



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 10th March, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Heather Acton
Louise Hyams

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. CLEVELAND ARMS PUBLIC HOUSE, 28 CHILWORTH STREET, W2

(Pages 1 - 40)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Lancaster Gate Ward / not in cumulative impact area	Cleveland Arms Public House, 28 Chilworth Street, W2	Variation	15/09112/LIPV

2. G-A-Y LATE, GROUND FLOOR, 5 GOSLETT YARD, WC2

(Pages 41 - 88)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative	G-A-Y Late, Ground Floor, 5	Variation	16/00325/LIPV

	Impact Area	Goslett Yard, WC2		
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3. THE HARCOURT ARMS, 32 HARCOURT STREET, W1

(Pages 89 - 144)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Bryanston and Dorset Square Ward / not in cumulative impact area	The Harcourt Arms, 32 Harcourt Street, W1	New	16/00449/LIPN

4. EL CAMION, 25-27 BREWER STREET, W1

(Pages 145 - 338)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact Area	El Camion, 25-27 Brewer Street, W1	Review	15/11278/LIRE VP

**Charlie Parker
Chief Executive
4 March 2016**

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.

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.

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City of Westminster

Agenda Item 1 Licensing Sub-Committee Report

Item No:	
Date:	10.03.2016
Licensing Ref No:	15/09112/LIPV - Premises Licence Variation
Title of Report:	Cleveland Arms Public House 28 Chilworth Street London W2 6DT
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	15 October 2015		
Applicant:	Cleveland House (Chilworth) Limited		
Premises:	Cleveland Arms Public House		
Premises address:	28 Chilworth Street London W2 6DT	Ward:	Lancaster Gate
		C.I.A.	N/A
Premises description:	A traditional public house.		
Variation description:	<ul style="list-style-type: none"> • To increase the hours of opening times to allow the sale of breakfast. • Internal changes to the layout to increase the space available for licensable activities in the basement area and to reinstate full cooking facilities. • Extra male and female toilet facilities to be added. • The capacity of the premises is to remain at 90 including staff. 		
Premises licence history:	The premises has operated as a public house since at least conversion to the Licensing Act 2003 in 2005.		
Applicant submissions:	<p>This application has been made following pre-application advice (see Appendix 2).</p> <p>The applicant has also submitted an Operational Management Plan dated 22 June 2015 (See Appendix 2).</p> <p>Conditions have been agreed with Environmental Health (see Appendix 4).</p>		

1-B Current and proposed licensable activities, areas and hours

Performance of Live Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	22:50	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Playing of Recorded Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Anything of a similar description to Live Music or Recorded Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	22:50	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Late night refreshment – No change						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	2300	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	2300	2330	No change			
Wednesday	2300	2330	No change			
Thursday	2300	2330	No change			
Friday	2300	0000	No change			
Saturday	2300	0000	No change			
Sunday	N/A	N.A	No change			
Seasonal variations:	Current: N/A				Proposed: No change	
Non-standard timings:	Current: Sunday before bank holiday 2300 – 0000.				Proposed: No change	

Sale by Retail of Alcohol – No change						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	2250	No change			
Seasonal variations:	Current: N/A				Proposed: No change	
Non-standard timings:	Current: Sunday before bank holiday 12:00 – 00:00.				Proposed: No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	08:00	No change	Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	08:00	No change		
Wednesday	1000	2330	08:00	No change		
Thursday	1000	2330	08:00	No change		
Friday	1000	0000	08:00	No change		
Saturday	1000	0000	09:00	No change		
Sunday	1200	2250	09:00	No change		
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

1-C Layout alteration
Plans to increase the size available for licensing premises. Please see the attached plans at Appendix 1 and the pre-application advice at Appendix 2.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Anil Drayan
Received:	12 November 2015
<p>I refer to the application for variation of the premises licence for the above premises. The applicant has submitted new plans of the premises and is seeking the following:</p> <p>To change the layout of the premises in accordance with the submitted plans.</p> <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <p>The changes in layout may lead to an increase in Public Nuisance in the area and may adversely impact on Public Safety.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p> <p>Following a site visit, Mr Drayan has proposed 20 additional conditions dated 3 December 2015 (see Appendix 4).</p>	

2-B Other Persons			
Name:		Mr Paul Gray	
Address and/or Residents Association:		2 Gloucester Mews West London W2 6DY	
Status:	Valid	In support or opposed:	In support
Received:	15 November 2015		
<p>This is a valued community pub, catering particularly for local residents. It supports local activities, for example the fireworks in Cleveland Square. It is popular for lunch for local business people. The proposed alterations to provide a kitchen and dining room will be of good use for local residents.</p>			
Name:		Mr John King	
Address and/or Residents Association:		25 Chilworth Street London W2 3HA	
Status:	Valid	In support or opposed:	Opposed
Received:	18 November 2015		
<p>I write in regard to the above application and would wish to make the following points:</p> <ol style="list-style-type: none"> 1) The applicant states they have no wish to change the hours except for earlier opening for non-licensable activities. However it would appear that they wish to stay open till midnight on Sunday, currently licensing ceases along with all the other pubs in the non-stress area at 22.30. Any change could set a precedent. 2) We understand that no outside consumption of alcohol is allowed after 22.30. We would like this to continue as a term of the licence and an obligation to clear all the people from the front terrace by this time as this is a residential street and the pub is surrounded by flats and mews houses. 3) Such new licence not to come into force until completion of the building works and a numbers cap by the Fire Officer. 4) The archway to be removed from the licensed premises as any congregation of people under the arch will cause a noise nuisance to the mews. 5) A term of the existing licence had been that no preparatory cooking is permitted on the premises. We would ask that a comprehensive filtered ventilation system be installed before this term is released. 			
Name:		Mr John Zamit	
Address and/or Residents Association:		S.E.B.R.A	
Status:	Valid	In support of opposed:	Opposed
Received:	19 November 2015		

We object / have concerns to certain aspects of variation but are confident / trust agreement can be reached to resolve these concerns of our members living in vicinity of pub.

We note no change in 'hours of sale of alcohol' proposed except earlier opening of premises nor any change in maximum capacity (we were told by a member that application form showed increase hours on a Sunday but assured that this is not the case) - we think due to increase in size of premises for drinking / eating more customers will frequent pub than at present.

We note proposal to create drinking area in basement and we think that should be condition on maximum number in this area and also it should be laid out with tables and chairs so that patrons can be seated. We wondered if this area should be conditioned if alcohol should be ancillary to taking table meal or at least food to be available at all times

We always ask, if no conditions already on existing licence, that deliveries and refuse / recycling conditions are placed on licence. We note on management plan no beer deliveries till after 9 am (and assume none on weekends / bank holidays) in Gloucester Mews West and no doubt this will be a condition. We understand some deliveries needed via front of pub after 7am (later on Sundays we trust) and suggest that deliveries should cease by say no later 8pm at latest and say 4pm Sundays and be by vehicles only using Chilworth Street.

Likewise we trust refuse and recycling collections will be controlled as is standard practice on new licences or variations to say none to take place between 10 pm and 7am and none on Sundays.

Main area of concern to local residents living adjacent to a pub is noise and any anti social behaviour outside - especially late in evening - and believe that in this case no drinks should be taken off the premises i.e. on public pavement, particularly under archway leading to Gloucester Mews West or Upbrook Mews opposite. We note on existing licence outside drinking (including standing or seated area outside pub on forecourt) ceases at 11pm and trust customers in pub are off the premises at end of 'permitted hours for sale alcohol'.

We also trust smokers / mobile phone users also will not use area under archways of two mews adjacent to pub.

As is our standard practice we ask for doors/ windows to premises are kept in 'closed' permission say after 8pm

We assume standard / model CCTV and other standard / model police conditions will be on new licence along with standard / model conditions from WCC Environmental Health department regarding keeping outside area of pub clean, noise and ventilation / ducting equipment being installed as part of modernisation / upgrading of premises not being audible to flats above or outside etc.

Name:		Ms Frances Hutchinson	
Address and/or Residents Association		99 Gloucester Mews West London W2 6DY	
Status:	Valid	In support or opposed:	Opposed
Received:	6 November 2015		
<p>In light of continued problems with noise and rubbish, etc left outside the pub, the proposed licence variation is supported on the condition that following conditions be added. These conditions are consistent with those already applicable to the Mitre on Craven Terrace.</p> <ul style="list-style-type: none"> - All doors and windows shall be closed during the playing of amplified music - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance - The outside area on Gloucester Mews West will not be used by customers at any time and notices will be displayed in the archway accordingly - The outside area on Chilworth Street will not be used by any customer after 22:30 and notices will be displayed informing customers that this area will be closed at 22:30 - Any outside seating and or tables shall be rendered unusable by 22:30 - Management and staff will regularly monitor both outside areas to ensure usage in accordance with these conditions - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly - No rubbish, including bottles shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours Monday to Saturday and not before 10:00 hours on Sunday - There shall be no collections or deliveries to the premises between 23:00 hours and 08:00 hours - Management and staff will be responsible for clearing up litter both on the pavement on Chilworth Street and under the archway on Gloucester Mews West adjacent to the pub - The pavement from the building line to the kerb edge immediately outside the premises, shall be swept and or washed and disinfected daily, and litter and sweepings collected and stored in accordance with the approved refuse arrangement. 			
Name:		Mr Daniel Hardy	
Address and/or Residents Association		Not provided – neighbouring property.	

Status:	Valid	In support or opposed:	Opposed
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Received:	16 November 2015
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Unfortunately we are in objection to the application from The Cleveland Arms public House for the following reasons.

Our Daughters bedroom window overlooks the front of the pub and has caused in the past and present issues with noise resulting in her being woken and kept awake late at night.

We have made several verbal complaints to managers of the pub late at night when the crowds drinking outside have become overly rowdy and persistently noisy sometimes resulting in physical violence. At times this has extended past the closing hours facilitated by alcohol being sold in the shop next door.

There is also what appears to be an on going issue with drug taking and the consumption of alcohol purchased from this shop by small groups that gather on the grounds of the off licence joined by pub customers again late at night and after hours. The area surrounding the Cleveland Arms is a very quiet and predominantly residential neighbourhood consisting of largely town houses and flats within, many families with young children attending the local school in Craven Terrace.

We feel that the intended plans and development of the Pub which is obviously being considered to increase custom and in turn increased revenue for the pub will attract larger groups of socialising and therefore increased noise levels.

The plans for windows to be fitted to observe and control customers that may be gathering in this area under the Mews arch is of course a good idea however from what I understand from the plans is that these customers will be directed to move to the front of the pub.

It is not our intention to disrupt the business of the pub however we are convinced that the noise levels and external noisy socialising will only increase and become harder for the management to monitor and control.

Until now our requests and complaints have been direct with the pub by either phone call or in person. However if you advise that this is a matter that requires documentation then we will need to consider contacting the local authorities accordingly.

I hope you can appreciate our circumstances

I would also like to request an e mail in response if possible.

Name:	Ms Natalia Georgiadou
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Address and/or Residents Association	98 Gloucester Mews West London W2 6DY
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Status:	Valid	In support or opposed:	Opposed
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Received:	3 November 2015
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I am concerned about the smells and the waste from the proposed restaurant. Currently licensing hours and noise from the music system are not always respected (01.30 on 31 Oct) and there is no control over customers which means that they are sitting and drinking in the mews on our doorsteps late at night. The mews is also used by customers smoking dope.

Minicab and Taxi pick up noises are also an issue as it seems that customers are not all local.

There should be no doors or windows opening onto the archway as this amplifies the noise.

3. Policy & Guidance

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

Policy PB1:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1:	(i) Applications for hours within the core hours in the policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents – Operational Management Plan and Pre-application Advice
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

NOTES:

1. DO NOT SCALE FROM THIS DRAWING. CONTRACTORS TO CHECK DIMENSIONS ON SITE. DIMENSIONS ARE GIVEN TO FACE UNLESS STATED OTHERWISE.
2. THIS DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

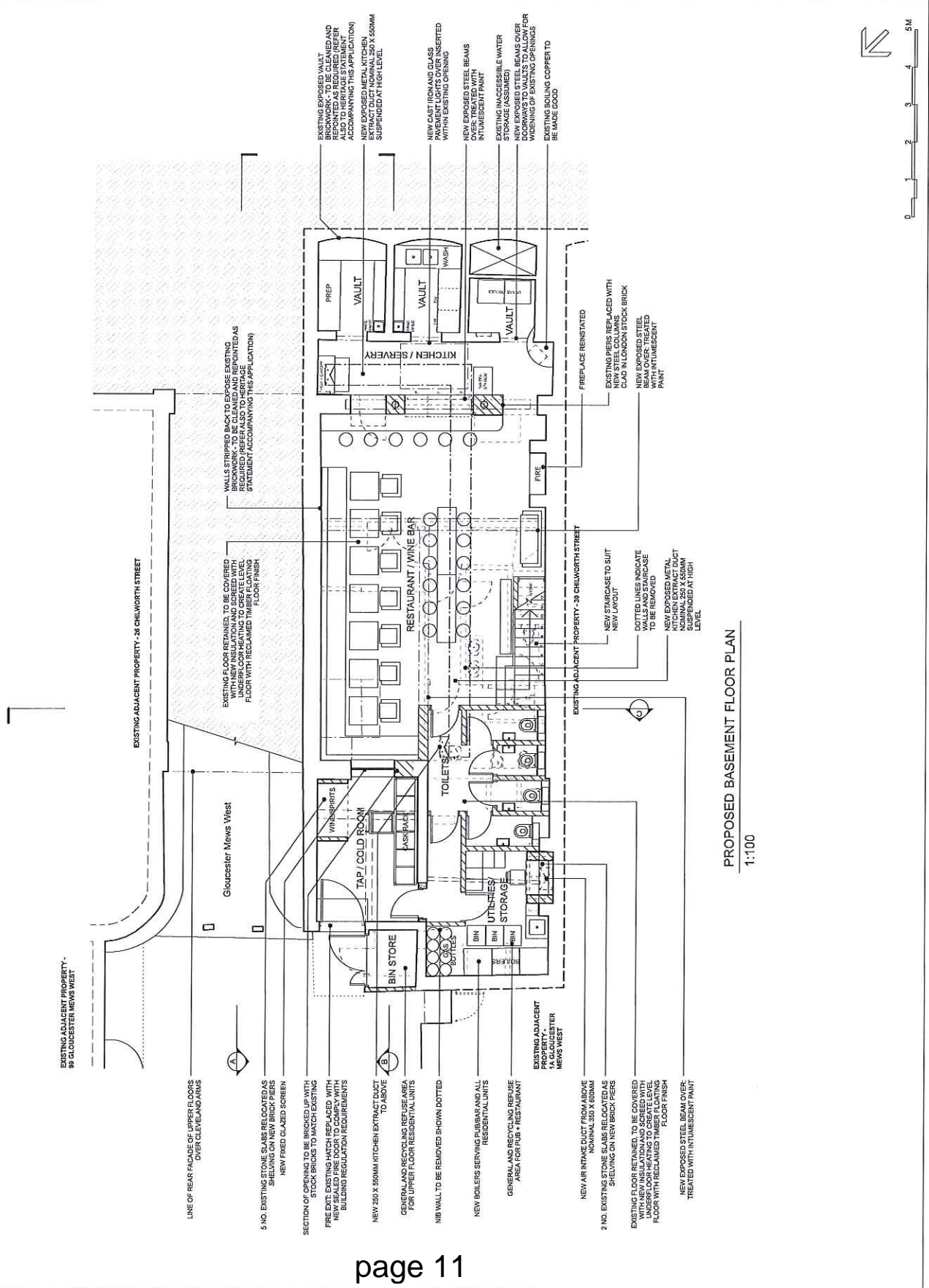
KEY:

	EXISTING FABRIC TO BE RETAINED
	EXISTING FABRIC TO BE REMOVED
	PROPOSED NEW CONSTRUCTION

- NOTES:
1. ENGLISH HERITAGE GUIDANCE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED WHERE NECESSARY TO MEET CURRENT BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 2. ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
 3. EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
 4. EXISTING ORIGINAL INTERNAL WALLS WHERE NECESSARY TO BE RELOCATED TO MEET WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 5. EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED WHERE NECESSARY TO MEET WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 6. LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING:	As Proposed Basement Floor Plan
CLIENT:	María Tamander
PROJECT:	Cleveland House 28 Chilworth Street, London W2 1DT
JOB NUMBER:	038
DWG STATUS:	Planning
SCALE AS:	1:100
CHECKED:	PS
DRAWING NO.:	PL_010
REVISION:	P3

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PROPOSED BASEMENT FLOOR PLAN
1:100

NOTE:

- DO NOT SCALE FROM THIS DRAWING. CONTRACTOR TO CHECK DIMENSIONS ON SITE. DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND SCHEDULES.

No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

- KEY:**
- EXISTING FABRIC TO BE RETAINED
 - EXISTING FABRIC TO BE REMOVED
 - PROPOSED NEW CONSTRUCTION

- NOTES:**
- LOOSE FURNITURE LAYOUTS ARE INDICATIVE.
 - EXISTING HISTORIC FABRIC TO BE RETAINED, OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
 - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
 - EXISTING ORIGINAL INTERNAL WALLS WHERE REPAIRED IN-SITU TO BE UPGRADED WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO MEET BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.

DRAWING: As Proposed
Ground Floor Plan

CLIENT: Maria Tamander

PROJECT: Cleveland House
 28 Chilworth Street, London W2 6BT

JOB NUMBER: 038

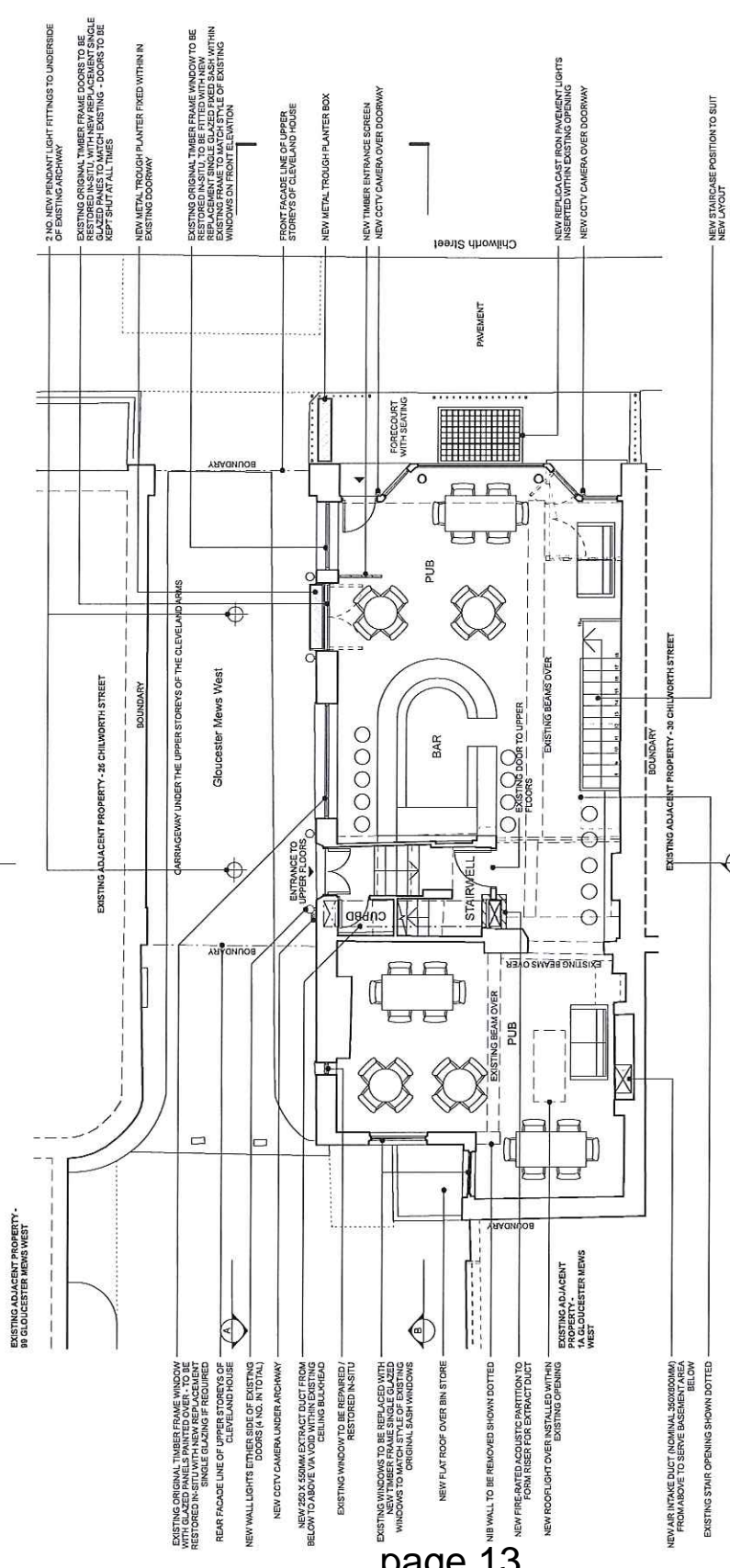
DWG STATUS: Planning

SCALE AS: 1:100 **CHECKED:** PS

DRAWING NO: PL_011 **REVISION:** P3

PENTTINEN SCHÖNE

Unit 311, Kettle House, 38 Mount Pleasant, Leicester LE1 7DF
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 e: studio@penttinen-schone.co.uk



PROPOSED GROUND FLOOR PLAN
 1:100

Appendix 2

6

City of Westminster

Officer Name: Anil Drayan
Designation: EHO
Date: 14/08/15
Contact number: 020 7641 1774
Email: adrayan@westminster.gov.uk
Signed: Anil Drayan
Uniform Ref Number: 15/06005/PREAPS

Trading name of business and Address: Cleveland Arms / Cleveland House (Chilworth) Ltd, 28 Chilworth Street

Reference Number if Applicable:

License: 14/08537/LIPDPS

Applicant/solicitor: Maria Tamander, Cleveland House (Chilworth) Ltd, 28 Chilworth Street, London W2 6DT

Stress Area: No

Type of Business: Public House

Current Licensed Areas: Ground Floor

Current Activities: Live Music, Recorded Music, Anything of a similar description to Live Music or Recorded Music, Late Night Refreshment, Private Entertainment, Sale by Retail of Alcohol

Pre application advice purpose: Applicant undertaking the following: *'We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4. The premises have previously had cooked food.'* - The proposal is for internal alterations, refurbishment and restoration at ground and basement levels with the improvements to include the creation of a Restaurant/Wine bar at basement level.

Background to application:

Environmental Health base this advice on the Design and Access Statement and the Operational Management Plan submitted for the planning application and with this request.

These appear to show that there will be no intention to increase the hours for or have additional licensable activities as part of any application to vary the licence.

The main proposed changes appear to be an increase in opening hours for non-licensable activities to allow service of breakfast, to change the internal layout including providing new additional space for licensable activities in the basement and to re-instate full cooking facilities to allow for a restaurant level offering of food.

sanitary facilities and scale of provision of sanitary and associated appliances: Table 11; licensed pubs etc.

- For your current capacity of 90 this would normally equate to 1 male WC plus urinal and 3 female WC's. Whereas I understand that currently the provision at the premises is only 1 male WC plus 2 urinals and 1 female WC.
- Although Environmental Health would encourage standards to BS 6465 are achieved for existing premises where major refurbishments are proposed we would accept proposals that did not result in any lessening of provision.
- If there is an intention to increase the overall capacity then there should be a commensurate increase in sanitary provision so that it matches the existing ratio of provision.
- As it is the intention to increase the onsite food preparation sanitary accommodation for staff should be separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

Conditions recommended by Environmental Health for an application to vary the licence based on the above information (*these are in addition to existing conditions on the licence*) :

1. The number of persons permitted at the premises at any one time (including/excluding staff) shall not exceed X persons (*to be assessed on completion*)
2. A Challenge 21 proof of age scheme will operate at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
5. Save for in any permitted external area patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

6. All sales of alcohol for consumption off the premises, save for in any permitted external area, shall be in sealed containers only, and shall not be consumed on the premises.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
11. The variation of the Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

Anil Drayan

Environmental Health Officer,

EH Consultation Team

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Although the premises are not in a Stress area, as defined in Westminster's Statement of Licensing policy, aspects of the policy may still apply. The policy can be found on the Council's website at the following link:

This link also lists the wording of model conditions which should be used as the basis of any conditions that may be proposed in an operating schedule for a variation application.

The main Environmental Health considerations with regards to the licensing objectives and licensing policy to the proposal for any subsequent variation of the Premises Licence are the following:

1. Odour and noise nuisance from new plant and machinery

The noise and odour issues have been assessed under the planning application and are considered to be satisfactory.

Additionally as major refurbishments are proposed and as the premises have residential premises immediately above I would recommend that the chance be taken to assess the sound insulation properties through the ceiling and improved if necessary.

2. Capacity

The current capacity at the premises is 90 (including staff). Although the licensable area is proposed to be increased the information submitted does not show whether there is any intention to increase this capacity.

For information the additional licence area in the basement could potentially add another 60 to the overall capacity (I have arrived at the figure of a maximum of 60 based on there being only 1 means of escape from the basement, its width and travel distance).

As the premises licence allows entertainment to be provided any assessment for a maximum capacity for the premises shall in the end be determined under guidance from the District Surveyor's Technical Standards for Places of Entertainment and on any fire risk assessment on completion.

3. Sanitary accommodation:

- For new applications at new build premises involving the request for the supply of alcohol Environmental Health require the provision of sanitary accommodations to be in compliance with the minimum provision as stated in the guidance *British Standard 6465 -1:2006 – Sanitary installations – Part 1: Code of practice for the design of*

6

City of Westminster

Officer Name: Anil Drayan
Designation: EHO
Date: 14/08/15
Contact number: 020 7641 1774
Email: adrayan@westminster.gov.uk
Signed: Anil Drayan
Uniform Ref Number: 15/06005/PREAPS

Trading name of business and Address: Cleveland Arms / Cleveland House (Chilworth) Ltd, 28 Chilworth Street

Reference Number if Applicable:

License: 14/08537/LIPDPS

Applicant/solicitor: Maria Tamander, Cleveland House (Chilworth) Ltd, 28 Chilworth Street, London W2 6DT

Stress Area: No

Type of Business: Public House

Current Licensed Areas: Ground Floor

Current Activities: Live Music, Recorded Music, Anything of a similar description to Live Music or Recorded Music, Late Night Refreshment, Private Entertainment, Sale by Retail of Alcohol

Pre application advice purpose: Applicant undertaking the following: *'We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4. The premises have previously had cooked food.'* - The proposal is for internal alterations, refurbishment and restoration at ground and basement levels with the improvements to include the creation of a Restaurant/Wine bar at basement level.

Background to application:

Environmental Health base this advice on the Design and Access Statement and the Operational Management Plan submitted for the planning application and with this request.

These appear to show that there will be no intention to increase the hours for or have additional licensable activities as part of any application to vary the licence.

The main proposed changes appear to be an increase in opening hours for non-licensable activities to allow service of breakfast, to change the internal layout including providing new additional space for licensable activities in the basement and to re-instate full cooking facilities to allow for a restaurant level offering of food.

sanitary facilities and scale of provision of sanitary and associated appliances: Table 11; licensed pubs etc.

- For your current capacity of 90 this would normally equate to 1 male WC plus urinal and 3 female WC's. Whereas I understand that currently the provision at the premises is only 1 male WC plus 2 urinals and 1 female WC.
- Although Environmental Health would encourage standards to BS 6465 are achieved for existing premises where major refurbishments are proposed we would accept proposals that did not result in any lessening of provision.
- If there is an intention to increase the overall capacity then there should be a commensurate increase in sanitary provision so that it matches the existing ratio of provision.
- As it is the intention to increase the onsite food preparation sanitary accommodation for staff should be separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

Conditions recommended by Environmental Health for an application to vary the licence based on the above information (*these are in addition to existing conditions on the licence*) :

1. The number of persons permitted at the premises at any one time (including/excluding staff) shall not exceed X persons (*to be assessed on completion*)
2. A Challenge 21 proof of age scheme will operate at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
5. Save for in any permitted external area patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

6. All sales of alcohol for consumption off the premises, save for in any permitted external area, shall be in sealed containers only, and shall not be consumed on the premises.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
11. The variation of the Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

Anil Drayan

Environmental Health Officer,

EH Consultation Team

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The main Environmental Health considerations with regards to the licensing objectives and licensing policy to the proposal for any subsequent variation of the Premises Licence are the following:

1. Odour and noise nuisance from new plant and machinery

The noise and odour issues have been assessed under the planning application and are considered to be satisfactory.

Additionally as major refurbishments are proposed and as the premises have residential premises immediately above I would recommend that the chance be taken to assess the sound insulation properties through the ceiling and improved if necessary.

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- For new applications at new build premises involving the request for the supply of alcohol Environmental Health require the provision of sanitary accommodations to be in compliance with the minimum provision as stated in the guidance *British Standard 6465 -1:2006 – Sanitary installations – Part 1: Code of practice for the design of*

OPERATIONAL MANAGEMENT PLAN

FOR

**CLEVELAND ARMS / CLEVELAND HOUSE (CHIRLWORTH) LTD, 28 CHILWORTHE
STREET, LONDON W2 6DT**

REVISION A - 22.06.15

1. INTRODUCTION
2. OPERATIONAL CHART
3. LICENSING
4. OPERATIONS / OPENING HOUSE / DELIVERIES / SERVICES / PERSONELL PLAN
5. SAFEGUARDING THE AMENITY
6. ACCESS, EGRESS AND FIRE ESCAPE
7. ALCOHOL CONSUMTION & ANTI – SOCIAL BEHAVIOUR

- Action – Noise
- Action – Restricted use of arch way
- Action – Smoking

8. HELATH AND SAFETY
9. OTHER SECURITY MEASUREMETNS
10. VENTILATION AND EXTRACTION
11. NOISE AND VIBRATION
12. WASTE DISPOSAL STRATEGY

- Commercial waste
- Residential waste

1. INTRODUCTION

The proposed upgrading of the Public house will be managed by an experienced and fully trained management team of two with one bar manager and another 5 - 10 staff, who will all be closely supervised by a general manager.

This management team will ensure that this Public House is run professionally and that our relationships with our neighbors and the local community is strong. During our first year managing the Public House we have closely been in a dialogue with the local community. There has been several points that has been highlighted and addressed.

This establishment will incorporate a leading edge traditional public house experience where we are catering for not just the local community but residents.

We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4 submission for WCC licencing department (see enclosed existing licence).

A food facility consultation has not been needed seeing that the key management have a long standing experience in area. The management will meet the health inspections physical building requirements and remain in compliance with the health code. The owner/manager will see that all staff are educated in food handling, health and safety, fire/evacuation.

2. OPERATIONAL CHART

Cleveland Arms is owned and part of the Public House (Chilworth) ltd. It is at the present operated by Ashley Sumner and Vivienne Hayman in collaboration with there other ventures in the neighbourhood, The Grocer on Elgine, The Factory and Tin Shed. Vivianne Hayman is the Pub's operational assistance, the land lady at present is Maria Tamander, one of the owners of Cleveland House and the bar manager is "Toni" Antonio Serra (personal licence nr GM 05060970 issued by Gravensham Borough Council 2006 with CPR level 1 – 2 / Health and Safety level 1 – 2 – 3 / Food H&S level 1 – 2)

With over 20 years operating in the area in the customer service industry and in hospitality operations, Ashley and Vivianne is well knowable with the customs and regulations.

Until planning is in place and we have done the necessary upgrading of the premises all food is prepared of site at The Factor, bread is delivered from their bakery.

We have introduced a simple menu and cold platters plus open hot sandwiches to widen then clientele and to be able to serve some healthy food.

The Public House has great importance to the neighbourhood, residents above the pub as well as the local infrastructure and offices.

There for the upgrade is essential where we will be able to see that we can make the commercial space work and be able cater for more craft beers and local microbreweries, we will be able to build a new more efficient cold room. The lower ground floor will be more efficiently used by installing a kitchen were we can prepare food, create a wine bar with wine cellar. New toilet facilities will as well be installed. We will as well be able to create a staff changing area.

3. LICENSING

We are currently trading under a A3 license and will submit a application for mixed use licence from A3 to A3/4 submission for WCC licencing department once our planning application had been approved (see enclosed existing licence).

The amenity and local community is not prejudiced by having a updated Public house. Indeed, CA and team prides itself on ensuring its venue is attractive, well maintained and complementary to the surroundings.

CA will have a comprehensive and extensive training program which all staff under take upon joining the company. This training is then supplemented by continual training by the General Managers in relation to matters such as licencing, food hygiene and health and safety. Photographic ID is required in the form of a passport or driver's license in order to prove the required age for the sale and supply to the customer of alcohol.

A food facility consultation is not needed. The owner will meet the health inspection physical building requirements and remain in compliance with the health code.

4. OPERATIONS / OPENING HOURS / PERSONELL PLAN

This operation is an independent Public House. We took over the property as an on going concern and have managed it since May 2014. With the limitation we have introduced light food platters and open hot sandwiches through out the day.

Monday through Thursday the Pub is operate from the hours of 10:00 – 23:30. Friday and Saturday 10:00 – 00:00, Sunday from 12:00 to 22:50, Sunday before Bank holiday 12:00 – 00:00.

Under new operations we aim for breakfast servings form 08:00 Mondays to Saturdays and Sundays from 09:00, closing house will be the same.

Current staff requirements are 1 member of staff from 09:00 – 10:30, second member will arrive at 11:00, second shift will arrive staggering hours from 15:30 and 16:30. From Thursday we have a third member of staff arriving at 18:00 whom will close and lock up.

Under new operations / license staffing will be in line with the new opening hours and kitchen prep requirements.

Beer deliveries will be made at the back of the building via existing beer hatch (as it is today) after 09:00. Breakfast deliveries will be made between 07:00 – 08:00 all other deliveries and services will take place after 09:00, all via the main front entrance.

5. SAFEGUARDING THE AMENITY

The management team is extremely used to working within high profile and sensitive areas with restaurants in the Westminster and RBCH area.

6. ACCESS, EGRESS AND FIRE ECAPE

Together with our approved building inspector and fire consultant all regulations are being applied based on final approved planning application.

Opening staff will arrive side entrance, all other staff, deliveries (other then beer) will be done via the main front entrance. Customer access will be via the main front entrance. The same procedures will be applied for exiting the premises.

Fire escape – all staff is trained for any emergency. In case of fire there is one exit point from the lower ground floor and we have two on the ground floor. Members of staff are to gather all customers house-guests under the arch at 25 Chilworth Street opposite the pub.

7. ALCOHOL CONSUMPTION & ANTI – SOCIAL BEHAVIOUR

The Cleveland Arms / Cleveland House Chilworth Ltd has every intention to enhance, not impact, upon the surrounding area as to do otherwise would be damaging to our reputation which we have worked tirelessly to achieve.

Reflecting a combination of our healthy food with traditional pub food, meeting the growing local and tourist demand with breakfast, lunch and early evening peak trading periods. CA's overriding sales mix with food is nonalcoholic beverages.

Action – Noise

- The back room of the Pub will be dedicated to eating and more private setting
- The windows / glass in the archway and that is to use a advanced acoustic glazing which is the latest developments in sound and vision.
- We will have a entrance lobby at new location (see drawings)

Action – Restricted use of arch way

- We will by the new internal and external alterations be able to oversee what is going on in the archway.
- We will see that our customers as well as people buying beer and alcohol form the off licence next door do not use this space.
- We will install CCTV camera externally in the archway (see proposed drawings)

Action - Smoking

- By having the windows this will give us the opportunity to direct our customers and ask them to move to the front of the building.

8. OTHER SECURITY MEASUREMETNS

- The windows will help as well, staff and clients will keep an eye. .
- There will be clear internal signage stating opening house and contact details 24/7 at the premises plus on the web site as well as FaceBook
- 24/7 contact are the following Antonio Serra on 07599693171 (will be clearly displayed), the others are Ashely Summer 07799 411955, Maria Tamander 07787 148256, Vivianne Hayman 07884 188373.

9. HEALTH AND SAFETY

Westminster City Council officers work with us in all areas of health and food safety, advising on policy, process and compliance and auditing our restaurants.

10. VENTILATION AND EXTRACTION

CA cooking is mainly low level and odors from the cooking process are considered light to moderate compared to other high street restaurants. However, as a standard we take the following measures to reduce the risk of odours nuisance:

- The kitchen exhaust duct will be routed as per the submitted plans on the basis of WCC's conditions. The exhaust air is discharged vertically at high velocity to ensure dispersal at the highest possible level above the building greatly reduces odour.
- The internal surfaces of the kitchen ductwork are professionally cleaned on a six monthly planned basis to avoid the build-up of grease and contaminants within the system. Cleaning intervals are monitored and adjusted depending on site location and restaurant turnover.
- Baffle filters are installed at the kitchen extract canopy to reduce the introduction of grease into the system.

11. NOISE AND VIBRATION

We already note above the design measures to limit noise disturbance.

It is also important to note that our opening hours are within the core hours; the restaurant will not open into the early hours of the morning. The following measures will also be taken to avoid any nuisance from noise or vibration:

- The kitchen extract and toilet extract fans will be fitted with atmosphere-side silencers to further reduce noise.
- All units operate on a timer system to ensure that everything is shut down during non-trading hours.

12. WASTE DISPOSAL STRATEGY

Waste disposal strategy has been consulted with Mr Andrew Grimm on the commercial waste storage and have for now twice per week collection which will be increased once refurbishment has taken place.

- Commercial waste – We will be kept the commercial waste in the premises until permitted minutes prior to scheduled collection.
- We will not be having any waste being dragged down the arch way at late hours will compensate for having the residents drop their rubbish at the back of the building.
- Residential waste – They will now use the old commercial bin store where they will only be allowed to use during restricted hours between 06:00 to 22:00
- We will be in charge seeing that it is all nice and tidy at all times.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and variation 05/04934/LIPCV	Application to convert and vary the licence under the Licensing Act 2003	08.08.2015	Granted by Licensing Sub-Committee
Transfer application 14/03686/LIPT	Transfer from Hurley Bennett & Co Limited to Cleveland House (Chilworth) Limited	15.07.2014	Granted under delegated authority
DPS variation 14/08537/LIPDPS	Application to vary the DPS	28.10.2014	Granted under delegated authority
Variation application 15/09112/LIPV	Current application		

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.
9. 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

None

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

10. Alcohol may be sold or supplied:
- (a) On Monday to Thursday 10.00 to 23.30.
 - (b) On Friday to Saturday 10.00 to 00.00.
 - (c) On Sundays 12.00 to 22.50.
 - (d) On Sundays immediately prior to a Bank Holiday 12.00 to 00.00
 - (e) 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

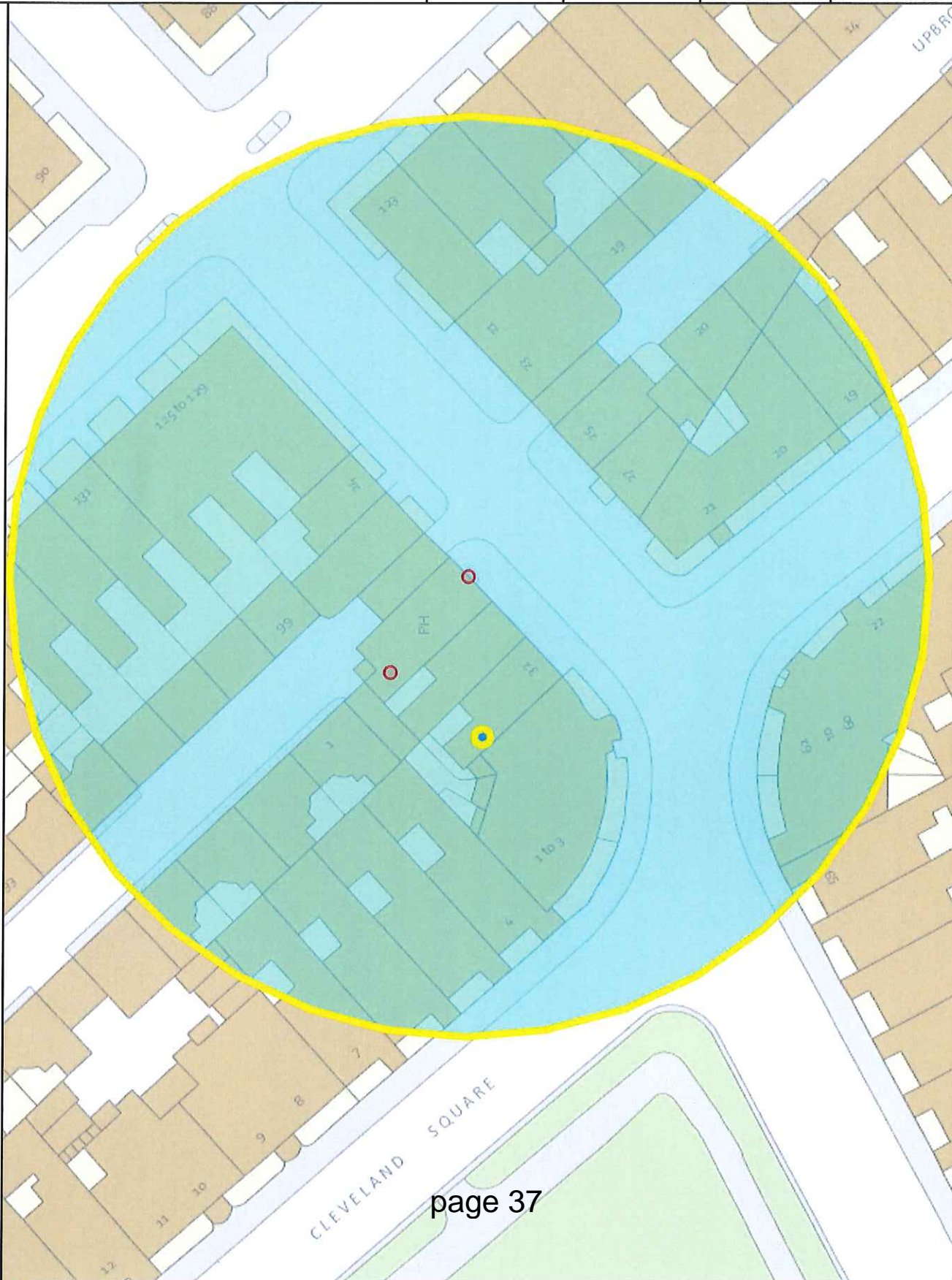
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 11. The capacity of the premises shall not exceed 90 persons (including staff)
- 12. The licence holder to provide emergency lighting to BS5266 or an equivalent standard as approved by LFEPA.
- 13. Regulated entertainment in the form of Live Music, Recorded Music and Anything of a similar description is permitted Monday to Sunday within the hours outlined in condition 10 above, subject to the following agreed conditions:
 - (a) The premises are to operate within the provisions of s.177 of the Licensing Act 2003
 - (b) no external drinking after 23.00
 - (c) the Regulated Entertainment will be limited to 2 performers.
- 14. No children under 14 are allowed in the bar unless the following conditions are satisfied:
 - (a) the premises are not being used solely for the sale or supply of alcohol
 - (b) any child under the age of 14 is accompanied by a responsible adult, parent or guardian over the age of 18
 - (c) it is between 10.00 and 21.00, except where a meal has been ordered before 21.00 in which case the child may remain on the premises up until 21.30 to allow the consumption of the meal.

Conditions proposed by Environmental Health

15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or in its vicinity.
16. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. 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.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. All windows shall be kept closed when amplified music is being played and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons with local restrictions of 60 (*final figure to be determined on completion of works but not more than 60*) in the basement.
21. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be restricted to within the external area of the premises at the entrance as shown on the plans.
22. After 23:00 hours patrons permitted to use the external area at the entrance eg to smoke, shall not be permitted to take any drinks or glass containers with them, maximum 10 people at one time.
23. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
24. The premises licence holder shall ensure that patrons do not use the archway outside the premises, except for access and egress. This area to be monitored by staff including by use of CCTV.

25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No collections of waste or recycling materials, including bottles, from the premises shall take place between 20.00 and 07.00 hours on the following day and must only be collected via the front of the premises in Chilworth Street.
29. Deliveries to the premises shall not take place between 20:00 and 07:00 hours on the following day except Beer which can only be delivered between 09:00 to 20:00 hours via Gloucester Mews.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. The variation of this premises licence ,15/09112/LIPV, will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.



Appendix 5

Residential / Proposed Residential 169

Under Construction

Other Uses

Proportion Residential of all Uses

Data Source: Uniform Database

Date: 17/12/2015

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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	Application form	15 October 2015
5	Representation – Environmental Health	12 November 2015
6	Representation – Mr Paul Gray	15 November 2015
7	Representation – Mr John King	18 November 2015
8	Representation – SEBRA	19 November 2015
9	Representation – Ms Frances Hutchinson	6 November 2015
10	Representation – Mr Daniel Hardy	16 November 2015
11	Representation – Ms Natalia Georgiadou	3 November 2015



City of Westminster

Agenda Item 2 Licensing Sub-Committee Report

Item No:	
Date:	10 March 2016
Licensing Ref No:	16/00325/LIPV - Premises Licence Variation
Title of Report:	G-A-Y Late Ground Floor 5 Goslett Yard London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	13 January 2016		
Applicant:	G-A-Y Group Limited		
Premises:	G-A-Y Late		
Premises address:	Ground Floor 5 Goslett Yard London WC2H 0EE	Ward:	West End
		Cumulative Impact Zone	West End
Premises description:	Lesbian and gay bar and club with late licence, playing pop tunes until the early hours.		
Variation description:	To increase the terminal hour of all licensable activities until 04:00 hrs Tuesday – Saturday. Early sales time of alcohol on Sunday.		
	To remove conditions 23, 24, 25 and 26.		
	Seasonal variations to permit the premises to remain open longer prior to bank holidays and British Summer Time.		
	Add other conditions and change the registered office address of the holder.		
Premises licence history:	See appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Exhibition of films						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	n/a	n/a	No Change	
Tuesday	09:00	03:00	09:00	04:00		
Wednesday	09:00	03:00	09:00	04:00		
Thursday	09:00	03:00	09:00	04:00		
Friday	09:00	03:00	09:00	04:00		
Saturday	09:00	03:00	09:00	04:00		
Sunday	22:00	03:00	n/a	n/a		
Seasonal variations:	Current:				Proposed:	
	N.Y.E through to New Years day for regulated entertainment.				Terminal hour on Sundays before bank holidays to be 04:00. In relation to the morning on	

		which summer time begins, the terminal hour to be 04:00.
Non-standard timings:	Current:	Proposed:
	n/a	n/a

Performance of live music, dance and anything of a similar nature.						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	n/a	n/a	No Change	
Tuesday	09:00	03:00	09:00	04:00		
Wednesday	09:00	03:00	09:00	04:00		
Thursday	09:00	03:00	09:00	04:00		
Friday	09:00	03:00	09:00	04:00		
Saturday	09:00	03:00	09:00	04:00		
Sunday	12:00	03:00	n/a	n/a		
Seasonal variations:	Current: N.Y.E through to New Years day for regulated entertainment.				Proposed: Terminal hour on Sundays before bank holidays to be 04:00. In relation to the morning on which summer time begins, the terminal hour to be 04:00.	
Non-standard timings:	Current: n/a				Proposed: n/a	

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	n/a	n/a	No Change	
Tuesday	23:00	03:30	09:00	04:00		
Wednesday	23:00	03:30	09:00	04:00		
Thursday	23:00	03:30	09:00	04:00		
Friday	23:00	03:30	09:00	04:00		
Saturday	23:00	03:30	09:00	04:00		
Sunday	23:00	03:00	n/a	n/a		
Seasonal variations:	Current: Until 05:00 on N.Y.E.				Proposed: Terminal hour on Sundays before bank holidays to be 04:00. In relation to the morning on which summer time begins, the terminal hour to be 04:00.	

