



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 26th May, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Harvey (Chairman)  
Louise Hyams  
Aziz Toki



**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](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. THE PAVILION, MERCHANT SQUARE, W2

(Pages 1 - 42)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Hyde Park Ward / not in cumulative impact area	The Pavilion, Merchant Square, W2	New	16/01609/LIPN

#### 2. YOSMA RESTAURANT, DRURY HOUSE, 34-43 RUSSELL STREET, WC2

(Pages 43 - 86)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / West End Cumulative	Yosma Restaurant , Drury House, 34-	New	16/02519/LIPN

	Impact Area	43 Russell Street, WC2		
--	-------------	------------------------	--	--

**3. AQUAVIT, 1 CARLTON STREET, SW1**

**(Pages 87 - 108)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	Aquavit, 1 Carlton Street, SW1	New	16/02619/LIPN

**4. REGENT'S UNIVERSITY LONDON, REGENT'S COLLEGE, INNER CIRCLE, REGENT'S PARK**

**(Pages 109 - 132)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Regent's Park Ward / not in cumulative impact area	Regent's University London, Regent's College, Inner Circle, Regent's Park	New	16/02659/LIPN

**5. PAPPILAND CAFE, GROUND FLOOR, 12 NORFOLK PLACE, W2**

**(Pages 133 - 150)**

App No	Ward/ Cumulative	Site Name and	Application	Licensing Reference

	Impact Area	Address		Number
5.	Hyde Park Ward / not in cumulative impact area	Pappiland Cafe, Ground Floor, 12 Norfolk Place, W2	New	15/12126/LIPN

**6. SIMMONS, 2 BATEMAN STREET, W1**

**(Pages 151 - 204)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	West End Ward / West End Cumulative Impact Area	Simmons, 2 Bateman Street, W1	Variation	16/02637/LIPV

**Charlie Parker  
Chief Executive  
20 May 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.

# Licensing Sub-Committee Report

## Agenda Item 1

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/01609/LIPN - New Premises Licence
Title of Report:	The Pavilion Merchant Square London W2 1LA
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 <sup>th</sup> February 2016		
<b>Applicant:</b>	Paddington Basin Management Ltd		
<b>Premises:</b>	The Pavilion		
<b>Premises address:</b>	The Pavilion Merchant Square London W2 1LA	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application it will be used to house popup events so as to support local artist and performers.		
<b>Premises licence history:</b>	None.		
<b>Applicant submissions:</b>	Following discussions with EH and Police regarding their representations, the applicant has agreed proposed conditions.		

1-B Proposed licensable activities and hours							
<b>Provision of Films:</b>				<b>Indoors, outdoors or both</b>			In
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		N/A					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		N/A					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		N/A					



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	7 <sup>th</sup> March 2016
<p>The applicant is seeking the following:</p> <ol style="list-style-type: none"><li>1. To provide the following regulated entertainments indoors between 12:00 and 23:00 hours Monday to Sunday:<ul style="list-style-type: none"><li>• Plays</li><li>• Films</li><li>• Live Music</li><li>• Recorded Music</li><li>• Performances of Dance</li></ul></li><li>2. To provide for the Supply of Alcohol 'On' the premises between 12:00 and 23:00 hours Monday to Sunday:</li></ol> <p><b>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</b></p> <ol style="list-style-type: none"><li>1. The hours for and types of Regulated Entertainments requested may lead to an increase in Public Nuisance in the area and may adversely affect Public Safety</li><li>2. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the area</li></ol> <p>The applicant has offered some undertakings in the operating schedule which are under consideration and will need to be converted to conditions on the Licence</p> <p>Further clarification is also sought on the nature of the licensable activities as it is not clear if the provision of alcohol will only be during events or permanent. It is also unclear on the likely size of any event as there is no indication of any maximum capacity.</p> <p>The applicant is therefore requested to contact the undersigned to arrange a site visit, which will be accompanied by the Licensing District Surveyor, to discuss all of the above issues.</p> <p>Environmental Health may then propose further conditions to allay its concerns.</p>	
<b>Responsible Authority:</b>	Metropolitan Police ( <b>Withdrawn</b> )
<b>Representative:</b>	Bryan Lewis
<b>Received:</b>	3 <sup>rd</sup> March 2016
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives.</p> <p>Our objections relate to the following:</p>	

- There are insufficient measures proposed by the applicant to support the licensing objectives.
- More information is required regarding the intended business operation to properly assess the application.

<b>2-B Other Persons</b>			
<b>Name:</b>		Mr Michael Clarke	
<b>Address and/or Residents Association:</b>		3 Merchant Square London	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 <sup>th</sup> February 2016		
<p>I am writing on behalf of a number of residents in 3 Merchant Square, including myself, to object to the Application for a Licence for the building known as The Pavilion under The Licensing Act 2003. This building was constructed as a Marketing Suite for the sale of the next phase of Merchant Square development-as yet to be started.</p> <p>The main grounds of our objection are on the basis of Public Nuisance.</p> <p>The application is for use for Plays, Live and Recorded music, Films, Dancing and the Sale of alcohol from 1200 till 2300 SEVEN days /week.</p> <p>This building is immediately adjacent to my block of flats (3 Merchant Square) being approximately 25 feet away. It is in the East end of the Development which is almost entirely residential (their application is totally incorrect in stating that "it is located away from the residential part of the development"- and seems to confirm their complete lack of knowledge of the site or else a deliberate misleading statement.</p> <p>It is unclear exactly what is going to take place, or how often it will be used.</p> <p>Our MAIN CONCERN is Noise-even with the best will in the world- there is going to be noise from whatever takes place inside the building and worse still the noise of people leaving after alcohol and late at night-especially at the weekends, with the proposed very late finishing times.</p> <p>The existing temporary Planning Permission stipulated its use for marketing of the proposed flats only. Its construction could only take place between 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 Sat .and NOT at all on Sundays or bank holidays. These conditions were to protect the environment of neighbouring residents as per CS29 and CS32 of Westminster's City Plan - Strategic policies. The same protection must surely apply to this new Application in terms of noise and hours of use.</p> <p>The building is a temporary structure and is unlikely to have significant soundproofing for the proposed use.</p> <p>The existing planning does not permit the proposed use or the proposed hours of use ( see Planning No.13/06471/FULL Clause 5 + 7 ).</p> <p>There will clearly be noise at unsociable hours particularly at weekends from the proposed use; There is virtually no public parking available in the vicinity-indeed the original planning</p>			

permission expressly made the developer provide underground parking for all the flats- and access is further limited by the closure of the gates between Westcliffe-Peninsula-and Balmoral blocks of flats in the early evening to prevent noise from people entering and leaving the restaurants and thus would further reduce access to The Pavilion.

Since these planning constraints already exist-and no new planning application has been submitted- operation of the proposed New Licence would be a Breach of planning control. They are, therefore, applying for this licence flagrantly outside planning permission and one cannot be encouraged that they would operate a licence responsibly - If granted.

<b>Name:</b>	Ms Ginger Sheriff		
<b>Address and/or Residents Association:</b>	3 Merchant Square London		
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	2 <sup>nd</sup> March 2016		

Our apartment is immediately above the pavilion in question, our bedrooms being approximately 40 feet above the building, which is situated ten feet to the side of the residential block of apartments.

Noise is a big consideration particularly when considering this was constructed as a showroom and undoubtedly not with suitable soundproofing required to reduce noise levels that this change of use will create.

<b>Name:</b>	Mr John Zamit		
<b>Address and/or Residents Association:</b>	SEBRA (South East Bayswater Residents' Association) 2 Claremont Court Queensway LONDON W2 5HX		
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 <sup>th</sup> March 2016		

As an adjoining recognised residents' association we share the concerns of the PW&MV Society to this application and the very good points they have raised (as per their objection of 29 February attached) so we also object to the grant of the licence.

Merchant Square (and West End Quay adjacent) has several large blocks of flats and their interest and right to quiet enjoyment must be paramount.

We are very surprised that no planning application has been made for change of use to accommodate proposed venture.

We assume CCTV will be provided to satisfaction of police.

Also assume deliveries etc will be during normal business hours together with other 'standard model conditions.

<b>Name:</b>		Mr Gerhard Hammerle	
<b>Address and/or Residents Association:</b>		4 Merchant Square Apt 708 London	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 <sup>th</sup> February 2016		

Please ensure that the live music and people won't disturb the neighbours. The Grand Union Pub already attracts many drunk people, who even after the garden closes at 10pm, stand outside and scream and shout. Especially in the warmer summer months this can go on far beyond midnight.

This cannot happen with a second place along the canal.

<b>Name:</b>		Mrs Elizabeth Virgo (Paddington Waterways & Maida Vale Society)	
<b>Address and/or Residents Association:</b>		4 Browning House 19-21 Formosa Street London W9 2JS	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 <sup>th</sup> February 2016		

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of Paddington Station and those who use the station either for travel or for passing through.

#### Introduction

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area.

However, the application raises a number of issues which lead us to conclude that it should be refused.

Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance. It could also impair the prevention of crime and disorder.

In the first place, we are somewhat perplexed by this application as the existing building does not, in our view, have planning permission for these activities and we understand a closing time of 21.00. Nor has any appropriate application come before us yet to consider.

The building is quite close to residential accommodation in Merchant Square and activities in it need careful regulation to minimise the disruption for neighbours in terms of noise and anti-social behaviour.

If this were to be given serious consideration we would ask that there be no drinking outside at all and that provision be made to contain the impact of smoking on nearby housing. We would like to know how this will be physically policed. We would ask that all patrons leaving are

requested to do so quietly, and directed away in an appropriate direction, causing as little nuisance to the nearby residents as possible.

No mention is made of the seated capacity and we wonder what provision is made for fire exits. We would be very concerned about the emission of noise externally from the activities, particularly the varied types of music to be played and would seek reassurances, if not conditions on how this might be contained. As this is a temporary structure, we would ask for sound insulation to be a necessary condition.

We note that there is no indication as to how often events would take place- we would ask for limits to be put on the frequency.

We note that the hours proposed for opening are the same as those for serving alcohol and feel there should be at least half an hours drinking up time at the end. Sunday times should be brought into line with Core Hours anyway.

### 3. Policy & Guidance

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

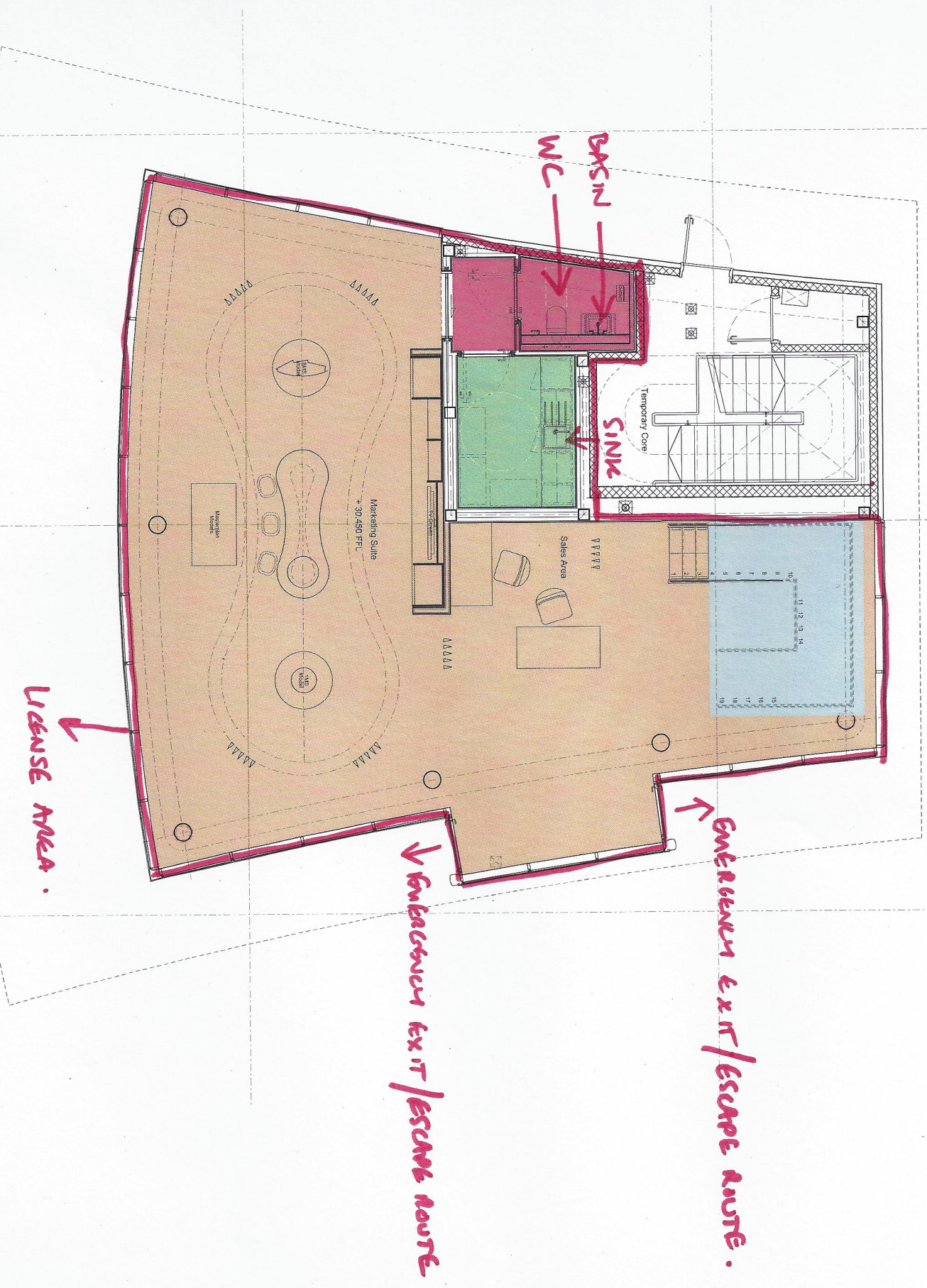
<b>Policy HRS1 applies:</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

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

<b>Report author:</b>	Mr Darren O'Leary
<b>Contact:</b>	Telephone: 020 7641 1884 Email: doleary@westminster.gov.uk





Key

116.6 Sq. m (includes wall)
11.1 Sq. m
6.5 Sq. m
5.9 Sq. m

00 For Information  
Rev Notes

A Stair updated to align with L3

Rev Notes  
Consultants  
MASE  
Quantity Surveyors:  
Landscape Architects:  
Structural Consultants:  
Structures

Key / Location



Robin Parfitt & I

Castlewood  
85 New Oxford Street  
WC1A 1DG  
London W1P 1SA  
www.rpifirst.com

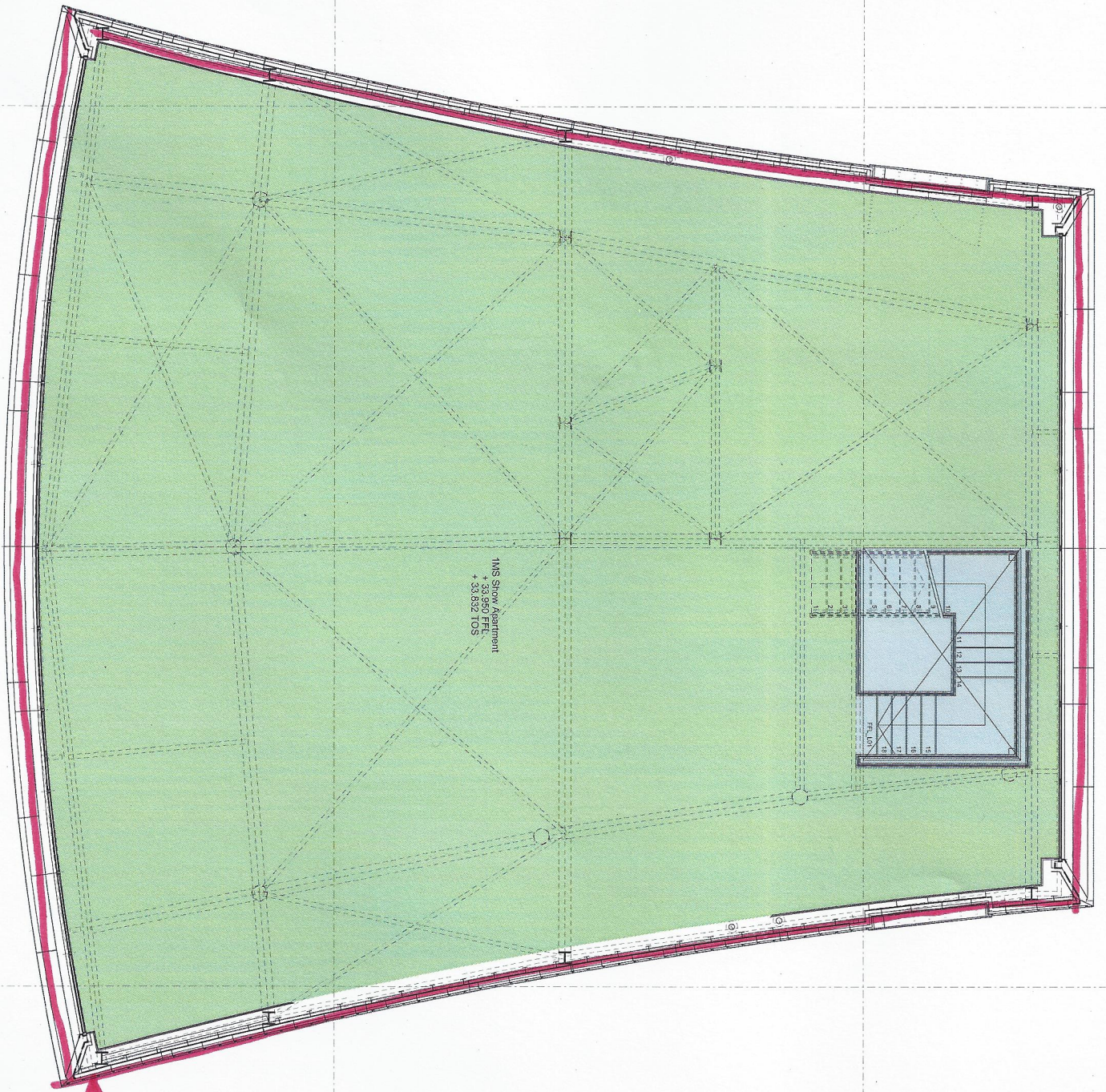
1 PARTICIPANT SQUARE (INTER)

NO FIXED SEATING

LICENSE AREA

EMERGENCY EXIT/ESCAPE ROUTE

IMMEDIATE EXIT/ESCAPE ROUTE



← UENCE AREA

NO FIXED SEATING .





**Merchant Square Pavilion**  
**Acceptability of noise breakout from a range of**  
**activities occurring within the Pavilion building**

**Report ref.**

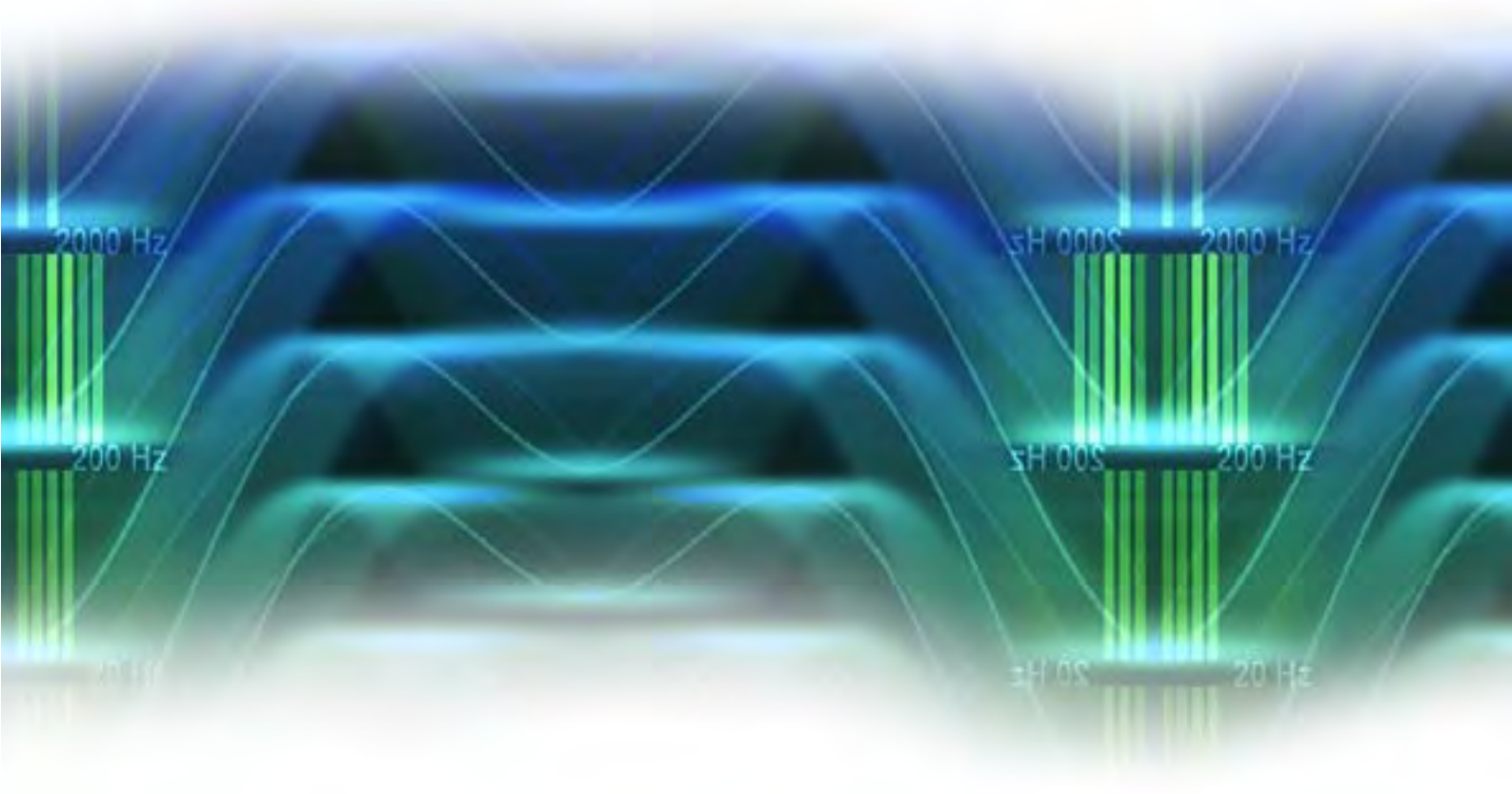
PJB7793/16164

**Date**

May, 2016

**Issued to**

European Land and Property Ltd



**Issued by**

Phill Banks B Eng MIOA  
Principal Consultant



SECTION	TITLE	PAGE
1.	INTRODUCTION.....	1
2.	SITE DESCRIPTION.....	1
2.1	PROPOSALS.....	1
3.	GUIDELINES FOR ACCEPTABILITY OF NOISE FROM THE PROPOSALS.....	2
4.	AMBIENT NOISE SURVEY.....	2
4.1	SURVEY DATE, LOCATION AND EQUIPMENT.....	3
4.2	RESULTS.....	3
5.	ANALYSIS OF NOISE BREAKOUT FROM PAVILION BUILDING.....	4
5.1	NUMERICAL NOISE MODEL.....	4
5.2	SOUND REDUCTION INDICES.....	4
5.3	NOISE SOURCE LOCATIONS AND RECEPTOR LOCATIONS.....	4
5.4	ALLOWABLE SOUND LEVEL WITHIN THE PAVILION BUILDING.....	4
5.5	RESULTANT NOISE LEVEL AT NEARBY RESIDENCES.....	5
6.	DISCUSSION.....	5
6.1	CINEMA.....	5
6.2	SUPPER CLUBS, ART EXHIBITIONS, SHOWCASES, POP-UP SHOPS.....	5
6.3	CORPORATE EVENTS.....	6
6.4	GENERAL COMMENTS.....	6
7.	CONCLUSION.....	6

Appendix A: Plan showing 3 Merchant Square, Pavilion Building and noise monitoring location

Appendix B: Plan and elevation drawings of the Pavilion Building

Appendix C: Chart showing noise monitoring results

Appendix D: Isometric drawing showing numerical noise model

Appendix E: Results from Predictor model



## 1. INTRODUCTION

---

Spectrum Acoustic Consultants have been engaged by European Land and Property to provide acoustic consultancy advice for a range of buildings within the overall Paddington Basin redevelopment. European Land and Property Ltd now propose to hire out the Pavilion building at Merchant Square for a range of events and functions. Spectrum have been appointed to undertake an analysis of the potential for these activities to give rise to noise disturbance for surrounding noise-sensitive premises and, where necessary, recommend noise mitigation measures.

## 2. SITE DESCRIPTION

---

Merchant Square is a mixed use development of high quality residential, office and retail units located in Paddington Basin between Harrow Road to the north, Harbet Road to the east, North Wharf Road to the west and the Paddington Basin canal to the south. At present, 5 Merchant Square to the south west and 3 & 4 Merchant Square to the south east of the site are complete and occupied. The Pavilion building is located centrally toward the south of the site approximately 5m to the west of 3 Merchant Square. The second floor residences on the western side of 3 Merchant Square are the nearest noise-sensitive locations.

A plan of the overall area is shown in Appendix A.

The Pavilion building has temporary planning permission for 5 years as a marketing suite. It comprises a 2 storey, free-standing building with the first floor plan area larger than the ground floor so that the first floor cantilevers over the ground floor on all 4 sides. At ground floor level, the perimeter is formed by curtain walling (glazing) apart from the north-west corner, which is rendered blockwork. At first floor level on the eastern and western sides, the building fabric is sheet metal cladding externally with insulation and cementitious board lining within. On the north and south elevation are large glazed areas, framed by cladding.

Plan and elevation drawings for the Pavilion building are shown in Appendix B.

### 2.1 PROPOSALS

European Land are seeking to obtain the requisite planning and licensing consents to utilise the existing Pavilion building for a range of flexible uses for a temporary period only. Consent is sought for continued use as a marketing suite (as per the current consent) and also for events / functions that fall within the following planning use classes:

- A1
- A3
- D1, and
- D2.

Examples of the proposed functions / events that are proposed include:

- Pop up Cinema
- Supper Club
- Art exhibition/showcases
- Pop up shops, and
- Corporate events



Proposed operating hours are from 12.00 midday to 11.00 pm Monday to Sunday. There will be no more than 60 attendees on site at any one time and all uses will take place within the building. This arrangement is consistent with the manner in which the existing marketing suite use consented under planning permission ref: 13/06471/FULL can operate. There will be no cooking / food preparation on site that would require mechanical services equipment.

Planning permission is sought for a temporary period from beginning of June 2016 until the end of November 2016.

### **3. GUIDELINES FOR ACCEPTABILITY OF NOISE FROM THE PROPOSALS**

---

There are no limits or guidelines for the acceptability of noise specifically from the uses noted above in British Standards, Planning Guidance, general acoustic guidance documents, etc. Neither are there widely agreed procedures for the assessment of this noise in the acoustics industry.

The range of potential activities described above is potentially wide. Factors which will affect the risk of disturbance include:

- The ambient noise environment in the surrounding area
- The time of day / night at which the activity occurs
- The level of sound produced by the activities, both in absolute terms and relative to the ambient noise environment
- The character of the sound
- The number of occurrences of the event (e.g. 3 'noisy' events per year may be tolerated to a greater extent than events that occur on the same night every week)
- The individual sensitivity of residents to noise disturbance
- The attitude of residents to the activity occurring.

At the extremes, sound from the Pavilion building which is inaudible will clearly be acceptable and sound which dominates the noise environment will be generally unacceptable. It is common for noise criteria to be set adopting a cautious approach by preventing disturbance for most people, rather than to allow a higher level of noise emission which, say, only half of the population would find acceptable.

In this analysis, we have adopted a guideline for acceptability outside residences in which noise breakout is around 10 dB lower than the minimum measured  $L_{90}$  level in all octave bands for the quietest 1 hour of daytime period during the proposed times of use. This is considered to be between the NOAEL (no observed adverse effect level) and LOAEL (lowest observed adverse effect level) as described in the Planning Practice Guidance on Noise. As such, this will provide acoustically acceptable for surrounding residents.

### **4. AMBIENT NOISE SURVEY**

---

Achieving the noise standards specified in Section 3 depends upon knowledge of the external noise environment prevailing at the nearest noise sensitive locations. Accordingly, an ambient noise survey has been conducted as described below.



#### 4.1 SURVEY DATE, LOCATION AND EQUIPMENT

Ambient noise measurements were carried out during a site survey between Friday 6 and Tuesday 10 May 2016. This survey consisted of long-term, unattended ambient sound level measurements at the nearest convenient location to the residences at 3 Merchant Square. This was at 3m above ground level, approximately 5m to the north of the pavilion building within the existing site compound. The microphone was located in free field conditions.

The long-term noise monitoring location is shown in the site location plan in Appendix A.

The following equipment was used during the survey:

- Bruel & Kjaer Type 2260 Sound Level Meter s/n 2120238
- Bruel & Kjaer type 4189 Microphone s/n 2385826
- Bruel & Kjaer Type 4231 Acoustic Calibrator s/n 2115516
- Bruel & Kjaer Type UA 1404 Outdoor microphone attachment, and
- Bruel & Kjaer Type AO 0441 10m microphone extension cable

Before and after the survey, the sound level meter was field-calibrated in accordance with the manufacturer's guidelines, and no significant drift was observed. The meter, microphone and field calibrator are laboratory calibrated biennially in accordance with UKAS procedures or to traceable National Standards.

#### 4.2 RESULTS

The measurements have been summarised into contiguous 5 periods to present the noise profile throughout the monitoring period. Noise parameters consisted of equivalent continuous ( $L_{Aeq}$ ) noise levels and maximum ( $L_{Amax}$ ) noise levels as well as statistical noise levels (termed  $L_n$ , where n is the percentage of time the level is exceeded during the measurement period). For example  $L_{A90}$  is the noise level that is exceeded for 90% of the time and is often taken to be the background or typical minimum noise level. Overall and octave band measurements were stored for later analysis.

The results of the measurements are shown graphically in Appendix C. In addition, the results have been summarised into relevant daytime (09:00-17:00 hours) and 1-hourly evening periods, coinciding with the widely agreed definitions. Table 1 below summarises the measured daytime and night-time  $L_{Aeq}$  levels and design  $L_{Amax}$  levels along with other salient parameters.

The measurement chart in Appendix C shows a noise environment which is relatively steady throughout the daytime periods (although affected by some variability during this time) which exhibits the expected diurnal variation, with some drop in continuous noise levels and a reduction in the incidence of the highest  $L_{max}$  noise levels overnight, largely in line with road traffic volumes on surrounding roads. It was noted when the equipment was set out and collected that significant construction noise was occurring on the north-west side of North Wharf Road, although this will have ceased during the evenings and at weekends.

	$L_{Aeq,T}$ dB(A)	$L_{A90,T}$ dB(A)	$L_{90,T}$ Octave Band Centre Frequency (Hz)								
			31	63	125	250	500	1k	2k	4k	8k
Daytime (8hr)	62	58	-	61	53	52	53	55	49	39	26
Lowest evening (1hr)	60	57	-	60	52	51	52	55	48	36	30

**Table 1:** Summary results of noise monitoring



## 5. ANALYSIS OF NOISE BREAKOUT FROM PAVILION BUILDING

The procedure that has been adopted within this investigation to determine the acceptability of noise emitted from the various proposed activities and events is summarised as follows:

1. Generate a numerical noise model of the Pavilion building and 3 Merchant Square.
2. Use information provided on the construction of the Pavilion building envelope to estimate the sound insulation (Sound Reduction Index) of each of the façade elements.
3. Within the noise model, include components of noise breakout from each of the external components (e.g. roof, walls, glazing, etc.) assuming an arbitrary internal noise level and taking into account the sound reduction provided by each building element.
4. Calculate the level of noise breakout for a number of residential locations at 3 Merchant Square at different heights and façade positions, including components from all external building elements.
5. Scale the level of sound assumed to be occurring inside the Pavilion building model so that the resultant noise level at the *most* affected residence is 10 dB below the lowest measured  $L_{90}$  both overall and in octave bands.
6. Compare the internal sound level obtained with typical noise levels for the types of activities proposed.
7. Where necessary, propose outline noise control measures to ensure that the proposed activities are acoustically acceptable.

Further description of these steps is provided below.

### 5.1 NUMERICAL NOISE MODEL

Noise breakout from the various parts of the Pavilion building will affect each nearby residential receptor differently depending upon distance attenuation, ground reflection, screening and angle of view to these building surfaces. Therefore, analysis has been undertaken using Bruel and Kjaer's 7810 'Predictor' software. This acoustic model implements the procedures set out in ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation. The walls, roof and glazing of the Pavilion Building have been modelled as emitting surfaces. The Pavilion and 3 Merchant Square have been modelled as solid bodies, at their existing height and location.

### 5.2 SOUND REDUCTION INDICES

Information on the as-built construction of the Pavilion building yields the following descriptions:

Glazing: Schuco FW 50+SG having  $R_w$  of at least 38 dB.

Roof: 1mm thick aluminium standing seam roof with 160mm of 32kg/m<sup>3</sup> mineral fibre and .7mm steel inner liner, having an  $R_w$  of at least 38 dB.

Walls: Powder coated aluminium outer sheet with 100mm air gap plus 60mm mineral fibre insulation to 12.5mm cementitious board lining sheet having an  $R_w$  of at least 45 dB.

### 5.3 NOISE SOURCE LOCATIONS AND RECEPTOR LOCATIONS

A figure taken from the Predictor software showing the locations of buildings, noise sources and receptor locations is provided in Appendix D.

### 5.4 ALLOWABLE SOUND LEVEL WITHIN THE PAVILION BUILDING

The sound level inside the Pavilion building that gives rise to a noise level outside the most affected nearby residential location that is 10 dB below the typical lowest  $L_{90}$  level, both overall and in octave bands, is shown in Table 2.



	dB(A)	$L_{90,T}$ Octave Band Centre Frequency (Hz)								
		31	63	125	250	500	1k	2k	4k	8k
Allowable level	101	-	76	71	78	93	99	92	83	79

**Table 2:** Predicted indoor sound level to comply with the proposed criterion at residences.

## 5.5 RESULTANT NOISE LEVEL AT NEARBY RESIDENCES

The resultant noise levels predicted outside the nearest residential receptors at 3 Merchant Square when this level of sound is occurring inside the Pavilion building is shown in Appendix E, sorted from most affected to least affected. These show that the proposed criterion is met at all locations.

## 6. DISCUSSION

As described in Section 5, having derived the internal sound level that will ensure that noise emission is 10 dB below the  $L_{A90}$  at all surrounding residences, it is then necessary to compare this internal sound level with the typical level of sound generated by the types of activity proposed. This is discussed below.

### 6.1 CINEMA

Spectrum have measured the sound level in commercial cinemas in the past, for a range of screenings (including loud 'blockbuster' type films). Over a 1 hour period, the typical  $L_{Aeq}$  is as shown in Table 3 below.

	dB(A)	$L_{90,T}$ Octave Band Centre Frequency (Hz)								
		31	63	125	250	500	1k	2k	4k	8k
Typical cinema level	79		81	80	76	77	73	71	63	58

**Table 3:** Typical cinema internal sound levels.

The overall (dBA) level inside a typical cinema is very much below the allowable level inside the Pavilion building. The sound level at 63 and 125 Hz shown in Table 3 is above that in Table 2. Therefore, some control of the balance of the film soundtrack will be required for a cinema event within the Pavilion, whereby lower sound frequencies are controlled by equalisation.

It is likely that lower low-frequency sound levels would occur in any event. This is because the size of the venue is smaller than a commercial cinema; the number of people attending is lower; and the type of film to be shown would not be expected to be the loudest, blockbuster type films.

### 6.2 SUPPER CLUBS, ART EXHIBITIONS, SHOWCASES, POP-UP SHOPS

Although the range of activities that these categories cover is broad, the main noise sources involved are human voices and cutlery and crockery impacts. In all cases, these functions would not be louder than a busy restaurant, whose typical sound levels are shown below:

	dB(A)	$L_{90,T}$ Octave Band Centre Frequency (Hz)								
		31	63	125	250	500	1k	2k	4k	8k
Typical restaurant level	77		69	69	69	73	74	69	62	57

**Table 4:** Typical busy restaurant internal sound levels.



This is below the allowable overall and octave-band internal sound levels for the Pavilion building.

### 6.3 CORPORATE EVENTS

While the nature of corporate events could be varied, it is likely that this will involve single presenters / speakers with amplified voice reinforcement. Given the size of the venue and the limited number of attendees, the level of amplified sound would not need to be high. As an example, a single speaker shouting at maximum effort would generate a sound level similar to that shown in Table 5.

	dB(A)	$L_{90,T}$ Octave Band Centre Frequency (Hz)								
		31	63	125	250	500	1k	2k	4k	8k
Typical cinema level	81			41	65	75	78	75	67	59

**Table 5:** Male voice shouting sound level.

This level of sound is again below the allowable indoor level, both overall and in octave bands.

