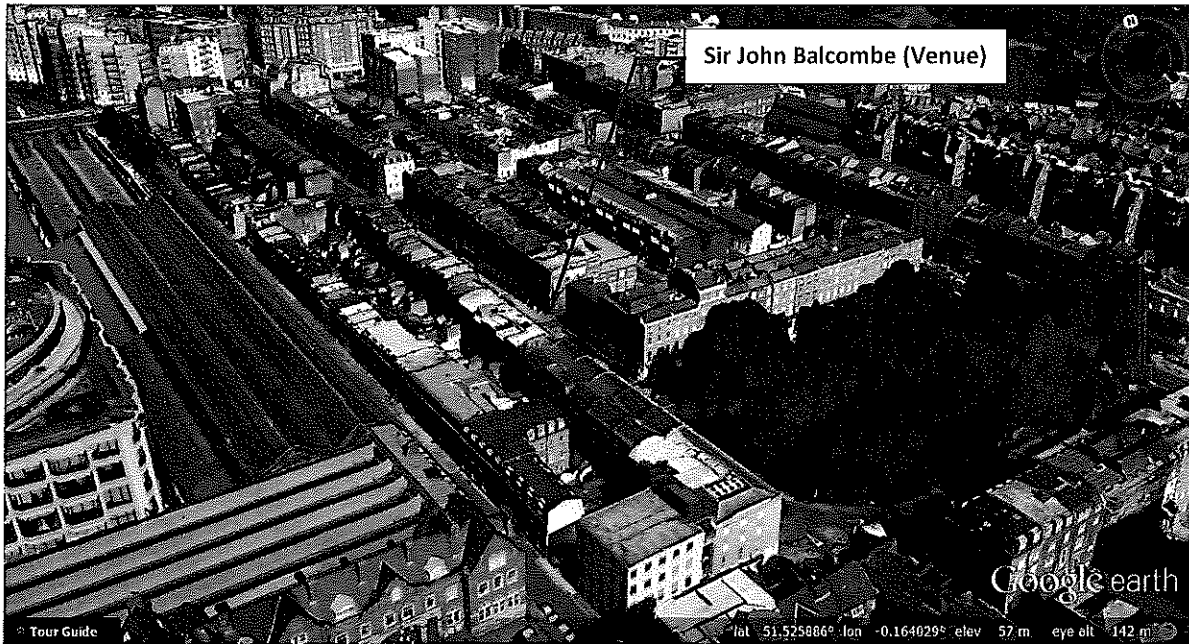
1.6.5 Section 6 - Overall Conclusion

I have fully investigated the noise levels created by customers using the outside of the venue up to 21:30 each night and have concluded that they do not in the context of the location cause a reduction in the living amenity and environment of persons living in the area and do not cause a statutory nuisance.

2. BACKGROUND NOISE LEVELS AROUND THE SITE

2.1. The Venue

(Table 1 – Location of Venue in Surrounding Area)



The Sir John Balcombe Public House (“Venue”) is a small pub occupying the ground floor and basement at the end of terrace building on Balcombe Street and the junction with Taunton Mews. The venue is described on the Enterprise Inns website as:

“An exquisite urban retreat. The Sir John Balcombe is a traditional pub, with modern day essentials for your convenience and luxury. We’ve got free Wi-Fi and barista-style coffee, with a piano downstairs for a suitably relaxed atmosphere.”

2.2. The Local Area

The venue is located north of Dorset Square and forms part of the Portland Estate with Marylebone Road (A501) located to the south, Park Road (A41) located to the East and Marylebone mainline station located generally to the west. Dorset Square to the south of the venue is the original location of Thomas Lord's original cricket ground with the main residential properties and surrounding buildings being built between 1815 and 1820 as part of the Portland Estate.

2.3. Existing Premises Licence

The current premises has a licence which allows the venue to open between 10:00 to 00:30 Monday to Saturday and 10:00 to 00:00 on Sunday with a limit on the sale of alcohol to 10:00 to 23:30 Monday to Friday, 10:00 to 00:00 on Saturday and 12:00 to 22:30 on Sunday. Annex 3 attached to the premises licence details condition 18 prohibiting drinking outside after 21:30 and condition 23 requiring external table and chairs to be removed and secured safely.

2.4. Methodology to determine the Acoustic Context of the Area

The venue is in the centre of London and comprises a long-established public house in a predominantly residential area. In order to establish the context of the existing noise climate around the venue I have adopted the following approach:

- Background noise measurements to establish the profile over a 24 hour period.
- Spot measurements to clarify how the background noise levels vary throughout the area around the venue.
- The creation of a 3D noise map to visualise the existing background noise climate around the venue.
- Comparison with results from No 23 resident's acoustic report and measurements taken next to venue.

2.5. Background Noise Levels (15th to 19th October 2015)

2.5.1 Location of Measurements

I recorded noise levels between 14:00 on Thursday 15th October 2015 to 12:00 on Monday 19th October 2015 by mounting a meter on the lamp post at the junction of Ivor Place and Boston Place adjacent to the large wall which backs onto Marylebone Station. The position was selected to ensure the measurements were not affected by noise from the venue, were within a sheltered location due to prevailing weather and in a position to capture the noise levels from the surrounding area.

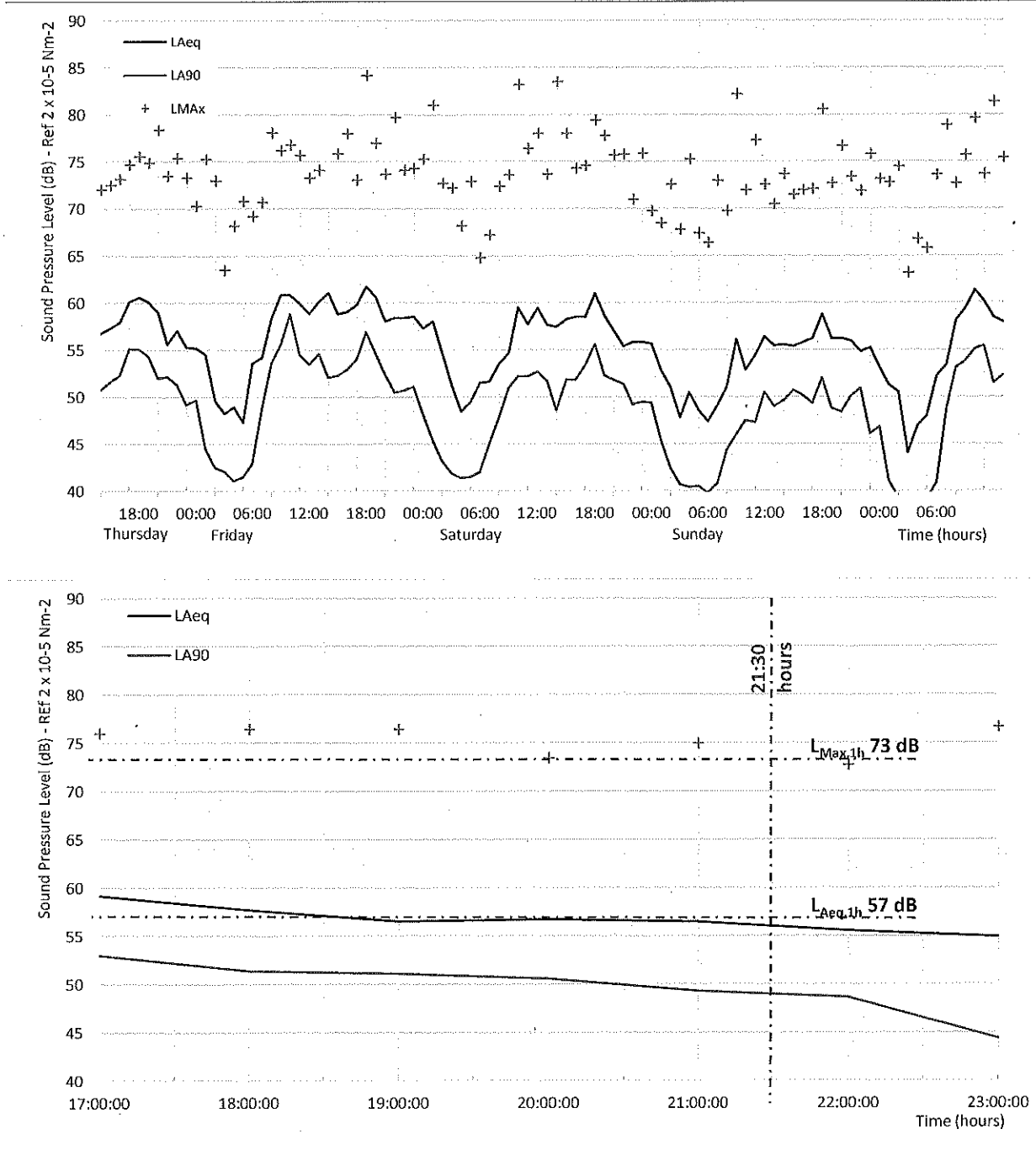
(Table 2 – Background Measurement Position)



2.5.2 Measurement Results

The following results show the average sound pressure levels in red ($L_{Aeq, 15 \text{ minutes}}$) and the maximum sound pressure levels as blue crosses ($L_{Max, 15 \text{ minutes}}$). The results show that the average background noise levels drop around 12 dB(A) during the night time period between 00:00 and 06:00 and then have peaks in the morning around 08:00 and the evening at 18:00 hours. The graph also shows the levels at the weekend are slightly lower than in the week.

(Table 3 – Results of Continuous Background Noise Measurements)



The lower graph in the table above shows the typical background noise level at the background measurement position between 17:00 and 23:00 with the average noise level between 17:00 and 21:30 being around $L_{Aeq, 1 \text{ hour}}$ 57 dB. The graph also shows that the background level starts to drop after 22:00 hours.