Non-standard timings:	Current:	Proposed:
	n/a	n/a

Sale by Retail of Alcohol						
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	03:00	n/a	n/a	No Change	
Tuesday	10:00	03:00	10:00	04:00		
Wednesday	10:00	03:00	10:00	04:00		
Thursday	10:00	03:00	10:00	04:00		
Friday	10:00	03:00	10:00	04:00		
Saturday	10:00	03:00	10:00	04:00		
Sunday	12:00	03:00	n/a	n/a		
Seasonal variations:	Current: Until 05:00 on N.Y.E.				Proposed: Terminal hour on Sundays before bank holidays to be 04:00. In relation to the morning on which summer time begins, the terminal hour to be 04:00.	
Non-standard timings:	Current: n/a				Proposed: n/a	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	09:00	03:30	No change	
Tuesday	09:00	03:30	09:00	04:30		
Wednesday	09:00	03:30	09:00	04:30		
Thursday	09:00	03:30	09:00	04:30		
Friday	09:00	03:30	09:00	04:30		
Saturday	09:00	03:30	09:00	03:30		
Sunday	12:00	03:30	12:00	03:30		
Seasonal variations:	Current: N.Y.E through to New Years day for regulated entertainment.				Proposed: n/a	
Non-standard timings:	Current: n/a				Proposed: n/a	

1-C Layout alteration

None	onday which I had off)
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1-D Conditions being varied, added or removed		
Condition	Proposed variation	
Condition 23	Remove	
Condition 24	Remove	
Condition 25	Remove	
Condition 26	Remove	
<p>To remove the requirement for admission charges to the premises (Condition 23)</p> <p>To remove the requirement that the premises operate as a membership club on Sundays (Condition 24)</p> <p>To remove the requirement that the last entry time of 01:00 on Sundays (Condition 26)</p> <p>To remove condition 25 to provide for the police approved scan system to apply to members attending the premises.</p> <p>To add a new condition 'to permit the club members priority admission to the premises'.</p> <p>To add a new condition 'Last entry on Sundays to be 02.00 and on any other day to be 03.00'</p> <p>To permit a terminal hour for licensable activities of 04:00 Tuesdays to Saturdays</p> <p>To change the registered office at the premises.</p>		
Adult entertainment:	Current position:	Proposed position:
	n/a	n/a

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr David Nevitt
Received:	03.02.2016
<p>I refer to the above application which seeks a Variation to Premises Licence 13/05294/LIPVM to include the following:</p>	

To remove the requirement for admission charges to the premises (Condition 23);
 To remove the requirement for the premises to operate as a Membership Club on Sundays (Condition 24);
 To remove the last entry time of 0100hrs on Sundays (Condition 26);
 To remove Condition 25 to provide for the Police approved scan system to apply to members attending the premises;
 To add a new Condition to permit club members priority admission to the premises;
 To permit a terminal hour for Licensable Activities of 0400hrs Tuesdays to Saturdays;
 To change the Registered Office at the premises.

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

The premises is located in the West End Cumulative Impact Area as defined by the City Council's Licensing Policy.

This application seeks hours which are beyond the Core Hours as defined by the City Council's Licensing Policy. The matter will therefore need to be adjudicated at a Hearing of the Licensing Sub Committee.

I am concerned that the activities and hours sought may have an adverse impact in the West End Cumulative Impact Area and may contribute to Cumulative Impact in a way that may be prejudicial to local residents, especially in relation to dispersal of patrons late at night. The later hours may cause patrons to be actively present in the Stress Area for longer periods. The applicant will need to demonstrate that what is sought is an exception to the Licensing Policy.

Responsible Authority:	Metropolitan Police
Representative:	Pc Adam Deweltz
Received:	14.01.2016

G-A-Y Late, 5 Goslett Yard, London, WC2 - 16/00325/LIPV

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End Stress Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

This application will have to be heard before the LSC.

2-B Other Persons			
Name:		Mitchells and Butlers on behalf of The Royal George.	
Address :		133 Charing Cross Road London	
Status:	Valid	In support or opposed:	Opposed
Received:	10.02.2016		

Royal George, 133 Charing Cross Road, London
Objection made to Premises Licence

We act for Mitchells and Butlers Leisure Retail Limited ('MAB'), the premises licence holder of the Royal George, 133 Charing Cross Road, London, WC2H 0EA.

MAB wish to object to the application for a variation of premises licence by G-A-Y Group Limited in respect of G-A-Y Late, on the grounds of the prevention of crime and disorder and public safety.

MAB object to this application for the following reasons:

General promotion of the Licensing Objectives

Whilst, in principle, MAB do not object to the part of the application which seeks to extend the terminal hour for licensable activities to 04:00 on Tuesday to Saturday, MAB are concerned by the removal of conditions and the failure by the applicant to specify any detail in their application form as to the steps they intend to take to promote the licensing objectives.

The grant of the variation applied for is likely to attract more customers to G-A-Y Late due to the removal of some of the more restrictive conditions which are currently on the premises licence and therefore the grant of the application has the potential to adversely impact upon the licensing objectives. In particular, the management of the Royal George have experienced difficulties in their customers accessing the premises due to G-A-Y Late's inability to effectively control their customers who are queueing to enter the premises or smoking outside. This situation would be exacerbated unless appropriate measures were adopted in order to control customers.

The map and photographs exhibited to this representation show the location of G-A-Y Late in proximity to the Royal George and also show the lack of control of queueing customers of G-A-Y Late who cause obstruction of Goslett Yard and, at peak times, this results in the pavement and road leading to the Royal George becoming completely obstructed.

Although G-A-Y Late use barriers to assist with separating those queueing to enter the premises from those smoking, Goslett Yard is frequently obstructed by customers of G-A-Y Late resulting in customers of the Royal George having difficulties in accessing the premises.

On occasions such as the evening of 31st December 2015, customers of the Royal

George were unable to access the premises due to large numbers of customers from G-A-Y Late blocking the pavement. The problem has also occurred when G-A-Y Late have held ad hoc events which have seen customers queueing outside the premises from 3pm onwards.

Tyler Thorne, the Designated Premises Supervisor of the Royal George, has been in discussion with the management of G-A-Y Late regarding the issues with failing to control smokers and queueing customers since he began working at the premises in 2014. Mr Thorne's Assistant Manager and Team Leader have also discussed the issues with G-A-Y Late's management team but unfortunately the situation has not been resolved.

Public safety

Although barriers are used in an attempt to control queues, the photographs exhibited to this representation show that the position of the barriers also contributes to the obstruction of the pavement as customers wishing to access the Royal George are forced to walk over the base of the barriers which present a tripping hazard.

Furthermore, the obstruction of Goslett Yard by customers of G-A-Y Late and the current position of the barriers presents a hazard in respect of customers of the Royal George being unable to evacuate the area quickly in the event of an emergency.

The grant of the variation to extend hours and remove conditions regarding admission charges, membership and last admission times is likely to encourage more customers to come to G-A-Y Late and to arrive earlier than they may do at the moment, therefore exacerbating the existing safety issues.

Prevention of crime and disorder

As explained above, MAB are concerned that the grant of an extension of hours in conjunction with the removal of the conditions listed on the application form could increase the issues already being encountered in relation to the lack of control over queueing customers. This carries an increased risk of crime and disorder occurring if customers of the two premises are unable to pass freely between the two premises. MAB hold the premises licence for the Royal George and have concerns that any crime and disorder which is experienced as a result of their customers being unable to access the premises freely could affect their premises licence.

In summary, the grant of this variation without the imposition of appropriate conditions to control the locations of barriers and queueing customers has the potential to exacerbate the problems which have already occurred and to impact upon the licensing objectives of the prevention of crime and disorder and public safety. MAB would therefore request that if the Licensing Sub-Committee is minded to grant this application, consideration should be given to appropriate conditions which would require G-A-Y Late to control queueing customers and smokers.

Pictures submitted at appendix 6

Name:

Mr Tyler Thorne

Address:		133 Charing Cross Road London WC2H 0EA	
Status:	Valid	In support or opposed:	Opposed
Received:	10.02.2016		

As neighbours with our bedroom window overlooking the venue, both myself and my partner have had continuing noise issues, not just from customers, but from staff after work as well. By extending the terminus hour of activities and removing entry fees, this will not only prolong the noise but also potentially increase it, as more people are likely to attend with the ability to stay in the venue drinking for longer.

People are more likely to attempt to wait for the first tube as opposed to getting a bus/taxi by moving the terminus hour closer the start of the underground, these people are likely to be intoxicated and could possibly be loitering in the vicinity making significant noise.

By removing last entry times, this is likely to bring people to the venue later after drinking elsewhere for longer, if arriving intoxicated after drinking longer elsewhere, this could lead to them being denied entry which will elivate the likelyhood of a confrontation with door staff.

With this variations being granted, there is also an issue of public safety, with the venue becoming closer to capacity earlier, due to restrictions on entrance being lifted, this will lead to more queues, especially down the centre of the street for prioity entrance from members, blocking off the only fire escape route from my flat, with most of the pavement already blocked with the current useage of barriers.

Name:		Steve Chambers	
Residents Association		Soho Society	
Status:	Valid	In support of opposed:	Opposed
Received:	10.02.2016		

Reference: 16/00325/LIPV, Premises Licence – Variation, G-A-Y Late Royal George, 133 Charing Cross Road, WC2H 0EA

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972.

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

Application summary

The application is described in Westminster Licensing News (8 February 2016 edition) as follows:

To remove the requirement for admission charges to the premises (Condition 23) To remove the requirement that the premises operate as a membership club on Sundays (Condition 24) To remove the requirement that the last entry time of 01:00 on Sundays (Condition 26) To remove condition 25 to provide for the police approved scan system to apply to members attending the premises. To add a new condition to permit the club members priority admission to the premises. To permit a terminal hour for licensable activities of 04:00 Tuesdays to Saturdays. To change the registered office at the premises.

Hours of operation

The proposal extends the hours of licensable activities to 4.00 am, including sale of alcohol. The premises are in the West End Cumulative Impact Area and already operates outside of Westminster defined core hours. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to retain the existing operating hours to avoid further cumulative impact.

Removal of conditions

The conditions that currently apply to this venue are intended to protect residential amenity and their removal is objected to. The last entry time of 1.00 am prevents attracting further patrons to the venue late at night. The removal of this condition will cause increased noise and other nuisance in the area. The other conditions seek to regulate the licensable activities that are taking place well outside of the core hours policy. For a new license for such a venue it would be typical for similar conditions to be attached and we see no reason why these should be removed in this case.

Licensing policy

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

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy	
PN1	The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.
PS1	Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.
CIP1	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
PB2	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
MD2	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant submissions – none
Appendix 3	Premises history
Appendix 4 Appendix 4.1	Premises Licence conditions Current Premises Licence

Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Objectors pictures

Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

None Submitted

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/04175/LIPC	Licence converted	18/07/2005	Granted GDA
05/12308/LIPDPS	Vary DPS	07.12.2005	Gda
06/02641/LIPV	Full Variation	06.07.2006	LSC granted in part
06/02677/LIPDPS	Vary DPS	10.04.2006	GDA
06/07710/WCCMAP	Master Licence	15.05.2008	GDA
08/03284/LIPV	Full Variation	15.05.2008	GDA
08/04652/LIPD	Duplicate	06.01.2009	GDA
10/08903/LIPVM	Minor Variation	25.11.2010	REFUSED
12/11336/LIPT	Transfer	19.02.2013	GDA
13/05294/LIPVM	Minor Variation	01.08.2013	GDA

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 relating to regulated entertainment (ground floor):

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.

11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

12. The number of people accommodated at any one time (excluding staff) shall not exceed 300.

Conditions for Sale of Alcohol

13. Substantial food and suitable non-intoxicating beverages, including drinking water shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

14. No striptease, no nudity and all persons to be decently attired.

15. A closed circuit television system shall be installed, maintained and operated correctly as agreed with by a Metropolitan Police Crime Prevention Officer. The tapes from the system to be retained for a period of 31 days.

16. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment's.

17. 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.

18. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.

19. 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

20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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

22. 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
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

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

23. On any evening where the premises are open for music, dance or entertainment and a Section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to: a) Person who have paid a minimum admission fee of at least £3 Sunday to Wednesday, £5 Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR b) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously OR c) Artists or persons employed on the premises; OR d) bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; OR e) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.
24. The premises are to operate as a members only club on Sundays, with a 24 hour notice period before membership and a limited number of 4 bona-fide guests per member.
25. Admission for or by members shall be gained by use of a police approved scan system.
26. There is to be no entry to the premises after 01:00 on Sundays.

Permitted hours for the sale of alcohol

27. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end

(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-

(i) with the substitution of references to 04.00 for references to 03.00.

(c) On Sunday the permitted hours shall commence at 12:00 and extend until 03:00.

(d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.
- (j) 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.

Proposed by applicants

28. Permit the club members priority admission to the premises

29. Last entry on Sundays to be 02.00 and on any other day to be 03.00

APPENDIX 4.1



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033534896

Premises licence

Regulation 33, 34

Premises licence number:

13/05294/LIPVM

Original Reference:

05/04175/LIPC

Part 1 – Premises details

Postal address of premises:

G-A-Y Late
Ground Floor
5 Goslett Yard
London
WC2H 0EE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Exhibition of a Film
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Provision of facilities for Dancing

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00
Sunday: 22:00 to 03:00

Provision of facilities for making Music

Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 03:00
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 03:00
Playing of Recorded Music	Unrestricted
Provision of facilities for entertainment of a similar description to making music or dancing	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 03:00
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 03:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 03:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
Unrestricted	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 03:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	12:00 to 03:30

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:

G-A-Y Group Limited
C/o Derek Rothera And Company
Units 15 & 16
7 Wenlock Road
London
N1 7SL

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

03752712

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

Name: Hugh Martin Brian Scot

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: LN/00000774

Licensing Authority: London Borough Of Haringey

Date: _____ 1st August 2013 _____



Signed: pp

Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

8. The responsible person shall ensure that
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

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

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

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

Conditions relating to regulated entertainment (ground floor):

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. The number of people accommodated at any one time (excluding staff) shall not exceed 300.

Conditions for Sale of Alcohol

13. Substantial food and suitable non-intoxicating beverages, including drinking water shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
14. No striptease, no nudity and all persons to be decently attired.
15. A closed circuit television system shall be installed, maintained and operated correctly as agreed with by a Metropolitan Police Crime Prevention Officer. The tapes from the system to be retained for a period of 31 days.

16. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment's.

17. 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.
18. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
19. 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

20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
22. 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
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

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

23. On any evening where the premises are open for music, dance or entertainment and a Section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to: a) Person who have paid a minimum admission fee of at least £3 Sunday to Wednesday, £5 Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR b) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously OR c) Artists or persons employed on the premises; OR d) bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; OR e) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.
24. The premises are to operate as a members only club on Sundays, with a 24 hour notice period before membership and a limited number of 4 bona-fide guests per member.
25. Admission for or by members shall be gained by use of a police approved scan system.
26. There is to be no entry to the premises after 01:00 on Sundays.

Permitted hours for the sale of alcohol

27. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
- (c) On Sunday the permitted hours shall commence at 12:00 and extend until 03:00.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.
- (j) 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.

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: West End
UPRN: 010033534896

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/05294/LIPVM

Part 1 – Premises details

Postal address of premises:

G-A-Y Late
Ground Floor
5 Goslett Yard
London
WC2H 0EE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Exhibition of a Film
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Provision of facilities for Dancing

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00
Sunday: 22:00 to 03:00

Provision of facilities for making Music

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Playing of Recorded Music

Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 03:00

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

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 03:00

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

Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 03:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 03:30

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:

G-A-Y Group Limited
C/o Derek Rothera And Company
Units 15 & 16
7 Wenlock Road
London
N1 7SL

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

03752712

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Name: Hugh Martin Brian Scot

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

Date: 1 August 2013



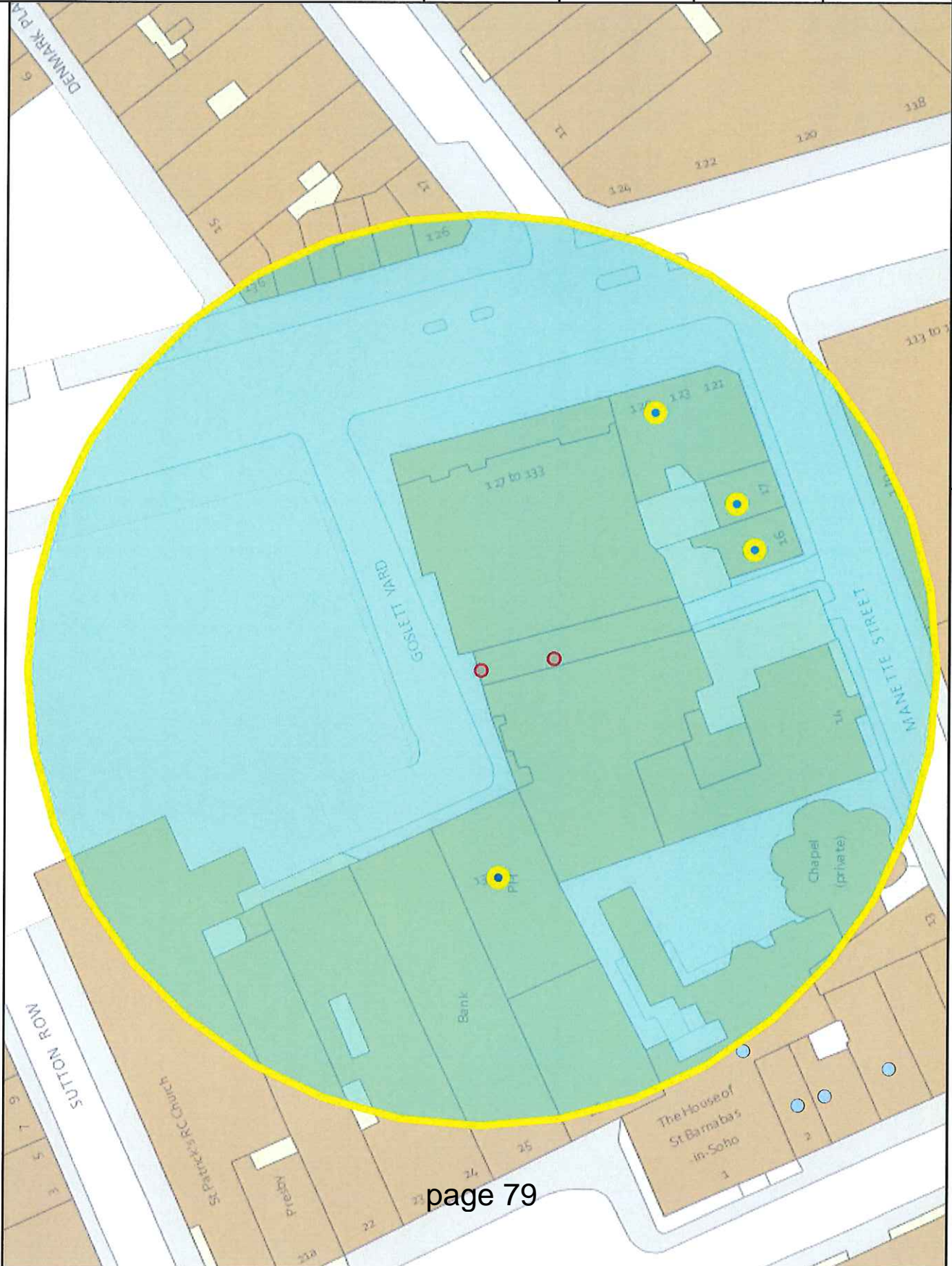
Signed: pp
Operational Director - Premises Management

APPENDIX 5

Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
21101	Pillars Of Hercules Public House	7 Greek Street London W1D 4DF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
24228	Milroys Of Soho	Basement And Ground Floor 3 Greek Street London W1D 4NX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:50
27358	House Of St Barnabas	The House Of St Barnabas In Soho 1 Greek Street London W1D 4NQ	Monday to Sunday 08:00 - 01:30
31134	Royal George Public House	Royal George 133 Charing Cross Road London WC2H 0EA	Sundays before Bank Holidays 07:00 - 00:00 Thursday to Saturday 07:00 - 01:30 Sunday 07:00 - 22:50 Monday to Wednesday 07:00 - 23:30
31303	The Borderline	Borderline Orange Yard London W1D 4AR	Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00 Sunday 09:00 - 23:00
-31277	68 And Boston	4 Greek Street London W1D 4DB	Sunday 09:00 - 02:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30
30123	Crobar	Ground Floor 17 Manette Street London W1D 4AS	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
32589	You Me Bum Bum Train	113 - 119 Charing Cross Road London WC2H 0EB	Monday to Thursday 18:00 - 00:50 Thursday to Saturday 18:00 - 01:20
-30667	The Gay Hussar	2 Greek Street London W1D 4NB	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
5600	G-A-Y Late	Royal George 133 Charing Cross Road London WC2H 0EA	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 03:30
6598	The Gallery Soho	Basement And Ground Floor 125 Charing Cross Road London WC2H 0EA	Monday to Sunday 00:00 - 00:00
23534	Bo Drake Restaurant	Basement And Ground Floor 6 Greek Street London W1D 4DE	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30



5 Goslett Yard

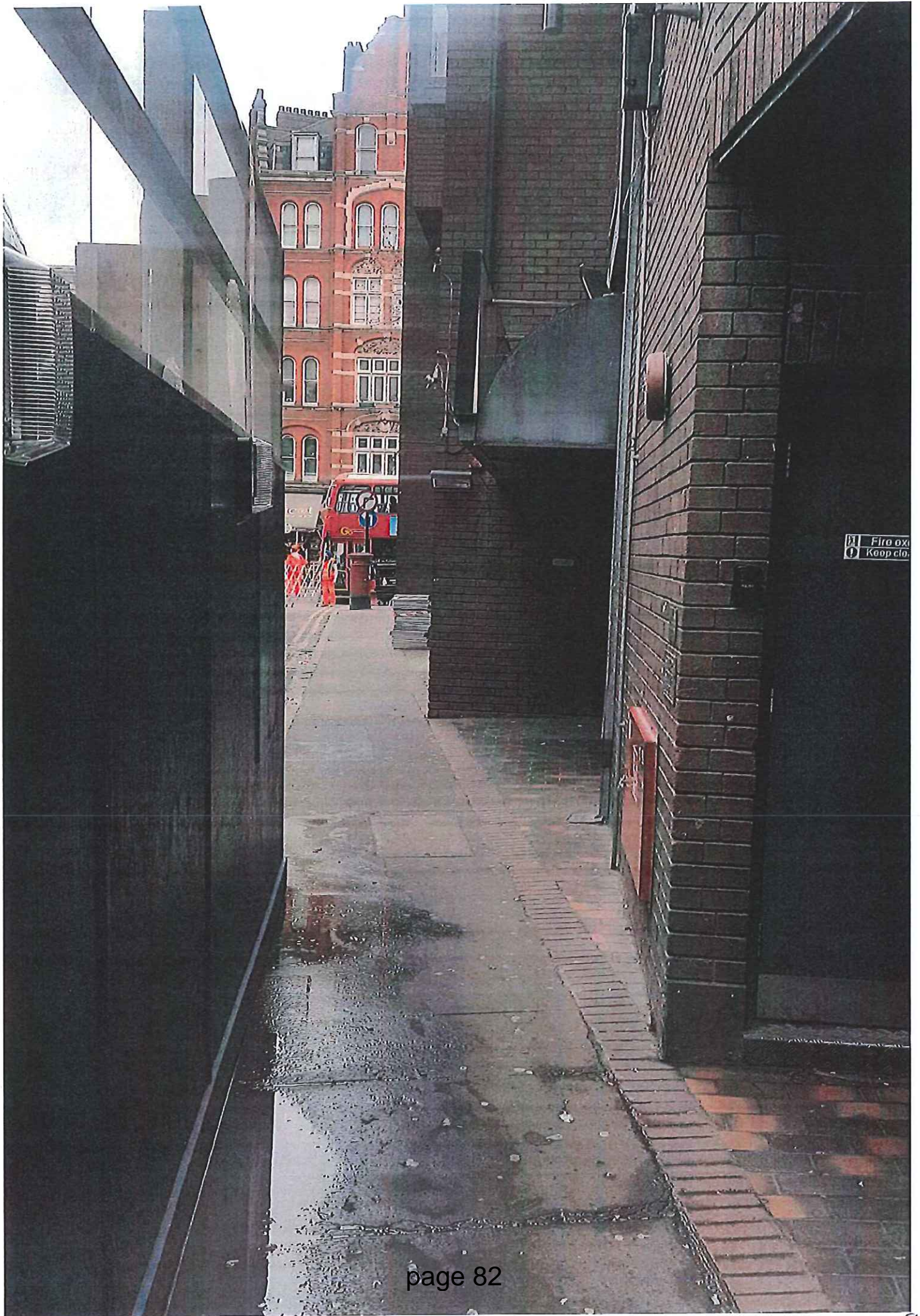


Residential / Proposed Residential	57
Under Construction	n/a
Other Uses	n/a
Proportion Residential of all Uses	n/a

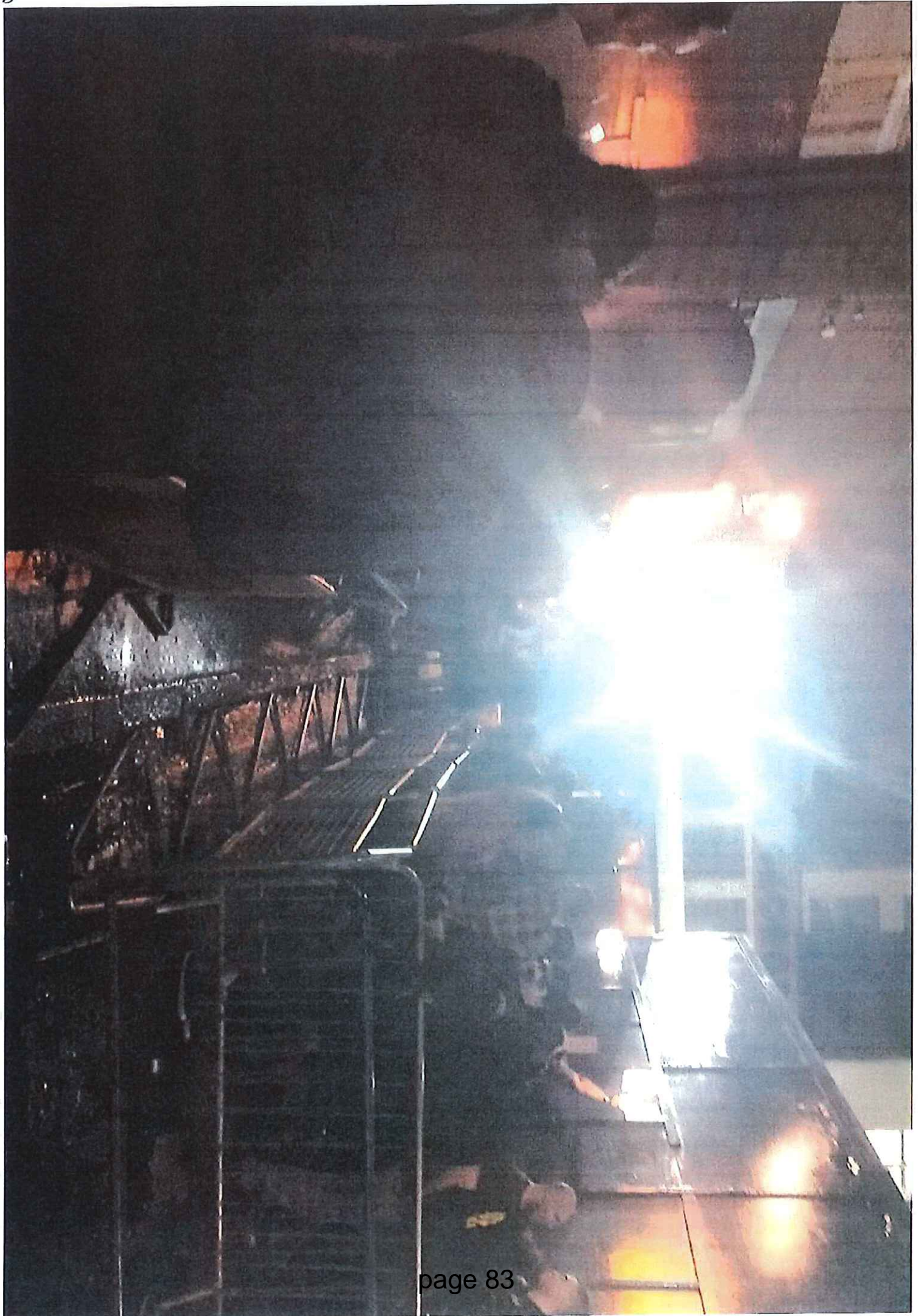
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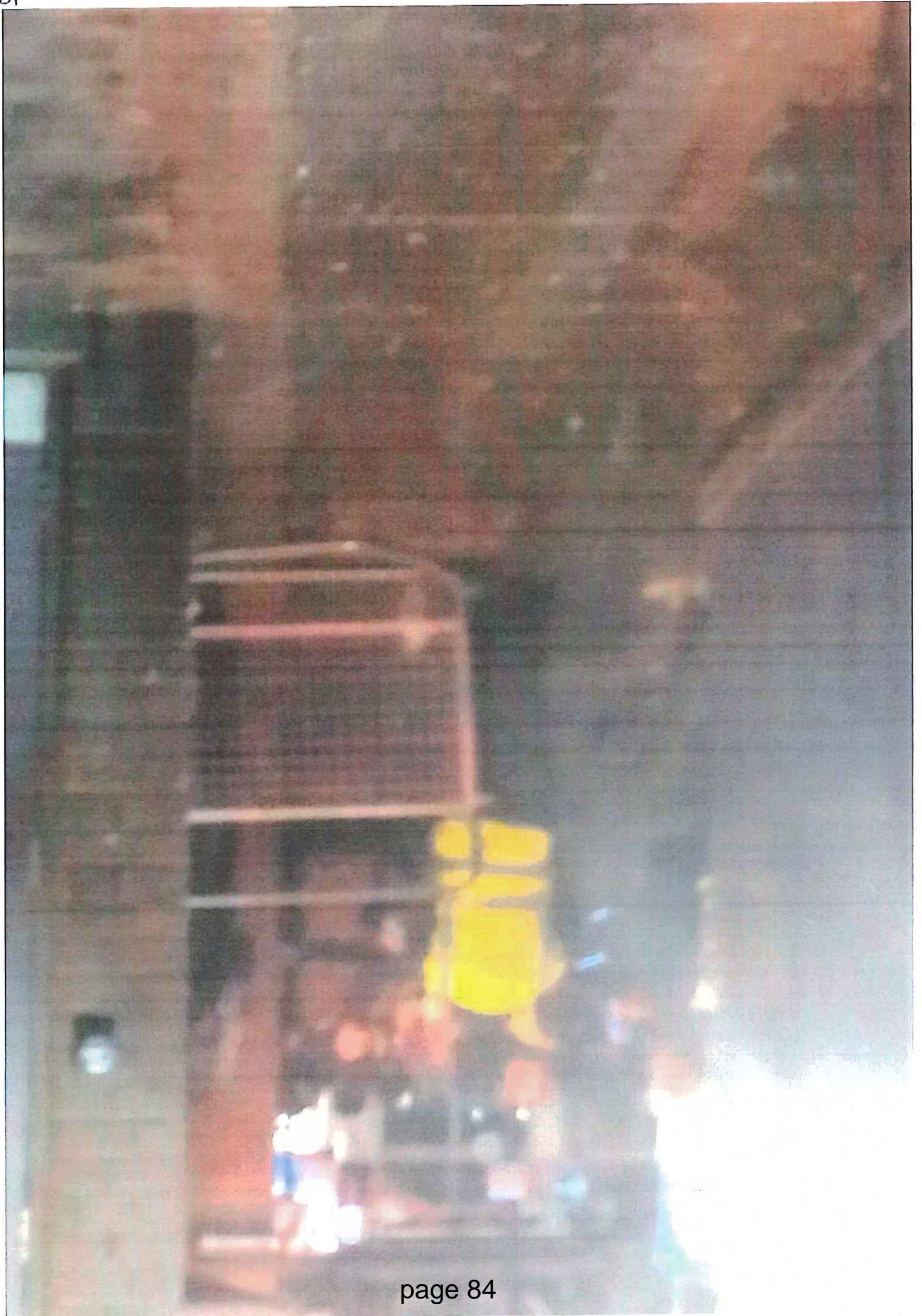
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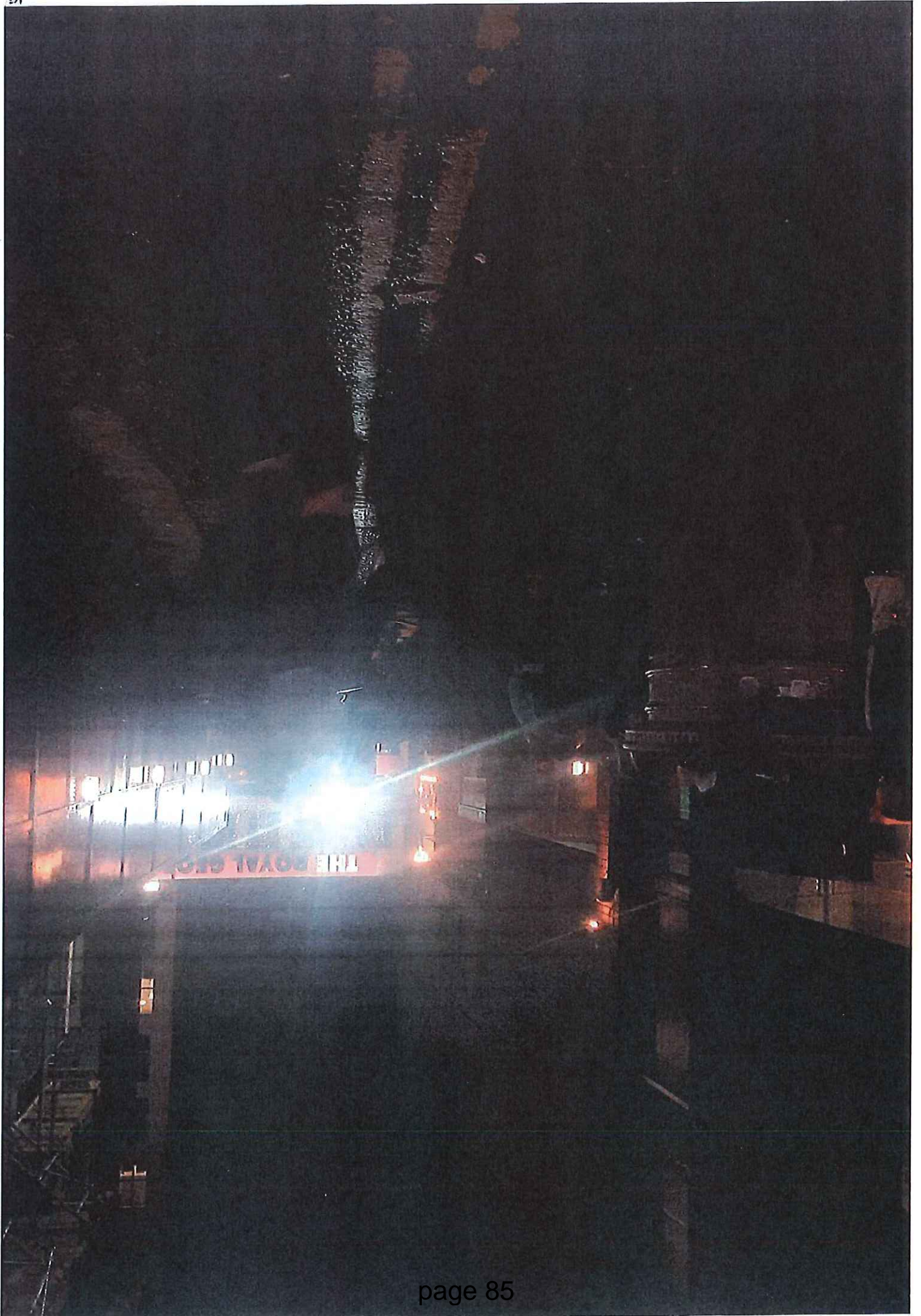


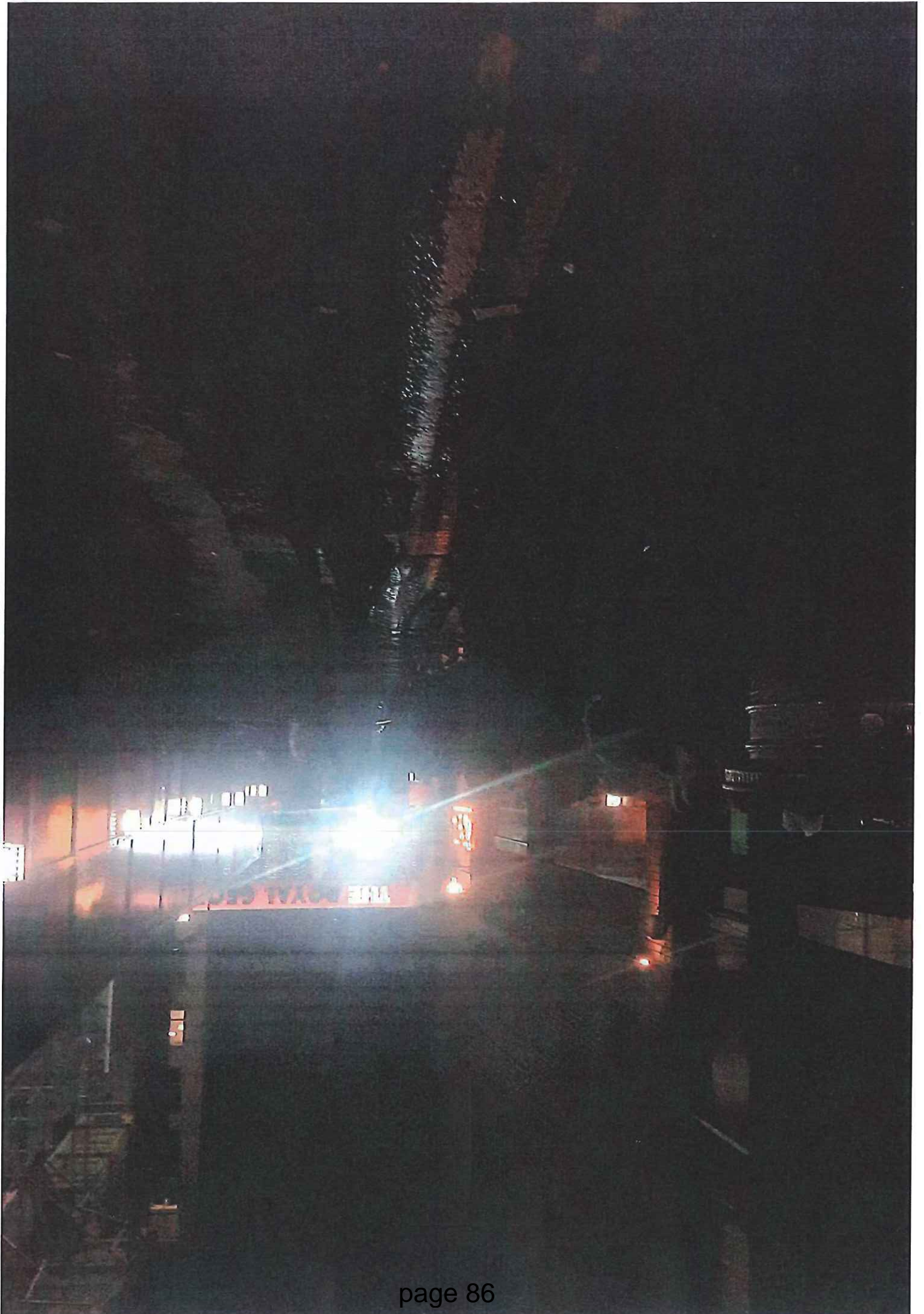


b









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	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Police Objection	February 2016
5	EH Objection	February 2016
6	Objections	February 2016
7	Email to Camden Council	January 2016
8	Resident Letter print request	January 2016
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Agenda Item 3 Licensing Sub-Committee Report

Item No:	
Date:	10 March 2016
Licensing Ref No:	16/00449/LIPN - New Premises Licence
Title of Report:	The Harcourt Arms 32 Harcourt Street London W1H 4HX
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 January 2016		
Applicant:	Harcourt Pub Limited		
Premises:	The Harcourt Arms		
Premises address:	32 Harcourt Street London W1H 4HX	Ward:	Bryanston and Dorset Square
		Stress Area:	No
Premises description:	The premises operate as a Public House which is currently being refurbished. There is an existing licence which will be surrendered if granted. The Lower Ground Floor (Basement) and Ground Floor are used as part of the existing premises licence. The beer garden is situated on the Lower Ground Floor and the applicant states that it will be used as a seated restaurant area for no more than 60 persons.		
Premises licence history:	The premises licence history can be found at Appendix 3 of the report		
Applicant submissions:	The applicant has submitted the following documents namely, A Fire Strategy Report A copy of the proposed amendment to the application form Premises information and menu (Appendix 2)		

1-B Proposed licensable activities and hours						
Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				unchanged	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Tuesday	23:00	23:30	23:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Wednesday	23:00	23:30	23:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Thursday	23:00	23:30	23:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Friday	23:00	23:30	23:00	00:00	Basement,	Basement, Ground

					Ground Floor, First Floor	Floor, First Floor, 2 nd Floor
Saturday	23:00	23:30	23:00	00:00	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Sunday			23:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor

Playing of recorded music						
Indoors, outdoors or both				Current :		Proposed:
				Indoors		N/A
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Tuesday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Wednesday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Thursday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Friday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Saturday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A
Sunday	Unrestricted	Unrestricted	N/A	N/A	Basement, Ground Floor, First Floor	N/A

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:			
Indoors, outdoors or both		Current :	Proposed:
		Indoors	unchanged

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted	Unrestricted	23:00	23:30	Basement, Ground Floor, First Floor	N/A
Tuesday	Unrestricted	Unrestricted	23:00	23:30	Basement, Ground Floor, First Floor	N/A
Wednesday	Unrestricted	Unrestricted	23:00	23:30	Basement, Ground Floor, First Floor	N/A
Thursday	Unrestricted	Unrestricted	23:00	23:30	Basement, Ground Floor, First Floor	N/A
Friday	Unrestricted	Unrestricted	23:00	00:00	Basement, Ground Floor, First Floor	N/A
Saturday	Unrestricted	Unrestricted	23:00	00:00	Basement, Ground Floor, First Floor	N/A
Sunday	Unrestricted	Unrestricted	23:00	23:30	Basement, Ground Floor, First Floor	N/A

Sale by retail of alcohol or both	Current :				Proposed:	
	Both				On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	10:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Tuesday	10:00	23:00	10:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Wednesday	10:00	23:00	10:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Thursday	10:00	23:00	10:00	23:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Friday	10:00	23:00	10:00	00:00	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor

Saturday	10:00	23:00	10:00	00:00	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Sunday	12:00	22:30	12:00	22:30	Basement, Ground Floor, First Floor	Basement, Ground Floor, First Floor, 2 nd Floor
Seasonal variations: (Current)			(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 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, midnight on 31st December).			
Seasonal variations: (Proposed)			From the end of permitted hours on New Year's Eve to the start of permitted hours the following day			
Non-standard timings: (Proposed)			From the end of permitted hours on Sundays immediately prior to Bank Holidays until 00:00			

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations:		From the end of permitted hours on New Year's Eve to the start of permitted hours the following day					
Non-standard timings:		From the end of permitted hours on Sundays immediately prior to Bank Holidays until 00:00					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Maxwell Owusu Koduah
Received:	22 January 2016

I refer to the application for a new Premises Licence.

This representation is based on the operating schedule and accompanying plans by Stuart

The applicant is seeking the following licensable activities:

1. *Playing of recorded music indoors at the following times*
 - *Monday to Thursday: 09:00 – 23:30*
 - *Friday & Saturday: 09:00 – 00:00*
 - *Sunday: 09:00 – 22:30*
 - *From the end of permitted hours on New Year's Eve to the start of permitted hours the following day*
 - *From the end of permitted hours on Sundays immediately prior to Bank Holidays until 00:00*

2. *Late night refreshment indoors at the following times*
 - *Sunday to Thursday: 23:00 to 23:30*
 - *Friday & Saturday: 23:00 – 00:00*
 - *From the end of permitted hours on New Year's Eve to the start of permitted hours the following day*
 - *From the end of permitted hours on Sundays immediately prior to Bank Holidays until 00:00*

3. *Supply of alcohol for consumption on the premises at the following times:*
 - *Monday – Thursday 10:00 – 23:30*
 - *Friday & Saturday 10:00 – 00:00*
 - *Sunday: 12:00 - 22:30*
 - *From the end of permitted hours on New Year's Eve to the start of permitted hours the following day*
 - *From the end of permitted hours on Sundays immediately prior to Bank Holidays until 00:00*

I wish to make the following representation

1. ***The provision and hours requested to permit the playing of recorded music will impact on Public Safety and have likely effect of causing an increase in Public Nuisance within the area***
2. ***The provision and hours requested to permit the provision of Late Night Refreshment will and have the likely effect of causing an increase in Public Nuisance within the area***
3. ***The provision and hours requested for the Supply of Alcohol will 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.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

The Environmental Health Service has proposed conditions which have been agreed by the applicant (**Appendix 4**)

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police
Representative:	Mr Toby Janes
Received:	29 January 2016
<p>Application 16/00449/LIPN – The Harcourt Arms, 32 Harcourt Street, W1</p> <p>It was good to speak with you the other day and clarify a few points. I understand that off sales are not required, however I see that previously there was seating outside the front which is in your licensable area so have included a condition to manage the use of the tables and chairs.</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority make a representation against application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions contained within the operating schedule.</p> <p>The Police have withdrawn their representation as their proposed conditions have been agreed by the Applicant (Appendix 4).</p>	

2-B Other Persons	
Name:	Ms Jo Slevin
Address and/or Residents Association:	21 Cranfield Court Homer Street London W1H 4NE
Received:	30 January 2016
<p>This PH closed 2013 having been subject to 19 incidents reported to the noise team, several complaints to the licensing team and a noise abatement notice served in 2010. The noise team attended and logged large loud gatherings, screaming, shouting and rudeness from the person claiming to be the DPS. Despite this, the new licence application is for EXTENDED hours in premises which have been significantly enlarged at ground floor level, to abut the residentially dense rear boundary, bringing the licensing area for consuming food & alcoholic drinks to within 1.5 m of my home, and that of my neighbours. This would render our peaceful and much valued courtyard, completely unusable. The proposed layout would funnel all internal noise at ground floor towards the rear party wall – exacerbated by new extension opening up the rear of the building with bi-fold doors (only 2m from the boundary). Those residents who strive to reduce environmental congestion by working from home would be precluded from doing so with licensed premises only a few feet away.</p> <p>Further extension of the licensing area at 1st floor level with a proposed party/function room, would overlook bedrooms in Cranfield Court. Large single sash glazing cannot protect us from noise pollution. There are a number of elderly longstanding residents impacted, some of whom have no access to the internet and have asked me to express their grave concerns (names can be supplied). It is wholly unreasonable to expect them to have to consider changing the layout of their homes to ensure they can sleep with minimal disturbance.</p>	

With 9 licensed pubs/bars within 100m, this one having being vacant for 2 years and another also now falling into disrepair, it's difficult to understand how a residential neighbourhood (especially to the rear where the licensing area is to be concentrated) requires extended opening hours when so many of the other licensed premises are already under clear restrictions because of their neighbourhood impact. All residents in Cranfield Court – not least the more vulnerable elderly residents deserve to have their rights/amenity protected. This application must be restricted at locational, musical and temporal levels.

Name:	Miss Lucy Mustoe
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Address and/or Residents Association:	Flat 27 Cranfield Court Homer Street London W1H 4NE
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Received:	7 th February 2016
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7:27 PM on 07 Feb 2016 I am objecting to the proposed late license application. My home overlooks the Harcourt Arms and every late license that has previously been granted has prevented me from sleeping - I have called in the Westminster noise team twice. The new extension to the premises has resulted in the Harcourt Arms now abutting the rear wall of the flats where I live with only a few feet separating their premises from my bedroom. A regular late license to 11.30 during the working week and midnight on Friday and Saturdays would prevent me from using my home for its most basic purpose- as a place of rest & refuge. The Harcourt Arms is surrounded by residential properties and I object most fiercely to ordinary working folk like me potentially losing the peace and quiet we need to get a decent nights sleep at a reasonable hour.