### 6.4 GENERAL COMMENTS

It is important to note that, within this analysis, the typical highest activity sound levels have been compared with an environmental noise level that is 10 dB lower than the lowest measured  $L_{90}$  (typical minimum level). 10 dB is equivalent to a subjective halving in loudness. Therefore, there are significant 'factors of safety' that are built-in to the analysis to ensure that the assessment considers a true worst case and that, mostly, the noise impact will be lower than estimated.

Accordingly, the minor excesses that are indicated in Table 3 in low frequency octave bands are unlikely to eventuate and, in any case, can be easily remedied by adjustments to the cinema sound output. For all other activities, the criterion is safely and significantly met, even under worst case conditions.

## 7. CONCLUSION

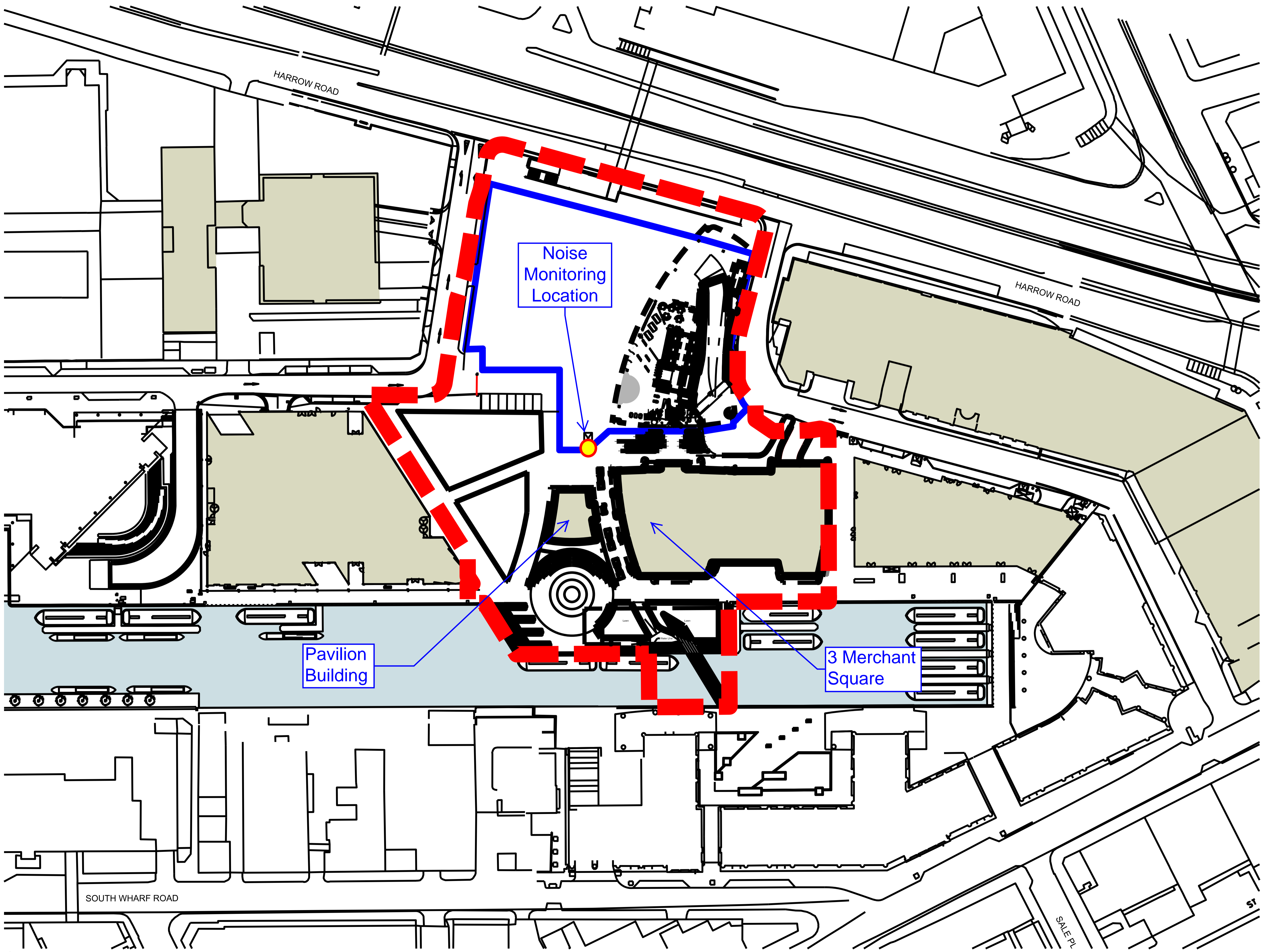
The proposed use of the Merchant Square Pavilion Building for the proposed functions and activities will be acoustically acceptable when assessed using robust analysis methods and cautiously low criteria for acceptability.





## **A P P E N D I X A**

Plan showing 3 Merchant Square, Pavilion Building and noise monitoring location



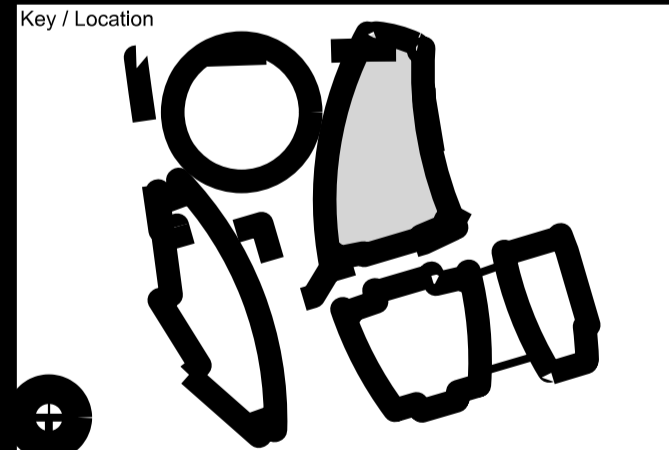
Disclaimer  
Do not scale from this drawing.  
Check all dimensions on site before fabrication or setting out.  
This document is copyright and may not be reproduced without permission of the owner.

Notes  
GA DRAWINGS ISSUED FOR REFERENCE ONLY.  
PLEASE REFER TO WSP DRAWINGS FOR MORE DETAILED INFORMATION.

Key

00	CONCRETE TENDER	26.02.16	RPP	RPP
Rev	Notes	Date	Dwn	Iss

Consultants  
Structural Engineer: - WSP Group  
M&E Engineer: - HOARE LEA



Robin Partington & Partners  
Castlewood  
85 New Oxford Street  
London  
WC1A 1DG  
+44 20 7419 3500  
mail@rplondon.com  
www.rplondon.com

Client  
2 Merchant Square  
Limited Partnership

Project  
2 Merchant Square  
Drawing Title  
Existing Development Plan

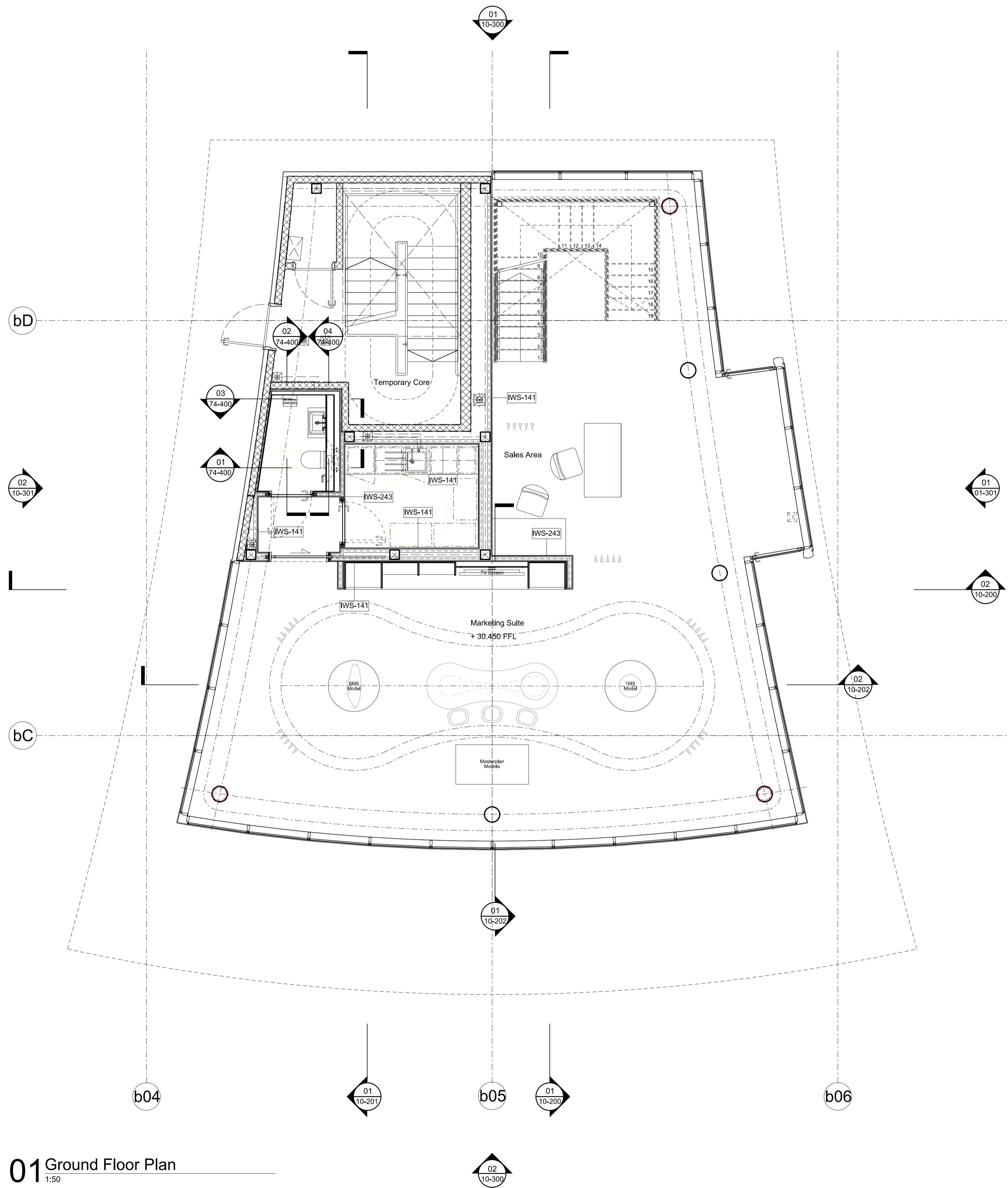
Scale	Drawn By	Issued By
1:500 @ A1	RPP	RPP

TENDER		
Project No.	Drawing No.	Revision
10016	2MS A 10 001	00



## **A P P E N D I X B**

Plan and elevation drawings of the Pavilion Building



**01** Ground Floor Plan  
1:50

Disclaimer  
Do not scale from this drawing.  
Check all dimensions on site before fabrication or setting out.  
This document is copyright and may not be reproduced without permission of the owner.

As-Built Drawing References:

**AJE Facades:** All cladding, sto render wall  
**Howdens:** Kitchen joinery  
**L.S.J Engineering:** Steelwork, staircase  
**Maze:** All M&E  
**Outdoor Design:** Amphitheatre planter  
**Openwood:** Entrance doors, glazing, schulco glazing  
**Optelma:** Bespoke light fittings  
**SE Joinery:** Tv joinery, stair treads and handrails, pocket door, standard door, bathroom cabinet, WC framework  
**SES:** Blockwork to temporary core (3MS works)  
**Skygreen:** Katzip roof

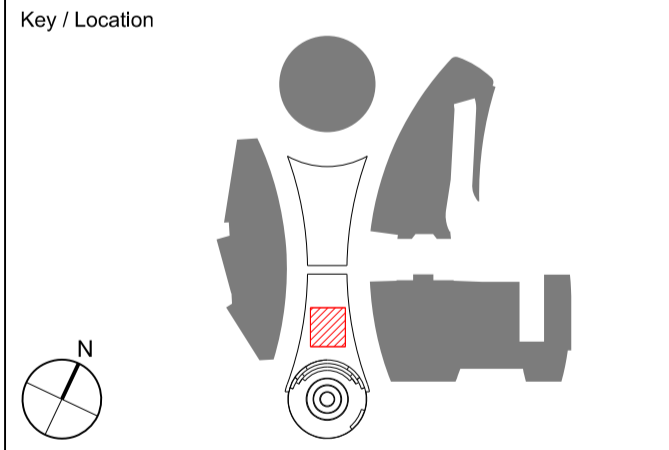
AS BUILT

AB	AS BUILT	09.10.14	RPP
03	For Construction	07.05.14	RPP
02	For Construction	09.04.14	RPP
01	For Construction	27.01.14	RPP
00	Tender	07.08.13	RPA

Rev	Notes	Date	Dwn	Iss
-----	-------	------	-----	-----

Consultants

M&E:	Hoare Lea
Quantity Surveyors:	EC Harris
Landscape Architects:	TLA
Planning Consultant:	DPS
Structures:	WSP



**Robin Partington & Partners**  
 Castlewood  
 35 New Oxford Street  
 London  
 WC1A 1DG  
 +44 20 7419 3500  
 mail@rplondon.com  
 www.rplondon.com

Client

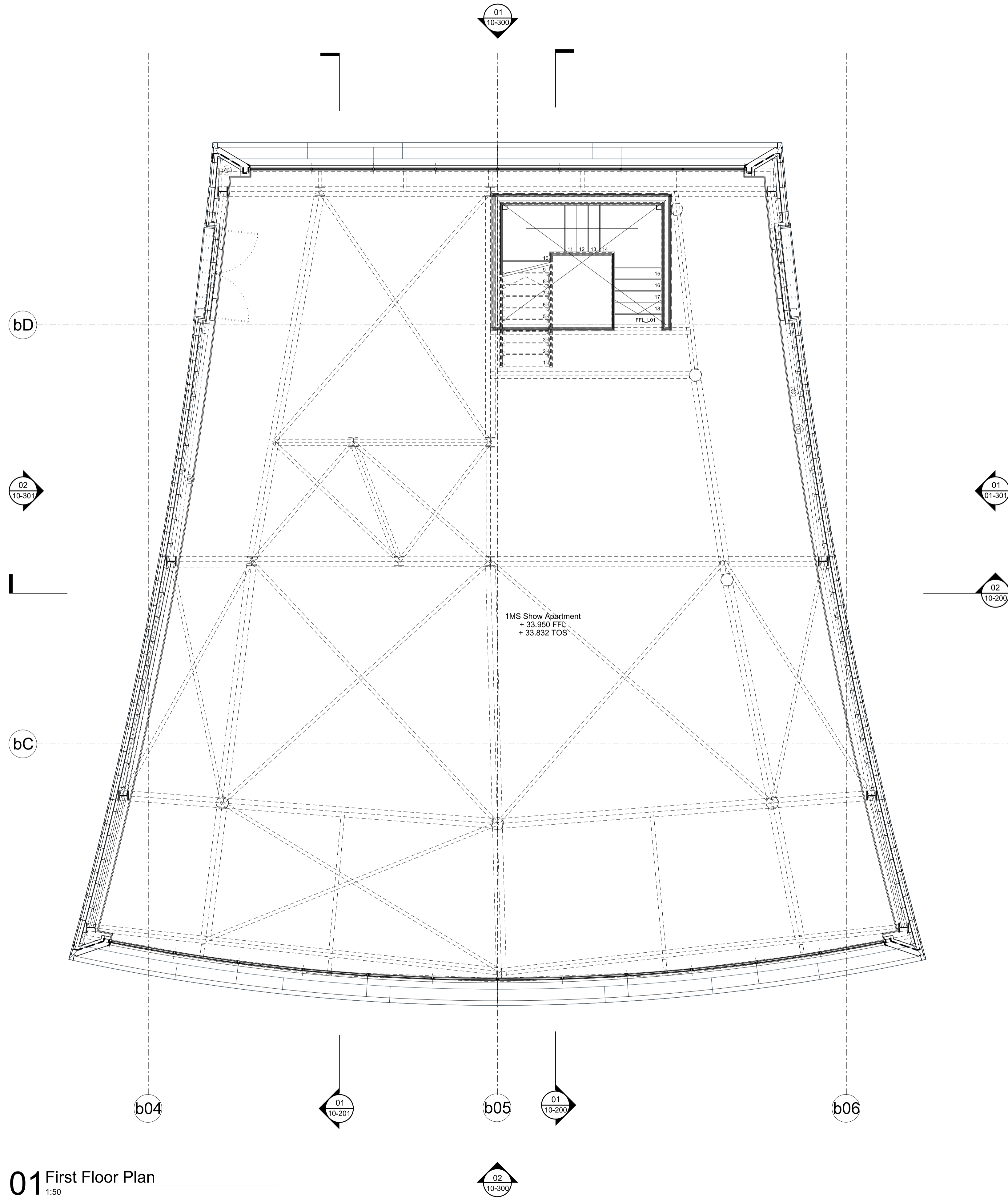
1 MERCHANT SQUARE (JERSEY) LIMITED  
 Oper House  
 The Esplanade  
 St Helier  
 Jersey  
 JE4 9WG

Project  
**1MS Marketing Pavilion**

Drawing Title  
**AS BUILT  
GA Plan - Ground Floor**

Scale	Drawn By	Issued By
1:50@ A1	-	RPP

Project No.	Drawing No.	Revision
13011	1MSMP_A_10_100	AB



**01** First Floor Plan  
1:50

**Disclaimer**  
Do not scale from this drawing. Check all dimensions on site before fabrication or setting out. This document is copyright and may not be reproduced without permission of the owner.

**As-Built Drawing References:**

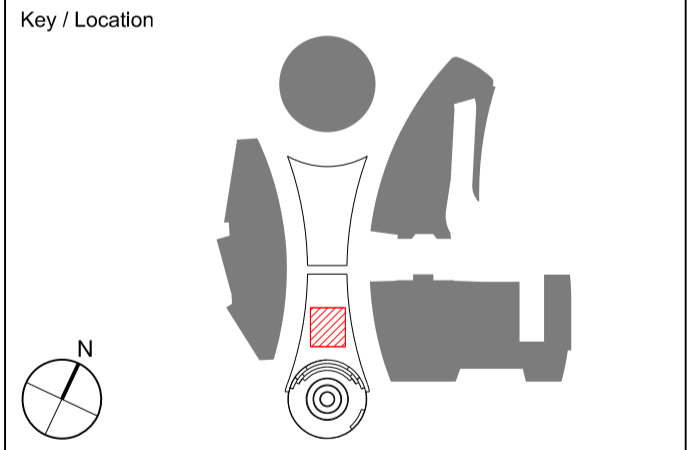
**A.J.E. Facades:** All cladding, sto render wall  
**Howdens:** Kitchen joinery  
**L.S.J Engineering:** Steelwork, staircase  
**Maze:** All M&E  
**Outdoor Design:** Amphitheatre planter  
**Openwood:** Entrance doors, glazing, schulco glazing  
**Optelma:** Bespoke light fittings  
**SE Joinery:** Tv joinery, stair treads and handrails, pocket door, standard door, bathroom cabinet, WC framework  
**SES:** Blockwork to temporary core (3MS works)  
**Skygreen:** Kalzip roof

**AS BUILT**

AB	AS BUILT	09.10.14	RPP
03	For Construction	07.05.14	RPP
02	For Construction	28.02.14	RPP
01	For Construction	27.01.14	RPP
00	Tender	07.08.13	RPA

Rev	Notes	Date	Dwn	Iss
-----	-------	------	-----	-----

<b>Consultants</b>	
M&E:	Hoare Lea
Quantity Surveyors:	EC Harris
Landscape Architects:	TLA
Planning Consultant:	DPS
Structures:	WSP

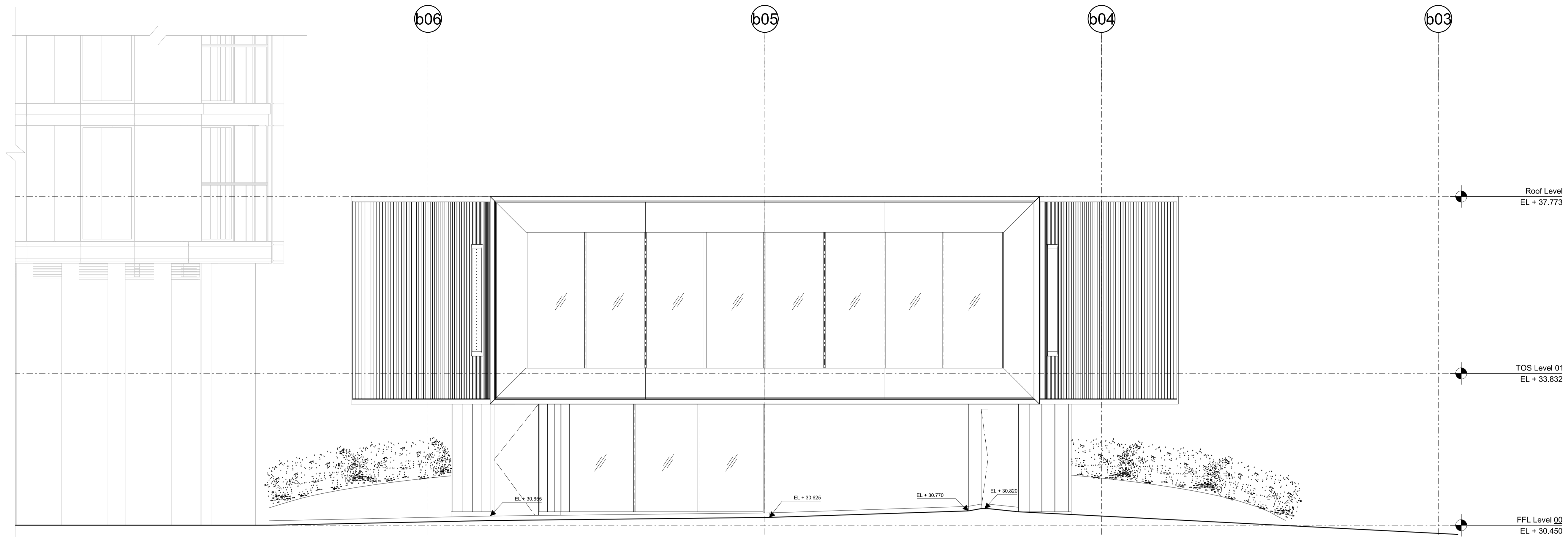


**Robin Partington & Partners**  
 Castlewood  
 35 New Oxford Street  
 London  
 WC1A 1DG  
 +44 20 7419 3500  
 mail@rplondon.com  
 www.rplondon.com

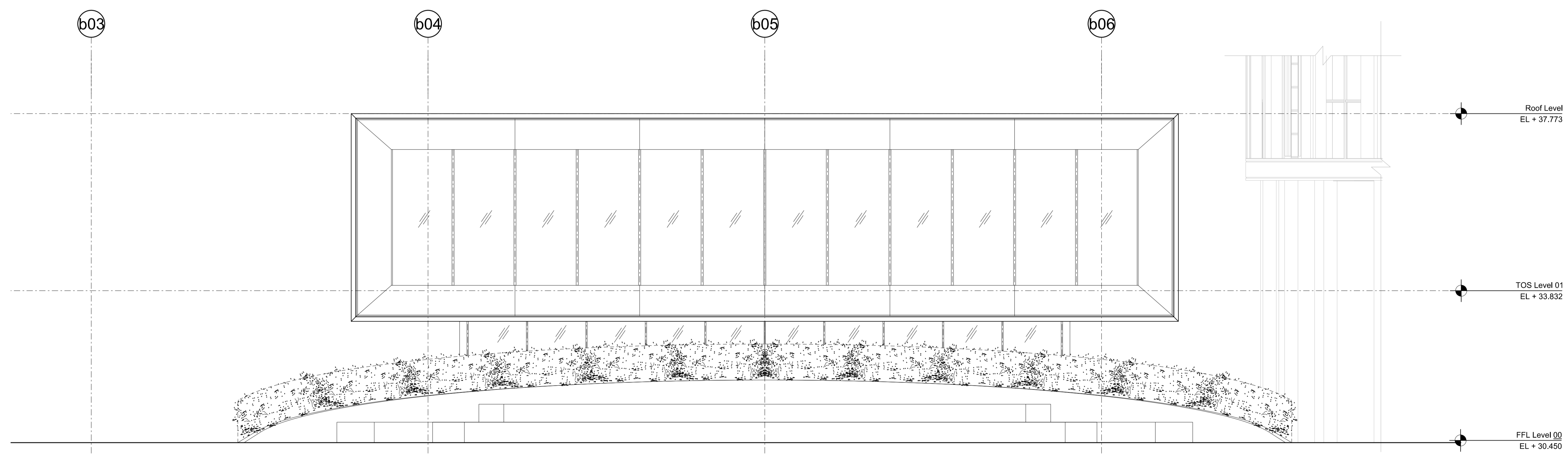
**Client**

1 MERCHANT SQUARE (JERSEY)  
 LIMITED  
 Oper House  
 The Esplanade  
 St Helier  
 Jersey  
 JE4 9WG

<b>Project</b>	1MS Marketing Pavilion		
<b>Drawing Title</b>	AS BUILT GA Plan - First Floor		
<b>Scale</b>	1:50@ A1	<b>Drawn By</b>	-
		<b>Issued By</b>	RPP
<b>Project No.</b>	<b>Drawing No.</b>	<b>Revision</b>	
13011	1MSMP_A_10_101	AB	



**01 North Elevation**  
1:50



**02 South Elevation**  
1:50

Disclaimer  
Do not scale from this drawing.  
Check all dimensions on site before fabrication or setting out.  
This document is copyright and may not be reproduced without permission of the owner.

As-Built Drawing References:

**AJE Facades:** All cladding, sto render wall  
**Howdens:** Kitchen joinery  
**LSJ Engineering:** Steelwork, staircase  
**Maze:** All M&E  
**Outdoor Design:** Amphitheatre planter  
**Openwood:** Entrance doors, glazing, schuco glazing  
**Optelma:** Bespoke light fittings  
**SE Joinery:** Tv joinery, stair treads and handrails, pocket door, standard door, bathroom cabinet, WC framework  
**SES:** Blockwork to temporary core (3MS works)  
**Skygreen:** Katzip roof

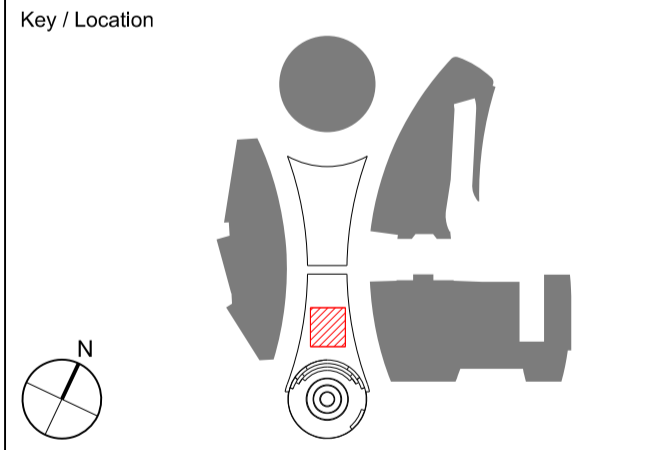
**AS BUILT**

AB	AS BUILT	09.10.14	RPP
03	For Construction	08.09.14	RPP
02	For Construction	28.02.14	RPP
01	For Construction	27.01.14	RPP
00	Tender	07.08.13	RPA

Rev	Notes	Date	Dwn	Iss
-----	-------	------	-----	-----

Consultants

M&E: Hoare Lea  
Quantity Surveyors: EC Harris  
Landscape Architects: TLA  
Planning Consultant: DPG  
Structures: WSP



**Robin Partington & Partners**  
Castletwood  
35 New Oxford Street  
London  
WC1A 1DG  
+44 20 7419 3500  
mail@rplondon.com  
www.rplondon.com

Client

1 MERCHANT SQUARE (JERSEY)  
LIMITED  
Opier House  
The Esplanade  
St Helier  
Jersey  
JE4 9WG

Project

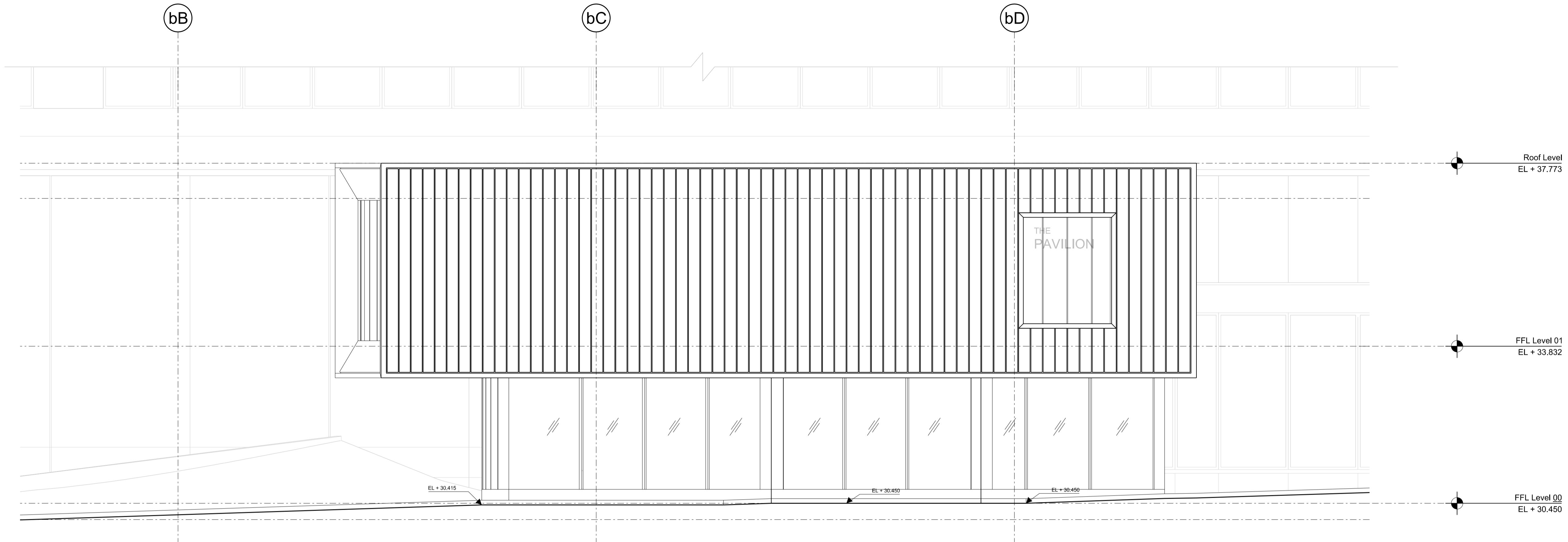
**1MS Marketing Pavilion**

Drawing Title

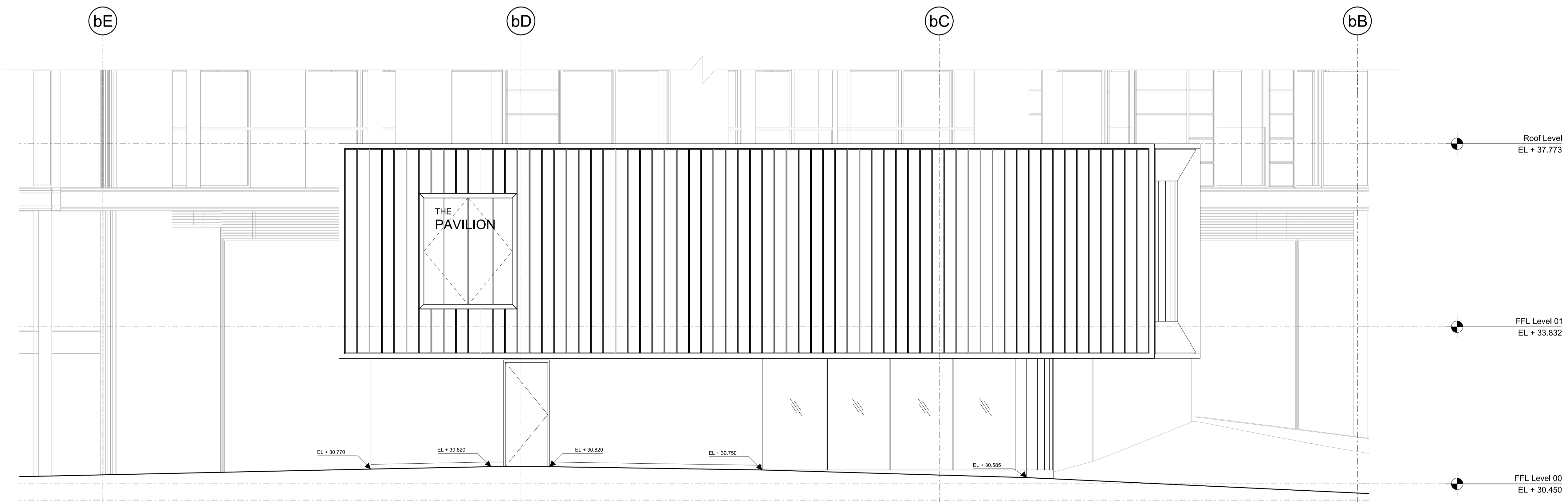
**AS BUILT**  
Elevation - North & South

Scale	Drawn By	Issued By
1:50 @ A1	-	RPP

Project No.	Drawing No.	Revision
13011	1MSMP_A_10_300	AB



**01** East Elevation  
1:50



**02** West Elevation  
1:50

**Disclaimer**  
Do not scale from this drawing. Check all dimensions on site before fabrication or setting out. This document is copyright and may not be reproduced without permission of the owner.