2.6. Spot Measurements in Surrounding Area (15th October 2015)

2.6.1 Location of Measurements

Having walked the local area it is apparent that the background noise levels within the vicinity of the venue will be lower than at the position of the continuous measurements adjacent to Marylebone Station. At the venue the background noise consists of distant traffic noise, cars travelling along Gloucester Place to the east, cars travelling along Dorset Square and Marylebone Road to the south and the occasional car travelling along Balcombe Street. Spot measurements were undertaken at eight positions between 19:00 and 20:00 on 15th October 2015.

(Table 4 – Location and Results of Spot Measurements)

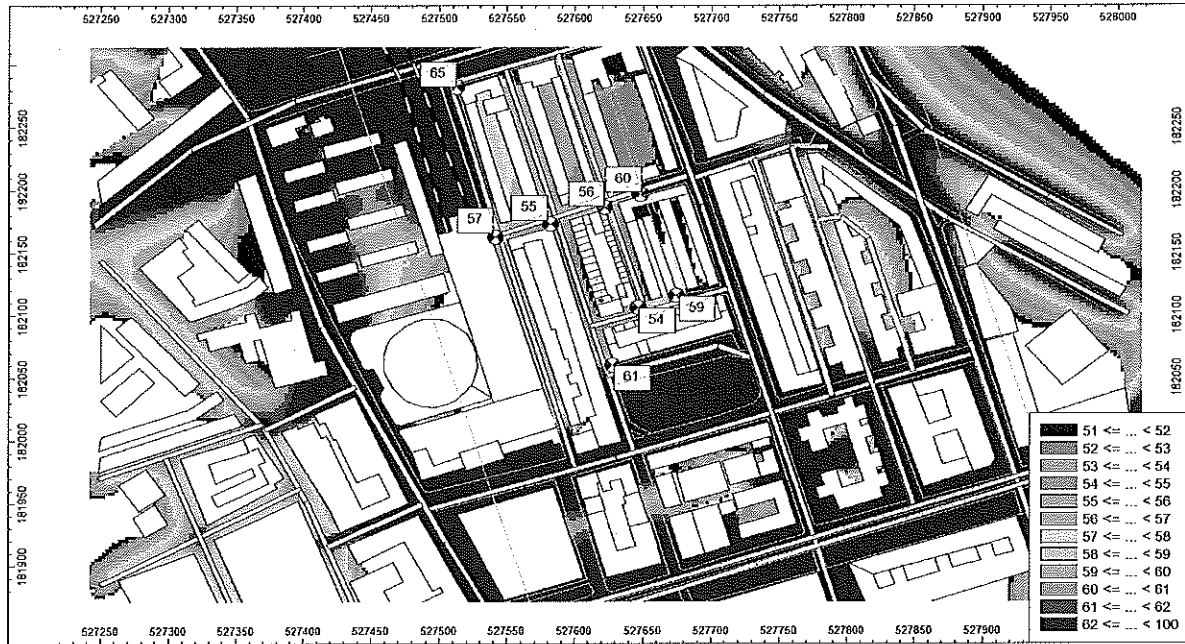


Position	Location of Measurements		Background Sound Pressure Level	
	Junction of Road 1	Junction of Road 2	Average Level - L _{Aeq} , 1 minute	Maximum Level - L _{AMax} , 1 minute
1	Ivor Place	Boston Place	57	71
2	Ivor Place	Balcombe Street	55	69
3	Ivor Place	Linhope Street	56	71
4	Ivor Place	Huntsworth Mews	60	67
5	Taunton Mews	Huntsworth Mews	58	68
6	Taunton Mews	Linhope Street	54	68
7	Balcombe Street	Dorset Square	60	74
8	Taunton Place	Boston Place	66	69

2.7. Background Noise Levels at Venue (17:00 to 21:30)

The spot measurements and the continuous measurements were used to create a 3D noise map of the area surrounding the venue. The noise maps used roads with the traffic flows adjusted to replicate the continuous and spot measurements to enable an accurate prediction of the background noise climate on the residential properties surrounding the venue.

(Table 5 – Background Noise Map of Local Area)



Position	Location of Measurements		Average Level - $L_{Aeq, 1 \text{ minute}}$	
	Junction of Road 1	Junction of Road 2	Average Level - $L_{Aeq, 1 \text{ minute}}$	Maximum Level - $L_{AMax, 1 \text{ minute}}$
Venue	Balcombe Street	Taunton Mews	54	70

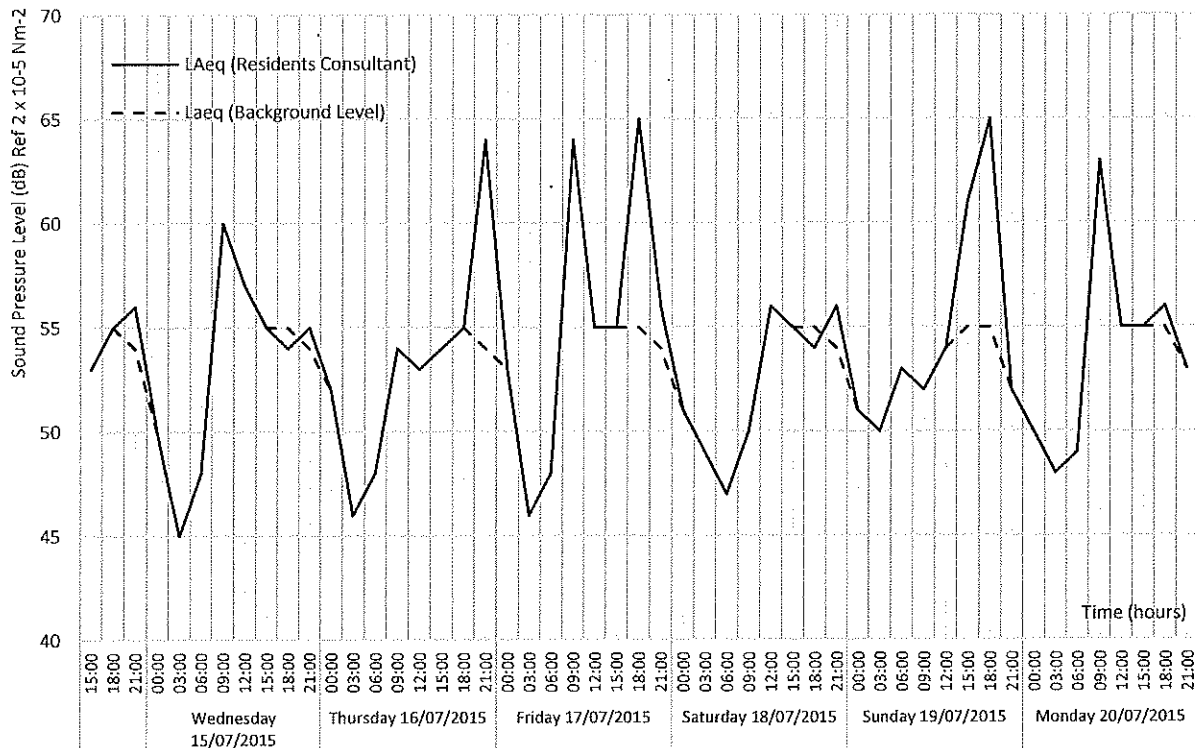
The above 3D noise map indicates that the background noise level within the vicinity of the venue will be around 3 dB lower than at the position used to record the background noise levels i.e. $L_{Aeq, 1 \text{ hour}}$ 54 dB.

2.8. Comparison with Residents Noise Measurements (July 2015)

2.8.1 Residents Noise Report (Balcony of No 23 Balcombe Street)

Several local residents have commissioned their own independent noise assessment to support the section 51 application for the review of the venues premise licence. The following graph has been constructed from the graph in figure 5 by reading off the average noise level every 3 hours, and the noise level represented by the red line. If I exclude the peaks between 18:00 and 21:00 which can be attributed to the external customer noise I can make an estimation of the underlying background noise level which I have shown as the dotted red line.

(Table 6 – Approximation of Residents Background Noise Levels)



2.8.2 Comparison of Results

I can draw two very interesting conclusions from the analysis of the noise measurements undertaken by the resident's noise consultant.

Firstly, the background noise level in the vicinity of the venue between 18:00 and 00:00 is around $L_{Aeq, 3\text{ hour}} 55\text{ dB}$ which provides a very good correlation of the background noise levels I established by measuring the background noise level at an alternative location and then correcting the level using a 3D noise map.

Secondly, the graph produced by the residents noise consultant based on the continuous noise levels recorded on the 1st floor balcony of No 23 Balcombe Street indicates peaks of similar size both in the morning and evening periods which correspond to my measurements at the alternative positions. The peaks in the morning provide a good reference to the acoustic character of the area around the venue.

3. NOISE MEASUREMENTS EXTERNAL DRINKING AREA

3.1. Location of Measurements

(Table 7 – Location of Source Measurements of Customers Outside)



On three separate occasions I measured the noise levels from customers using the outside area in front of the venue from the opposite side of Taunton Mews at the junction of Balcombe Street over a 1 minute period while noting down the corresponding number of customers. On all occasions the measurements were aborted if any cars were within the vicinity or there were people walking and talking on the street that weren't connected with the venue.

3.2. Source Measurements 1 (Friday 16th October 2015)

I undertook spot measurements of the customers drinking and talking outside between 18:30 and 21:00 hours.