Name:	Mr Paul Crean
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Address and/or Residents Association:	Cranfield Court Homer Street London W1H 4ND
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Received:	4 th February 2016
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4:24 PM on 04 Feb 2016 The area around the Harcourt Arms is a very densely populated residential area. In addition residents are present both during the week and the weekend. Playing music until 11.30pm or later on Friday/Saturdays is not appropriate. There is single glazing to the rear; no doubt windows will be left open on many occasions especially in the summer; the noise will NOT be sound-proofed within the premises and residents - many of who get up early for work - will not be able to have quiet enjoyment of their homes. There will also be continuous disruption from people exiting the premises late at night / after midnight on a regular basis. 'Be considerate' notices will have limited effect on people leaving a pub after drinking. There is no demand from local residents for a late night drinking and music pub in this area. The pub has already been the subject of numerous environmental visits in the past and if this application is approved it will no doubt mean the Council being called out on regular basis as residents are already prepared to do so. While I wish the Harcourt Arms success following its refurbishment, it needs to appreciate it is hemmed in on all sides by residents and I would request that the application be declined.

Name:	Steven Rowland
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Address and/or Residents Association:	37 Cranfield Court Homer Street
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Received:	10 th February 2016
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I am very concerned about the proposed extension to the licence at the Harcourt Arms in

Harcourt Street and am writing to register an objection to these plans.
 I live at 37 Cranfield Court in Homer Street and my flat backs onto the back of the Harcourt Arms. As a freelance writer, I often work at home, as well as sometimes needing to work at the weekend, either at home or elsewhere. My thinking space is very important to me.
 There is nothing but open space between the upper windows of the Harcourt Arms and the back windows of my home on the second floor. A busy pub open throughout the day and playing recorded music would interfere with my ability to think clearly for work - and indeed, just to go about my daily life without disturbance. With the proposed extension until midnight at weekends, the chances of a good night's sleep before a day's work on Saturday or Sunday would be very severely diminished.
 This is of course in addition to the concerns which I know many of my neighbours share about the loss of a peace and quiet to which we are all surely entitled. I know that the premises in question have caused many problems in the past and would hate to see these return, perhaps even worse than before, as a result of an extended licence.
 I urge you to take these points into consideration when making your decision.

Name:	Mr Dominick Stuart
Address and/or Residents Association:	Flat 11 21 Homer Street London W1H 4ND
Received:	7 th February 2016

9:32 PM on 07 Feb 2016 I have, on numerous occasions in the past, been disturbed by the noise from the Harcourt pub. All suggestions that they lower the volume have been met by intimidation. I strenuously object to these works. The proximity of this extension to our homes will bring an obscene amount of noise & odour to within metres of treasured, private living space. I understand that the pub also now want a music & drinks licence until midnight and plan to create a first floor party/function room (with a large single glazed opening window). This will further I urge the council to reject this proposal due to the adverse effect it will have on the lives of so many people..

9:43 PM on 07 Feb 2016 Just reflecting more on this a bit further & the granting of the application will lead to disturbance that will prevent myself, friends, neighbours &, occasionally, family from being able to sleep until Midnight. These are our homes (in a primarily residential area & we have no choice but to be located next to the pub. Patrons have the choice of drinking at a number of establishments but these are our homes. I assume that when the current owners bought the pub, they were aware (& satisfied) of the dimensions, character & restrictions on the pub.

Further the increase in the pubs useable footprint (& the noise/smells generated) is grossly disproportionate in such a quiet, residential area.

Name:	Mr Peter Sleep
Address and/or Residents Association:	95A York Street London W1H 4QG
Received:	12 th February 2016

3:00 PM on 12 Feb 2016 We object to the Licence application. We feel that an application to increase the opening hours is unnecessary in this predominantly residential area and would result in increased noise and have an impact on public safety. As residents living 2 doors away and unable to have double glazing due to Listing Regulations, we are especially concerned about the noise implications late at night. We agree with the Environmental Officers report that the provision and hours requested to supply alcohol, permit the recording of recorded music, and provide late night refreshment will impact on public safety, and have likely effect of causing

an increase in public nuisance, noise and disturbance within the area.	
Name:	Gail Colville
Address and/or Residents Association:	28 Cranfield Court Homers Street London W1H 4NE
Received:	25 th January 2016
<p>One word noise we already had noise problems with 32 Harcourt arms look at you records</p> <p>But w council approved an extension right out in to the garden at the back which backs on to Cranfield court</p> <p>Even tho we objected billy Pattison when contacted by me to ask an inspector to view the extension passed ne to some online form nobody replied I e mailed b Pattison again no reply</p> <p>Have you people visited as we were told double glazing no rear access the structure is,a,wooden fire hazard already</p> <p>No we are told thy want music hallo?</p> <p>Residential area already noise problems why us this going on</p> <p>I demand peace and quiet in my own home as do the other residents at Cranfield court and surrounding flats and houses</p> <p>Now thy ask rear access single not double glazing</p> <p>What is this and why you people can't respond to residents objections</p> <p>Can u use common sense what is the reason you are allowing this to continue</p> <p>I object due to noise smoke health hazard as thy wl b using any rear access fir outside smoking which drifts up to the flats,and stinks</p> <p>It is obvious thy were only approved as no music involved no rear access double glazing</p> <p>Fire hazard noise smoke health hazard very strong objection from me</p> <p>Received 25.01.2016</p> <p>I am strongly objecting to Harcourt arms application for music seven days a,week</p> <p>It will b a public nuisance</p> <p>It WL disturb the peace</p> <p>There is,a history of noise problems with this premises see your records contact your noise department</p> <p>Have any if you visited this,site</p> <p>Have you seen how near it I to our block Cranfield court</p> <p>Have you confirmed the distance from the extension to our block a mere few feet</p>	

No fire exit to street

We were told double glazing and no access to rear of extension

Now they asking for bi folding doors to rear single glazing and music seven days a week

I demand to enjoy peace and quiet in my own home

I am a shift worker I do not want to be reduced to calling noise control after a late hour to tell me what I am telling you now

Something like after 11pm well I want peace at all times

Disruptive clients leaving the premises at night causing a risk

I believe they will need to engage door staff in this case

Also confidentiality why are you passing objections to the client

Who is the client make an address details please

An event company I am told I would like details

Also your notification dated 18 Jan landed on my doorstep today 25 Jan

An afterthought perhaps well I apply for an extension on the basis that your letter date does not reflect the date it was sent by your department

Name:	Mr Andrew Theophilos
Address and/or Residents Association:	Flat 3, 31a Harcourt St London W1H4HU
Received:	8 th February 2016
9:51 PM on 08 Feb 2016 I would like to object to the application for late night refreshment until the hours of 23.30 during weekdays. The previous opening hours of the pub were until 23.00, and after this drinkers would make noise leaving. Even if not at a loud level it would be disruptive to my sleep. Frequently they would be loud and would keep me awake, even while using earplugs. I am concerned that an even later closing time will cause even more disruption, both from the time and the extra drinking hours for revelers before they leave. This is a built up residential area with a lot of flats with bedrooms facing the street, so I believe many other residents will also be affected by this.	
Name:	Mr David Prowse
Address and/or Residents Association:	Flat 13 Cranfield Court 21 Homer Street London W1H 4ND
Received:	23 rd January 2016
12:25 PM on 23 Jan 2016 1. We write as concerned local residents with regard to the redevelopment at Harcourt Arms, 32 Harcourt Street, London, W1H 4HX. 2. Our concern is that given the rear of the building is literally outside of our bedroom window (less than 10m), proper and adequate consideration has been given to sound proofing, and that	

ongoing monitoring is planned, as well as checks on kitchen emissions.
 3. Evidence of this provision will be appreciated as reassurance of the development's minimal impact on our quality of life.
 4. We look forward to your response.

3. Policy & Guidance

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

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

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

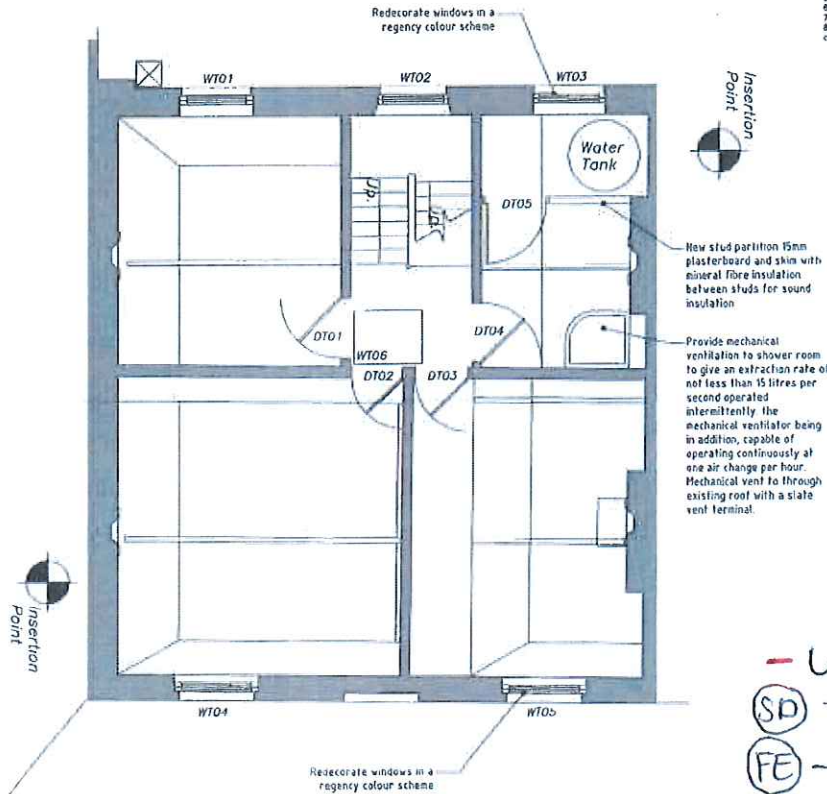
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

- NOTES**
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
 2. All work is to comply with the current Building Regulations and all other legislation.
 3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and related details before the commencement of work on site.
 4. All materials are to be used and installed in strict compliance with the relevant manufacturers' instructions and recommendations.
 5. All work on site, managed and implemented as a result of the designs indicated on this drawing are to be given full consideration. For compliance with the Health and Safety CDM Regulations in respect of Design and Implementation on site and no work is to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
 6. This drawing is not to be scaled.
 7. All dimensions shown in millimetres.
 8. This drawing is the copyright of Stuart Loxton Design Limited and must not be used in conjunction with any other project without Stuart Loxton Design Limited written consent.



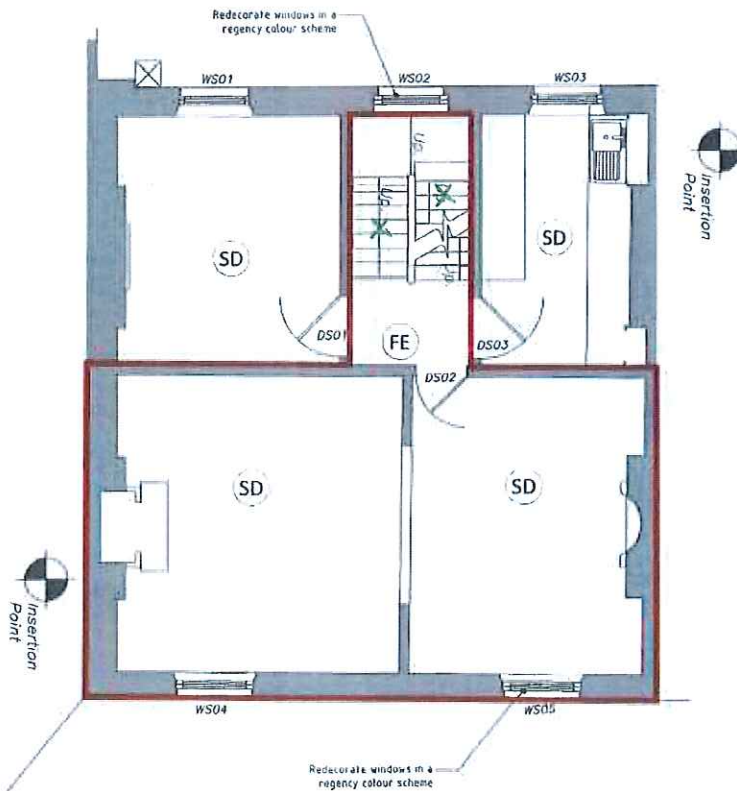
Third Floor Plan

Phase 1

- NOTE:**
All new electrical works to be carried out by a Part P registered competent person.
- Provide at least one low energy light fitting with a luminous efficacy greater than 40 lumens/circuit watt.
- All new radiators to be fitted with Thermostatic Valves.
- FOUL WATER DRAINAGE**
All waste pipes to be formed in PVC with rodding eyes at all changes of direction and be fitted with 75mm deep seal anti-vac traps to CP 304 and BS 5572. WC pans to be fitted with Multi quick outlets. Waste pipe sizes (diameter)
WC = 100mm
Basin = 40mm
Sink = 40mm
If waste pipes exceed 3m in length a separate 25mm branch ventilating pipe should be provided and connected to the SVP above spillover level of appliance.
SVP's to be formed in 100mm diameter PVC pipework, to terminate with a roof file vent minimum 900mm above window openings.
Stub stack, to terminate above spillover level of highest connection.

KEY:

- licensable area
- (SD) - smoke detectors
- (FE) - fire extinguishers
- x - escape routes
- (x) - main escape route/ fire exit



Second Floor Plan

Phase 1

Rev	Date	Revision
E	20/02/2015	Mech vent note revised room 15
D	15/05/2015	Specification notes added
C	05/05/2015	Specification notes added
B	30/03/2015	Revised to suit client changes



Project Title
32 Harcourt Street
London
W1H 4HX

Drawing Title
Proposed 2nd & 3rd Floor Plans
Phase 1

Status **PLANNING ISSUE**

Scale: 1:50 @ A2

Date January 2015

Drawn

Drwg. No.	Rev
15/356/07	E

NOTE
All new electrical works to be carried out by a Part P registered competent person

Provide at least one low energy light fitting with a luminous efficacy greater than 40 lumens/circuit watt

All new radiators to be fitted with Thermostatic Valves.

FOUL WATER DRAINAGE

All waste pipes to be formed in PVC with rodding eyes at all changes of direction and be fitted with 75mm deep seal anti-vac traps to CP 304 and BS 5572. WC pans to be fitted with Multi quick outlets. Waste pipe sizes (diameter):

WC = 100mm

Basin = 40mm

Sink = 40mm

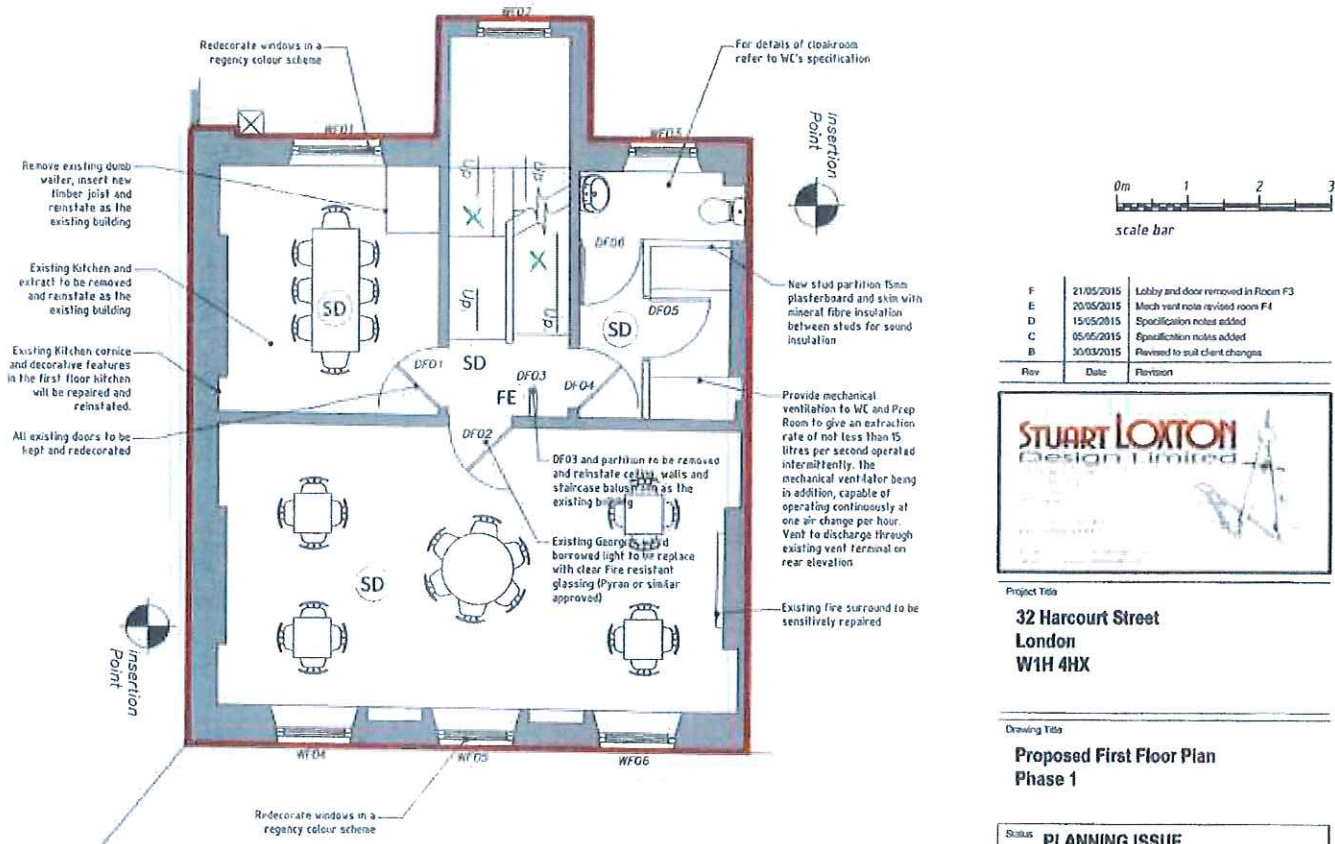
If waste pipes exceed 3m in length a separate 25mm branch ventilating pipe should be provided and connected to the SVP above spillover level of appliance.

SVP's to be formed in 100mm diameter PVC pipework, to terminate with a roof tile vent minimum 900mm above window openings.

Stub stack, to terminate above spillover level of highest connection

NOTES

1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the architect before completion.
2. All work is to comply with the current Building Regulations and allied legislation.
3. All contractors and subcontractors must ensure that they have the latest issue of the drawing and related details before the commencement of work on site.
4. All materials are to be used and installed in strict compliance with the relevant manufacturer's instructions and recommendations.
5. All works on site, arranged and implemented as a result of the design indicated on this drawing are to be given full consideration for compliance with the Health and Safety Executive Regulations in respect of Design and Implementation as they and no work is to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
6. This drawing is not to be sealed.
7. All dimensions shown in millimetres.
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First Floor Plan
Phase 1

Rev	Date	Revision
F	21/05/2015	Lobby and door removed in Room F3
E	20/05/2015	Mech vent note revised room F4
D	15/05/2015	Specification notes added
C	05/05/2015	Specification notes added
B	30/03/2015	Revised to suit client changes



Project Title
**32 Harcourt Street
London
W1H 4HX**

Drawing Title
**Proposed First Floor Plan
Phase 1**

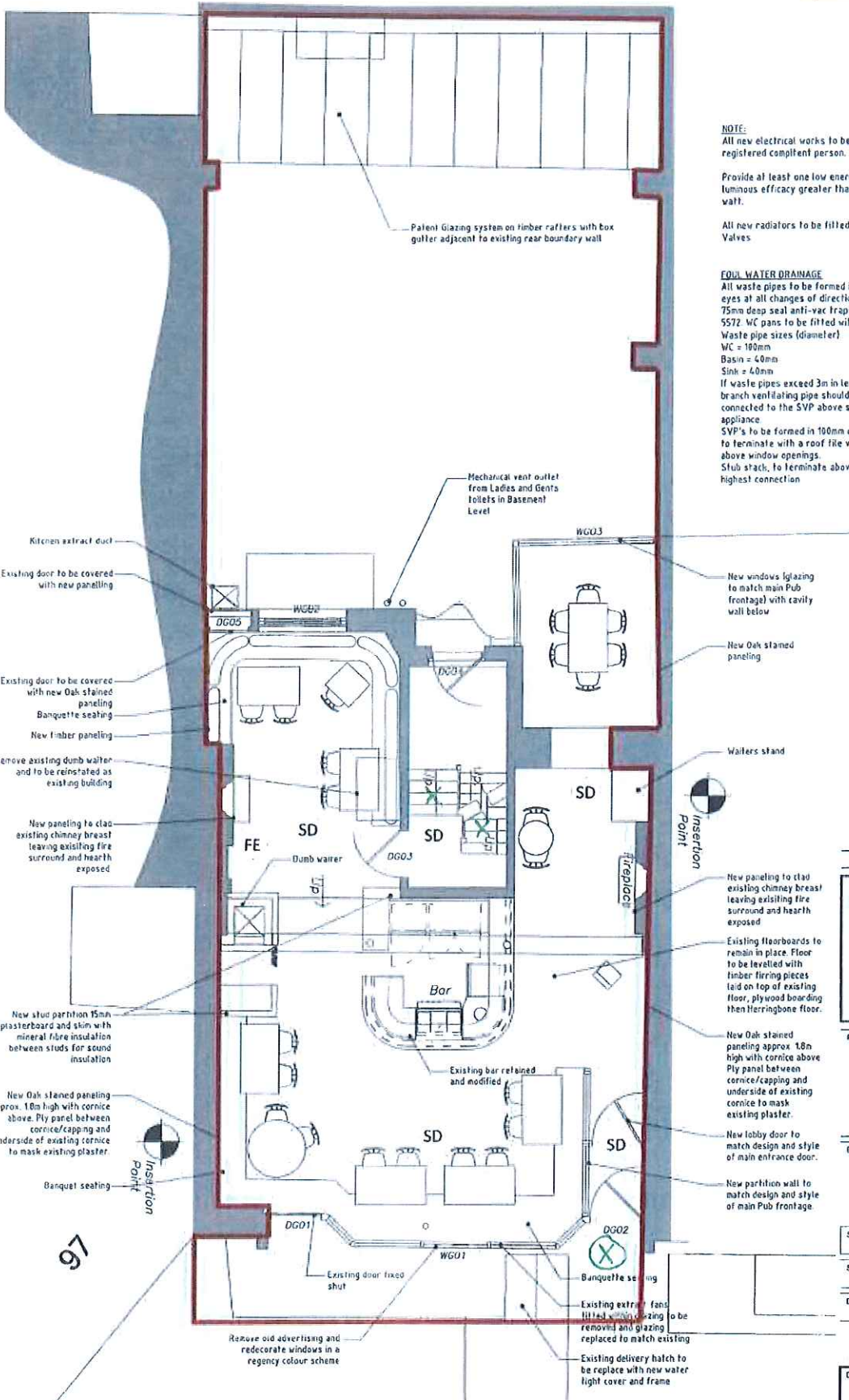
Status **PLANNING ISSUE**

Scale **1:50 @ A2**

Date **January 2015** Drawn

<p>ACTUAL DIMENSIONS SHOWN</p>	<p>Drawg No 15/356/06</p>	<p>Rev F</p>
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- NOTES**
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
 2. All work is to comply with the current Building Regulations and related legislation.
 3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and related details before the commencement of work on site.
 4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.
 5. All works on site, managed and implemented as a result of the design indicated on this drawing are to be given full consideration for compliance with the Health and Safety COM Regulations in respect of Design and implementation on site and no works are to be undertaken if it is considered that compliance with the COM Regulations cannot be achieved.
 6. This drawing is not to be sealed.
 7. All dimensions shown in millimetres.
 8. This drawing is the copyright of Stuart Loxton Design Limited and must not be used in conjunction with any other project without Stuart Loxton Design Limited written consent.



NOTE:
All new electrical works to be carried out by a Part P registered competent person.

Provide at least one low energy light fitting with a luminous efficacy greater than 40 lumens/circuit watt.

All new radiators to be fitted with Thermostatic Valves

FULL WATER DRAINAGE

All waste pipes to be formed in PVC with rodding eyes at all changes of direction and be fitted with 75mm deep seal anti-vac traps to CP 304 and BS 5572 WC pans to be fitted with Multi quick outlets.
Waste pipe sizes (diameter)
WC = 100mm
Basin = 40mm
Sink = 40mm
If waste pipes exceed 3m in length a separate 25mm branch ventilating pipe should be provided and connected to the SVP above spillover level of appliance.
SVP's to be formed in 100mm diameter PVC pipework, to terminate with a roof file vent minimum 900mm above window openings.
Stub stack, to terminate above spillover level of highest connection



Rev	Date	Revision
G	30/09/2015	Drawing status revised
F	20/08/2015	Patent glazing system added and roof light removed
E	28/05/2015	Delivery hatch cover note added
D	20/05/2015	Roof light revised. Basement Toilet mech vent note added.
C	15/05/2015	Specification notes added. Timber glazed system added.
B	05/05/2015	Specification notes added.



Project Title
**32 Harcourt Street
London
W1H 4HX**

Drawing Title
Proposed Ground Floor Plan

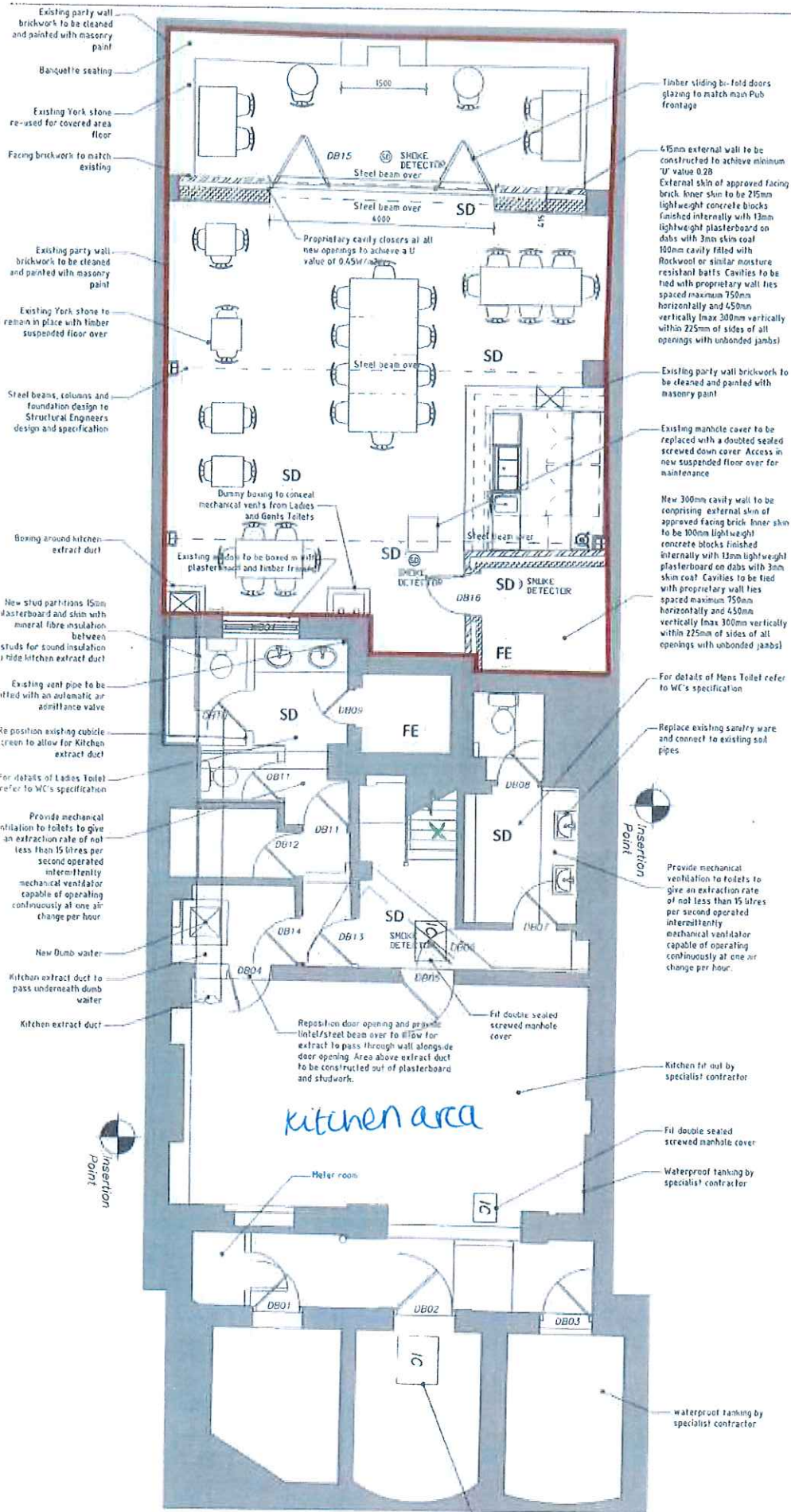
Status **BUILDING REGULATION ISSUE**

Scale **1 : 50 @ A2**

Date **January 2015** Drawn

Dwg. No.	Rev.
15/356/04	G

Ground Floor Plan



Basement Floor Plan
Phase 1

- NOTES**
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
 2. All work is to comply with the current Building Regulations and current legislation.
 3. All contractors and sub-contractors must ensure that they have the latest issue of the drawing and related details before the commencement of work on site.
 4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.
 5. All work on site, proposed and implemented as a result of the changes indicated on this drawing are to be given full consideration for compliance with the Health and Safety/CDB/Regulations in respect of Design and Implementation on site and no work is to be undertaken if it is considered that compliance with the CDB/Regulations cannot be achieved.
 6. True drawings are to be used.
 7. All dimensions shown in millimetres.
 8. This drawing is the copyright of Stuart Loxton Design Limited and must not be used in conjunction with any other project without Stuart Loxton Design Limited written consent.

NOTE:
All new electrical works to be carried out by a Part P registered competent person.

Provide at least one low energy light fitting with a luminous efficacy greater than 40 lumens/circuit watt.

All new radiators to be fitted with Thermostatic Valves.

FOUL WATER DRAINAGE

All waste pipes to be formed in PVC with rodding eyes at all changes of direction and be fitted with 75mm deep seal anti-vac traps to EP 304, and BS 5572 WC pans to be fitted with Multi quick outlets. Waste pipe sizes (diameter)
WC = 100mm
Basin = 40mm
Sink = 40mm
If waste pipes exceed 3m in length a separate 25mm branch ventilating pipe should be provided and connected to the SVP above spillover level of appliance.
SVP's to be formed in 100mm diameter PVC pipework, to terminate with a roof tile vent minimum 900mm above window openings.
Stub stack, to terminate above spillover level of highest connection.

Automatic self-contained mains operated alarms conforming to BS 5446-Part 1, to be provided at each floor level at positions shown. Where more than one alarm is provided, alarms are to be inter-connected so that all alarms sound when one is activated. Alarms to be on a separate dedicated electrical circuit.



Rev	Date	Revision
J	27/03/2015	Building regulation notes added
H	27/03/2015	Covered Area sealing and paving note revised
G	20/03/2015	Room title to room B19 revised to Covered Area
F	28/05/2015	Door and AIC note added
E	20/05/2015	Talkie mech vent note added
D	15/05/2015	Specification notes added kitchen extract duct revised
C	05/05/2015	Specification notes added
B	30/03/2015	Fire screen wall revised
A	04/05/2015	Revised to suit measured survey and drawing number revised



Project Title
**32 Harcourt Street
London
W1H 4HX**

Drawing Title
Proposed Basement Plan

Status **BUILDING REGULATIONS ISSUE**

Scale **1:50 @ A2**

Date **January 2015** Drawn



Dwg No	Rev
15/356/05	J

Project

Harcourt Arms



Document

Fire Strategy Report

Project ref.	UK01643
Date	17 th December 2015
Revision	4

Prepared for

The Harcourt Pub Ltd

Revision Schedule

Rev	Date	Details	Prepared by	Reviewed by	Approved by
01	15 th November 2015	First Draft	Glenn Horton Director	Eamonn Coll Ass. Director	Glenn Horton Director
02	20 th November 2015	Client comments	Glenn Horton Director	Eamonn Coll Ass. Director	Glenn Horton Director
03	8 th December 2015	ASET/RSET	Glenn Horton Director	Eamonn Coll Ass. Director	Glenn Horton Director
04	17 th December 2015	L1/Garden	Glenn Horton Director	Eamonn Coll Ass. Director	Glenn Horton Director

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1 INTRODUCTION

1.1 Instruction

- 1.1.1 H+H Fire is appointed to provide fire safety design and engineering advice on the design of the project known as the Harcourt Arms, Harcourt Street, London. This report outlines the measures required for proposal so as to meet the legally required level of fire safety for the occupants of the building, and for the fire service whom may access the building.
- 1.1.2 This fire strategy is concerned primarily with means of escape from the newly created Garden Room.
- 1.1.3 The report is not intended to deal with the fit-out out generally as this is mainly cosmetic in nature with the layout of the premises with respect to means of escape being as existing with the exception of the beer garden room.
- 1.1.4 It is confirmed that the means of escape from the remainder of the building is not being amended and will only benefit from the measures outlined in this report in terms of improving the fire safety.

1.2 Limitations

- 1.2.1 This fire strategy puts forward key fire safety issues and where necessary details alternative arrangements that need to be considered and incorporated within the design.
- 1.2.2 It is intended where possible to demonstrate that the requirements of the Building Regulations are met via the application of the acceptable solutions of Approved Document B. Where application of these acceptable solutions is not practicable, compliance with the Building Regulations may be demonstrated via an alternative method, but ultimately the final decision as to whether the proposals satisfy the Building Regulations requirements rests with the approving authority.
- 1.2.3 Unless otherwise stated, the proposals in this document are intended to satisfy life safety requirements only. They are not directed towards property protection. Whether increased levels of protection are considered necessary to meet property protection requirements should be discussed by the client with those responsible for insuring the building.
- 1.2.4 The strategy should be seen as a live document that may evolve during further discussions within the design team and with the approving authorities.

1.3 Relevant Legislation

1.3.1 The building and safety measures described in this fire strategy will need to satisfy the relevant provisions of the following fire related legislation:-

- The Building Regulations 2010
- Regulatory Reform (Fire Safety) Order 2005

1.4 Building Regulations 2010

1.4.1 The Building Regulations, produced under the Building Act 1984, are the primary legislation controlling building work and applies to the majority of new or materially altered buildings.

1.4.2 Part B of Schedule 1 to the Building Regulations includes five functional requirements:-

- Regulation B.1 Means of warning and escape.
- Regulation B.2 Internal fire spread (linings).
- Regulation B.3 Internal fire spread (Structure).
- Regulation B.4 External fire spread.
- Regulation B.5 Access and facilities for the fire service.

1.4.3 This fire strategy along with plans issued by the architect is intended to demonstrate full compliance with the above regulations.

1.4.4 The strategy proposed in this document is predicated on the basis that whilst it is accepted that building work as defined within the Regulations is being undertaken but that the building work does not make an existing situation less compliant that it was previously.

1.4.5 In this case whilst the provision of a roof over the garden is clearly building work the reduction in occupant load, improvements in lighting and fire detection improve what was previously a non-compliant means of escape situation.

1.5 Regulatory Reform (Fire Safety) Order 2005

1.5.1 The Fire Safety Order is the primary piece of legislation relating to fire safety in occupied, non-domestic premises (but including the common areas of apartment blocks), and is usually enforced by the local fire authority.

1.5.2 The duty of ensuring that the requirements of the Order are met rests with the Responsible Person, who must undertake a risk assessment for the purpose of identifying the fire precautions he needs to take.

1.6 Statutory Consultation

1.6.1 During the Building Regulations application process, the building control body is required to formally consult with the local fire authority. The purpose of this consultation is to give to fire authority the opportunity to make *observations* with respect to the Building Regulations and to provide an opportunity to make the applicant aware of action that may have to be taken to meet the requirements of the Fire Safety Order.

1.6.2 The consultation should allow both parties to reach mutually compatible views on whether the building meets the requirements of both pieces of legislation. In the exceptional event that the fire authority require physical changes to be made to the building to meet the requirements of the Fire Safety Order, the building control body should make the applicant aware.

1.7 Fire Risk Assessment

- 1.7.1 There is now a requirement for a fire risk assessment to be undertaken for virtually all non-domestic premises including the common areas of blocks of flats. In many instances the significant findings of this assessment are to be recorded. Furthermore, the onus on proving what reasonable fire safety measures should be provided lies with the person responsible for the building, not the enforcing authority.
- 1.7.2 According to PAS 79 - Fire Risk Assessment – Guidance and a recommended methodology – the risk assessment can only validly be carried-out when a building is in normal use. However, it should be noted that there is no grace period between occupation and completion of the risk assessment, and thus failure to undertake a risk assessment prior to occupation could constitute a breach of legislation. H+H Fire are therefore of the opinion that a pre-occupation risk assessment is essential to assist the responsible person in fulfilling their legal obligations.
- 1.7.3 The Building Regulations does not specifically require a risk assessment to be undertaken. However, the development of a fire strategy has risk assessment at its core, thereby ensuring that the measures provided in the building reflect the risk presented by that building's intended use.

1.8 Regulation 38

- 1.8.1 Regulation 38 of the Building Regulations requires fire safety information for a new or altered building to be passed to the responsible person at the completion of the project or on occupation, whichever comes sooner.
- 1.8.2 The aim of this requirement is to provide the responsible person with appropriate information to assist him to operate and maintain the building in reasonable safety. This information can therefore assist the responsible person in undertaking a risk assessment to meet the requirements of the Fire Safety Order.
- 1.8.3 As the developer of the fire strategy, H+H Fire are well-placed to produce the information to meet these requirements. This will ensure a smooth transition between the design stage and the safe occupation of the completed building.

2 OVERVIEW

2.1 General Description

- 2.1.1 The Harcourt Arms project is the refurbishment of an existing licensed premises. The project revolves around the refurbishment and upgrading of the existing licensed premises to improve the accommodation and to improve the ambience. The changes will have the effect of reducing the occupancy based on the change to a higher standard of accommodation providing restaurant and bar facilities.
- 2.1.2 The building is comprised of a lower ground level, ground level and three floors above.
- 2.1.2.1 Lower ground and ground floors are used as part of the existing licensed premises.
- 2.1.2.2 Levels 1, 2 and 3 are used as a function room and offices.
- 2.1.3 The refurbishment includes the provision of a roof to the existing beer garden to provide a seated restaurant area limited to not more than 60 persons in the rear extension. Prior to the refurbishment, the beer garden was effectively of unlimited occupancy with no controls imposed under the liquor license. The changes will see a significant reduction in the occupant load in what will be a restaurant under the new roof.
- 2.1.4 In all other respects the refurbishment consists of improvements to decorations and fitments and the layout and use of the building is otherwise unaltered from the existing condition.

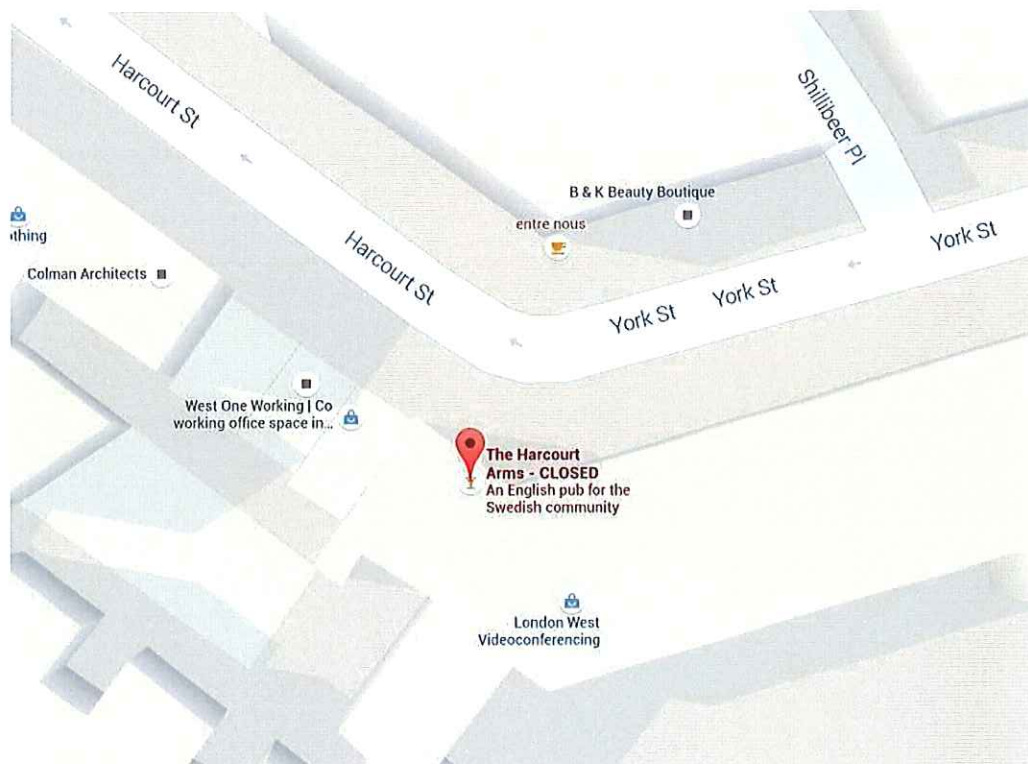


Figure 1: Site Location

3 LISTING STATUS

- 3.1.1 As the building is an existing building it is also worth noting that the Harcourt Arms is a Grade II Listed building. <http://www.historicengland.org.uk/listing/the-list/list-entry/1357078>
- 3.1.2 The impact of the listing is in part to restrict the owner's ability to make significant alterations where those alterations would alter the character and nature of the building. In this case the listing specifically mentions the front façade, windows etc. as features of particular note.

4 OCCUPANT LOADS

4.1 The proposed occupant loads are as follows:

- 3.1.1.1 Lower Ground 'Garden Room' – 60 persons
- 3.1.1.2 Ground – 35 persons
- 3.1.1.3 First floor – 30 persons
- 3.1.1.4 Staff (kitchen/offices) – 16
- 3.1.1.5 Total building occupancy 126 persons.
- 3.1.2 The figures proposed above are those the client wishes to be included under the liquor license.
- 3.1.3 The existing beer garden is approximately 76m² in area. Based on the current guidance for such a use the occupant load would be anything between 76 – 253 persons based on occupant load factors ranging from 1.0m² – 0.3m² per person.
- 3.1.4 A comment has been made that the occupant load in the beer garden may not have achieved the upper limit set out above. However, it is reasonable to say that the occupant load would have been impacted upon by a number of factors including how it was intended to be used. The upper value of 253 is based on the occupant load factors for a bar of 0.3m²/person which is straight from the guidance for a crush bar.
- 3.1.5 It would be sensible to interpret the values set out above as a range between 76 – 253 based on the standard occupancy factors taken from current guidance and consider this in the context that the current use of the building as a licensed premises has no maximum occupant load imposed upon it.
- 3.1.6 What is abundantly clear is the proposed occupant load is significantly less than lower edge of the occupant load range.
- 3.1.7 Clearly the proposed occupant load is significantly lower than is currently considered acceptable and is a minimum of 35% less and potentially over 80% less than is currently permitted.
- 3.1.8 This reduction in occupant load, even at only 35% lower than currently acceptable is a major safety improvement for the beer garden room compared with the current situation.

5 MEANS OF ESCAPE

5.1 Evacuation Strategy

5.1.1 The building is designed on the basis of a single stage of evacuation. The principle of such a strategy is that in the event of a fire being detected, that the occupants of the whole building will be alerted and will evacuate to a place of safety.

5.2 Means of Escape from proposed 'Garden Room'

5.2.1 The existing, licensed beer garden is an 'inner room' with respect to the bar. For confirmation, there is no alternative escape route from the existing beer garden, the only escape route is via the bar.

5.2.2 The beer garden is to be altered by the provision of roof to provide a new seating area and restaurant.

5.2.3 Travel distances based on the guidance from the beer garden room should be not more than 18m where escape is available in a single direction.

5.2.4 In this case the travel distances from the rear of the Garden Room is approximately 27m to the front door. This is an existing condition.

5.2.5 Comparative Analysis for required egress times. The following analysis compares the current, existing means of escape arrangements with those for the refurbished building including the covered garden.

5.2.6 Escape from the beer garden/garden room involves several distinct stages.

- Stage one is within the beer garden/room;
- Stage two is within the ground floor bar;
- Stage 3 is to fresh air to Harcourt Street.

5.2.7 The difference between the existing condition and the proposed condition in a practical sense is that escape from the beer garden is that the beer garden is now an enclosed space whereas previously it was in open air; i.e, Stage 1 escape.

5.2.8 All other stages are exactly the same as the existing condition in the sense of the physical route.

5.2.9 However, the proposed condition is improved by virtue of the control over numbers proposed by the client restricting the occupant load of the Harcourt Arms to 95 persons on the ground floor compared with a much larger acceptable occupant load under the current license which imposes not constraints on the occupant loads.

5.2.10 In addition to control over the numbers proposed, the refurbished building will be provided with a modern automatic fire detection and warning system installed in all areas.

5.2.11 Therefore, the only impact on the occupants of the garden with respect to means of escape will arise if a fire occurs in the now enclosed garden room, a condition which will not change by virtue of the provision of the roof to create the garden room.

- 5.2.12 In the event that a fire occurred within the garden room/beer garden then the escape issues are the same, ie that the occupants must be able to escape before their exit routes is obscured.
- 5.2.13 It is acknowledged that the provision of a roof for the garden room will impact on the time available for escape. However, in terms of escape from the garden room the travel distances within the room, coupled with the number of occupants proposed and the travel distances within the room would all be considered compliant with respect to escape form the small room.
- 5.2.14 For all other fires (i.e. those that occur within the ground floor bar area) the escape is identical in that persons resorting to the beer garden/garden room would have to escape through the ground floor bar, entering the compartment where the fire would potentially be located before they could escape to Harcourt Street.
- 5.2.15 It is worth noting that the existing beer garden would not constitute a place of safety with respect to a fire occurring within the ground floor bar and the existing strategy is based on the occupants having to escape through the ground floor bar to reach Harcourt street.
- 5.2.16 RSET Existing condition.
- Escape is required from the ground beer garden with the escape via the ground floor bar.
 - There is currently no provision of automatic fire detection or warning within the ground floor bar. The existing fire detection provision is comprised of battery operated smoke detectors located in the staircase enclosure.
 - On this basis, escape form the existing beer garden is dependent on the staff to raise the alarm. Which form a fire engineering perspective is not a reliable method of raising the warning in the event of a fire.
 - In terms of assigning a time fire detection the only genuine basis is to assume that the occupants of the beer garden would only become aware when they observed/discovered the fire within the ground floor bar.
 - Conservatively this could be many minutes and given the guidance in Bs7974 Part 6 a pre-movement time of 15 minutes should be assigned to the occupants of the beer garden.
 - The travel speed of the occupants will vary depending on a number of factors including but not limited to, the age, sex and occupant density. Based on 7974 Part 6 an average movement speed of 1.2m/s should be assigned. Given the overall travel distance from the most remote part of the beer garden to the front door of the Harcourt Arms of approximately 27.0m gives a travel time of approximately 22.5 seconds.
 - The overall escape time therefore for the occupants of the beer garden is circa 15 minutes 22.5 seconds.

5.2.17 RSET Proposed Condition

- Escape is required from the Garden Room with escape via the ground floor bar.
- It is proposed that the refurbished building will be provided with an automatic fire detection and warning system designed in accordance with BS5839 Part 1 and be at least a type L1 system. Smoke detectors will be provided in all rooms with the exception of the kitchen where heat detectors will be provided. In addition to the AFD system, the kitchen will be provided with an automatic range protection system (ANSUL or similar).
- On the basis of the proposed fire detection system, in the event of a fire occurring within the ground floor bar the pre movement time is likely to be of the order of 1 – 3 minutes.
- The travel speed of the occupants will vary depending on a number of factors including but not limited to, the age, sex and occupant density. Based on BS 7974 Part 6 an average movement speed of 1.2m/s should be assigned. Given the overall travel distance from the most remote part of the beer garden to the front door of the Harcourt Arms of approximately 27.0m gives a travel time of approximately 22.5 seconds.
- The overall escape time therefore for the occupants of the beer garden is circa 3 minutes 22.5 seconds.