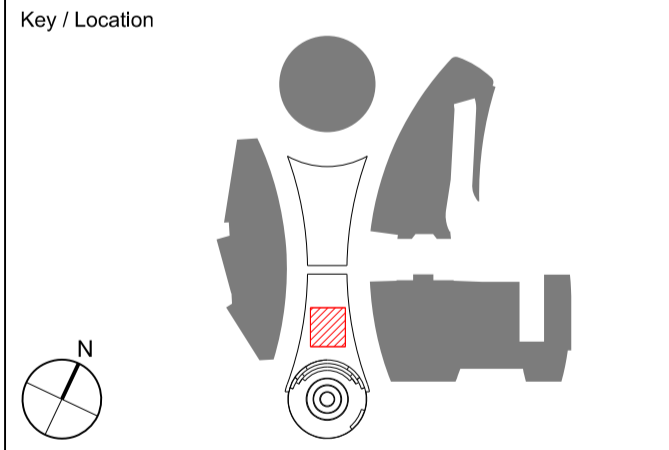
**As-Built Drawing References:**  
**A.J.E. Facades:** All cladding, sto render wall  
**Howdens:** Kitchen joinery  
**L.S.J. Engineering:** Steelwork, staircase  
**Maze:** All M&E  
**Outdoor Design:** Amphitheatre planter  
**Openwood:** Entrance doors, glazing, school glazing  
**Optelma:** Bespoke light fittings  
**SE Joinery:** Tv joinery, stair treads and handrails, pocket door, standard door, bathroom cabinet, WC framework  
**SES:** Blockwork to temporary core (3MS works)  
**Skygreen:** Katzip roof

**AS BUILT**

AB	AS BUILT	09.10.14	RPP
03	For Information	18.09.14	RPP
02	For Construction	28.02.14	RPP
01	For Construction	27.01.14	RPP
00	Tender	07/08/13	RPA

Rev	Notes	Date	Dwn	Iss
-----	-------	------	-----	-----

<b>Consultants</b>	
M&E:	Hoare Lea
Quantity Surveyors:	EC Harris
Landscape Architects:	T.L.A.
Planning Consultant:	DPS
Structures:	WSP



**Robin Partington & Partners**  
 Castlewood  
 35 New Oxford Street  
 London  
 WC1A 1DG  
 +44 20 7419 3500  
 mail@rplondon.com  
 www.rplondon.com

**Client**  
 1 MERCHANT SQUARE (JERSEY)  
 LIMITED  
 Office House  
 The Esplanade  
 St Helier  
 Jersey  
 JE4 9WG

<b>Project</b>		
1MS Marketing Pavilion		
<b>Drawing Title</b>		
AS BUILT Elevation - East & West		
<b>Scale</b>	<b>Drawn By</b>	<b>Issued By</b>
1:50 @ A1	-	RPP
<b>Project No.</b>	<b>Drawing No.</b>	<b>Revision</b>
13011	1MSMP_A_10_301	AB

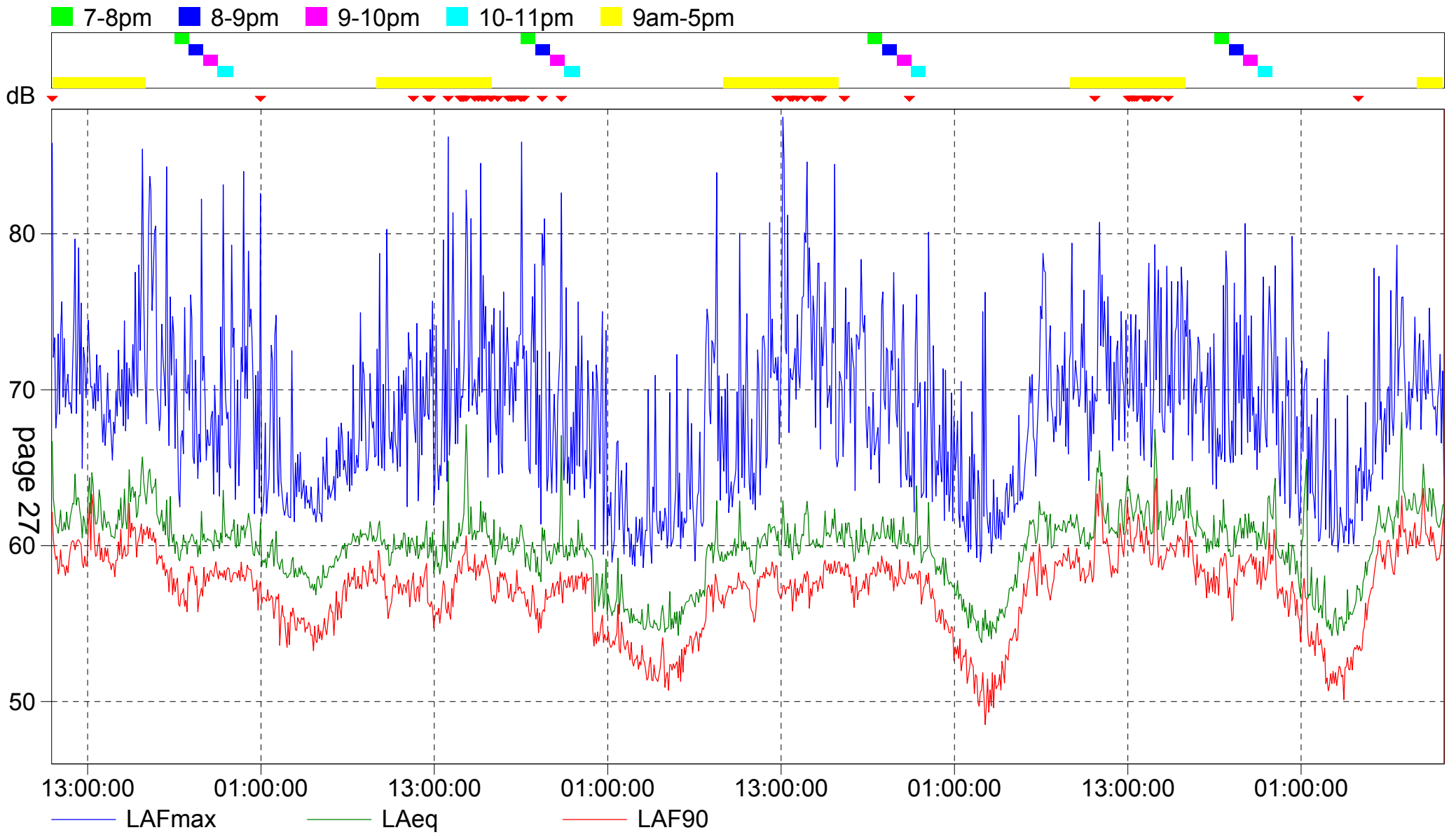


## APPENDIX C

PI Chart showing noise monitoring results



# Merchant Square Pavilion Noise Monitoring Data - May 2016



page 27

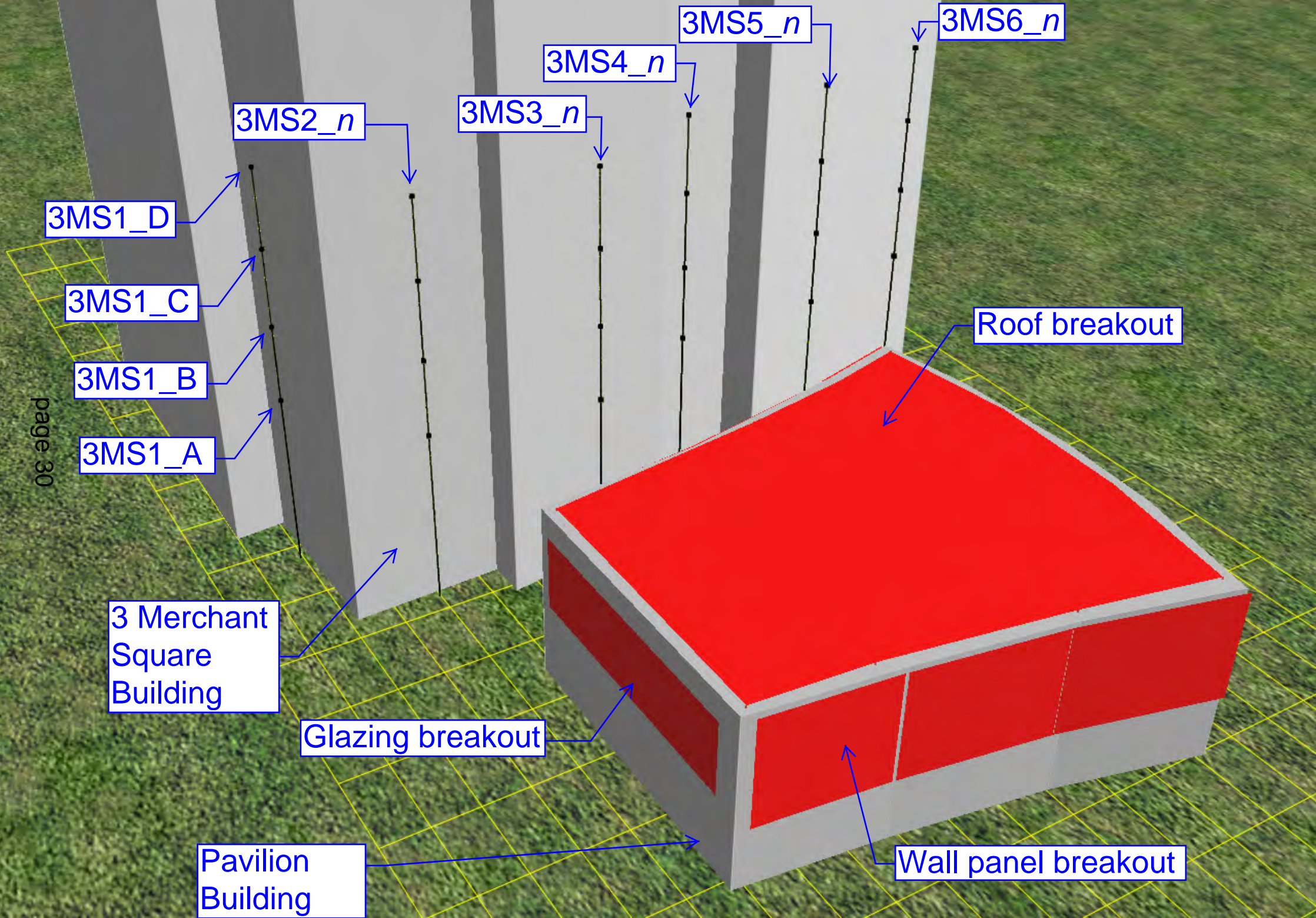
Merchant Square Pavilion Noise Monitoring Data - May 2016

Name	Start time	Duration	LAFmax [dB]	LAeq [dB]	LAF90 [dB]	LLF90 63Hz [dB]	LLF90 125Hz [dB]	LLF90 250Hz [dB]	LLF90 500Hz [dB]	LLF90 1kHz [dB]	LLF90 2kHz [dB]	LLF90 4kHz [dB]	LLF90 8kHz [dB]
Total	06/05/2016 10:30:09	96:20:00	87.5	60.5	55.4	58.2	50.5	50.0	50.5	52.7	46.8	35.2	---
Unmarked	06/05/2016 10:30:09	48:00:00	85.8	59.6	54.1	57.0	49.5	48.8	49.4	51.4	45.5	33.9	---
(All) 7-8pm	06/05/2016 19:00:00	4:00:00	85.9	60.3	57.3	60.2	52.3	51.3	52.0	54.2	49.0	41.6	33.6
(All) 8-9pm	06/05/2016 20:00:00	4:00:00	82.2	60.3	57.1	59.7	51.8	51.2	52.0	54.6	48.3	36.1	---
(All) 9-10pm	06/05/2016 21:00:00	4:00:00	82.6	60.8	58.0	59.4	52.1	51.7	52.5	55.6	49.0	36.4	---
(All) 10-11pm	06/05/2016 22:00:00	4:10:00	83.2	60.7	57.9	59.4	51.8	51.5	52.4	55.5	49.0	36.4	22.4
(All) 9am-5pm	06/05/2016 10:35:00	32:10:00	87.5	61.6	58.1	60.5	52.6	52.2	53.0	55.2	49.3	39.4	26.3
7-8pm	06/05/2016 19:00:00	1:00:00	75.3	59.9	56.8	61.1	53.1	51.4	52.0	53.8	48.2	40.9	33.0
7-8pm	07/05/2016 19:00:00	1:00:00	85.9	59.7	56.5	59.9	51.4	50.9	51.4	53.2	48.2	42.0	34.1
7-8pm	08/05/2016 19:00:00	1:00:00	75.4	60.6	58.3	59.8	52.6	51.9	52.8	55.6	49.7	42.1	34.2
7-8pm	09/05/2016 19:00:00	1:00:00	78.9	60.9	58.1	60.4	52.4	51.3	52.1	54.4	51.2	44.4	33.6
8-9pm	06/05/2016 20:00:00	1:00:00	82.2	60.4	57.5	59.5	51.9	51.5	52.4	55.1	48.5	36.3	---
8-9pm	07/05/2016 20:00:00	1:00:00	81.0	59.5	55.8	59.2	50.9	50.4	51.1	53.2	46.9	34.7	---
8-9pm	08/05/2016 20:00:00	1:00:00	77.5	60.9	58.3	59.6	52.7	52.1	53.0	56.1	49.2	37.1	22.9
8-9pm	09/05/2016 20:00:00	1:00:00	76.8	60.5	57.6	61.2	52.4	51.2	51.7	54.4	50.3	42.3	30.4
9-10pm	06/05/2016 21:00:00	1:00:00	72.2	60.4	58.2	59.0	51.6	51.6	52.7	56.0	49.3	36.8	22.0
9-10pm	07/05/2016 21:00:00	1:00:00	82.6	61.2	57.3	58.6	51.4	51.3	52.1	55.0	48.0	35.1	---
9-10pm	08/05/2016 21:00:00	1:00:00	75.5	60.5	57.9	59.5	52.8	51.7	52.7	55.6	49.0	37.2	23.2
9-10pm	09/05/2016 21:00:00	1:00:00	80.7	61.1	58.8	61.9	53.6	52.2	52.8	56.0	51.2	41.2	28.8
10-11pm	06/05/2016 22:00:00	1:05:00	83.2	61.0	58.1	58.9	51.6	51.7	52.7	55.9	49.2	36.7	22.4
10-11pm	07/05/2016 22:00:00	1:05:00	76.6	59.9	57.6	59.1	51.5	51.3	52.2	55.3	48.5	35.7	---
10-11pm	08/05/2016 22:00:00	1:00:00	76.1	60.4	57.7	59.3	51.7	51.3	52.3	55.3	48.6	36.5	22.3
10-11pm	09/05/2016 22:00:00	1:00:00	77.2	61.3	58.4	61.3	53.1	52.2	52.6	55.6	50.1	39.9	27.0
9am-5pm	06/05/2016 10:35:00	6:25:00	85.4	62.4	59.5	65.3	57.3	55.5	55.2	55.8	51.0	43.3	33.3
9am-5pm	07/05/2016 09:00:00	8:00:00	86.2	60.8	57.3	60.0	52.1	51.5	52.2	54.5	48.4	37.5	24.2
9am-5pm	08/05/2016 09:00:00	8:00:00	87.5	60.4	57.4	59.0	51.4	51.2	52.1	54.8	48.7	38.6	24.0
9am-5pm	09/05/2016 09:00:00	8:00:00	80.8	62.3	59.3	65.0	57.0	55.3	55.0	55.5	51.0	43.0	30.3
9am-5pm	10/05/2016 09:00:00	1:45:00	75.2	62.7	60.2	64.9	57.7	56.4	55.1	55.7	53.2	47.3	36.6



## APPENDIX D

Isometric drawing showing numerical noise model



3MS1\_D

3MS1\_C

3MS1\_B

3MS1\_A

3MS2\_n

3MS3\_n

3MS4\_n

3MS5\_n

3MS6\_n

Roof breakout

3 Merchant Square Building

Glazing breakout

Pavilion Building

Wall panel breakout



## **A P P E N D I X E**

Results from Predictor model

Merchant Square Pavilion  
Proposed additional activities

Worst-case noise breakout

Report: Table of Results  
Model: initial model  
LAeq per octave: total results for receivers  
Group: (main group)  
Group Reduction: Yes

Name Receiver	Description	Height	Day								
			Total	63	125	250	500	1000	2000	4000	8000
3MS3_B		10.70	47	24	26	33	39	44	40	27	19
3MS5_B		10.70	46	22	24	33	39	44	39	27	17
3MS2_B		10.70	46	20	23	33	39	44	39	26	16
3MS5_A		7.50	46	22	24	32	39	43	40	28	19
3MS3_C		13.90	46	22	25	32	38	43	38	25	17
3MS4_B		10.70	46	22	25	31	38	43	39	26	18
3MS6_B		10.70	46	18	22	32	39	43	38	26	15
3MS2_C		13.90	45	20	22	32	38	43	38	25	15
3MS5_C		13.90	45	21	23	32	38	43	38	25	16
3MS2_A		7.50	45	20	22	31	38	42	39	26	17
3MS3_A		7.50	45	24	26	30	37	42	40	28	21
3MS6_C		13.90	45	19	21	31	38	42	37	25	14
3MS6_A		7.50	45	18	21	31	38	42	38	26	15
3MS4_C		13.90	45	21	24	31	37	42	38	25	16
3MS3_D		17.10	44	21	23	31	37	42	37	23	15
3MS2_D		17.10	44	19	21	31	37	42	36	23	14
3MS5_D		17.10	44	19	22	31	37	42	37	24	14
3MS6_D		17.10	44	18	21	31	37	42	37	24	13
3MS4_D		17.10	44	20	22	30	36	41	36	23	15
3MS4_A		7.50	44	23	25	28	35	40	39	27	19
3MS1_A		7.50	31	9	10	21	26	27	20	5	--
3MS1_B		10.70	30	9	10	20	25	27	20	4	--
3MS1_C		13.90	30	8	10	20	25	27	20	4	--
3MS7_A		7.50	30	8	9	20	25	27	19	--	--
3MS7_B		10.70	30	8	9	20	25	27	19	--	--
3MS1_D		17.10	30	8	10	20	25	27	19	4	--
3MS7_C		13.90	30	8	9	20	25	26	19	--	--
3MS7_D		17.10	29	6	8	20	25	26	19	--	--

All shown dB values are A-weighted

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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



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

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

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

**Conditions proposed by Environmental Health and Police (Conditions agreed with the applicant)**

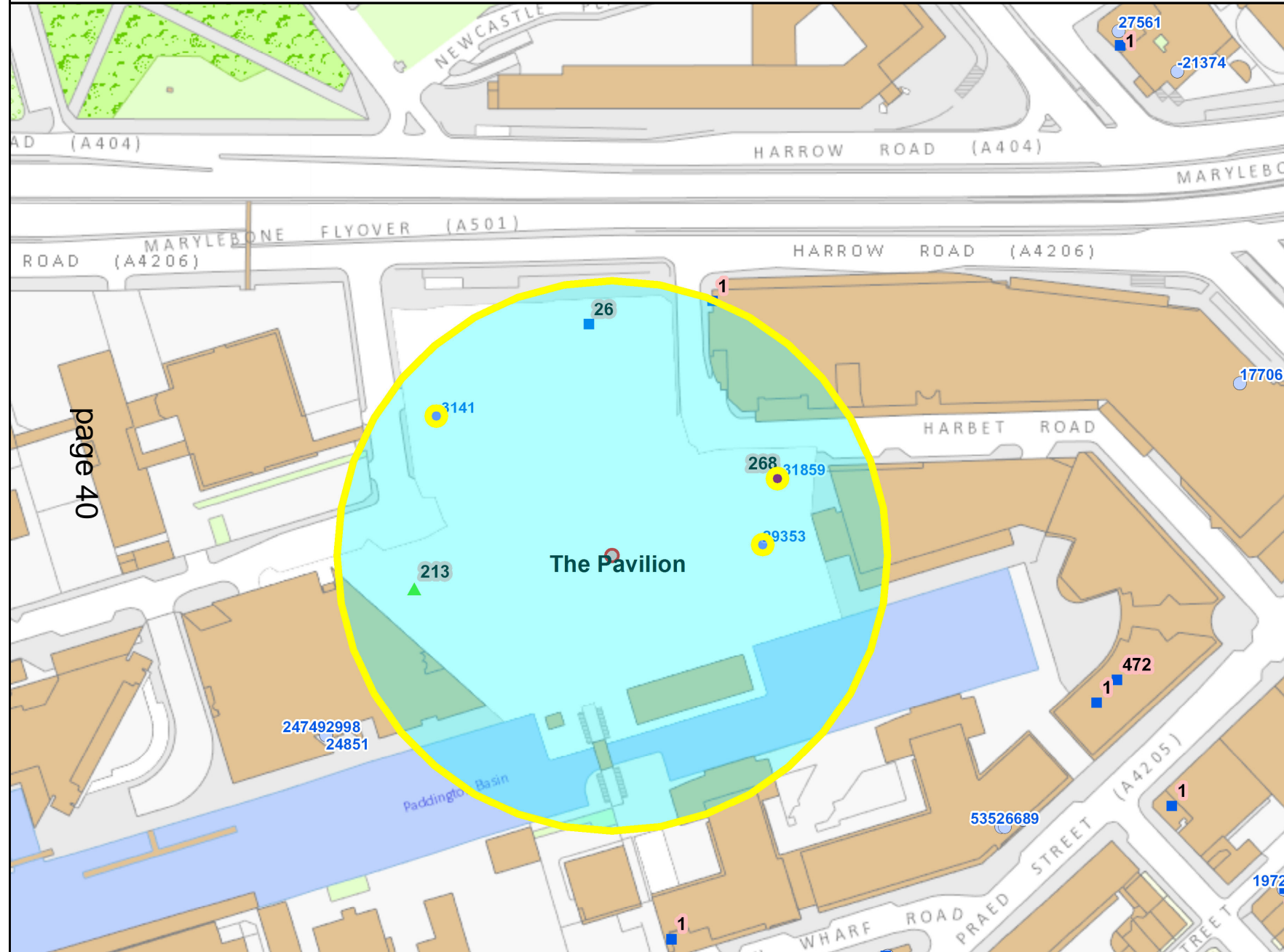
9. Admission to the premises whilst licensable activities are being carried out is restricted to persons attending pre-arranged and/or ticketed functions.
10. Drinks for consumption outside the premises shall be served in non-glass containers only.
11. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. 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.
15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
16. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
17. 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.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
19. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons (*shall be 60 or upto 100 if agreed with Licensing District Surveyor*).
21. 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.

22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. 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) any faults in the CCTV system,
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Environmental Health Consultation Team where consent has not previously been given:
  - (a) dry ice and cryogenic fog
  - (b) smoke machines and fog generators
  - (c) pyrotechnics including fire works
  - (d) firearms
  - (e) lasers
  - (f) explosives and highly flammable substances
  - (g) real flame
  - (h) strobe lighting.
25. 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.
26. 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.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
29. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently of flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
30. All scenery should be maintained suitably flame retarded to the appropriate standards.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - (a) any emergency lighting battery or system
  - (b) any electrical installation
  - (c) any emergency warning system

32. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.
33. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.  
NOTE: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.



# The Pavilion - 16/01609/LIPN



page 40

Residential / Proposed Residential	508 Units
Under Construction	N/A
Other Uses	N/A
Proportion Residential of all Uses	%AllUses%

10  
 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database  
 Date: 20/05/2016

<b>Premises within 75 metres of: The Pavilion, Merchant Square, London</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
-3141	Heist Bank	3 - 15 North Wharf Road London W2 1LA	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 09:00 - 22:30
29353	Pizza Express	Units 35 And 37 3 Merchant Square City Of Westminster London W2 1BF	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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	New Premises Licence Application Form	8 <sup>th</sup> February 2016
<b>5</b>		
<b>6</b>		
<b>7</b>		
<b>8</b>		
<b>9</b>		
<b>10</b>		
<b>11</b>		
<b>12</b>		
<b>13</b>		
<b>14</b>		
<b>15</b>		
<b>16</b>		
<b>17</b>		
<b>18</b>		
<b>19</b>		
<b>20</b>		
<b>21</b>		
<b>22</b>		
<b>23</b>		
<b>24</b>		



Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02519/LIPN - New Premises Licence
Title of Report:	Yosma Restaurant Drury House 34-43 Russell Street London WC2B 5HA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 March 2016		
<b>Applicant:</b>	GFS Turkish Restaurants Limited		
<b>Premises:</b>	Yosma Restaurant		
<b>Premises address:</b>	Drury House 34-43 Russell Street London WC2B 5HA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is to operate as a restaurant.		
<b>Premises licence history:</b>	There is no prior licensing history for this premises.		
<b>Applicant submissions:</b>	<ul style="list-style-type: none"> <li>The applicant has provided additional information at Appendix 2, including a description of the operation and 20 proposed conditions.</li> <li>Following discussions with the responsible authorities, the applicant has amended the application as originally submitted to remove regulated entertainment (provision of films and recorded music) and has reduced the hours to Core Hours in line with Policy HRS1.</li> <li>The applicant has agreed conditions with the Police (see Appendix 4), who have subsequently withdrawn their representation.</li> <li>The applicant has provided a response to the Licensing Authority representation (see Appendix 2) and has agreed to add model condition MC66 (see Appendix 4).</li> <li>On 18 May 2016, the applicant proposed 4 further conditions following discussions with Environmental Health and the Police (see Appendix 4).</li> </ul>		

1-B Proposed licensable activities and hours							
<b>Late night refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations:</b>				None			

<b>Non-standard timings:</b>	<ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day.</li> <li>Sundays prior to Bank Holiday: 23:00 – 00:00</li> </ul>
------------------------------	--

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	<ul style="list-style-type: none"> <li>From the end of hours on New Year's Eve to the start of hours on New Year's Day.</li> <li>Sundays prior to Bank Holiday: 12:00 – 00:00</li> </ul>						

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:30
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	From the end of hours on New Year's Eve to the start of hours on New Year's Day.						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Westminster Police Licensing Unit
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	31 March 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>However, following discussions with the applicant and agreement to conditions (see Appendix 4), the Police representation was withdrawn.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Miss Heidi Lawrance

**Received:**

4 April 2016

I write in relation to the application submitted for new Premises Licence for the above. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full.

The Licensing Authority have concerns in relation to the premises adding cumulative impact to the West End Cumulative Impact Area and how the premises would promote the Licensing Objectives.

Please therefore accept this as a formal representation, further details will be provided in due course.

**Received:**

3 May 2016

I write in relation to the above premises and further to the representation that I submitted on 4th April 2016 on behalf of the Licensing Authority. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have now fully considered your application.

The application seeks to provide Provision of Films, Provision of Recorded Music, Late Night Refreshment and Supply of Alcohol both on and off the premises.

Your clients seek to provide provision of film indoors, provision of recorded music indoors and the supply of alcohol Monday to Sunday 10:00 to 00:00 and for late night refreshment your clients seeks Monday to Sunday 23:00 to 00:00 and from the end of New Year's Eve to the start of New Year's Day for all licensable activities.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of this premises is proposed to be a restaurant which sells food to those seated. The premises has an area described in the plans as a bar and a lounge type dining area which has a number of seats and takes up a considerable percentage of the overall floor space of the premises. The premises is located within Russell Street which is located within the West End Cumulative Impact Areas as defined within the Council's Statement of Licensing Policy, January 2016.

Russell Street runs off Drury Lane down to Covent Garden. Russell Street has approximately 3 licensed premises which consist of two theatres and one bar.

In the immediate area (50m radius) surrounding Russell Street there are 3 licensed premise which comprise of 2 Theatres and a restaurant. There are also 3 resident premises within the immediate area consisting of 24 housing units.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

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

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

(i) Are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.

(ii) Where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours

(iii) When the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact

in the CIA

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

However, as stated above, the Licensing Authority recognises different types of premises have different impacts and one recognised premises is a Restaurants. Customers who have been seated in premises, eating a substantial meal and where the premises are not as crowded will behave differently. They will not have been talking at high volume and therefore will be more likely to leave the premises quietly than if they had been in a premises with a greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

Westminster City Council Licensing Policy sets out a clear definition of what a restaurant is and this is set out below:

- (i) In which customers are shown to their table
- (ii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- (iii) Which do not provide any take away service of food or drink for immediate consumption and
- (iv) Where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant describes the premises as:

*'Yosma is a stylish and art focused restaurant with Turkish Provenance. The ingredients will be inspired by traditional dishes originating from Istanbul. The restaurant will be an all-day restaurant for families, the local community and tourists alike. The dishes focus on provenance and the authentic sourcing of ingredients.'*

*'The interior is inspired by Istanbul's past combining it with the new and bold contemporary Turkish culture. The restaurant will have an open theatre kitchen design and will include an Ocakbasi counter/Josper Robata/ Josper Oven and other state of the art kitchen equipment'.*

The description of the premises sets out that the operation will be that of a restaurant. The Councils Policy relating to restaurants, Policy RNT2 states:

*'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria In Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Area'.*

The client has put forward within its operation schedule 20 conditions that it proposes to

operate the premises by. However, none of the proposed conditions refer to the premises operating as a restaurant.

If the premises intend to operate as a restaurant, the Licensing Authority suggests that the model condition 66 is adopted as follows:

The Premises shall only operate as a restaurant:

- (i) In which customers are shown to their table
- (ii) Where the supply of alcohol is by waiter or waitress service only
- (iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- (iv) which do not provide any take away service of food or drink for immediate consumption
- (v) which do not provide any take away service of food or drink after 23:00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

It is the responsibility of the applicant, when applying for a new premises licence within a Cumulative Impact Area to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The Council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to those premises that add to a more varied offer of entertainment and cultural activity.

However, the Licensing Authority acknowledges activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.

The hours your client seeks for Licensable Activities are beyond those set out in Policy HRS1. Applications where the hours are later than the core hours will be considered on their merits and in relation to other policies within the Statement of Licensing Policy, together with the particular operation of the premises and the licensing objectives of preventing crime and disorder and public nuisance.

Applicants are advised to carefully consider the hours that they wish to operate each licensable activity, when to close the premises for the entry of customers and when customers are required to leave. They should consider each licensable activity separately and carefully and reflect this in the operating schedule.

The applicant is requested to provide further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application.

<b>2-B Other Persons</b>	
<b>Name:</b>	Julie Adams
<b>Address and/or Residents Association:</b>	D6 Peabody Estate Wild Street London WC2B 4AG
<b>Received:</b>	4 April 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed premises in this area.

### **Introduction**

I live at D6, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, and have 2 windows, including bedroom window, facing on to the premises.

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate. Noise late at night is therefore likely to cause a nuisance to residents trying to sleep.

### **The application**

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL).

The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors).

Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum.

I have the following points to make:

1. This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.
2. The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity.
3. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is



extremely surprising and casts doubt on the way that the premises would operate.

4. The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.

5. An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc) would need to happen before this.

6. A closing time of 12.30am is outside the City Council's 'core hours policy HRS1.

7. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan detailing how dispersal will be managed?

8. The approved capacity on the planning permission is 150 persons. This is therefore a significant addition to the numbers of people in the vicinity, particularly late at night.

9. The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

10. Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding an take away drink, even as an ancillary to the A3 use.

11. Noise from plant and machinery is a big concern.

12. Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed

13. What is the intention behind the application for exhibition of films?

14. What is the intention behind the application for recorded music?

### **Comments on the proposed conditions**

1. There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

2. I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

3. There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and

existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant, coaches picking & dropping parties of people off – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	Mr David Kaner
<b>Address and/or Residents Association:</b>	Covent Garden Community Association
<b>Received:</b>	4 April 2016

The application is for a New Premises Licence for the sale of alcohol, provision of films, recorded music and late night refreshment until 00:00 on all days of the week and the premises to remain open until 00:30 on the following days.

The description of the premises is “Restaurant” and this is elaborated as “all-day restaurant for families, the local community and tourists” in the attached presentation. However there is no attempt in the application to provide a condition which will ensure that the premises operate as a restaurant. For example MC66 (only ancillary sale of alcohol) and MC41 (food available at all times) are omitted from the Licence.

The CGCA objects to the grant of the licence for the hours and activities listed because we believe that the licence, if granted, would fail to support the Licensing Objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance in the immediate vicinity of the premises. It will also add to the Cumulative Impact of Licensed premises in the Cumulative Impact Area (CIA) under WCC’s Statement of Licensing Policy.

The location of the premise is the ground floor of a building which has, until now, been in office use. Planning Permission was granted in May 2014 (13/12065/FULL) for A3 use. The planning permission includes a condition on time (no customers on the premises after 00:00 Sunday to Thursday and 01:00 on Friday and Saturday nights) and on use (no takeaway of any sort, including ancillary) with which this application is not compliant.

The location is on the West corner of the Drury Lane/Russel Street junction. The other 3 corners of this junction are in residential use (for social housing). Therefore any activity at all at the premises or in the vicinity can have an impact on local residents. A map showing the location of the restaurant and surrounding residential properties is attached to this letter.

The CGCA’s view is that this is not an appropriate location in which to operate a large (150 capacity) premises, especially in the period after 23:00. People arriving at and leaving the premises are very likely to cause a noise nuisance, particularly if the inside of the premises are noisy (with recorded music and films) and especially if there is no condition ensuring that the premises operate as a sit down restaurant. Crime and disorder in the area will also be increased if the premises are able to operate so that alcohol is not just ancillary to the sale of food.

Whilst the applicant’s presentation implies that the premises will be a high class

restaurant it is not possible to condition this. Importantly even a high class restaurant in this area is likely to increase public nuisance because of the large number of residents in the immediate vicinity.

There is another Turkish restaurant on the East Corner of the same junction (Sarastro). The hours of operation for Sarastro are as follows (with the end time being last orders and so will coincide with last entry). The premises do have a later licence which they do not use.

Mon - Fri 12.30-22:30

Saturday 12.30-23:00

Sunday 12.30-20:00

The CGCA's view is that this premise is in a particularly sensitive area and the concentration of residential properties in the immediate vicinity means that even the operation of a fully conditioned restaurant until the end of Core Hours will harm Public Nuisance and so will fail to support the Licensing Objectives. We therefore ask that the Licensing Authority do the following.

- Require conditions which require the premises to be used as a restaurant only (including the full MC66 condition).
- Refuse permission for takeaway at any time (other than for tables and chairs outside the premises approved by WCC).
- Remove films and recorded music from the Licence. If these are for background only we believe they are not licensable and if they are more than this then they are likely to add to public nuisance.
- Limit the terminal hour for the sale of alcohol to 23:00 Monday to Saturday and 22:00 on Sunday and allow LNR Monday to Saturday for 30 minutes after this time, at which point the premises should close.
- Last entry of customers to the premises 60 minutes before premises close.
- Do not allow the use of any bar area except for pre-dining customers.
- Sale of alcohol in the bar area by waiter/waitress service to seated customers only.
- Specified smoking area with a limited number of customers.
- No queuing outside the premises.
- No uncrushed glass will leave the premises at any time.
- Collection from the premises (including waste) to take place within the following hours - 08:00-20:00 Mon-Sat and 10:00-20:00 on Sunday.
- No waste to be placed outside or moved more than 30 minutes prior to this time

- Deliveries to the premises to take place within the following hours - 08:00-20:00 Mon-Sat and 10:00-20:00 on Sunday.

This inclusion of these conditions and restrictions will not, in our view, make the operation acceptable but will serve to reduce the impact on the Licensing Objectives.

<b>Name:</b>	Jane French
<b>Address and/or Residents Association:</b>	Not provided
<b>Received:</b>	30 March 2016

I strongly object to this licence.

My Living room and bedroom look over this premises and I know that the extra footfall from clients coming onto Drury Lane day at night would be extremely noisy we already have noise pollution coming from Sarastro restaurant which in very close proximity to the opposed new venue.

We already have a huge problem with coaches picking up and dropping off for Drury Lane Theatre and The Fortune Theatre they are constantly double parked on Russell Street and this will mean that taxis, mini-cabs, pedi-cabs and any other means of transport will wait in Drury Lane or on Kemble Street which is residential. Where are the Taxis going to be picking up? There are only spaces for coaches and pay and display points the single yellow lines will have cars parked on them at the available times which leaves no space for picking up or dropping off this will cause chaos.

Where is the staff entrance? They will be leaving after the patrons what time? Where will the staff be told to go and smoke? Having worked in restaurants they will not be allowed to congregate around the main entrance, will they be directed on to Drury Lane?

I cannot see that there is any space available to put tables and chairs outside the venue on Russell Street we already have people queuing to get into the Fortune Theatre which make it difficult for me and my neighbours with prams and young children to add more obstacles along the way is just unreasonable.

Where is the delivery entrance? Where are the delivery lorries going to park?

I truly believe that if this venue were to go ahead it would significantly affect all of the neighbours in the area. Their living conditions with noise from taxis, staff, clients, food deliveries, drinks deliveries, waste collections, tables in the street this would be unbearable seven day a week. How many special event licences will they be applying for each year?

We have enough restaurants in the area. Please no more.

<b>Name:</b>	Mr Mark Genet
<b>Address and/or Residents Association:</b>	Flat 23 Charter House Crown Court

	London WC2B 5EX
<b>Received:</b>	14 March 2016
<p>As a resident of Charter House, Crown Court I wish to strongly object to the placing of tables outside in Crown Court as per plans.</p> <p>The pedestrian courtway is fairly quiet and any noise will echo and travel up to Martlett Court disturbing the environment.</p> <p>I would also be very upset if music is played outside or any form of recycling bins placed in Crown Court or Martlett Court.</p> <p>I would also object to customers smoking outside in Crown Court.</p> <p>We have many noise issues with people leaving the theatre and also sitting in the court having conversations which because of the echo chamber effect is very disturbing.</p> <p>The opening of Yosma is very concerning to me and I hope that the management will have a constructive and fair relationship with neighbours.</p> <p>Please no tables in Crown Court.</p>	
<b>Name:</b>	Ms Patricia Kerr
<b>Address and/or Residents Association:</b>	14 Charter House Crown Court 55-57 Drury Lane London
<b>Received:</b>	15 March 2016
<p>Have no objection to the restaurant but do object to the length of the opening hours and more particularly to the restaurant having tables outside. These two things will engender a considerable amount more noise late at night and there is a lot of residential accommodation in this particular part of Covent Garden. Although we have all chosen to live in a busy area of Westminster, Crown Court is relatively quiet and there are already so many restaurants it seems reasonable to ask that our space be respected.</p>	
<b>Name:</b>	Miray Kester
<b>Address and/or Residents Association:</b>	D1 Peabody Estate Wild Street WC2B 4AG
<b>Received:</b>	4 April 2016
<p>I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed premises in this area.</p> <p><b>Introduction</b></p>	

I live at D1, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, and have 6 windows, including bedroom windows, facing on to the premises. I enclose a photo which shows Drury House on the left and my property on the right (with the flowers outside).

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate. Noise late at night is therefore likely to cause a nuisance to residents trying to sleep.

### **The application**

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL). The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors). Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum. I have the following points to make:

1. This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.
2. The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity.
3. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is extremely surprising and casts doubt on the way that the premises would operate.
4. The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.
5. An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc) would need to happen before this.
6. A closing time of 12.30am is outside the City Council's 'core hours policy HRS1.
7. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan detailing how dispersal will be managed?
8. The approved capacity on the planning permission is 150 persons. This is therefore a

significant addition to the numbers of people in the vicinity, particularly late at night.

9. The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

10. Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding any take away drink, even as an ancillary to the A3 use.

11. Noise from plant and machinery is a big concern.

12. Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed

13. What is the intention behind the application for exhibition of films?

14. What is the intention behind the application for recorded music?

#### **Comments on the proposed conditions**

1. There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

2. I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

3. There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

#### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	Sanja Kurtagic
<b>Address and/or Residents Association:</b>	17D, Peabody Estate, Wild Street, London, WC2B 4AG
<b>Received:</b>	4 April 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance. I also object on the basis of the 'cumulative impact' of the existing licensed

premises in this area.

### **Introduction**

I live at 17D, Peabody Estate, Wild Street, WC2B 4AG. I live directly opposite the proposed premises, on the top floor.

The crossroads of Russell Street, Kemble Street and Drury Lane is very close to a great deal of residential use, including a Peabody estate.

Noise late at night is therefore likely to cause a nuisance to residents trying to sleep. This is a busy cross roads which is also affected by theatre buses that park in front of parts of Russell Street and Drury Lane is often used by cab drivers as a short cut.

The application states that the premises is to be a restaurant – and indeed, this is the permitted planning use following a change of use application in 2013 (13/12065/FULL).

The licensable activities which are proposed are: films; recorded music; sale of alcohol (for consumption on and off the premises; late night refreshment, indoors and outdoors).