(Table 8 – Results of Source Measurement 1)

Time of Measurements	No of Customers Externally (1 minute)	Resultant Sound Pressure Level at Position 1	
		Average Level - $L_{Aeq, 1 \text{ minute}}$	Maximum Level - $L_{Amax, 1 \text{ minute}}$
18:30	18	55.2	69.2
19:00	14	54.2	69.4
19:30	12	54.1	67.5
20:00	24	56.2	69.2
20:30	17	55.8	68.4
21:00	15	54.2	65.1

(dB) – Reference $2 \times 10^{-5} \text{ Nm}^{-2}$

3.3. Source Measurements 2 (Thursday 22nd October 2015)

My colleagues Taylor Cooper and Paul Rogers undertook the spot measurements between 17:30 and 21:00 hours.

(Table 9 – Results of Source Measurements 2)

Time of Measurements	No of Customers Externally (1 minute)	Resultant Sound Pressure Level at Position 1	
		Average Level - L _{Aeq} , 1 minute	Maximum Level - L _{AMax} , 1 minute
17:30	22	55.9	68.1
18:00	26	58.1	68.3
18:30	25	56.3	69.4
19:00	24	57.2	68.3
19:30	19	54.8	68.4
20:00	34	60.2	69.2
20:30	43	62.0	69.1
21:00	10	54.2	68.3

(dB) – Reference $2 \times 10^{-5} \text{ Nm}^{-2}$

3.4. Source Measurements 3 (Friday 20th November 2015)

I undertook spot measurements of the customers drinking and talking outside between 18:30 and 21:00 hours.

(Table 10 – Results of Source Measurements 3)

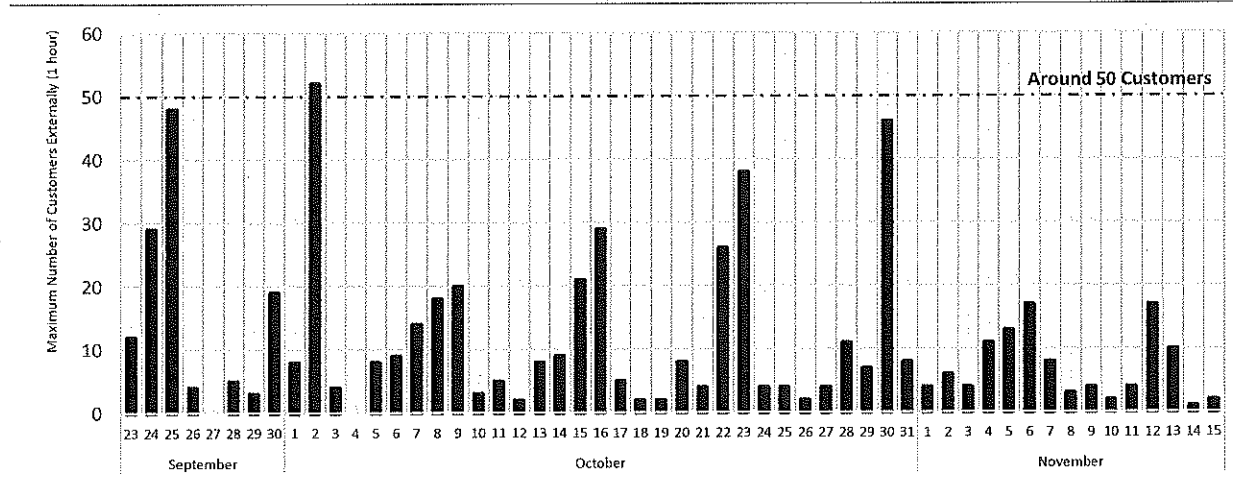
Time of Measurements	No of Customers Externally (1 minute)	Resultant Sound Pressure Level at Position 1	
		Average Level - L _{Aeq} , 1 minute	Maximum Level - L _{AMax} , 1 minute
17:30	3	52.0	69.1
18:00	5	54.3	71.2
18:30	14	56.8	70.0
19:00	12	54.0	61.6
19:30	2	53.8	67.0
20:00	4	53.9	65.8
20:30	1	59.2	72.1
21:00	0	52.3	59.3

(dB) – Reference $2 \times 10^{-5} \text{ Nm}^{-2}$

3.5. Number of Customers Outside

Enterprise Inns have provided a tally of the number customers using the external area in 1-hour slots. I have produced the following graph showing the maximum number of external customers in any one hour for each day of the week.

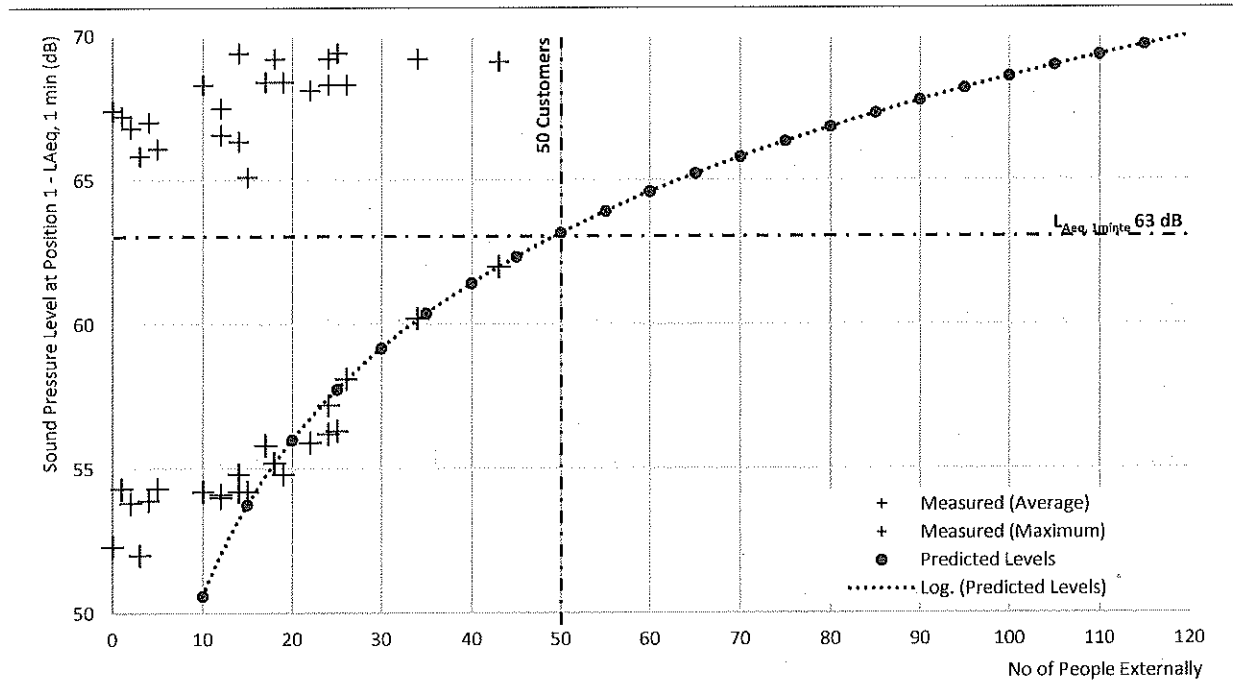
(Table 11 – Maximum 1 hour of Number of Customers Externally)



3.6. No of Customers and Noise Emissions

If I now plot the three sets of data recorded of customers using the outside area I can provide an approximate relationship between the number of customers and the resultant noise levels.

(Table 12 – Correlation of Source Measurements)



Function of Relationship

$$L_{p,2} = L_{p,1} + k \cdot 10 \cdot \log_{10}(n)$$

$$k = 1.8$$

I would estimate that with around 50 customers using the outside area would create a noise level of $L_{Aeq, 1 \text{ minute}} 63 \text{ dB}$.

3.7. Comparison with Residents Noise Measurements (July 2015)

3.7.1 Residents Noise Report (Balcony of No 23 Balcombe Street)

I have been provided a photograph by Enterprise Inns from the evening of 17th July 2015 which shows customers standing and drinking externally.

(Table 13 – Photograph of Customers Drinking Outside)



Enterprise Inns have informed me that on the evening of 16th July 2015 the number of people drinking externally peaked between 18:30 and 19:30 and that as the pavement was full on both sides of the venue in their experience the number of customers would have been around 80. Enterprise Inns have informed me that this is an estimate which is backed by the photograph taken on the 17th July which shows the external area full.

If I use the correlations established by my own measurements I would estimate the resultant noise level with around 80 customers to be $L_{Aeq,1\text{ minute}} 67\text{ dB}$. If I cross reference to table 1 of the residents' acoustic report the resultant average noise level at 19:30 peaks at $L_{Aeq,1\text{ minute}} 67\text{ dB}$ which provides a good correlation with my own source measurements of customers using the external area.

3.8. Noise Emissions from External Customers

I am therefore able to conclude that the noise emissions from the customers using the outside area will not normally exceed $L_{Aeq,1\text{ minute}} 63\text{ dB}$ between 17:00 and 21:30 1m from the nearby residential properties. I have based this assumption on the measurements I have undertaken on site and the correlation with the measurements undertaken by the residents' noise consultant.

4. NOISE CRITERION FOR PUBLIC NUISANCE

4.1. Licensing Act 2003

4.1.1 Section 182 – Guidance

The Secretary of State issues regular guidance to licensing authorities under the Licensing Act 2003.

4.1.2 Public Nuisance

The Licensing Act 2003 does not offer a definition or any guidance on what constitutes a public nuisance.

4.2. Revised Guidance – Section 182 of the Licensing Act 2003

4.2.1 Public Nuisance

The Secretary of State published the document entitled “*Revised Guidance issued under section 182 of the Licensing Act 2003*” in March 2015 (“the guidance”) which provides in section 2 some useful guidance on the approach to public nuisance. Section 2.14 of the guidance provides the following advice:

“2.14 - The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance...”

Section 2.15 of the guidance goes on to provide some useful advice on the meaning of public nuisance:

“2.15 - Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licenced premises.”

4.2.2 Appropriate Control of Noise

Section 2.16 of the guidance provides guidance on appropriate conditions to control noise.