5.2.18 ASET Proposed Condition

5.2.19 The available safe egress time is the same for both conditions given that the ground floor bar is similar in terms of fire load and potential ignition sources for occupants of the garden room/beer garden where both occupants would have to escape through the ground floor bar area to reach Harcourt Street, a place of ultimate safety.

5.2.20 ASET/RSET Conclusion

5.2.21 It is proposed that given the relatively small number of persons, and the provision of an extensive automatic fire detection and warning system that the additional 9.0.m of travel distance from the Garden Room is acceptable.

- 5.2.5.1 Travel speeds for unimpeded movement of pedestrians varies with the sex of the individuals coupled with the density of the occupants, age, etc.
- 5.2.5.2 The range of speeds referenced in BS7974, Part 6 is between 0.8m/s – 1.9m/s, 1.2m/s used for average value.
- 5.2.5.3 The provision of automatic smoke detection in all rooms will serve to activate the fire alarm at a very early stage thus reducing the warning time over what is existing which gives a much earlier fire detection and warning for the occupants of the garden.
- 5.2.5.4 There has been discussion that the original beer garden would not have formed part of an application under Building Regulations. However, I believe this assessment is incorrect. In a public assembly building such as a restaurant or bar where a facility specifically for use of the customers is concerned then it would be right and proper for the access to and egress from such a garden to have been considered as part of the Building Regs application where the use of the outdoor space was specifically for the use of the occupants of the building and thy access to and from the space was via the building for which the application was being made.

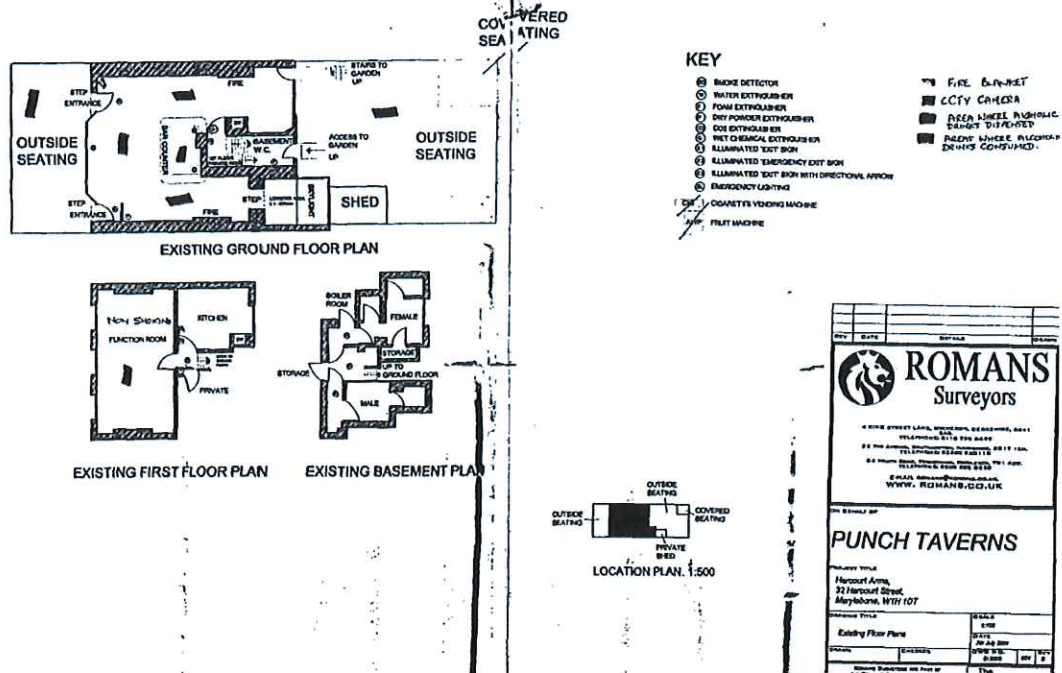


Figure 1 Extract from most recent liquor license showing beer garden to the rear.

- 5.2.5.5 This principle is applied (and has been for many years) for roof top terraces, balconies and the such like especially where members of the public or staff are provided with access.
- 5.2.5.6 On the basis of the RSET considered above on balance the proposed conditions gives a much safer condition for person who resort to the garden room than the original garden then it is my professional opinion that the proposed design complies with Regulation B1, to Part B of Schedule 1 of Building Regulations.

4.3 Fire Detection and Alarm

- 4.3.1 The premises will be provided with a fire detection and fire alarm system in accordance with the relevant recommendations of BS: 5839-1:2013 *Code of Practice for the design, installation and maintenance of fire detection and fire alarm systems* to at least Category L1 standard.
- 4.3.2 Detection should be provided as follows:
- 4.3.2.1 Smoke detectors should be provided in all occupied areas and specifically in the bar and function room areas.
 - 4.3.2.2 In the kitchen areas heat detection will be provided.
 - 4.3.2.3 It is proposed that the kitchen range will be provided with an automatic fire detection system (e.g., and Ansul system or similar) activation of the range protection system will cause an alarm to be sounded throughout the building and initiate an evacuation

5 EMERGENCY LIGHTING AND SIGNAGE

5.1 Lighting of Escape Route

5.1.1 All escape routes should be provided with adequate artificial lighting and the areas listed in the table below should be provided with 'escape lighting' that shall illuminate those areas in the event of the primary power supply failing. Escape lighting should be designed to meet the recommendations of BS: 5266 Parts 1 and 7.

Table 1: Escape lighting

Purpose Group	Areas requiring escape lighting
Storage and other non-residential	a) Underground or windowless accommodation; b) Internal corridors more than 30m long; c) Open-plan areas of more than 60m ²
Shop and Commercial	a) Open-plan areas of more than 60m ² b) All escape routes where the public are admitted (except in shops of three or fewer storeys with no sales floor more than 280m ² , provided that the shop is not restaurant or bar)
Any Purpose Group	a) All toilet accommodation with a floor area over 8m ² b) Electricity and generator rooms c) Switch room/battery room for emergency lighting system d) Emergency Control Room (Concierge Room)

5.1.2 Luminaries will be provided appropriately spaced to provide the light levels suggested within British Standard BS5266 that is to say:

Table 2: Illuminance for specific locations

Location	Response time (s)	Min Illuminance (lx)	Min duration (hrs)	Reference Plane
Defined Escape routes	5	1	3 hrs	Centre line of the escape route
Undefined escape route	5	0.5	3 hrs	Floor level excluding border of 0.5m around the perimeter of the room
Plant rooms, switch rooms and emergency winding facilities for lifts	5	15	3 hrs	In plane of visual task
Fire alarm control and indicating equipment	5	15	3 hrs	In plane of visual task
Reception areas	5	15	3 hrs	In plane of visual task
Security devices	5	5	3 hrs	Horizontal on plane of panic bar/pad; vertical at vertically mounted/wall mounted security devices

5.2 Signage

- 5.2.1 All new signage is to be provided to meet the recommendations of BS: 5499 – 1 and BS: 5499 – 5.
- 5.2.2 Escape signage will be located as follows:
- All designated escape routes or escape routes across open areas will be provided with signage, especially stairs and other changes in level and direction.
 - The position of all doors and other exits sited on escape routes, including storey exits and final exits will be identified by signs.
 - Where an escape route from a room is not conspicuous or confusion could occur, the route will be indicated by a sign, including intermediate signs where necessary.
 - All changes of direction in corridors, stairways and open spaces forming part of an escape route will be marked with intermediate signs. Each intermediate door or junction will be similarly signed.
- 5.2.3 Fire resisting doors are to be signed with 'fire door keep shut' and riser doors are to be signed with 'fire door keep locked'.
- 5.2.4 It is suggested that the final signage provision is agreed with the Regulatory Authorities prior to occupation.

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64 Victoria Street
LONDON
SW1E 6QP
For the attention of: Licensing Section

Direct tel	+44 (0)333 006 0692	Date	1 March 2016
Direct fax	+44 (0)333 006 1492	Email	piers.warne@TLTsolicitors.com

Dear Sirs

**Licensing Act 2003: Application for a new premises licence
The Harcourt Arms 32 Harcourt Street London W1H 4HX**

I act for the applicants for a premises licence at the above premises.

We have received a number of representations to the application, including from the police and environmental protection officer. In light of these, my client is offering to amend the application as follows:

Removal of Recorded music as licensable activity

The majority of concerns voiced by residents relate to the provision of recorded music at the premises on the basis of disturbance caused by the previous operators. I have set out below further detail in relation to the change in operator and operational style at the premises but given the concerns, **my client has decided to remove recorded music from the application.**

Addition of conditions

In conjunction with the police and Environmental Protection officers we have agreed a number of additional conditions to be placed on the premises licence. Where there is a duplication with the conditions offered in the original operating schedule, we propose that the agreed condition replaces that originally offered.

Conditions agreed with police

On the basis of the agreed conditions below, the police have withdrawn their representation to the application. Please note that these conditions replace the similarly worded ones in the original operating schedule:

- 1 Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 2 All outside tables and chairs shall be rendered unusable by 22.30 each day.
- 3 After 22.30 each day patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 4 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 5 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 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 An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
- 8 No licensable activities shall take place at the premises until premises licence 15/05088/LIPT or such other subsequently issued for the premises has been surrendered.

Conditions agreed with the Environmental Protection officer

The following conditions have been agreed with the Environmental Protection Officer. I have removed a duplicated condition (no.1 above).

- 9 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
- 10 Loudspeakers shall not be located in the entrance lobby or outside the premises building
- 11 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall



be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

- 12 The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- 13 The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 14 There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
- 15 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 16 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
- 17 Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
- 18 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority

Style of operation

The operators of the Harcourt are fully aware of past issues in relation to the previous operation of the premises and have engaged in extensive discussions relating to these concerns, in particular in relation to the planning application recently granted. As a direct result of the comments made to the planning application, changes to the layout were agreed to enclose the garden in order to prevent noise disturbing residents at the back of the premises.

The operators are seeking to run a pub and dining room, with private dining upstairs and in the basement. It is envisaged that the upstairs rooms shall be used for diners only, rather than generally as an extension to the premises, albeit a little flexibility is requested to permit the use of the rooms for meetings, as well as dining.

The refurbished bar area and new back room will provide a flexible space for drinkers and diners alike to use.

I have enclosed a short document pack setting out what is being proposed at the premises and introducing the operators.

The premises currently benefits from a premises licence (15/05088/LIPT) which it is intended to surrender upon grant of a new premises licence prior to operating.

Hours applied for

The application has been made in line with Westminster core hours for pubs and bars outside of the current Westminster Cumulative Impact Zones.

Invite to residents

My client is very keen for any residents interested in seeing the works and discussing the application to have the opportunity to do so prior to the hearing. As such, my client is proposing an informal opportunity to visit the premises between **5pm and 6.30pm on Monday 7 March**. The manager and a representative of the operating company will be there to answer any questions at that time.

Attendance at the hearing

I can confirm that we shall be attending the hearing to make representations and to answer any questions the licensing sub-committee may have in relation to this application.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Piers Warne', written over a horizontal line.

**Piers Warne
Associate
for TLT LLP**



THE HARCOURT

**Old. But new. The Harcourt opens this spring in Central London –
a brand new bar and restaurant which still has its Scandinavian accent**

FEBRUARY 2016

Established in 1826 as The Harcourt Arms, this Grade II listed five-story Georgian townhouse is reopening its doors as a bar and restaurant opposite Ulrika Eleonora Church – the Swedish Church. The Harcourt's unique Scandinavian heritage is celebrated in its quality food, drink, inspired design and refreshing philosophy from a team that includes property design and hotel expert Andrew Endean (Hotel du Vin, Malmaison, Liberty and De Vere), head chef Kimmo Makkonen, and Thomas Haring, the General Manager.

Relaxed all-day modern European dining and drinking includes a wink to Nordic cuisine and Scandinavian elements including home infusions, house-made cures and tasty pickles. The à la carte menu features highest-quality produce sourced from some of Britain's best purveyors; Woolley Park Farm chicken, shoulder of Blackface lamb and Gressingham duck prepared on the bone are among the first-class meats and fish and seafood such as Canadian lobster cooked on the indoor barbecue and Bertha grill. Stop by in the afternoon for *fika* – the Swedish term for a coffee break with a pastry or sandwich.

The thoughtfully curated wine list features old-world wines, with an emphasis on rieslings and Burgundies to complement the smoking and pickles featured on the menu. An edited list of rare wines has been picked by Finbar Naumann (The Shed, River Café, Newman Street Tavern) paired perfectly with exclusive Ethiopian chocolates. Draught beers feature Gotlands Bryggeri (Sweden), and Stiegl (Austria), alongside London-based Sambrook's Brewery; Redhook (USA), Tiny Rebel Fubar (Wales) and Ansbach & Hobday (London) are among the bottled beers.

The charismatic cocktail programme is designed by Swedish-born Tess Petterson; her masterful mixology has graced bars in Melbourne, Norway, Sweden, and, most recently London. There's a dedicated 'Friends of the Bar' cocktail list which is a salute to bars, bartenders and their signature drinks that are the toast of towns across the world.

FEBRUARY 2016

The Harcourt, Harcourt Street, London W1H 4HX
Open 11 am to midnight (10.30pm on Sunday), seven days a week
For reservations call XXX; theharcourt.com; Twitter and Instagram @the_harcourt

**For all press queries, please contact Frankie Reddin or Simona Angelini at
Anteater Communications on page 124 or email simona@anteaterpr.com**



THE HARCOURT

A Georgian townhouse with the spirit of Scandinavia...

Preserving the building's Regency layout, elegant panelling and simple leaded windows are some of the original features dating back to the early 19th century which have been meticulously conserved. The contemporary interior design is by Samantha Palmer and Andrew Endean. They have masterfully brought boutique chic to the venue, giving each space a residential warmth. Oblique Nordic touches have been introduced such as the traditional Swedish Dala horse statuette that hangs above the door.

The **Oak Room**, on the ground floor, has a country-house drawing-room feel and offers casual dining and drinks for up to 40 guests. Dark, gilded and glamorous, the rich wood features such as parquet flooring are seemingly steeped in the scent of whiskey and tobacco.

At the rear of the building is the **Garden and Summer Room**, a newly created dining room. Relaxed and versatile it conjures a colonial style, with rattan furniture, lush green tones, ivy-clad walls and trailing hanging plants; a dramatic glass chandelier arrangement by German designer Eichholtz is the centrepiece. The Garden Room seats up to 65 guests with counter dining and a semi-private Summer room at the back.

The first floor features two private dining rooms; one seats 20, and is grand, opulent and suited to formal setting and special-occasion events; the other more intimate space seats 10, and promises a seductive ambience.

Celebrated West London designer and ceramicist Melody Rose has created luxury hand-finished bone-china tableware; Melanie Rose's 'mini teapot' designed especially for the *fika* afternoon spread is a highlight of her bespoke collection. While collectable art works will be regularly refreshed by galleries such as internationally renowned Rebecca Hossack Art Gallery; a gallery known to champion contemporary Western and non-Western art.

The Harcourt, Harcourt Street, London W1H 4HX

Open 11am to midnight (10.30pm on Sunday), seven days a week

For reservations call XXX; theharcourt.com; Twitter and Instagram @the_harcourt

For all press queries, please contact Frankie Reddin or Simona Angelini at Anteater Communications on 020 3001 125 email simona@anteaterpr.com



Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05485/LIPCV	Application to convert and vary existing justice on licence	24.08.2005	Conversion and variation granted under delegated authority
06/12160/WCCMAP	Application for a new premises licence	08.02.2007	Granted under delegated authority
09/07861/LIPT	Transfer of premises licence	23.10.2009	Granted under delegated authority
14/11150/LIPT	Transfer of premises licence	29.12.2014	Granted under delegated authority
15/05088/LIPT	Transfer of premises licence	18.11.2015	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 necessary for the promotion of the licensing objectives.

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Conditions related to the Sale of Alcohol

9. 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 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours 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.

10. 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.

11. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions proposed by the Police and agreed with the Applicant

12. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. All outside tables and chairs shall be rendered unusable by 22.30 each day.
14. After 22.30 each day patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
19. No licensable activities shall take place at the premises until premises licence 15/05088/LIPT or such other subsequently issued for the premises has been surrendered.

Conditions proposed by the Environmental Health Service and agreed by the Applicant

20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
28. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
29. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority

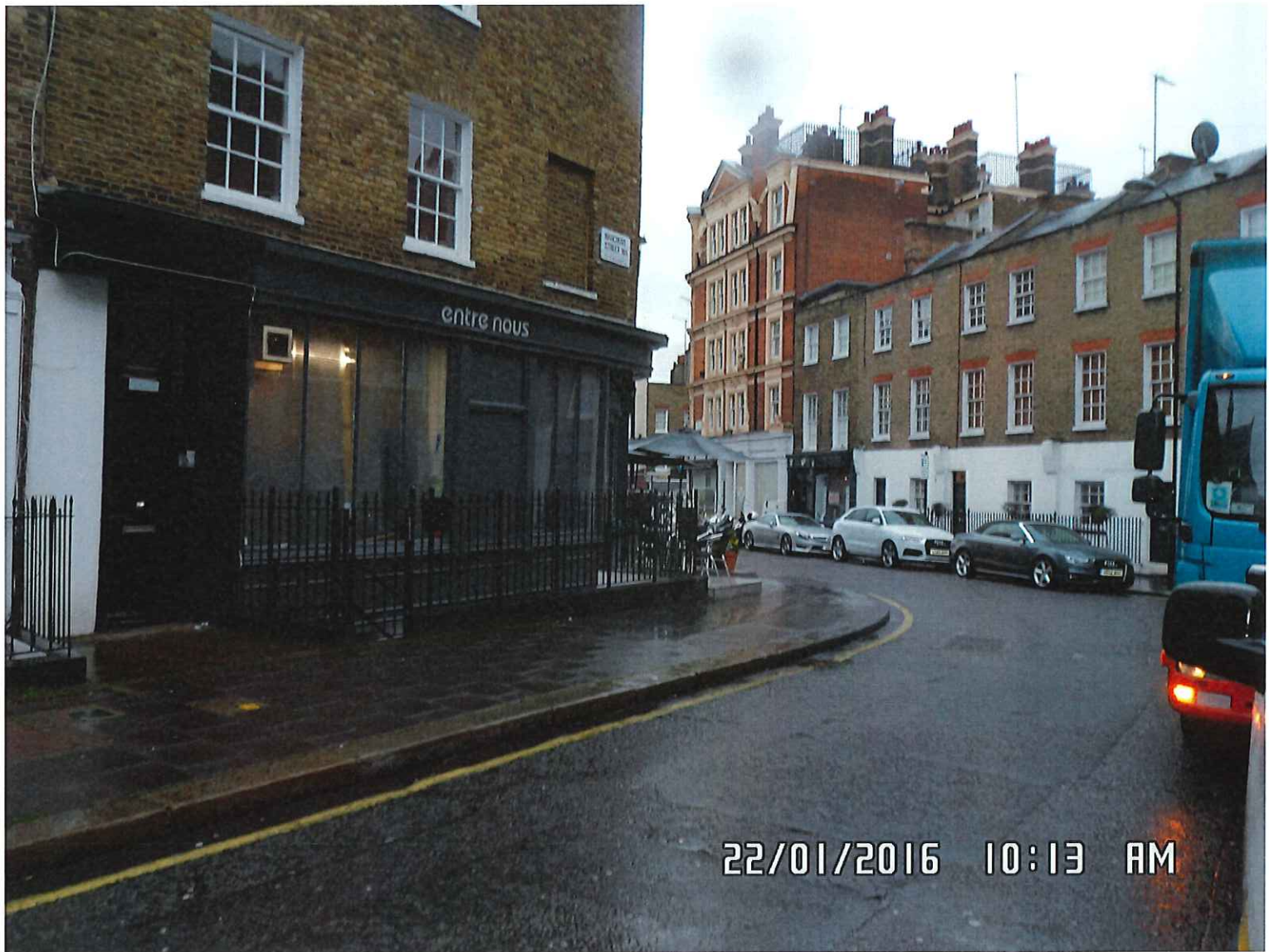
APPENDIX 5

The Harcourt Arms 32 Harcourt Street



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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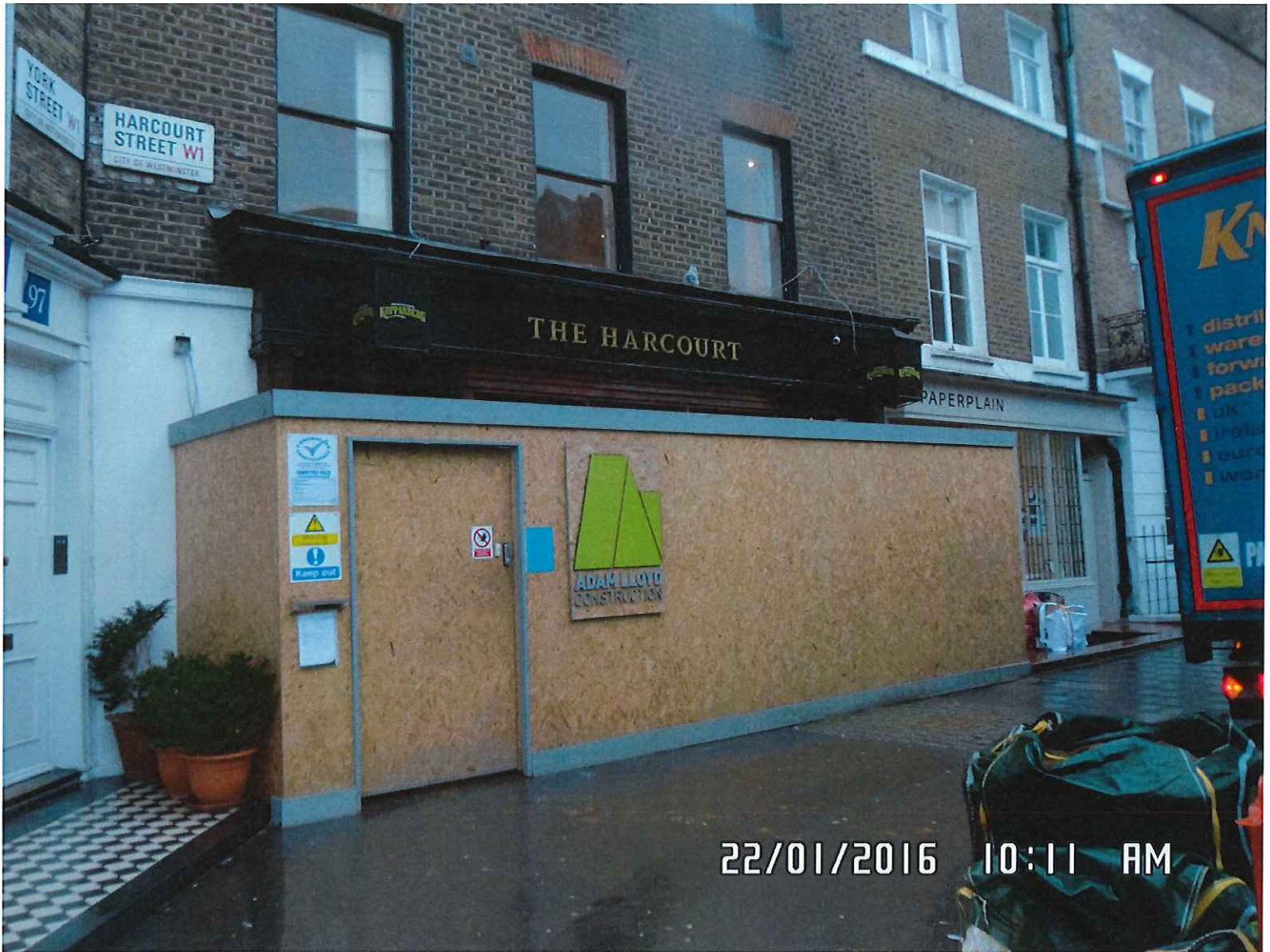
Premises within 75 metres of: The Harcourt Arms 32 Harcourt Street			
p / n	Name of Premises	Premises Address	Licensed Hours
-3415	Swedish Church	6-11 Harcourt Street London W1H 4AG	Monday to Saturday 10:00 - 21:00 Sunday 12:00 - 21:00
-590	Occo	20 Homer Street London W1H 4NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26999	The Harcourt Arms	32 Harcourt Street London W1H 4HX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
15168	Beehive Public House	7 Homer Street London W1H 4NU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-25491	Not Recorded	Ground Floor 22 Harcourt Street London W1H 4HH	Monday to Wednesday 12:00 - 16:00 Friday to Saturday 12:00 - 16:00 Thursday 12:00 - 16:00 Sunday 12:00 - 16:00 Friday to Saturday 18:00 - 00:00 Sunday 18:00 - 22:30 Monday to Wednesday 18:00 - 23:00 Thursday 18:00 - 23:00

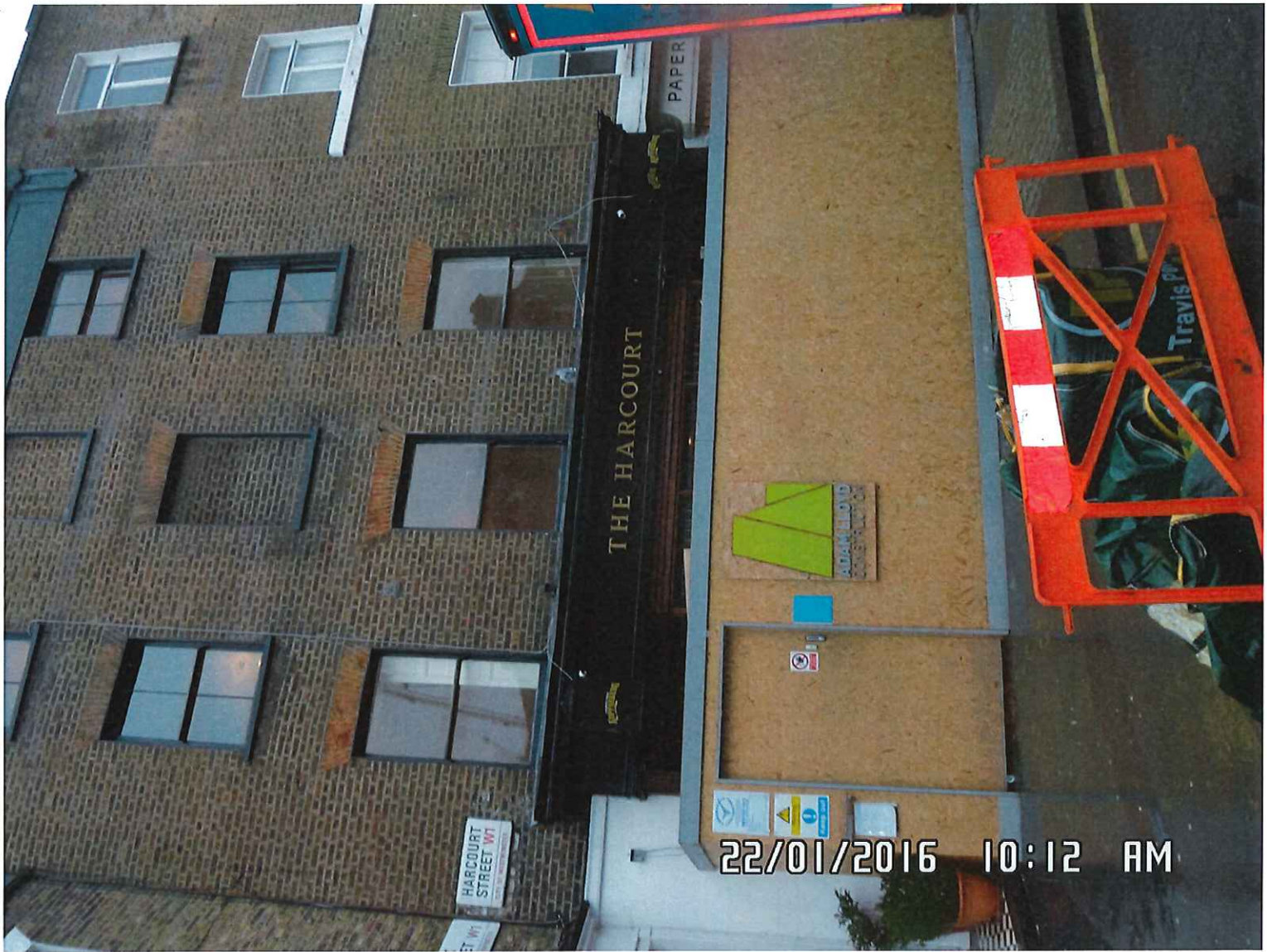












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City of Westminster

Licensing Sub-Committee Report

Item No:

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Licensing Ref No:

15/11278/LIREVP

Date:

10th March 2016

Classification:

For General Release

Title of Report:

**El Camion
25-27 Brewer Street
London
W1F 0RR**

Report of:

Director of Public Protection and Licensing

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
E-mail: owojori@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	Review of a Premises Licence application under the Licensing Act 2003.		
Applicant:	Mr Lawrence Lynch and Mr Kenneth White	Date Application Received:	1 December 2015
Premises Name and Address:	El Camion 25-27 Brewer Street London W1F 0RR		
Ward Name:	West End	Cumulative Impact Area:	West End
Description of Premises:	The premises are operated as a nightclub /bar.		
Please Note:	The application was previously scheduled for a hearing on 28 th January 2016 but was adjourned to 10 th March 2016 at the request of the Licensee.		

1. SUMMARY OF APPLICATION

- 1.1. An application submitted by Mr Lawrence Lynch and Mr Kenneth White for a review of the premises El Camion, 25-27 Brewer Street, London W1F 0RR, was received on 1st December 2015 on the grounds of Prevention of Public Nuisance and Protection of Children from Harm. Their concerns relate to noise emanating into residential accommodation including children's bedroom above the premises from music within the premises, noise from customers smoking outside the premises and noise from customers dispersing late at night. Please see **Annex A**.
- 1.2. The applicants have submitted witness statements, photographs, Westminster City Council Noise Team Inspection report sheet and video clips as part of the application. The video clips will be made available for viewing at the hearing if required.
- 1.3. 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.
- 1.4. 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.
- 1.5. The premises currently benefits from a premises licence 15/02786/LIPDPS, attached at **Annex B**) that permits:

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Performance of Live Music

page 146

Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 22:30
The opening hours of the premises	
Monday to Saturday;	09:00 to 03:30
Sunday	12:00 to 22:30

1.6 These review proceedings are brought under the licensing objectives on the grounds of Prevention of Public Nuisance and Protection of Children from Harm. The concerns raised refer to:

- Music noise emanating from the basement and or ground floor of the premises into residential accommodation above the premises.
- Noise nuisance from groups of customers of the premises smoking outside the premises
- Noise from groups of customers dispersing from the premises late at night
- Music noise emanating from the basement and or ground floor of the premises into the children's bedroom of flat 52 St James's Residence causing broken sleep of the children thereby harming their health and development.

1.7 Prior to the application to review the premises licence, the applicants have had meetings with the licensee and officers from the Council's Environmental Health in order to resolve the noise breakout issues. The action recommended appears not to have been fully implemented as noise from the premises continue to emanate into residential accommodation above the premises.

1.8. The applicants have proposed the following remedial actions which they believe are appropriate and proportionate to promote the licensing objectives.

- Removal of performance of dance, live music, recorded music and anything of a similar description from the ground floor.
- Remove the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

- Reduction in permitted hours for licensable activities and opening hours on Monday to Sunday to the Council's core hours.
- The addition of conditions proposed by the applicant and any other conditions the Sub-Committee deemed appropriate and proportionate.

The conditions proposed by the applicant are set out within **Annex F**

2. REPRESENTATIONS:

- 2.1 The Environmental Health Service, as a responsible authority supports the review application stating that seven noise/nuisance related complaints have been recorded against the premises in the last two years. They also confirm that a Section 80 Abatement Notice under the Environmental Health Act was served on the premises 30th September 2015. In addition they have provided additional information which includes a witness statement from an Environmental Officer who has previously attended the premises to assess noise nuisance and set the noise limiting device. **See Annex C1**
- 2.2 The NHS Central London Clinical Commissioning Group as a responsible authority supports the review stating that disrupted sleep could be detrimental to health, affect the development of children and place additional stress on limited primary care resources. **See Annex C2**
- 2.3. Representations have been made in support of the review by three local residents on the following grounds:
- Noise breakout from the premises into residential accommodation is a regular occurrence at the premises.
 - Group of customers smoking outside the premises and customers leaving in the early hours of the morning sometimes causes noise nuisance to nearby residents.
 - They believe 03:00 hours terminal hour for licensed premises in close proximity of residential accommodation is not appropriate. **See Annex C3**
- 2.4. One representation has been made against the review stating that they are impressed in the management of the premises and they are satisfied with the conduct of the door staff at the premises by preventing noise nuisance to be caused by customers smoking outside the premises and those queuing to gain access to the premises. **See Appendix C4**

3. SUBMISSIONS:

- 3.1 The licence holder has submitted documents which include witness statements, sound engineer's report, observation report in respect of the application and a statement from a local resident believed to be against the review application. **See Annex D1**
- 3.2. The applicants have submitted documents which include their response to the licence holder's submission and an update on the current situation at the premises. **See Annex D2**

4 OPTIONS

- 4.1 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.

- 4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.3 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 – Application for Review <ul style="list-style-type: none">• Annex A1 – Map of the premises and area• Annex A2 – supporting statements from other residents• Annex A3 – Premises licence• Annex A4 – Photos / Video(to be available at the hearing)• Annex A5 – List of noise complaints recorded by Environmental Health• Annex A6 – Relevant Correspondence Annex B – Current Premises Licence (15/02786/LIPDPS) Annex C1 – Environmental Health representation Annex C2 – NHS Central London Clinical Commissioning Group representation Annex C3 – Local residents representations Annex D1 - Licensee Submissions Annex D2 – Applicant Submissions Annex E – Licence and Appeal History Annex F – Conditions on the current licence and proposed by the applicant Annex G – Residential Map and list of premises in the vicinity Annex H – Photograph of premises
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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 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Original



City of Westminster

APPLICATION FOR REVIEW

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

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

AND

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

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

Continued.....

4. Development Planning Services

Westminster City Council
64 Victoria Street
London
SW1E 6QP

5. Area Child Protection Committee

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

6. Public Health

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

For boats only:

The Navigation Authority (for vessels not permanently moored)

Tidal Thames

The Harbour Master

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

Non Tidal Thames

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

Canals

The Leisure Manager

British Waterways Board

1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General

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

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

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 Kenneth White and Lawrence Lynch

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, Ordnance Survey map reference or description El Carnion 25-27 Brewer Street	
Post town London	Post code (if known) W1F 0RR

Name of premises licence holder or club holding club premises certificate (if known) Lupe's (Brewer Street) Limited

Number of premises licence or club premises certificate (if known) 15/02786/LIPDPS Original reference: 05/10397/LIPC

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname White	First names Kenneth
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I am 18 years old or over

Current postal address if different from premises address	15 St James's Residences Brewer Street
--	---

Post town	London	Post Code	W1F 0RN
------------------	--------	------------------	---------

Daytime contact telephone number	07518 785968
---	--------------

E-mail address (optional)	ken@sohoha.org.uk
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(B) DETAILS OF OTHER APPLICANT

Name and address Lawrence Lynch 52 15 St James's Residences Brewer Street London W1F
Telephone number (if any) 07775 924347
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes ✓

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

✓
✓

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

The purpose of the review is to request that the licensing authority amends the conditions of the licence for 'El Camion' (" the premises"), in order to promote the licensing objectives. The review application is made in connection with the licensing objectives of 'prevention of public nuisance' and 'protection of children from harm'. The premises is located in the heart of the West End Stress Area.

Prevention of public nuisance -

- Music noise emanating from the basement and/or ground floor of the premises into residential accommodation above.
- Noise from groups of customers of the premises smoking outside the premises
- Noise from groups of customers dispersing from the premises late at night

Protection of Children from Harm

- Music noise emanating from the basement and/or ground floor of the premises into the children's bedroom of flat 52, St James's Residences causing broken sleep of Mr Lynch's children, and thereby harm to their health and development.

These issues have been on-going to a greater or lesser extent for many years and regularly wake up the affected residents.

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

Introduction and overview

We are two local residents who live in St James's Residences on Brewer Street W1. 'El Camion' ("the premises") is located on the ground floor and basement within the same block as the Residences. Mr White has lived here for 21 years with his wife, Ann. Mr Lynch has lived here for 9 years with his wife, Clare and two sons, Percy (11yrs) and Henry (9years).

St James's Residences is a large residential block of flats run by a housing association, Soho Housing. The block consists of 60 1/2/3 bedroom flats that house a diverse group of people, including many families and children. 39 of the flats are located directly above and to the side of El Camion. I attach at **Appendix 1** a map of the local area and a photograph showing St James's Residences and the premises.

Mr White's 1 bedroom flat is on the 5th floor, above and to the left of El Camion when looking at the front elevation. He has experienced nuisance for 16 years, ever since the club got its 3am licence. Mr White is the chairman of the St James's Residences Residents Association.

Mr Lynch's flat has 2 bedrooms and is directly above El Camion on the first floor. He has experienced nuisance for 9 years, ever since moving into the flat with his family.

The problems we and other residents have experienced are summarised in the Grounds for Review. We will go into more detail in due course. The premises has a long history of causing noise nuisance in the flats above since it was somehow granted a 3am licence back in 1998. At the time no one objected – the local residents were demoralized by years of living in what seemed to them as a 'anything goes' area; the Soho Society's licensing team had temporarily gone out of operation; Mr White was in the process of moving into his wife to be's flat (15); and Westminster's legal advice at the time was that if no objections were received then they must grant a licence application. All these difficulties have now been rectified and the stress zone introduced. A similar application would be unlikely to succeed now.

The following residents have confirmed that they support this review:

Maria and Paula Soares, 53, St James's Residences, Brewer Street, Soho, London, W1F 0RP

Maria and Paula are mother and daughter, who live with the father Tony. Number 53 is a 2 bedroom Flat directly above the El Camion, on the 2nd floor.

The current premises licence

I attach a copy of the current premises licence at **appendix 3**. The licence holder is 'Lupe's (Brewer Street) Limited'.

It permits licensable activities (performance of dance, performance of live music, anything similar. Late night refreshment and sale of alcohol (on and off the premises)) to 3am Monday-Saturday. Sale of alcohol is also permitted on Sundays to 10.30pm. Recorded music and private entertainment is unrestricted.

Given the very late terminal hour, the conditions have not proved sufficient to promote the licensing objectives and to prevent public nuisance or harm to children. I would draw the licensing authority's attention particularly to conditions 13 and 14. These two conditions are usually accompanied by a condition requiring a noise limiter to be set at an appropriate level. For some reason the licence is not subject to a specific noise limiter condition.

Basis for the application: the licensing objectives

Prevention of public nuisance

1. Music noise

Ever since the premises was granted a licence back in the late 1990's there has been persistent amplified music noise nuisance from the club and restaurant. This is most noticeable by residents of St

James's Residences after 11pm, and can and does go on up to, and sometimes beyond, 3am. Mostly the nuisance is of the bass beat type, but can consist of the entire audible frequency range.

The nuisance has been the same with all three ownerships – 'Abigail's Party', 'Enclave', and latterly 'El Camion'. The quiet enjoyment of our homes is spoiled, sleep is disturbed, and children's development harmed by broken sleep and sleep deprived parents. The noise is transmitted through the building structure.

In 2013, we liaised at length with various parties to attempt to persuade the premises to be good neighbours and set a noise limiter level which could not be changed. We thought that we had succeeded in doing this.

The more recent noise nuisance culminated in a noise abatement notice being served under s80 Environmental Protection Act 1990 on or around 30 September 2015. It was this which made us realise that a review of the licence would probably be necessary. Since service of the abatement notice, the licence holder has belatedly agreed to have some further sound tests carried out. They also say that they disconnected the speakers on the ground floor after 2 October 2015. Nevertheless, music noise could still be heard. This might be explained by the fact that there is still loud music in the basement, and that there is some transfer through the structure. This appears to be the conclusion of the acoustic specialist who visited the premises, and whose Report the operator has shared with us.

Further, it appears that, very regrettably, the limiter in the basement had not been kept at the level agreed and set in 2013. This is a significant failing on the part of the management.

We both gave up a whole morning on Tuesday 24 November 2015 to accommodate the noise testing for the ground floor of the premises. It appears now that there are safeguards to ensure that the limiters cannot be tampered with. Why such safeguards were not in place in the past is unclear.

However, regardless of the efficacy of the tests and a further promise to set a noise limiter which will not be overridden, we are aware that these procedures can only become enforceable at all times if conditions are added on to the licence on review. Given that the noise limiter must have been frequently overridden in the past, we need the noise conditions to be formalised on the licence. In any event, there are other issues affecting the promotion of the licensing objectives which we would like the licensing authority to review.

We have therefore proposed that the licensing authority removes the effect of the deregulation provided by s177A Licensing Act 2003 (as amended) for the relevant licensable activities, so that existing conditions relating to the relevant licensable activities are made to have effect, and that new conditions which may be added as a result of this review are added as if the relevant activities were licensable.

Our evidence of this nuisance is in the form of:- Photographs, videos, our own recollections, e-mails to and from the owner (Ned Conran), meetings with the owner, calls to the Noise Team, visits and tests of the City Council's Environmental Health noise experts.

For more detail, please see the individual statements at **Appendix 2, photographs/videos at Appendix 4 and e-mails to Ned Conran at Appendix 6.**

Please also see the list of complaints to the noise team at **Appendix 5** for further details and specific incidents.

2. Noise from patrons smoking and queuing to get in outside the premises.

This has been a persistent problem, despite the best efforts of the door staff, who have tended to be the only conscientious members of the club's staff and management. Although notionally confined to a roped off area covering the pavement lights of the club, customers spill out beyond this area, often occupying the pavement and thereby causing obstruction to pedestrians, or using St James's Residences alcove entrance and thereby obstructing passage to our homes. This has been so under all three management/ownership regimes. Potential customers queuing to get in can be rowdy.

The evidence of this nuisance is as at 1 above – photographs, videos, recollections, and calls to the Noise Team.

For more detail, please see the individual statements and photo/video evidence at **Appendix 2 and 4**

Policy STR2 relates to 'Reviews in areas of special policies relating to cumulative impact – Stress Areas' and states that 'In deciding what, (sic) steps, if any, are necessary* to promote the licensing objectives in the determination of a review of a premises licence in a Stress Area, that the premises are in an area where special policies of cumulative impact apply and the need to reduce the cumulative impact of licensed premises within the Stress Area, will be taken into account.'

*the test is now 'appropriate' rather than 'necessary'.

One of the main reasons set out in the SLP for the 'core hours' **Policy HRS** is dispersal of customers. **Para 2.4.1** states that 'The retention of people late at night contributes to cumulative impact.' **Para 2.4.10** states that 'Hours later than the operation of London Underground services add to the pressure on the limited facilities for transport late at night...'

The 'public nuisance' Policy (PN1) states at **para 2.2.11** that 'Playing of music can cause nuisance both through noise breakout transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance.'

Para 2.2.12 states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left the premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. **The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.**' (our emphasis).

The considerations (p.19) state that 'Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.'

The SLP therefore recognises the potential for precisely these types of issues to arise in connection with late night venues such as these.

Conclusion

The right for residents to review a premises licence under s51 Licensing Act 2003 is a 'key protection' (Para 11.1 of s182 Guidance) for the local community, where problems have occurred which are connected to the licensing objectives.

I and other residents have experienced nuisance from the premises for a lengthy period of time.

Therefore, I respectfully ask that the Licensing Sub-Committee imposes such conditions as it considers to be appropriate and proportionate, to promote the licensing objectives. I have thought carefully about what is a sensible balance which protects residents' interests, and I have concluded that a combination of a reduction of hours and additional conditions would achieve a proportionate response to the issues. I suggest the following:

- Remove from the ground floor the licensable activities of performance of dance, performance of live music, playing of recorded music and anything of a similar description.
- Reduce the hours for all licensable activities and the opening hours to midnight Fri-Sat, 11.30pm Mon-Thurs, 10.30pm Sun – to apply to the basement and ground floor.
- Add additional condition to replace conditions 13 and 14 on current licence:

'A noise limiter must be fitted to the musical amplification system set at a level determined by

Please also see the list of complaints at **Appendix 5** for further details and specific incidents.

3. Patrons of the premises leaving late at night

Those customers leaving in the early hours of the morning are habitually the worse for drink, slow to leave the area, and rowdy. The noise they create, although mingling with what is undoubtedly a lively area, is, nevertheless, distinct and of a level that disturbs our residents. This has been so under all management/ownerships.

Evidence is in the form of videos, recollections, and calls to the Noise Team.

For more detail, please see the individual statements at **Appendix 2** and videos at **Appendix 4**

Please also see the list of complaints at **Appendix 5** for further details and specific incidents.

Effect of the issues

The effects of the various types of noise and disturbance are that we are unable to peacefully enjoy our home, disturbed sleep, and harm to our children. Ringing the noise team is a 2 hour process in the early hours of the morning, and despite their best efforts they often turn up too late to hear the noise themselves. The onus is always on the disturbed resident to make 'phone calls, negotiate with club owners/ management and try and act reasonably with unreasonable behaviour of the club and its customers.

Efforts to resolve the problems

Mr Lynch and others have had to 'phone the City Council's Noise Team on numerous occasions. Attached at **appendix 5** is a list of calls made; please note that this does not reflect either the amount of calls made in total or the number of times when noise has been an issue. It is extremely inconvenient, distressing and tiring to telephone the Noise Team late at night when one is trying to sleep or have been woken up, and then wait for a visit from an officer – a wait of up to 2 hours. The visits and the assistance that have been offered by the Noise Team are appreciated.

Various people connected with the premises have been contacted face to face, by telephone and e-mail on numerous occasions over the years in an effort to resolve the noise problem. The attitude of some of the management and staff that 'if you do not like the noise in Soho why don't you move' is unhelpful and lacking in a historical perspective.

Two years ago a series of meetings took place between Mr White and Ned Conran, the owner of El Camion, in order to try and resolve the noise disturbance caused by his sound system speakers in the basement club area and the ground floor restaurant. This resulted in sound engineers from the council's Environmental Health department making tests in the club and Mr Lynch's flat (52). It was decided that no nuisance was caused by the speakers in the basement, but that the speakers located at several locations at ceiling height (just underneath Flat 52's floorboards) in the ground floor restaurant caused considerable disturbance to neighbouring flats. A noise limit and noise limiter were proposed for the sound system and speakers in the restaurant. It was also proposed by Ned Conran that the speakers would be relocated from the ceiling level and put under the seats and noise insulation installed. None of this was ever implemented. The speakers remain where they have always been, the noise limiter was either never installed or was overridden by his managers and staff. The noise has continued over the last two years and it seemed to surprise Ned Conran that his club continued to be a nuisance after the most recent complaints. His visit to the club and subsequent meeting with Ken White has been followed up with the usual promises of action to rectify the noise nuisance. He expressed disbelief that the noise could be turned up so loud. This is indicative of his 'hands off' management style. We now have more promises to rectify the situation after a period in which he seemed to be in denial that his club was the culprit – it is. See **appendix 6**.

Westminster City Council's Statement of Licensing Policy 2011 ("SLP")

The premises is located in the heart of the West End Stress Area, and is therefore subject to the City Council's Stress Area policies.

and to the satisfaction of an authorised officer of the Environmental Health Service and in conjunction with affected residents, 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.'

- Add additional condition:

'No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'

- Add additional condition:

'All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.'

- Add additional condition:

'At least two SIA licensed door supervisors shall be on duty outside the premises after 6pm on any day when the premises is open for business. The principal duties of the supervisors shall be to manage patrons who have temporarily left the premises, e.g. to smoke, and to ensure that customers disperse from the premises without causing a public nuisance to local residents.'

- Add additional condition:

'Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.'

- Add additional condition:

'After 9pm, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall be limited to 6 persons at any one time.'

- Add additional condition:

'The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that they remain within the designated smoking area referred to in condition [] and to ensure that there is no public nuisance or obstruction of the public highway.'

- Add additional condition:

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

- That the licensing authority removes the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

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

All timings etc to be as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.