Licensable activities are sought from 10am to midnight Mon-Sun, with the opening hours 7.30am to 12.30am.

I object to the application. If a licence is to be granted, the licence needs to be much more tightly regulated to ensure that adverse impact is kept to an absolute minimum.

I have the following points to make:

This application seeks to license a premises which has never been licensed under Licensing Act 2003 before and therefore has no 'footprint' or track record.

The applicant's management team may well be, as is claimed, 'highly experienced and very well known in the restaurant industry.' However, in determining this application, an assessment should be made of what is reasonably acceptable in this particular area in terms of hours and activities. The hours proposed are not in keeping with the vicinity. The applicant has not proposed any conditions tying food to the sale of alcohol, or ensuring that alcohol is only sold to persons seated, and by waiter/ess service. As the premises is stated to be a restaurant, and is in the 'cumulative impact' area, this is extremely surprising and casts doubt on the way that the premises would operate.

The application is therefore contrary to Policy CIA, the 'cumulative impact' policy, and Policy PB2, which state that applications of this type will only be granted in 'genuinely exceptional circumstances'.

An opening hour of 7.30am means that staff will be arriving even earlier than this. Presumably, at least some elements of servicing (e.g. deliveries, waste collection etc.) would need to happen before this.

A closing time of 12.30am is outside the City Council's 'core hours policy HRS1. Customers departing the premises at 12.30am would have more difficulty finding transport away from the cumulative impact area. We already have noise problems from customers of other nearby licensed premises who loiter in the area late in the evening causing a noise nuisance. Does the applicant have an Operational Management Plan



detailing how dispersal will be managed?

The approved capacity on the planning permission is 150 persons. This is therefore a significant addition to the numbers of people in the vicinity, particularly late at night.

The plans attached to the application show tables and chairs outside the premises, on both frontages. Customers sitting outside drinking would be very likely to cause a nuisance. Russell Street is a very busy thoroughfare and tables and chairs would cause congestion and clutter to this pretty street. Late night refreshment is sought indoors and outdoors. This means that customers could sit at the tables and chairs eating until as late as 12.30am.

Sale of alcohol for consumption off the premises is requested, despite the planning permission forbidding a take away drink, even as an ancillary to the A3 use.

Noise from plant and machinery is a big concern.

Deliveries and other servicing are liable to cause a nuisance unless appropriate conditions are imposed.

What is the intention behind the application for exhibition of films?

What is the intention behind the application for recorded music?

#### **Comments on the proposed conditions**

There is nothing in the proposed conditions which requires the premises to operate as a restaurant.

I note that the applicant has proposed that deliveries and movement of waste etc. shall not take place between 11pm and 8am. I would suggest that the evening hour should be much earlier.

There is no condition proposed regarding collections of waste and glass bottles, which can be very noisy.

#### **Conclusion**

The premises is located in a corner of Covent Garden that is largely residential and existing levels of noise are quite low, particularly at night. Noisy plant and extract equipment – on top of the increased noise from customers coming and going to the restaurant – will greatly disturb the quiet enjoyment that I and my neighbours currently enjoy.

For the reasons stated, I am opposed to the application being granted.

<b>Name:</b>	K Milburn
<b>Address and/or Residents Association:</b>	21 Charter House Crown Court London WC2B 5EX
<b>Received:</b>	30 March 2016

As a resident in Crown Court I would like to comment on the above application.

We try hard to maintain Crown Court as a quiet residential area and I am concerned that allowing outdoor restaurant seating in Crown Court up to 12.30 in the morning will destroy the amenity we currently enjoy. Noise echoes in the Court and to allow residents to sleep undisturbed at night I would ask that any consent to this proposal does not permit outdoor seating.

I understand that residents moving; to a busy restaurant area should know what to expect, but many of us have lived here for some time and are entitled to continue to enjoy what is at present a relatively quiet neighbourhood.

<b>Name:</b>	Mr Robert Parker & Mrs Elizabeth Parker
<b>Address and/or Residents Association:</b>	17 Charter House Crown Court London
<b>Received:</b>	22 March 2016

My wife, Elizabeth, and myself want to object to this application. We are most worried about the restaurant being allowed to place seats and tables in Crown Court itself. I am quite badly disabled and if tables and customers spread out, as I fear they will, I will find it more difficult than ever to hobble to the entrance of our block in Crown Court.

Additionally the noise from the restaurant will become very disturbing - the day time noise from the Drury Lane sports area can already be quite disturbing.

<b>Name:</b>	Mr Nigel Robson
<b>Address and/or Residents Association:</b>	Flat 10, Charter House Crown Court London
<b>Received:</b>	15 March 2016

I am writing to object to this application on the ground that the additional noise from the proposed outside tables will lead to annoyance, irritability and sleep disturbance for the residents of Charter House. The noise from Drury Lane Gardens from the basketball court is already a problem at certain times of day. The layout of the buildings on Crown Court has the effect of carrying sound, funnelling and echoing it around Charter House. Any additional source of noise in Crown Court is unwelcome and I note, with some apprehension, that the licence requested will include the serving of refreshments and alcohol outside and into the late evening hours. The positioning of the restaurant, away from the main restaurant centres in Covent Garden, will increase the footfall in Crown Court in the late evening, with attendant increase in noise. It takes only one drunken conversation, amplified by the local acoustic, to cause annoyance and disturb sleep.

<b>Name:</b>	Mr Yasuhisa Toyota
<b>Address and/or Residents Association:</b>	Flat 23, Charter House, Crown Court, London WC2B 5EX
<b>Received:</b>	14 March 2016

I am a resident of Charter House in Crown Court WC2B 5EX and would like to express my strongest objection to the plan Yosma Restaurant has to place tables outside in Crown Court at any time of the day or night.

I have personally had to register complaints with the Westminster Noise Team when people talk in the pedestrian area of Crown Court which has little ambient noise and every voice echoes and is very disturbing to residents. Outside tables would inevitably create much disturbance.

<b>Name:</b>	Dr Maree Webster
<b>Address and/or Residents Association:</b>	Flat 15, Charter House Crown Court London
<b>Received:</b>	3 April 2016

My Flat overlooks the proposed area for outside seating in Crown Court.

I object strongly to having tables outside the restaurant and a license being granted which allows patrons to drink until the early hours of the morning.

Crown Court is a residential area. The public takes no account of this and residents of Charter House are regularly disturbed by noise, anti-social behaviour and people hanging around at night. Residents of Charter House will now be further disturbed by patrons of the restaurant coming and going until the early hours of the morning.

Noise in Crown Court is greatly amplified. Cell phone and other conversations are clearly audible inside my property even with double glazed windows firmly closed. To have diners sitting outside and drinking in Crown Court until the early hours of the morning is both unreasonable and unfair.

Charter House struggles on a daily basis to ensure that the Court is kept clean and in a sanitary condition. Crown Court is viewed as a public toilet facility by many, the general public discards litter (cigarette end, beer cans, unwanted food) outside our residence, those who have overindulged feel free to vomit, rough sleepers abandon their belongings and used sleeping boxes sometimes on a nightly basis.

Calls are regularly made to Westminster Council requesting sanitation and trash pick-up services, particularly difficult issues during the summer months. One might ask how Westminster will be able to clean the Court if tables further impede its sanitizing vehicles.

Restaurants providing music open windows or otherwise relay the entertainment outside for the benefit of their patrons. Local residents should not be forced to listen to this.

A licensed restaurant with outside tables at the end of the Court can only further exacerbate existing issues of noise, trash and poor sanitation, making life for local residents even more unpleasant.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours 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 will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
<b>Policy CIP1 applies</b>	(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.
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history – None
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk



# YOSMA RESTAURANT

34 – 43 Russell Street, London WC2B 5HA



PRESENTATION TO  
WESTMINSTER CITY COUNCIL

## **YOSMA - CONCEPT**

Yosma is a stylish and art focused restaurant with Turkish Provenance. The ingredients will be inspired by traditional dishes originating from Istanbul. The restaurant will be an all-day restaurant for families, the local community and tourists alike. The dishes focus on provenance and the authentic sourcing of ingredients.

The interior is inspired by Istanbul's past combining it with the new and bold contemporary Turkish culture. The restaurant will have an open theatre kitchen design and will include an Ocakbasi counter/Josper Robata/ Josper Oven and other state of the art kitchen equipment.

The team behind Yosma restaurant are highly experience d and very well known in the restaurant industry.

This presentation gives a flavour of what to expect and a little bit more of an insight in to the proposed restaurant.

EXAMPLE OF FOOD





# PROPOSED IMAGES OF WHAT TO EXPECT OF THE RESTAURANT



## THE TEAM

### CHEF PATRON:

## HUS VEDAT

Having grown up in a North London butchers shop and spending mornings at Smithfield market, it's fair to say that Hus knows a thing or two about quality meat. Combine this knowledge with a real passion for cooking with interesting cuts of meat, rare breeds and reigniting the smoking elements, and you get dishes that push the boundaries and take flavours to a whole new level.

Bringing influences from different cultures around the world to the table, Hus' goal is always to produce new, exciting and innovative dishes that maintain simplicity with a real focus on provenance and fresh produce.

(Source [www.london.tastefestivals.com](http://www.london.tastefestivals.com))



### MORE ABOUT HUS:

## BIOGRAPHY

Hus is a London born Chef with Turkish origins, who studied hotel catering and institutional management at Brighton University.

Hus has spent the last 15 years working through the ranks of various 4 and 5 star hotel and restaurant kitchens, which eventually led him to work at the St Ermin's Hotel as Executive Chef.

In 2010 Hus was an integral part of the team that created Caxton Grill - a 72 cover modern European grill.

Caxton Grill has been trading for 5 years, has had glowing reviews, gained 3 AA rosettes and is mentioned in the Michelin guide.

Hus then went on to become the Executive chef of the world renowned chef Jamie Oliver's largest and most successful restaurant Barbecoa.

Barbecoa's annual turnover is in excess of £9.5 million and Hus was responsible for its culinary operations and brand evolution.

During a brief stint as group executive chef with Martin Morales at Ceviche, he helped Martin open and launch Ceviche in Old Street. Hus is currently rekindling his love affair with meat and fire, taking inspiration from his culinary roots.

**MANAGING PARTNER:**

## LEVENT BUYUKUGUR

Founder of Istanbul Doors, the first corporate restaurant group in Turkey, Levent Büyükgür's first success came with the opening of concept restaurant Da Mario in Istanbul in 1993. Vogue Restaurant followed in 1997 and then Anjelique, Istanbul's trendiest nightclub.

In 2007, Levent entered into a joint venture with Azumi Group of London to open Zuma Istanbul. The company's first venture in the UK was the expansion of Tom Aikens in 2011.

Today the company has over 18 successful brands, a network of 40 restaurants and the stunning Ajia Hotel in Istanbul. It has over 1,200 employees and 30 chefs and serves over 3.5 million customers annually.

As a frequent traveller, Levent is able to keep abreast of the latest trends in the industry, something which is reflected in his popular food blog, [foodiestork.com](http://foodiestork.com)

2013 saw Levent partner with entrepreneur Sanjay Nandi to launch Good Food Society to help develop new hospitality concepts in international markets.



**MANAGING PARTNER:**

## SANJAY NANDI

Sanjay Nandi holds an MBA from the London Business School and is currently an Operating Partner with Private Equity firm Trilantic Europe. He has been involved in several deals in the hospitality industry and has been a member of the Board of Directors of Istanbul Doors and the London-based Tom Aikens Group Ltd.

Prior to joining Lehman Brothers Merchant Banking in 2007, Sanjay was a member of the Lehman Brothers Mergers and Acquisitions Team in London participating in various corporate finance transactions with deal values in excess of \$40bn.

In 2014 Good Food Society partnered with Diana Frescobaldi to launch Ristorante Frescobaldi London.

Building on the success of Ristorante Frescobaldi, The Good Food Society plans to open a collection of high-end restaurants in both London and other cities where brand awareness is high. Initial targets include Miami or New York, followed by Tokyo, Milan and Dubai.



# SOME OF THE AWARDS WON



**YOSMA RESTAURANT**  
**34 – 43 Russell Street, London WC2B 5HA**  
**PROPOSED CONDITIONS**

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
2. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed
  - Ground Floor XXX persons.
3. 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.
4. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. 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 premise 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.
7. 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.
8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

10. 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.
11. 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.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
17. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
18. Off sales of alcohol shall be in sealed containers only and for consumption off the premises except to persons seated outside the premises.
19. 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.
20. 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.



# GORDON DADDS

Our Ref: G.AWW/G.LAH/G.GFS.1-1/12332948v1

10 May 2016

Your ref:

Heidi Lawrance  
Senior Licensing Officer  
Licensing Department  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**Sent by post and by email: [hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk)**

Dear Heidi,

## **Application for a new premises licence**

**Yosma Restaurant, Drury House, 34-43 Russell Street, WC2B 5HA**

I refer to your letter of 3<sup>rd</sup> May 2016 and note all the points that you have made throughout that communication.

I will deal with each of the points you have raised in turn which are all sensible points and I would like to address initially the planning situation with regard to this premises.

## **The Planning Position**

By letter dated 18<sup>th</sup> February 2015 the City Council granted to Kent County Council a planning permission to operate the premises for use of part of ground floor for restaurant use (class A3) with alterations to include creating a new door on Russell Street frontage, and extract ducting to roof level.

In essence, the City Council's planning authority have determined that this premises shall be a restaurant and operated as such. The application went through a very detailed process in which input was made by Environmental Health officers, planning officer and police as well as local residents and residents' groups.

Amongst other things the planning permission restricted use of the premises as a restaurant by way of several conditions one of which related to the hours of operation and indicated



**Gordon Dadds LLP**

6 Agar Street, London WC2N 4HN

dx: 40003 Covent Garden

t: +44 (0) 20 7493 6151 f: +44 (0) 20 7437 8216

e: [info@gordondadds.com](mailto:info@gordondadds.com) w: [gordondadds.com](http://gordondadds.com)

Gordon Dadds LLP is a limited liability partnership registered in England & Wales registered number OC303516 (formerly and registered by the Solicitors Regulation Authority No. 596728). The word 'partner' used in relation to the LLP, unless as a member of the LLP or an employee or consultant of the LLP or any affiliated firm, is intended to identify a partner, as defined in the regulations of the LLP, and of those who are designated as partners, as displayed at the registered office at Agar Street, London WC2N 4HN (UK) United Kingdom. We use Gordon Dadds as a name for Gordon Dadds LLP and affiliated entities that practice under the name Gordon Dadds or a name that incorporates those words. Reference to Gordon Dadds is to Gordon Dadds LLP and/or Gordon Dadds LLP trading as Michael Kelly & Co and/or one or more of their affiliated entities as the context requires. (V1.2)



clearly that customers shall not be permitted within the restaurant premises before 0800 or after midnight on Sunday to Thursday and before 0800 and after 0030 on the days following Fridays and Saturdays. It also provided for a limit in the number customers to 150 at premises at any one time.

It further brought in protections in respect of local residents by requiring a waste store which is to be located in Russell Street and the provision of a detailed Servicing Management Plan which must be approved by the City Council before occupation at the restaurant and its use may take place. That plan requires the occupier to provide details of the management waste, delivery vehicles, the number of deliveries, time of deliveries and how deliveries will be managed. It provides that the restaurant use must operate in accordance with that servicing management plan once in place and agreed by the City Council. We are currently drafting this Servicing Management Plan and hopefully it will be available for the Licensing Committee on 26<sup>th</sup> May.

There are further conditions relating to the restriction of noise admitted from planted machinery associated with the premises and vibration through the structure.

There is a further requirement to provide an Operational Management Plan and the restaurant use may not be commenced until that Operation Management Plan has been approved by the City Council's planning authority the purpose for which condition is that the use will not cause nuisance for people in the area having regard to the City Council's planning policies and, of course, the Stress Area Policy which is important to planning as well as to licensing. The requirement is that this plan will show how the use will operate including how the operator will prevent customers who are leaving the building from causing nuisance for people in the area including people who live in the nearby buildings.

Dealing with another point that you have raised in your letter the planning permission forbids sale of any takeaway food or drink on the premises even as an ancillary part of the primary class A3 use.

In all the circumstances, the City Council whilst determining that this premises may only operate as a restaurant has built in a significant number of safeguards in order to protect the local residents who made objection to that application. The premises use as a restaurant is therefore tightly controlled even before a licence application was submitted.

I will turn now to deal with the several points which you raised in your letter on the licensing application.

### Hours of Operation

Notwithstanding the fact that the planning permission allows for later hours of operation we do seek to operate only within the core hours set down within the Westminster Licensing Policy. Accordingly, the hours for the supply of alcohol for consumption on the premises are as set out in the Core Hours Policy (HRS1) as following:

Monday to Thursday – 0800 to 2330

Fridays and Saturdays – 1000 to 0000

Sundays – 1200 to 2230

Sundays immediately prior to bank holidays – 1200 to 0000

### Licensable activities

This premises will operate in the strict sense as a restaurant and you have kindly pointed out from our own application the manner and style of its operation. We intend, therefore, to withdraw from the application in respect of regulated entertainment the provision of films and the provision of recorded music and would ask that the late night refreshment and supply of alcohol hours be the same for each activity as set out in the paragraph above.

### The bar

We have benefited from a meeting with Mr Nevitt from the department's Environmental Health team and have discussed our application in respect of this area as marked on the plans. It is sought only to provide this bar for those customers who are waiting for their table to become free and for those others who are required to give up their table for new customers to also have a drink in the lounge area before they leave. That would of course, follow a substantial meal. Accordingly, they are happy for the condition to be attached to the licence which limits the bar area to these activities and this is marked on the plan.

### Alcohol ancillary to the provision of a substantial meal

We again note the comments made in your letter and are happy to adopt model condition 66 in respect of the concerns which you have raised.

### Cumulative Impact Zone

The Westminster City Council Licensing Policy Statement indicates that restaurants present a far less risk of both antisocial behaviour and crime and disorder and you have alluded to the reasons why that is the case in your letter. Those taking a substantial meal are far less likely to cause annoyance to local residents than if they were in a vertical drinking bar.

We would again point out that the planning permission requires use of this premises as a restaurant only and it cannot therefore be used as a bar or as a takeaway food premises. It is also made it to condition that a Service Management Plan and an Operational Management Plan be drawn up before the premises operates as a restaurant and that those plans are required to be agreed by the planning officers of the City Council. We are happy for the plans to be signed off by a licensing officer as well so that they provide comfort as to the control of any activities which might be detrimental to the Cumulative Impact Area.

We have proposed in this letter to restrain the hours for the licensable activities to those contained within the Core Hours Policy of the Licensing Statement and the operator is also limited to the hours set out in the planning permission after which no customers may be allowed on the premises in any event.

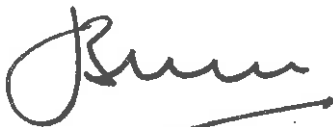
Because this is a restaurant situated on a busy street – Russell Street directly opposite to the Theatre Royal Drury Lane and immediately adjacent to the Fortune Theatre it is anticipated that those customers remaining in the restaurant at the end of core hours will be exiting the premises either during the main exit between the two theatres or very shortly thereafter. In the circumstances it is anticipated that there will be no increase in noisy activities as a result of the restaurant customers leaving the premises as it would be on a street which did not have two major theatres right next to the licensed premises.

Moreover the hours of operation in respect of the Theatre Royal Drury Lane are very much later than those applied for in this respect and certainly in respect of the Grand Saloon and VIP lounge in the theatre with a capacity of 120 there is a terminal hour for the sale of alcohol of 0100 hours Monday through to Saturdays with all other parts of the theatre closing at 2300 hours in the week.

Further, the Fortune Theatre immediately adjacent to our client's premises have a late night refreshment licence which can operate on Mondays through to Fridays until 4am the day following along with the performance of plays. The hours for the sale of alcohol do tie in with the Core Hours Policy but it is an indication that the Fortune Theatre itself may have presentations which can conclude in the very hours of the morning with many people exiting at that far later hour and many hours after the proposed terminal hour for this restaurant.

In conclusion, we hope that the above has assisted in the questions raised in your letter but do feel free to come back to us should you require any further clarification.

Yours sincerely,



Gareth Hughes

Gordon Dadds LLP

Tel: +44 (0)20 7759 1626

Email: [garethhughes@gordondadds.com](mailto:garethhughes@gordondadds.com)

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

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

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

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

### **Mandatory Conditions**

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

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

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

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

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

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

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

Where -

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

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

### **Conditions consistent with the operating schedule**

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed
- Ground Floor XXX persons.

*The capacity figure in this condition is subject to the sign off of the Environmental Health Officer on completion of the works.*

11. 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.
12. There shall be no sale of alcohol for consumption 'off' the premises after 23.00 hours.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. 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 premise 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.

15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. 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.
19. 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.
20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
21. 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.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
25. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.
26. Off sales of alcohol shall be in sealed containers only and for consumption off the premises except to persons seated outside the premises.



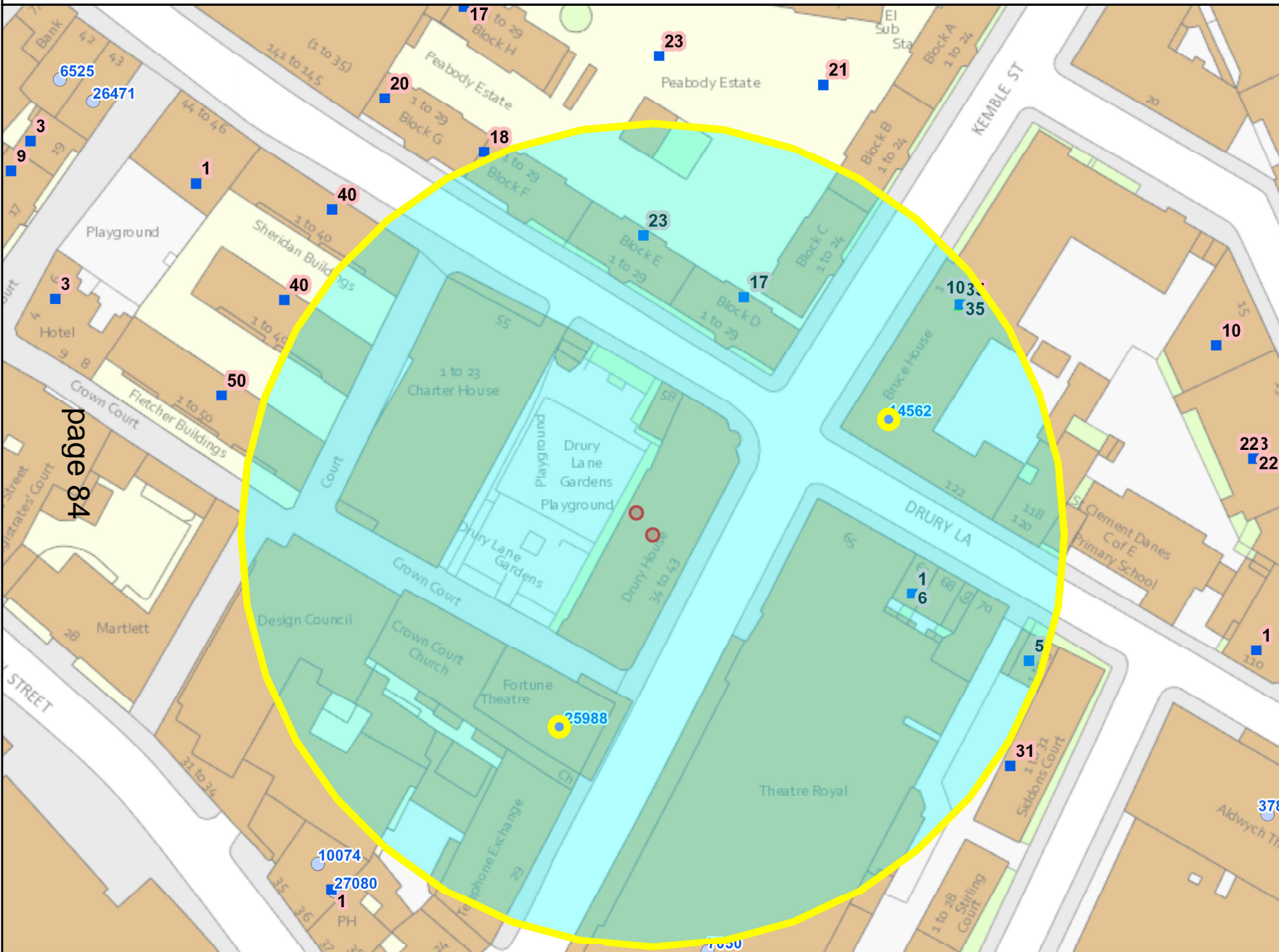
27. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
28. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health 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. All outside tables and chairs shall be rendered unusable by 23.00 each day
30. 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.
31. 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. This shall not include customers seated at the outside tables.
32. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

The area hatched in green on the plan attached to this premises licence may be used only for those persons who are awaiting to be seated at a table in the main restaurant area or for those who have finished a table meal. The service of alcohol in this hatched area shall be by waiter/waitress.



# Yosma Restaurant, 34-43 Russell Street



page 84

Residential / Proposed Residential	132
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10  

 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database  
 Date: 18/05/2016

<b>Premises within 75 metres of: Yosma Restaurant, 34-43 Russell Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
14/07987/LIPT	Sarastro Restaurant	126 Drury Lane London WC2B 5SU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12/11264/LIPDPS	Fortune Theatre	Fortune Theatre Russell Street London WC2B 5HH	Saturday to Sunday 09:00 - 00:00 Monday to Friday 09:00 - 04:00

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Representation – Environmental Health	4 April 2016
<b>5</b>	Representation – Police	31 March 2016
<b>6</b>	Representation – Licensing Authority	4 April 2016
<b>7</b>	Representation – Julie Adams	4 April 2016
<b>8</b>	Representation – CGCA	4 April 2016
<b>9</b>	Representation – Jane French	30 March 2016
<b>10</b>	Representation – Mark Genet	14 March 2016
<b>11</b>	Representation – Patricia Kerr	15 March 2016
<b>12</b>	Representation – Miray Kester	4 April 2016
<b>13</b>	Representation – Sanja Kurtagic	4 April 2016
<b>14</b>	Representation – K Milburn	30 March 2016
<b>15</b>	Representation – Robert Parker	22 March 2016
<b>16</b>	Representation – Nigel Robson	15 March 2016
<b>17</b>	Representation – Yasuhisa Toyota	14 March 2016
<b>18</b>	Representation – Maree Webster	3 April 2016

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02619/LIPN - New Premises Licence
Title of Report:	Aquavit 1 Carlton Street London SW1Y 4QQ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 March 2016		
<b>Applicant:</b>	Aquavit London Ltd		
<b>Premises:</b>	Aquavit		
<b>Premises address:</b>	1 Carlton Street London SW1Y 4QQ	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises will operate as a high class restaurant with ancillary bar facilities.		
<b>Premises licence history:</b>	The premises has not been previously licensed.		
<b>Applicant submissions:</b>	<p>The applicant has stated the following in their covering letter:</p> <ul style="list-style-type: none"> <li>• What is sought is a restaurant licence but with small derogations which we believe are in line with your Statement of Licensing Policy. Recorded music for the hours outside the deregulated period has been included purely out of an abundance of caution as it is unlikely that music will be played much, if at all beyond background levels. We have discussed the proposed conditions with Mr Nevitt (Environmental Health) and believe that there is broad agreement as to the conditions which should be offered.</li> <li>• In terms of the surrounding area, we note having inspected the site together with Officers from Westminster City Council, there does not appear to be any residential accommodation in the immediate area. In addition, we note that this is part of a wider restaurant development within the area being promoted by the Crown Estate and as such, it is hoped that these premises will form a significant part to the intention to improve and upgrade the surrounding area. The Aquavit restaurant is based on a very successful Michelin starred restaurant based in New York and therefore is aimed at the high class market and as such, we would hope would not cause particular issues.</li> <li>• In terms of the proposed conditions, you will see that a number of model conditions have been</li> </ul>		

	<p>offered with the application and the only departure from restaurant conditions is to allow a small area with limited times for people to drink without food but very much in line we would hope with your policy requirements together with the ability to have pre-booked private events within the private dining area on the mezzanine floor.</p> <ul style="list-style-type: none"> <li>This application has been made with the benefit of pre-application advice from Environmental Health and the District Surveyor.</li> <li>The applicant has proposed 17 conditions (see Appendix 4).</li> </ul>
--	--

1-B Proposed licensable activities and hours							
<b>Recorded music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	09:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	N/A
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	09:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	09:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>		None					

<b>Non-standard timings:</b>	None
<b>Adult Entertainment:</b>	N/A

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	6 April 2016
<p>A representation is made in relation to the application as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises is located in the West End Cumulative Impact Area. The hours sought are in excess of the 'Core Hours' as defined in the City Council's Licensing Policy. The application will need to be adjudicated at a Hearing of the Licensing Sub-Committee.</p>	

<b>Responsible Authority:</b>	Westminster Police Licensing Team
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	24 March 2016
<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 the above 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 within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The hours proposed exceed core hours as set out in the Westminster policy and we have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The conditions offered by you do address some of our concerns in relation to crime and disorder. However Police would like to amend proposed conditions 3 and 4 offered in your application to read:</p> <p>3. The premises shall only operate as a restaurant:</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table,</li> <li>(ii) where the supply of alcohol is by waiter or waitress service only,</li> <li>(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,</li> <li>(iv) which do not provide any take away service of food or drink for immediate consumption,</li> <li>(v) which do not provide any take away service of food or drink after 23.00, and</li> <li>(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals</li> </ul>	



there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

4. Notwithstanding conditions 3, alcohol may be supplied to customers without food provided that:

a) Such supply shall only be to persons seated and served by waiter/waitress.

b) Such supply shall begin at 1000 and cease at 20.00 each day.

c) Such supply shall be limited to 25 customers to be seated in the area hatched and shown on ground floor plan.

or

d) The mezzanine floor area whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Miss Heidi Lawrance
<b>Received:</b>	6 April 2016
<p>I write in relation to the application submitted for a new Premises Licence for the above premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority have concerns in relation to this application and how the premises would promote the Licensing Objective:</p> <ul style="list-style-type: none"> <li>· Public Nuisance</li> <li>· Prevention of Crime &amp; Disorder</li> <li>· Public Safety</li> <li>· Protection of Children from Harm</li> </ul> <p>Please therefore accept this as a formal representation, further details will be provided in due course.</p>	
<b>Received:</b>	3 May 2016
<p>I write in relation to the above premises and further to the representation that I submitted on 6th April 2016 on behalf of the Licensing Authority. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have now fully considered your application.</p> <p>The application seeks to provide sale by retail of alcohol on and off the premises, recorded music and late night refreshment.</p> <p>Your clients seek to provide the sale by retail of alcohol Monday to Saturday from 07:30 until 01:00 and Sunday from 09:30 until 22:30, recorded music on the premises Monday to Saturday 07:30 until 01:00 and on a Sunday 09:30 until 22:30. For late night</p>	

refreshment your clients are seeking to provide that activity from 23:00 to 01:00 Monday to Saturday.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of this premises is proposed to be a high end restaurant which sells food to those seated. The premises has an area described in the plans as a bar which has a number of seats and takes up a small percentage of the overall floor space of the premises. The premises is located within Carlton Street which is located within the West End Cumulative Impact Areas as defined within the Council's Statement of Licensing Policy, January 2016.

Carlton Street runs off Regent Street down to St Alban's Street.

In the immediate area (50m radius) surrounding Carlton Street there are 3 licensed premises which comprise of 2 restaurants and 1 shop. There are also 2 resident premises within the immediate area consisting of 10 housing units.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

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

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in

Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

- (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.
- (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours
- (iii) when the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the CIA.

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

However, as stated above, the Licensing Authority recognises different types of premises have different impacts and one recognised premises is a Restaurants. Customers who have been seated in premises, eating a substantial meal and where the premises are not as crowded will behave differently. They will not have been talking at high volume and therefore will be more likely to leave the premises quietly than if they had been in a premises with a greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

Westminster City Council Licensing Policy sets out a clear definition of what a restaurant is and this is set out below:

- (i) in which customers are shown to their table
- (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- (iii) which do not provide any take away service of food or drink for immediate consumption and
- (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant describes the premises as a high end restaurant with ancillary bar facilities.

The Licensing Authority believes that the applicant has not provided a clear definition of the premises in conjunction with the policy. Consequently, policy RNT2 cannot be applied and the application will therefore need to be considered under Policy PB2.

Policy PB2 states: *'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary within the Core Hours under Policy HRS1'*

The applicant has put forward within its operation schedule a number of conditions (17) that it proposes to operate the premises by and I would like to highlight the conditions which state:

3. The premises shall operate primarily as a restaurant where by the supply of alcohol at the premises shall be ancillary to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal other than as provided for in condition [4 below] (and within this condition acknowledges that those waiting to be seated for a table meal may be allowed to consume a pre-dinner drink without food within the bar area).

4. The above condition shall not apply to:-

a. The area marked, hatched and designated as 'bar area' on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes, tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or

b. The mezzanine floor whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

If the premises intend to operate as a restaurant, the Licensing Authority suggests that the model condition 66 is adopted as follows:

The Premises shall only operate as a restaurant:

(i) in which customers are shown to their table

(ii) where the supply of alcohol is by waiter or waitress service only

(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery

(iv) which do not provide any take away service of food or drink for immediate consumption

(v) which do not provide any take away service of food or drink after 23:00, and

(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition the area marked, hatched and designated as 'bar area'

on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes, tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or  
The mezzanine floor whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

It is the responsibility of the applicant, when applying for a new premises licence within a Cumulative Impact Area to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The applicant is therefore requested to provide a clear description of the premises and how it will operate and provided further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application (Holding representation made 6th April 2016).