“2.16 - Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time.”

4.2.3 Actions Appropriate for the Promotion of Licensing Objectives.

Section 9.42 and 9.43 provides some useful guidance on actions that are appropriate to meet the licensing objectives including the control of noise.

“9.42 - The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”

“9.43 - Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.”

4.2.4 Proportionate Conditions

Finally, section 10.10 provides a useful warning to licensing authorities that any conditions should be proportional:

“10.10 - The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.”

4.3. Public Nuisance in the Context of the Venue

4.3.1 Context of the Background Climate

The background noise levels between 17:00 and 21:30 within the vicinity of the venue is around $L_{Aeq, 1 \text{ hour}}$ 54 dB rising to around $L_{Aeq, 1 \text{ hour}}$ 60 dB in the morning presumably when all the parked cars in the surrounding roads go to work. I also consider it appropriate to remember that this is a residential area in central London and though it may be slightly quieter than other residential areas it is reasonable to expect a certain level of noise especially during the day time hours between 07:00 and 23:00 hours.

4.3.2 Number of Events per Week

The data provided by Enterprise Inns indicates that on a normal week the external number of customers will be over 20 up to 3 nights per week. In terms of context the noise from the use of the outside area will be no more a regular occurrence than the daily increase in noise levels in the morning due to traffic noise.

4.3.3 Timing of Increase in Noise Levels

It is also important to note that the increase in noise levels due to the outside use of the premises will only occur at worst up to 21:30 and on a normal evening will start to decline by 20:00. This time period is still within the day time period and therefore the impact on the surrounding residential properties is less than if the noise levels had occurred after 23:00 hours which is considered night time when people are sleeping. The 21:30 threshold originally set by the City of Westminster is in keeping with other venues in the local area and I believe that it is a condition that fully complies with the section 182 guidance.

4.4. Internal Noise Levels within the Nearby Residents Properties

4.4.1 Maximum External Noise Level from use of External Area

The following table details the likely average noise levels at the façade of the nearest residential property with around 50 customer drinking at the front of the venue. ($L_{Aeq, 1 \text{ hour}}$ 63 dB) which may occur up to three times per week

(Table 14 – Noise Levels of around 50 Customers Drinking Outside)

Octave Band Centre Frequency						
63	125	250	500	1000	2000	4000
69	65	60	62	58	55	48

Internal Sound Pressure Level – dB., Reference $2 \times 10^{-5} \text{ Nm}^{-2}$

4.4.2 Reduction of Airborne Noise through a closed Window

If I assume the properties surrounding the venue within Balcombe Street are fitted with single glazed sash windows with 4mm glass the following table provide the transmission loss through the window (how much the noise from the outside is reduced as it passes through the closed window).

(Table 15 – Acoustic Performance of Existing Residents’ Glazing)

Octave Band Centre Frequency						
63	125	250	500	1000	2000	4000
10	14	18	23	28	31	28
Transmission Loss (dB)						

4.4.3 Resultant Internal Noise Level

Using the external noise levels on the outside of the window from around 50 customers drinking outside (table 14 above) and the estimated acoustic performance of the closed windows (table 15 above) the following table details the resultant noise level internally which equates to an overall internal level of $L_{Aeq,1\text{ hour}} 35\text{ dB}$.

(Table 16 – Resultant Internal Noise Level with Window Closed)

Octave Band Centre Frequency						
63	125	250	500	1000	2000	4000
53	45	36	33	24	18	14
Internal Sound Pressure Level – dB.. Reference $2 \times 10^{-5}\text{ Nm}^{-2}$						

4.4.4 Acceptability of Internal Noise Level with Window Closed

I would consider an internal level of $L_{Aeq,1\text{ hour}} 35\text{ dB}$ up to 21:30 hours to be very reasonable in terms of the context of the location of the property in central London.

4.4.5 Internal Noise Level with Window Open

The document entitled “Night Noise Guidelines for Europe” published by the World Health Organisation provides some useful guidance on the reduction through an open window:

(Night Noise Guidelines: 2009 – Section 1.3.4.4 – Inside to Outside)

“As the L_{night} is a year value, the insulation value is also expressed as such. This means that if the insulation value is 30 dB with windows closed and 15 dB with windows open, the resulting value is 18 dB if the window is open 50% of the time.... The issue is complicated by the fact that closing behaviour is, to a certain extent, dependent on noise level.”

If I use the overall reduction of 15 dB then the resultant internal noise level with the windows open as a result of customers drinking externally would be $L_{Aeq,1\text{ hour}} 48\text{ dB}$. In the context of the site, the rarity of occasions on which the higher external capacities, and therefore noise levels, are reached and the hours of operation, I do not consider this level to be unreasonable. It should be accepted that opening residential windows in London will result in higher internal noise levels from time to time.

5. MITIGATION MEASURES

5.1. External Timber Barrier

The external timber barrier will be unlikely to have an effect as an acoustic barrier. However, I have observed on site that the timber barrier stops customers getting too close to the residential railings at No 23 and avoids any conflicts with people trying to enter the residential flats through the entrance between No 23 and the venue. I would therefore recommend that this timber barrier remains.

5.2. Window Extractor

Though this report does not specifically deal with the escape of internal noise from amplified music and customers I would consider it good practice to remove the extract fan currently located within the glazed panel facing onto Balcombe Street.

6. RESIDENTS' ACOUSTIC REPORT

Mr Rogers of Sustainable Acoustics Ltd has produced a noise report on behalf of Mr and Mrs McDonough entitled "Acoustic Investigation of Noise Intrusion" dated 19th August 2015 Issue 1 ("report") which accompanied the section 51 application for a review of the licence at the venue.

6.1. Scope of the Report

The scope of the report is clearly detailed within the introduction of the report:

(Report – "Introduction" Paragraph 1 on page 2)

"Sustainable Acoustics have been appointed to conduct an independent acoustic assessment of the noise affecting the properties immediately neighbouring the Sir John Balcombe public house..."

Having read the report I am of the opinion that the report is focused on the use of the external drinking area of the venue affecting the residents at number 23 and does not provide an assessment of the noise affecting the properties immediately neighbouring the venue.

6.2. Typical Noise Levels

The report details the attended visit made by Mr Rogers to the site on Thursday 16th July 2015 in which he makes the following observations:

(Report – "Attended Survey" Paragraph 4 on page 7)

"Observations for 5 minutes from the location that the photo was taken indicated that there was general talking, with the occasional raised voice, but no apparent antisocial behaviour occurring."

Mr. Rogers goes on to describe the attended visit within the conclusion of the report:

(Report – "Conclusions" Paragraph 2 on page 12)

"On the evening of 16th July, Mr. Peter Rogers attended and witnessed an example that was found to be reasonably typical of the activities that occur on a regular basis."

I can confirm that England were playing Australia in the 2nd test of the 2015 Ashes series at Lords cricket ground on Thursday 16th July 2015 starting at 11:00 hours and I do not consider this to be representative or typical of what would occur during a normal evening at the venue. The report does helpfully confirm that the noise levels from the venue were elevated due to the Ashes series within the conclusion of the report:

(Report – "Attended Noise Measurements" Paragraph 6 on page 10)

"There were three afternoon and evening where there was a significantly higher level of noise, which corresponded with events held to celebrate the cricket ashes series..."

I consider that Mr Rogers has not assessed a typical evening at the venue and undertook his measurements on the evening of the Ashes series with England playing at Lords.

6.3. Assumed Background Noise Levels

The report does not directly confirm the background noise levels up to 21:30 in order to put the background noise levels into the context of the site. The only reference to the background noise climate within this period is made in the section entitled "Attended noise measurements":

(Report – Attended Noise Measurements Paragraph 6 on page 10)

"The noise levels outside windows with people using the outside area are typically L_{Aeq} 66 dB(A) at first floor level, reducing to 60 dB(A) higher up the building.... The levels reduce by 10 dB to 50 dB(A) when there are not people outside, which is a significant drop in noise levels"

The above statement would indicate that the residents' consultant assumes the background noise levels within the period up to 21:30 ranges from L_{Aeq} 16 to 56 dB(A). I have taken background noise levels over a 72 hour period, taken spot measurements around the area and produced a 3D noise map to place the area around the venue into context and I am of opinion that the background noise level up to 21:30 hours is $L_{Aeq, 1hour}$ 54 dB. The statement that the levels reduce by 50 dB(A) is in my opinion clearly incorrect.

I have analysed the graph produced at figure 5 and I would conclude the following:

- The noise level on the balcony with 80 customers outside is L_{Aeq} 66 dB.
- The normal background noise level between 17:00 and 21:30 is around L_{Aeq} 54 dB.

Mr. Rogers has not clearly established the background noise level within his report and the graph at figure 5 is ambiguous.

6.4. Typical Traffic Noise Levels

The report makes reference to L_{Aeq} 66 dB(A) being a typical noise 10m from a busy road.

(Report – Attended Noise Measurements Paragraph 6 on page 10)

"This is equivalent to being about 10m from a busy and constantly flowing road, in terms of sound levels"

British Standard 8233: 2014 provides in table 1 of section 6.2.1 typical noise levels measured 1m from a residential façade of noise from road traffic.

(British Standard 8233: 2014 – Table 1, Section 6.2.1.)

"At 20m from the edge of a busy road through a residential area; average traffic speed 50 km/h; intervening ground paved – dB $L_{Aeq, 16h}$ 68 dB."

It is usual to assume a reduction of 3 dB with doubling of distance from a road and therefore Mr. Rogers should have made the statement that 65 dB(A) is equivalent to being 20m from a busy road through a residential area with an average traffic speed of 50 km/h.