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

x

If yes please state the date of that application

Day	Month	Year
	11	11

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

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

Part 3 – Signatures (please read guidance note 4)

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

Signature *M. White, L. Lynch*

Date *1st December 2015.*

Capacity **Applicants**

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

Notes for Guidance

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

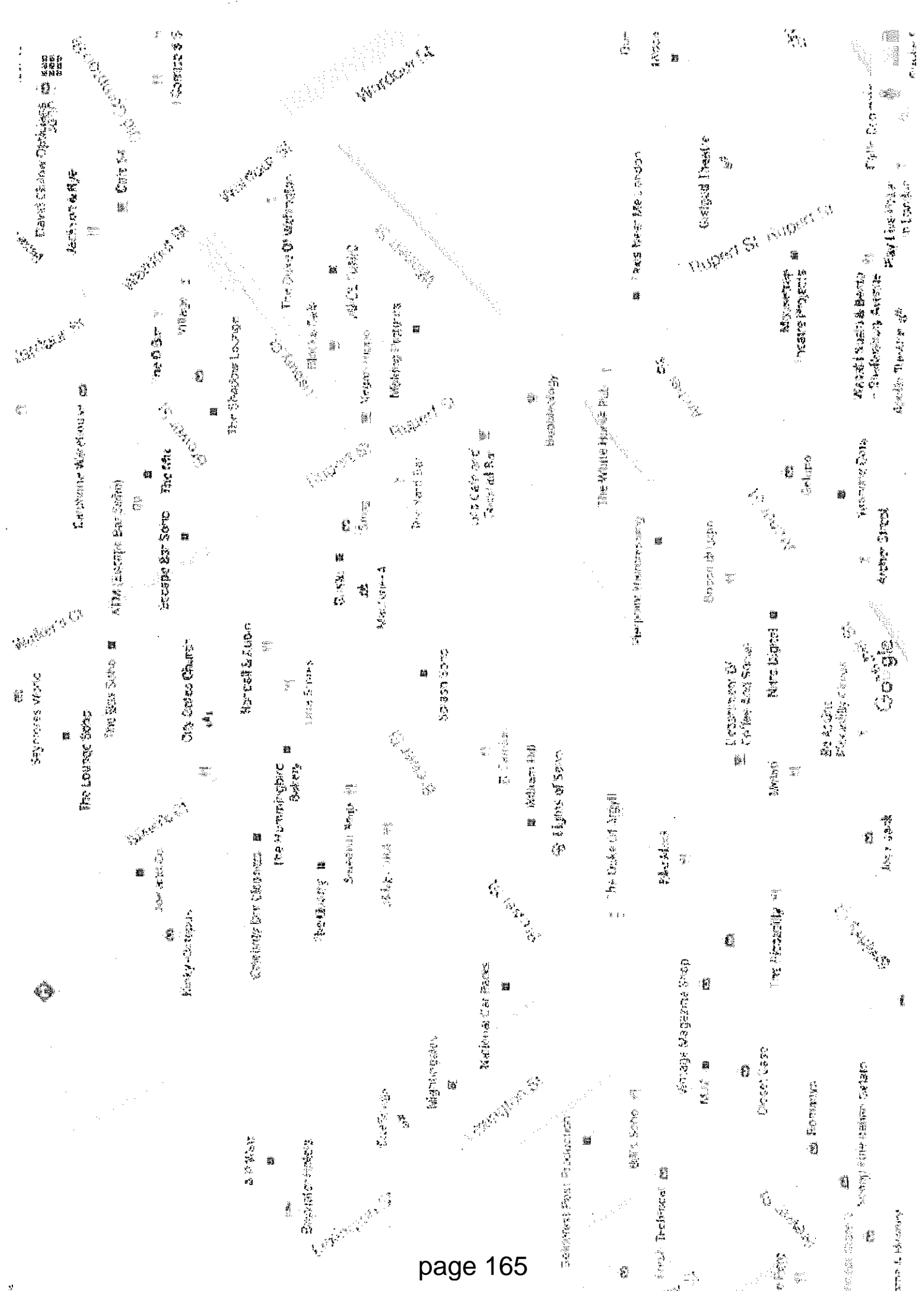
'El Camion', 25 Brewer Street, London W1

Review application under s51 Licensing Act 2003

List of appendices

1. Map of premises and area
2. Supporting statements from other residents
3. Copy of current premises licence
4. Photos/videos
5. List of noise complaints recorded by Environmental Health
6. Relevant correspondence

APPENDIX 1



Great Street (London, United Kingdom)

Navigation icons: X, Home, Street View, Location, Search, and a compass icon.



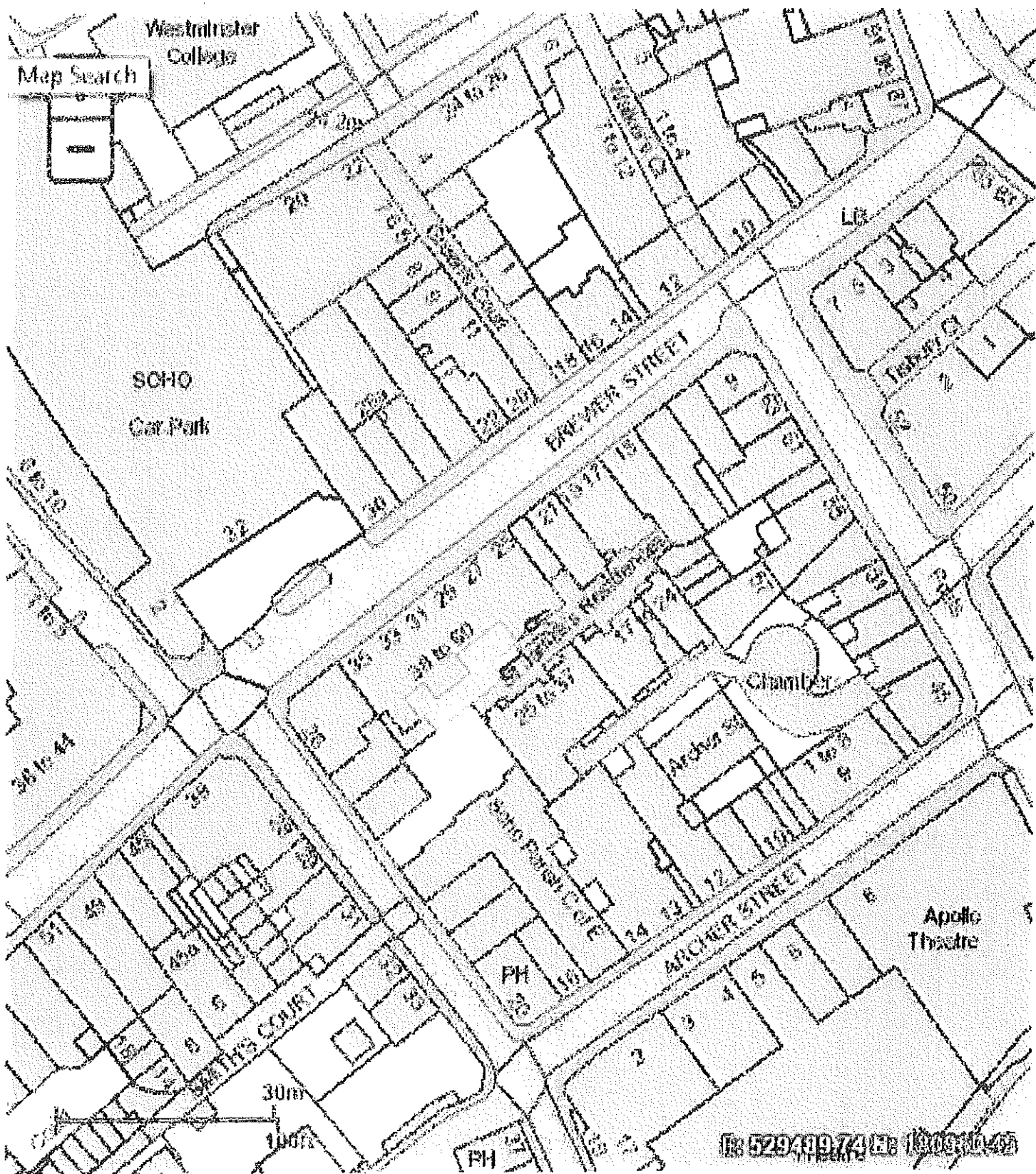
Brewer St

ST. JAMES'S RESIDENCES

SIMPLY PLEX

Map controls: A vertical bar containing icons for 'Full Screen', 'Layers', 'Traffic', 'Satellite', '3D', and 'Street View'.





APPENDIX 2

Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1

S51 Licensing Act 2003

Premises licence ref: 15/02786/LIPDPS

My name is Kenneth White. I live at 15, St. James's Residences, Brewer Street, Soho, London W1F 0RN. I have lived here for 18 years. My flat, which I share with my wife, is on the top (5th) floor. It is a one bedroom flat with all the rooms facing onto Brewer Street. I am the chairman of the St James's Residents and Archer Street Chambers Residents Association – 69 1/2/3 bedroom flats, housing a diverse community, including many families with children and inter-generational relationships. The block of flats is run by the Soho Housing Association.

I and my neighbour Lawrence Lynch (flat 52) are asking Westminster City Council to review the premises licence for El Camion on the grounds of 'prevention of public nuisance' and 'protection of children from harm'.

I am not directly affected by the amplified music that is transmitted through our building to some of my neighbours because my flat is on the 5th floor and, as you look at the front elevation of our flats from Brewer Street, is off-set to the left by the distance of one flat's width from the El Camion. I am affected by the noise coming from El Camion's customers that smoke outside and who leave the premises in a noisy, drink fuelled way. The noise of customers smoking, leaving in the early hours of the morning and at closing time combines in a cumulative way with customers of other clubs in our area, although El Camion is the only one in that is part of our building block.

Although Lawrence Lynch (52) and Maria and Paula Soares (53) are the only ones of my neighbours who are prepared to make a statement, attend a review hearing and give evidence, I am aware of a considerable number of other neighbours whose quiet enjoyment of their homes is affected by the noise from El Camion. Their reasons for them not coming forward to assist in this review are many and various, but, without being patronizing, many low income people are unsure of becoming involved in a quasi-judicial process. This is certainly the case with my neighbours who are reluctant to come forward, but who, nevertheless, would like their lives to be free of the noise from El Camion. We all accept that we live in a lively area and are not the complaining sort, but the noise caused by El Camion and their customers is making some of my neighbour's lives unbearable. I would point to the fact that none of my neighbours complain about the 'Wembley' like roar coming from customers of the 'The Yard' - a bar with an open courtyard area that backs onto our flats from Rupert Street. This is because its noise is confined to animated customers in the outside area and not amplified music. Crucially its terminal hour is 11.30pm.

Just over two years ago I became involved, in my capacity as chairman of our tenants association, in a discussion with Ned Conran about how to stop amplified noise from his club, El Camion, from disturbing the sleep of Lawrence Lynch and his family. Westminster's Environmental Health sound engineers became involved and various noise level and noise quality test were done in Lawrence

Lynch's flat (52), and the ground floor and basement of El Camion. There was, and still are, music speakers placed at the junction of the walls and ceiling of the ground floor restaurant, directly beneath Mr Lynch's flat, controlled by a console at the rear of the ground floor. In the basement there are 'club' size music speakers that are controlled by an independent console down there. The sound tests showed that no music was audible in Mr Lynch's flat from the speakers in the basement, even when turned up very loud. However, music from the ground floor restaurant speakers could be heard in Mr Lynch's flat at quite low levels. A noise level that would not disturb residents was agreed for the ground floor, and Ned Conran promised to have a noise limiter fitted so that that the noise level could be fixed and not capable of being overridden. For a short period of time things appear to have quietened down, however, it was not long before Mr Lynch started to say to me that at certain times during the week the music was as bad as ever. He tried talking to the management of the club (not Ned Conran, who is rarely there), but that only produced temporary respite. I told him that it was obviously a waste of time trying persuasion as the management seemed to do what they liked when Ned was not there. Ned appeared to have a hands off approach during the evening and night. Mr Lynch and his children then settled down to 2 years of disturbed sleep. I told him that I would help him if he would telephone the noise team when things were bad in the early hours. I know how hard this is to do because of my own noise problems with the now closed 'Escape' bar across the road – the struggle between disturbed sleep and spending 2 hours waiting for the noise team is a hard thing.

Mr Lynch has telephoned the noise team spasmodically over the last couple of years, but starting on the 30th September this year he galvanized himself. His call on the 30th resulted in the a 'noise' notice being served on the manager. On the 1st October I informed, by e-mail, Ned Conran, Shaftesbury plc (landlords), Soho Housing Association, and Richard Brown (solicitor employed by CAB) of my intention to seek a review of the club's licence. This resulted in an apologetic e-mail from Ned to me, saying he would have reacted earlier had he known. Ned and myself met to discuss matter very shortly after at the club and he was amazed at the volume that the speakers on the ground floor could be turned up to and the fact that there was no noise limiter on the sound consul. He promised to fix things immediately. Mr Lynch made a further noise complaint on 9th October but the noise team arrived after the club closed. I again met Ned Conran in the club with Mr Lynch on 15th October. Ned was full of apologies and promised to set things right. Mr Lynch was disturbed again by music from the club again that night but felt too tired and exasperated to call the noise team. This led Ned to e-mail me on 16th October stating that he had checked the club the night before and that the noise must be coming from somewhere else. It is not. He is in denial about the nuisance caused by his club and management. Further calls to the noise team were made on 17th and 27th October. Since this Ned has met with Shaftesbury plc and there has been no further noise from the sound system.

Ned Conran is trying to organize his sound engineer to have a 3 hour access to Mr Lynch's flat to do tests. We will cooperate if need be, but we have been round this particular loop 2 years ago with no effect. The trouble is Ned's management staff disregard what he says, and his style of ownership is 'hands off'. A permanent solution is required to a problem club that does not rely on pious promises of the owner. The club is in the wrong. The residential population must be protected.

It is an historical aberration that there is a 3am licenced club embedded in a large, old, residential block of flats. Ideally this anachronism should be removed by El Camion's licenced hours being reduced to 'core' hours 11.30/12mn.

Music speakers on the ground floor should be removed from their present position under Mr Lynch's floorboards and relocated under the seats or at head hight. Ideally they should be removed altogether to avoid any temptation to 'override' the noise limiter. A noise limiter for the speakers set and monitored by Westminster noise team or licensing enforcement officers.

'Smokers' limited to 6 in a confined area directly outside the club.

I confirm that the content of this statement is true to the best of my knowledge and belief. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form art of the Report to Sub-Committee which is a public document.

Signed.....*M. White*

Date.....*4.11.15*

Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1

S51 Licensing Act 2003

Premises licence ref: 15/02786/LIPDPS

My name is Lawrence Lynch, I live at 52, St James's Residences, Brewer Street, Soho, London W1F. I have lived here for 9 years with my wife, Clare, and my two sons, Percy (11yrs) and Henry (9yrs). My flat, living room and two bedrooms are directly above El Camion.

I and my neighbour Kenneth White are asking Westminster City Council to review the premises licence for El Camion on the grounds of 'prevention of public nuisance' and 'protection of children from harm'

The nuisance I have experienced from the operation of the premises is as follows.

Ever since we moved into the flat we have suffered from the effects of noise from the club downstairs. It operated under several names – 'Abigail's Party', 'Enclave' and now 'El Camion'. The noise is mainly by caused the speakers placed around the ceiling of the ground floor of the club, directly beneath our floor boards. It is persistent rock music, with a penetrating base beat. The sleep of my wife, boys and myself is disturbed on a regular basis, not just on weekends. Additional noise is caused their smokers outside the premises, directly beneath our windows, and by their rowdy, drink filled customers leaving in the early hours. This club is licenced till 3am, but sometimes they continue way past this hour – it must be about ten times in the last year that this has happened. So we are all suffering from sleepless nights and my children's development is being harmed.

It is very hard in the early hours of the morning, sleeping fitfully, tired after a day's work, yet tormented by the loud music and customers of El Camion, to get out of bed and ring the council noise team, wait for them to call back, then wait for them turn up and witness the noise – a process that can take up to 2 hours. When the noise team arrives 2 hours later the noise has often stopped. It is often the way that you just turn over, put your head under the pillow and bear it.

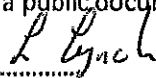
Nevertheless, I have rung the noise team over the years, with varying success. Sometimes the noise team witness the noise and they serve a notice on the club – the last time this happened was a couple of weeks ago, 30.9.15 I think. They have the record. A week later I rang again, 9.10.15 I think, but this time the noise team turned up just after 3am and they had turned the music down. Yesterday, 15.10.15. I spoke to Ned Conran, the owner of El Camion, about the noise. He was full of apologies again and promised that he would sort the noise out. He did not, because the music was just as bad as ever last night. My wife and I have also telephoned and spoken to the club staff on numerous occasions over the years about the noisy music and customers. They have promised a lot, but nothing has changed. A couple of years ago we had the council's environmental health team round with their sound engineers. They did tests in the flat and the club, then set a noise limiter on

the sound system to everyone's satisfaction. Yet the disturbing music continued at the same level as before. I saw for myself yesterday, in the presence of Ken White, my neighbour, and Ned Conran the reason – someone had overridden the noise limiter. Ned turned the system down and gave instructions that it was not to be turned up. They ignored him because it was just the same last night. Ned is never there at night to witness things.

The root of the problem is the fact that a 3am licenced club is embedded in a residential block of flats that was built in 1890, a time before amplified music and modern sound insulation. The residents are not the problem, the club is. I would like Westminster City Council to strip El Camion of its 3am licence down to normal core hours so we can sleep. No amount of tinkering with insulation and noise limiters is going to work – anyway, we have tried that two years ago and the experiment failed. If that solution is not acceptable I would like a complete ban on music on the ground floor and hour reduced to 1am and numbers outside reduced to 6.

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

Signed.....



Date...16th October 2015.....

Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1

S51 Licensing Act 2003

Premises licence ref: 15/02786/LIPDPS

My name is Maria Soares. I live at Flat 53 St James Residences, 23 Brewer Street, London W1F 0RP. I have lived here for 22 years with my husband and daughter. My flat is on the second floor directly above El Camion.

I am aware that two of my neighbours, Mr White and Mr Lynch, are asking Westminster City Council to review the premises licence for El Camion. I would like to fully support the application, on the grounds of 'prevention of public nuisance.'

The nuisance I have experienced from the operation of the premises is as follows.

For a numerous amount of years, we have continuously suffered with noise and public nuisance due to the establishments based at 25-27 Brewer Street. When I first moved in with my family there had always been a Japanese restaurant that closed at midnight under the terms of their license and not a peep was heard from them. Why subsequent businesses to follow were granted a later license to include entertainment until 3am is beyond me, given the fact that the council are fully aware of the residential premises directly above and that take up a vast amount of length along Brewer Street, practically a whole block.

It all first started with Abigail's Private Members Club which was shut down due to numerous complaints of noise and disturbances, in which I had an active role and attended the court hearing where I was a witness. Following this was Taboo another members club which we also had numerous problems with all due to noise and public nuisance, in then this club was shut down due to a drugs raid where it was found to have been trading these substances. Then came along El Camion which to our delight we thought, great a restaurant where the hours of trade would be that of a normal restaurant and no great levels of noise. Well how wrong were we.

I have lost count of the number of times my daughter and I have called the noise environment concerning noise coming from within the premises and outside due to the large groups of customers they allow to congregate outside the restaurant, talking loudly, screaming, drinking and smoking. This is a daily occurrence and it has been persistent since they have opened. They have a security guard who might as well not be there as he seems to join in so to speak in the banter and conversing with customers, rather than do his job which is to maintain order and ensure that the levels of noise and customers outside are kept to a minimum.

I have given up on ringing the noise environment of late as half the time they don't even show up and nothing is done regarding this persistent and ongoing problem, therefore have contacted El Camion directly to request on numerous occasions that the music be turned down or their customers asked to be quiet outside. I have witnessed them sending clients across the road to stand in front of the Thai restaurant Jane Tira or Palace store to smoke and then have seen them walking

back over and into El Camion, to which the managers deny and say they are not our customers. My daughter Paula Soares has also been witness to this when she arrives home of an evening out and to the point of their customers being stood in front of the gates into St James, which is an added nuisance as some are extremely rude, to the point of verbal abuse at times when asked to move away from door way, leave their cigarette butts, dump their drinks and just generally unpleasant. The noise that this makes through the walk way into the courtyard (as it echoes) can often be heard by my daughter as her room faces the back of St James courtyard and many a time she has been awoken by this and also the base line comes through into her bedroom. She has called them several times in the last 3 weeks to request that the music be turned down and majority of the time they haven't bothered. We are fully aware that the music system has a regulator which was installed as it was outlined as a requirement by the council from previous occupants due to a sound proofing issue. However just the other day the manager denied this to me that they have no regulator, well unless they have removed it (which is highly likely) then how is it that on the rare occasion that they have fulfilled my daughters request to lower the music the base line was not audible in her room.

On another occasion my daughter even called the police as a couple of their clients had used the fire escape which comes up into our courtyard and they were having a drunken argument and fight throwing the benches etc. After calling the police, who attended, she rang El Camion where the security guard answered and she said why have you allowed your customers to come out the fire exit, he was in a panic and within minutes ran to take them out through the front gates of St James. This begs me to question their persistent claim to have 2 securities on site, one on the front door and another downstairs at the pink flamingo, which is the bar/club part of El camion. When confronted with this they insisted that they have 2, therefore my question is how did the customers get out of the fire exit then? Surely if there was an altercation already starting downstairs, if a security guard (which is not the case) was present then this would not have occurred.

On making any type of complaint directly to the management or staff at El Camion, it has always been met with insincere apologies, arrogance from one member of staff who's response was "what the hell do you live in Soho for why don't you move!", and on other occasions they deny any events from happening, such as the 'lock ins' that staff often have, with customers. As I am aware their license is until 3am however there have been many occasions where my daughter and her boyfriend have arrived home around 4-5am or even later and seen the lights on through the red velvet curtains they try to fully close, music and people talking. I have also complained to the noise environment about this and often they don't even come out as they should or even call back.

The continued persistence of noise pollution and public nuisance from El Camion and its customers has and continues to take its toll on my health and that of my family, such as endless sleepless nights, being woken up suddenly with banging of doors, loud music and thudding noise from base line penetrating through the building, clientele screaming and talking excessively loud outside the front of the premises, excessive fumes from the amount of smokers outside at any given time, which doesn't allow us to have our windows open during warmer evenings as it is intoxication to me as a chronic asthma sufferer. As you can appreciate this letter could go on and on, with the countless occasions something has happened in relation to El Camion, however I hope that finally something will be done with regards to these persistent problems we have been having as long term tenants. We have had enough of being disregarded and feel that our concerns must be heard and drastic measures taken to ensure that a stop is put to all this, once and for all.

I have some photographic evidence and short video clips which I can provide if required.

This is an issue I, my daughter and family feel needs immediate attention and we are strong believers that the premises at 25-27 Brewer Street should have any license restricted to normal core hours. Surely there should not be a 3am club in a residential block of flats. Hours for any subsequent businesses that may take over the premises and including any that remain, should that be the case for El Camion, be reduced to 11.30/midnight and no later, with the addition of the bar/club downstairs being closed (i.e. not being able to trade as such). Also the number of people outside smoking should be reduced to 6.

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

Signed Maria Soares MARIA SOARES

Signed Paula Soares PAULA SOARES

Date 17th October 2015.

APPENDIX 3



Schedule 12
Part A

WARD: West End
UPRN: 100023470310

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

Premises licence

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

Original Reference:

05/10397/LIPC

Part 1 – Premises details

Postal address of premises:

El Camion
25-27 Brewer Street
London
W1F 0RR

Telephone Number: 020 7734 7711

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Lupe's (Brewer Street) Limited
Finsgate
5 - 7 Cranwood Street
London
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

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: 17291
Licensing Authority: London Borough Of Tower Hamlets

Date: 25 July 2015

This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,

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

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. 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.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.

16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, it's premises, or any of it's events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

Conditions for Sale of Alcohol

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
 - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
 - (c) artistes or persons employed on the premises;
 - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.

31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

Conditions related to the Sale of Alcohol

33. (i) Monday to Saturday
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

(ii) Sunday

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 Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;
- d) 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours 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.

34. 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.

35. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
36. 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

None

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 100023470310

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

Part 1 -- Premises details

Postal address of premises:

El Camion
25-27 Brewer Street
London
W1F 0RR

Telephone Number: 020 7734 7711

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance Monday to Saturday:	09:00 to 03:00
Performance of Live Music Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Saturday:	09:00 to 03:00
Late Night Refreshment Monday to Saturday:	23:00 to 03:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Lupe's (Brewer Street) Limited
Finsgate
5 - 7 Cranwood Street
London
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

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

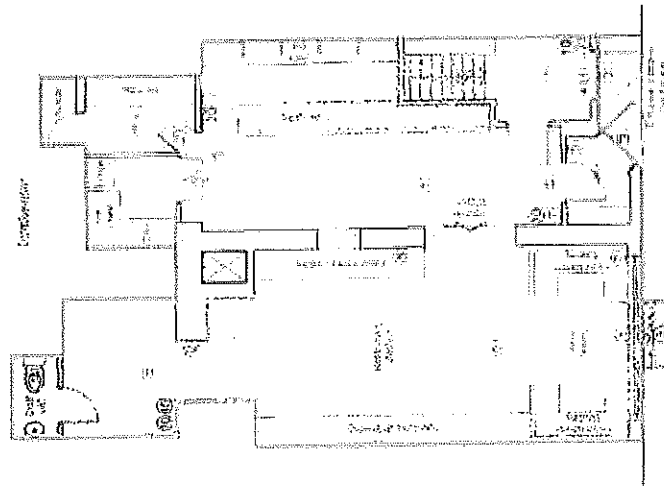
Restricted

Date: 25 July 2015

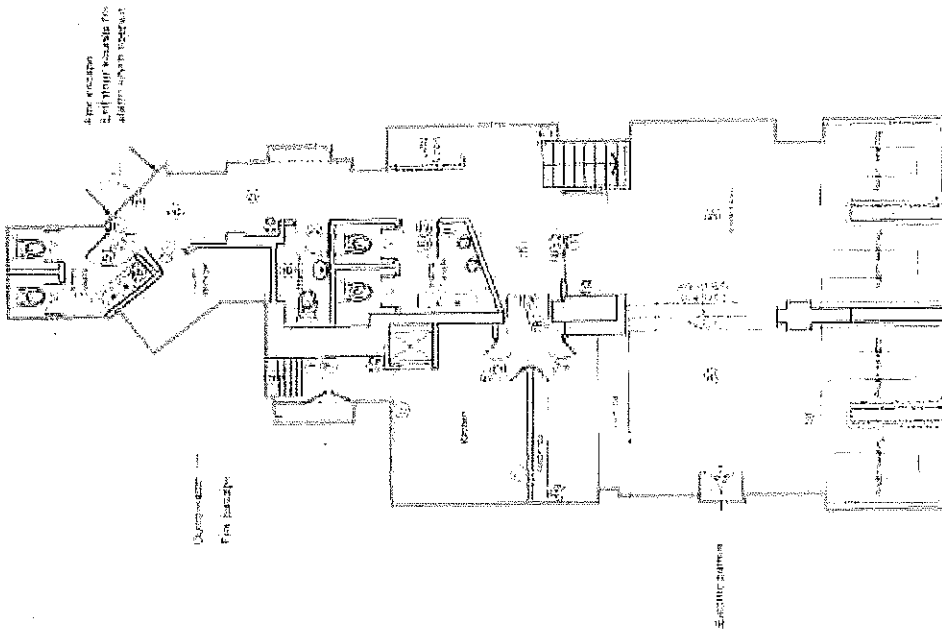
This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

Consumption of alcohol and licensable activities take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

Date 3/2/16



Ground Floor Plan
Scale 1:100 @ A3



Basement Plan
Scale 1:100 @ A3

NO.	REVISIONS
1	Issue for comment
2	Issue for comment
3	Issue for comment
4	Issue for comment
5	Issue for comment
6	Issue for comment
7	Issue for comment
8	Issue for comment
9	Issue for comment
10	Issue for comment

- NOTES:**
- The consumption of alcohol and the licensable activities including the retail sale of alcohol may take place anywhere within the red line.
 - The location of fire equipment is shown on this date hereof but may be moved with the consent of the Fire Officer.

- LEGEND**
- Alcohol / Licensable activity
 - Bar Area
 - Kitchen
 - Store
 - Staff Area
 - Bar Area
 - Bar Area
 - Bar Area
 - Bar Area
 - Bar Area
 - Bar Area

Creashy Bar Ltd
Allegiate Party
25 - 27 Brewer Street
Soho, London
Ground & Basement
Floor Plans - A3 Scale
1:100

studio.k
ARCHITECTS

2001 - 2010

APPENDIX 4



HOLDERS ONLY

ERM

ERS ONLY



APPENDIX 5



City of Westminster

Mr Kenneth White
15, St.James Residence, Brewer Street
London
W1F 0RN

Premises Management
Westminster City Council
Westminster City Hall
10th Floor East
64 Victoria Street
London
SW1E 6QP
Telephone 0207 641 7081
Email kmason@westminster.gov.uk

Please ask for Kevin Mason

Our ref: 1420633

Your ref:

Date: 6 November 2015

Dear Mr White

Freedom of Information Act 2000

I am pleased to provide some of the information you have requested. I have enclosed the information that you requested.

I can confirm that the remainder of the information you have requested is held by Westminster City Council, by law. However, I'm unable to give this to you.

The information is exempt from disclosure under Section 40(2) of the Freedom of Information Act (FoIA). The information is personal data as defined by the Data Protection Act 1998 (DPA). As it is information about someone else I'm unable to give this to you; release of this information would constitute a breach of Principle 1 of the DPA. Principle 1 states that personal data shall be processed (used) fairly and lawfully and, in particular, shall not be used unless at least one of the conditions in Schedule 2 of the DPA is met; in this case none of those conditions have been met. This response therefore acts as a refusal notice under section 17 of the FoIA.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Knowledge and Information Management Team
Westminster City Hall
10th Floor East
64 Victoria Street
London
SW1E 6QP
foia@westminster.gov.uk

Westminster City Council

**Environmental Health Service
Noise Team Inspection Sheet Report**

Date printed: November 8th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: loud music coming from club

Complaint Type: ENAC Noise from Commercial Premises;
CI Status: 8_CLO Received by: VE_MRK
Officer : NT_PZB Date received: July 28th, 2012
Unit / Ward : EHNOIS
IVA reference: 12/045400/NCOMP CI reference No.: 12/25873/ENAC;

Complainant Details

Telephone No. Home: Work: Anon.?
PHONEH : YES

IVA Report

Date Completed: 29.07.2012

Date	Time	Officer	Visit Type	
29.07.2012	03:20	NT_PZB	ENVR	Noise Visit Required

Comments:
Saw people inside but no music heard.

Date	Time	Officer	Visit Type	
29.07.2012	02:34	NT_GHC	ENPASS	Pass to Another Team or Officer

Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN:
Owner : Status:
Address : Tel. No.

Occupier : Status:
Tel. No.

CI Details: People in the street spilling out of club. Gathered in the street making a lot of noise. License is for 3 o clock and they still have people in the club This was e-mailed yesterday - no further action required.

Complaint Type: ENAC Noise from Commercial Premises;
CI Status: 8_CLO Received by: VE_AAF
Officer : NT_CXS Date received : January 10th, 2013
Unit / Ward : EHNOIS
IVA reference : 13/001303/NCOMP CI reference No. : 13/01052/ENAC;
No.:

Complainant Details

Telephone No. Home: PHONEH Work: Anon.? NO

IVA Report Date Completed: 13.01.2013

Date	Time	Officer	Visit Type	
10.01.2013	04:10	NT_CXS	ENVS	Visit, Problem Stopped

Comments:
Visited no noise heard at time of visit.

Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: (Incident Addr: on a bar at no 27)

been going on for over an hour

Complaint Type: ENABA Burglar Alarm;
CI Status 8_CLO Received by: VE_SEK
Officer: NT_MGP Date received: May 27th, 2014
Unit / Ward: EHNOIS
IVA reference: 14/020759/NCOMP CI reference No.: 14/16219/ENABA;
No.:

Complainant Details

Telephone No. Home: Work: Anon.?
PHONEH : YES

IVA Report

Date Completed: 27.05.2014

Date	Time	Officer	Visit Type	
27.05.2014	10:14	NT_MGP	ENFEED	Feedback to Customer

Comments:

Westminster City Council

**Environmental Health Service
Noise Team Inspection Sheet Report**
Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN:
Owner : Status:
Address : Tel. No.

Occupier : Status:
Tel. No.

CI Details: alarm still going off previous ref no 14/16219/enaba phone no on the alarm is 02089804710 bates alarm

Complaint Type: ENABA Burglar Alarm;
CI Status: 8_CLO Received by: VE_HLN
Officer: NT_MGP Date received: May 27th, 2014
Unit / Ward: EHNOIS
IVA reference No.: 14/020761/NCOMP CI reference No.: 14/16221/ENABA;

Complainant Details

Telephone No. Home: PHONEH Work: Anon.? YES

IVA Report Date Completed: 27.05.2014

Date	Time	Officer	Visit Type	
27.05.2014	10:15	NT_MGP	ENFEED	Feedback to Customer

Comments:

Westminster City Council

**Environmental Health Service
Noise Team Inspection Sheet Report**

Date printed: November 6th, 2015

Property Details

Address: 26-27 Brewer Street
London
W1F 0RR

Property Use : UPRN:
Owner : Status:
Address : Tel. No.

Occupier : Status:
Tel. No.

CI Details: Loud Club/Party music coming from a commercial premises. Mexican Restaurant.El-Camino

Complaint Type: ENC45 Noise from commercial premises;
CI Status: 8_CLO Received by: VE_BOL
Officer: NT_KGA Date received: April 8th, 2015
Unit / Ward: EHNOIS
IVA reference No.: 15/011738/NCOMP CI reference No.: 15/08172/ENC45;

Complainant Details

Telephone No. Home: Work: Anon.? YES

IVA Report

Date Completed: 08.04.2015

Date	Time	Officer	Visit Type	
08.04.2015	00:16	NT_KGA	EN45RC	45 minute response complaint logged

Comments:

Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: **25-27 Brewer Street
London
W1F 0RR**

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: Loud music coming from diner below caller's premises (El Camion) Happens every night until 3am. Return call requested.

Complaint **ENC45** Noise from commercial premises;
Type:
CI Status **8_CLO** Received by: **VE_DWI**

Officer : **NT_DXS** Date received **September
30th, 2015**

Unit / Ward : **EHNOIS**
IVA reference **15/038358/NCOMP** CI reference **15/26191/ENC45;**
No. : No. :

Complainant Details

Telephone No. Home: Work: Anon.? **YES**

IVA Report

Date Completed: **03.10.2015**

Date	Time	Officer	Visit Type	
30.09.2015		NT_DXS	EN45RC	45 minute response complaint logged

Comments:

Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: Restaurant called 'El Camino'. There is loud music coming from the property. Call back wanted

Complaint Type: ENC45 Noise from commercial premises;
CI Status: B_CLO Received by: VE_SBL
Officer : NT_PZB Date received : October 9th, 2015
Unit / Ward : EHNOIS
IVA reference No.: 15/039892/NCOMP CI reference No.: 15/27266/ENC45;

Complainant Details

Telephone No. Home: Work: Anon.? YES

IVA Report

Date Completed: 09.10.2015

Date	Time	Officer	Visit Type	
09.10.2015		NT_PZB	EN45RC	45 minute response complaint logged

Comments:

Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: **25-27 Brewer Street
London
W1F 0RR**

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

Cl. Details: noise from El Camio Club come up from club in to the flats. It has been going on for 6 years and people phone up at 2am in the morning / last thursday noise issues Noise Abatement to them.

but customer wasnt to know whats records are held by you to move this forward, as he has put in a review application and he needs to notify you together with police records held.

Customer requested all call back to gain this information for the hearing.

Complaint Type:	ENC45	Noise from commercial premises;	
Cl Status	8_CLO	Received by:	VE_ALC
Officer :	NT_CXS	Date received :	October 8th, 2015
Unit / Ward :	EHNOIS	Cl reference No. :	15/27284/ENC45;
IVA reference No.:	15/039915/NCOMP		

Complainant Details

Name :
Address: **25-27 Brewer Street
London
W1F 0RR**

Telephone No. Home: Work: Anon.?
YES

Westminster City Council

**Environmental Health Service
Noise Team Inspection Sheet Report**
Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: Loud music from bar. Regular occurrence, be aware the bar closes at 3am

Complaint Type: ENC45 Noise from commercial premises;
CI Status: 3_RSP Received by: VE_PBL
Officer : NT_SXL Date received : October 17th, 2015
Unit / Ward : EHNOIS
IVA reference No.: 15/041316/NCOMP CI reference No. : 15/28111/ENC45;

Complainant Details

Telephone No. Home: Work: Anon.?
PHONE : YES

IVA Report Date Completed:

Date	Time	Officer	Visit Type	
		NT_SXL	ENFEER	Noise Team Feedback Request "visit"

Comments:

Date	Time	Officer	Visit Type
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Westminster City Council

Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

Property Details

Address: 25-27 Brewer Street
London
W1F 0RR

Property Use : UPRN: Status:
Owner : Tel. No.
Address :

Occupier : Status:
Tel. No.

CI Details: There is a heavy bass sound thumping up from the restaurant below caller's residence. They are open till 03:00, so this is likely to be going on for some time, but noise levels are excessive. Please attend a.s.a.p.

Complaint Type: ENC45 Noise from commercial premises;
CI Status: 4_INV Received by: VE_HBC
Officer : NT_KNE Date received : October 27th, 2015
Unit / Ward : EHNOIS
IVA reference No.: 15/042826/NCOMP CI reference No. : 15/29144/ENC45;

Complainant Details

IVA Report

Date Completed:

Date	Time	Officer	Visit Type	
27.10.2015	01:43	VE_HBC	EN45RC	45 minute response complaint logged

Comments:

APPENDIX 6

On 1 Oct 2015, at 15:17, Ken White <kenwhite.sohoha@gmail.com> wrote:

Dear Ned

I write to you as the owner, and I presume the premises licence holder, of El Camion, 25, Brewer St., Soho - a 3am licensed club and restaurant.

I live at 15, St James's Residences, Brewer St., Soho, W1F 0RN, and I am the chairman of the St James's Residences and Archer Street Chambers Resident's Association - a residential block of 69 1/2/3 bedroom flats, run by the housing association 'Soho Housing', which surround your club. For some unknown reason a 3am licence was granted to the the premises in 1997. It was then known as 'Abigail's Party', and its operation caused endless noise and disturbance to my neighbours.

Since you took over the club it has continued to cause noise and disturbance to my neighbours. Apart from the noisy drunks who leave the club at closing time, amplified music is audible in the flat directly above your club, 52, St James's Residences. This flat is occupied by Lawrence and Clare Lynch and their two sons, Percy(11) and Henry(9). They cannot sleep because of the music - sing along to it yes, sleep no. A succession of telephone calls to the club and yourself, meetings with you and your manager, calls to Westminster Noise Team, and two sessions in which sound engineers from Westminster CC noise team have tried to set noise limiters to your sound systems have failed to have any lasting effect. In the early hours of Wednesday 30th September, this week, the Lynches were again unable to sleep because of the amplified noise from your club. Mr Lynch telephoned the council noise team, they attended, witnessed the noise and told him that a 'notice' would be served on the club.

You have made several promises to me and Mr Lynch that you would spend money and soundproof the club from the flats, and ensure proper management so that the noise limiters are not bypassed. These promises have not been kept.

Mr Lynch is an honest hardworking man, but he is not used to dealing with legal process, so I am representing him as a friend, neighbour, and chairman of our residents association.

This letter is to formally warn you and Westminster council that we intend to instigate a formal review of your licence, with the intention of having it revoked in order that we can enjoy a reasonable night's sleep, which is our right.

Kenneth White

Christine Gainsborough

From: Councillor Paul Church <paulchurchwestend@live.co.uk>
Sent: 01 October 2015 15:27
To: Ken White; Edmund Conran
Cc: PremisesLicensing; licensing licensing; Andrew Price; ricky.colley@mjmapp.com; Alun Thomas; Joe Chambers; Laurence Lynch
Subject: RE: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

Dear Mr. Conran,

As the Ward Councillor, I have just read Mr. White and Mr. Lynch's concerns and frankly am disgusted that residential amenity seems to have been given such little consideration.

Should Mr. White and Mr. Lynch wish to take your premises to a licensing review meeting, they would do so with my full support as the local Ward Councillor.

With every best wish,

Paul

Councillor Paul Church

Deputy Cabinet Member for Children & Young People

Westminster City Councillor for West End Ward

Serving our communities in Fitzrovia, Marylebone, Mayfair & Soho

E-Mail:

paulchurchwestend@live.co.uk

Post:

Westminster City Council, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Twitter:

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

Website:

www.paulchurch.org.uk

Surgery:

The first Saturday of every month between 2 p.m. and 3 p.m.

Danceworks, 16 Balderton Street (off Brown Hart Gardens), Mayfair, W1K 6TG

Date: Thu, 1 Oct 2015 15:17:20 +0100

Subject: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

From: kenwhite.sohoha@gmail.com

To: ned.conran@mac.com

CC: premiseslicensing@westminster.gov.uk; licensing@westminstercab.org.uk;

Andrew.Price@shaftesbury.co.uk; ricky.colley@mjmapp.com; Athomas@tandtp.com; joe@sohoha.org.uk;

Laurencelukelynch@gmail.com; paulchurchwestend@live.co.uk

Dear Ned

Christine Gainsborough

From: Edmund Conran <ned.conran@mac.com>
Sent: 02 October 2015 10:59
To: Ken White
Cc: PremisesLicensing; licensing licensing; Andrew Price; ricky.colley@mjmapp.com; Alun Thomas; Joe Chambers; Laurence Lynch; Paul Church
Subject: Re: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

Dear Ken,

First, I would like to sincerely apologise for any upset caused to Mr. Lynch and his family.

This has come as quite a surprise to me and up until Wednesday , when I was informed about the complaint, I had no idea that the volume of the music in the Venue was still an issue. We take the right of the residents to enjoy a peaceful night's sleep very seriously, having recently employed a second doorman to ensure that our customers are sent on their way swiftly and quietly when they leave the Venue.

The last record I have of correspondence between us about the volume of the music on the ground floor was November 6th 2013 at which time I had a sound system fitted that moved the bass away from the ceiling and limited on the system by the installer. At that time, I said that if the noise continued to be an issue, I would have sound proofing material fitted to the ceiling. You appeared satisfied with this course of action. I have heard nothing further from you since then so concluded that the matter was resolved. Now that I am aware that it is not, I have engaged the services of a sound proofing company.

If Mr. Lynch has made any complaints in the intervening two years, I have not been made aware of them. Certainly, now that I am aware that the Lynch family has again being disturbed, I have taken appropriate measures and disconnected the sound system on the ground floor and will continue to keep it disconnected until we have done whatever it takes to resolve this issue to their complete satisfaction.

I believe that you know me well enough to know that I would not wilfully cause a disturbance to our neighbours. Please forward my personal phone number (07584637771) to Mr. Lynch so that he may contact me directly in the unlikely event that there are any further noise issues.

Best wishes,

Ned

Edmund Conran

Managing Director

El Camion
25-27 Brewer street
London
W1F 0RR

www.elcamion.co.uk

The information contained within this e-mail and in any attachment is confidential and is intended solely for the addressee. Access, copying, disclosure or use of such information by any other party is unauthorised. Any views or opinions presented are solely those of the author and do not necessarily represent those of Lupo's Brewer Street Ltd. Internet communications are not secure and Lupo's Brewer street Ltd does not accept any responsibility for the contents of this message or changes made to this message after it was sent

Christine Gainsborough

From: Edmund Conran <ned.conran@mac.com>
Sent: 16 October 2015 12:45
To: Ken White
Cc: ricky.colley@mjmapp.com
Subject: Noise at 25/27 Brewer st

Hi Ken,

Thanks for calling this morning regarding Mr Lynch's noise complaint, I do find it very puzzling that he would still be disturbed by music when we had our system disconnected by Noise Solutions and as you saw is bolted down in such a way that it would be impossible to reconnect without a great deal of effort. As I mentioned, I visited the property myself late last night to check for myself that Mr Lynch would not be disturbed and can be sure that there was absolutely no music playing in the restaurant. I also spoke to various members of staff about mr Lynch hearing music the previous night and all have confirmed that there was no music playing in the restaurant and has not been since my email on the 2nd October.

I can only assume from this that the music disturbing mr Lynch is not actually coming from our restaurant. I think that if I could arrange a Noise Survey in mr Lynch's flat, we could finally get to the bottom of where the noise is actually coming from and hopefully come up with a solution.

Thanks,

Ned

Sent from my iPhone

Christine Gainsborough

From: Mark Browning <mbrowning@balaw.co.uk>
Sent: 04 November 2015 18:28
To: 'Ricky Colley'; Ken White; Andrew.Price@shaftesbury.co.uk;
Laurencelukelynch@gmail.com
Cc: 'Edmund Conran'; noiseteam2@westminster.gov.uk
Subject: El Camion - Acoustic Report
Attachments: 15-0161-0 Short Report PR 2-11-15 v1.pdf

Importance: High

Dear All,

I am writing to update you on the situation regarding noise escape at El Camion.

Since the reports, we have disconnected the main system on the ground floor, engaged an expert, worked with the Westminster Noise Team and established that some transfer of noise may have been coming directly from the basement through the fabric of the building. As a result of recommendations, we have fitted rubber mountings to the speakers and had the limiters re-set and sealed for optimum performance. Please see a copy of the report attached. We hope that this has resolved the problems experienced upstairs.

The next stage is to set the limiter on the ground floor and we would be grateful for the upstairs tenant's co-operation in facilitating the tests so that any problems can be fully resolved. The ground floor is currently operating on a non-limiter setting of background recorded music.

El Camion has worked hard to address any issues and we hope that this has now made a significant difference.

Do please let me know if you have any comments.

Kind regards

Mark Browning
BA LAW Limited
T: 0870 458 4600
M: 07956 415441

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B-A-GROUP



El Camion, Brewer Street, London W1F 0RR
Acoustic Investigation

04 November 2015
15-0161-0 Short Report PR 2-11-15 v1

1. INTRODUCTION

- 1.1.1 Sustainable Acoustics Ltd. visited the premises known as El Camion , 25-27 Brewer Street London W1F 0RR on evening of the 31st October 2015.
- 1.1.2 As no access was available to the flats above the exercise was limited to reviewing the noise management policy and control measures in order that the premises were controlling music noise as far as reasonably practicable.
- 1.1.3 There were acoustic limiters that control both the basement sound system, and the ground floor restaurant system. These were both reviewed and where possible set to reasonable levels, which are set out in this report.
- 1.1.4 Ways to tighten up noise control measures were also discussed and are set out in this report.

2. CREDENTIALS

- 2.1.1 Mr Peter Rogers was in attendance, whom is a Fellow of the Institute of Acoustics, a Chartered Engineer with over 20 years of this type of noise control. He also spent 5 years as an authorised local government officer dealing with nuisance complaints. He is a registered expert witness for acoustic matters, and is well placed to form an expert view on matters such as music noise control, and best technical practice within the industry. The opinions expressed within this report are those of Mr Rogers, who is a professional acoustic consultant, considered to be competent in this area.

3. CONSULTATION

- 3.1.1 Mr Rogers made contact with the Environmental Services of Westminster City Council, and dealt with Mr Kevin Ezeoguine, who had visited the residential premises occupied by Mr Lynch previously.
- 3.1.2 He explained that when he attended that he could hear bass music that was coming from the basement of the premises, but that it was not sufficient to be causing a nuisance (and therefore to breach the abatement notice that is under appeal) at the time. He did however suggest that it was likely to be due to the noise travelling through the structure, which needs to be addressed. We agreed that mounting the speakers on resilient mounts would be a helpful way to reduce this.
- 3.1.3 He also tried to gain access for the evening, and was planning to attend to determine what were appropriate levels, so the limiter could be set. He explained in a phone call in the evening of the 30th that Mr Lynch had declined to assist, which he said was "unfortunate".
- 3.1.4 Mr Rogers kept Mr Ezeoguine aware that he was intending to attend despite this to provide as much advice as possible, although the lack of co-operation by Mr Lynch was obstructive to the venue being able to solve the alleged problem.