### 3. Policy & Guidance

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

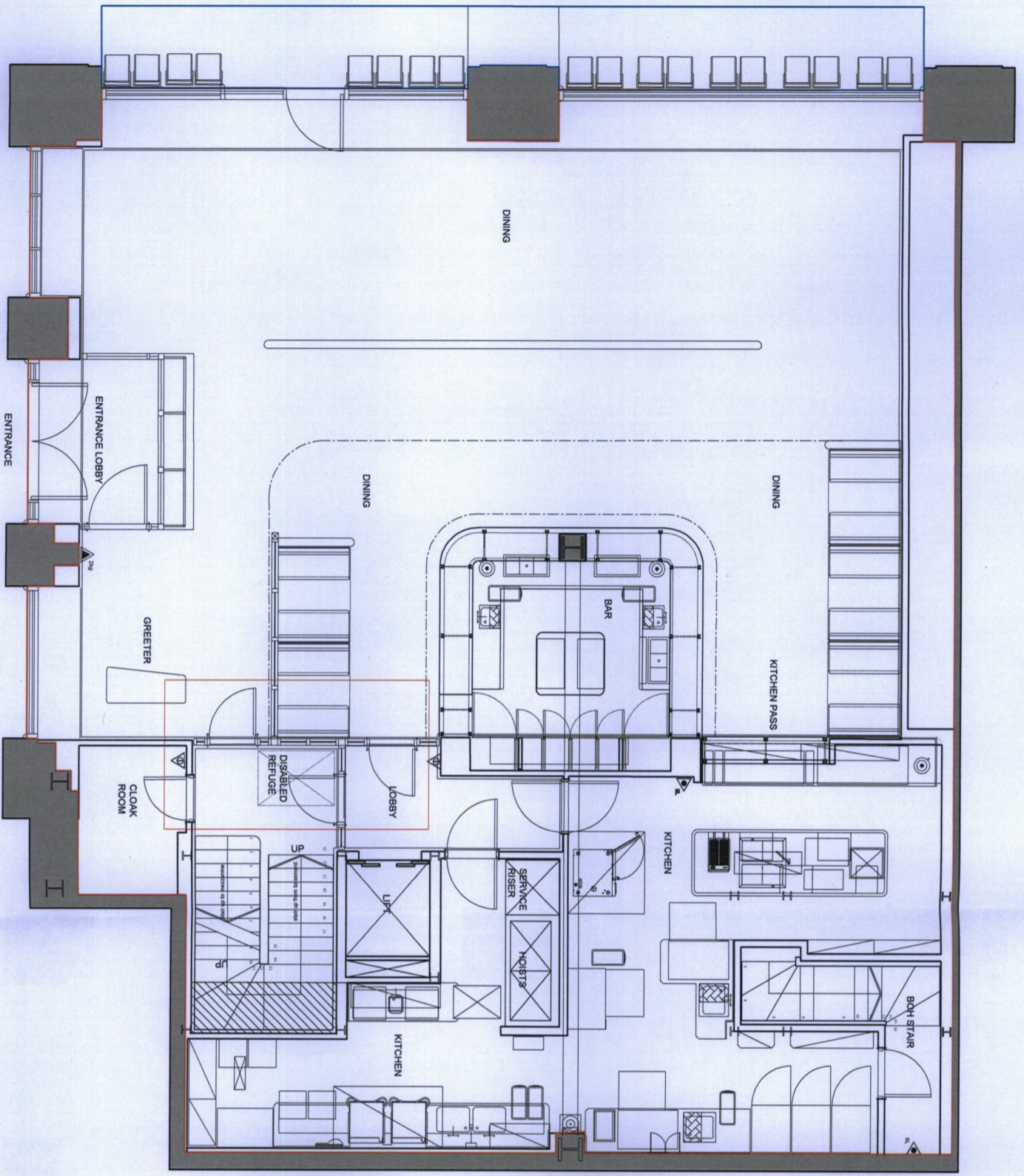
<b>Policy HRS1 applies</b>	(ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
<b>Policy CIP1 applies</b>	(i) It is the Licensing Authority's policy to refuse applications in the 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.
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy PB2 applies</b>	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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - None
<b>Appendix 3</b>	Premises history - None

<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk



COVERS		
RESTAURANT		142
OUTSIDE SEATING		20
<b>TOTAL</b>		<b>162</b>

**LIFE SAFETY EQUIPMENT**

☐	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
⚠	9 LITRE WATER FIRE EXTINGUISHER
⚠	2 KG CARBON DIOXIDE EXTINGUISHER
⚠	9 LITRE FOAM FIRE EXTINGUISHER
⚠	FIRE BLANKET CONTAINER

— DEMISE LINE  
 — DEMISE OF EXTERIOR SEATING

Revision	Date	Comment
A	04/07/16	DOORS UPDATED TO FIRE CONSULTANT COMMENTS

**LICENSING**

**Notes**

1. SEE SEPARATE FINISHES SCHEDULE FOR ALL ARCHITECTURAL.
2. THE DRAWING SHOWS DESIGN INTENT ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION OR MANUFACTURER SHOP DRAWINGS TO BE ISSUED BY CONTRACTOR/MANUFACTURER BEFORE WORKS COMMENCE.
3. DESIGN/WORKING IS NOT TO BE SCALED FOR PRODUCTION AND CONSTRUCTION PURPOSES.
4. ALL DIMENSIONS TO BE MANUFACTURED TO A HIGH QUALITY OF WORKMANSHIP SUITABLE FOR COMMERCIAL USE AND FIT FOR PURPOSE. BE APPROVED BY MBS VIA SAMPLING PROCEDURE ADVISED BY MBS.
5. CONTRACTOR/MANUFACTURER SHOP DRAWINGS TO SHOW ALL EQUIPMENT INCLUDING ALL ELEMENTS OF MBS COORDINATED WITH MBS.
6. GENERAL CONTRACTOR TO COORDINATE WITH ALL OTHER CONTRACTORS FOR LOCATION AND METHOD OF MOUNTING OF FIXTURES, WHETHER STOCK OR CUSTOM MADE.
7. CONTRACTOR TO ENSURE THAT THE FINAL PRODUCT COMPLES WITH ALL WITH STATUTORY REQUIREMENTS CONTRACTOR/MANUFACTURER TO ENSURE THAT THE FINAL PRODUCT COMPLES WITH ALL WHERE GLASS IS USED THE MANUFACTURER IS TO PROVIDE THAT RELEVANT HEALTH AND SAFETY REGULATIONS ARE MET FOR FIT FOR PURPOSE OF EACH ITEM. RAISING ANY CONCERNS DIRECTLY WITH MBS IMMEDIATELY.
8. CONTRACTOR/MANUFACTURER TO PROVIDE SUFFICIENT FOR DELIVERY AND CONSTRUCTION.
9. OTHER SPECIALIST CONTRACTORS MAY BE NOMINATED AND RESPONSIBILITY FOR THE WORK SHALL REMAIN WITH THE GENERAL CONTRACTOR.
10. ALL DESIGN CONCEPTS AND DRAWINGS ARE THE PROPERTY OF MARTIN BRUDNIZKI DESIGN STUDIO AND NO REPRODUCTION, ADAPTATIONS AND/OR MAY BE MADE WITHOUT WRITTEN PERMISSION BY MARTIN BRUDNIZKI DESIGN STUDIO LTD.

**MARTIN BRUDNIZKI DESIGN STUDIO**  
 Unit 10 Chelsea Reach, 79-89 Ladb Road London, SW10 0HN  
 +44 (0) 20 7378 7555 www.mbs.com

**Client**  
 PHILIP HAMILTON

**Project**  
 AQUAVIT LONDON

**Title**  
 GROUND FLOOR LICENSING PLAN

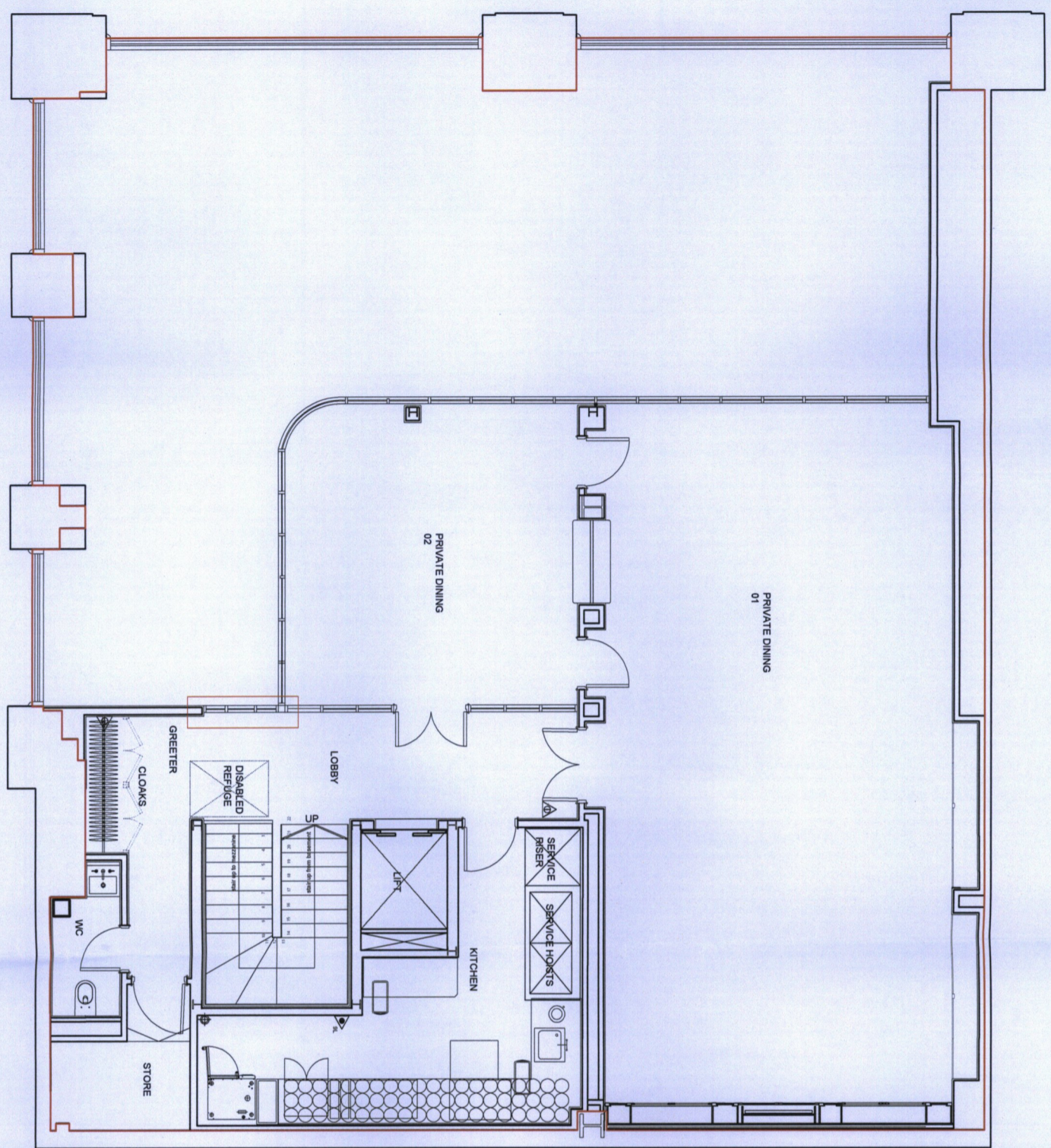
Date	Scale	Sheet Size
17/02/16	1:50	A1
Project No.	Drawing No.	Rev.
15030	LL-FO-02	A

COVERS	
PDR 01 (with removal of loose furniture)	56
PDR 02	14
<b>TOTAL</b>	<b>70</b>
<b>MAX TOTAL COVERS</b>	<b>70</b>

**LIFE SAFETY EQUIPMENT**

☒	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
☒	9 LITRE WATER FIRE EXTINGUISHER
☒	2 KG CARBON DIOXIDE EXTINGUISHER
☒	9 LITRE FOAM FIRE EXTINGUISHER
☒	FIRE BLANKET CONTAINER

— DEMISE LINE



**LICENSING**

**Notes**

- SEE SEPARATE FINISHES SCHEDULE FOR ALL ARCHITECTURAL FINISHES.
- THE DRAWING SHOWS DESIGN INTENT ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION OR PRODUCTION FOR MBOS APPROVAL. ANY DISCREPANCIES TO BE RELAYED TO MBOS BEFORE WORKS CONTINUE.
- DESIGN/DRAWING IS NOT TO BE SCALED FOR PRODUCTION AND ALL MATERIALS AND CONSTRUCTION TO BE MANUFACTURED TO A HIGH QUALITY OF WORKMANSHIP SUITABLE FOR COMMERCIAL USE AND FIT FOR PURPOSE. BE APPROVED BY MBOS VIA SAMPLING PROCEDURE ADVISED BY MBOS.
- CONTRACTOR/MANUFACTURER SHOP DRAWINGS TO SHOW ALL OTHER CONSULTANTS PRIOR TO COMMENCEMENT OF WORKS WITH CONTRACTOR TO COORDINATE WITH ELECTRICAL CONTRACTOR FOR LOCATION AND METHOD OF MOUNTING ALL MATERIALS TO BE CONSTRUCTED/MANUFACTURED TO COMPLY WITH STATUTORY REQUIREMENTS. CONTRACTOR/MANUFACTURER TO ENSURE THAT THE FINAL PRODUCT COMPLES WITH ALL MATERIALS ARE TO BE USED. THE MANUFACTURER IS TO ENSURE EXCEEDED IN THE PRODUCTION PROCESS. REGULATIONS ARE MET OR FIT FOR PURPOSE OF EACH ITEM. RAISING ANY CONCERNS 10 MANUFACTURER TO INSURE THE STABILITY, FUNCTIONALITY AND FIT FOR PURPOSE OF EACH ITEM. RAISING ANY CONCERNS 11 MANUFACTURER TO ENSURE THAT SITE ACCESS IS SUFFICIENT FOR DELIVERY AND CONSTRUCTION.
- OTHER SPECIALIST CONTRACTORS MAY BE NOMINATED AND RESPONSIBILITY FOR THE OVERALL CO-ORDINATION REMAINS WITH THE GENERAL CONTRACTOR. ALL DRAWINGS ARE THE PROPERTY OF MARTIN BRUDNIZKI DESIGN STUDIO LTD AND ARE COVERED BY COPYRIGHT. NO REPRODUCTIONS, ADAPTATIONS AND/OR COPIES MAY BE MADE WITHOUT WRITTEN PERMISSION BY MARTIN BRUDNIZKI DESIGN STUDIO LTD.

**MARTIN BRUDNIZKI DESIGN STUDIO**  
Unit 10 Chelsea Reach, 70-80 Lads Road London SW10 0RN  
+44 (0) 20 7318 7555 www.mbdos.com

**Client**  
PHILLIP HAMILTON

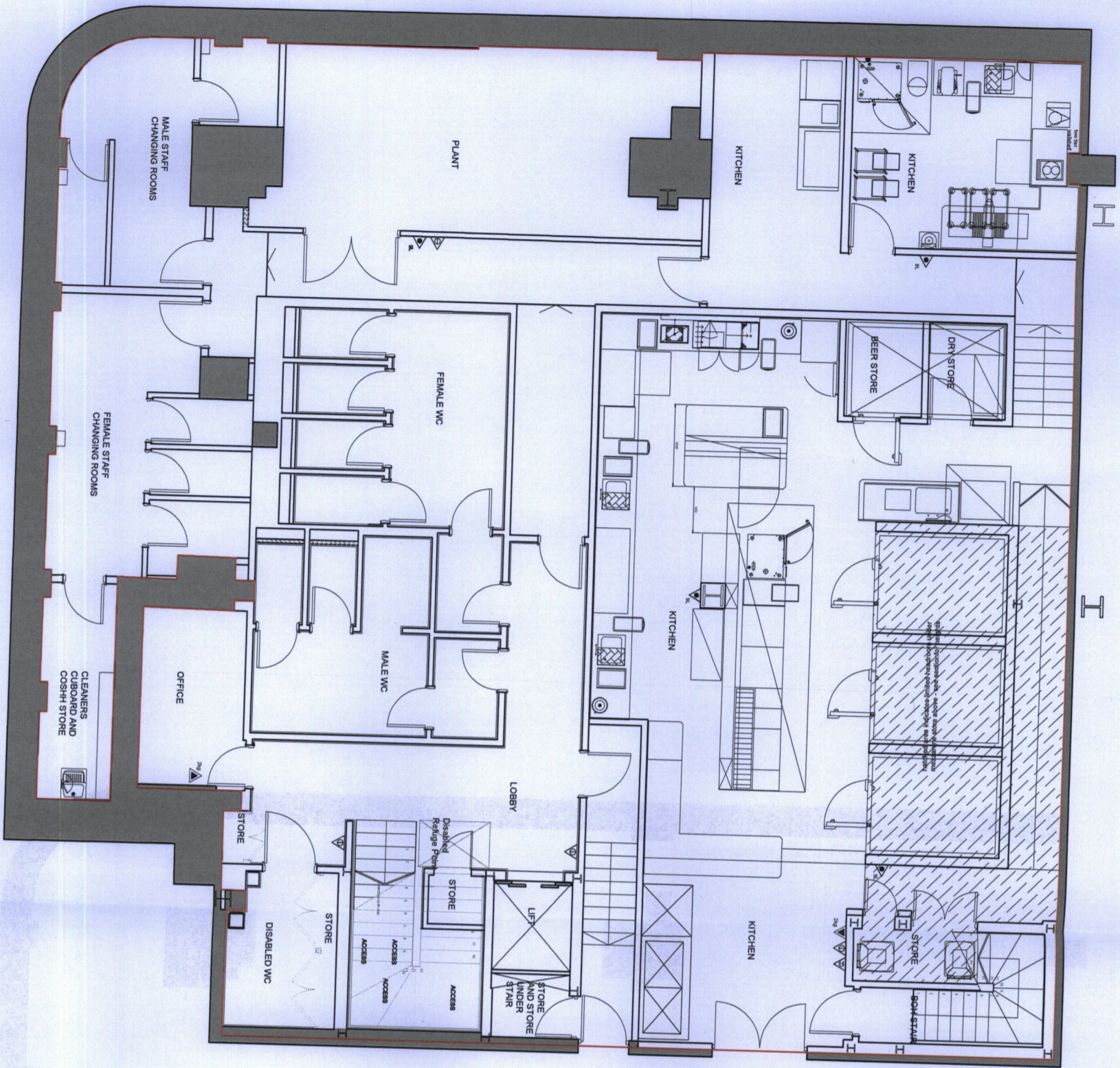
**Project**  
AQUAVIT LONDON

**Title**  
MEZZANINE FLOOR LICENSING PLAN

**Date** 17/02/16 **Scale** 1:50 **Sheet Size** A1

**Project No.** 15030 **Drawing No.** LL-FO-03 **Rev.** A





**LIFE SAFETY EQUIPMENT**

[Symbol]	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
[Symbol]	9 LITRE WATER FIRE EXTINGUISHER
[Symbol]	2 KG CARBON DIOXIDE EXTINGUISHER
[Symbol]	9 LITRE FOAM FIRE EXTINGUISHER
[Symbol]	FIRE BLANKET CONTAINER

— DEMISE LINE

**LICENSING**

Notes  
 1. SEE SEPARATE FINISHES SCHEDULE FOR ALL ARCHITECTURAL FINISHES  
 2. THE DRAWING SHOWS DESIGN INTENT ONLY. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION OR PRODUCED FOR MBOS AND TO BE ISSUED BY CONTRACTOR MANUFACTURER BEFORE WORKS COMMENCE. DIMENSIONS TO BE REVEALED TO CONTRACTOR MANUFACTURER BEFORE WORKS COMMENCE.  
 3. DESIGN/WORKING IS NOT TO BE SCALED FOR PRODUCTION AND ALL MATERIALS AND CONSTRUCTION TO BE MANUFACTURED TO A HIGH QUALITY OF WORKMANSHIP SUITABLE FOR COMMERCIAL USE.  
 4. ALL MATERIALS AND CONSTRUCTION TO BE MANUFACTURED TO A HIGH QUALITY OF WORKMANSHIP SUITABLE FOR COMMERCIAL USE.  
 5. ALL WORKMANSHIP TO BE APPROVED BY MBOS VIA SAMPLING PROCEDURE ADVISED BY MBOS.  
 6. CONTRACTOR/MANUFACTURER SHOP DRAWINGS TO SHOW ALL OTHER CONSULTANTS AND ALL ELEMENTS OF MEP COORDINATION TO BE APPROVED BY CONTRACTOR MANUFACTURER PRIOR TO CONSTRUCTION.  
 7. GENERAL CONTRACTOR TO COORDINATE WITH ALL OTHER CONSULTANTS FOR LOCATION AND METHOD OF MOUNTING OF ALL EQUIPMENT.  
 8. DESIGNS ARE TO BE CONSULTANT CUSTOM MADE TO SPECIFY WITH STATUTORY REQUIREMENTS CONTRACTOR COMPLIES WITH ALL RELEVANT STATUTORY REQUIREMENTS.  
 9. WHERE GLASS, MIRROR OR OTHER POTENTIALLY DAMAGING MATERIALS ARE TO BE USED, THE MANUFACTURER IS TO BE CONSULTED FOR THE LOCATION AND SAFETY REGULATIONS ARE TO BE EXCEEDED IN THE RELEVANT AREAS.  
 10. MANUFACTURER TO INSURE THE STABILITY FUNCTIONALITY AND DURABILITY OF EACH ITEM, RAISING ANY CONCERNS IMMEDIATELY TO THE ARCHITECT.  
 11. MANUFACTURER TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 12. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 13. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 14. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 15. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 16. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 17. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 18. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 19. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 20. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 21. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 22. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 23. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 24. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.  
 25. CONTRACTOR TO REMAIN RESPONSIBLE FOR DELIVERY AND CONSTRUCTION.

**MARTIN BRUDNIZKI DESIGN STUDIO**

Unit 10 Chelsea Reach, 79-89 Leds Road London, SW10 0LN  
 +44 (0) 20 7378 7955 www.mbdstudio.com

Client  
**PHILLIP HAMILTON**

Project  
**AQUAVIT LONDON**

Title  
**BASEMENT FLOOR LICENSING PLAN**

Date 17/02/16 Scale 1:50 Sheet Size A1  
 Project No. 15030 Drawing No. LL-FO-01 Rev. /

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

### **Conditions consistent with the operating schedule**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police licensing Team. AU entry

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

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The premises shall operate primarily as a restaurant where the supply of alcohol at the premises shall be ancillary to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal other than as provided for in condition [ 12] below (and within this condition acknowledges that those waiting to be seated for a table meal may be allowed to consume a pre-dinner drink without food within the bar area).

*Police and the Licensing Authority have proposed the following as an alternative to condition 11:*

*The premises shall only operate as a restaurant:*

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

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

12. Condition [11] shall not apply to:-
  - (a). the area marked, hatched and designated as "bar area" on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes/tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or
  - (b) the mezzanine floor area whenever it is used for a bona fide pre booked

private function to which members of the general public cannot obtain access.

*Police have proposed the following as an alternative to condition 12:*

*Notwithstanding conditions 11, alcohol may be supplied to customers without food provided that:*

- a) Such supply shall only be to persons seated and served by waiter/waitress.*
  - b) Such supply shall begin at 10.00 and cease at 20.00 each day.*
  - c) Such supply shall be limited to 25 customers to be seated in the area hatched and shown on ground floor plan.*
- or*
- d) The mezzanine floor area whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.*

*The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.*

13. There shall be no off sales of alcohol other than to any dedicated ground floor external seating area or of alcohol in sealed containers.
14. Substantial food and non-Intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. All outside tables and chairs within the ground floor outside seating area shall be rendered unusable by 23.00 hours each day.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue;
  - b. all ejections of patrons;
  - c. any complaints received concerning crime and disorder;
  - d. any incidents of disorder;
  - e. all seizures of drugs or offensive weapons;
  - f. any faults in the CCTV system or searching equipment or scanning equipment;
  - g. any refusal of the sale of alcohol; and
  - h. any visit by a relevant authority or emergency service.
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and businesses and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to

smoke, shall not be permitted to take drinks or glass containers with them (accepting that persons seated within the ground floor seating area may consume alcohol as an ancillary to a table meal).

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Other than where deliveries take place in accordance with the Crown Estate delivery arrangements allowing delivery to the dedicated delivery area no deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
22. Other than where refuse is disposed of and collected in accordance with the Crown Estate refuse collection arrangements allowing collections from the dedicated area, all waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. The number of persons permitted to be within the premises at any one time (excluding members of staff) shall not exceed [figure to be determined by the District Surveyor and the Environmental Health Consultation Team]."
24. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
25. Before the premises are open to the public, the plans are 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 a variation application may be required.



# Aquavit, 1 Carlton Street



page 106

Residential / Proposed Residential	18
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10

Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database

Date: 18/05/2016



<b>Premises within 75 metres of: Aquavit, 1 Carlton Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
15/03856/LIPDPS	Yo! Sushi	Ground Floor Left St Albans House 57 - 60 Haymarket London	Sunday 12:00 - 23:00 Monday to Saturday 12:00 - 23:30
15/01631/LIPV	Bilbao Berria	Basement And Ground Floor 2 Regent Street London SW1Y 4R	Sunday 08:00 - 00:30 Monday to Saturday 08:00 - 01:30
09/04171/LIPCH	Captains Cabin Public House	4 Norris Street London SW1Y 4RJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16/02010/LIPDPS	Tesco Metro	Ground Floor The Plaza 17 - 25 Regent Street London SW1Y 4R	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
12/09328/LIPN	Shoryu	Ground Floor 9 Regent Street London SW1Y 4LR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
10/07832/LIPVM	Japan Centre	Basement To Ground Floor Dorland House 14 - 16 Regent Street London SW1Y 4R	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16/03117/LIPN	Salt Yard	1 - 3 Norris Street London SW1Y 4RJ	Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 01:00 Sunday 07:00 - 23:30
15/12092/LIPT	Inamo	Ground Floor Rex House 4 - 12 Regent Street London SW1Y 4R	Monday to Sunday 11:00 - 00:30
13/10245/LIPT	Vue Cinema	The Plaza Cinema 19 Regent Street London SW1Y 4LR	Monday to Sunday 08:30 - 03:00
15/04133/LIPCH	Wagamama	8 Norris Street London SW1Y 4RJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12/09928/LIPVM	Planet Hollywood (UK) Ltd	Ground Floor Right St Albans House 57-60 Haymarket London	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	9 March 2016
<b>5</b>	Representation – Environmental Health	6 April 2016
<b>6</b>	Representation – Police	24 March 2016
<b>7</b>	Representation – Licensing Authority	6 April 2016

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02659/LIPN - New Premises Licence
Title of Report:	Regent's University London Regents College Inner Circle Regents Park
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 March 2016		
<b>Applicant:</b>	Regent's University London		
<b>Premises:</b>	Regent's University London		
<b>Premises address:</b>	Regents College Inner Circle Regents Park London	<b>Ward:</b>	Regent's Park
		<b>Cumulative Impact Area:</b>	N/A
<b>Premises description:</b>	<p>The premises is a university offering education and recreational facilities for use by students, staff and those attending bona fide pre-booked private events, with various function/meeting rooms (Herringham Hall, Knapp Gallery &amp; Tuke Common Room), cafe (Refectory &amp; Deli) and Brasserie on the ground floor with three lawned outdoor areas and the Bedford's Bar in the basement. All rooms mentioned shown and edged red on the licensing plans to include the lawns (outdoor areas) on the site plan.</p>		
<b>Premises licence history:</b>	<p>Except for part of the Tuke Building basement, the premises as identified on the plans has not previously been licensed. Regent's University London holds another premises licence for Regent's College (15/11412/LIPDPS) which has been in force since at least conversion in 2005 which covers Tuke's Café in the basement of the Tuke building.</p>		
<b>Applicant submissions:</b>	<p>The premises already has the benefit of a Premises Licence but it appears that, on conversion, despite the fact that the Premises Licence alludes to a plan of the ground floor, that plan was not appended to the application, only that of the basement. The application therefore seeks to rectify the position. Therefore, all existing operating procedures and policies shall continue to apply at the premises.</p> <p>The premises are a secure site and access can only be obtained by students, staff and those attending private pre-booked events and functions. CCTV is in place and the university has 24 hour manned security. There is no public access to the campus – all entrances are controlled by card access and visitors via the main entrance.</p> <p>Outdoor events in the marquee(s) on the lawn(s) are duly managed so as to avoid any noise nuisance. However, there are very few residential dwellings in the area which are affected and the main outdoor events take place</p>		

	<p>during the summer period, such as a family fun day and a screenwriters event.</p> <p>Challenge 25 will be adopted by the catering contractors (Aramark Limited at present) at the site. Students must carry ID when on campus.</p>
--	---

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

Sale by retail of alcohol				On or off sales or both:			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		N/A					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Miss Sally Thomas
<b>Received:</b>	1 April 2016

I wish to make the following representations in relation to the above application:

1. The Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

2. The provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

Environmental Health have proposed 14 conditions (see Appendix 4).

<b>Responsible Authority:</b>	Westminster Police Licensing Team
-------------------------------	-----------------------------------

<b>Representative:</b>	PC Bryan Lewis
------------------------	----------------

<b>Received:</b>	5 April 2016
------------------	--------------

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

Our objections relate to the following:

- There are insufficient conditions proposed by the applicant.

<b>2-B Other Persons</b>
--------------------------

<b>Name:</b>	Mr Laurance Racke
--------------	-------------------

<b>Address and/or Residents Association:</b>	10 York Terrace West Regent's Park London NW1 4QA
--	--

<b>Received:</b>	17 March 2016
------------------	---------------

As a resident of the outer circle, we feel very strongly that were this licence to be granted it would impact adversely as there will no doubt be an increase in noise level. This would be extremely difficult to police. Our bedroom faces directly onto the college and would therefore anticipate disruption to sleep and therefore quality of life should this licence be granted.

### 3. Policy & Guidance

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

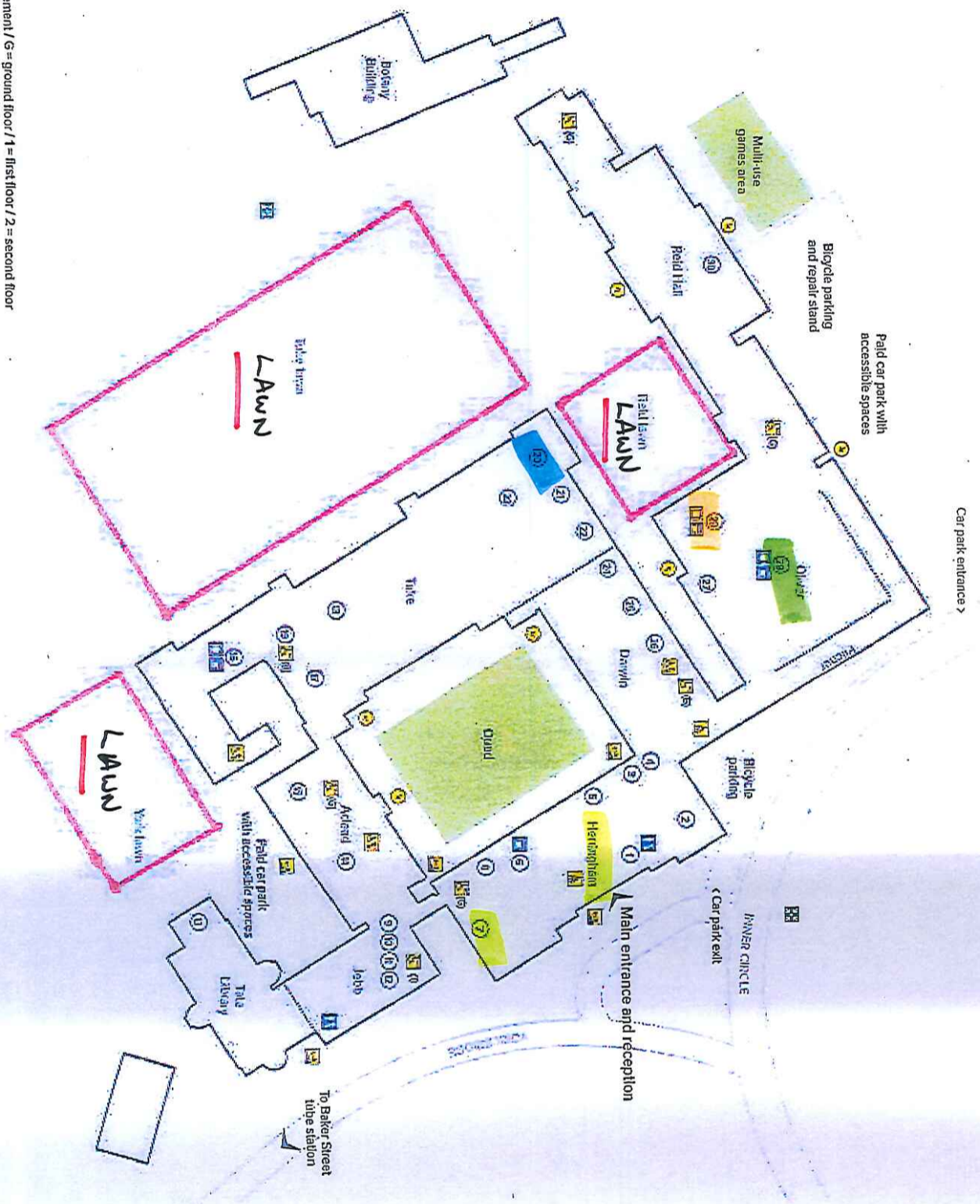
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject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

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - None
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

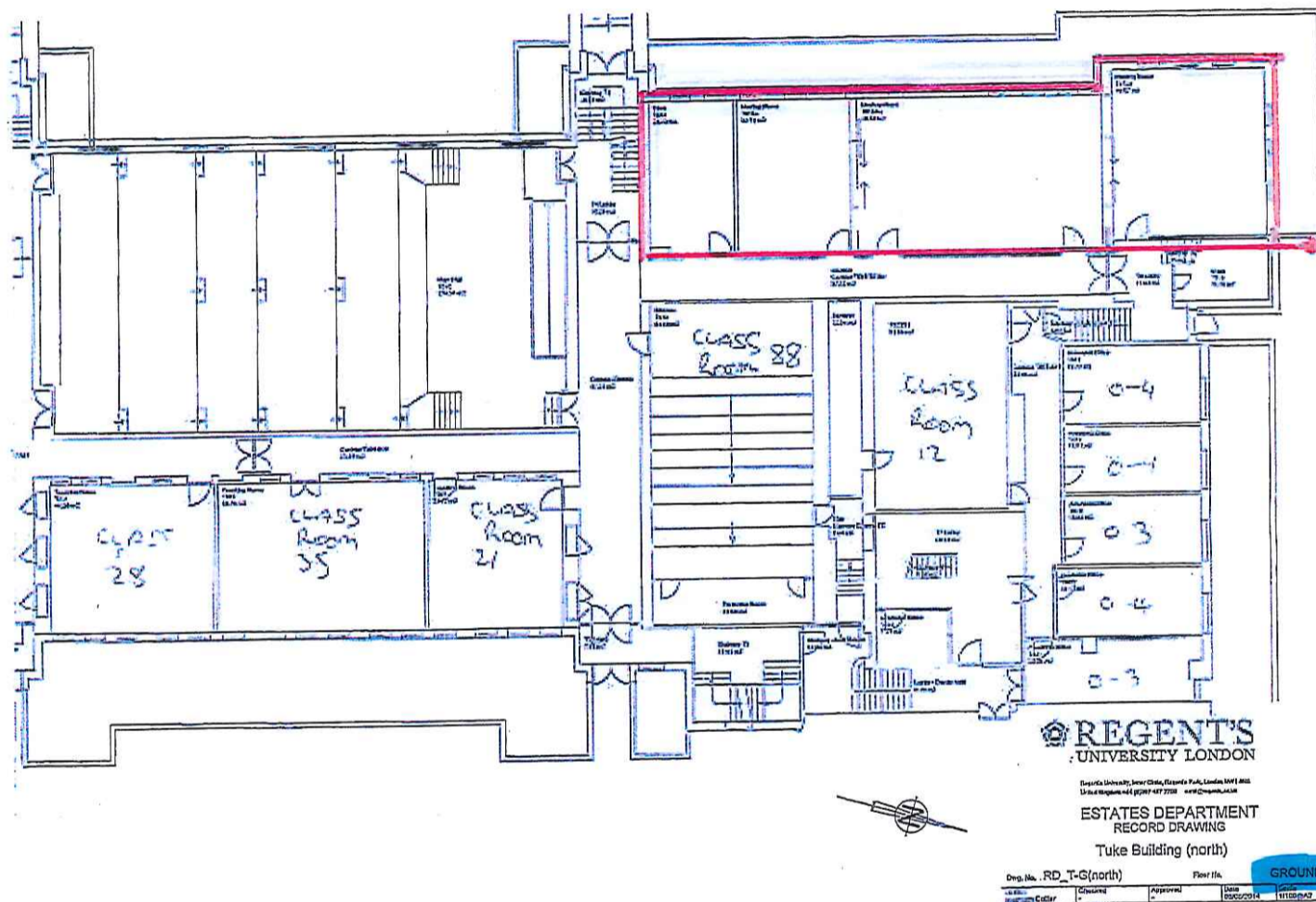
B = basement / G = ground floor / 1 = first floor / 2 = second floor



- ① Level access
- ② Ramp access
- ③ Accessible lift
- ④ Accessible toilet
- ⑤ Platform lift
- ⑥ Narrow lift, may not be accessible to wheelchairs
- ⑦ Food outlet
- ⑧ Coffee shop
- ⑨ Emergency assembly point
- ⑩ Security office (G)
- ⑪ Heringham Hall (G)
- ⑫ Student finance office (G)
- ⑬ Admissions - Business & Management (1)
- ⑭ Admissions - Humanities Arts & Social Sciences (2)
- ⑮ Starbucks (G)
- ⑯ Knapp Gallery (G)
- ⑰ Alumni Relations (2)
- ⑱ IT centre (G)
- ⑲ Library and study areas (G; 1)
- ⑳ Careers & Business Relations (2)
- ㉑ International Partnerships Office (2)
- ㉒ Postgraduate study area (B)
- ㉓ Student Union (G)
- ㉔ Student Centre (G) - Accommodation, Disability Office, Immigration Advisory Service, Sports and fitness, Student Registry, Student Services
- ㉕ Bedford's Bar (B)
- ㉖ Student common room (G)
- ㉗ Tuke Hall lecture theatre (G)
- ㉘ Student lockers (B)
- ㉙ Tuke common room (G)
- ㉚ Media Services (B)
- ㉛ Thomson Reuters suite (G)
- ㉜ Tuke cinema (G)
- ㉝ TV studio (B)
- ㉞ Theatre studios (B)
- ㉟ Showers (B)
- ㊱ John Smith's Bookshop (G)
- ㊲ Refectory and deli (G)
- ㊳ Brasserie (G)
- ㊴ Halls of residence