6.5. Noise Criterion for Public Nuisance

The report references and then relies on British Standard 8233: 2014 to determine that the excessive noise levels within No. 23 Balcombe Street constitute a public nuisance and makes the following statement at the top of page 11:

(Report - Paragraph 1 on page 11)

"BS8233 considers suitable level of noise for new homes the upper permissible levels are 40 dB(A) in lounges and 30 dB(A) in bedrooms."

This statement within the report is incorrect. British Standard 8233: 2014 provides internal ambient noise levels for dwellings within table 4 in section 7.7.2:

(Table 17 – British Standard 8233: 2014 – Table 4 in Section 7.7.2)

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB L _{Aeq, 16 hours}	--
Dining	Dining room	40 dB L _{Aeq, 16 hours}	--
Sleeping	Bedroom	35 dB L _{Aeq, 16 hours}	30 dB L _{Aeq, 8hours}

It is incorrect to use the absolute criterion within British Standard 8233: 2014 in this situation. The scope of British Standard 8233: 2014 is very clearly defined at the beginning of the standard:

"This standard provides guidance for the control of noise in and around buildings. It is applicable to the design of new buildings, or refurbished buildings undergoing a change of use, but does not provide guidance on assessing the effects of changes in external noise levels to occupants of an existing building"

6.6. Conclusion of the Report

The report sets out to provide an assessment of *"the noise affecting the properties immediately neighbouring the Sir John Balcombe public house"*

Firstly, the report provides the following conclusion on the impact to the internal living conditions within No. 23 only:

(Report – "Conclusions" 2nd part of paragraph 4 on page 12)

"As such the use of their property in my opinion is being materially severely hampered between the hours of 6pm and 9pm on a regular basis and not simply when there are notable events. As such I consider that nuisance is being caused, that demonstrates that the licence holder is failing to observe the licensing objective..."

The report goes onto clarify the greatest concern of Mr. Peter Rogers:

(Report – "Conclusions" Paragraph 6 on page 12)

"Of greatest concern is that the pending birth of a child will place the family under the situation that the infant will need to sleep in one of the currently unoccupied bedrooms... This means that there is not only the risk of causing a nuisance, but also the noise being prejudicial to the babies and mother health"

Based on the first and major concern the report concludes:

(Report – “Conclusions” Paragraph 7 on page 12)

“The evidence leads me to conclude that the premises should be prevented from using the outside area after 6pm, to protect the residents in the area, whom are likely to be causing a nuisance sufficient to require a formal action to abate it.”

I strongly disagree with the conclusions of the report as it provides no evidence as to why the currently permitted use of the external area is acceptable before 18:00 and not acceptable after 18:00.

In terms of public nuisance the report only appears to concentrate on the impact on a single residence and not the original objective of the report to determine the impact on the nearby residential properties apart from a fleeting reference to the impact on other residents in the last but one sentence within the conclusion.

6.7. Applying Criterion within Report

As detailed above the report aims to establish a criterion based on the absolute noise levels contained within British Standard 8233: 2014 which I believe is an unreasonable and unacceptable criterion.

The report attempts to prove that the internal noise levels between 18:00 and 21:30 should be 30 dB(A) within the bedroom and 40 dB(A) in the lounge with the residents having a “right” to have their windows open to provide ventilation on warm days.

If I assume an attenuation through an open window of 6 dB then the report is implying that the external noise level should not exceed 36 dB(A) outside a bedroom window and 46 dB(A) outside a lounge window.


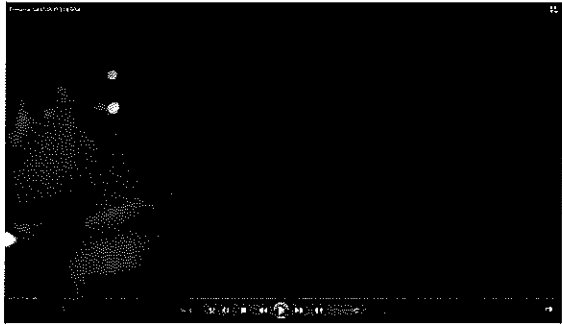
In my experience a level of 36 dB(A) 1m outside a bedroom window between 18:00 and 21:30 will not exist at any point within the M25 and may only exist with a remote property located many miles from any major noise source. If I ignore the incorrect use of the criterion from British Standard 8233: 2014 the proposed criteria are unreasonable and are not representative of the acoustic context of the area surrounding the venue.

6.8. Residents' DVD

I have been provided with a DVD from the residents which includes 8 short video clips and a single audio clip. I have watched the video clips and would make the following comments on what I have observed in the context of my report and findings. I have based on my experience of the site estimated the external noise level and the internal noise level with a single glazed window closed.

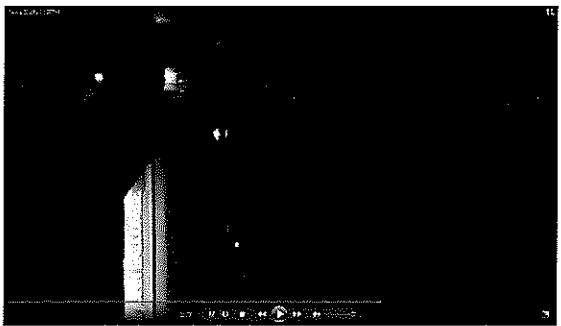

6.8.1 Dispersal Sat 15.08.15 11.15pm

(Table 18 – Residents Video – 23 Balcombe Street)

					
03:21 Into Video – "People and Taxi Outside"			00:10 – Car down Balcombe Street		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 55 dB	L _{Aeq, 10 seconds} 30 dB		L _{Aeq, 10 seconds} 65 dB	L _{Aeq, 10 seconds} 40 dB


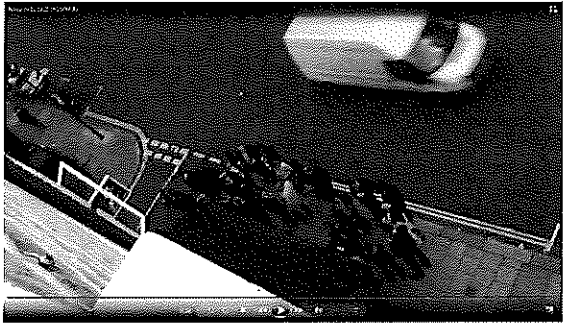
6.8.2 Noise 22.10.15 9.56pm

(Table 19 – Residents Video – Balcombe Street opposite Venue)

					
00:05 Raised Male Voice			00:27 – Quieter Talking		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 60 dB	L _{Aeq, 10 seconds} 35 dB		L _{Aeq, 10 seconds} 55 dB	L _{Aeq, 10 seconds} 30 dB

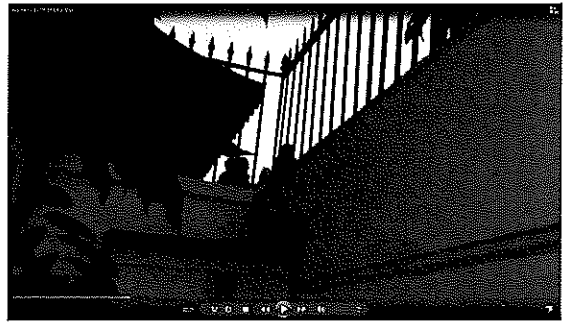
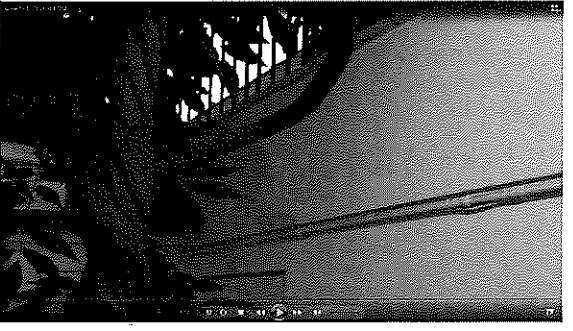
6.8.3 Noise Fri 02.10.15 18.15pm (1)

(Table 20 – Residents Video – 23 Balcombe Street)

					
00:07 People Outside Drinking			01:08 – Van travelling up Balcombe Street		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 55 dB	L _{Aeq, 10 seconds} 30 dB		L _{Aeq, 10 seconds} 65 dB	L _{Aeq, 10 seconds} 40 dB

6.8.4 Noise Fri 02.10.15 18.47pm

(Table 21 – Residents Video – 23 Balcombe Street)

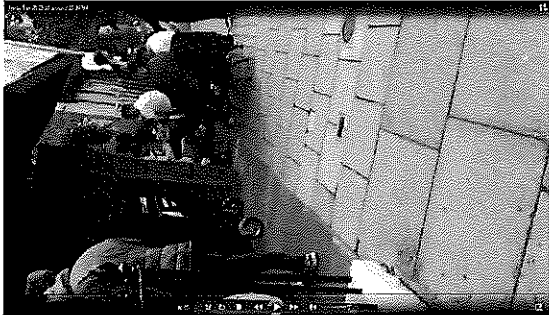
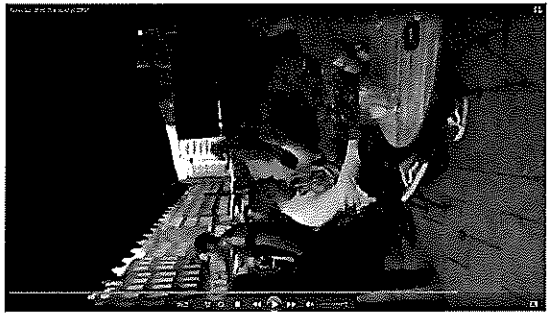
					
00:21 People Outside Drinking			01:07 – Helicopter above		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 60 dB	L _{Aeq, 10 seconds} 35 dB		L _{Aeq, 10 seconds} 65 dB	L _{Aeq, 10 seconds} 40 dB

6.8.5 Noise Fri 02.10.15 18.47pm

This video is very similar to the video taken on Friday 2nd October 2015 at 18:47 pm

6.8.6 Noise Sun i20.09.15 around 16:00pm

(Table 22 – Residents Video – 23 Balcombe Street)



					
00:05 People Outside Drinking			00:25 – People Outside Drinking		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 60 dB	L _{Aeq, 10 seconds} 35 dB		L _{Aeq, 10 seconds} 60 dB	L _{Aeq, 10 seconds} 35 dB

6.8.7 Noise Thurs 21.05.15 19.09pm

This is a video of a pavement with people talking in the background. It may have been recorded by walking past the front of the venue but as I am unable to see any customers it is difficult for me to comment on this video.