4. EQUIPMENT

- 4.1.1 Mr Rogers used a type 1 Sound Level meter, which is a RION NA28 (Serial number: 00170246, Calibration Certificate number U18435), to take measurements. It was field tested before and after measurements and no deviation noted. The calibration certificate extract is contained in Appendix 1.

5. SOUND SYSTEM

- 5.1.1 The basement sound system is located at the DJ booth on the edge of the dance area, with four large speakers connected to it, which are bolted to columns in the sub-structure of the building. The amplifiers run through a dBX compressor and a Lime acoustic limiter, which has a microphone near to the closest speaker and can be adjusted for overall gain, and also for high or low frequency output. The balance between each speaker can be set, and was set up such that the majority of sound energy was on the dancefloor, with the area near the bar filled in also. The adjustment of the limiter is necessary from the back, with a small screw driver adjuster.
- 5.1.2 The ground floor restaurant system is purely meant for use as an ambient system. There are four small speakers connected to it at the wall to ceiling junction. The amplifier takes a music feed from the downstairs system and plays it through a Lime plug in acoustic limiter, which is set to its lowest level. This system

6. ACOUSTICS ASSESSMENT

Basement Music Limits

- 6.1.1 The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed to high levels (above 100dB(A) on the dancefloor).
- 6.1.2 The set-up of the mixing desk was altered so that all settings were on maximum and the limiter then adjusted to permit the maximum levels below to be achieved.
- 6.1.3 The best music quality was achieved when the mixing desk sliders were set to 0 (just out of clipping), but when pushed into the clipping zone the quality of the music reduced dramatically, so the incentive to operate in this zone is diminished.
- 6.1.4 The following music levels in Table 1 resulted once the limiter was set up to the minimum commercially acceptable music levels for the bar area and the dancefloor:

Position	L _{WA} in dB(A)	L _{W1/3} in dB(A)	L _{eq} in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Top bar	86	94	74	83	83	84	82	76	78
Dancefloor	90	92	73	84	80	88	87	79	76

Table 1 – Music Noise Levels set up on limiter in basement



- 6.1.5 Operating at above these levels are considered to be the lowest commercially workable levels for a bar, where music is a focal point of the entertainment, based on our experience.
- 6.1.6 It will not now be possible with the limiter set up as it is now to exceed these levels, although there could be some track to track variation.
- 6.1.7 As part of the noise management plan the management will regularly monitor the noise levels within the space, using a budget sound level meter to provide a helpful record that the overall levels from night to night remain within limited levels. Records will be kept and will be available for inspection by WCC in the event that a complaint needs investigation.

Loudspeaker mounting

- 6.1.8 The loudspeaker mountings in the basement were directly in the structural frame of the building, providing a route for acoustic energy to transmit up the building. It is the opinion of Mr Rogers that this is likely to be the route of energy transmission affecting Mr Lynch's flat, which is in agreement with Mr Ezeoguine views.
- 6.1.9 To reduce the transmission as far as reasonably practicable it is recommended that a resilient mounting technique is used to decouple the speakers from the wall. This should include at least a 10mm neoprene pad that should separate the mounting plate and the wall. Then neoprene beneath washers to the bolts should be used to create the separation required. This would employ best practice.

Restaurant Music Levels

- 6.1.10 The restaurant music system is small, and only capable of providing mid to high frequency sound, so not capable of producing the bass music being complained of. Despite this it is appropriate to have checked what level this system was set to play at. The measured sound levels with and without music are presented below, in Table 2.

Position	L _{Aeq} in dB(A)	L _{Amax} in dB(A)	L _{eq} in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
With ambient music on	77	85	68	69	68	73	72	71	62
People noise only at quiet period (no music)	67	78	70	66	62	65	61	60	56
People noise only at busy period (no music)	76	82	70	68	65	72	71	68	65

Table 2 – Music Noise Levels set up on limiter in ground floor restaurant

- 6.1.11 It can be seen that the music levels do not affect the levels when the restaurant is busy, from voices alone, which means it is truly ambient and not the focus of attention or of such a level likely to be audible in the flat above.



7. MUSIC CONTROL RECOMMENDATIONS

7.1.1 The following recommendations are made to ensure that the premises maintains control of music noise to their best technical and practicable ability, which is necessary to provide a best practicable means defence. This does not infer that they were not doing so in the past, but ways in which they can better tighten their noise management policy, to proactively protect the quality of life of those living above.

Acoustic Limiter setting

7.1.2 The basement acoustic limiter has been now set up, and the adjustment ports sealed by signed and dated seals (by Mr Rogers) which prevent it being altered. It means that if the house system is used in the basement that music noise levels will be consistently kept below the values in table 1, with some minor variation possible between tracks.

7.1.3 With access the flat this can be tweaked in future but provides a robust and best practice control measure.

7.1.4 The first floor music system is currently unlimited, but is a low energy system, with small speakers capable of only providing low levels of sound to provide ambient music only, such the noise from people is likely to be the source more likely to exceed music levels. As this is not a source for complaint Mr Rogers is confident that the current levels would not cause audible music noise within the flat above. As such use of the limiter is a helpful precaution to provide reassurance to WCC that these levels are not being exceeded. The limiter is in the process of being set up, so that the noise levels can be controlled in the way the basement system is. This will be set up and the adjuster sealed so that music levels do not exceed those in table 2, when the basement system is refined.

Loudspeaker mounts

7.1.5 By added neoprene between the speaker mount and the wall, with resilient washers to avoid connection through the bolts a significant reduction in structure borne noise transmission is expected by up to 80%. As it is not practicable to mount the speakers without contact to the wall, due to space, this approach is employing the best technical solution available.

Noise management plan

7.1.6 In addition to the control of level and reduction of the transmission paths the venue is recommended to clarify its management policy around noise control. This will include a noise complaint procedure, which residents will be encouraged to use, to solve any problems at source.

7.1.7 The Noise Management Plan in Appendix 2 is recommended to form a basis for a noise management plan, which should be employed at all times, to minimise the risk of noise from music, people and other associated activities. This is far more reaching than simply music, but sets that benchmark for being able to demonstrate clearly how proactively the licensing objective to prevent public nuisance is being done.

7.1.8 It is recommended that the draft plan is tailored to a workable format for the premises, from that contained in Appendix 2, and submitted for comment by WCC Noise team. Once agreed this would become a basis for checking compliance with Best Practicable Means by that department, in the proactive prevention of nuisance.



8. CONCLUSIONS

- 8.1.1 Following the acoustic assessment was completed by Mr Rogers of Sustainable Acoustics Ltd. on the 31st October 2015, who is a suitably qualified expert in acoustics.
- 8.1.2 The basement noise limiter was set up, and sealed to limit the music noise levels to not exceed $L_{Aeq,5min}$ 87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area, which are the lowest levels considered commercially viable for the venue. The noise spectrum in each location was measured and is presented in Table 1, and should be used as a baseline condition for testing subjectively in the premises above. If adjustment is necessary this will only be likely in the bass frequencies, which can be done in conjunction with WCC, if Mr Lynch choses to co-operate in the future.
- 8.1.3 The ground floor system was checked (and is currently unlimited and awaiting resetting of the limiter as a feedback mic is being added to the system to improve its effectiveness. The levels of music noise do not exceed the noise from people, so is truly ambient and considered highly unlikely to be audible in the flat above. However as a precaution the limiter can be set to keep music noise levels to those set out in Table 2, if a setting exercise is completed in the way that was done for the basement. Use of this system until this time will be unlimited, and therefore remains a risk factor and so should only be used during non-sensitive times (ie. use only between 08:00 and 21:00) sparingly.
- 8.1.4 Advice has been provided for mounting of the speakers in the basement to reduce the transmission of acoustic energy by up to 80%. This will reduce further the bass energy that transmits through the structure, and permit higher music levels to be achievable. This will be taken into account when the limiter is refined, if access is granted to the flat above.
- 8.1.5 A noise management plan is recommended to be a general way in which the premises can continually demonstrate that they are implementing the proactive prevention of nuisance, as required by the licensing objectives.
- 8.1.6 If the recommendations within this report are implemented it is the professional opinion of Mr Rogers that it is unlikely that Mr Lynch will experience further intrusion, and that if he does that all best practicable means steps will have been taken, such that the business should be required to go further. Under such circumstances Mr Lynch will need to appreciate the character of the vicinity in which he lives is premised to provide some reasonable noise.
- 8.1.7 On this basis it would be appropriate to withdraw the abatement notice, as a result of the control measures that are put in place.



APPENDIX 1
Calibration Certificate



Campbell Associates Ltd
55 Chalmers Road Industrial Estate
GREAT DUNMOV, Essex. GB CM8 1HD
SYNCHRONISED ELECTRONICS LTD
Phone 01371 871030 Facsimile 01371879108

CALIBRATION



0789

Certificate of Calibration and Conformance

Certificate Number:- U18433

Test object: Sound Level Meter, BS EN IEC 61672-1:2003 Class 1 (Precision) and associated Frequency Analyser BS EN IEC 61260, Class 1

Manufacturer: Rion

Type: NA25

Serial no: 00170246

Customer: Sustainable Acoustics

Address: 5 Charlecote Mews, Staple Gardens, Winchester, Hampshire, SO23 8BR.

Contact Person: Claire Woodcock - Business Development Consultant

Order No: PO-15-101-SA

Method :
Calibration has been performed as set out in CA Technical Procedures TP01 & 02 as appropriate. These are based on the procedures for periodic verification of sound level meters as set out in BS EN IEC 61672-3:2008 and for electrical testing of frequency filters as set out in BS EN IEC 61260. Results and conformance statement are overlaid and detailed results are in the attached Test Report.

	Producer	Type	Serial No	Certificate number
Microphone	Rion	UC59	00289	18433
Calibrator*	Rion	NC-74	34773049	U18434
Preamplifier	Rion	NH23	60254	Included

Additional items that also have been submitted for verification

Wind shield	Rion	WS10
Attenuator	None	
Extension cable	None	

These items have been taken into account wherever appropriate.

Environmental conditions:	Pressure:	Temperature:	Relative humidity
Reference conditions:	101.325 kPa	23.0 °C	50 %RH
Measurement conditions:	100.06 kPa	22.6 °C	41.2 %RH

Date received : 25/04/2015
 Date of calibration: 21/03/2015
 Date of issue: 24/03/2015

Engineer

Palanivel Marappan, B. Eng (Hons), M. Sc

Supervisor

Darren Batten Tech IOA



APPENDIX 2

Draft Noise Management Plan



Draft Noise Management Plan

A: Music Control Steps

- All amplified music played in the venue will be controlled in level and frequency by sound limiter equipment, which has been set in conjunction with a specialist, and the adjustment port sealed by them. Input from the Local Authority will be invited should this need to be amended or refined.
- No external audio equipment will be permitted to be used, unless approved to not exceed the levels set out in Table 1 of the Sustainable Acoustics Report, dated 4/11/15.
- All external suppliers of entertainment (ie. DJ's) will be required to enter into a Service Level Agreement, which agrees to operate through the limited house system, and if they are found to not be will not be permitted to continue to supply services to the venue ;
- signs shall be displayed on the premises, to remind attendees to keep noise down outside once the music has finished, as they leave;

B: Management Mitigation Steps

- A representative of the premises will ensure that the levels of sound during each operational run of the basement are recorded from the designated location, using a Sound Level Meter which records the L_{eq} (set to "A" and "slow") for the duration of the run. This information will be downloaded and held on record to provide indicative evidence of the historical music levels, which will be made available to WCC on request.
- The management staff will be aware of the limiters and the levels set;
- The premises will have a single point of contact for complaints, which is made available to residents that might be affected by noise from the premises (which may be a mobile number) and they should be encouraged to call it should they have a complaint about music noise;
- In the event of a complaint every effort will be made to quickly check that the control measures are in place, and to reduce levels voluntarily until such time as the complaint has been fully investigated;

C: Enforcement Checks

- A representative of WCC can at any point visit and request to check the historical record of noise time histories by date, to check for irregularities in the measured noise levels;
- A simple visual check for the limiters is to request see that the seals are intact;
- A measurement check can be completed if there is remaining doubt, to check whether ambient music levels are at or below $L_{Aeq,5min}$ 87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area

Christine Gainsborough

From: Ken White <ken@sohoha.org.uk>
Sent: 08 November 2015 10:22
To: Mark Browning
Cc: Ricky Colley; Ken White; Andrew.Price@shaftesbury.co.uk;
Laurencelukelynych@gmail.com; Edmund Conran; noiseteam2@westminster.gov.uk
Subject: Re: El Camion - Acoustic Report

Dear Mark

Thank you for the acoustic report. I shall discuss this with our solicitor, Richard Brown. Access to Mr Lynch's flat (52) for noise coming from the speakers on the ground floor must be considered as part of a wider discussion with all parties. Perhaps Ned can enlighten you about the noise limiter loop we have already been through. Ricky Colley is going to try and progress things this week.

Ken White

Sent from my iPhone

On 4 Nov 2015, at 18:31, Mark Browning <mbrowning@balaw.co.uk> wrote:

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I am writing to update you on the situation regarding noise escape at El Camion.

Since the reports, we have disconnected the main system on the ground floor, engaged an expert, worked with the Westminster Noise Team and established that some transfer of noise may have been coming directly from the basement through the fabric of the building. As a result of recommendations, we have fitted rubber mountings to the speakers and had the limiters re-set and sealed for optimum performance. Please see a copy of the report attached. We hope that this has resolved the problems experienced upstairs.

The next stage is to set the limiter on the ground floor and we would be grateful for the upstairs tenant's co-operation in facilitating the tests so that any problems can be fully resolved. The ground floor is currently operating on a non-limiter setting of background recorded music.

El Camion has worked hard to address any issues and we hope that this has now made a significant difference.

Do please let me know if you have any comments.

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Sent: 12 November 2015 12:30
To: Ken White; Mark Browning
Cc: Ricky Colley; Ken White; Andrew.Price@shaftesbury.co.uk;
Laurencelukelynch@gmail.com; Edmund Conran; noiseteam2@westminster.gov.uk;
licensing licensing
Subject: RE: El Camion - Acoustic Report

Dear Mark

Sorry about the delay. Please give me your availability for next week and I will arrange access to Lawrence's flat (52) for the noise tests.

Dear all

I am meeting with our solicitor tomorrow. Our view at the moment is that we have a strong case if we go to committee for a review of the licence. There would be a sliding scale of requests to modify the licence to ensure the quiet enjoyment of our homes. The review would be instigated because of 'public nuisance' and 'harm to children' caused by noise from the club. Nevertheless, we are determined to act reasonably. That is why access to flat 52 is to be arranged for Mark's sound engineers despite the last effort, 2 years ago, of the noise limiter route being circumvented by management of the club. We request an open and frank meeting between all parties to see if recourse to a review can be avoided. We are not prepared to be seen as a bunch of nimby moaners. We are the ones who have been wronged. An acknowledgement of this would be the basis of any discussion.

Kenneth White

Ken White
Volunteer
020 7557 7400



4th Floor
120 Charing Cross Road
London WC2H 0JR
020 7557 7400
www.sohoha.org.uk
@SohoHousing

From: Ken White (<mailto:ken@sohoha.org.uk>)
Sent: 08 November 2015 10:22
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Cc: Ricky Colley <ricky.colley@mjmapp.com>; Ken White <kenwhite.sohoha@gmail.com>;
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B-A GROUP





Schedule 12
Part A

WARD: West End
UPRN: 100023470310

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

Premises licence

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

Original Reference:

05/10397/LIPC

Part 1 – Premises details

Postal address of premises:

El Camion
25-27 Brewer Street
London
W1F 0RR

Telephone Number: 020 7734 7711

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Lupe's (Brewer Street) Limited
Finsgate
5 - 7 Cranwood Street
London
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

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: 17291
Licensing Authority: London Borough Of Tower Hamlets

Date: 25 July 2015

This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

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

A responsible person in relation to a licensed premises means the holder of the 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. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. 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.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.

16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, it's premises, or any of it's events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

Conditions for Sale of Alcohol

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
 - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
 - (c) artistes or persons employed on the premises;
 - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.

31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

Conditions related to the Sale of Alcohol

33. (i) Monday to Saturday
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

(ii) Sunday

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 Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;
- d) 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours 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.

34. 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.

35. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
36. 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

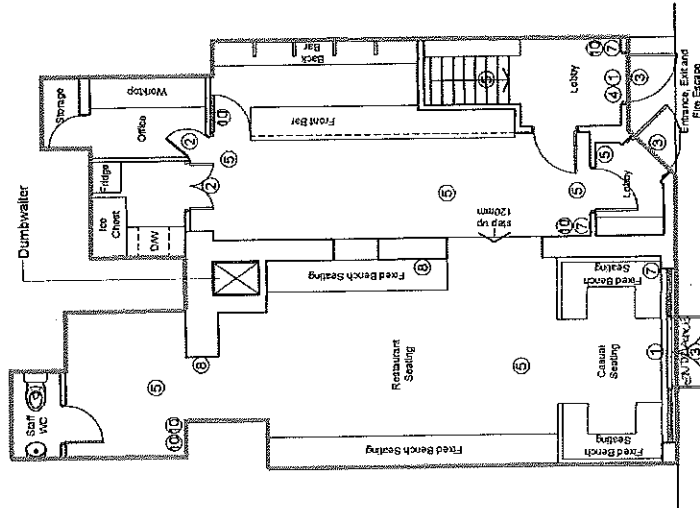
None

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

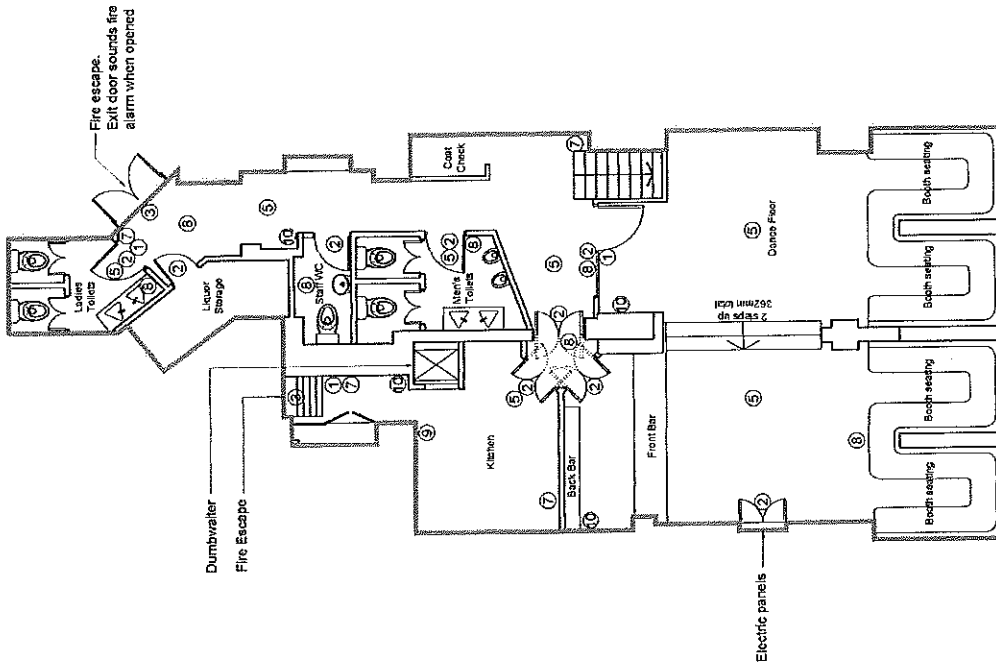
None

Consumption of alcohol and licensable activities take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

Date 3/2/05



Ground Floor Plan
Scale 1:100 @ A3



Basement Plan
Scale 1:100 @ A3

NOTES
This drawing is the responsibility of the architect and may not be reproduced without permission.
The architect is not responsible for the accuracy of the information provided by the client.
ALL DIMENSIONS ARE TO BE PROVIDED BY THE ARCHITECT UNLESS OTHERWISE SPECIFIED.
THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

REV. NO.	DATE	REVISION	DRAWN	CHECKED
B	06-06-05	Drawings revised to show Exit door sounds fire alarm when opened		
C	16-06-05	Notes & fire safety legend added		
D	18-06-05	WC replaced toilet/mechanical room on ground floor		
E	04-07-05	Revised notes		

Notes

- The consumption of alcohol and the licensable activities including the retail sale of alcohol may take place anywhere within the red line.
- The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

Legend

- illuminated / directional exit sign
- Fire door
- Exit fire door with panic bar
- Exit signage
- Emergency lighting
- (not used)
- Fire alarm call point
- Automatic fire alarm
- Fire blanket storage
- Fire extinguisher storage

CLIENT | Cheeky Bars Ltd
Abigail's Party
PROJECT | 25 - 27 Brewer Street
Soho, London
DRAWING | Ground & Basement
Floor Plans - As Built
SCALE | 1:100
DRAWN BY | DATE | June 2004
CHECKED BY | DATE |
DRAWING NO. | 04081 - 100 rev E

Tel | 020 7692 2647
Fax | 020 7338 0935
Email | info@studio.k
ADDRESS | 31 MARTIN STREET
LONDON, WC1E 6LE





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

Schedule 12
Part B

WARD: West End
UPRN: 100023470310

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

Part 1 – Premises details

Postal address of premises:

El Camion
25-27 Brewer Street
London
W1F 0RR

Telephone Number: 020 7734 7711

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Performance of Live Music

Monday to Saturday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Lupe's (Brewer Street) Limited
Finsgate
5 - 7 Cranwood Street
London
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

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

Restricted

Date: 25 July 2015

This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 15/11279LIREVP

FROM EH Consultation Team
REFERENCE 15/049062/EHCT
BEING DEALT WITH BY Sally Thomas (sthomas4@westminster.gov.uk)
TELEPHONE 020 7641 2291
DATE 22nd December 2015

The Licensing Act 2003**Re: El Camion, 25-27 Brewer Street, London, W1F 0RR**

I refer to the application for a Review of the Premises Licence for the above named premises by Mr White and Mr Lynch under the Prevention of Public Nuisance and the Protection of Children from Harm Licensing objectives.

It is understood that the grounds of the Review relate to nuisance caused to residents by:

- Music from the premises;
- People noise from outside the premises smoking and;
- Noise from customer dispersal associated with the premises.

Please take this memorandum as confirmation that Environmental Health supports this Review. There have been 7 noise/nuisance related complaints (that relate to the Review) within the last 2 years recorded against these premises. A section 80 abatement notice under the Environmental Health Act 1990 was served 30th September 2015.

Further information regarding the outcome of the notice and the complaints will be sent to the Licensing Authority in due course.

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

Sally Thomas
Senior Practitioner - Environmental Health Consultation Team

Owojori, Olaposi

From: Thomas, Sally
Sent: 02 March 2016 13:27
To: Owojori, Olaposi
Subject: El Camion, 25-27 Brewer St 15/11278/LIREVP
Attachments: El Camion submission.docx; El Camion - John Crockford - witness statement.pdf

Hi Ola,

Please find my submission attached, along with John Crockford's witness statement.

Kind regards

Sally Thomas

Senior Practitioner
Environmental Health Consultation Team
Public Protection and Licensing

Westminster City Hall - 4th Floor
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 2788
sthomas4@westminster.gov.uk
www.westminster.gov.uk



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STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

Statement of **JOHN VERNON CROCKFORD**

Age of Witness
(if over 18 enter "over 18") **OVER 18**

Occupation of Witness **ENVIRONMENTAL HEALTH ENFORCEMENT OFFICER**

This statement, consisting of **9** pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 2nd March 2016

Signed 

1. I have been employed by Westminster City Council as an Environmental Health Enforcement Officer for 9 years. My duties include the setting of sound limiting devices at licensed premises.
2. My first involvement with the bar/restaurant at 25-27 Brewer Street was in May 2008. At this time the premises was trading as Enclave and I understand that it was under different ownership and management.
3. I visited Enclave on 21 May 2008 together with a colleague. The visit followed noise complaints made alleging nuisance from music noise played at Enclave. My notes from the visit updated on the Uniform database immediately following the visit read as follows:-

Dated 2nd day of March 2016

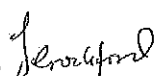
Signed 

Exhibit A

"Visited with KM. KM stayed in club with manager whilst I met residents rep Ken White. He took me to 3 flats - 51, 52 & 53. No sound heard nor vibration felt in any of the flats. 52 said had been very loud last Sat but others said been ok recently. KM confirmed music levels in basement loud but ground floor very low almost just background music. Left card at each of 3 flats if noise returned. Spoke to manager James Scott - advised that they do have sound limiter although they had been told by sound company that they didn't. He to contact em with view to arranging NAW check".

As the sound engineer was not present it was not possible to set the sound limiting device.

4. I then revisited in May 2009 following further noise complaints. An arrangement was made with Enclave, the residents and their representative, Mr Ken White (KW) to visit on 22nd May 2009. The details of this visit and the set music noise levels are shown in the sound limiter data sheet (Exhibit A).
5. I was then advised by Mr Peter Cradock of the Council's Premises Licensing Team that Enclave went into administration in September 2009 and had ceased trading.
6. In March 2012 a request was received from the new owners/managers at the bar/restaurant to 25-27 Brewer Street to check the music noise levels from their sound system. This was in relation to a condition on their licence. The premises were now called El Camion.
7. The job was allocated to a colleague Miss Sarah Chowdhury (SC), who no longer works for the Council. I accompanied SC on 26th March 2012 with a view to setting the sound limiting device to our satisfaction in accordance with the licence condition.
8. It is normal practice for the premises to engage the services of a sound

Dated 2nd day of March 2016

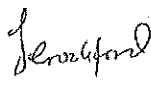
Signed 

Exhibit A

engineer to be present during the visit. This would have been explained to the designated premises supervisor (DPS) prior to the meeting. Unfortunately no sound engineer was in attendance so it was not possible to set the sound limiting device.

9. The notes updated by SC on Uniform immediately after the visit read as follows:-

"Went to premises to set limiter. Upon arrival, the manager explained that he had not arranged for a sound engineer to be present. Waste of our time. We did do a quick measurement and test within the premises and it appeared that the limiter must be set very high because it wasn't limiting the noise even when it was at 93dB LAeq, 1min. Told him that there was really nothing that we could unless a sound engineer was present. Told him to call us back when he had arranged for a sound engineer and the resident up stairs."

10. The DPS made the necessary arrangements and a sound limiter setting visit subsequently took place on 8th August 2012. I was away at the time and SC was accompanied by another colleague. Of course, I have no comment to make in respect of this visit but I have attached the sound limiter data sheet (Exhibit B) and letter confirming the outcome of the visit (Exhibit C).

11. My next involvement with El Camion was in October 2015. Mr David Stewart (DS) of the Council's 24 Hour Noise Team had served a notice on El Camion to abate nuisance from loud music. DS emailed to say that El Camion was appealing the notice on the basis that the Council had set the sound limiter previously. I advised that I had been involved some years earlier.

12. In the meantime El Camion had engaged the services of Mr Peter Rogers from Sustainable Acoustics and a visit had been arranged for Tuesday 24th November 2015 with Mr Ken Agnew (KA) of the 24 Hour Noise Team. KA

Dated 2nd day of March 2016

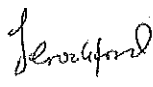
Signed 

Exhibit A

requested some assistance so I agreed to accompany him. As it turned out KA was unable to attend so another colleague Mr Mark Walshe (MW) joined me instead.

13. MW and I were met by KW, PR and Miss Sara Rubio (SR) from Sustainable Acoustics. Mr Lynch who lived above El Camion was also in attendance. We waited for over an hour for the manager, Mr Ned Conran, to arrive as he had mixed up the date of the visit.

14. Primarily PR and SR were taking noise measurements in both El Camion and the residential flat above. I was happy to rely solely on their data but I did take some measurements myself just for verification. These were latterly shared with PR to assist in the report that he was to prepare.

15. The visit took an inordinate length of time partly due to the complexities of setting the existing sound limiter to the basement bar/club area and the new sound limiter to the ground floor area and in part due to the late arrival of Mr Conran. MW accompanied KW and SR to assess the music noise level from Mr Lynch's flat. The music noise in both the basement and the ground floor was set to a level which was deemed virtually inaudible in the flat.

16. I agreed with all parties that I would confirm the sound limiter settings once I had received the report from PR. I only received the report by email from DS on 25th February 2016, although the draft report is dated 3rd December 2015

Dated 2nd day of March 2016

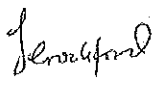
Signed 

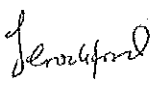
EXHIBIT A

Sound Limiter Data Sheet

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

Premises	Enclave	
Address	25-27 Brewer Street W1F 0RR	
Case Ref / UPRN	08/23185/EE1NOI	
Contact Name	Chris Theoridis	
Phone Number	07515 427099	
Any previous complaints?	Yes – residential above	
Does the premises have a H&S Risk Assessment		
Floor (B'ment, Grd etc)	Basement	Ground
Limiter type	Cloud Limiter	
Location of Limiter	Under DJ booth	
How is limiter locked?	Screwed shut	
What area music played in	Basement	Ground
Zones (if yes, how many)		
No. of speakers	6 – 3 by bar and 3 by DJ booth	9
Bass bins	1 not in use – disconnected	1 – not in use disconnected
Set Levels – LAmax	80.1	75.2
Set Levels – LAeq	78.6	67.2
Set Levels – LA90	76.5	58.0
Occ H&S, Street, or complaint assessment	Complaint assessment from residential flat above – music noise inaudible	
Date set	22 nd May 2009	

Dated 2nd day of March 2016

Signed 


Continuation of Statement by John Crockford

Set by	John Crockford, Phil McIlwain and club representative/sound technician Terry Wedd (020 7434 2911)
Entered into Uniform (y/n)	Yes

Notes / Recommendations:

Terry Wedd has been involved with club for 6/7 weeks. He set the limiter following recent enforcement action. Volume control for basement is behind the bar and for ground floor is in manager's office (past bar area). Music levels were relatively low – esp in ground where only just background music. Basement area intended to be more clubby atmosphere but this area was not so loud that you couldn't hold a conversation. It was noted that the speakers on ground floor are hard mounted. One of which is attached to ceiling, rest very high up on wall. Recommendation made that club places speakers on anti vibration mounts and relocates ceiling speaker to wall. Music played at full volume on both floors (this was checked by resident's association chairman Ken White at his request). Music could not be heard in residential flat. Terry Wedd advised that both the bass bins had been disconnected. They were still in situ and the levels were set with these not in operation. It was made clear that they must remain disconnected.

Dated 2nd day of March 2016

Signed 

Continuation of Statement by John Crockford

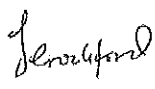
EXHIBIT B

Sound Limiter Data sheet

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

Premises	El Camion	
Address	25-27 Brewer Street , London, W1F 0RR	
Case Ref / UPRN	12/08564/EE1NON - 100023470310	
Contact Name	Bruno De Souza – Premises Manager Antonio Neto – Sound Engineer Ken White – Chairmen of Residents Association	
Phone Number	Premises Manager - 0788 306 4860 Sound Engineer – 07592 858 580 Residents Association – 07518 785 968	
Any previous complaints?	Yes	
Does the premises have a H&S Risk Assessment	N/A	
Floor(Basement Gnd etc)	Ground Floor	Basement
Limiter type		dbx pro 266XL
Location of Limiter		Under mixing desk, left of the bar area.
How is limiter locked?		Limiter locked within a lockable cabinet with the manager obtaining only keys.
No. of speakers		2 working speakers and 2 non-operational speakers.
Bass Bins (y/n)		0

Dated 2nd day of March 2016

Signed 

Continuation of Statement by John Crockford

What area music played in	<p>Music played in restaurant area during restaurant opening times.</p> <p>This unit does not include a sound limiter. It is a single Hi-Fi unit connected to two visible speakers.</p> <p>The Hi-Fi unit is accessible by all staff members as it is not located in a secure/lockable area.</p> <p>Music from this unit is only operational for the restaurant hours.</p>	Mixing/DJ desk located for basement area only. Sound limiter connected and controls whole basement area.
Zones (if yes, how many)	N/A	1
Set Levels – LAmax	N/A	98.1 dB
Set Levels – LAeq	N/A	89.6 dB
Set Levels – LA90	N/A	84.0 dB
Occ H&S, Street, or complaint assessment	N/A	
Date set	8 th August 2012	
Set by	Sarah Chowdhury & Chris Banks	
Entered into Uniform (y/n)	Yes	

Notes / Recommendations:

Tests were undertaken in relation to the Hi-Fi system in the restaurant area which was not connected to a sound limiter. The residents above were concerned with the music from the restaurant to be key source of disruption, in particular early mornings and after closing of the premises. It was speculated by the residents that the noise disturbance during such unusual times could be as a result of cleaners of the premises switching on the Hi-Fi in the restaurant area.

As a result, it was agreed that the manager will address this via speaking with his staff. It had also been agreed in principle for the Hi-Fi system to be placed in a lockable area that the manager/supervisor would have access to. This would suggest that the Hi-Fi system would not be tampered with by other members of staff to a level that could cause noise disturbance for surrounding residents.

Discussions with the premises manager were held to ensure that he was aware that if following the installation of the restaurant Hi-Fi being placed in a secure location, if complaints are still being received by residents in relation to audible music, the sound limiter for the basement will be re-evaluated and the Hi-Fi in the restaurant area will be required to go through a sound limiter.

Dated 2nd day of March 2016

Signed 

Continuation of Statement by John Crockford

EXHIBIT C

This matter is being dealt with by:
Sarah Chowdhury
Environmental Health Enforcement Officer
Tel: 020 7641 3137
Fax: 020 7641 3436
Schowdhury1@westminster.gov.uk
Date 14 August 2012

Bruno De Souza
El Camion
25-27 Brewer Street
London, W1F 0RR

By email only

Dear Bruno De Souza

RE: Sound Limiter Setting at El Camion, 25-27 Brewer Street, London, W1F 0RR.

I refer to the visit made on 8th August 2012 to the above named premises by myself and my colleague Mr Chris Banks, in relation to the setting of the sound limiter.

The noise limiter has now been set to the satisfaction of the Premises Management department. The agreed maximum permissible level measured at the basement bar is **89.6dB LAeq (1 min)**

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

As discussed, the current noise limit means that there is noise breakout at the nearest residential property. This has been allowed as the noise limiter has been set for several years and this department has not been addressed to set the limiter as a response to a public complaint. However, if we do receive complaints in regards to the noise levels then we shall arrange another meeting to set the noise limiter at a lower level to reduce the noise breakout.

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

Yours sincerely



Sarah Chowdhury
Environmental Health Enforcement Officer

Dated 2nd day of March 2016

Signed 

Environmental Health Submission

02/03/16

Sally Thomas

Section 80 Notice

Following complaints in 2015 (detailed in the Review Submission) a section 80 notice under the Environmental Protection Act 1990 was served on 30th September 2015. Since then four noise complaints were received (all included in the Review submission). A breach of the notice has not been witnessed to date. I have been informed by the solicitor of the premises that an appeal has now been lodged. This had not been validated when an initial appeal was made.

Setting of Noise Limiter

Please refer to John Crockford's witness statement dated 02/03/16 with regard to the history of the setting of the noise limiters.

Separate noise limiters have now been installed and were tentatively set in November 2015. The sound levels have not yet been confirmed as the data report from the acoustic consultant was only received by John Crockford on 25th February 2016.

Previous complaint

To add to the Review submission and the above witness statement a complaint of noise nuisance was also received on 03/03/12 at 03.36 hours 'Noise from people coming and going'. No noise was witnessed by the Noise Team as the premises was closed at 04.21 hours when a visit was made.

Monitoring visit

A monitoring visit by City Inspector, Francis Keegan, was made on 9th January 2016 at 00.30 hours for 30 minutes.

"There was doorman working at the entrance and he kept popping in and out of the venue. To the left of the venue was a "roped off" smoking area, with as many as 10 people there (sometimes as few as 2), and some of these smokers were quite loud, their voices being clearly heard by me from across the street.

A small canopy covered some of the smokers, and this may reduce the level of noise heard by the residents in the flats above, but I have not been in any of the residents' flats so I cannot be sure.

There were also numerous people approaching the venue and being admitted by the doorman.

I crossed the road and walked by a few times, and there was no escape of music or other noise into the street from within the venue.

What I did notice, and what caused me to speak to the doorman after 30 minutes, was the fact that no SIA badge was visible. I asked him about this and he showed me it was on a lanyard around his neck, but the badge was under his coat and jacket (both buttoned). He could offer no explanation for this so I told him to acquire an armband, the type of which is being used more and more in the West End, as soon as possible.

I asked to see the manager and was soon introduced to both Adam G McLeeen and Matthew Scott. Both produced their personal licences.

A brief walk- through the venue (which I have never visited before) revealed that the ground floor was being used as a bar (with some food – the kitchen area is on the ground floor), and the basement was being used as a “disco”. The music within the basement disco area did not seem loud to me, but of course noises can travel through the structure of buildings (especially older structures) and cause a nuisance.

In the basement another doorman was seen, properly displaying his badge on an arm band.

I gave some advice about fire door maintenance, fire door signage, fire extinguishers.

The full licence (dated 11.9.14) was produced, and we discussed some of the conditions briefly. I asked about the Rules of Management, and both confirmed they had never seen or read it, but they were sure they could acquire a copy from their employer (the licensee). I said that all duty managers must read and comply with these Rules , as they form part of the licence, and it was agreed they would contact me by email if they could not get hold of a copy in the next day or two.

It also seems that there may have been some unauthorised alterations to the venue (removal of a staff toilet ?), and I said that this matter must be addressed by way of a variation (assuming then plans and licence they showed me are the up to date documents).

There was no sign of excessive alcohol consumption or rowdy behaviour seen.”

Subject: FW: Location: El Camion, 25-27 Brewer Street, London, W1F 0RR 15/11278/LIREVP

From: Davies Jonathan (NHS CENTRAL LONDON (WESTMINSTER) CCG)
Sent: 02 December 2015 16:49
To: Anand-Patel, Sumeet
Subject: RE: Service - 15/11278/LIREVP - El Camion, 25-27 Brewer Street, London W1F 0RR - RRD

Hi Sumeet, thanks for this. The CCG supports this review on the basis that the issues reported could be detrimental to health and place additional stress on limited primary care resources as well as affecting the development of the children who are subject to disrupted sleep.

This is in the context that the nature of the licensing hours and the establishment are not congruous with the nature and type of property albeit the CCG accepts that this is in an area of similar establishments. The CCG accepts also that the premises owner has made efforts to work with the community however the detrimental health effects of stress and broken sleep are sufficiently well documented for the CCG to support this review.

Thanks and regards, Jonathan

Jonathan Davies
Programme Manager, Primary Care Transformation

NHS Central London Clinical Commissioning Group
15 Marylebone Road
London

Ken White
Volunteer
020 7557 7400



4th Floor
120 Charing Cross Road
London WC2H 0JR
020 7557 7400
www.sohoha.org.uk

 @SohoHousing

Details of public representations relating to 15/11278/LIREVP

- **Elizabeth Mitchell -**
Received:
SUPPORT

I am a resident of St James Residences which is a block of residential flats situated above the premises and forms one of the most densely populated areas of Soho.

I am not sure how the current licensing conditions were originally granted given the restaurant/clubs proximity to the homes of families with children and others. Loud music can be heard outside the premises on a regular basis, (several times weekly). In addition to this there is the nuisance of groups of people smoking outside, sometimes being rowdy due to alcohol or just general excitement. These groups generally get louder as the night goes on and this is a regular occurrence up until 3am, sometimes later.. There is also a problem with rubbish, with the staff leaving inadequately sealed bags of rubbish outside, broken glass and cigarette ends. I have written on several occasions to the owner to complain about this.

It really isn't acceptable that premises in close proximity (directly underneath) so many residential units should have such long licensing hours, particularly as the owners do not ensure that no music can be heard outside, do not control the behaviour of their customers whose rowdy behaviour can impact on residents until beyond 3 am , and allow the pavement outside to be unsanitary, dangerous and unpleasant due to inadequate cleaning.

I believe that the owners inherited the extended licensing hours, and now it is being reviewed, it is the ideal opportunity to correct an error which has resulted in the public nuisance caused by the presence of El Camion.

- **Mr Joe Chambers - 4th Floor, 120 Charing Cross Road, London**
Received:
SUPPORT

4:07 PM on 11 Dec 2015 I speak as the landlord of the long leasehold properties above the club in question and would object to the licence because it is reported to me by the tenants that live in the flats above that the noise from the club transmits into the flats and disturbs the sleep of the residents including children. The club is an integral part of the fabric of the building and therefore the noise cannot be contained and 3:00am is an unreasonable closing time given the nature of the building. It seems also that the club is poorly managed and those queuing to get in, those smoking outside and those leaving the premises are unruly and unnecessarily noisy disturbing residents.

- **Alice And Adam Harrison - 22B Brewer Street, Soho, W1F 0SL**

Received:

OBJECTION

My husband and I live directly opposite the premises and have occasionally visited, both for food and for drinks in the downstairs bar (the last occasion back in the summer this year). We have always been impressed with the way the establishment is run and, from our own observation, they are exceedingly thorough regarding making sure people are not let downstairs if downstairs is full.

Furthermore, the bouncer on the door is an extremely courteous man and a real credit to his profession. From the vantage point of our flat opposite, and walking past the premises in the evenings, we see him treating customers in a very firm yet polite and friendly manner. Inevitably, he sometimes has to deal with drunk and unruly people, yet he always remains very calm and non-aggressive, and seems meticulous about who he admits ie, I have seen him turning away people who are too inebriated and I have heard him refusing to let in people who are being pushy when the bar beneath is already at capacity. More than that, I have also heard him telling customers smoking on the street - or those queueing to be let in - to keep the noise down and be mindful of local residents, I am certain that he takes this aspect of his role very seriously.

If you choose to live in Soho then you must expect a fair amount of noise from the street. Far and away, the most noise we experience is from rickshaw cycles blasting music, general revelry/singing/shouting from pedestrians as they walk by, and from refuse collection vehicles. When we moved in over a year ago, we were of course concerned about living opposite El Camion, particularly when we realised it stayed open until 3am. However, the establishment is exceedingly well managed and I wholeheartedly support every aspect of their licence being renewed.

- **Martin Kennedy - 13 St James's Residences, 23 Brewer Street, London**

Received: 14 Dec 2015

SUPPORT

I refer to your letter of 02 Dec 2015 (copy attached) regarding the Notice of Review of a Premises Licence for El Camion, 25-27 Brewer Street, London W1F 0RR (reference:- 15/11278/LIREVP).

As a long-suffering resident of St James's Residences I wholeheartedly support the application to severely restrict, or ideally remove this licence on the grounds of Prevention of Public Nuisance.

Given that the area is already saturated with late night noise and alcohol licences it is astonishing that such a licence was granted in the first place to a premises in the same building as a residential block where many people including families and the elderly live literally feet away.

It could hardly be more inappropriately situated for use as a rowdy late night club. Residents are plagued by noise nuisance practically all night six nights a week as numerous WCC environmental noise reports will confirm.

As well as the reverberant thud of over-amplified bass heavy music there is a permanent mob of people blocking the pavement beneath residents' windows either queuing to get in to the club or battling their way out to smoke - and at the end of the 'evening' (3:30am) they still don't disperse. Drunks continue to congregate outside the entrance to St James's Residences maintaining a constant barrage of screeching and shrieking which echoes through the whole block even disturbing residents inside the courtyard. Goodness only knows what it must be like for those street-side.

The owners of El Camion clearly have zero regard for their neighbours and a more suitable use for this premises should be found in keeping with its location.

Witness Statement
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

Statement of: Edmund Conran

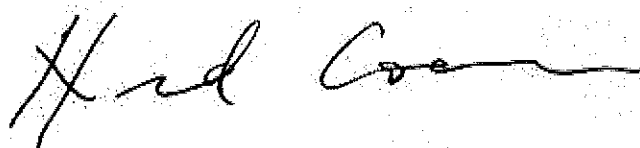
Age: Over 18

Occupation: Owner, El Camion

This statement (consisting of 8 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated: 21st December, 2015

EDMUND CONRAN Signed:



My name is Edmund ("Ned") Conran. I am Managing Director of El Camion Restaurant & Bar in Brewer Street, Soho, London W1. El Camion is the second restaurant venture I have owned (previously I owned El Camion in Portobello Rd) but I am also a director of Conran & Prescott, a restaurant group that owns a number of restaurants including Albion (Bankside and Shoreditch), Les Deux Salons (by Trafalgar Square) and Lutyens (Fleet Street). My family also has a long tradition of running successful restaurant establishments.

I took over the lease of El Camion in 2009. I employ a management team who run the restaurant on a day-to-day basis with a senior member always on site and available. I attend the venue for meetings and discussions with the staff on at least one day a week, if not most days. I also receive daily reports from the duty manager, which include descriptions of any issues or problems encountered the previous night. I have always been proud, for example, that we have very rarely experienced any instances of violence or rowdy behaviour from our members and their guests. My wife, Sage, also a director of the business, spends at least a day a week at the venue. Additionally I employ a hospitality consultant to advise on commercial and catering matters. El Camion provides the greatest part of my livelihood, I take it very seriously indeed and am not, as

suggested in the application to review document, an 'absent business owner' who does not care.

Our Head Doorman, Ismael, has been with El Camion every day for the past five years, and is enormously respected, unfailingly polite and has the ability to deal with situations quickly and efficiently without ever raising his voice. Even the applicants have acknowledged the efforts and conscientiousness of our door staff. Ismael's main aim is to minimise disturbance to neighbours, and to move on troublemakers with the minimum of fuss. Our members are, on the whole, very well behaved and are certainly made aware that they need to keep quiet when smoking outside or leaving the venue for the night, both when they sign up for membership, and on notices posted by the exits. We also include a request to respect neighbours when taking bookings. There is of course always noise in Brewer Street from occasional roving groups of 'lads' looking for somewhere to drink after the pubs close. Our doorman moves them on wherever possible professionally and as quickly and as quietly as possible.

We first met Mr Ken White, (one of the Applicants) shortly after we had commenced operations at El Camion. He explained to us the difficulties he had had in dealing with the previous business, and that he believed the venue should never have been granted a late license. He said that he had experienced problems going back to 1998 and appeared to be determined to close the venue down. We explained that we planned to run the business as a restaurant on the ground floor with a member's bar in the basement. He seemed doubtful, and said something like "that's what they all say". He said that he had been a police officer for 30 years, and that we should be careful as he had many powerful friends. He has let me know on a number of occasions that he has made it his personal mission to rid Soho of any late licenses, and that he was personally involved in the closure of Madame Jojo's and Escape also on Brewer Street.

When I first met him I gave him my personal contact details and asked him to contact me if the residents were experiencing any difficulties. Whilst he does not live directly above us, I believe he may be acting on behalf of all the residents in the block; at least that is what he led me to believe.

Since then I have occasionally liaised with him in order to ensure that the music was not disturbing the residents. In particular, we had lengthy conversations in 2013 when we had complaints about the level of the music. At that time we asked the Westminster environmental team to become involved. During those discussions he made it clear to me that he thought the problem came from the ground floor restaurant, and not the basement. Accordingly this is where we focused our efforts, by moving the bass speakers away from the ceiling and into new and separate bass units at floor level. His statement says that we did nothing about the speakers, which is completely incorrect. We merely left the small treble speakers in place which were not the cause of any disturbance.

We also installed a limiter (receipts are available for inspection). Following the works, I asked Ken to get in touch if there were any further issues and that we would then look into installing soundproofing if needed. I heard nothing further from him for two years, and drew the conclusion that the issue had been rectified to everyone's satisfaction. I have to ask, if there were issues in the intervening time, why he did not contact me or give Mr. Lynch (the second Applicant) my contact details?

I was shocked to hear at the beginning of October 2015 that he was claiming that the neighbours were once again experiencing a disturbance. I immediately instructed the

management to turn the system in the restaurant off until we could rectify the problem. I instructed a sound proofing company and arranged for our landlords to come and do a survey of the property. Mr Lynch kindly made himself available, but unfortunately the landlord's agent (Ricky Colley of MJ Mapp) had not made the Applicants aware of the length of time necessary for the survey, and Mr Lynch had to return to work. I asked the sound engineers to disconnect the system in the restaurant completely in the meantime, which they did.