# Tuke Common Room



**REGENT'S**  
UNIVERSITY LONDON

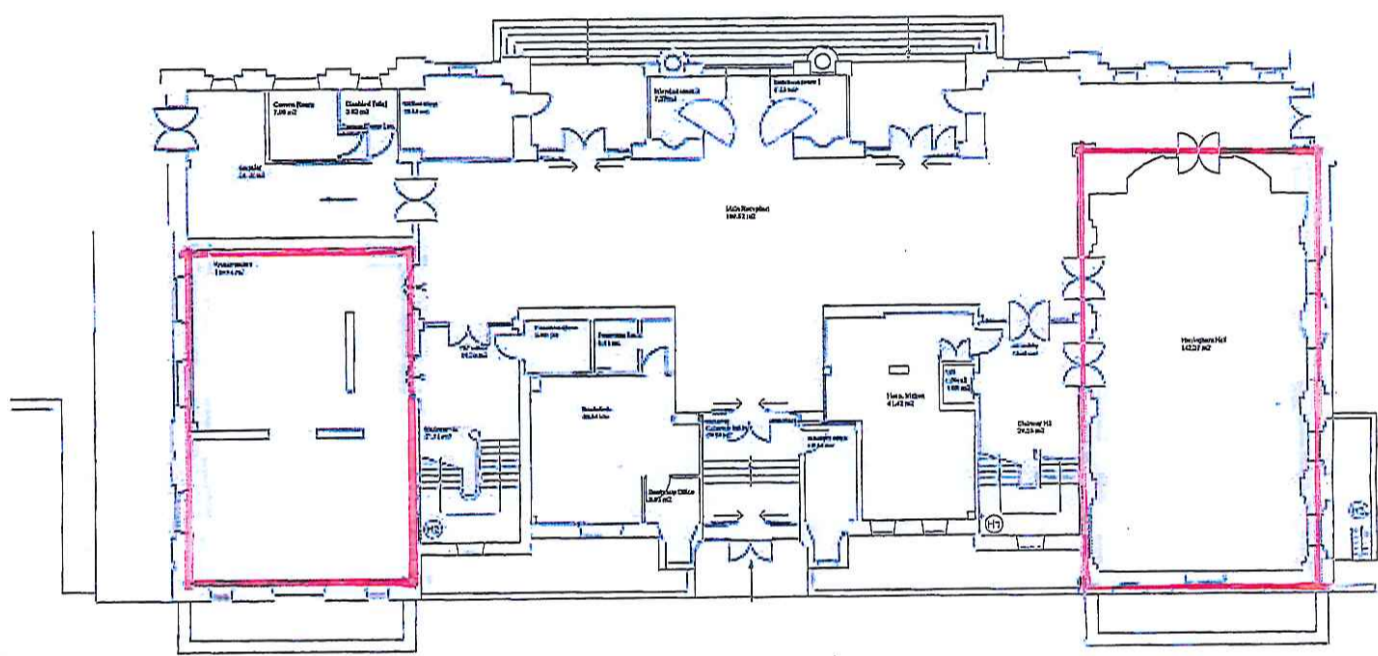
Regent's University, 100 Brooklands Park, London NW1 4NS  
Tel: 020 8996 9000 Fax: 020 8996 9001 www.regents.ac.uk

ESTATES DEPARTMENT  
RECORD DRAWING

Tuke Building (north)

Draw. No.	RD_T-G(north)	Floor No.	GROUND
Author	Checked	Approved	Date
			11/10/2014

HERRINGHAM HALL AND KWAPP GALLERY



**REGENT'S UNIVERSITY LONDON**

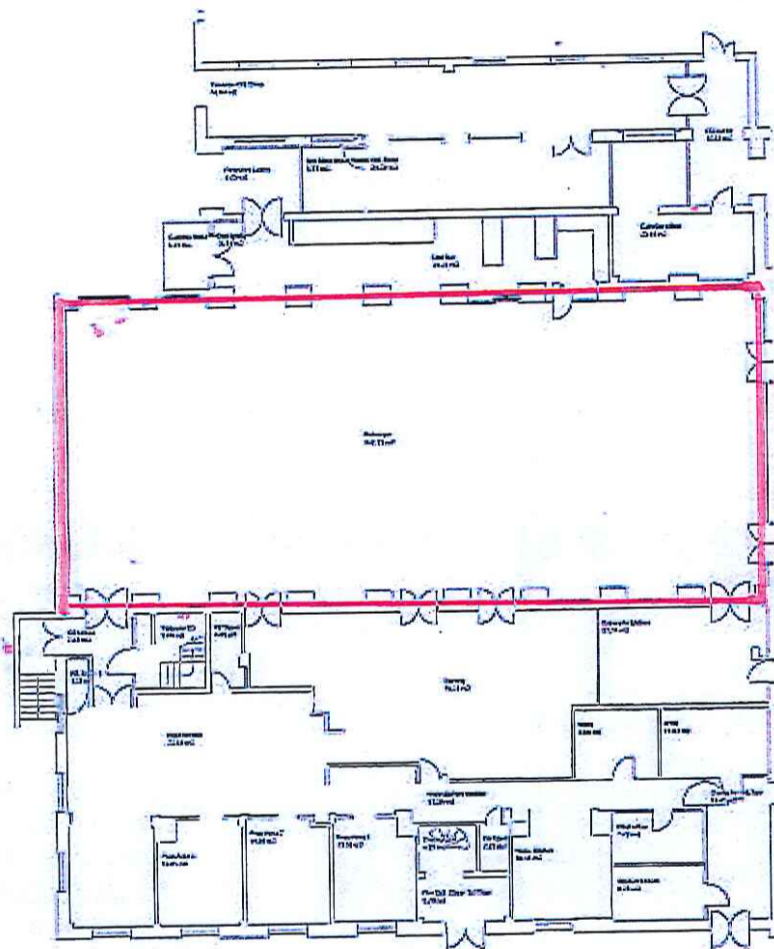
Regent's University, London, United Kingdom  
 100 Brook Green, W6 0AZ London, UK  
 Tel: +44 (0)20 8862 1000 www.regents.ac.uk

**ESTATES DEPARTMENT  
 RECORD DRAWING**

Herringham Building

Drawn By	RD_HG	Checked	Approved	Date	26/02/2014	Floor No.	GROUND
Author	Editor	Checker	Approver	Date	26/02/2014	Floor No.	GROUND

REFECTORY



**REGENT'S**  
UNIVERSITY LONDON

Regent's University, 100 Brooklands Avenue, Enfield, London N4 4BT  
London Regent's +44 (0)20 857 7525 [www.regents.ac.uk](http://www.regents.ac.uk)

ESTATES DEPARTMENT  
RECORD DRAWING

Oliver Building (west)

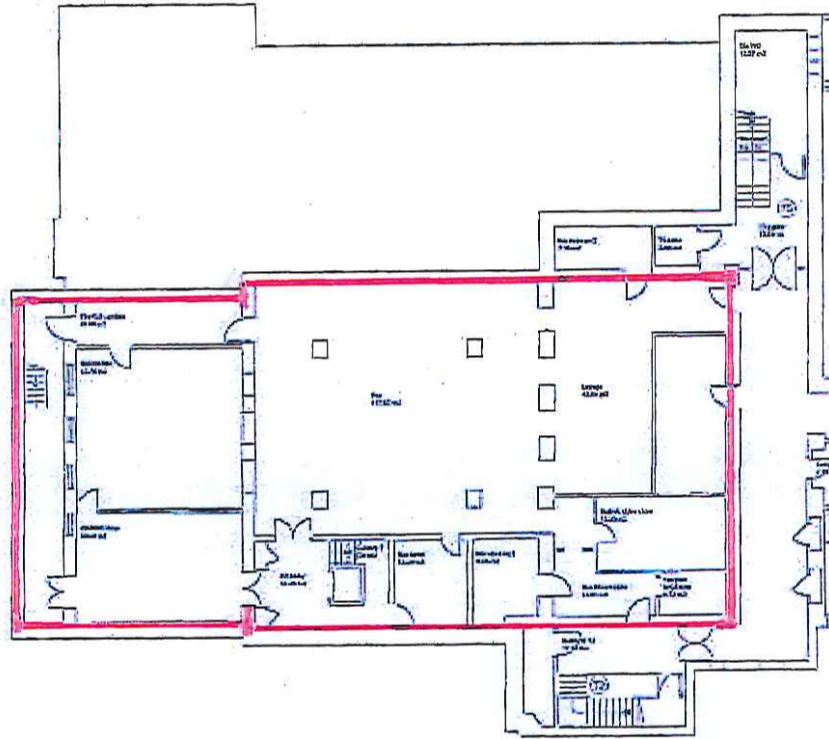
Drawn: RD\_O-G(west)

Drawn: RD\_O-G(west)

GROUND

Scale: 1:1000

BEDFORD'S BAR



**REGENT'S UNIVERSITY LONDON**

Regent's University, University Avenue, London N1 9SE

London Telephone +44 (0)20 7700 8000

**ESTATES DEPARTMENT  
RECORD DRAWING**

Tuke Building (south)

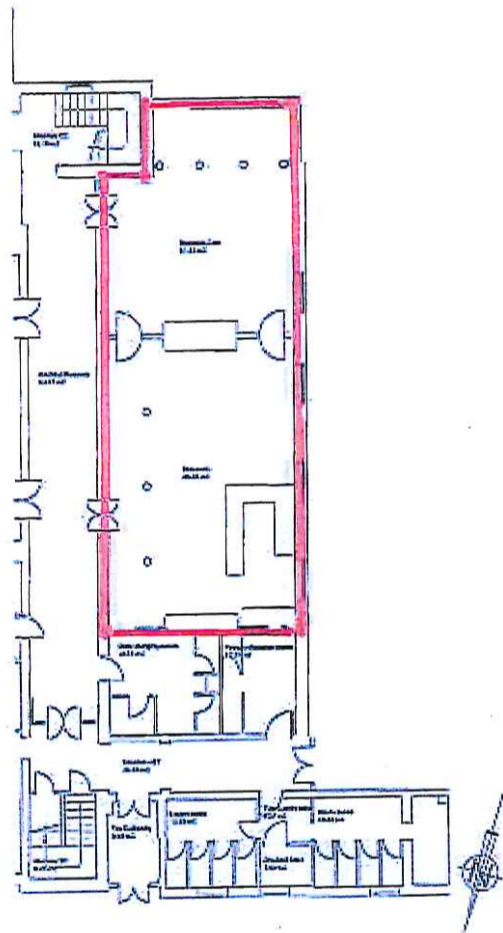
Orig. No. RD\_T-8(south)

Plan No. **BASEMENT**

Name	Checked	Approved	Date	Date
Robbie Carter			02/07/2014	17/06/2014

https://www.regents.ac.uk/about-us/contacts/departmental-contacts/estates-department/

BRASSERIE



REGENT'S UNIVERSITY LONDON

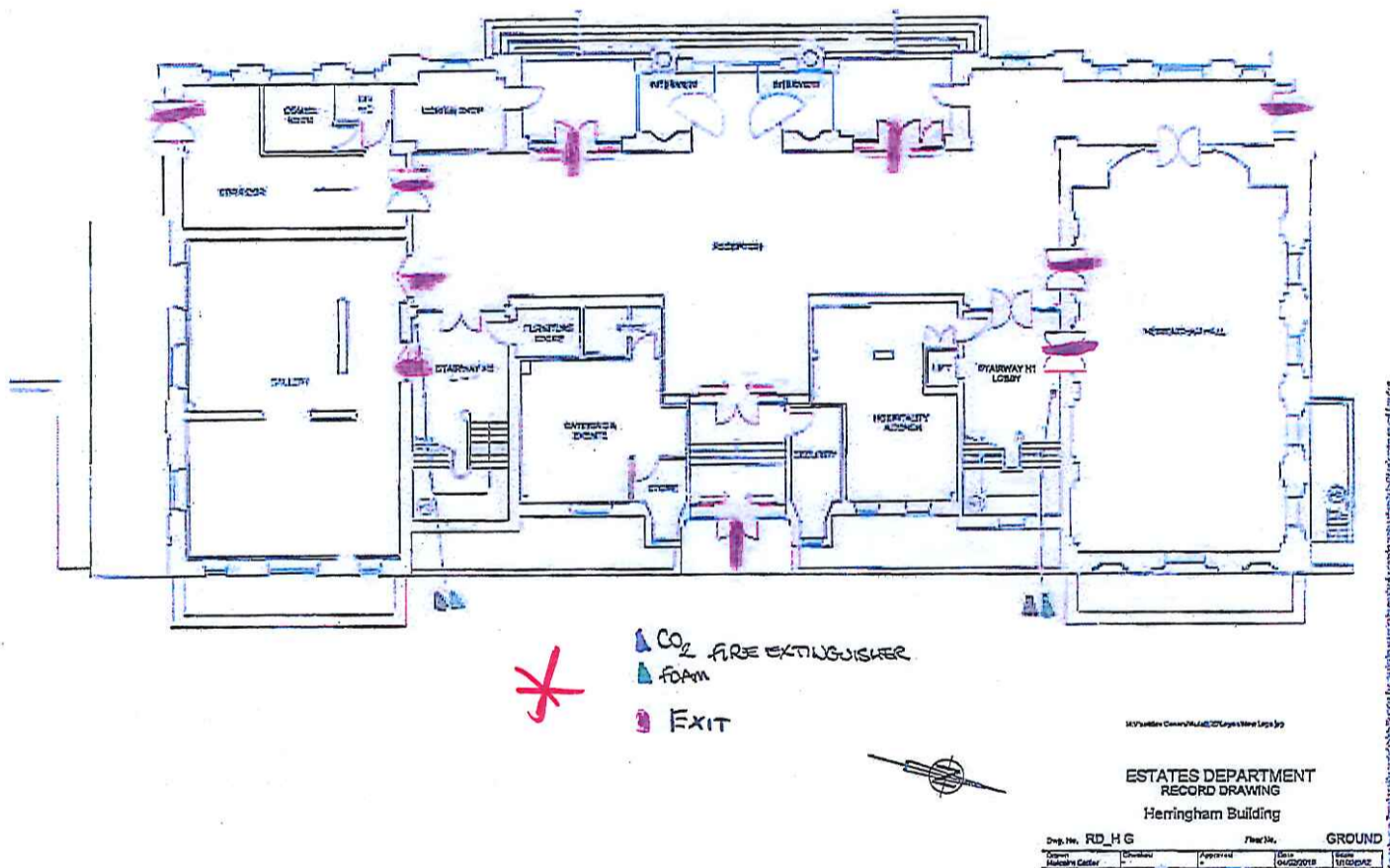
ESTATES DEPARTMENT  
RECORD DRAWING  
Oliver Building (east)

Dep. No. RD\_O-G(east) Floor No. GROUND

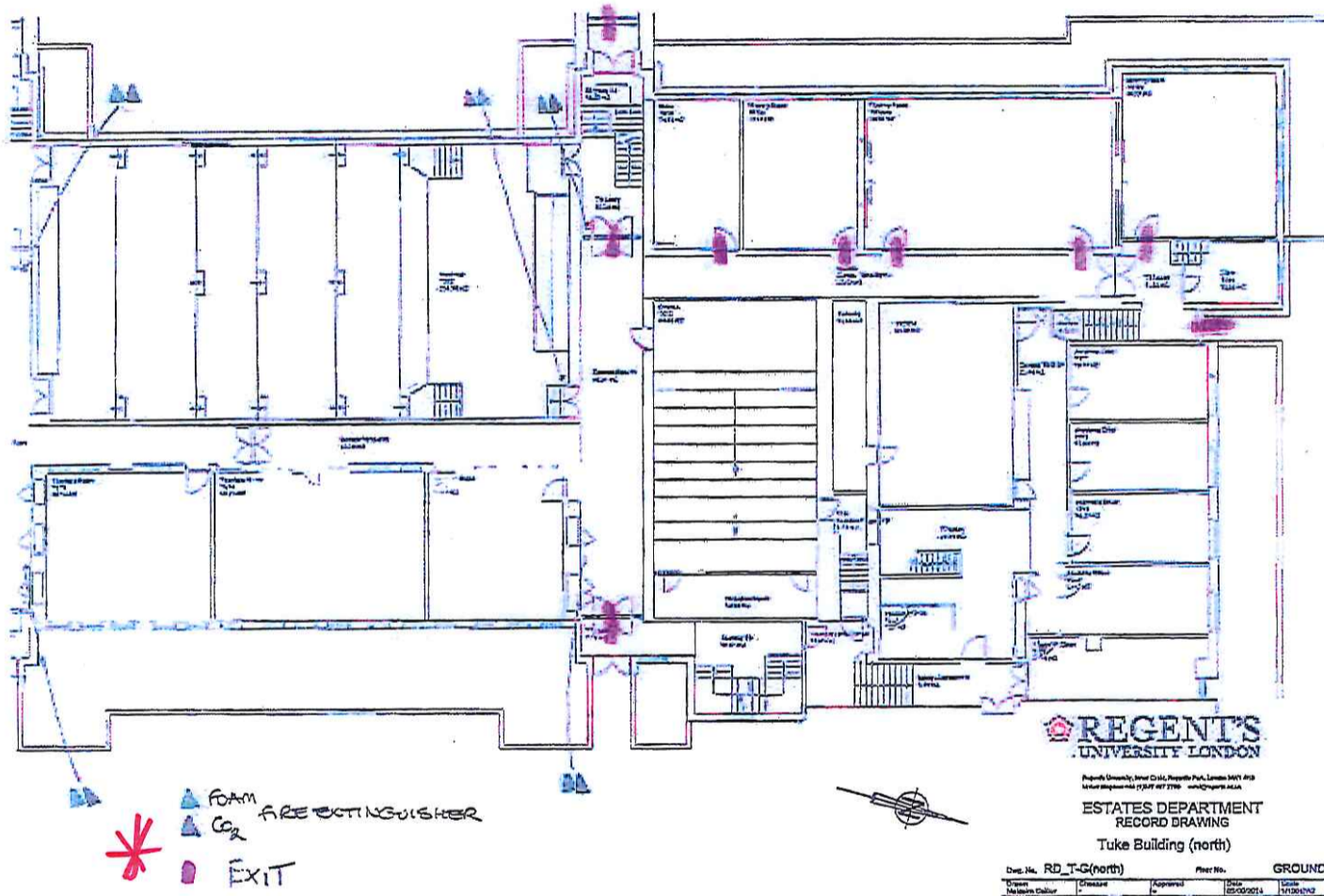
# FIRE PLANS

Knapp Gallery






HERRINGHAM HALL

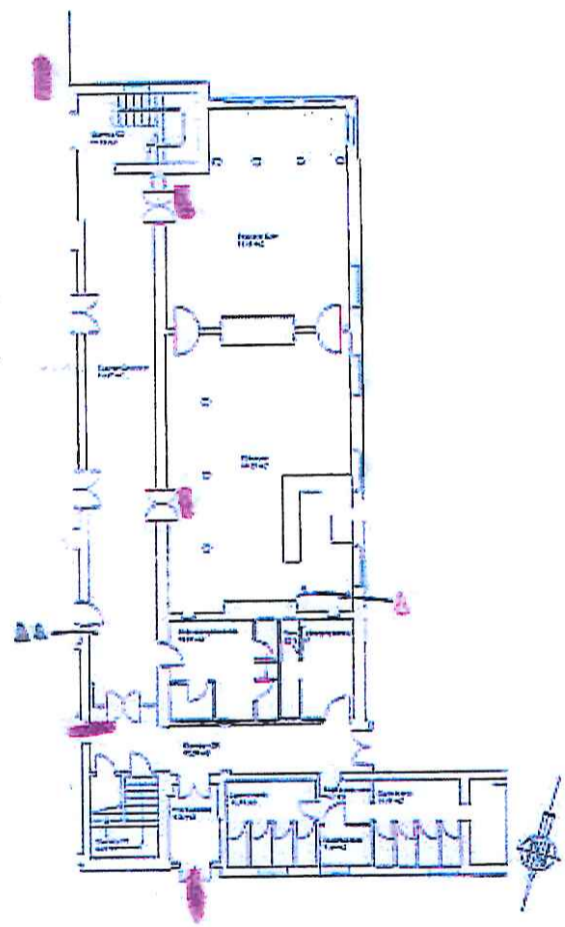


TUKE COMMON ROOM



# BRASSELIE

-  \*
-  FOAM FIRE EXTINGUISHER
-  CO<sub>2</sub> FIRE EXTINGUISHER
-  FIRE BLANKET
-  EXIT




**REGENT'S**  
 UNIVERSITY LONDON  
Regent's University London, Regent's Park, London NW1 4AH  
 Email: enquiries@regents.ac.uk Phone: +44 (0)20 7593 2000

**ESTATES DEPARTMENT**  
**RECORD DRAWING**  
 Oliver Building (east)

Dep. No. RD_O-G(east)	Floor No. GROUND	
Drawn Victoria Carter	Checked [Signature]	Approved [Signature] Date: 08/05/2014



REFECTORY



- ▲ FIRE BLANKET
- ▲ WET CHEMICAL FIRE-
- ▲ CO<sub>2</sub> FIRE EXTINGUISHER
- ▲ FOAM FIRE EXTINGUISHER
- EXIT

**REGENT'S**  
UNIVERSITY LONDON

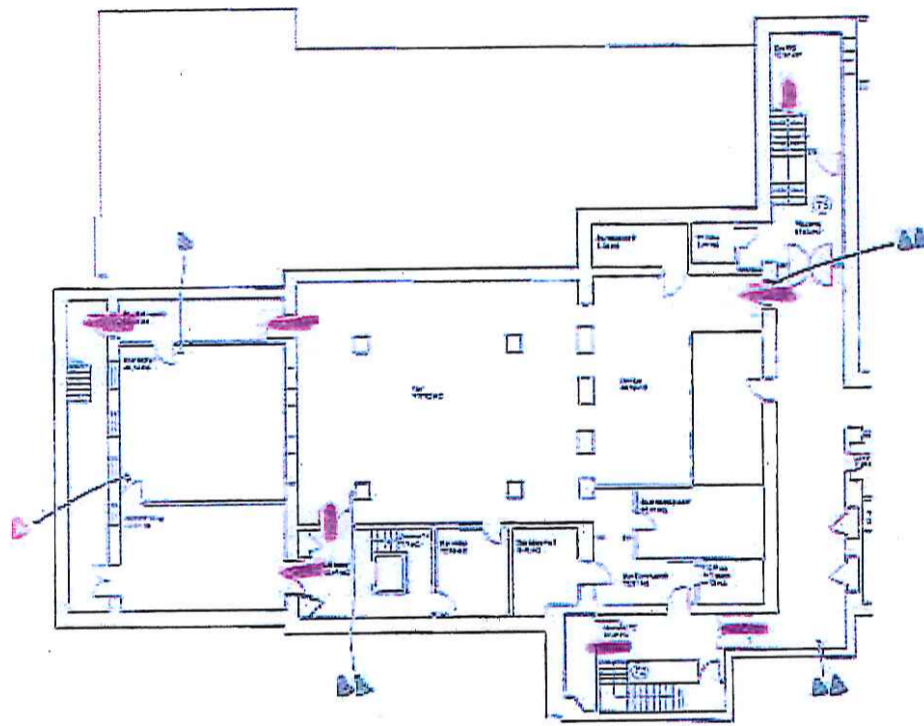
ESTATES DEPARTMENT  
RECORD DRAWING  
Oliver Building (west)

Draw No. RD\_O-G(west) Floor No. GROUND

Author	Checked	Approved	Date	Scale
Thomas Carter			08/06/2014	1:1000

BENJON'S BAR

- ▲ CO<sub>2</sub> FIRE EXTINGUISHER
- ▲ FOAM FIRE EXTINGUISHER
- ▲ FIRE BLANKET
- EXIT



 **REGENT'S**  
UNIVERSITY LONDON

Regent's University, One City, Regents Park, London N1Y 4NS  
United Kingdom | 020 7764 3000 | www.regents.ac.uk

ESTATES DEPARTMENT  
RECORD DRAWING  
Tuke Building (south)

Drawn: RD\_T-B(south)      Date:      Sheet:      of:      BASEMENT

### Licence & Appeal History for 15/11412/LIPDPS

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion application 05/10127/LIPC	Application to convert the Justices' On Licence under the Licensing Act 2003	04.10.2005	Granted under delegated authority
Vary DPS application 08/00494/LIPDPS	Application to vary the designated premises supervisor	04.03.2008	Granted under delegated authority
Vary DPS application 11/06256/LIPDPS	Application to vary the designated premises supervisor	11.08.2011	Granted under delegated authority
Vary DPS application 14/00307/LIPDPS	Application to vary the designated premises supervisor	10.02.2014	Granted under delegated authority
Vary DPS application 14/06588/LIPDPS	Application to vary the designated premises supervisor	05.09.2014	Granted under delegated authority
Vary DPS application 15/11412/LIPDPS	Application to vary the designated premises supervisor	12.01.2016	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;

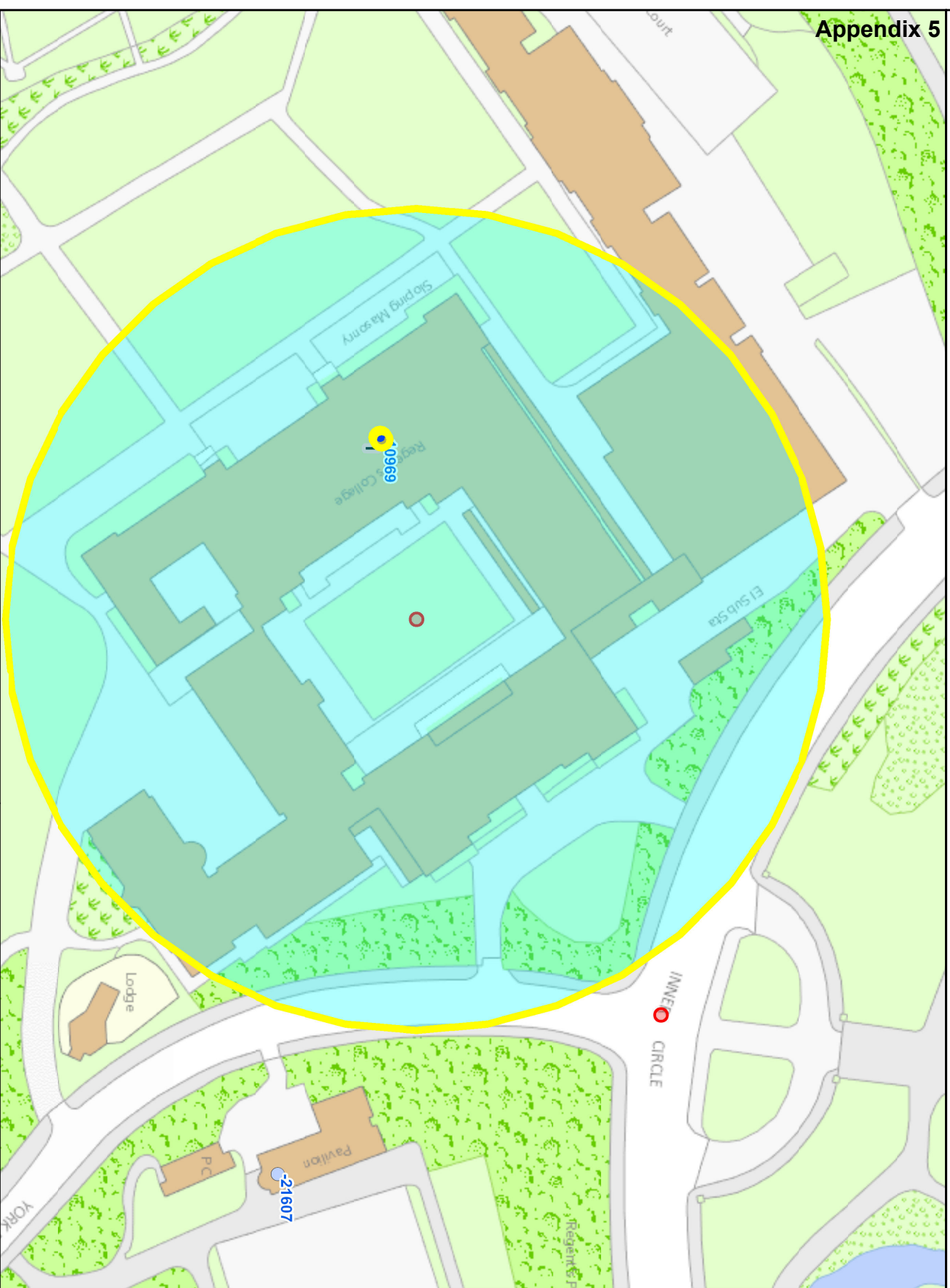
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing 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 proposed by the Environmental Health

9. The supply of alcohol shall only be to students or staff of the university or for those people attending a pre-booked private event.
10. There shall be no fixed bar at the premises in the following areas: Herringham Hall, Knapp Gallery, Tuke Common Room and outdoor areas.
11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a university.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. The number of persons permitted any one time (excluding staff) shall not exceed the following number of persons: TBC
  - i. Herringham Hall
  - ii. Knapp Gallery
  - iii. Tuke Common Room
  - iv. Brasserie
  - v. Refectory
  - vi. Bedford's Bar
16. 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.
17. 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.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
21. 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.
22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



10 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Residential / Proposed Residential	1	page 130
Under Construction	Not known	
Other Uses	Not known	
Proportion Residential of all Uses	Not known	

Data Source: Uniform Database  
Date: 18/05/2016



<b>Premises within 75 metres of: Regent's University London, Inner Circle</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
15/11412/LIPDPS	Regent's University London	Regents College Inner Circle Regents Park London NW1 4NS	Monday to Saturday 10:00 - 23:00 Sunday 12:00 - 22:30

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	10 March 2016
<b>5</b>	Representation – Environmental Health	1 April 2016
<b>6</b>	Representation – Police	5 April 2016
<b>7</b>	Representation – Mr Racke	17 March 2016
<b>8</b>	Premises licence for Tuke's Café, Tuke Building (15/11412/LIPDPS)	12 January 2016

Item No:	<input type="text"/>
Date:	<input type="text"/>
Licensing Ref No:	15/12126/LIPN - New Premises Licence
Title of Report:	Pappiland Cafe Ground Floor 12 Norfolk Place London
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 March 2016		
<b>Applicant:</b>	Pappiland Limited		
<b>Premises:</b>	Pappiland Cafe		
<b>Premises address:</b>	Ground Floor 12 Norfolk Place London W2 1QL	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises operates as a cafe and wishes to sell alcohol to its customers.		
<b>Premises licence history:</b>	This premises has not benefitted from a licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	<p><b>The applicant has not submitted any extra information however in a discussion with the Police, the applicant has agreed to reduce the hours for the sale of alcohol to 12:00 – 23:00 Monday to Sunday. The Licensing Service have not received written confirmation from the applicant stating that they are amending their application therefore the hours below reflect the hours applied for in the original application.</b></p>		

## 1-B Proposed licensable activities and hours

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						

## Hours premises are open to the public

Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations:</b>	None						
<b>Non-standard timings:</b>	None						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	28 <sup>th</sup> March 2016
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives.</p> <p><b>Our objections relate to the following:</b></p> <ul style="list-style-type: none"> <li>• There are insufficient conditions proposed by the applicant</li> <li>• The times sought are beyond core hours for licensed premises in Westminster</li> </ul> <p><b>Following a discussion, the applicant has agreed to reduce the hours for the sale of alcohol to 12:00 – 23:00 Monday to Sunday. The Licensing Service have not received written confirmation from the applicant stating that they are amending their application therefore the hours stated in this application reflect the hours applied for in the original application.</b></p> <p>Note: The Metropolitan Police Service have proposed conditions to the applicant which have not yet been agreed. Please refer to Appendix 4 for the conditions.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	29 <sup>th</sup> March 2016
<p>I refer to the application for a new premises licence for the above premises.</p> <p>The applicant has submitted new plans of the premises showing the ground floor.</p> <p><b>The applicant is seeking the following:</b></p> <ol style="list-style-type: none"> <li>1. Supply of Alcohol 'on' the premises on Monday to Sunday 12:00 to 00:00 hours.</li> </ol> <p><b>I wish to make the following representations as numbered above:</b></p> <ol style="list-style-type: none"> <li>1. The supply of alcohol and for the hours requested may have the likely effect of causing an increase in Public Nuisance in the area</li> </ol> <p>The applicant has provided some undertakings in the operating schedule to support the licensing objectives but these will need to be re-worded into appropriate conditions.</p> <p>As this is an application for new premises licence Environmental Health would wish to assess the premises for Public Safety and the potential for nuisance, such as from odour and noise, from the plant and machinery employed in its operation.</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 including an</p>	

appropriate safe capacity and also taking into consideration the provision of sanitary accommodation being in line with British Standard 6465.

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

Note: Environmental Health have proposed conditions to the applicant which have not yet been agreed. Please refer to Appendix 4 for the conditions.

2-B Other Persons	
<b>Name:</b>	Mr John Zamit
<b>Address and/or Residents Association:</b>	FOR SEBRA & BRA Chairman SEBRA (South East Bayswater Residents Association) 2 Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	29 <sup>th</sup> March 2016

I write on behalf of South East Bayswater Residents Association (SEBRA) and Bayswater Residents Association (BRA) to make a representation in respect of this application. The reference number given above is the reference number as shown on the Licensing Register on the City Council's website. It starts with '15' rather than '16'. Is the reference number incorrect?

This representation is made on the grounds of 'prevention of public nuisance'. There are residential units adjacent to the premises, and the area around is predominantly residential. The application seeks:

- o Sale and supply of alcohol midday to midnight Mon-Sun
- o Opening hours - 7am to midnight Mon-Sun

We have the following points to make:

- o The hours proposed for sale of alcohol are very late for a quiet street, and are outside the Council's 'core hours' policy HRS1.
- o If the application was to be granted in its current form, the premises could operate as a vertical drinking bar. We are sure that this is not the applicant's intention, but we note the lack of conditions ensuring that alcohol is ancillary to table meals, and served by waiter/ess to persons seated.
- o The application to sell alcohol to midnight Mon-Sun, However, there is no application for 'late night refreshment'. The applicant will therefore not be able to sell hot food (or coffee etc) after 11pm. Although they can sell cold food, the attractiveness to people who have been drinking is less than hot food. Serving only cold food is not likely to mitigate the adverse effects of alcohol consumption late at night.
- o We note that the application states that the premises provides 'cold food, snacks...'. We are not sure if no hot food is provided before 11pm, although we note that there is an area on the plans marked 'griddle'.
- o The reason for the application seems to be to boost business in the evenings, which is currently slow. The applicant states that Paddington is in a 'very busy' area. Some parts of Paddington are indeed very busy. In the evenings, this street is not one of them. There is therefore potential for noise nuisance.
- o There is no application for sale of alcohol for consumption off the premises, which we welcome. However, it is not clear from the plans whether there are tables and chairs outside the premises building and, if so, whether they are included within the 'licensed area'.

- o What is the proposed overall capacity?
  - o The premises does not have the correct planning permission to operate as a café, although we appreciate that this is not in itself a reason not to grant a premises licence.
  - o We assume that the police will ask for CCTV etc if they think it appropriate.
- Should a licence be granted, we would like to see the hours reduced to a level which is appropriate for the street and immediate locality. In any event, there can be no hot food after 11pm.
- Should a licence be granted, we would also like to see a number of conditions added:
- o A condition that there be no sales of beer, lager or cider above 5.5% abv.
  - o A condition that alcohol may only be sold ancillary to a substantial table meal, and is served by waiter/ess to persons seated.
  - o A condition that notices are put up to remind customers to leave the area quietly.
  - o Conditions restricting servicing (deliveries, collections of rubbish and glass bottles etc) to reasonable hours eg. 8am - 9pm
  - o We assume that all customers will be off the premises by the end of whatever 'opening hours' might be granted, if any, and would wish to see a condition to this effect on the licence
- We would be more than happy to discuss the points raised in this representation.

### 3. Policy & Guidance

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

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - None Supplied
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Photos of the premises <b><i>(at the time of compiling this report for callover the photos were not available)</i></b>
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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

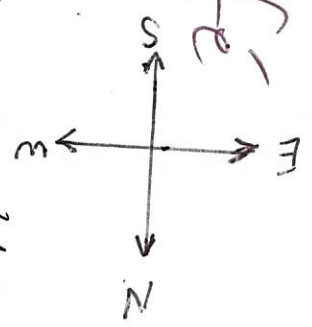
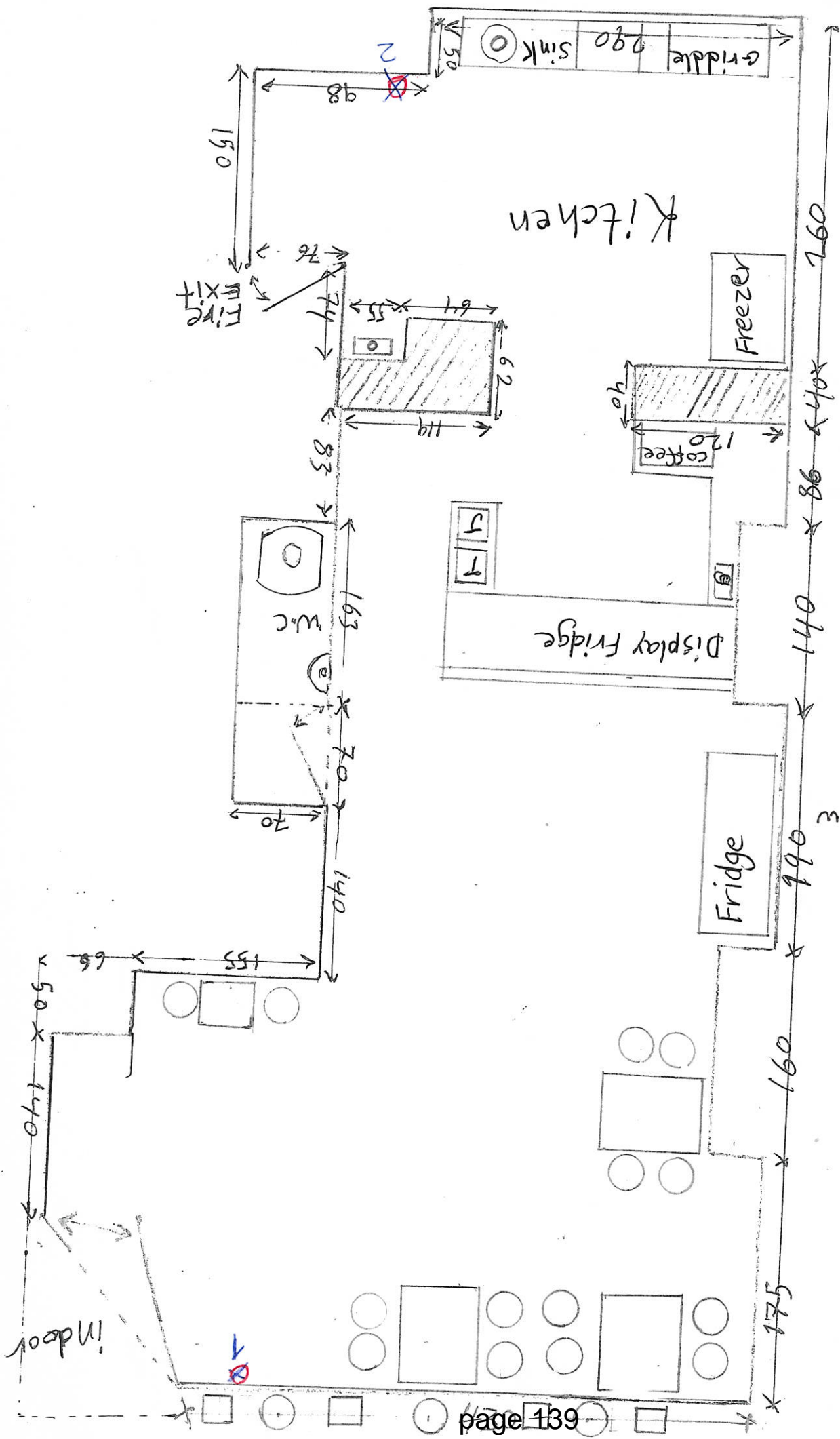
**Background Documents – Local Government (Access to Information) Act 1972**

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



# Pappi Land Cafe

1-2 = Fire extinguisher.