6.8.8 Noise Thurs 22.10.15 8.29pm

(Table 23 – Residents Video – 23 Balcombe Street)

					
00:20 People Outside Drinking			00:54 – People Outside Drinking		
Estimated Levels	1m External	Internal	Estimated Levels	1m External	Internal
	L _{Aeq, 10 seconds} 55 dB	L _{Aeq, 10 seconds} 30 dB		L _{Aeq, 10 seconds} 55 dB	L _{Aeq, 10 seconds} 30 dB

6.8.9 Conclusion from Residents Video

Having reviewed the residents’ videos I have not seen anything which indicates that with the windows closed the internal noise levels would not be acceptable and reasonable. In terms of the outside amenity space at basement level of No 23 Balcombe Street I consider the resultant noise levels to be acceptable. It is very difficult to determine absolute noise levels from video recordings as the sensitivity of the microphone and setup of the recording equipment is unknown. The above levels are my best estimates based on my experience with an estimated uncertainty of +/- 5 dB.

7. CONCLUSIONS

7.1. Overall Conclusions

7.1.1 Section 2 – Background Noise Levels around Site

I have undertaken long term remote measurements and spot measurements around the site and have established the background noise level between 19:00 and 21:30 hour to be $L_{Aeq,1\text{ hour}} 54\text{ dB}$.

7.1.2 Section 3 – Noise Measurements of External Drinking area.

I have undertaken measurements on three separate occasions and determined the typical noise emissions from the use of the external area up to 21:30 can at maximum be $L_{Aeq,1\text{ hour}} 63\text{ dB}$ 1m from the residential windows.

7.1.3 Section 4 - Public Nuisance

I consider it appropriate that nearby residents will close their windows between 19:00 and 21:30 hours and that the resultant internal noise level will be around $L_{Aeq,1\text{ hour}} 35\text{ dB}$ which in the context Licensing Act 2003 I do not consider to constitute a public nuisance.

7.1.4 Section 5 - Residents Noise Report

The noise report commissioned by the residents to support their section 51 application for a review of the premises licence does not establish a robust background noise level, incorrectly uses British Standard 8233: 2014 to establish a criterion for public nuisance and does not clearly define the noise emissions from outside drinking in the context of the site and surrounding area.

7.1.5 Section 6 - Overall Conclusion

I have fully investigated the noise levels created by customers using the outside of the venue up to 21:30 each night and have concluded that they do not in the context of the location cause a reduction in living amenity and environment of persons living in the area and do not cause a statutory nuisance.

7.2. Code of Conduct

In preparing this report and providing an evaluation of Mr Peter Rogers report prepared on behalf of Sustainable Acoustics Ltd on behalf of the residents of No. 23 Balcombe Street I have had full regard for the guidance within the current Institute of Acoustics Code of Conduct.

7.3. Opinions

I have fully considered all the information I have been provided by Richard Taylor of Gosschalks and I have reached my professional conclusions without influence from any other person. The report has been reviewed by my colleague Taylor Cooper who agrees with my professional opinions.

7.4. Expert Statement

7.4.1 My Duty

I understand that my duty in providing written reports and giving evidence is to help the licensing authority, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.

7.4.2 Payment of Fees

I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.

7.4.3 Conflict of Interest

I know of no conflict of interest of any kind, other than any which I have disclosed in my report.

7.4.4 Suitability as an Expert Witness

I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.

7.4.5 Change in Circumstances

I will advise the party by whom I am instructed if, between the date of my report and the hearing, there is any change in circumstances which affect my answers to points 3 and 4 above.

7.4.6 Sources of Information

I have shown the sources of all information I have used.

7.4.7 Reasonable Care and Skill

I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.

7.4.8 Knowledge

I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.

7.4.9 Independent View

I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.

7.4.10 Further Corrections to Report

I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.

7.4.11 Professional Opinion

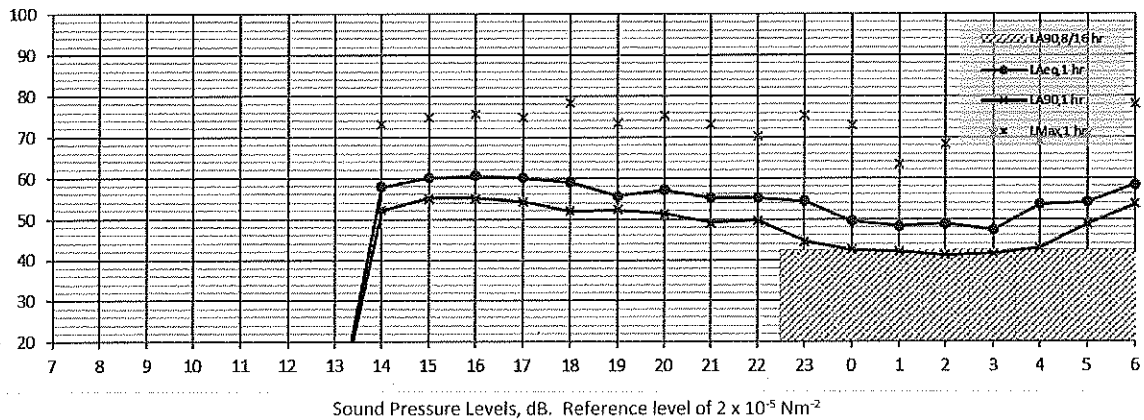
I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

##END OF REPORT##

8. APPENDIX A: 72-HOUR BACKGROUND NOISE LEVELS

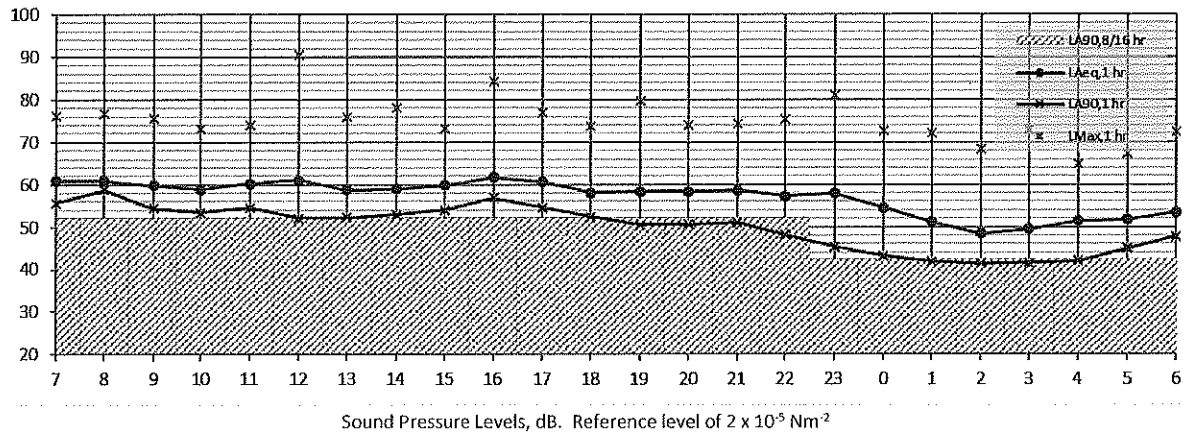
8.1. Recorded Noise Levels (14:00 15th October 2015 to 06:59 16th October 2015)

Time Period	L _{Max}	Minimum 15 minute			1 Hour			Day and Night		
		L _{Aeq,15 min}	L _{A10,15 min}	L _{A90,15 min}	L _{Aeq,1 hour}	L _{A10,1 hour}	L _{A90,1 hour}	L _{Aeq,t}	L _{A10,t}	L _{A90,16hours}
07:00 – 08:00	--	--	--	--	--	--	--			
08:00 – 09:00	--	--	--	--	--	--	--			
09:00 – 10:00	--	--	--	--	--	--	--			
10:00 – 11:00	--	--	--	--	--	--	--			
11:00 – 12:00	--	--	--	--	--	--	--			
12:00 – 13:00	--	--	--	--	--	--	--			
13:00 – 14:00	--	--	--	--	--	--	--			
14:00 – 15:00	73.2	53.4	55.4	50.9	57.9	61.5	52.3	--	--	--
15:00 – 16:00	74.7	57.2	56.9	53.1	60.1	61.1	55.1			
16:00 – 17:00	75.6	57.8	58.3	52.9	60.6	63.4	55.1			
17:00 – 18:00	74.9	55.6	57.1	52.0	60.1	61.9	54.3			
18:00 – 19:00	78.4	54.1	55.6	49.8	59.0	59.6	52.0			
19:00 – 20:00	73.5	53.8	54.9	49.3	55.6	56.9	52.2			
20:00 – 21:00	75.4	51.4	54.5	49.7	57.1	57.1	51.3			
21:00 – 22:00	73.3	51.2	53.6	47.5	55.3	57.0	49.2			
22:00 – 23:00	70.3	50.4	52.8	48.3	55.2	56.7	49.7			
23:00 – 00:00	75.3	48.2	48.4	43.0	54.5	56.3	44.5			
00:00 – 01:00	73.0	46.5	47.6	41.4	49.6	49.9	42.5			
01:00 – 02:00	63.5	45.5	47.7	41.4	48.3	50.2	42.1			
02:00 – 03:00	68.2	44.4	46.4	40.1	48.9	49.7	41.1	53.4	55.8	42.4
03:00 – 04:00	70.8	45.5	47.0	41.0	47.4	48.4	41.5			
04:00 – 05:00	69.2	47.2	48.3	41.4	53.6	56.6	42.9			
05:00 – 06:00	70.7	51.6	53.4	46.8	54.2	55.6	48.8			
06:00 – 07:00	78.1	55.6	56.3	52.7	58.3	58.9	53.6			