The following day I visited the Venue at 1.00am to ensure that no music could be heard in the restaurant and took decibel readings with an app on my phone, the reading equated to 'light background' conversation. I returned again at 2.30am the next day and repeated the process with the same result. The following Monday I received a call from Ken saying that Mr Lynch had complained that the noise was as bad as ever. I explained to him that the system in the restaurant had been disconnected by the sound engineer in such a way that it could not be turned back on by the staff, and therefore the noise could not be coming from the restaurant. I was perplexed, so we made arrangements to have an analysis carried out by an acoustic engineer, who concluded that the noise being heard was travelling through the fabric of the building from the speakers in our members club in the basement.

There has always been a limiter in the basement which is of the compressor/gate type and has adjustment knobs on the front of the device. It was kept in a locked cabinet to which only the senior management had access, so Mr White's reports of music turned up and down randomly are simply not true.

Following the report by the acoustic engineer we immediately took the following measures to mitigate any problems:

- ✦ Isolating the speaker mounts from the walls with neoprene.
- ✦ Installing a new limiter in place of the previous compressor/gate limiter
- ✦ Setting Levels with the assistance of an acoustic engineer at levels he considered to be reasonable
- ✦ Arranging for a visit with the council noise team to ensure that no noise could now be heard from Mr Lynch's flat
- ✦ Installing a decibel logger in the basement which constantly monitors sound levels in the basement. We keep these data files for each trading day
- ✦ Training staff on all matters relating to noise at the venue including both music and the control of customers outside the venue
- ✦ Reviewing the door policy and tightening up control of smoking and re-entry for club members
- ✦ Introducing a policy whereby customers leaving at closing time, wherever possible, leave in small groups rather than as a larger group
- ✦ Ensuring at closing that the doormen get assistance from at least one additional staff member to ensure greater control of customers leaving

I believe that, once alerted to the recent noise problems, we have demonstrated a swift, responsible and comprehensive response. On 12th November 2015, Ken White wrote requesting a meeting saying that he was threatening a Review. We suggested completing all works first, and then meeting. He agreed. However without further warning, he lodged the Review. This despite resolving the issue to the satisfaction of the Westminster noise team and Mr Lynch.

I have read the contents of the Review as presented by Messrs Lynch and White, and would make the following observations;

✚ In the 'introduction and overview' it is stated that the premises was 'somehow granted' a 3am license whilst the 'Soho Society's licensing team had temporarily gone out of operation'. Is there a suggestion that the license was granted by anything other than a legitimate and proper process?

✚ I refute the misleading allegation that '... very regrettably the limiter in the basement had not been kept at the level agreed and set in 2013. This is a significant failing on the part of the management'. As stated above, the limiter has been properly and diligently used.

✚ Appendix 5 shows the incident reports from Westminster Council Noise Team. Here is a summary:

1. 09 03 12 – El Camion's own daytime call for advice from the noise team and setting limiter on new system.
2. 29 07 12 – Noise complaint - noise outside
3. 10 01 13 – Noise from people leaving venue
4. 17 03 13 – DIY works on site at 6am
5. 27 06 14 – Burglar alarm
6. 27 05 14 – Burglar alarm
7. 29 05 14 – Burglar alarm
8. 28 10 14 – Noise from queue & smoking outside
9. 08 04 15 – Music volume

Then:

10. 30 09 15 – Music volume

11.09 10 15 – Music volume

12.09 10 15 – Query on procedure from applicants

13.17 10 15 – Music volume

14.27 10 15 – Music volume

Interesting to note:

- ✚ Excluding the 2 daytime queries, the burglar alarm problem and the rather odd DIY complaint, there are 8 reports to the noise team. Clearly this is 8 too many but;
- ✚ 3 are due to noise from people outside the venue (2 nearly 3 years ago, none in last 12 months)
- ✚ 5 are due to music volume. However, all but one have been in the very concentrated period of less than a month.
- ✚ I was very surprised indeed about the most recent reports to the noise team, particularly as on some of those days the ground floor sound system had been switched off by me on receipt of Ken's email dated October 1st with strict instructions by me to the management not to turn it on under any circumstances. It was disconnected completely on my request by Noise Solutions limited on Thursday 15th of October.
- ✚ In 'efforts to resolve the problems' it is stated that 'various people have been contacted to try to resolve the issue'. Given the severity of the impact described in the report it is strange that, as the Managing Director, I was not contacted for nearly 2 years until the most recent bout of complaints
- ✚ I take offence to 'this is typical of Ned's hands-off management style'. On the contrary, I am extremely hands on.

- ✦ I refute that there are 'a considerable number of other neighbours whose quiet enjoyment is affected'. Furthermore I think it bizarre that the stated reason more don't come forward is that they are poor!
- ✦ Statements such as 'Mr Lynch and his children settled down to 2 years of disturbed sleep' do not belong in a document such as this
- ✦ I am not 'in denial over this problem' at all, as my actions in the last 2 months should have clearly demonstrated
- ✦ 'no amount of tinkering with insulation and noise limiters is going to work' – why not? Does Mr Lynch not want to actually solve the problem?

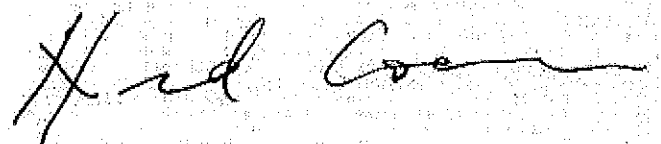
In summary I feel that this application is entirely inappropriate, and borderline vexatious. I have worked tirelessly in response to Mr White's comments and complaints and have liaised with the Westminster City Council Noise Team and appointed my own experts, at great cost to the business. Despite lodging a Review, in my view, without proper grounds, I have also met with Mr White in an effort to discuss a peaceful resolution of his concerns, an offer which he flatly rejected.

As far as I am aware, this Review is not supported by any of the statutory or responsible authorities nor the landlords of his own building, and indeed near neighbours have indicated that they feel it to be completely unjustified. A Review should only be contemplated where there has been a clear breach of the licensing objectives or a breach of conditions. I respectfully submit that this is not the case in this instance and that this Review should therefore be dismissed.

EDMUND CONRAN:

Signed:

Dated: 21/12/15

A handwritten signature in black ink, appearing to read 'Edmund Conran', written over a light grey dotted background.

Witness Statement
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

Statement of: Matthew Alex Scott

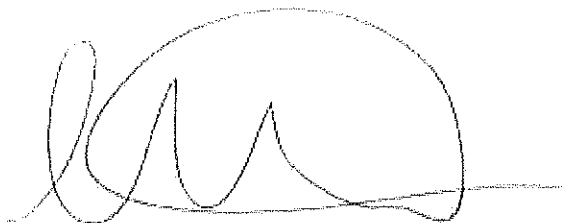
Age: Over 18

Occupation: General Manager, El Camion

This statement (consisting of 3 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have signed it knowing it to be false or do not believe to be true.

Dated: 21st December, 2015

MATTHEW SCOTT Signed:

A handwritten signature in black ink, appearing to read 'Matthew Scott', written over a horizontal line.

My name is Matthew Scott. I am the General Manager of El Camion Restaurant & Bar in Brewer Street, Soho, London W1. I came on board understanding that there had been a noise issue previously, and was made aware that the company actively works to remedy all complaints at the earliest opportunity. On starting, I hand posted a letter to all residents (attached and marked MAS1) in the St James house directly above the venue. This was to introduce myself and the management team, and provide them with contact details, so that should any issues arise they could contact me directly.

As General Manager, I and the management team run the venue in strict accordance with our license. The venue operates 7 days a week Monday to Saturday from 12:00 till 03:00 and Sunday from 14:00 to 22:30,

Outside the venue we have a door supervisor on site from 10pm who actively (alongside the management team) polices those guests that are smoking or queuing to gain entry. This is done in a polite and efficient manner, limiting smokers to six, which are confined in a roped off area in front of the venue; and those queuing are kept in an orderly manner not blocking the public highway or causing disruption. Anyone who does not comply with the above, is not granted access to venue. We understand that there are

residential properties within the vicinity, and we do our utmost to prevent any nuisance. At times it can be quite difficult due to noisy revelers walking along Brewer Street heading towards Old Compton Street/Wardour Street. In addition we have the problem of rickshaw drivers and cars pumping out loud music. At closing time the door supervisor stays dispersing guests leaving the venue, while the secondary doorman (on at peak times) and the management team and staff, circulate asking patrons to leave in an orderly fashion and not disturb neighbours by loitering outside. This is in direct contrast to nearby venues like The Box and Shadow Lounge who appear to force their guests out of the venues screaming shouting and blocking both Brewer Street and Rupert Street.

Inside the venue all access doors are kept closed (apart from in summer when we open our double front doors until 10pm). Upstairs in the restaurant we play amplified background music, but this is barely audible and can be overtaken by the normal chit chatter of guests. The music is played through a console that has a limiter attached, and it cannot be tampered with. When the last of the guests leave the restaurant, the music is turned off.

In a statement made by Mr White on the 15th of October regarding noise, he states that Mr Lynch could hear music coming from the restaurant. That night Ned Conran visited the venue to check how things were going and to check whether we were adhering to the rules that he had set. That night, myself and Ned stood in the restaurant; the sound system was off and the restaurant was empty of guests.

We were visited by the Westminster noise team, (George Christian and Kevin Ezeoguine) due to a complaint of noise transgressing upstairs from the basement. The officers were very happy with the levels within the venue and how we were operating. I explained that I and the owner were always willing and available to help resolve any

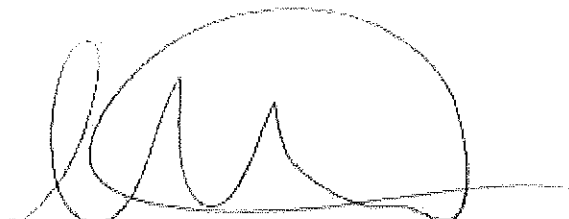
issues, and that we want to work to with the residents and Westminster to establish a good relationship.

Most contact with neighbours has been late at night, and on a couple of occasions our door supervisor Ismael has answered the phone. He instantly contacted me and I addressed it immediately. I've also spoken with Mrs Saurez on a couple of occasions regarding people loitering outside the venue, noise from smokers and general sound. On each occasion it has been in good spirit, and I have given her both mine and my assistant's details should she need to contact us.

All staff are aware of the need to manage the outside of the venue and the playing of amplified music as well as the times that this is allowed under the Premises Licence. They all take an active role in informing customers to keep the noise down when outside the venue and to leave quietly and not disturb our residents. We also keep noise to a minimum when breaking down the venue after closing and removing any rubbish.

MATTHEW SCOTT Signed:

Dated: 21 DEC 2015

A handwritten signature in black ink, appearing to be 'Matthew Scott', written over a horizontal line. The signature is stylized with a large loop at the end.

MAS1

EL CAMION MEXICANO

El Camion (Lupe's Ltd)
25-27 Brewer Street
W1F 0RR
0207 734 7711
www.elcamion.co.uk

03/12/2014

Dear Resident

Please allow me to introduce myself to you. My name is Matthew Alex Scott and I have recently been appointed General Manager of El Camion.

I am aware that, in the past, there have been occasional noise and other issues between El Camion and the residents in our immediate vicinity. I would like to take this opportunity to re-assure you that I consider good relationships with our neighbours a very high priority. Obviously, with a successful late night venue, the potential for such problems will always exist and, with the best will in the world, I cannot promise there will not be, for example, the occasional customer who is noisy after leaving our premises. However, what I can promise is that my team and I will always promptly deal with all reasonable concerns you may have and work with you to reduce any negative impact our business may cause. I strongly believe I can perform my brief of maximising the potential of the business whilst retaining a healthy and mutually respectful relationship with our neighbours.

I am always happy to meet up and talk about any concerns you may have and how we might address them to our mutual satisfaction. Indeed I would welcome such an opportunity. Perhaps I could invite you to pop in and have a glass of something with me to introduce myself face-to-face? Please let me know if and when we might be able to do this. My contact details are:

Matthew Alex Scott
Mobile: 07780 627501
Email: matthew@elcamion.co.uk
Restaurant landline: 020 7734 7711

Also, for when I am not at the venue, these are my assistant managers and their contact details:

Fergus English
Mobile: 07584 099037
Email: fergenglish@gmail.com

Guille Uriel
Mobile: 07453 308798
Email: guile.elcamion@gmail.com

I hope to meet you in the near future,

Best wishes and a Merry Christmas

Matthew

Witness Statement
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)


Statement of: Adam McLeen

Age: Over 18

Occupation: Assistant Manager, El Camion

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated: 21st December, 2015

Adam McLeen


ADAM McLEEN Signed:

I am the Assistant General Manager of El Camion. When on site I am responsible for the general running of the restaurant and members bar downstairs. Part of this is ensuring that we do not cause a nuisance to neighbours. Both the management team and Ned Conran are always available to neighbours if they have a complaint or are unhappy in any way.

Since I started working at El Camion in May of this year there has only been one occasion when I have received a complaint from a neighbour. On this occasion in October, I answered the phone to an upstairs neighbour who stated that they could hear our music in their flat. I apologised and immediately turned the music down. Since 1st October the system in the restaurant has been switched off. On advice from our acoustic consultant, the location of the microphone connected to the limiter in the restaurant has been changed. This means that the music is cut off at a lower level than it was. Also we have installed a replacement limiter downstairs in the Member's bar with the microphone situated around a foot from the main speakers. We take hourly decibel readings in the restaurant during every evening, and have a noise recorder in the Member's bar that records throughout the evenings.

We are very aware of the nuisance that customers can cause both while smoking outside venues and while leaving, but at El Camion we are very lucky to have our doorman (Ismael) who ensures that our customers smoke in a designated area directly outside, leaving room on

the pavement for passersby, and also ensuring that they leave quietly. He is able to do this effectively as we have a good relationship with our customers most of whom are regular members. We have a second doorman on Fridays and Saturdays.

I will say that there is a lot of foot traffic on Brewer Street and that passersby congregate in the residences' entrance.

ADAM McLEEN Signed:

Adam Mcleen

A handwritten signature in black ink, appearing to read 'Adam Mcleen', written in a cursive style.

Dated

21 DEC 2015

Witness Statement
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

Statement of: Ismael Bello

Age: Over 18

Occupation: Door Supervisor, El Camion

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated: 21st December, 2015

ISMAEL BELLO



ISMAEL BELLO Signed:

I am employed as the door supervisor of El Camion. I always follow the duties that have been assigned to me within my boundaries. For instance I inform and remind customers to be quiet while smoking outside or leaving.

I would admit at times customers can start to become loud but I just remind them to keep the volume down. As the venue is in a busy area when other people pass by the street or linger around, it is often not within my power to move them on or to ask them to keep quiet. I witness a lot of people causing a public nuisance; from rickshaws playing loud music to drug dealers arguing with addicts on the street and in front of residence gates.

I set up a smoking area for customers to stand in so they don't obstruct the public pavement or stand in front of the residence entrances. The general people that may stand in the residential entrance from time to time are passers-by that take shelter to smoke or worse underneath the alcove. They are sometimes mistaken for our customers. Also antisocial people who hang around that part of Soho use the residence alcove to hide and do shady deals.

When customers leave I always remind them to leave quietly and not to congregate outside the venue. Our customers follow this rule. If they are waiting for a taxi I encourage them to wait inside the venue until it arrives.

ISMAEL BELLO Signed:

ISMAEL BELLO

Dated

21 DEC 2015

A stylized handwritten signature in black ink, consisting of a large, bold letter 'B' with a diagonal slash through it.

El Camion

El Camion, Brewer Street, London
W1F 0RR

Music levels control

Report No. 15-0161-0 R02



Music levels Control

El Camion

EL CAMION, BREWER STREET, LONDON W1F 0RR

Report No.: 15-0161-0 R-02

Date: 03 December 2015

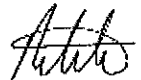
Prepared by:

Sara Rubio BSc(Hons) AMIOA



Checked by:

Peter Rogers BSc(Hons) MSc CEng FIOA



Managing Director: Peter Rogers BSc(Hons) MSc CEng FIOA

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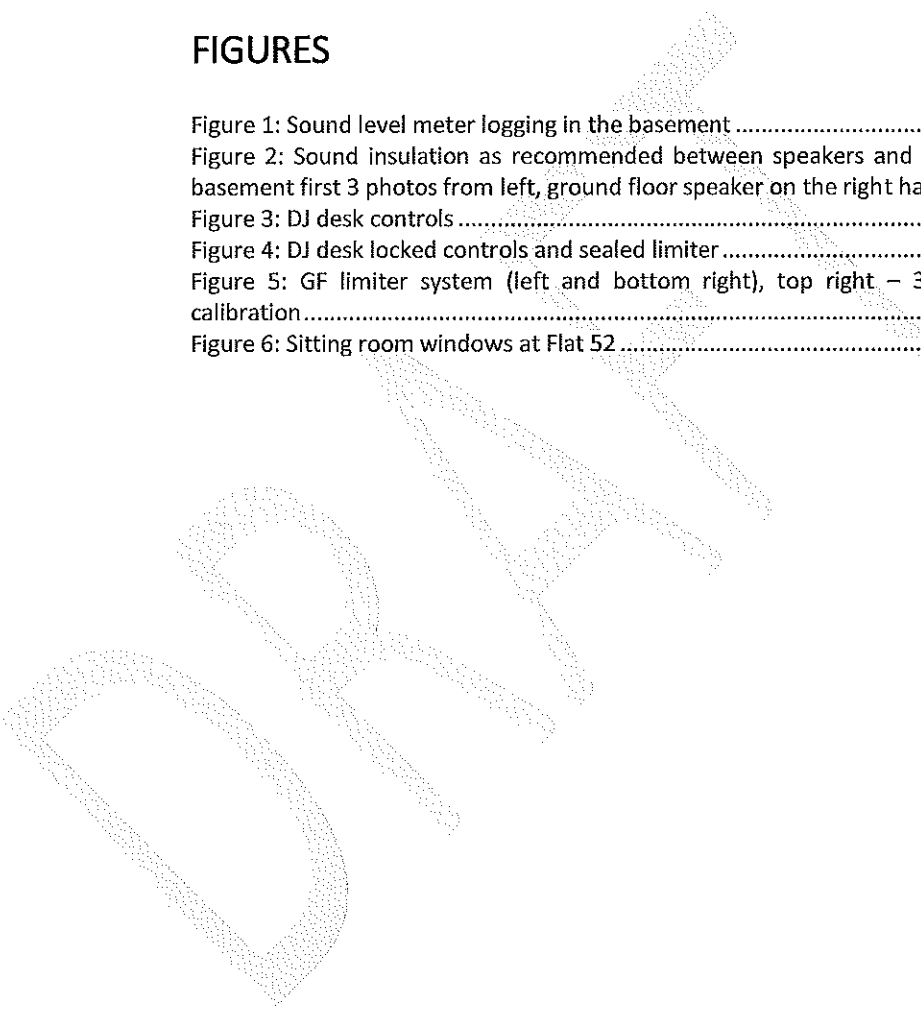


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1 INTRODUCTION

Sustainable Acoustics Ltd. visited the premises known as El Camion, 25-27 Brewer Street London W1F 0RR on the morning of the 24th November 2015, following up the previous visit done on the evening of the 31st October 2015. Access to flat 52, property of Mr Lynch, was granted allowing the control of audibility of music from the premises into this flat, where the sitting room is immediately above the ground floor of El Camion.

1.1 Context

The visit carried out on the morning of the 24th November 2015 was aimed at finding a suitable solution for all parties. During this event, the following people were present:

Mr Peter Rogers and Ms Sara Rubio – Sustainable Acoustics Ltd (SAL).

Mr Ned Conran – El camion.

Mr John Crockford & Mr Mark Walshe – Environmental Science Team at Westminster City Council (WCC).

Mr Lynch and Mr White – Current occupant of Flat 52 and representative of the residents association.

This meant all parties implied in the issue were present and therefore a suitable solution for everyone was sought.

During the previous visit there was no access available to flat 52 and therefore recommendations were given, based on an assessment of possible issues at the premises. These recommendations were explained in the previous short report, attached as Appendix 1 for further information, have now been implemented as explained in section 3.1.

2 METHODOLOGY AND INSTRUMENTATION

2.1 Overview

Measurements were taken at the premises (mainly basement and levels checked on the ground floor) and at the living room of Flat 52 throughout the morning of 24th November 2015. The duration of the measurements was of 1 minute unless the measurement had to be stopped earlier (e.g. end of song being played, measurement of specific part of song or interruption).

The levels at the basement were measured when using ipod/iphone plugged into the computer connected to the speaker system and when playing a CD, these levels were modified in order to be within the limits to avoid disturbance at the living room and bedrooms of Flat 52.



Background noise without music were measured at the basement of El Camion and in the lounge of Flat 52 to identify whether there was a noticeable or audible impact due to music generated in the basement. Measurements within the living room of Flat 52 were taken when music in the basement was being played through different sound sources (ie. an iphone and through a CD) and also when music in both the basement and the ground floor restaurant were being played, in order to make sure that the combined sound did not cause audible sound in the flat that was considered subjectively by the EHO to be likely to cause disturbance.

The noise monitors used by SAL and the EHO recorded the broadband parameters L_{Aeq} , L_{Amax} and Z-weighted octave band values in the 63Hz and 125Hz bands, as these bands are the most relevant for "bass" sound transmission and music audibility within the residential property.

Once the acoustic limiters set up to achieve acceptable levels subjectively, signed seals were put in place to cover strategic adjustment ports so that evidence of any changes would leave a visual trace of a broken or tampered with seal.

As a secondary part of this assessment, the levels at the basement bar were measured in order to determine whether there should be a restriction on the number of hours El Camion staff should serve at the basement bar, in line with the requirements of noise at work regulations, attached as Appendix 3.

2.2 Instrumentation

Noise levels were measured using a Rion sound level meter, type NA-28 (serial number 00170246), with a Rion type UC-59 ½-inch free field microphone (serial number 00299) and a Rion type NH-23 pre-amplifier (serial number 60254) fitted. The microphone was fitted with a windshield during the measurements. The sound level meter, microphone and preamplifier were last calibrated in a calibration laboratory on 31 March 2015 and calibration and conformance certificates are available.

Prior to and on completion of the survey, the sound level meter and microphone calibration was checked using a Rion type NC-74 Sound Level Meter Calibrator (serial number 34773049). The Calibrator was last calibrated on 31 March 2015, in accordance with the requirements of ISO 10012 and a calibration and conformance certificate is available. No significant change in the calibration level occurred during the survey.

3 SOUND SYSTEM

The sound system equipment has not been changed since the previous visit. However, the recommendations made in the previous short report, attached as Appendix 1 here, have been implemented as explained in the following section.

3.1 Improvements since last visit

A sound level meter (capable of accuracy ± 1.5 dB) is constantly located in the basement, as shown in Figure 1. This measures sound levels continually to create a record of noise levels over operational times. This is an important part of the Noise management plan as it provides a



reference against which relative changes in noise level can be recorded, making it possible to establish retrospectively whether (in case of a complaint) the noise levels in the basement of the premises were likely to be above those set by the limiter or consistent with what was expected.

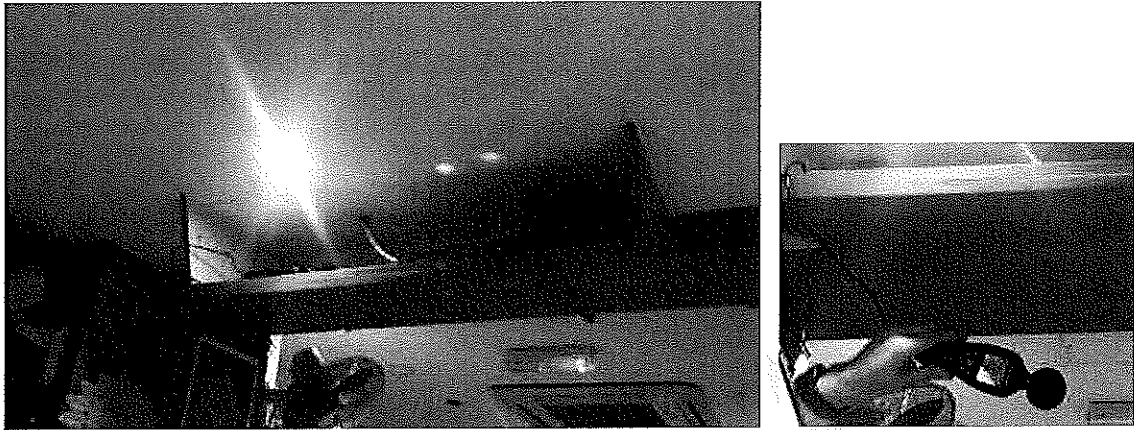


Figure 1: Sound level meter logging in the basement

One of the main issues that was identified during the last visit was the hard mounting of the basement loudspeakers to the walls, providing a good path for the sound to travel through the building structure to the flat above. This work has been completed in line with our advice by using neoprene layers that provide sound insulation between speakers and building structure, as it can be seen in Figure 2. This has resulted in a noticeable reduction of energy transfer to the structure.

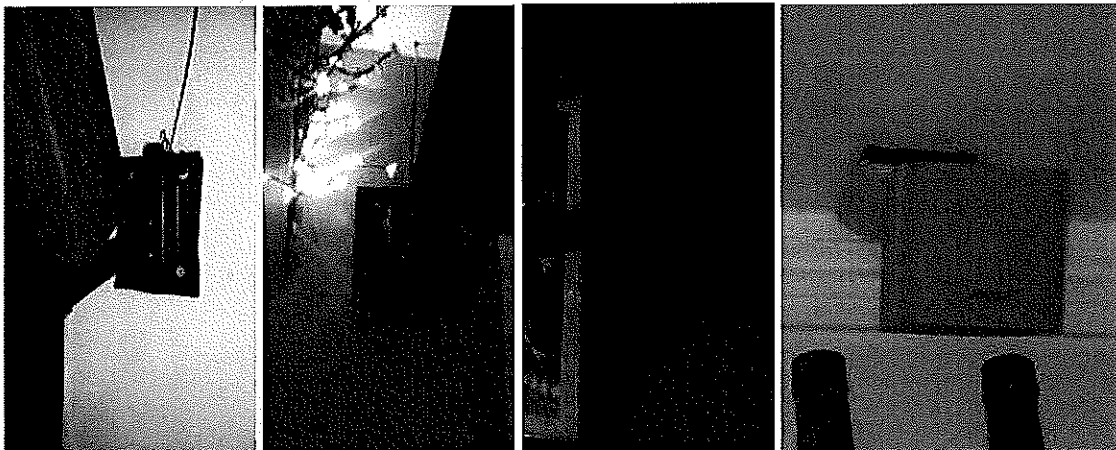


Figure 2: Sound insulation as recommended between speakers and building structure – basement first 3 photos from left, ground floor speaker on the right hand photo (with resilient mounting to ceiling)

The DJ desk is located in the basement. This system has an acoustic limiter that was set up during the previous visit by SAL and which was recalibrated during the visit on the 24th November in order to provide a fine tuning of noise levels so that they were not audible within Flat 52. Figure 3 shows the DJ controls, where if the DJ tries to increase the levels over the fixed limit permitted by the limiter, the sound signal is compressed and reduces the sound quality and level so that the operator is encouraged to optimise the levels to achieve good sound quality. The system is connected to the



locked control cupboard beneath the desk, where the limiter is stored. On the 24th November this was opened, the limiter fine-tuned and resealed using signed seals by Mr Rogers and the EHO afterwards as shown in Figure 4.



Figure 3: DJ desk controls

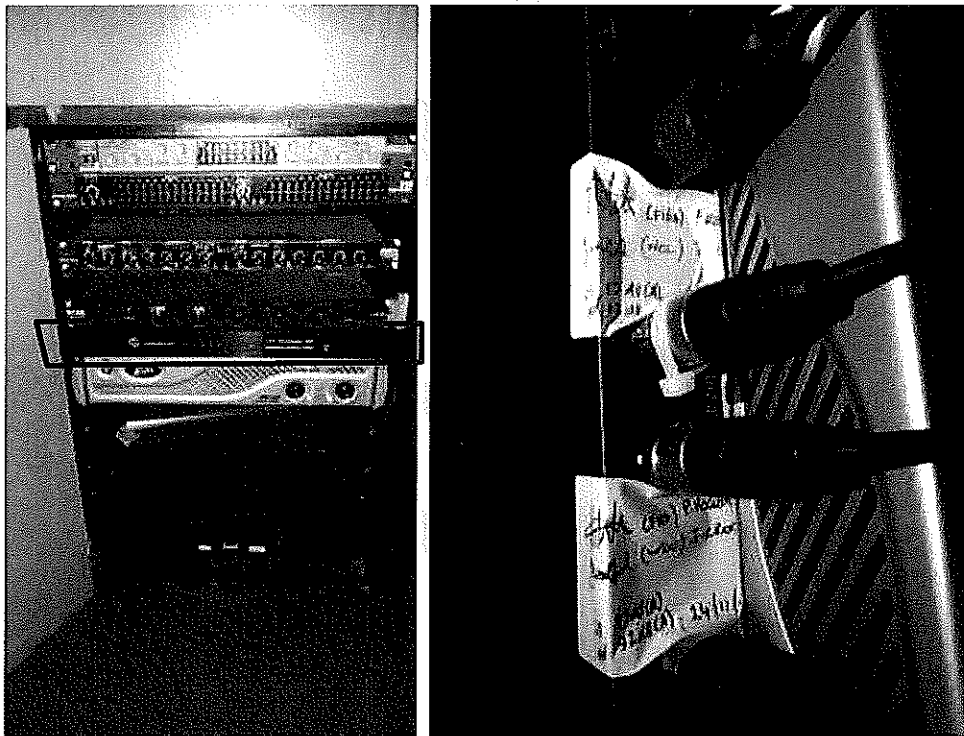


Figure 4: DJ desk locked stack (with limiter within red outline) and signed seals over limiter adjusters at rear

The ground floor system is used to provide background ambient music only for people eating at the restaurant. The limiter for this system has a microphone near a speaker and was set up so that levels did not exceed that demonstrated not to be audible in the flat above. It was then sealed in order to ensure the plugs could not be removed and the noise limits are preserved when the system was set to maximum. Figure 5 shows the ground floor system and the seals placed on the 24th November.

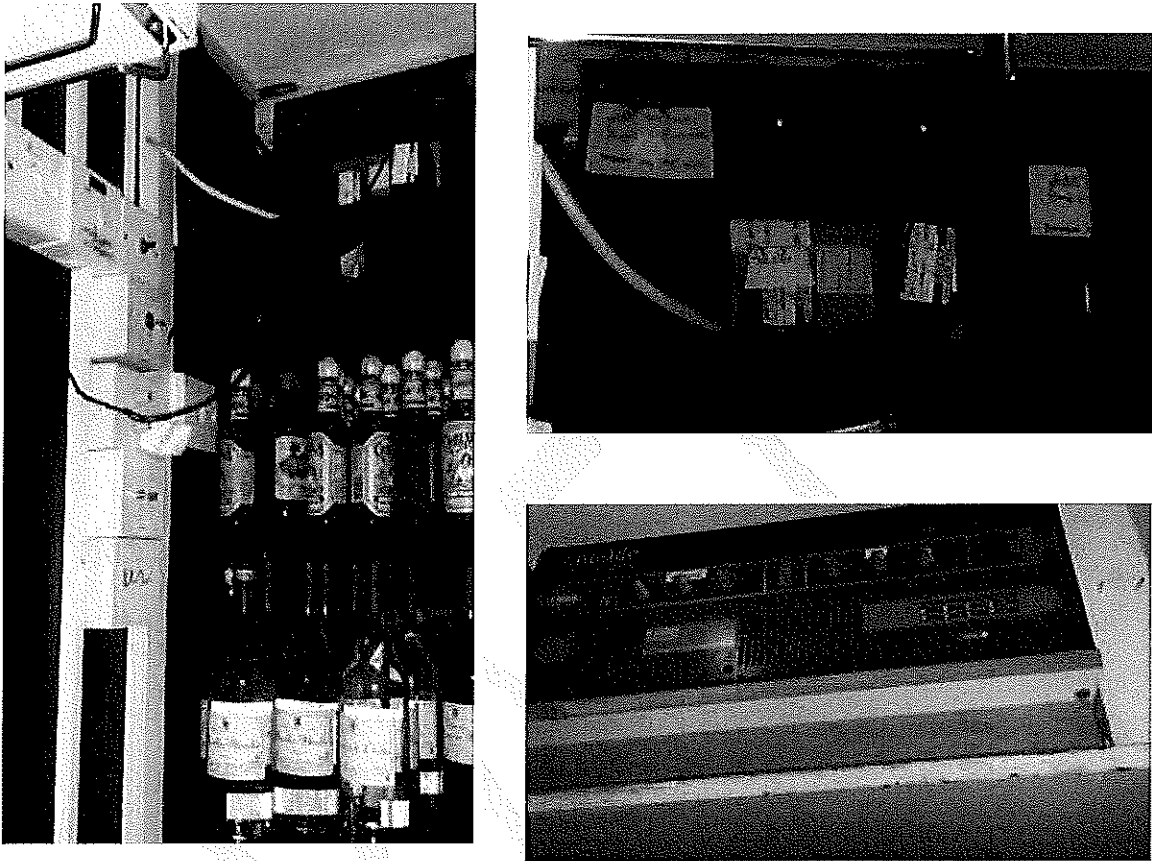


Figure 5: GF limiter system (left and bottom right), top right – 3 placed seals after calibration

4 ACOUSTIC ASSESSMENT AND MEASURED RESULTS

In order to establish the noise limits at El Camion premises, noise levels were measured at the premises and inside Flat 52. Table 1 shows the measurements obtained by Sustainable Acoustics (SAL). The measurements in Flat 52 were taken in the sitting room, where the main background noise is from traffic from the road to the front of the property. As it can be seen in Figure 6, the sitting room has two big windows to the road.

Noise level measurements were also taken simultaneously by Westminster City Council (WCC). Throughout the day it was checked in several occasions that the levels measured by both sound level meters (SAL's and WCC's) were within 1dB of each other, which is within a good level of agreement. It was agreed that this data will be shared, providing an even more robust noise assessment, based on agreed data. Table 2 shows these measurements, all taken within the basement of El Camion.

The basement logger (property of El Camion) was not running, as this is only in operation during the night shift when the basement system is on. It was checked that the readings at several points throughout the morning of 24th November were close (within 1.5dB) to the levels being measured by SAL's and WCC's sound level meters.



Number	Time (hh:mm)	Duration (mm:ss)	Location - Notes	L _{Aeq}	L _{Amax}	L _{eq, 63Hz}	L _{eq, 125Hz}
1	10:28	01:00	Ambient in the basement (speakers on, but no music through) - next to DJ desk (dance floor)	49.4	51.0	48.6	51.0
2	10:30	01:00	Ambient in the basement (speakers on, but no music through) - under air-con system	52.2	56.3	48.8	53.3
3	10:32	01:00	Ambient in the basement (speakers on, but no music through) - next to speakers on the bar side	46.4	62.3	51.6	46.3
4	10:42	01:00	Flat 52 - ambient at the sitting room, 1 window partially open	37.0	50.3	47.8	42.4
5	10:43	01:00	Flat 52 - ambient at the sitting room, windows closed	31.0	36.2	47.4	40.2
6	10:53	01:00	Music from phone through speakers at the basement - next to DJ desk (dance floor)	81.8	87.7	70.8	80.3
7	10:55	01:00	same as 6, different song	82.1	87.7	85.9	85.7
8	10:56	01:01	same song as 7, next to speakers on the bar side	80.7	84.5	76.6	78.6
9	11:06	01:00	Flat 52 - sitting room. Music on basement (not as loud as usually) - not audible in flat in sitting position	31.7	42.0	44.7	41.7
10	11:26	00:32	Basement - different song - main peak at 125 Hz	91.8	95.7	57.1	80.5
11	11:26	00:18	Basement - same song as 10	87.0	96.5	77.7	85.7
12	11:32	01:00	Full sound level, same song as 6	82.9	89.7	90.8	92.3
13	11:35	01:01	Basement - different song - main peak at 125 Hz	83.4	88.9	80.7	98.5
14	11:37	01:00	same as 13	85.1	92.0	82.1	96.8
15	11:41	01:00	Basement - different song	96.8	107.0	83.9	91.2
16	11:43	00:30	same as 15, quiet part in term of low freq (bass)	96.6	106.9	77.4	87.6
17	11:44	00:50	same as 15, bass heavy part of song	96.4	104.4	87.5	90.9
18	11:52	01:03	change to playing CD as source	87.9	92.5	92.4	93.2
19	11:54	00:20	next to DJ desk with CD as source - increased bass	89.1	92.6	92.6	95.2
20	11:54	00:20	next to speakers bar side	84.1	88.4	86.0	88.3
21	11:55	00:26	by bar - 6dBA difference with level by DJ desk	83.1	86.7	89.3	87.0
22	11:56	00:31	bass part of song (by DJ desk)	86.6	90.8	90.5	93.6
23	11:59	01:01	(CD) different song (next to DJ desk)	88.6	97.2	87.8	97.5
24	12:03	01:00	same as 23	89.4	96.5	87.3	97.2
25	12:13	00:13	before adjusting limiter	89.9	94.3	90.8	98.7
26	12:13	00:16	After adjusting limiter down	88.1	95.7	90.6	95.9
27	12:14	00:15	After reducing it down until noise audible in Flat 52 (with CD)	84.5	89.6	89.2	92.4
28	12:15	00:40	signal decompressed (clean)	80.5	86.8	85.6	91.4
29	12:18	01:00	clean signal full levels (checked in flat), set up limit	92.2	102.6	81.1	85.0
30	12:23	01:00	check in Flat 52 if sound as measurement 29 is audible (not audible)	36.3	49.0	51.3	44.3
31	12:26	01:01	Inside Flat 52 - with ipod full blast (not audible)	33.6	51.3	48.7	44.9
32	12:30	01:00	Inside Flat 52 - CD full blast (not audible)	38.9	55.3	48.2	44.7
33	12:40	00:24	Flat 52 - CD + ground floor maximum level ambient music - exclude	40.2	50.2	53.7	50.2
34	12:41	00:20	same as 33 (music not audible)	37.9	42.4	54.4	49.3
35	12:45	00:40	ground floor noise level at restaurant corresponding to 33	72.1	79.4	72.3	69.2

Table 1: Measurements by SAL



Figure 6: Within sitting, looking towards windows overlooking street inside Flat 52

Number	Time (hh:mm)	Duration (mm:ss)	Location - Notes	L _{Aeq}	L _{Amax}	L _{eq, 63Hz}	L _{eq, 125Hz}
1	11:00	00:21	Basement – compare with Table 1 no.8,(9)	79.9	85.4	-	-
2	11:14	00:17	Basement – no simultaneous SAL measurement	86.5	92.1	-	-
3	11:30	01:00	Basement – compare with Table 1 no.10-12	79.9	85.6	83.6	86.9
4	11:31	00:47	Basement – compare with Table 1 no.12	80.5	87.6	87.0	90.0
5	11:34	00:18	Basement – compare with Table 1 no.13	77.2	81.8	75.1	91.7
6	11:34	01:00	Basement – compare with Table 1 no.13	80.9	88.1	74.1	92.6
7	11:35	01:00	Basement – compare with Table 1 no.13	82.0	88.1	73.5	92.3
8	11:36	00:30	Basement – compare with Table 1 no.13,14	82.1	89.6	72.9	92.5
9	11:39	01:00	Basement – compare with Table 1 no.15	94.1	103.0	77.9	87.7
10	11:40	01:00	Basement – compare with Table 1 no.15	94.2	102.3	80.7	87.6
11	11:41	00:22	Basement – compare with Table 1 no.15	94.0	103.8	73.0	83.9
12	11:42	00:54	Basement – compare with Table 1 no.15,16	94.4	101.8	-	-
13	11:51	01:00	Basement – compare with Table 1 no.18	85.0	89.8	86.2	87.8
14	11:52	01:00	Basement – compare with Table 1 no.18	87.2	94.1	90.2	92.9
15	11:53	00:02	Basement – very short measurement	88.6	90.1	89.3	93.8
16	12:13	00:32	Basement – compare with Table 1 no.25	85.1	90.8	89.1	95.7
17	12:13	00:44	Basement – compare with Table 1 no.26	80.5	86.5	84.4	93.1
18	12:16	00:59	Basement – compare with Table 1 no.28	91.8	98.9	80.8	87.2
19	12:24	00:55	Basement – compare with Table 1 no.30	90.8	98.7	83.3	86.2
20	12:25	00:16	Basement – compare with Table 1 no.31	89.2	98.6	62.0	73.6
21	12:26	00:48	Basement – compare with Table 1 no.31	86.6	96.6	79.0	79.8
22	12:28	01:00	Basement – compare with Table 1 no.32	81.6	86.0	82.9	85.9
23	12:29	00:01	Basement – very short measurement - exclude	79.7	82.0	83.3	89.4
24	12:29	00:21	Basement at bar – compare with Table 1 no.32	84.8	89.5	82.5	90.9
25	12:38	00:40	Ground floor – compare with Table 1 no.33	71.5	77.9	72.8	66.4

Table 2: Measurements completed by WCC Noise team



4.1 Noise Exposure of Staff in the Basement

The Control of Noise at Work Regulations (2005) establish exposure limits and action values, as explained in summary in Appendix 3. A level of 90dB(A) for 8 hours means that the daily lower exposure action value would be reached after 1 hour of exposure and the daily upper exposure action value after 2.5 hours. Where staff are exposed to levels like this their time of exposure needs to be limited, or hearing protection used. With the limited levels in the basement at the bar noise levels of $\leq 85\text{dB(A)}$ (from measurement 24 in Table 2). This suggests that staff are likely to be exposed to levels above the lower threshold limit if working over an 8 hour shift. The shift would have to be less than 2 hours to reduce exposure levels below that. Where staff are to work for longer than two hours at the bar then it is appropriate to offer them access to suitable hearing protection (ie. earplugs with at least SNR 20dB performance). This is a voluntary on the employers part, at these levels of noise, but if accepted it is a legal obligation that employees use them.

4.2 Comparisons of objective & subjective results between SAL and WCC

The notes on Table 2 show the relevant measurement from Table 1 to compare the results obtained from the two sound level meters. The measurements were not started and finished at the exact same time, so it was expected that the levels would differ, however it was possible to find an approximate measurement time and pair the measurements taken by SAL and WCC.

As it can be seen by comparing Table 1 and Table 2, the measurements are within 1 or 2 dB of each other, being the L_{Aeq} values usually slightly higher for the SAL measurements. This is likely to be due to the differences in positions and sections of the tracks selected. The measurements in Flat 52 were being taken by SAL in some cases while levels at the basement were taken by WCC at their maximum level possible. This adds to the robustness of the exercise.

The first set up checked was with just the basement music, when this was played using an iPod connected to the computer that is connected to the sound system. The levels were adjusted so this was not audible in Flat 52.

It was established that when the music at the basement was from playing a CD it was just audible within the living room of Flat 52, but not in the bedroom. It was agreed that limits would be adjusted further downward to minimise the risk of noise intrusion within the residential property early in the morning. The difference between iPod and CD is the compression of the sound files being played since mp3s usually require smaller files and therefore has less sound information to reproduce. The CD therefore was used to test the worst case. Once the acoustic limiter was adjusted there was no audible music noise in Flat 52 when the music in the basement was operated at full levels. The WCC EHO within the flat was in agreement that this was the case.

The ground floor music only is used for ambient purposes. However, the limiter was set because of fears that there was a risk that it could be heard. Music was played at the maximum level together with CD music at the basement also at maximum level and it was confirmed by the resident, EHO and SAL personnel that this was not audible at the living room of Flat 52. Table 1 measurement no. 35 and Table 2 measurement no. 25 show the same value, 72 dB(A), measured at the ground floor when there was music at the upper limit permitted by the limiter. As a check, once all the limiters were set and sealed, measurements were again taken at Flat 52 for the different scenarios (Table 1,



measurements no. 30-34). It was agreed by all parties that the music was subjectively inaudible within the residential property for any of the possible set ups.

5 LIMITERS SET UP

The limiters at the basement and ground floor provide a pro-active way of controlling the music so that it can not go above certain noise limits, which have been adjusted such that all parties agreed that the music was sufficiently not audible in Flat 52. The limiter adjusters were then sealed by signed seals so unauthorised persons cannot change these limits without there being evidence of tampering on inspection.

The limiter at the basement allows refinement of frequency control, which was fine-tuned on the 24th November in order to avoid audibility of the "bass" elements within music in particular within the residential properties. This was done for the basement set ups for iPod and CD as sound sources to cover variability that can occur between tracks and for different inputs.

The ground floor limiter works in a different way to the basement limiter. On the ground floor, there is a microphone near to one of the speakers, which monitors the noise level from it. If it goes over the limit set for a sustained period (approximately 6 seconds) it triggers the limiter which cuts off the power supply to the amplifier so that the music cuts out. Once this happens, the music needs to be adjusted to a lower level in order to continue playing music and avoiding it happening again. This means that only background music can be generated and if the restaurant gets busy it is possible that people noise will increase to a point that it will activate the limiter and stop the music. In this case, it is recommended that either the music is then kept off, since the noise from people talking will provide the ambient sound. The added benefit of this is to stop the music from creeping up and competing with people noise, which would then result in increased levels of sound from customers trying to compete with the music, progressively escalating the noise level produced at the ground floor restaurant.

The limiters were adjusted by Mr Peter Rogers (SAL) during the visit on the 24th November. After measuring and checking that the levels were not intrusive to Flat 52, the final limits are shown in Table 3 below. These limits were agreed as suitable by all parties.

Limiters position	Music Noise Limits dB(A)
Basement - ipod	92
Basement - CD	85*
Ground floor	71

Table 3: Final limits at basement and ground floor

**It is important to note that although the CD sound level appears to suggest it is lower as an overall value this is because the bass frequencies are more effectively reproduced and so a lower level is needed to meet the limiter settings. In short it is more aggressively controlled because of the heavier bass that can be produced through the CD channels.*



6 ENFORCEMENT CHECKS

The limiters were set up and sealed at the basement and the ground floor in the presence of WCC EHO staff, which signed the seals. There are therefore a simple number of checks that can be completed to make sure the limiters are functioning correctly and have not been tampered with.

The **first check** is that the 3 seals on the ground floor system (used to secure switches and adjusters) remain unbroken. If they have been tampered with there is no guarantee that the limiter set up has not been changed. In the basement two seals can be inspected by asking for the cupboard beneath the DJ desk to be opened, slide out the limiter panel and check the rear to see if the seals have been broken, and the system is plugged into it. If intact the limiter is controlling the music levels to those set during this exercise.

The **second check** is to make a sound measurement in each space to see if the overall levels are at or below those set out in Table 3. This should be not more than 92dB(A) over 1minute in the basement bar, and 72dB(A) in the ground floor with no people noise. If this is the case it is likely the limiters are being effective.

The **third check**, which can be done retrospectively to check a complaint data, is to request sight of the basement sound level meter data, which should be kept logging noise levels at all times of operation, and the data downloaded regularly so it is possible to check noise levels in case of doubt or complaint. Where these levels appear to be more than 2dB above those set out in Table 3 for the basement then further investigation is justified. If not then it is likely the limits are being complied with, and other sources of noise should be considered (such as passing cars with entertainment systems).

Full recommendations have been attached as Appendix 2, giving a detailed noise management plan for the venue, which includes all measures that are considered necessary to fulfil their obligation for proactive prevention of nuisance, and to minimise the risk of further complaints due to noise. If they are following these steps then they are likely to be carrying out best practicable means to control noise, and therefore have a defence in law.

If any irregularities are found then it is considered appropriate to put these to the management of the El Camion to investigate before considering formal action.

7 CONCLUSIONS

The music noise from the basement and ground floors of El Camion have been successfully controlled by acoustic limiters that were set up to levels agreed as acceptable by all parties present (including WCC) during the visit on the 24th November 2015.

The assessment shows that El Camion staff serving in the basement bar during music should ideally not spend longer than 2 hours without considering the use of hearing protection to meet current regulations to protect their hearing.