# **APPENDIX 2**

**(no further information)**

## Appendix 3

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the operating schedule**

No conditions proposed

### **Conditions proposed by the Police**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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. This does not include customers seated at the outside tables.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
13. The premises shall only operate as a restaurant:
- (i) Where the supply of alcohol is by waiter or waitress service only,
  - (ii) Which provide food in the form of substantial table meals that are prepared
  - (iii) On the premises and are served and consumed at the table using non disposable crockery.
  - (iv) Which do not provide any take away service of food or drink after 23.00, and
  - (v) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated on the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

14. Outside tables and chairs shall be removed or rendered unusable by 22:00 hours.

15. The alcohol available shall be restricted to beer and wine only.

#### **Conditions proposed by Environmental Health**

16. The number of persons permitted at the premises (including external forecourt) at any one time shall not exceed 25 (including staff)

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.

20. 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.

21. 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.

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. 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.

24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

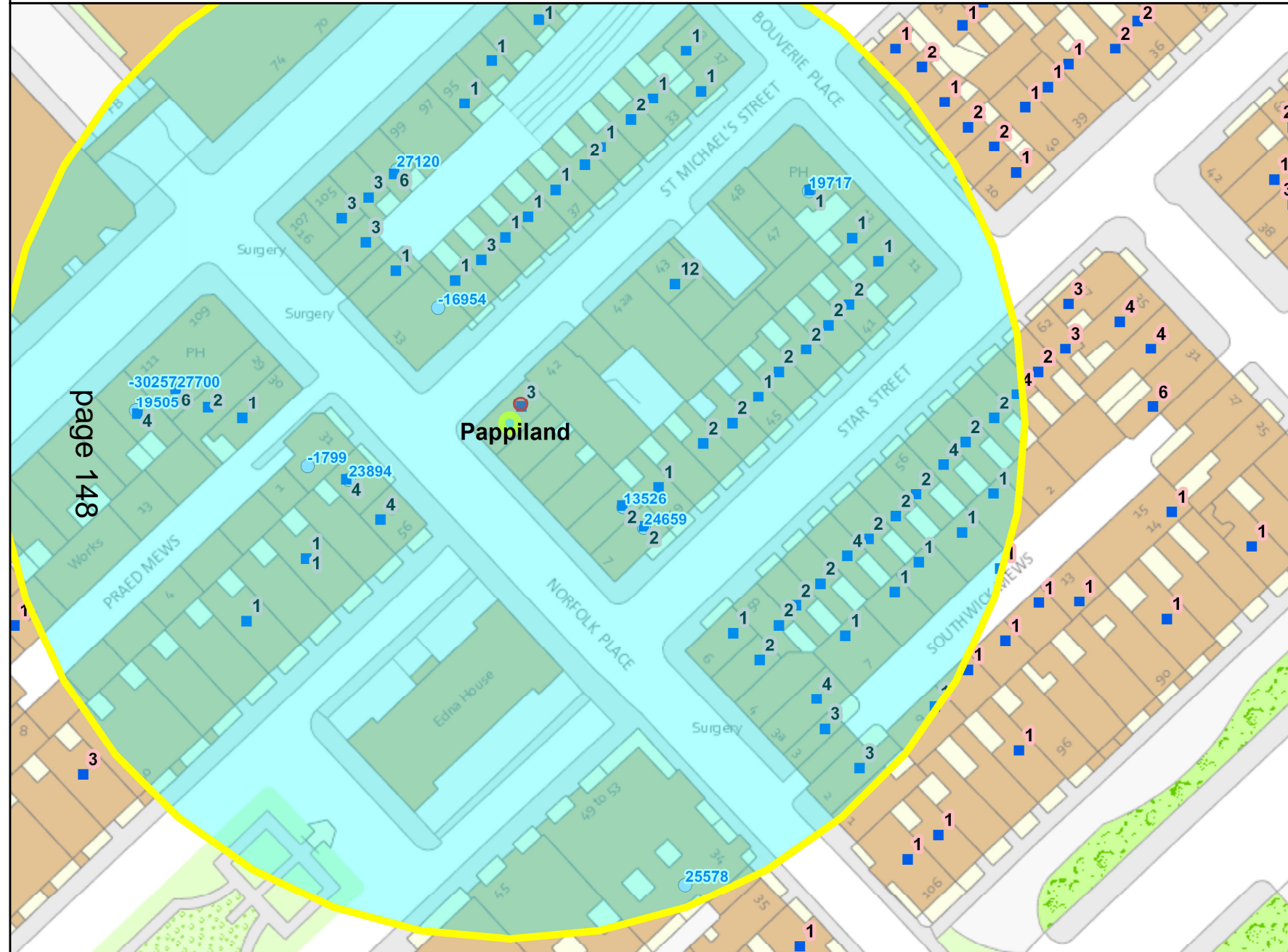
26. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.



# APPENDIX 5




# Pappiland Cafe, Ground Floor, 12 Norfolk Place, London



page 148

Residential / Proposed Residential	150
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9  
 Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database  
 Date: 20/05/2016

**Premises within 75 metres of: Pappiland Café, Ground Floor, 12 Norfolk Place, London**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
23894	Ryath Indian Restaurant	32 Norfolk Place London W2 1QH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-16954	The Frontline Restaurant	13 Norfolk Place London W2 1QJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19717	Sir Alexander Fleming Public House	16 Bouverie Place London W2 1RB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-30257	Fountains Abbey	Fountains Abbey 109 - 111 Praed Street London W2 1RL	Thursday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Wednesday 07:00 - 23:30
-27038	Tulsi News	87 Praed Street London W2 1NT	Monday to Sunday 06:00 - 00:00
-1799	Ground Floor	31 Norfolk Place London W2 1QH	Monday to Sunday 06:00 - 22:00
13526	Indian Connoisseur Restaurant	8 Norfolk Place London W2 1QL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19505	Peking Cuisine	113-115 Praed Street London W2 1RL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

# APPENDIX 6



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 6

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02637/LIPV - Premises Licence Variation
Title of Report:	Simmons 2 Bateman Street London W1D 4AE
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:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 March 2016		
<b>Applicant:</b>	Skylight Leisure Ltd		
<b>Premises:</b>	Simmons		
<b>Premises address:</b>	2 Bateman Street London W1D 4AE	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	
<b>Premises description:</b>	This premises operates as a public house on ground floor level.		
<b>Variation description:</b>	This application is to extend the licensable hours for the sale of alcohol to 02:00, Thursday, Friday and Saturday.		
<b>Premises licence history:</b>	This premises held a licence until 12 <sup>th</sup> July 2011 but the licence lapsed as the licensee company went into liquidation on this date. On 14 <sup>th</sup> October 2011, Mr Carlo Mattiucci applied for a new licence on the same terms and conditions as the lapsed licence. The current issued licence for this premises is 15/09738/LIPVM.		
<b>Applicant submissions:</b>	<p>The applicant has provided the following documentation in support of their application (which are attached at Appendix A2 of this report):</p> <p>Simmons Soho Entry Policy            Simmons Soho Noise &amp; Dispersal Policy            Simmons Venue Photographs            Shield Associates Report            Licensee Application Argument</p>		

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

Recorded Music and Provision of facilities for Making Music						
Indoors, outdoors or both			Current : Indoors		Proposed: No change proposed	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No change proposed		Ground floor only	No change proposed
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	22:30				
<b>Seasonal variations:</b>	<b>Current:</b> None				<b>Proposed:</b> No change proposed	

<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	Sundays before Bank Holidays 12:00 to 00:00	No change proposed

<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current : Indoors</b>		<b>Proposed: No change proposed</b>	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	No change proposed		Ground floor only	No change proposed
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30				
<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:00				
<b>Sunday</b>	-----	-----				
<b>Seasonal variations:</b>	<b>Current:</b>		<b>Proposed:</b>			
	None		No change proposed			
<b>Non-standard timings:</b>	<b>Current:</b>		<b>Proposed:</b>			
	Sundays before Bank Holidays 23:00 to 00:00		No change proposed			

<b>Sale by Retail of Alcohol</b>								
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>			
			On and Off		Extension of hours to apply to on the premises only			
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>			
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>		
<b>Monday</b>	10:00	23:30	No change proposed		Ground floor only	No change proposed		
<b>Tuesday</b>	10:00	23:30						
<b>Wednesday</b>	10:00	23:30						
<b>Thursday</b>	10:00	23:30					10:00	<b>02:00</b>
<b>Friday</b>	10:00	00:00					10:00	<b>02:00</b>
<b>Saturday</b>	10:00	00:00					10:00	<b>02:00</b>
<b>Sunday</b>	12:00	22:30					No change proposed	
<b>Seasonal variations:</b>	<b>Current:</b>		<b>Proposed:</b>					
	None		No change proposed					
<b>Non-standard timings:</b>	<b>Current:</b>		<b>Proposed:</b>					
	None		No change proposed					

<b>Hours premises are open to the public</b>						
	<b>:Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change proposed		Ground floor only	No change proposed
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				

<b>Friday</b>	10:00	00:00	10:00	<b>02:00</b>		
<b>Saturday</b>	10:00	00:00	10:00	<b>02:00</b>		
<b>Sunday</b>	12:00	22:30	No change proposed			
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change proposed	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sundays before Bank Holidays 12:00 to 00:00				No change proposed	

<b>1-C Layout alteration</b>
No alterations to the layout are proposed.

<b>1-D Conditions being varied, added or removed</b>		
<b>Condition</b>	<b>Proposed variation</b>	
No variation to the conditions are proposed		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No changes proposed

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	David Nevitt
<b>Received:</b>	30.03.2016
<p>I refer to the above application which seeks a Variation to Premises Licence 15/09738/LIPVM to include the following:</p> <p><b><i>To extend the hours for the Sale of Alcohol on Thursday, Fridays and Saturday to 0200hrs.</i></b></p> <p>I wish to make Representations on the following grounds:</p> <p style="padding-left: 40px;">Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p><b>The premises is located in the West End Cumulative Impact Area as defined by the City Council's Licensing Policy.</b></p> <p>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.</p> <p>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 will 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.</p>	



**Further to their rep, EH sent the following explanation to the applicant:**

The application is to extend the hours for the Sale of Alcohol in excess of the 'Core Hours' as set out in the City Council's Statement of Licensing Policy. The premises is located within the West End Cumulative Impact Area. The matter will therefore need to be adjudicated at a Hearing of the Licensing Sub Committee.

Extending the hours beyond what is currently permitted may have the effect of increasing the potential for noise, anti-social behaviour and public nuisance in the local area. Patrons would be leaving later, having had the opportunity to consume more alcohol. In addition, it is possible that patrons will be arriving later – some of whom may have already have been drinking for long periods. The premises is more likely to become a 'destination venue'.

The premises has been recently refurbished and has operated satisfactorily without cause for concern or complaint.

The applicant is advised that the city council's licensing policy is a vital consideration, particularly because the premises is located in the west end Cumulative Impact Area.

EH (and very likely the Police) are bound to raise and maintain a representation because of policy concerns. the applicant may need to offer additional concessions and/or offer more licence conditions in order to make a persuasive case for 'exception to policy' **(See Sections 2.4.1 – 2.4.27 on Pages 36 to 42 and 2.5.21 – 2.5.23 on Page 50 of the Policy).**

I am concerned that the activities and hours sought may have an adverse impact in the 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. Although the capacity of the Premises is relatively limited (60 patrons), such persons are likely to be actively present in the Area for longer hours late at night at times when the transport network is reduced.

Possible adjustments to the application might include:

- Reducing the hours sought
- Reducing the Capacity after a specified hour
- Adjustment of the 'Last Entry' time
- More detailed description of the responsibilities and activities of door staff to include supervision and management of customers who may be outside the premises.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Heidi Lawrance
<b>Received:</b>	6 <sup>th</sup> April 2016

I write in relation to the above premises and further to the representation that I submitted on 6th April 2016 on behalf of the Licensing Authority. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have now fully considered your application.

The application seeks to extend the existing hours for the retail sale of alcohol to 02:00 hours on a Thursday, Friday and Saturday. The premise is currently licensed for the retail sale of alcohol from Monday to Thursday 10:00 hours until 23:30 hours, Friday and Saturday 10:00 until midnight and Sunday 12:00 to 22:30.

The premises is also licensed for Late Night Refreshment Monday to Thursday 23:00 hours until 23:30, Friday and Saturday 23:00 until midnight and Sundays before bank holidays 23:00 to midnight. The applicant does not seek to change this.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of the premises is a public house. The premises is located within Bateman Street which is located within the West End Cumulative Impact Area as defined within the Council's Statement of Licensing Policy, January 2016.

Bateman Street runs from Greek Street down to Dean Street. Bateman Street from Greek Street to Frith Street has approximately 6 licensed premises which consist of 4 Restaurant, 1 Gentleman's Club and a night club.

In the immediate area (50m radius) surrounding Bateman Street there are 27 licensed premises which comprise of 16 Restaurants, 2 Public Houses, 1 Theatre, 1 Club, 1 Café, 1 Chop and 5 Night Clubs. There are also 17 resident premises within the immediate area consisting of 42 housing units.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

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

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

- (i) Are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.
- (ii) Where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours
- (iii) When the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the CIA

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

The Council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to those premises that add to a more varied offer of entertainment and cultural activity.

However, the Licensing Authority acknowledges activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.

The hours your client seeks for Licensable Activities are beyond those set out in Policy HRS1. Applications where the hours are later than the core hours will be considered on their merits and in relation to other policies within the Statement of Licensing Policy, together with the particular operation of the premises and the licensing objectives of preventing crime and disorder and public nuisance.

Applicants are advised to carefully consider the hours that they wish to operate each licensable activity, when to close the premises for the entry of customers and when customers are required to leave. They should consider each licensable activity separately and carefully and reflect this in the operating schedule.

As the premises operates as a public house, the application will therefore be considered under Policy PB2 and Policy HRS1.

Policy PB2 states: *'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary within the Core Hours under Policy HRS1'*

It is the responsibility of the applicant, when applying to vary a premises licence within a Cumulative Impact Area and outside of core hours set out in Policy HRS1 to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The applicant is therefore requested to provide further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application (Holding representation made 6th April 2016).

The Licensing Authority requests that you provide any response to this representation via written correspondence no later than 13th May 2016.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC TobyJanes
<b>Received:</b>	17 <sup>th</sup> March 2016

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

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

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The hours proposed exceed core hours as set out in the Westminster policy and we have concerns that this application will cause further policing problems in an already demanding area.

**2-B Other Persons**

<b>Name:</b>	David Gleeson		
<b>Address and/or Residents Association:</b>	The Soho Society St Anne's Tower 55 Dean Street London W1D 6AF		
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	5 <sup>TH</sup> April 2016		

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 (15 March 2016 edition) as follows:

*This application is to extend the licensable hours for the sale of alcohol to 02:00, Thursday, Friday and Saturday.*

Hours of operation

The application seeks to increase the hours of operation at this venue within the West End

Cumulative Impact Area beyond the core hours policy. This will contribute to the cumulative impact of the licensed premises in the area. This application fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area. 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.

**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:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy CIP2 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB2 applies:</b>	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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	None
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Photos of the premises

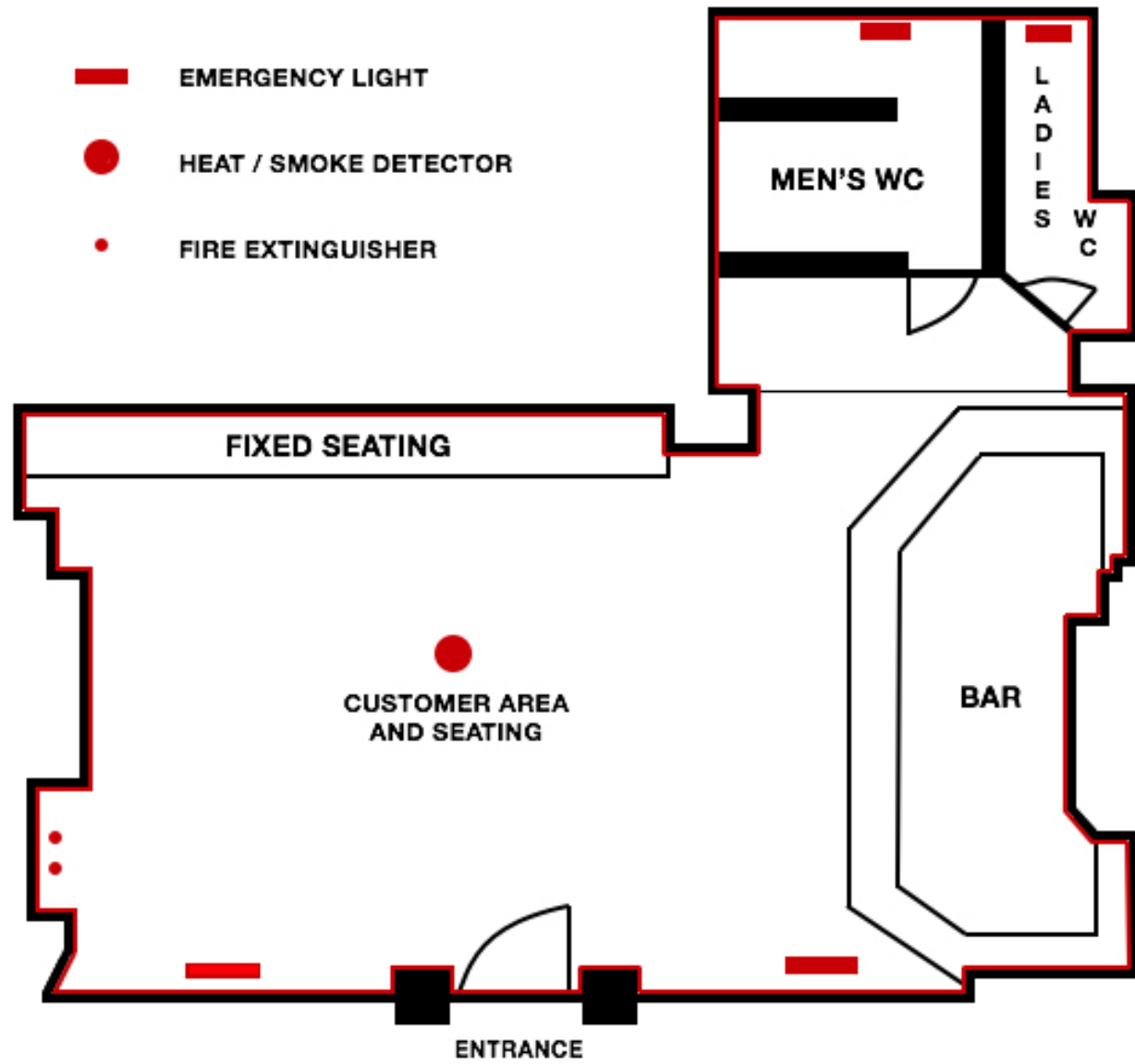
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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

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

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

GROUND FLOOR





# APPENDIX 2



A: Simmons, 2 Bateman Street, London, W1D 4AE

## ENTRY POLICY

Management in its sole discretion reserves the right to refuse entry.

Simmons operates a “Challenge 25” Policy. If a person appears to be under the age of 25 they must produce valid photo card ID to be allowed entry.

The only ID that will be accepted is a Photographic Driving License, Valid Passport, National Identity card or other Photo-card ID bearing the holographic PASS mark.

All persons entering Simmons may be subject to a search of outer clothing and personal belongings. This is a condition of entry. Those unwilling to be searched will be refused admittance.

Any illegal drugs or weapons will be seized and the police notified.

Any persons who appear in the opinion of the security and or management to be visibly intoxicated will be refused entry. A record of this refusal will be kept by the security supervisor.

The behavior of patrons approaching the venue will be monitored by the security staff and or management. Any person(s) deemed to be too rowdy, loud, aggressive and or creating a public nuisance will be denied entry.

A best practice “mixed company” rule will be in effect to ensure that no large groups of one particular demographic are allowed entry.

Anyone under the age of 18 must be accompanied by a responsible adult at all times within the venue and must vacate the premises by 6:45pm at the latest.

No person under the age of 18 years old will be permitted in the venue post 6:45pm.

Appropriate attire must be worn at all times within the venue.

No hats, hoodies or other items of clothing that obscure the face may be worn whilst inside the premises and must be removed before being allowed to enter.



A: Simmons, 2 Bateman Street, London, W1D 4AE

## NOISE CONTROL POLICY

*This policy is in place for the safe control of noise emitted from the venue at Simmons and also to minimise the disruption caused to the neighborhood when patrons are leaving the venue as per the Premises License and Annex 7 of the Council's Statement of Licensing Policy.*

- Music levels will decrease towards the terminal hour so customers are more aware of the time to leave.
- The smoking area will be monitored and controlled by management and/or security staff at all times.
- No drinks will be permitted to be taken outside after 11pm.
- A canopy will be installed and extended to help block noise from smokers.
- Security staff and venue staff will actively monitor sound levels throughout the evening and night.
- All windows will be kept shut.
- All exterior doors will be fitted with self closing devices and kept closed at all possible times.
- All rear facing windows will be boarded up and sealed so as to reduce any noise emissions to the rear of the building.



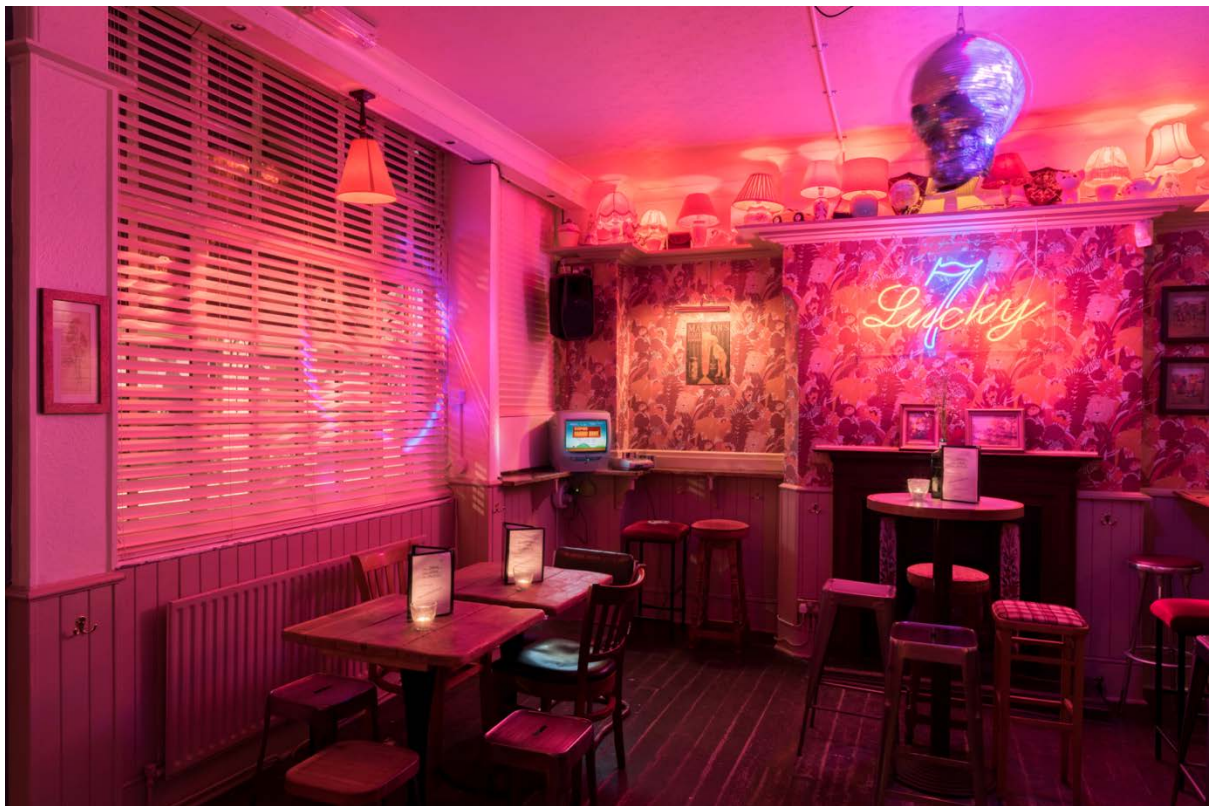
A: Simmons, 2 Bateman Street, London, W1D 4AE

## DISPERSAL POLICY

*This policy is in place for the safe dispersal of all guests whom attend Simmons and also to minimise the disruption caused to the neighbourhood when patrons are leaving the venue as per the Premises License and Annex 7 of the Council's Statement of Licensing Policy.*

- Main egress will be directed down Greek Street towards so as to avoid the main and immediate residential dwellings in the area.
- Door Supervisors will be positioned at main exit points to ensure no glassware is removed from the venue and to minimise noise from customers on exiting the venue. Customers will actively be advised to keep noise levels to an absolute minimum.
- A reasonable drinking up time will be allowed for the even dispersal of customers within the venue (maximum of thirty minutes).
- Adequate signage relating to 'Respecting the Neighbourhood' and 'Keeping Noise Levels to a Minimum' are to be displayed at all main exit points.
- Crowd's will be dispersed by Door Supervisors from the outside of the venue (public footpath) after closing time to reduce persons loitering around the venue and causing disruption to civilian dwellings.
- All patrons are to be directed away from the area and advised that the closest transport hubs are located on Shaftesbury Avenue and Leicester Square.
- Taxi and transport information will be readily available at the bar.
- A comprehensive and obvious CCTV system is in place to discourage anti-social behavior; signage is also in place warning customers of this presence.
- Music levels will decrease towards the terminal hour so customers are more aware of the time to leave.









28<sup>th</sup> February 2016

**Compliance audit and licensing review**

**Simmons Bar – 2 Bateman Street, Soho, W1D 4AE**

**Author: David Gair – Shield Associates**

**For: Mr Nick Campbell (Owner) & Goodman Derrick Solicitors**

**Reference: SA2016/0102**

**1. Introduction**

1.1. I retired from the Metropolitan Police Service as a Chief Inspector in September 2013 after having completed 31 years exemplary service. I was personally responsible for policing, liaison, partnership working and compliance in relation to licensed premises in the Boroughs of Westminster, Sutton and Kingston-upon-Thames as well as involved in licensing issues and implementing crime and disorder reduction strategies across the Metropolitan police area.

1.2. In particular, most recently, I was Chief Inspector Operations at Kingston-upon-Thames responsible for all Licensing related issues and enforcement with a dedicated licensing team under my command. One of my greatest challenges was to deliver crime & disorder reduction and public safety strategies in relation to the then most crime ridden night-time economy (NTE) venue in London. This venue, Oceana (now PRYZM), had headed a list of the top 50 night-time economy venues ranked according to the amount of crime generated from the venue.

1.3. The strategies I put in place resulted in an immediate 25% reduction in crime at Oceana and falling crime throughout a six month period resulting in the venue dropping out of the top 50 NTE venues ranked according to reported crime in London.



1.4. In relation to my responsibilities I undertook problem solving, partnership working and compliance regimes to ensure the safety and security of patrons, staff and the local community in relation to NTE licensed premises, in particular large night-clubs and venues that remained open beyond 0200hrs. This included late-night refreshment houses, liaison with public transport providers and licensed mini-cab activities as part of the wider problem solving initiatives.

1.5. I am Director of a company called Shield Associates that offers specialist consultancy for licensed premises owners and managers. We also deliver nationally accredited training for those involved with NTE venues around crime & disorder reduction, awareness of their responsibilities under the Licensing Act, forensic awareness, drugs awareness, personal safety and vulnerable person responsibilities.

1.6. I am a member of the Institute of Licensing and, with my former experience and knowledge, am qualified to conduct compliance audits and security reviews on licensed premises.

1.7. I am aware of the potential impact of the operation of NTE venues on local communities and have provided reports to licensing committees and courts in relation to a variety of licensing issues on various occasions both as a police officer and a Director of Shield Associates.

1.8. As a company our aim is to provide independent regulatory support to the Licensing trade, offer problem solving and compliance guidance and support the key objectives of the Licensing act in reviewing working practices, policies and procedures to ensure:

- The security and safety of those visiting a venue
- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of young & vulnerable people from harm

1.9. As such we have undertaken comprehensive reviews and audits of licensed premises to ensure compliance and responsible management in support of the licensing objectives. We have delivered training to staff at licensed venues, local Pub-Watch schemes, personal licence holders and door security companies.

1.10. As a company we undertake independent reviews of premises when instructed to do so and as such my duty is to the licensing committee, venue owners and local community when considering the impact of any new licence application or variation to permitted hours application.

1.11. All issues identified in this report are true to the best of my knowledge and experience. They were either witnessed or experienced by me or told to me in

good faith. The opinions I have expressed in this report are honest held and correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

## **2. Venue history & background**

2.1. From what I understand the venue at 2 Bateman Street was originally a licensed premises operating as a public house called The Carlisle Arms. The licensing hours of the new venue remain the same as operated by the Carlisle Arms.

2.2 The premise underwent a full refurbishment between 15<sup>th</sup> October and 20<sup>th</sup> November 2015. The main change was the bar being removed from the centre of the premises and placed alongside the right hand wall as you enter the venue. It is now called Simmons Bar, Soho, and part of an expanding group of Simmons bars across London, offering cocktails, beer, wine and spirits. Part of the redesign/refurbishment has increased the accessible floor and seating areas within the venue.

2.2. The venue is a relatively small ground floor cocktail bar accessed by a door from Bateman Street into the only bar area containing seating alongside the windows and along the left and far walls as you enter. There is a position for a DJ at a raised level at an opening in the far wall opposite the entrance of the venue. The men's and ladies toilet are in the right hand corner of the venue to the left of the bar. Overall there are around 40 seats, most chairs or stools and around 12-14 tables of mixed design, similar in presentation to other Simmons bars in the chain.

**2.3.** The venue has a total licensed capacity for 60 persons and trades seven days a week. Licensed hours are currently as follows:

- Monday – Thursday 1000 to 2330hrs
- Friday - Saturday 1000 to 0000hrs
- Sundays 1200 to 2230hrs (Sundays before a Bank Holiday 1200 to 0000hrs).

2.4. The company, Nightlight Leisure, own a number of other late-night bars across London, some within cumulative impact zones (i.e. Kings Cross, Camden & Fulham) and have a good record of responsible licensed premises management throughout the chain. The current manager for the premises is Nick Campbell.

2.6. Since the bar opened on 20<sup>th</sup> November 2015 there has been one licensing compliance visit by the police in December 2015. No issues of concern were

identified or brought to the attention of the management. The only issues of concern that we have been able to identify was a complaint from a neighbouring venue about smoking outside the venue when it was The Carlisle Arms. No issues have been raised since the venue has been run as a Simmons Bar.

### **3. Instructions from Mr Campbell**

3.1. Simmons Soho is considering making an application to extending its Premises License on Thursdays, Fridays and Saturdays to 0200hrs in relation to the retail sale of alcohol

3.2. Shield Associates have been instructed by Mr Nick Campbell on behalf of Goodman Derrick LLP to conduct an independent assessment on the likely impact on crime and disorder, nuisance and anti-social behaviour if the venue was allowed to extend its licensing hours as requested.

### **4. The premises locality**

4.1. The premises is located at 2 Bateman Street, Soho is within Westminster City Council area for cumulative impact as designated by the council.

4.2. Westminster City Council's licensing policy states that 'To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews: Criteria:

Whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application. Considerations:

- (i) The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police's effective management checklist (see Appendix 7) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.
- (ii) Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix 7).
- (iii) Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder

4.3. Appendix 7 to the Westminster Licensing policy is the section included at the request of the Metropolitan police and states:

Appendix 7 - Metropolitan Police crime prevention and effective management checklist Links to health and safety policy and legislation:

1. Is there a written Health and Safety Policy for the premises?
2. Is there a written Risk Assessment?
3. When was it carried out?

Incident logs – Crime & Disorder incidents to be recorded Mapping scheme, mark location incidents within premises

1. Is there an incident log in operation?
2. Is the incident log available for inspection?
3. Within your premises, where are your crime hotspots?

Staff training – training to resolve identified risks

1. Are all staff trained to recognise aggressive or suspicious behaviour?
2. Are all staff requested to approach customers about unattended property/clips?
3. On busy nights, are staff employed to warn customers about leaving property unattended?
4. Do door Supervisors attend staff training days?
5. Is there a record of staff training?
6. Do staff sign a training attendance record?
7. Who is responsible for company policy on staff training?

Staffing levels

1. What are your minimum and maximum staffing levels?
2. How are they decided?

Page 98 Statement of Licensing Policy 2016 Design of premises – implement recommendations of CPO

1. How many points of entry are there?
2. Are the entry points monitored?

3. Is there a Police response alarm?
4. Do staff carry panic buttons?
5. Is there a panic button in cash office?
6. How is capacity monitored?
7. Are the tills positioned, so staff face customers?
8. Is cash stored at the premises?
9. Is there a cloakroom?
10. Does the cloakroom offer free hand luggage storage?
11. Is the cloakroom facility advertised?
12. Can the toilets be monitored easily?
13. Are cupboards & drawers within the toilet kept locked?
14. Are the cisterns boxed in and secure?
15. Are there any flat surfaces?
16. Do toilet cubicle doors have a gap at top and bottom?

Managing the effects on the local environment

1. Ensure glass is not taken outside the premises.
2. Are noise levels within legal limits? (To be set by EHO).
3. Ensure that pedestrians & vehicles are not affected.
4. No rubbish on street.
5. Correct use of CCTV.
6. Are staffing levels adequate to monitor outside drinking?
7. What links do you have with local residents?

Statement of Licensing Policy 2016 Page 99 8. What steps are taken to minimise disruption when people are leaving? Commercial policies – i.e. happy hours.

1. The incident log may show the policy is a cause of crime & disorder

Positive victim care – support for witnesses and appropriate complaint procedures

1. Is there a Positive Victim Care Policy?

## CCTV

1. Has the venue got CCTV?
2. Do high-resolution cameras cover all entry/exit doors?
3. Does CCTV cover the cash office door?
4. Is there a written operational requirement for the CCTV?
5. Where is the CCTV video recorder stored and is it in a secure place?
6. Which members of staff have access to it?
7. Are the videotapes secured in a secure place?
8. Is there a record of CCTV maintenance?
9. Is there a record of the tape changes?
10. How many tapes do they use?
11. How often are they renewed?
12. Does the CCTV cover external areas?
13. Has the CCTV system a dedicated operator?
14. Is the system operated in accordance with Data Protection Act? (Registered with Data Protection Registrar)
15. Is the system registered with Operation Rainbow?

4.4. Simmons Soho is located in the centre of the busy and bustling part of Soho between Soho Square and Shaftesbury Avenue. This part of Bateman Street runs between Greek Street and Frith Street. This area, from my experience of working in the West End, is one of the busiest and cosmopolitan parts of London. Tottenham Court Road Underground station is within easy walking distance to the North and Leicester square similarly situated to the South of the venue. It is in the middle of a number of busy roads within Soho that accommodate bars, restaurants, coffee houses and entertainment venues.