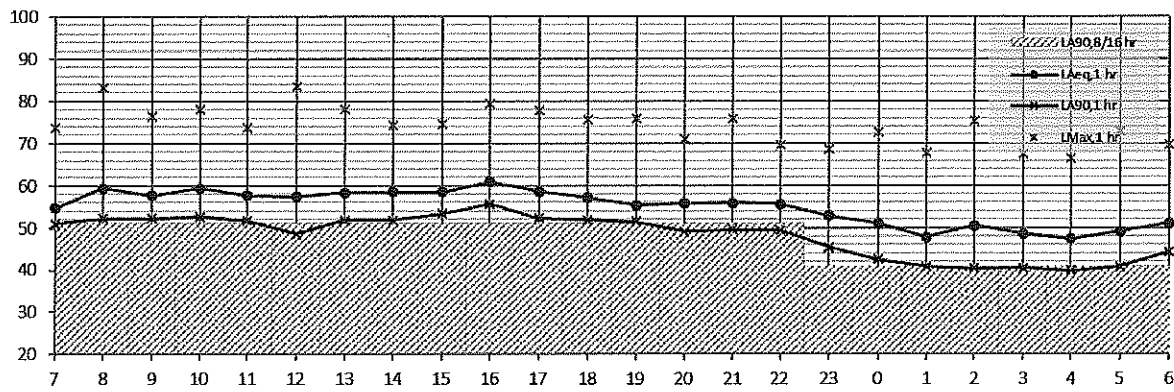
8.2. Recorded Noise Levels (07:00 16th October 2015 to 06:59 17th October 2015)

Time Period	L _{Max}	Minimum 15 minute			1 Hour			Day and Night		
		L _{Aeq,15 min}	L _{A10, 15 min}	L _{A90, 15 min}	L _{Aeq, 1 hour}	L _{A10, 1 hour}	L _{A90, 1 hour}	L _{Aeq, t}	L _{A10, t}	L _{A90, 16hours}
07:00 – 08:00	76.2	60.0	57.1	54.2	60.9	63.1	55.6	59.7	62.2	52.3
08:00 – 09:00	76.8	60.0	60.4	56.0	60.9	62.3	58.8			
09:00 – 10:00	75.7	56.7	57.5	52.4	59.9	60.8	54.5			
10:00 – 11:00	73.3	55.9	56.4	49.9	58.9	59.0	53.5			
11:00 – 12:00	74.1	56.0	56.5	53.7	60.2	62.7	54.6			
12:00 – 13:00	90.4	53.5	55.4	50.6	61.1	62.0	52.1			
13:00 – 14:00	75.9	54.8	56.2	50.9	58.8	60.6	52.3			
14:00 – 15:00	78.0	55.2	56.0	50.1	59.1	61.3	52.9			
15:00 – 16:00	73.1	57.0	57.6	49.5	59.8	62.4	54.0			
16:00 – 17:00	84.2	59.9	58.8	55.3	61.8	64.3	56.9			
17:00 – 18:00	77.0	58.2	58.4	53.7	60.6	62.3	54.6			
18:00 – 19:00	73.7	52.8	54.9	50.6	58.1	58.1	52.4			
19:00 – 20:00	79.7	54.0	56.3	47.9	58.4	57.9	50.5			
20:00 – 21:00	74.1	52.1	54.4	48.7	58.4	61.7	50.7			
21:00 – 22:00	74.3	52.8	54.9	47.7	58.6	61.9	51.1			
22:00 – 23:00	75.3	50.5	51.9	45.9	57.3	58.2	48.2			
23:00 – 00:00	81.0	49.3	50.2	43.4	58.0	58.6	45.4			
00:00 – 01:00	72.7	47.1	49.3	42.1	54.6	57.6	43.2			
01:00 – 02:00	72.2	46.5	48.1	40.8	51.2	50.8	41.9			
02:00 – 03:00	68.2	46.0	48.3	40.7	48.5	49.6	41.4			
03:00 – 04:00	72.9	45.3	47.6	40.7	49.5	51.7	41.5			
04:00 – 05:00	64.8	45.2	47.5	40.6	51.5	54.5	42.0			
05:00 – 06:00	67.2	47.9	48.5	44.0	51.7	54.0	45.0			
06:00 – 07:00	72.4	51.1	52.9	43.7	53.5	55.2	47.8			
								53.3	55.0	42.4



8.3. Recorded Noise Levels (07:00 17th October 2015 to 06:59 18th October 2015)

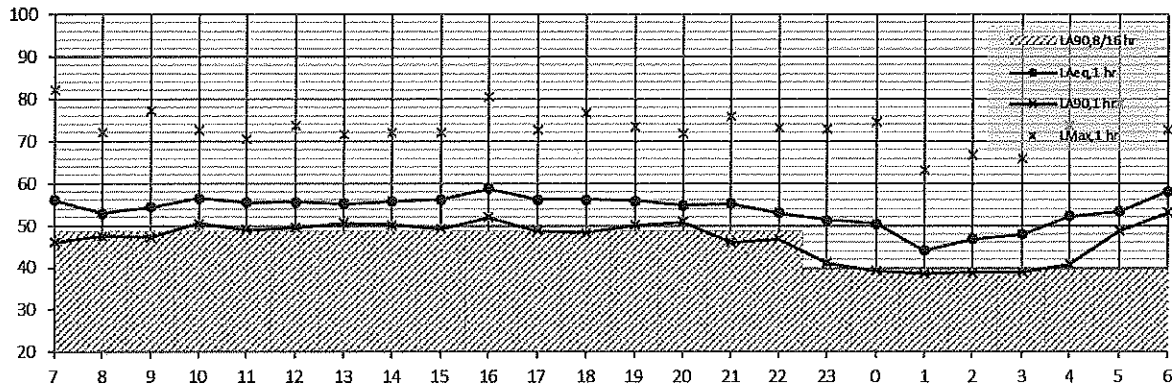
Time Period	L _{Max}	Minimum 15 minute			1 Hour			Day and Night		
		L _{Aeq,15 min}	L _{A10,15 min}	L _{A90,15 min}	L _{Aeq,1 hour}	L _{A10,1 hour}	L _{A90,1 hour}	L _{Aeq,t}	L _{A10,t}	L _{A90,16hours}
07:00 – 08:00	73.6	51.8	53.9	49.3	54.7	56.5	51.0	57.9	60.4	51.2
08:00 – 09:00	83.2	55.2	55.8	49.7	59.5	59.8	52.2			
09:00 – 10:00	76.4	53.2	55.3	49.4	57.7	59.5	52.2			
10:00 – 11:00	78.0	54.7	56.0	50.8	59.4	61.2	52.7			
11:00 – 12:00	73.7	52.0	54.6	50.0	57.7	58.4	51.7			
12:00 – 13:00	83.5	51.2	52.8	46.6	57.4	57.7	48.6			
13:00 – 14:00	78.0	55.1	56.2	50.5	58.3	59.5	51.8			
14:00 – 15:00	74.3	55.3	56.8	48.8	58.5	61.0	51.8			
15:00 – 16:00	74.6	53.5	55.1	52.7	58.5	60.0	53.4			
16:00 – 17:00	79.4	57.6	58.0	53.3	61.0	62.6	55.6			
17:00 – 18:00	77.8	55.3	56.2	48.5	58.6	61.1	52.3			
18:00 – 19:00	75.7	54.1	55.8	49.1	57.1	57.7	51.8			
19:00 – 20:00	75.8	51.7	54.0	49.3	55.4	56.8	51.4			
20:00 – 21:00	71.0	51.0	53.1	47.5	55.8	56.9	49.2			
21:00 – 22:00	75.9	51.2	53.6	46.9	55.9	56.6	49.5			
22:00 – 23:00	69.8	50.9	53.0	46.3	55.7	57.0	49.4			
23:00 – 00:00	68.5	48.9	50.0	43.3	52.8	54.5	45.4			
00:00 – 01:00	72.6	47.0	49.2	40.7	51.0	51.5	42.5			
01:00 – 02:00	67.8	44.8	47.5	39.9	47.8	49.5	40.7			
02:00 – 03:00	75.3	45.6	48.2	39.6	50.5	49.5	40.4			
03:00 – 04:00	67.4	44.0	46.0	39.9	48.6	50.0	40.5			
04:00 – 05:00	66.4	43.6	45.7	39.2	47.4	48.5	39.8			
05:00 – 06:00	73.0	45.6	47.4	39.7	49.1	50.6	40.8			
06:00 – 07:00	69.8	45.5	47.2	42.1	51.0	53.4	44.3			
								50.1	52.2	40.9



