



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 16th June, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Nickie Aiken (Chairman)
Nick Evans
Rita Begum

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the 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. SUSHI SAMBA COVENT GARDEN 35 THE MARKET COVENT GARDEN WC2

(Pages 1 - 92)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward / West End Cumulative Impact Area	Sushi Samba Covent Garden 35 The Market Covent Garden WC2	New	16/03019/LIPN

2. GOLDEN HIND RESTAURANT, 71A - 73 MARYLEBONE LANE, W1

(Pages 93 - 114)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Marylebone High Street Ward / not in cumulative impact area	Golden Hind Restaurant , 71a - 73 Marylebone Lane, W1	New	16/04033/LIPN

**Charlie Parker
Chief Executive
10 June 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

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

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

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

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Licensing Sub-Committee

Agenda Item 1 Report

Item No:	
Date:	16 th June 2016
Licensing Ref No:	16/03019/LIPN - New Premises Licence
Title of Report:	Sushi Samba Covent Garden Units 7 and 35 The Market Covent Garden London
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:	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			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 March 2016		
Applicant:	Newincco 1314 Limited		
Premises:	Sushi Samba Covent Garden		
Premises address:	35 The Market Covent Garden London WC2E 8RF	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>By way of background, the application follows pre-application advice and seeks to merge premises licence numbers 16/00335/LIPT and 16/00840/LIPT, subject to additional conditions pertinent to the variation.</p> <p>The two premises licences were previously traded by Brasserie Blanc until recently. Subject to the grant of this application, Sushi Samba will operate a bar and restaurant on the ground floor external seating area and the first floor consistent with the operating hours and conditions of the existing licences. The existing licences will be surrendered prior to this licence taking effect. The changes are as follows:</p> <ol style="list-style-type: none"> 1. A change in layout as shown on the plans, notably a new entrance through Unit 8, improving access and egress; 2. A change in the location of the area where alcohol can be sold without food (as edged green on the plans). Previously, this was a large area to the left-hand side of the first floor and also the external seating area in the Piazza. These areas are now being moved as shown as edged green on the attached plans but subject to the same floor space; i.e. no increase in bar capacity 3. An extension of hours in respect of persons taking table meals following pre-application advice and the grant of planning permission reference 15/06870/FULL. 		
Premises licence history:	This premises currently has two licences issued, 16/00335/LIPT and 16/00840/LIPT, copies of which have been attached at Appendix 2 . A comparison table of the two existing licences and the current application has been prepared and included in Appendix 2.		
Applicant submissions:	<p>The applicant submitted a document outlining the way in which this premises would operate. Please refer to Appendix 2a.</p> <p>Further, the applicant has submitted amended plans (attached at Appendix 1), a letter from the leaseholder, an acoustic report and the planning permission for this premises. Please refer to Appendix 2b.</p>		

1-B Proposed licensable activities and hours							
Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		<ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day Sundays before Bank Holidays 09:00 to 01:00 					

Late Night Refreshment:				On or off sales or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		<ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day Sundays before Bank Holidays 23:00 to 01:00 					

Sale by retail of alcohol				On or off sales or both:			On and Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:		<ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day Sundays before Bank Holidays 09:00 to 01:00 					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:45	00:45	00:45	00:45	01:15	01:15	00:00
Seasonal variations/ Non-standard timings:		<ul style="list-style-type: none"> From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day Sundays before Bank Holidays 07:00 to 01:15 					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	18 th April 2016
I refer to the application for a New Premises Licence for the above premises. The premises are located within the West End Cumulative Impact Area as stated in the	

City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the Ground and First floor dated Dec 2015.

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

The applicant is seeking the following:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 08.00 to 00.30 hours, Friday and Saturday 08.00 to 01.00 hours and Sunday between 09.00 to 23.30 hours. Sunday prior to Bank Holiday to 01.00 hours. End of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Thursday 23.00 to 00.30 hours, Friday and Saturday 23.00 to 01.00 hours and Sunday between 23.00 to 00.00 hours. Sunday prior to Bank Holiday to 01.00 hours. End of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
3. To provide regulated entertainment 'indoors' comprising
 - Recorded MusicMonday to Thursday between 08.00 and 00.30 hours, Friday and Saturday 08.00 to 01.00 hours and Sunday between 09.00 to 00.00 hours. Sunday prior to Bank Holiday to 01.00 hours. End of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area.
2. The hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area.