4.5. There are a number of licensed premises within 500m of the venue:

- 53 Greek Street (access from Bateman Street) is 'Thirst' a busy bar open until 0300hrs (approx. 20m directly opposite)
- 22 Bateman Street – The Golden Oven, an Indian restaurant open until 2300hrs is again opposite the venue.
- 21 Bateman Street – Suvlaki, a Greek restaurant open until 0000hrs

- 9 Greek Street – To the right of the venue in Greek Street within 100m is ‘Jazz after Dark’ a bar and live music venue open until 0230hrs.
- 13A Greek Street - directly opposite Bateman Street & within 60m of Simpsons is Valentino’s, a late night coffee and refreshment venue open until 0300hrs
- 15 Greek Street – Patara, Thai restaurant open until 0000hrs
- 17 Greek Street – ‘Be At One’ a cocktail bar and music venue within 100m from the venue open until 0300hrs.
- 18 Greek Street – Zebrano cocktail bar an music venue within 120m from the venue open until 0300hrs
- 19 Greek Street – Montagu Pyke public house entrance – Large pub and restaurant open until 2300hrs around 150m from venue.
- 20 Greek Street – Pizza Express restaurant open until 2300hrs
- 21 Greek Street – Londis 24 hour grocers (No alcohol licence) around 180m from the venue.
- 48 Greek Street – L’Escargot restaurant around the corner from venue within 150m open until 0000hrs
- 49 Greek Street – Club 49, late night bar and entertainment venue open until 0300hrs and within 140m from venue.
- 10 Frith Street – Nando’s on the corner of Frith street and Bateman Street open until 2230hrs
- 11-13 Frith Street – Chotto Matte restaurant around 200m from venue open until 0130hrs
- 62 Frith Street – Circa disco bar around 200m from venue open until 0130hrs
- 47 Frith Street – Ronnie Scott’s Jazz bar around 200m from venue open until 0300hrs
- 23-25 Old Compton Street – Bar Soho, cocktail bar and music venue around 250m from venue and open until 0300hrs.

4.7 Also in the close vicinity of the venue is a number of late-night refreshment houses, shops and fast-food outlets that were open during our visit and, as previously mentioned, catering for a high level of visitors to the area almost 24 hours a day.

Within a short walk of the venue there are also McDonalds, Burger King and a number of further restaurants, late-night food outlets, mini-cab offices, bars, pubs and clubs.

## **5. Environmental visual audit of the area**

5.1. On Saturday 6<sup>th</sup> February 2016 between 2100-0230hrs I undertook an environmental visual audit (EVA) of the location in company with Ian Smith, another suitably qualified Director of Shield Associates.

5.2. Throughout the time we were in the area of Bateman Street, Soho and surrounding area it is clear that this is an extremely busy cosmopolitan area of London. Pedestrian throughput and visitors to the area was extremely busy and there was a fair amount of vehicular traffic along Greek Street, Frith Street and Bateman Street along to Old Compton Street and into Shaftesbury Avenue and beyond (Appendix 'A'-Pics3&4). Of particular note was the amount of three wheeled taxi bikes, commonly referred to as 'Tikki Tikki' bikes. These were prevalent in the area, cycling up and down the local roads either touting for business or carrying passengers

5.3. All of the licensed restaurants, bars and pubs were busy. There were people standing outside a number of the venues, including Simmons bar, within designated smoking areas and despite the rain and cold, people were smoking and generally chatting outside the venues though this had little or no impact on the movement of pedestrians or traffic.

5.4. It appeared that smoking arrangements for all of the bars mentioned were managed outside on the curtilage of the venues. All of the smoking areas seemed well managed. We noticed a number of pairs used the smoking area outside Simmons within the designated area and under the supervision of an SIA door security man.

5.5. As well as the busy pedestrian traffic in this area of Soho we noticed a number of what can only be described as 'street entrepreneurs' operating on behalf of the cabbies, Tikki Tikki's, bars and massage parlours trying to find trade and offer inducements or people use a particular cab, a specific Tikki Tikki or visit a particular venue. This enterprise certainly seemed to be thriving in the area. At no stage during our visit did we see uniform police in this area of Soho. It was only when we widened our audit into Leicester Square that we saw three patrolling pairs of uniform police officers and a large marked police van parked in Leicester square.

5.6. In relation to noise nuisance and anti-social behaviour, during the time of our review noise from the street population, licensed venues, traffic and visitors to the area was typical of the hustle and bustle of a busy location in London. We noticed a few incidences of what could be described as anti-social behaviour, mainly shouting and swearing by groups of young males, the vast majority in good spirits. Throughout the period of our audit none of the incidents of anti-social behaviour or noise nuisance could be in anyway attributed to Simmons Bar.



5.7. No incidences of criminal behaviour were witnessed in the venue or it's vicinity during the audit.

5.8. As the evening progressed towards midnight and beyond some queues formed at the larger venues, Ronnie Scott's, Club 49, Soho Bar and 'Be At One'. This appeared to be the transition period between the bars and restaurants closing around 2300-0000hrs for patrons to move on to the later night venues. The background noise remained considerable during this period, however, was in keeping with this location and the overall feel of the place. As previously mentioned 'buzz' of the place was in the main good natured and jovial with occasional sporadic shouting, though no violence or disorder was witnessed during the visit

## **6. Compliance visit and audit**

6.1. I visited the venue at 22.30 hours (Appendix 'A'-Pic1) and introduced myself to the single SIA door team officer who was stood at the doorway clearly displaying his SIA badge. There were a small number of patrons outside the venue waiting to enter the premises while I waited to enter.

6.2. The venue's front door was closed prior to entry. There was a faint sound of music audible from inside the premises while I was waiting outside.

6.3. I entered the venue, which was busy and vibrant. There were a number of people stood in the main bar area as I entered as well as to my left and at the bar to my right. The atmosphere was lively and good natured with most patrons standing and chatting with music playing. I would estimate that around 40-50 patrons were inside the venue.

6.4. The patrons inside the venue were of an average age from 25 – 35years with around 50/50 mix of men and women. The venue was busy and the atmosphere was vibrant and celebratory, though seemingly good natured and friendly. There was no evidence of excess intoxication or anti-social behaviour.

6.5. I met with staff on duty that included the door security team (x2) bar staff and Deborah Dores, another personal licence holder (PLH). I then met the manager Nick Campbell (PLH) and explained in detail our visit and audit. I undertook a compliance audit with Mr Campbell in line with what the police and local authority would do if they undertook a licensing compliance visit. We went to a first floor office to complete the audit after checking the bar area and inspecting the premises licence that was on display in the window of the venue to the right of the front door.

6.6. The manager was able to produce his personal licence to me and explained the working protocols for the venue. He highlighted that patrons were counted in and out of the venue by a 'clicker' head count and that he used SIA accredited door staff from Outlook Facilities Management.

6.7. The manager was able to produce a copy of the Premises licence along with various policies for his staff and training they had received. This information was contained in a folder in his possession and retained on the premises.

6.8. I inspected the incident book which contained details of just one incident from opening to present date which were legible and contained sufficient information.

The incident was a suspected theft on 20<sup>th</sup> November 2015 at 11.45pm. This was a male suspect acting suspiciously and suspected of stealing from a visitor who was stopped by the on duty manager who, with the assistance of the security team detained the suspect until he was handed to police who found he was in possession of stolen credit cards.

A positive intervention from the Simmons Soho team.

6.9. I inspected the venues CCTV with the manager who was able to display remotely that all but one of the 6 cameras were working. The one that wasn't working had been prior to our visit. The manager reported the fault while I was with him. The five remaining cameras covered the venues bar area, floor area, seating areas and entrance both inside and outside the venue. The manager was able to explain the procedure for downloading images by his staff, if it was required urgently, and the process for retention. The system can also be accessed remotely by the manager using his mobile phone. In fact he can check on all the cameras at all of his venues remotely. An excellent use of technology that, in my opinion, supports the management of licensed premises.

6.10. The manager was asked about the venues entry policy and he highlighted the adopted challenge 25 policy and insistence on approved photo-ID to gain entry. He explained they undertake random searches of patrons, however, do not search all patrons due to the low levels of crime.

6.11. I inspected the two toilets, which were two single cubicles. They were clean and there was no evidence of drug use. The manager acknowledged these were visited and cleaned regularly throughout the opening times of the venue.

6.12. The manager was able to produce a first aid box and highlighted that his staff that was on duty were trained in first aid.

6.13. I left the venue at 2310hours and continued with my audit. During this time more people had entered and left the bar. The total maintained by the door supervisor on his clicker at 2310hrs was 146 into the venue – 91 out of the venue resulting in 55 patrons remaining inside the venue.

6.14. Throughout the evening I made frequent visits to Bateman Street while I monitored the local area. Throughout the evening and early morning I observed patrons both entering and leaving the venue. Those who left made their way both east and west along Bateman Street in a quiet and orderly fashion. At 0150hrs I

observed the venue from across the street to watch the dispersal (Appendix 'A'-Pic2). A few people started drifting out of the premises and at 0200hrs all of the house lights were turned on full and the music stopped. Over the next 10-15 minutes the remaining visitors left the venue, some congregated in small groups for 3-5 minutes outside the venue and then made there was from the vicinity. The general noise and pedestrian traffic in the area wasn't affected in any way by the exodus from the venue as the streets and remaining bars in the area that were still open were busy and there was still a background 'buzz' and busy streets full of generally good natured people enjoying the delights of Soho at this time of night despite the cold and inclement weather. The premises closed its doors once everyone had left around 0215hrs.

6.15. Appendix 7 of the Westminster Licensing policy relates to police advice in relation to the running of licensed premises and good practice in relation to supporting the four key licensing objectives. I have studied these recommendations and support their aims and objectives in the context of a large night-club venue. Simmons Bar Soho is a much smaller venue, however, has adopted most of the good practice in relation to the police recommendations.

6.16. Simmons Bar Soho has a written Health and Safety policy that looks to support staff to ensure their safety and the safety of visitors and patrons. It has a detailed risk assessment (last updated 1<sup>st</sup> November 2015) that helps ensure adequate staff are properly trained and there are enough on duty to support the licensing objectives. There is a group dispersal policy that forms part of the awareness training and is adopted by Simmons group to support effective dispersal that has minimal impact on the local community. There is a victim care policy that is also incorporated in the training schedule and a CCTV policy to ensure effective CCTV retention and availability if required. The only thing missing is a recent crime prevention survey that I would recommend on the medium term to cover all the bases. Other than that, however, I believe Simmons Soho has demonstrated a commitment and desire to ensure a safe and crime free environment for their customers as well as ensuring vulnerable and underage people are identified and dealt with whilst aiming to minimise any disruption to the local community.

## **7. Conclusion**

7.1. In my professional experience, Simmons Bar, Soho is a well-run venue that is clean, neat and tidily presented. The company owns a number of other bars across London all of which, to my knowledge, are run in a similar fashion. It is understood that these factors alone do not constitute exceptional circumstances in relation to Special Licensing Policies.

7.2. During the audit I did not witness any crime, disorder or anti-social behaviour linked with Simmons Bar Soho. The venue was almost full to capacity during our

visual audit/compliance visit and yet, no discernible negative impact to the buzz and vibrancy of the local area could be observed.

7.3. The manager, Nick Campbell, was impressive with his knowledge of the operational running of the venue and his responsibilities in supporting the four licensing objectives. This was evident in the policies and training he has provided for his staff. The manager stated he is looking to develop on his good relationship with the local Police in relation to intelligence sharing and problem solving.

7.4. The entrance and dispersal of customers from Simmons Bar was gradual throughout the night with most patrons leaving in small groups, singularly or in pairs. The last group of around 20 left just after 0200hrs when the lights inside the venue were turned on and egress from the premises was managed by the SIA door security team. All of those leaving the premises were orderly and made their way either towards Greek Street or Frith Street.

7.5. There was no appreciable noise from Simmons Bar during our audit. Any noise from the smoking area was insignificant and had absolutely no impact on the locality. Certainly during our audit the noise from the surrounding bars and venues was in line with what would be expected from this part of London and some of the larger bars had far greater impact by way of noise and patrons on the footway than the Simmons bar.

7.6. In relation to the smoking area specifically, it was fairly well utilised by the patrons, though generally in small groups, couples or singularly. The area was well managed by the SIA door security.

7.7. As detailed above the other larger venues in the vicinity of Simmons Bar currently have far later licensing hours. Even some of the late night refreshment outlets have later permitted hours than those being considered by Simmons Bar. As, if allowed, the Thursday, Friday and Saturday licensing hours would end at 0200hrs, in my experience this would stagger the closing time of Simmons in relation to the other licensed venues in the area and in fact assist the dispersal of patrons from the area. There is a large variety of food and refreshment outlets nearby to deal with any demand from Simmons.

7.8. In relation to dispersal, taking into account the numbers likely to leave at 0200hrs, this will have minimal, if any, impact on transport infrastructure in the area. There are a number of refreshment and transport options to choose from on the way from the venue. There is a large supply of London Taxi's, licensed cabs, night buses and 'Tikki Tikki' bikes to choose from.

7.9. The venue sits in the middle of Soho and is surrounded by other bars and late night refreshment venues with a variety of permitted and licensed hours. As previously mentioned this is a busy thoroughfare with high levels of pedestrian and vehicular traffic. With the proliferation of venues in the area I understand the concern

of Westminster City Council in relation to cumulative impact of more venues or extended licensing activity. It is my professional experience, however, that with a capacity of 60 patrons Simmons Bar, Soho is an extremely small operator within the area, compared to neighbouring venues, and the variation of hours requested will have no appreciable impact on crime, disorder or nuisance in the area.

7.10. As previously mentioned Westminster Licensing policy is comprehensive and demands high standards from those operating licensed premises within the city council area. Appendix 7 to the policy gives a number of measures recommended by police to ensure the licensing objectives are maintained. I feel that the owners and managers of the Simmons Bar group fully appreciate the aims and objectives on the licensing policy and wherever possible have aimed to use the guidance and introduce policies and procedures that support the objectives and provide effective and responsible management of their venues. In my experience of undertaking independent compliance and impact assessments, Simmons Bar are well above average and regularly demonstrate a commitment to provide the safest and best environments for their staff and customers to enjoy.

7.12. In terms of actions for the manager, I have advised a crime prevention audit in the medium term, an annual review of their training and regular refresh of their policies and procedures.

7.13. In summary, it is my professional opinion that taking into account the current profile of the area, the existence of larger venues in the vicinity that conduct licensed activity beyond 0200hrs, the general throughput of vehicular and pedestrian traffic, the status as a busy vibrant part of London, the availability of public and private transport options, the proliferation of late-night refreshment outlets and the professional and well-run nature of the venue that the extended hours being requested would have no impact in relation to disturbance to the local community, crime, disorder or anti-social behaviour.

7.14. The main focus of a Licensing policy is to prevent undue nuisance in the area and extra demands on street cleaning, policing and transport. I am confident that there are exceptional circumstances in support of the variation application as detailed above and that in granting the extension there will be no noticeable impact on the local environment and the Licensing Act objectives would be maintained.

.....

David Gair

Shield Associates

**Member of the Institute of Licensing**



## Appendix 'A'

Picture 1 – Simmons Soho – 2230hrs



Picture 2 – Simmons Soho 02:05hrs



Picture 3 – Vicinity of Bateman Street / Greek Street – 0010hrs



Picture 4 – Vicinity or Bateman Street / Greek Street – 0015hrs



## **Simmons | Soho License Variation Application:**

*We do not believe the extension of our opening hours will be a cumulative impact on the local area, and that we will meet the licensing objectives, because...*

By way of background, Simmons is a chain of bars used to operating successful late night venues and within Special Policy Areas.

Simmons | Soho is a small capacity venue, capped at 60 persons; this cap will remain as it is so no increase to the volume of customers is being sought.

The venue has no residential properties attached either upstairs or in the adjoining buildings.

Notwithstanding, the small capacity, we are popular and busy, and the proposed terminal hour will allow for a steady egress throughout the evening rather than forcing customers to leave at midnight when the venue is generally at its busiest.

We have successfully operated 18 late night events (spread over 9 TENs, all ending at 2am), all, to the best of our knowledge, without issue. On these dates we met all of the licensing objectives and, as far as we are aware, there was no additional cumulative impact. During one late night temporary event we commissioned an independent audit and venue assessment by Shield Associates, a copy of which is enclosed, and they found no additional cumulative impact being caused during our TEN events. We feel this is primary proof and reasoning that the grant of the extension of hours would cause no additional cumulative impact and not negatively impact on the councils licensing policy.

The proposed terminal hour for the venue sits an hour earlier than all of the surrounding venues, this was specifically chosen so as to stagger closing times and to minimise high volumes of people leaving venues in the area at the same time.

We would offer a direct contact to a taxi service and immediate direction to the numerous modes of transport available to customers past midnight.

The imminent introduction of the Night Tube will reduce the risk of late night egress from venues causing customers problems finding transport home. Simmons Soho is located next to two underground stations that will be included within the Night Tubes operation (Leicester Square and Tottenham Court Road).

The venue would employ two SIA registered door supervisors from 7pm every night the venue is open beyond midnight to manage the outside area of the venue (initiating the venues strict noise policy) as well as controlling and monitoring a strict dispersal policy. They would be on duty until at least 30 minutes after the terminal hour of the venue. This gives a ratio of 1 member of security for every 30 persons present in the venue, this is a far higher ratio than the industry standard of 1 per 100 persons for low-risk venues.



The SIA registered security staff would wear high visibility jackets to increase security presence at the venue.

The venue has been described by the areas EHO as 'recently refurbished and has operated satisfactorily without cause for concern or complaint'.

A last entry time would be implemented to ensure that no customers who may have been drinking for longer hours and later into the night are permitted entry to the venue.

An updated full and comprehensive CCTV systems will be put in place to deter antisocial behavior and crime and disorder.

A winding down period will commence 15 minutes before the terminal hour; lights will go up, the music volume will come down and bar service will come to an end.

The outside space will be cleaned and tidied within a 5m radius of the venues front door.

Our venue team includes an experienced Area Manager who has worked in Westminster at very high volume venues for many years.

We would implement a comprehensive in house reporting system designed to control safety, entry, incidents and adherence to the licensing objectives

Extensive staff training regarding the safe and responsible service of alcohol is already implemented as standard, company wide.

Free bottled water would be made available for guests leaving the venue after midnight.

*Looking specifically at the individual Licensing Objectives:*

### **Crime & Disorder**

- Comprehensive CCTV system (as above)
- 2 x SIA Door staff from 7pm every night the venue is open past 12am (as above)
- Dispersal Policy (copy enclosed)
- Strict Entry Policy (copy enclosed)
- Last Entry Time (as above)
- Small capacity (as above)
- Security staff wearing high vis jackets/vests (as above)

### **Protection of Children**

- Challenge 25 policy will be implemented
- No under 18's past 7pm, prior to this adult supervision is required
- Strict Entry Policy (as above)

### **Public Nuisance**

- Comprehensive CCTV system (as above)
- 2 x SIA Door staff from 7pm every night the venue is open past 12am (as above)
- Canopies are installed to minimise sound pollution
- Terminal Hour chosen is 1 hour earlier than other surrounding venues (as above)
- Small capacity (as above)
- Dispersal Policy (as above)
- Strict Entry Policy (as above)
- Last Entry (as above)
- Noise Policy (copy attached)
- Winding down period 15mins before terminal hour, lights up, music down (as above)

### **Public Safety**

- Comprehensive CCTV system (as above)
- 2 x SIA Door staff from 7pm every night the venue is open past 12am (as above)
- Canopies are installed to minimise sound pollution
- Terminal Hour chosen is 1 hour earlier than other surrounding venues (as above)
- Small capacity (as above)
- Dispersal Policy (as above)
- Strict Entry Policy (as above)
- Last Entry (as above)
- The outside space will be cleaned within a 5m radius of our front door (as above)

## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
The premises converted their Justices On Licence in 2005, however on 12 <sup>th</sup> July 2011 the licence lapsed as the licensee company went into liquidation. A new licence was then applied for in October 2011.			
<b>11/10314/LIPN</b> New Application	Application to permit late night refreshment and the sale of alcohol on ground floor level	28.11.2011	Granted under delegated authority
<b>12/00248/LIPVM</b> Minor Variation	Application to permit customers going outside to smoke with their drinks and allow the playing of recorded music	02.02.2012	Refused
<b>12/02739/LIPV</b> Variation	Application to remove conditions dealing with the outside of the premises, to add recorded music and to allow the sale of alcohol on Sundays before bank Holidays	31.05.2012	Refused by Licensing Sub-Committee
<b>12/04594/LIPV</b> Variation	Application to remove conditions dealing with the outside of the premises	03.08.2012	Granted by Licensing Sub-Committee
<b>14/08909/LIPDPS</b> DPS Variation	Application to vary the designated premises supervisor	03.11.2014	Granted under delegated authority
<b>15/09279/LIPT</b> Transfer	Application to transfer the licence from Mr Carlo Mattiucci to Skylight Leisure Ltd	14.12.2015	Granted under delegated authority
<b>15/09298/LIPDPS</b> DPS Variation	Application to vary the designated premises supervisor	14.12.2015	Granted under delegated authority
<b>15/09738/LIPVM</b> Minor Variation	Variation of layout	31.11.2015	Granted under delegated authority
<b>16/02637/LIPV</b> Variation	Current Application	Pending	

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 -**

**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.

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

10. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
13. 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 in the vicinity.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. 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 kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a police officer together with facilities for viewing throughout the preceding 31 day period.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
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, which will record the following
- (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system

- (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
19. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
  20. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
  21. The Premises Licence Holder is responsible for sweeping or washing away any rubbish or waste caused by customers immediately outside the premises from the building line to the kerb edge, including gutter/channel at its junction with the kerb edge. Litter and sweepings will be collected and stored in accordance with approved storage arrangements.
  22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  23. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours
  24. No deliveries of stock are to be received between 23:00 and 08:00 hours.
  25. 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.

26. The hours for sale of alcohol and opening times may be extended on New Year's Eve until 05:00 on New Year's Day.

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

27. After 23:00 hours (Monday to Saturday) and 22.30 hours (Sunday) patrons shall not take any drinks with them outside the premises.



28. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
29. No drinks shall be taken outside the premises in glass containers at any time.
30. There shall be collection of any litter and/or used receptacles every 30 minutes in the outside area during opening hours.

**Conditions consistent with the operating schedule**

31. *Where the premises is open for licensable activity on any day after midnight a minimum of two SIA registered door supervisors shall be employed from 20:00hrs until at least 20 minutes after closing time.*
32. *From Thursday - Saturday last entry to the venue will be strictly 01:30 (both admittance and re-admittance, with the exception of smokers)*
33. *A strict Dispersal Policy will be implemented and agreed with the Police and Licensing Authority.*
34. *All door supervisors will wear high-visibility jackets or vests while working at the entry/exit points and around the exterior of the building.*
35. *Upgraded search and entry policies will be implemented and agreed with the Police and Licensing Authority.*
36. *No customers carrying open or sealed bottles shall be permitted to enter the premises during opening hours.*
37. *A sound limiting device will be installed and set at a level agreed by Environmental Health.*
38. *All doors leading to public spaces to be fitted with self closing mechanisms.*
39. *Both verbal and visual directions will be given to customers advising them of the closest licensed taxi/minicab service. The management and staff are pro-active in informing all customers to leave the premises quietly.*
40. *A Challenge 25 policy shall be adopted at all times at the premises. Both door and bar staff shall be trained in challenging anyone who attempts to purchase alcohol but appears to be under 25 years of age.*
41. *Prominent Challenge 25 signage will be displayed within the premises and will be visible upon entry.*
42. *Children must be accompanied by adults at all times. Children Under 18 years of age will not be allowed in the venue from 19:00hrs onwards, even when accompanied by a supervising adult.*

# APPENDIX 5



# Simmons, 2 Bateman Street, London



page 197

Residential / Proposed Residential	92
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9

Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database

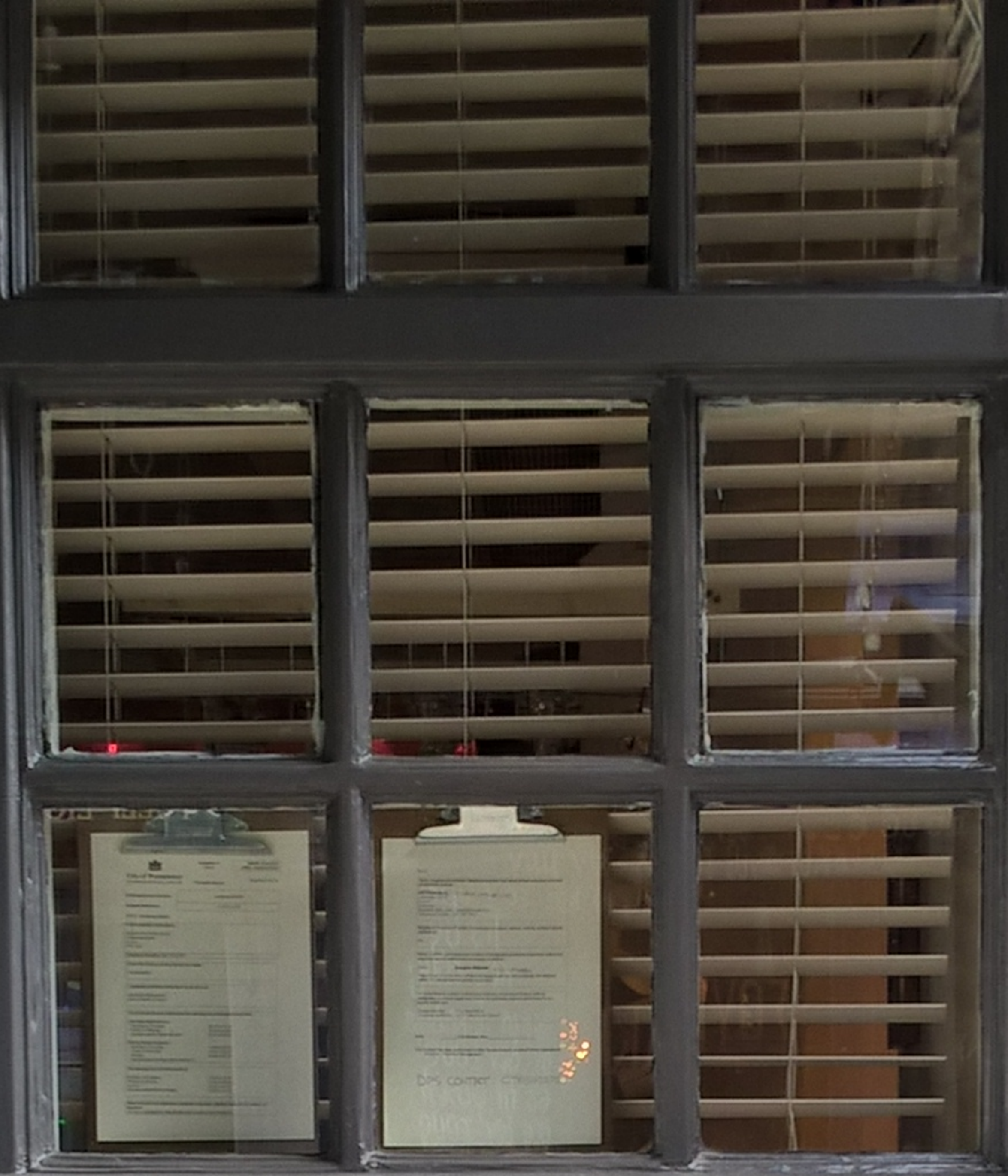
Date: 20/05/2016

**Premises within 75 metres of: Simmons Bar, 2 Bateman Street, London**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
19176	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-16864	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-15150	Bibimbap Korean Restaurant	11 Greek Street London W1D 4DJ	Monday to Sunday 12:00 - 15:00 Monday to Wednesday 17:00 - 00:00 Sunday 17:00 - 00:00 Thursday to Saturday 17:00 - 02:00
-11509	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
-11474	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4TP	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
-10294	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
-9595	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-4297	Londis	21 Greek Street London W1D 4DX	Monday to Sunday 08:00 - 03:00
-4118	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
-3760	Zebrano	Basement And Ground Floor 18 Greek Street London W1D 4DS	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-3003	Pizza Express	Basement And Ground Floor 20 Greek Street London W1D 4DU	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-1618	Be At One	16-17 Greek Street London W1D 4DR	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 06:00
424	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
1638	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
1811	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
2394	Little Italy	21A Frith Street London W1D 4RW	Monday to Sunday 09:00 - 05:30
5742	Eat Tokyo	16 Old Compton Street London W1D 4TL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12014	Simmons	2 Bateman Street London W1D 4AE	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
15175	Jazz After Dark	Ground Floor 9 Greek Street London W1D 4DQ	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
25009	Pix	16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 New Year's Eve 12:00 - 00:00 Sunday 12:00 - 22:30
-32096	San Valentino Bar	13A Greek Street London W1D 4DN	Monday to Saturday 23:00 - 03:00
-14303	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Sunday to Thursday 12:00 - 00:00 Friday to Saturday 12:00 - 03:00
-9888	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-9204	Kaslik	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30

-7068	Patara	Basement And Ground Floor 15 Greek Street London W1D 4DP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-6309	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-3847	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
-3397	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-3296	10 Greek Street	10 Greek Street London W1D 4DH	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-457	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
4385	Hoppers	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
5733	Miabella	Basement 12-13 Greek Street London W1D 4DL	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
7398	Thirst	23 - 24 Bateman Street London W1D 3AH	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
10005	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
10283	The Golden Oven	Ground Floor 22 Bateman Street London W1D 3AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13696	Circa	Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday 11:00 - 01:00
14318	Trattoria Da Aldo	Basement And Ground Floor 51 Greek Street London W1D 4EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14421	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
15786	Little Italy	21 Frith Street London W1D 4RN	Monday to Sunday 09:00 - 05:00
17417	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
18095	Balls & Company	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
21378	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22045	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22387	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
23990	Maison Touaregue	23-24 Greek Street London W1D 4DZ	Monday to Sunday 09:00 - 03:30
24057	Montagu Pyke	Ground Floor 105 Charing Cross Road London WC2H 0DT	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
28679	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Monday to Saturday 11:00 - 01:30 Sunday 12:00 - 01:30

# APPENDIX 6



**2**  
**COCKTAILS**  
for  
**£10**  
EVERY DAY 3-8PM

---

**MAKE A  
BOOKING!**  
\*CONTACT US  
-SOHO@SIMMONSBAR.CO.UK  
-WWW.SIMMONSBAR.CO.UK  
**02072877276**

SIMMONS  
PLEASE DO NOT  
OBSTRUCT OUR  
NEIGHBOURS  
AND LEAVE THE  
AREA IN FRONT OF  
THEIR BUSINESSES  
CLEAN AND TIDY



ENTRANCE  
→

TAKE AWAY AVAIL

THE SIMMONS BAR  
100% GIN & TONIC  
100% VODKA & TONIC  
100% RUM & TONIC  
100% WHISKY & TONIC  
100% BOURBON & TONIC  
100% TEQUILA & TONIC  
100% MEZCAL & TONIC  
100% CIDER & TONIC  
100% BEER & TONIC  
100% SODA & TONIC  
100% WATER & TONIC  
100% JUICE & TONIC  
100% MILK & TONIC  
100% CREAM & TONIC  
100% BUTTER & TONIC  
100% CHEESE & TONIC  
100% MEAT & TONIC  
100% VEGETABLES & TONIC  
100% FRUIT & TONIC  
100% NUTS & TONIC  
100% SEEDS & TONIC  
100% HERBS & TONIC  
100% SPICES & TONIC  
100% OILS & TONIC  
100% VINEGARS & TONIC  
100% MUSTARDS & TONIC  
100% SAUCES & TONIC  
100% DRESSINGS & TONIC  
100% PICKLES & TONIC  
100% JAMS & TONIC  
100% MARMALADES & TONIC  
100% HONEY & TONIC  
100% SYRUPS & TONIC  
100% LIQUORS & TONIC  
100% WINES & TONIC  
100% SPIRITS & TONIC  
100% BEVERAGES & TONIC  
100% FOODS & TONIC  
100% SNACKS & TONIC  
100% DESSERTS & TONIC  
100% DRINKS & TONIC  
100% ALL YOU CAN EAT & TONIC  
100% ALL YOU CAN DRINK & TONIC  
100% ALL YOU CAN HAVE & TONIC  
100% ALL YOU CAN BE & TONIC  
100% ALL YOU CAN DO & TONIC  
100% ALL YOU CAN SEE & TONIC  
100% ALL YOU CAN HEAR & TONIC  
100% ALL YOU CAN FEEL & TONIC  
100% ALL YOU CAN TASTE & TONIC  
100% ALL YOU CAN SMELL & TONIC  
100% ALL YOU CAN TOUCH & TONIC  
100% ALL YOU CAN THINK & TONIC  
100% ALL YOU CAN FEEL & TONIC  
100% ALL YOU CAN BE & TONIC  
100% ALL YOU CAN DO & TONIC  
100% ALL YOU CAN SEE & TONIC  
100% ALL YOU CAN HEAR & TONIC  
100% ALL YOU CAN FEEL & TONIC  
100% ALL YOU CAN TASTE & TONIC  
100% ALL YOU CAN SMELL & TONIC  
100% ALL YOU CAN TOUCH & TONIC  
100% ALL YOU CAN THINK & TONIC

THE SIMMONS BAR  
100% GIN & TONIC  
100% VODKA & TONIC  
100% RUM & TONIC  
100% WHISKY & TONIC  
100% BOURBON & TONIC  
100% TEQUILA & TONIC  
100% MEZCAL & TONIC  
100% CIDER & TONIC  
100% BEER & TONIC  
100% SODA & TONIC  
100% WATER & TONIC  
100% JUICE & TONIC  
100% MILK & TONIC  
100% CREAM & TONIC  
100% BUTTER & TONIC  
100% CHEESE & TONIC  
100% MEAT & TONIC  
100% VEGETABLES & TONIC  
100% FRUIT & TONIC  
100% NUTS & TONIC  
100% SEEDS & TONIC  
100% HERBS & TONIC  
100% SPICES & TONIC  
100% OILS & TONIC  
100% VINEGARS & TONIC  
100% MUSTARDS & TONIC  
100% SAUCES & TONIC  
100% DRESSINGS & TONIC  
100% PICKLES & TONIC  
100% JAMS & TONIC  
100% MARMALADES & TONIC  
100% HONEY & TONIC  
100% SYRUPS & TONIC  
100% LIQUORS & TONIC  
100% WINES & TONIC  
100% SPIRITS & TONIC  
100% BEVERAGES & TONIC  
100% FOODS & TONIC  
100% SNACKS & TONIC  
100% DESSERTS & TONIC  
100% DRINKS & TONIC  
100% ALL YOU CAN EAT & TONIC  
100% ALL YOU CAN DRINK & TONIC  
100% ALL YOU CAN HAVE & TONIC  
100% ALL YOU CAN BE & TONIC  
100% ALL YOU CAN DO & TONIC  
100% ALL YOU CAN SEE & TONIC  
100% ALL YOU CAN HEAR & TONIC  
100% ALL YOU CAN FEEL & TONIC  
100% ALL YOU CAN TASTE & TONIC  
100% ALL YOU CAN SMELL & TONIC  
100% ALL YOU CAN TOUCH & TONIC  
100% ALL YOU CAN THINK & TONIC

**2**  
**COCKTAILS**

for  
**£10**

EVERY DAY 3-8PM

**MAKE A...  
BOOKING!**

\*CONTACT US


-SOHO@SIMMONSBAR.CO.UK

-WWW.SIMMONSBAR.CO.UK

**02072877276**

PLEASE DO NOT  
OBSTRUCT YOUR  
NEIGHBOURS  
AND LEAVE THE  
AREA IN FRONT OF  
THEIR BUSINESSES  
CLEAN AND TIDY



  
**SIMMONS**  
**HAPPY HOUR**  
 SUNDAY - FRIDAY 3PM - 8PM  
 \* SELECTED WINE - PER £1.20  
 \* 1/2 BOTTLE - WINE £2.20  
 \* BOTTLE - WINE £4.20  
 \* 2 COCKTAILS £3.00  
 \* LOCAL TAPAS £3.00  
 \* BOTTLES - PROSECCO £3.00  
 \* SATURDAY SPECIALS 3-8PM  
 \* 2 COCKTAILS £3.00  
 \* LOCAL TAPAS £3.00

**2**  
**COCKTAILS**  
 for  
**£10**  
 EVERY DAY 3-8PM  
**MAKE A**  
**BOOKING!**  
 \*CONTACT US  
 -SOHO@SIMMONSBAR.CO.UK  
 -WWW.SIMMONSBAR.CO.UK  
**02072877276**





SIMMONS  
**HAPPY HOUR**  
 SUNDAY - FRIDAY 3PM - 8PM  
 - SELECTED WINE & BEER £7.99  
 - 15% OFF ALL WINE & BEER £7.99  
 - DOUBLE WINE & BEER £12.99  
 - BOTTLES - WINE & BEER £7.99  
 - 2 COCKTAILS FOR £10.00  
 - LOCAL TAPES - SHAK £10.00  
 - BOTTLES - PROSECO £10.00  
 - SATURDAY SPECIALS 3-8PM  
 - 2 COCKTAILS FOR £10.00  
 - LOCAL TAPES - SHAK £10.00

**2**  
**COCKTAIL**  
 for  
**£10**  
 EVERY DAY 3-8PM  
**MAKE A**  
**BOOKING**  
 \*CONTACT US  
 -SOHO@SIMMONSBAR.CO.UK  
 -WWW.SIMMONSBAR.CO.UK  
**02072877276**