Sound Pressure Levels, dB. Reference level of $2 \times 10^{-5} \text{ Nm}^{-2}$

8.4. Recorded Noise Levels (07:00 18th October 2015 to 06:59 19th October 2015)

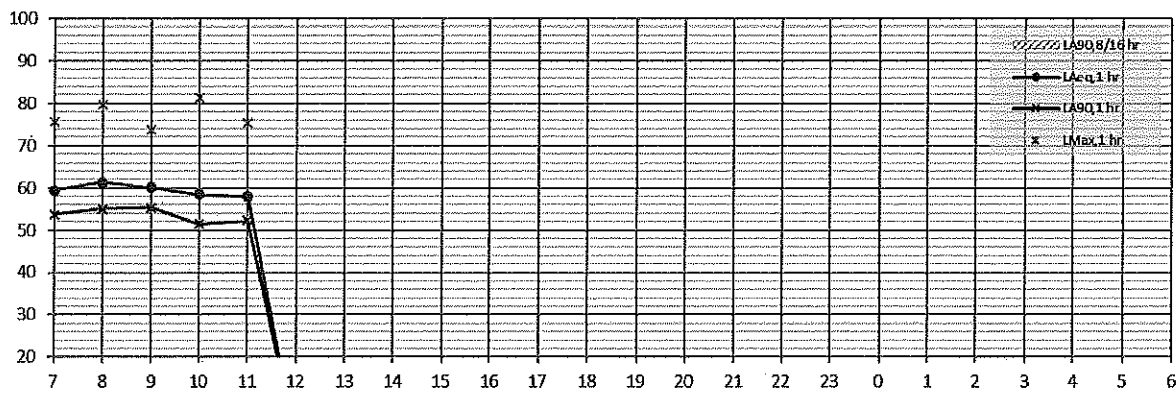
Time Period	L _{Max}	Minimum 15 minute			1 Hour			Day and Night		
		L _{Aeq,15 min}	L _{A10,15 min}	L _{A90,15 min}	L _{Aeq,1 hour}	L _{A10,1 hour}	L _{A90,1 hour}	L _{Aeq,t}	L _{A10,t}	L _{A90,16hours}
07:00 – 08:00	82.2	50.4	51.3	43.4	56.1	55.4	46.0			
08:00 – 09:00	72.0	50.1	51.0	45.6	52.9	54.1	47.5			
09:00 – 10:00	77.3	50.7	51.9	46.1	54.5	55.2	47.3			
10:00 – 11:00	72.6	53.3	54.9	48.8	56.4	57.7	50.5			
11:00 – 12:00	70.5	51.8	53.7	46.5	55.5	56.9	49.0			
12:00 – 13:00	73.7	51.1	53.6	48.0	55.6	57.1	49.6			
13:00 – 14:00	71.5	53.0	55.2	49.1	55.3	57.2	50.7			*
14:00 – 15:00	72.0	52.9	53.8	48.0	55.8	57.7	50.2	55.7	57.5	48.6
15:00 – 16:00	72.1	53.3	54.4	47.6	56.2	56.9	49.3			
16:00 – 17:00	80.6	54.9	57.2	47.6	58.8	60.0	52.0			
17:00 – 18:00	72.7	52.3	53.5	47.9	56.2	59.6	48.8			
18:00 – 19:00	76.7	52.6	53.2	45.7	56.2	58.6	48.4			
19:00 – 20:00	73.4	52.6	53.5	47.6	55.9	58.5	50.1			
20:00 – 21:00	71.9	50.9	53.4	48.2	54.8	56.3	50.9			
21:00 – 22:00	75.8	49.7	51.9	43.7	55.2	57.1	46.1			
22:00 – 23:00	73.2	47.3	48.6	42.0	53.1	54.7	46.8			
23:00 – 00:00	72.8	45.1	47.1	39.6	51.3	53.1	41.1			
00:00 – 01:00	74.5	42.2	44.2	38.6	50.5	49.7	39.3			
01:00 – 02:00	63.2	42.5	44.4	37.9	44.1	46.0	38.6			
02:00 – 03:00	66.8	42.2	44.3	38.2	46.9	50.9	38.8	52.5	55.0	39.5
03:00 – 04:00	65.8	41.7	43.2	38.1	47.9	51.1	39.0			
04:00 – 05:00	73.6	44.2	46.5	39.5	52.3	54.8	40.9			
05:00 – 06:00	78.9	50.7	52.9	43.6	53.4	54.5	48.7			
06:00 – 07:00	72.7	54.4	56.5	52.0	58.1	59.5	53.1			



Sound Pressure Levels, dB. Reference level of 2 x 10⁻⁵ Nm⁻²

8.5. Recorded Noise Levels (07:00 19th October 2015 to 12:00 19th October 2015)

Time Period	L _{Max}	Minimum 15 minute			1 Hour			Day and Night		
		L _{Aeq,15 min}	L _{A10,15 min}	L _{A90,15 min}	L _{Aeq,1 hour}	L _{A10,1 hour}	L _{A90,1 hour}	L _{Aeq,t}	L _{A10,t}	L _{A90,16hours}
07:00 – 08:00	75.7	57.6	57.4	50.0	59.4	60.3	53.8			
08:00 – 09:00	79.6	59.5	59.2	53.9	61.3	61.8	55.1			
09:00 – 10:00	73.7	56.0	58.3	49.4	60.1	61.2	55.4			
10:00 – 11:00	81.4	54.5	55.8	50.2	58.5	58.3	51.5			
11:00 – 12:00	75.4	54.9	56.0	49.5	57.9	58.4	52.3			
12:00 – 13:00	--	--	--	--	--	--	--			
13:00 – 14:00	--	--	--	--	--	--	--			
14:00 – 15:00	--	--	--	--	--	--	--			
15:00 – 16:00	--	--	--	--	--	--	--	--	--	--
16:00 – 17:00	--	--	--	--	--	--	--			
17:00 – 18:00	--	--	--	--	--	--	--			
18:00 – 19:00	--	--	--	--	--	--	--			
19:00 – 20:00	--	--	--	--	--	--	--			
20:00 – 21:00	--	--	--	--	--	--	--			
21:00 – 22:00	--	--	--	--	--	--	--			
22:00 – 23:00	--	--	--	--	--	--	--			
23:00 – 00:00	--	--	--	--	--	--	--			
00:00 – 01:00	--	--	--	--	--	--	--			
01:00 – 02:00	--	--	--	--	--	--	--			
02:00 – 03:00	--	--	--	--	--	--	--			
03:00 – 04:00	--	--	--	--	--	--	--	--	--	--
04:00 – 05:00	--	--	--	--	--	--	--			
05:00 – 06:00	--	--	--	--	--	--	--			
06:00 – 07:00	--	--	--	--	--	--	--			



8.6. Weather Conditions

8.6.1 15th October 2015

	Time	Temperature			Atmosphere			Wind	
		Temp	Dew	RH%	QNH	Vis	Rain	Direction	Speed
15 th October 2015	00:00	--	--	--	--	--	--	--	--
	03:00	--	--	--	--	--	--	--	--
	06:00	--	--	--	--	--	--	--	--
	09:00	--	--	--	--	--	--	--	--
	12:00	12.0	6.0	67%	1022	10.0	--	NE	4.6
	15:00	12.0	6.0	67%	1021	10.0	--	North	3.1
	18:00	11.0	8.0	82%	1021	10.0	--	North	2.1
	21:00	11.0	8.0	82%	1022	10.0	--	North	3.1
	3 hour time period		°C	°C	% RH	mBar	km	--	Degrees

8.6.2 16th October 2015

	Time	Temperature			Atmosphere			Wind	
		Temp	Dew	RH%	QNH	Vis	Rain	Direction	Speed
16 th October 2015	00:00	11.0	9.0	84%	1022	15.0	Rain	North	4.6
	03:00	11.0	8.0	82%	1021	10.0	--	North	3.6
	06:00	11.0	8.0	82%	1021	10.0	--	North	3.6
	09:00	11.0	9.0	88%	1021	9.0	--	North	4.1
	12:00	13.0	9.0	77%	1021	10.0	--	NE	4.9
	15:00	13.0	9.0	77%	1021	10.0	--	NE	3.6
	18:00	13.0	8.0	72%	1021	10.0	--	NE	3.6
	21:00	12.0	9.0	82%	1022	10.0	--	North	3.6
	3 hour time period		°C	°C	% RH	mBar	km	--	Degrees

8.6.3 17th October 2015

	Time	Temperature			Atmosphere			Wind	
		Temp	Dew	RH%	QNH	Vis	Rain	Direction	Speed
17 th October 2015	00:00	11.0	8.0	82%	1022	10.0	--	North	3.1
	03:00	11.0	8.0	82%	1021	10.0	--	North	3.1
	06:00	11.0	8.0	82%	1020	10.0	--	North	3.1
	09:00	11.0	7.0	76%	1021	10.0	--	North	3.1
	12:00	12.0	7.0	72%	1020	10.0	--	NE	5.1
	15:00	13.0	7.0	67%	1020	10.0	--	North	4.1
	18:00	12.0	7.0	72%	1019	10.0	--	North	4.1
	21:00	11.0	8.0	82%	1019	10.0	--	NE	2.6
3 hour time period		°C	°C	% RH	mBar	km	--	Degrees	ms ⁻¹

8.6.4 18th October 2015

	Time	Temperature			Atmosphere			Wind	
		Temp	Dew	RH%	QNH	Vis	Rain	Direction	Speed
18 th October 2015	00:00	11.0	9.0	88%	1019	10.0	--	North	2.6
	03:00	11.0	10.0	94%	1019	10.0	--	North	2.1
	06:00	11.0	10.0	94%	1019	10.0	--	NE	2.6
	09:00	11.0	9.0	88%	1021	10.0	--	NE	2.1
	12:00	14.0	9.0	72%	1021	10.0	--	NE	3.1
	15:00	15.0	9.0	67%	1021	10.0	--	NE	4.1
	18:00	13.0	11.0	88%	1021	6.0	Light Rain	NE	2.6
	21:00	13.0	10.0	82%	1022	10.0	--	NE	2.1
3 hour time period		°C	°C	% RH	mBar	km	--	Degrees	ms ⁻¹

END OF REPORT



ANNEX I

68

Residential /
Proposed
Residential

Under
Construction

Other
Uses

Proportion
Residential
of all Uses

Data Source: Uniform Database
Date: 02/12/2015

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