It is expected that if the Noise Management Plan, set out in Appendix 2, in conjunction with the controls now in place that there should be no further music noise issues. A simple method of checking compliance has been provided for use by WCC.



APPENDIX 1 Previous Acoustic Investigation report

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1 INTRODUCTION

- 1.1.1 Sustainable Acoustics Ltd. visited the premises known as El Camion , 25-27 Brewer Street London W1F 0RR on evening of the 31st October 2015.
- 1.1.2 As no access was available to the flats above the exercise was limited to reviewing the noise management policy and control measures in order that the premises were controlling music noise as far as reasonably practicable.
- 1.1.3 There were acoustic limiters that control both the basement sound system, and the ground floor restaurant system. These were both reviewed and where possible set to reasonable levels, which are set out in this report.
- 1.1.4 Ways to tighten up noise control measures were also discussed and are set out in this report.

2 CREDENTIALS

- 2.1.1 Mr Peter Rogers was in attendance, whom is a Fellow of the Institute of Acoustics, a Chartered Engineer with over 20 years of this type of noise control. He also spent 5 years as an authorised local government officer dealing with nuisance complaints. He is a registered expert witness for acoustic matters, and is well placed to form an expert view on matters such as music noise control, and best technical practice within the industry. The opinions expressed within this report are those of Mr Rogers, who is a professional acoustic consultant, considered to be competent in this area.

3 CONSULTATION

- 3.1.1 Mr Rogers made contact with the Environmental Services of Westminster City Council, and dealt with Mr Kevin Ezeoguine, who had visited the residential premises occupied by Mr Lynch previously.
- 3.1.2 He explained that when he attended that he could hear bass music that was coming from the basement of the premises, but that it was not sufficient to be causing a nuisance (and therefore to breach the abatement notice that is under appeal) at the time. He did however suggest that it was likely to be due to the noise travelling through the structure, which needs to be addressed. We agreed that mounting the speakers on resilient mounts would be a helpful way to reduce this.
- 3.1.3 He also tried to gain access for the evening, and was planning to attend to determine what were appropriate levels, so the limiter could be set. He explained in a phone call in the evening of the 30th that Mr Lynch had declined to assist, which he said was "unfortunate".
- 3.1.4 Mr Rogers kept Mr Ezeoguine aware that he was intending to attend despite this to provide as much advice as possible, although the lack of co-operation by Mr Lynch was obstructive to the venue being able to solve the alleged problem.



1 EQUIPMENT

- 1.1.1 Mr Rogers used a type 1 Sound Level meter, which is a RION NA28 (Serial number: 00170246, Calibration Certificate number U18435), to take measurements. It was field tested before and after measurements and no deviation noted. The calibration certificate extract is contained in Appendix 1.

2 SOUND SYSTEM

- 2.1.1 The basement sound system is located at the DJ booth on the edge of the dance area, with four large speakers connected to it, which are bolted to columns in the sub-structure of the building. The amplifiers run through a dBX compressor and a Lime acoustic limiter, which has a microphone near to the closest speaker and can be adjusted for overall gain, and also for high or low frequency output. The balance between each speaker can be set, and was set up such that the majority of sound energy was on the dancefloor, with the area near the bar filled in also. The adjustment of the limiter is necessary from the back, with a small screw driver adjuster.
- 2.1.2 The ground floor restaurant system is purely meant for use as an ambient system. There are four small speakers connected to it at the wall to ceiling junction. The amplifier takes a music feed from the downstairs system and plays it through a Lime plug in acoustic limiter, which is set to its lowest level. This system

3 ACOUSTICS ASSESSMENT

Basement Music Limits

- 3.1.1 The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed to high levels (above 100dB(A) on the dancefloor).
- 3.1.2 The set-up of the mixing desk was altered so that all settings were on maximum and the limiter then adjusted to permit the maximum levels below to be achieved.
- 3.1.3 The best music quality was achieved when the mixing desk sliders were set to 0 (just out of clipping), but when pushed into the clipping zone the quality of the music reduced dramatically, so the incentive to operate in this zone is diminished.
- 3.1.4 The following music levels in Table 1 resulted once the limiter was set up to the minimum commercially acceptable music levels for the bar area and the dancefloor :

Position	L _{Aeq} in dB(A)	L _{AMax} in dB(A)	L _{eq} in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Top bar	86	94	74	83	83	84	82	76	78
Dancefloor	90	92	73	84	80	88	87	79	76

Table 1 – Music Noise Levels set up on limiter in basement



- 3.1.5 Operating at above these levels are considered to be the lowest commercially workable levels for a bar, where music is a focal point of the entertainment, based on our experience.
- 3.1.6 It will not now be possible with the limiter set up as it is now to exceed these levels, although there could be some track to track variation.
- 3.1.7 As part of the noise management plan the management will regularly monitor the noise levels within the space, using a budget sound level meter to provide a helpful record that the overall levels from night to night remain within limited levels. Records will be kept and will be available for inspection by WCC in the event that a complaint needs investigation.

Loudspeaker mounting

- 3.1.8 The loudspeaker mountings in the basement were directly in the structural frame of the building, providing a route for acoustic energy to transmit up the building. It is the opinion of Mr Rogers that this is likely to be the route of energy transmission affecting Mr Lynch's flat, which is in agreement with Mr Ezeoguine views.
- 3.1.9 To reduce the transmission as far as reasonably practicable it is recommended that a resilient mounting technique is used to decouple the speakers from the wall. This should include at least a 10mm neoprene pad that should separate the mounting plate and the wall. Then neoprene washers to the bolts should be used to create the separation required. This would employ best practice.

Restaurant Music Levels

- 3.1.10 The restaurant music system is small, and only capable of providing mid to high frequency sound, so not capable of producing the bass music being complained of. Despite this it is appropriate to have checked what level this system was set to play at. The measured sound levels with and without music are presented below, in Table 2.

Position	L _{Aeq} in dB(A)	L _{AMax} in dB(A)	L _{eq} in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
With ambient music on	77	85	68	69	68	73	72	71	62
People noise only at quiet period (no music)	67	78	70	66	62	65	61	60	56
People noise only at busy period (no music)	76	82	70	68	65	72	71	68	65

Table 2 – Music Noise Levels set up on limiter in ground floor restaurant

- 3.1.11 It can be seen that the music levels do not affect the levels when the restaurant is busy, from voices alone, which means it is truly ambient and not the focus of attention or of such a level likely to be audible in the flat above.



4 MUSIC CONTROL RECOMMENDATIONS

4.1.1 The following recommendations are made to ensure that the premises maintains control of music noise to their best technical and practicable ability, which is necessary to provide a best practicable means defence. This does not infer that they were not doing so in the past, but ways in which they can better tighten their noise management policy, to proactively protect the quality of life of those living above.

Acoustic Limiter setting

4.1.2 The basement acoustic limiter has been now set up, and the adjustment ports sealed by signed and dated seals (by Mr Rogers) which prevent it being altered. It means that if the house system is used in the basement that music noise levels will be consistently kept below the values in table 1, with some minor variation possible between tracks.

4.1.3 With access the flat this can be tweaked in future but provides a robust and best practice control measure.

4.1.4 The first floor music system is currently unlimited, but is a low energy system, with small speakers capable of only providing low levels of sound to provide ambient music only, such the noise from people is likely to be the source more likely to exceed music levels. As this is not a source for complaint Mr Rogers is confident that the current levels would not cause audible music noise within the flat above. As such use of the limiter is a helpful precaution to provide reassurance to WCC that these levels are not being exceeded. The limiter is in the process of being set up, so that the noise levels can be controlled in the way the basement system is. This will be set up and the adjuster sealed so that music levels do not exceed those in table 2, when the basement system is refined.

Loudspeaker mounts

4.1.5 By added neoprene between the speaker mount and the wall, with resilient washers to avoid connection through the bolts a significant reduction in structure borne noise transmission is expected by up to 80%. As it is not practicable to mount the speakers without contact to the wall, due to space, this approach is employing the best technical solution available.

Noise Management Plan

4.1.6 In addition to the control of level and reduction of the transmission paths the venue is recommended to clarifying its management policy around noise control. This will include a noise complaint procedure, which residents will be encouraged to use, to solve any problems at source.

4.1.7 The Noise Management Plan in Appendix 2 is recommended to form a basis for a noise management plan, which should be employed at all times, to minimise the risk of noise form music, people and other associated activities. This is far more reaching than simply music, but sets that benchmark for being able to demonstrate clearly how proactively the licensing objective to prevent public nuisance is being done.

4.1.8 It is recommended that the draft plan is tailored to a workable format for the premises, from that contained in Appendix 2, and submitted for comment by WCC Noise team. Once agreed this would become a basis for checking compliance with Best Practicable Means by that department, in the proactive prevention of nuisance.



5 CONCLUSIONS

- 5.1.1 Following the acoustic assessment was completed by Mr Rogers of Sustainable Acoustics Ltd. on the 31st October 2015, who is a suitably qualified expert in acoustics.
- 5.1.2 The basement noise limiter was set up, and sealed to limit the music noise levels to not exceed $L_{Aeq,5min}$ 87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area, which are the lowest levels considered commercially viable for the venue. The noise spectrum in each location was measured and is presented in Table 1, and should be used as a baseline condition for testing subjectively in the premises above. If adjustment is necessary this will only be likely in the bass frequencies, which can be done in conjunction with WCC, if Mr Lynch choses to co-operate in the future.
- 5.1.3 The ground floor system was checked (and is currently unlimited and awaiting resetting of the limiter as a feedback mic is being added to the system to improve its effectiveness. The levels of music noise do not exceed the noise from people, so is truly ambient and considered highly unlikely to be audible in the flat above. However as a precaution the limiter can be set to keep music noise levels to those set out in Table 2, if a setting exercise is completed in the way that was done for the basement. Use of this system until this time will be unlimited, and therefore remains a risk factor and so should only be used during non-sensitive times (ie. use only between 08:00 and 21:00) sparingly.
- 5.1.4 Advice has been provided for mounting of the speakers in the basement to reduce the transmission of acoustic energy by up to 80%. This will reduce further the bass energy that transmits through the structure, and permit higher music levels to be achievable. This will be taken into account when the limiter is refined, if access is granted to the flat above.
- 5.1.5 A noise management plan is recommended to be a general way in which the premises can continually demonstrate that they are implementing the proactive prevention of nuisance, as required by the licensing objectives.
- 5.1.6 If the recommendations within this report are implemented it is the professional opinion of Mr Rogers that it is unlikely that Mr Lynch will experience further intrusion, and that if he does that all best practicable means steps will have been taken, such that the business should be required to go further. Under such circumstances Mr Lynch will need to appreciate the character of the vicinity in which he lives is premised to provide some reasonable noise.
- 5.1.7 On this basis it would be appropriate to withdraw the abatement notice, as a result of the control measures that are put in place.



APPENDIX 2 Noise Management Plan

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Noise Management Plan

A: Music Control Steps

- All amplified music played in the venue is now controlled in level and frequency by sound limiter equipment, which was set and sealed on the 24th November 2015. The Local Authority (WCC) was present during this process. Further input from the Local Authority will be invited should this need to be amended or refined in future, as the seals would need to be renewed.
- No external audio equipment will be permitted to be used, unless approved to not exceed the levels set out in Table 3 of the report Sustainable Acoustics Report, dated 03/12/15. It is understood that no other equipment other than that checked during the exercise on the 24th November 2015 would be used.
- All external suppliers of entertainment (ie. DJ's) will be required to enter into a Service Level Agreement, which captures in writing that they agree to operate through the limited house system, and if they are found to not be will not be permitted to continue to supply services to the venue.
- signs shall be displayed on the premises in strategic place, to remind customers to keep noise down when outside, they leave. Signs in staff areas should also remind them of this when they are in outside areas

B: Management Mitigation Steps

- A representative of the premises will ensure that the levels of sound during each operational run of the basement are recorded from the designated location, using a Sound Level Meter which records the L_{eq} (set to "A" and "slow") for the duration of the run. This information will be downloaded regularly and held on record to provide indicative evidence of the historical music levels, which will be made available to WCC on reasonable request.
- The management staff will be aware of the limiters and the music levels they are set to.
- The premises will provide a single point of contact for complaints, which is made available to residents that might be affected by noise from the premises (which may be a mobile number) and they should be encouraged to call it should they have a complaint about noise covered herein.
- In the event of a complaint every effort should be made to quickly check that the control measures are in place, and working, then to proactively reduce levels voluntarily until such time as the complaint has been fully investigated and satisfied that it is not justified. If it is then all reasonable steps should be taken to resolve it, and records kept of the actions taken.
- If the seals are broken then they should be reset by WCC and the appointed acoustic consultant.

C: Enforcement Checks

- A representative of WCC may at any point visit and request to check the limiters or the historical record of noise time histories by date, to check for irregularities in the measured noise levels.
- A simple visual check for the limiters is encouraged to show that the seals remain intact.



- A measurement check can be completed by WCC where there is remaining doubt, to check whether ambient music levels are at or below $L_{Aeq,1min}$ levels shown in Table 3 of the report by Sustainable Acoustics Report, dated 03/12/15, which are 92dB(A) for laptop or ipod inputs, and 85dB(A) for CDs on the dancefloor area, and 72dB(A) in the ground floor bar due to music alone (in the centre of the floor)

D: Best practice Steps

Management protocols are advices to take a proactive preventative role to minimise disturbance.

- Dispersal: Signage and active management is recommended to encourage people inside the premises after midnight if necessary, and quiet dispersal of groups encouraged or loitering discourage outside by staff. This includes outside the rear door which can be used by the staff for short breaks.
- Opening/closing: Special attention should be made if the premises are being opened or closed during the night time hours. Setting of alarms, doors being shut and other possible noise sources should be kept to the minimum noise level possible.
- Bottling out and disposal: It is recommended that this is done during daytime hours only, ideally between 07:00 and 22:00 hrs to avoid sleeping disturbance.
- Deliveries: This should be made between 07:00 and 23:00 hrs to minimise disturbance.



APPENDIX 3 Noise at Work Regulations Summary

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1 NOISE AT WORK REGULATIONS

The Control of Noise at Work Regulations establish criteria to limit the exposure of employees to noise levels that could result in hearing loss. The Regulations also specify that there is a general duty for employers to ensure that the risk to health and safety of employees from exposure to noise shall be eliminated at source or reduced to the lowest level reasonably practicable (Regulation 6). There is also a like duty to any other person at work who may be affected by the work carried out.

The Regulations define lower and upper exposure “action values” and an exposure “limit value”, that are based on the total noise exposure during the working day, the $L_{EP,d}$, and a peak sound pressure level L_{Cpeak} . If the exposure of an employee varies markedly from day to day a weekly exposure may be used. The total noise exposure can be derived from the logarithmic summation of the various levels of noise to which the worker is exposed, taking account of the period of exposure to each level. The action values do not take account of the use of hearing protectors, however account is taken when determining whether the limit values are met.

1.1 Lower Exposure Action Values

The lower exposure action values are:

- a daily or weekly exposure of 80 dB(A); and
- a peak sound pressure level of 135 dB(C).

The first action value of 80 dB(A) takes account of the evidence that there is a small risk of hearing damage below 85 dB(A). At or above this level the employer should ensure a suitable and sufficient assessment of the risk to the health and safety is undertaken, which may include the need to measure noise levels. The purpose of the assessment is to identify employees likely to be exposed to at or above these values and propose measures that need to be taken in order to minimize the risk.

It is also necessary to provide hearing protectors to employees who ask for them. It is not compulsory for them to be used, but information about hearing protectors and how to obtain them must be available. General information, instruction and training should be carried out to reduce the risk of exposure to noise as detailed 2.5 of this report.

1.2 Upper Exposure Action Values

The upper exposure action values are:

- a daily or weekly exposure of 85 dB(A); and
- a peak sound pressure level of 137 dB(C).

These values reflect that there is a quantifiable risk of hearing damage from exposures between 85 dB(A) and 90 dB(A). If any employee is likely to be exposed to noise at or above an upper exposure action value, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of organisational and technical measures, excluding the provision of personal hearing protectors, which is appropriate to the activity.

The Regulations require that, where the second action level of 85 dB(A) $L_{EP,d}$ is likely to be exceeded, all employees likely to be exposed to these levels shall be provided with hearing protectors and are obliged to wear them.

The area in which the noise exposure occurs should be designated a Hearing Protection Zone and demarcated and identified by means of the sign specified for the purpose of indicating that ear protection must be worn in paragraph 3.3 of Part II of Schedule 1 to the Health and Safety (Safety Signs and Signals) Regulations 1996. Access to the area should be restricted where practicable and the risk



from noise exposure to persons entering justifies it. Where practicable, the employer should ensure that anyone entering the area is wearing personal hearing protectors.

1.3 Exposure Limit Values

The exposure limit values are:

- a daily or weekly exposure of 87 dB(A); and
- a peak sound pressure level of 140 dB(C).

In applying these values, unlike the action values, the noise attenuation provided by the use of hearing protection can be included. The exposure limit values should not be exceeded. If it is discovered that an exposure limit value is exceeded, the employer must ensure that the exposure is reduced forthwith, identify why it occurred, and ensure that it does not occur again.

1.4 Health Surveillance

If the results of an assessment of the risk to health and safety indicate that there is any risk of hearing damage, the employer must ensure that a programme of health surveillance is implemented for the affected employees. This would normally require hearing tests to be undertaken and records of the results kept and made available to employees.

If identifiable hearing damage is found, the employee should be examined by a medical doctor or specialist to whom the doctor refers the employee. If it is considered that hearing damage is likely to have been caused by exposure to noise at work the employee must be informed and organisational and technical measures should be reviewed for all employees with a similar exposure to noise. The employer should also consider re-assigning the employee to work where there is no further risk, under consultation with the employee.

1.5 Information, instruction and training

Where an employee is likely to be exposed to noise at or above the lower exposure values, a programme of information and training should be provided to reduce the risk of exposure to noise, where appropriate. This should also extend to people who may not be directly exposed to the same level of noise, but are responsible for the employee's working practice and safety, and to any other people who are likely to be present where the work is being carried out. The information provided should include:

- the nature and severity of risk;
- the exposure action values;
- details of organisational and technical measures taken to reduce the risk;
- the availability and correct use of hearing protection;
- how employees can detect and report hearing damage;
- employees' entitlement to health surveillance (hearing tests);
- how employees can minimise their exposure.

Generally employees can minimise exposure to noise by:

- turning off equipment when not in use;
- avoiding noisy areas unless it is necessary to be in them;



- taking regular breaks in quiet areas;
- avoiding excessive noise outside of work;
- ensuring hearing protection is always used when in noisy areas, not just when required by the regulations.

It is particularly important that young employees are encouraged to, and get into the habit of, using hearing protection. Personal hearing protection can take the form of ear plugs, or ear muffs. The former tend to be more comfortable, but there is a risk of ear infection if they are removed and replaced using dirty hands. The use of hearing protection may be a particular problem where speech communication is needed between employees. It is recommended that a small range of options is made available so that each employee can select the protectors that best suit their needs. It is important that manufacturers' guidelines are consulted when selecting suitable protection as performance varies considerably. All hearing protection must be in a good state of repair in order to work effectively.

Detecting potential hearing damage, other than by the results of a hearing test, can be made by employees' observations. If an employee often experiences the sensation of ringing or buzzing in the ears or temporary threshold shift (a degree of deafness that recovers after a period of time) there is a significant risk of hearing damage with continued exposure. Sounds may become muffled or distorted and it may be difficult for the person to understand speech. If employees have to raise their voices in order to communicate at work it is likely that noise exposure is high.

For further information : <http://www.hse.gov.uk/pubns/indq362.pdf>



LICENCE
CONSULTANTS

Licensing Observation Report

Name of premises	El Camion
Address of premises	25 Brewer Street, W1
Day, date and time.	Friday 20/11/15 23:00 – 02:00hrs
Name of person conducting observations	Deon van Niekerk

1. Introduction

- 1.1. I have been a Director of Licence Consultants since its inception in 2004. The main role of the company is to help clients with compliance with legislation and to promote best practice within the hospitality industry. As licensing practitioners we also have a duty to promote the Four Licensing Objectives under the Licensing Act 2003. I carry out regular observations visits to licensed premises.
- 1.2. I have worked in the hospitality industry for 30 years.
- 1.3. I was tasked with carrying out observations with regard to the noise levels within the venue, noise break out and the general operational procedures of the venue. This included observations of the management of the external area immediately outside the bar.

2. Background

- 2.1. I was tasked with carrying out observations with regard to the noise levels within the venue, noise break out and the general operational procedures of the venue. This included observations to the management of the external area immediately outside the bar.
- 2.2. The observations were carried out between 23.00 and 02.00 hours (Friday night going in to Saturday morning). The weather conditions were cold and wet.

- 2.3. Observations were conducted predominantly from a static monitoring point inside the basement bar within the premises although I was frequently moving around the room. This monitoring point gave an excellent view on the room (I could see 80% at all times) and was directly under a speaker.
- 2.4. Observations were recorded into my Blackberry throughout the evening.

3. Summary of Observations

Noise

- 3.1. The music throughout the evening was provided by a DJ (named Kofi). The volume for a bar of that nature was below that of what would normally be expected. It was at a fairly consistent level throughout the night. Although the volume did rise slightly as the evening went on the number of people also rose thus allowing for more sound absorption. The rise in volume was actually very small overall.
- 3.2. There were no spikes at all in the volume at all. The music style was consistent throughout the evening (a commercial mix of popular and chart R&B) with seamless transitions between songs. The mixing and sound levels between each song was very smooth.
- 3.3. I was positioned directly in front of the speaker the entire evening. I was able to conduct a normal conversation with my companion. I went round and listened to two other speakers and they all appeared to emitting the same volume.
- 3.4. I could not here any noise upstairs at all upon arrival and when I left. This was in the small lobby immediately as you enter the premises.
- 3.5. There is noise out break out of the basement room that emanates toward the toilets. The door was open all night and there is music audible in this corridor that is at a similar level to what is in the room. The hard surfaces and the lack of people do not do anything to dampen the sound in this area.

Security

- 3.6. There were two visible security guards on duty. Both wearing SIA badges. Ishmael appeared to the senior door supervisor on duty and was predominantly manning the front door, overseeing the external area and controlling the smoking area.
- 3.7. The second door supervisor was positioned at the entrance of the basement bar. The two guards both had radios and were in constant

communication with each other and appeared to be a very efficient team. They also has direct communication with Adam (who is a manager I believe) who was on the same channel.

- 3.8. Both door supervisors were highly proactive throughout the evening and in control of the premises.
- 3.9. The welcome on the door was very good and clearly this bar has a lot of regulars. Many people were greeted by name with handshakes and there was none of the surly attitude often associated with door supervisors. Indeed when I left, Ishmael, who had sorted out my membership when I had arrived 3 hours earlier, said goodbye to me by name.
- 3.10. Guests who arrived who were not members were turned away.
- 3.11. The downstairs door supervisor was constantly doing head counts and had a clicker in his hand at all times, monitoring the numbers.
- 3.12. I did four head counts throughout the visit and the most guests in the room at any one time was 45.

Management

- 3.13. This is a very well managed premises. There was a female manager who appeared to be in charge downstairs. She was nonstop throughout the visit. She was interacting with her staff and guests and was constantly moving around the room picking up empty bottles and glasses regularly.
- 3.14. She was highly effective and the premises felt very much under control. There were no situations per se that required her to deal with but had there been she was in position to do so.
- 3.15. The bar felt safe, well controlled with a very good atmosphere. Most guests were in there late 20s early 30s and were clearly a likeminded sociable crowd.

Staff

- 3.16. The staff were friendly, smart and efficient. The drinks were very good and the service was excellent.
- 3.17. I ordered two drinks and when I went back some 40 minutes later to get another round the bartender (Adam) remembered the order.
- 3.18. I periodically watched cash handling behind the bar and there appeared to be good till integrity.

Outside Area

- 3.19. The smoking area is well demarcated with ropes and all guests smoking stayed within this area.

3.20. Guests waiting to enter the premises when I left were to the left of the door (as you exit) and smokers to the right.

3.21. There was no obstruction of the public highway.

Intoxication

3.22. I did not see any intoxicated guests during the observation. The customer demographic is mature crowd who were all enjoying themselves in a salubrious way.

Toilets

3.23. The toilets were clean and orderly with no evidence of drug dealing or drug taking. The manageress was actually observed changing the toilet paper in the ladies which would indicate that they are being monitored by the management.

4. Conclusions & Recommendations

4.1. A summary of the observations with consideration of potential impact on the Four Licensing Objectives is provided in this section.

Prevention of Crime & Disorder

4.2. I did not witness any crime or disorder during the observation.

Recommendation

4.3. There was a lot of unattended property left in the seating area and people constantly rummaging around to find their jackets etc. Consideration should be given for a cloakroom although I appreciate that space is at a premium.

Public Safety

4.4. The premises felt safe and under control at all times during the observation. I did not witness any safety issues.

Recommendation

4.5. The door supervisor posted downstairs was repeatedly doing head counts. Consideration should be given to using two clickers for an in and out count to help keep track of the running total. The hourly figures should be logged as part of the premises' due diligence.

Prevention of Public Nuisance

4.6. I did not witness any issues that I believe would give rise to a public nuisance.

- 4.7. No music noise was heard emanating through the doors, even when standing immediately on the pavement outside. There was no audible music in the lobby area when I arrived.
- 4.8. There were a few people outside in the smoking area which was well managed, being controlled by vigilant door staff. Roped barriers ensured that there was a clear demarcation between pavement and smoking area and that the pavement was not obstructed.
- 4.9. There was a near constant presence, either manager or security, on the front door throughout the evening. Staff were seen to be proactive in dealing with enquiries efficiently and effectively and ensuring the pavement was kept clear.
- 4.10. Customers queuing were orderly and there no signs of intoxication or anti-social behaviour.
- 4.11. At no point did I witness the use of either the pavement or road being impeded through the main door on Brewer Street.
- 4.12. The general background noise levels in the area are relatively high with a near constant flow of vehicle and people traffic. Brewer Street is a busy thoroughfare in the heart of Soho.
- 4.13. I did not witness the manageress (or any other staff member) doing sound readings.

Recommendations

- 4.14. There is fan attached to the wall. This is driven by a motor that effectively vibrates. The speakers are attached to the wall with rubber to reduce the attenuation. Consideration should be given to adopting the same principle with the fan.
- 4.15. Consideration could be given to an acoustic curtain across the lobby door way in the basement with some other sound absorbing material in the corridor. There is no suggestion that music noise from the basement could be heard outside the premises.

Protection of Children from Harm

- 4.16. During the period of observations I did not witness anything arising from the operation of these premises that would have a negative impact on protecting children from harm.
- 4.17. Customers arriving at and entering the venue appeared to be over 25 years. There were no signs of any juveniles attempting to enter the premises.

- 4.18. Security and management were diligent in vetting all patrons prior to entry. Apart from those holding membership cards all guests had to be signed in by a member and the register kept at front door.

Recommendations

None.

Deon van Niekerk

25th November 2015

Owojori, Olaposi

From: Mark Browning <mbrowning@balaw.co.uk>
Sent: 24 February 2016 19:44
To: Owojori, Olaposi; 'licensing licensing'
Cc: Thomas, Sally
Subject: RE: El Camion, 25-27 Brewer Street, London, W1F 0RR 15/11278/LIREVP
Attachments: Reps for El Camion.doc; FW: El Camion - licence application - 15/11278/LIREVP

Hi Ola

Thanks for this. Just one typo, and one other matter;

Your rep summary (attached) lists Alice and Adam Harrison as supporting the Review, whereas they are objecting to it.

I understand also that there was a late rep from a local resident also objecting to the Review. Whilst I appreciate that it was out of time, I would like to ask nevertheless whether the panel would take it into consideration (attached).

It may be too early at this stage, but do you know which matters are being heard the same day (10th March) and whether we are likely to be heard at the beginning or end?

Many thanks

Mark

Mark Browning
BA LAW Limited
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B·A·GROUP



Owojori, Olaposi

Subject: FW: El Camion - licence application - 15/11278/LIREVP

-----Original Message-----

From: Matt Foy [<mailto:matthewjamesfoy@gmail.com>]
Sent: 07 January 2016 12:21
To: Licensing
Subject: El Camion - licence application - 15/11278/LIREVP

Dear City of Westminster Licensing Service,

Thank you for your letter reference 15/11278/LIREVP regarding the review of premises licence for El Camion restaurant and bar, 25-27 Brewer Street, London, W1F 0RR.

I live a couple of doors down from the premises and regularly enjoy eating in the restaurant and bringing friends for drinks in the downstairs bar. In my opinion El Camion is an exceptional establishment. It is a unique part of the Soho culture and nightlife where people of diverse backgrounds come together. It is also meticulously run, never allowing the downstairs to become over capacity and unlike many venues with late licenses, external noise is kept to a minimum, and the guests are polite and well behaved.

In particular this is down to Matthew the manager and Ishmel the doorman, who take their roles extremely seriously.

Living in Soho invariably comes with a fair amount of noise from the street. However, the majority of noise I experience is from rickshaw cycles blasting music, general revelry/singing/shouting from pedestrians as they walk by, and from refuse collection vehicles. I wholeheartedly support every aspect of their licence being renewed.

Please do contact me if you need any further information.

Yours faithfully,

Matthew

13 Brewer Street
Soho
W1F 0RH

Matthew Foy
matthewjamesfoy@gmail.com

Owojori, Olaposi

From: Ken White <ken@sohoha.org.uk>
Sent: 02 March 2016 09:45
To: Owojori, Olaposi
Subject: FW: El Camion
Attachments: update.docx

Dear Sir

Please find attached my reply to the licence holder's submission to be included in the review documents for the hearing.

Kenneth White

Ken White
Volunteer
020 7557 7400



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 @SohoHousing

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Dear Sir,

I write as one of the Applicants for the above referenced review application. The purpose of this letter is twofold:

1. To address/clarify/respond to certain matters raised in the evidence submitted on behalf of the licence holder;
2. To update the Licensing Sub-Committee on the current situation

I should be extremely grateful if you would include this document in the Report to Sub-Committee. I have copied it to Mr Browning, who is acting on behalf of the licence holder.

Submissions of licence holder

On 22 December 2015 we received a copy of the licence holder's submissions. Although we have no comment to make on much of this documentation, there are certain aspects of Mr Conran's statement to which I thought it might be helpful to respond prior to the Sub-Committee meeting. I have done this by quoting the relevant section of the statement in the left hand column of the table below, and provided my response in the right hand column.

Mr Conran's statement	Mr White's response
'He said that he had been a police officer for 30 years, and that we should be careful as he had many powerful friends.'	As far as I am aware, I do not have any 'powerful' friends and I refute the suggestion that I said this. In any event, I retired from the police 13 years ago and so have all my colleagues. The police have not made a representation on this review. 'Prevention of crime and disorder' is not a ground on which the review has been brought.
'He has let me know on a number of occasions that he has made it his personal mission to rid Soho of any late licences, and that he was personally involved in the closure of Madame Jojo's and Escape...'	I was not 'personally involved' in the closures of those premises but, living opposite and being concerned about the events which gave rise to the reviews, I did make a representation supporting the police's action. This is the first review of a premises licence I have applied for under Licensing Act 2003.
'I heard nothing further from him for two years, and drew the conclusion that the issue had been rectified...'	This conclusion was drawn without Mr Conran ever checking with Mr Lynch or myself whether the issue had been rectified.
'There has always been a limiter in the basement which is of the compressor/gate type and has adjustment knobs on the front of the device. It was kept in a locked cabinet to which only senior management had access, so Mr White's reports	I refer the Sub-Committee to the first 'Acoustic Investigation' Noise Report commissioned by the licence holder (attached as Appendix 1 to the second Noise Report). It states at paragraph 3.1.1 that 'The basement system was inspected,

<p>of music turned up and down randomly are simply not true.'</p>	<p>and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed (sic) to higher levels (above 100d(B)A on the dancefloor).'</p>
<p>'Is there a suggestion that the license (sic) was granted by anything other than a legitimate and proper process?'</p>	<p>No. I was simply expressing my surprise that a 3am licence had been granted in this location within a residential block.</p>
<p>'I refute the misleading allegation that '...very regrettably, the limiter in the basement had not been kept at the level agreed and set in 2013.'</p>	<p>I refer the Sub-Committee once again to the first 'Acoustic Investigation' Noise Report commissioned by the licence holder (attached as Appendix 1 to the second Noise Report). It states at paragraph 3.1.1 that 'The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed (sic) to higher levels (above 100d(B)A on the dancefloor).'</p>
<p>'Statements such as 'Mr Lynch and his children settled down to 2 years of disturbed sleep' do not belong in a document such as this.'</p>	<p>On the contrary, it is essential information for the Sub-Committee to consider. This was precisely the effect that loud music noise has had on Mr Lynch and his family.</p>
<p>'In summary, I feel that this application is entirely inappropriate, and borderline vexatious.'</p>	<p>No evidence is submitted to support these suggestions. The suggestion that the application is 'borderline vexatious' is one which I would hope is withdrawn.</p>
<p>'I have also met with Mr White in an effort to discuss a peaceful resolution of his concerns, an offer which he flatly rejected.'</p>	<p>I am surprised by this statement. I readily agreed to a meeting. Following the meeting, Mr Conran's representative wrote to me with the licence holder's proposed conditions, suggesting that I should withdraw the application and they would make a 'minor variation' application. I explained that I could not unilaterally accept any such proposals as I felt that the matter should go before the Licensing Sub-Committee for determination. In any event, I was not aware if others had made representations. I made it clear in my response dated 11 December 2015 that I would welcome continued dialogue and discussion. I had no reply to that email, and have had no contact whatsoever from the licence holder since then.</p>
<p>'As far as I am aware, this Review is not supported by any of the statutory or responsible authorities nor the landlords of his own building...'</p>	<p>Two responsible authorities and the landlord of the building have made representations supporting the review.</p>

<p>'A review should only be submitted where there has been a clear breach of the licensing objectives or a breach of conditions. I respectfully submit that this is not the case in this instance and that this review should therefore be dismissed.'</p>	<p>I refer the Sub-Committee to the witness statements appended to the application, and to the representations made in support of the review, including by responsible authorities.</p>
--	---

Update on the current situation

The application was served on 1 December 2015.

On 4 December 2015, I was contacted by the licence holder's representative, suggesting a meeting. I readily agreed. I acknowledged that the sound tests had led to a successful outcome on that issue.

On 9 December 2015 I met with Mr Conran and his representative. A number of conditions were offered on Mr Conran's behalf, some of which were based on what was proposed in the application. However, it was suggested that these conditions could be added to the licence by way of a 'minor variation' rather than through a licence review.

Quite apart from the question of whether it is possible to withdraw a review application without it being determined by the licensing authority, the 28 day consultation period was still ongoing. I was of the view that it would be inappropriate for me to unilaterally agree to measures with which others may not agree. In any event, the conditions did not cover everything in the application and so were insufficient.

On 11 December 2015 I responded (enclosed) setting out these points. I also asked for the licence holder's views on the other conditions requested in the application. I have had no response. I ended by acknowledging the usefulness of the engagement so far, and expressing the hope that it would continue. I had no response to that email and I have had no contact whatsoever from the licence holder since then.

In the interests of fairness and ensuring that the Sub-Committee is aware of all the relevant facts, I am pleased to report that there has been an improvement in the situation since the review was submitted. Music noise has not been an issue since the review application was submitted. The other issues referred to in the review have improved. However, this does not negate the need for action to be taken to ensure that the improvement is sustained and is anchored by robust conditions and other changes to the licence, as proposed in the application.

Finally, I enclose an email from Cllr Church supporting the review.

Both myself and Mr Lynch are perfectly happy to have further discussions with the licence holder between now and the hearing. If nothing else, this may at least assist in narrowing down the 'live' issues before the Sub-Committee at the hearing.

Yours sincerely,

Ken White

Applicant

Encs –

1. **Email dated 11 December 2015**
2. **Supporting statement by Councillor Church**

Owojori, Olaposi

From: Ken White <ken@sohoha.org.uk>
Sent: 02 March 2016 09:49
To: Owojori, Olaposi
Subject: FW: El Camion - Review of Licence
Attachments: DOC101215-10122015100524.pdf

Dear Sir

Please find attached below my response to the licence holder's proposals for changes to the licence to be included in the papers for the hearing.

Kenneth White

Ken White
Volunteer
020 7557 7400



4th Floor
120 Charing Cross Road
London WC2H 0JR
020 7557 7400
www.sohoha.org.uk

@SohoHousing

From: Ken White
Sent: 11 December 2015 09:46
To: Mark Browning <mbrowning@balaw.co.uk>; 'Edmund Conran' <ned.conran@mac.com>
Cc: 'licensing licensing' <licensing@westminstercab.org.uk>
Subject: El Camion - Review of Licence

Dear Mr Browning and Mr Conran

Thank you for meeting with me on Wednesday to discuss the review of El Camion's licence. I am pleased that we were able to arrange a meeting so soon.

You proposed 9 conditions, which are attached. I have discussed them with my neighbours and our solicitor.

I am aware that we are still in the 28 day statutory consultation period. It would therefore I think be inappropriate to come to any formal agreement on conditions at this stage in any event even if there was an agreement, as there may be representations from other parties.

There are stumbling blocks to any compromise agreement that would satisfy both sides. Most fundamentally, my neighbours are of the opinion that an inherent part of noise and harm are the extended hours of operation. I appreciate that you are not prepared to consider a reduction in hours, but that is nevertheless what we have asked the licensing authority to consider, along with conditions, as a way of promoting the licensing objectives.

I note that most of the conditions you gave to me are the same as those requested in the review application, with some differences of wording. However there are a number of conditions requested in the application, apart from the hours, which are not mentioned in your document. What are your thoughts on these?

You suggested that Ned could make a 'minor variation' to the licence if we withdrew the review. I am afraid that we cannot agree to this. I and the other residents see this review as part of a process of achieving a solution which will ensure that the residents who live above the premises - some of whom have lived there for many years - can get a good night's sleep. My understanding is that the initiation of a review requires the licensing authority to hold a hearing and for the authority to consider the application and any relevant representations. This is the appropriate way forward. I am perfectly happy and indeed keen to have ongoing discussions prior to the hearing date, if it leads to the parties being able to narrow down the issues in dispute and therefore save time at the hearing.

In any event, I am advised that adding conditions to the licence by way of a minor variation would not have the effect of making the music-related conditions legally enforceable, as the provisions of s177A Licensing Act 2003 mean that music-related conditions can only be made to have effect upon the determination of the licensing authority on a licence review.

For these reasons we have decided to continue with the review process, whilst acknowledging the usefulness of your early and, hopefully, continued engagement with us.

Ken White
Volunteer
020 7557 7400



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- MC11 A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- MC12 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- MC14 All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- MC22 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (15) persons at any one time.
- MC24 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- MC26 The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- MC67 Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (*specify location*).

Owojori, Olaposi

From: Ken White <ken@sohoha.org.uk>
Sent: 02 March 2016 09:55
To: Owojori, Olaposi
Subject: FW: El Camion, Brewer Street, Soho

Dear Sir

Please find attached below a letter of support for the review of El Camion's licence from councillor Paul Church to be included in the papers for the hearing.

The supportive letter from the EH scientific officer, John Crockford will be with you shortly for inclusion.

Kenneth White

Ken White
Volunteer
020 7557 7400



4th Floor
120 Charing Cross Road
London WC2H 0JR
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@SohoHousing

From: Licensing <Licensing@westminster.gov.uk>
Date: 17 February 2016 at 13:21:56 GMT
To: Councillor Paul Church <paulchurchwestend@live.co.uk>, Licensing <Licensing@westminster.gov.uk>
Cc: "Aiken, Nickie (Cllr)" <nickie.aiken@btinternet.com>, "ken@sohoha.org.uk" <ken@sohoha.org.uk>
Subject: RE: El Camion, Brewer Street, Soho

Dear Cllr Church

I can confirm this has been sent to the officer dealing with this case. He will be in contact shortly.

Kind regards

Westminster Licensing Team

From: Councillor Paul Church [<mailto:paulchurchwestend@live.co.uk>]
Sent: 17 February 2016 12:45
To: Licensing
Cc: Aiken, Nickie (Cllr); ken@sohoha.org.uk
Subject: El Camion, Brewer Street, Soho

Dear Sir/Madam,

The above premises' licence will be reviewed on 10th March 2016 and, as the local elected Ward Member for The West End, I wanted to express my dissatisfaction with the venue. Several residents have written to me, as this venue is a long running source of disturbance and distress to my constituents, including some who are elderly and many who have small children. This club will be known to the Noise Team due to the frequency of my residents' complaints. A 3 a.m. licence directly under a residential block is entirely inappropriate (and particularly so in a stress area!) and despite several warnings from residents, the Council's Noise Team (and even local councillors), this venue has done nothing to ameliorate their behaviour - quite the contrary in fact, as I understand they have been found to be overriding noise limiters!

This venue has caused great harm to residential amenity and to children due to the lack of sleep they have encountered (a matter supported by the NHS). I would also describe the venue as a perfect example of public nuisance.

For the avoidance of doubt, as both the Ward Member for West End Ward and Deputy Cabinet Member for Children & Young People, I firmly believe that El Camion's late licence should be revoked.

With best wishes,

Paul

Councillor Paul Church

Deputy Cabinet Member for Children & Young People
Westminster City Councillor for West End Ward
Serving our communities in Fitzrovia, Marylebone, Mayfair & Soho

E-Mail:

paulchurchwestend@live.co.uk

Post:

Westminster City Council, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Twitter:

@pauljchurch

Website:

www.paulchurch.net

Surgery:

The first Saturday of every month, 2 p.m. - 3 p.m.

Danceworks, 16 Balderton Street (off Brown Hart Gardens), Mayfair, W1K 6TG

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion	To convert the existing Justices On Licence and Public Entertainment Licence into a Premises Licence	4.10.2005	Granted under delegated authority
Transfer	Transfer from Mr Savvas Demos to Anathema Ltd	20.3.08	Granted under delegated authority
Transfer	Transfer from Anathema Ltd to MTL Management Services Ltd	25.8.09	Granted under delegated authority
Transfer	Transfer from MTL Management Services Ltd to Lupe's (Brewer Street) Limited	16.3.10	Granted under delegated authority

There is no appeal history for the premises.

Conditions on the existing licence

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

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. 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.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.
16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

Conditions for Sale of Alcohol

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
- (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
 - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
 - (c) artistes or persons employed on the premises;
 - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.
31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

Conditions related to the Sale of Alcohol

33. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;

- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

(ii) Sunday

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 Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;

- d) 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours 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.

34. 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.

35. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
36. 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

None

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

None

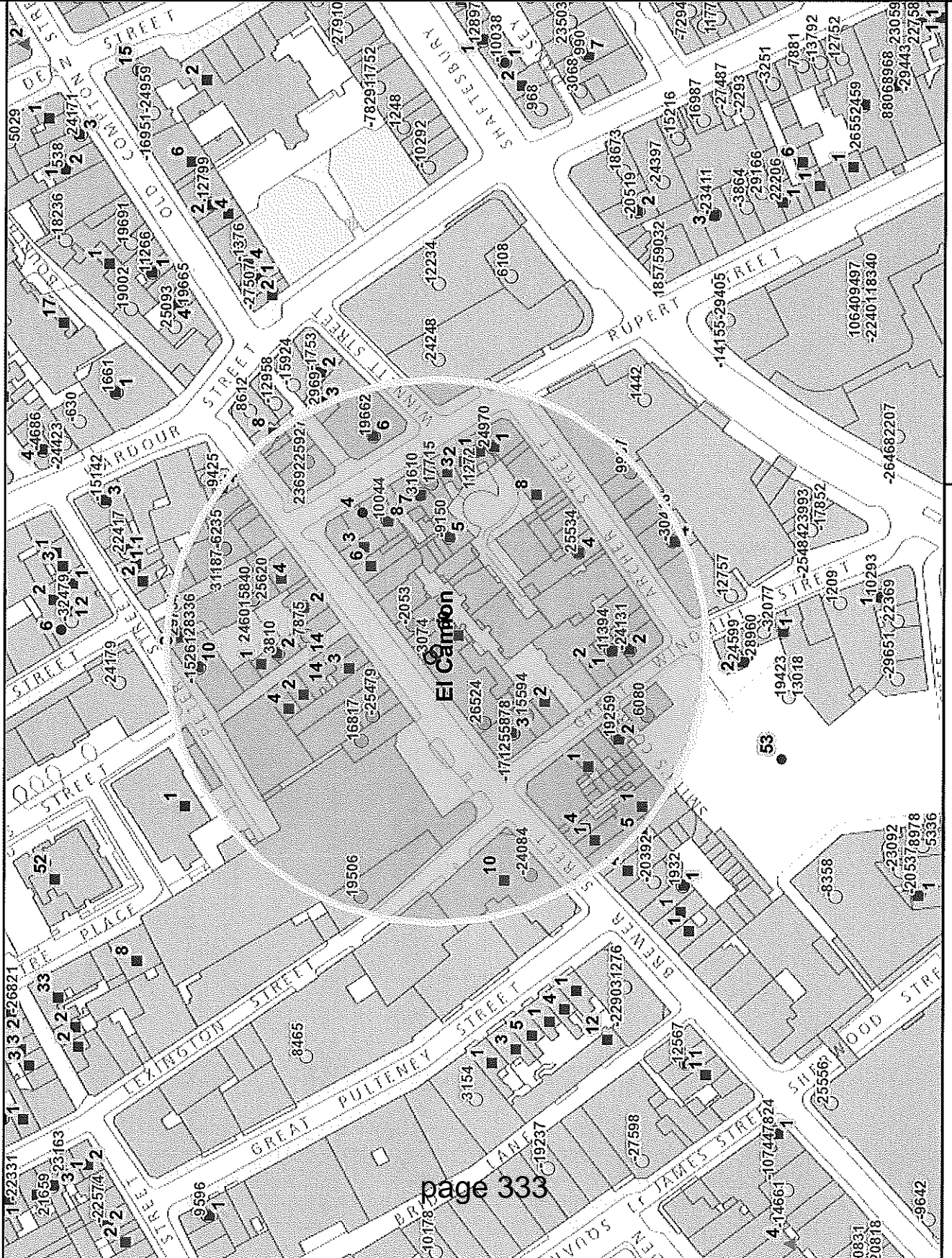
Conditions proposed by the applicants

37. 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 and in conjunction with affected residents, 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.

38. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
39. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
40. At least two SIA licensed door supervisors shall be on duty outside the premises after 6pm on any day when the premises is open for business. The principal duties of the supervisors shall be to manage patrons who have temporarily left the premises, e.g. to smoke, and to ensure that customers disperse from the premises without causing a public nuisance to local residents.
41. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
42. After 9pm, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall be limited to 6 persons at any one time.
43. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that they remain within the designated smoking area referred to in condition [] and to ensure that there is no public nuisance or obstruction of the public highway.'
44. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.



El Camion



Residential / Proposed Residential	251
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known

Annex G

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Data Source: Uniform Database
Date: 23/02/2016

Premises within 75 metres of El Camion			
p / n	Name of Premises	Premises Address	Opening Hours
11272	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
15594	Blacklock	25 Great Windmill Street London W1D 7LH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:30
16817	Adanami	30 Brewer Street London W1F 0SS	Monday to Sunday 00:00 - 00:00
17715	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
19259	Piccadilly Restaurant	31 Great Windmill Street London W1D 7LP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19506	Wagamama	10A Lexington Street London W1F 0LD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
28336	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
29734	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-24131	Be At One	20 Great Windmill Street London W1D 7LA	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:50 Monday to Thursday 10:00 - 23:30
-24084	Bills	36 Brewer Street London W1F 9TA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
-9150	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
5840	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
6080	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
11394	Melati Restaurant	21 Great Windmill Street London W1D 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
23692	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
25927	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
31187	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
31610	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-30446	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00
-25479	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

-20946	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17125	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-15261	La Pietra	25 Peter Street London W1F 0AG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-6722	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
-6235	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-3074	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
-2053	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
3810	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5878	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
7875	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
9967	Gelupo	7 Archer Street London W1D 7AP	Tuesday to Saturday 11:00 - 01:00 Sunday to Wednesday 11:00 - 23:00
10044	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
19662	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
19764	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
24601	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
24970	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
25534	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30
25620	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
26524	Lights Of Soho	35 Brewer Street London W1F 0RU	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00



EL CAMION



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