The applicant has provided additional information with the application which is being addressed.

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

Responsible Authority:	Metropolitan Police
Representative:	PC Sandy Russell
Received:	9 th April 2016

This is purely a holding objection as I have arranged to discuss this application next week with Alan and/or Ian so we are all singing of the same song sheet. I will be in touch once I have spoken to them, it will be within a week or so.

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. It is our belief that if granted the application would undermine the Licensing Objectives.

There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reasons that we are objecting to the application at this stage in the application process.

2-B Other Persons	
Name:	Covent Garden Community Association
Address and/or Residents Association:	42-44 Earlham Street London WC2H 9LA
Received:	19 th April 2016
<p>This representation is being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 16th March 2015.</p> <p>This Representation is being made regarding the grant of a premises licence for Units 7 and 35 (formerly La Creperie/Petit Blanc and Brasserie Blanc). The Licence amends the plans, combines the premises, adjusts conditions and extends the hours for licensable activities and opening.</p> <p><u>Current Situation</u></p> <p>La Creperie (Licence 16/00335/LIPT) is operating under a converted premises licence that permits the sale of alcohol on and off the premises until 23:00 hours (22:30 on Sunday) and LNR until 23:30. The other conditions are standard for a pre-2005 licence.</p> <p>Brasserie Blanc (Licence 13/05021/LIPDPS) is operates as a restaurant with the sale of alcohol permitted until 00:00 Monday to Saturday and 23:30 on Sunday. There is an area on the plans that can be used as a bar but in the remainder of the premises alcohol can only be ancillary to a table meal served by waiter/waitress service.</p> <p><u>Proposed Licence</u></p> <p>The proposed licence allows the sale of alcohol from 8:00-00:30 Monday to Thursday, 8:00-01:00 Friday and Saturday and 9:00-23:30 on Sunday. The premises would close 15 minutes later (30 minutes on Sunday). They will open at 07:00 every day. Recorded Music, and LNR have the same terminal hours as alcohol.</p> <p>The ground floor seating area (outside Unit 7) will operate from 10:00-23:00 Monday to Saturday and 12:00-22:30 on Sunday. It will have a capacity of up to 60 people. There is no ancillary condition although alcohol will only be for seated customers. The seating needs to be removed by 23:00.</p> <p>The first floor area is to be used as a restaurant other than areas outlined in green on the plans. These areas include 2 rectangles inside the premises and the external terrace area. Within these areas there are no restrictions placed on the sale of alcohol. The remainder of the premises is subject to full model condition MC66 before 11:00 and after 00:00 but during the remainder of the period is subject only to the sale being ancillary to a table meal and by waiter/waitress service.</p>	

A number of other conditions and an operational management plan are also proposed. These replace the conditions on the existing licence many of which are carried over from Conversion.

CGA's areas of concern

The proposed licence would allow the premises to remain operational between 30 minutes and an hour later than the current licences. The premises are large (the planning permission permits up to 385 customers). We believe that this will cause a public nuisance because of the amount of noise which may be generated by people arriving and leaving the premises, particularly after the end of core hours.

The outside area on the balcony appears not to have any time restrictions proposed and is also available for the sale of alcohol without food up until 00:00. Customers in this area are likely to produce noise which will echo around the Piazza, disturbing residents in nearby residential buildings, causing a public nuisance.

Similarly operating the ground floor seating area until 23:00 will generate substantial noise. We are also unclear how the sale of alcohol can continue to 23:00 to seated customers when the tables and chairs also need to be removed by 23:00.

We are also concerned by the fact that until 00:00 part of the premises can be used as a bar without restriction. Whilst we acknowledge that this was also permitted by the existing licence we believe that the sale of alcohol without food is likely to increase the level of Public Nuisance in the premises themselves and in the wider CIA and that the bar use should be restricted to those who are dining or have dined at the premises.

We are also concerned about servicing of the premises as this can cause a public nuisance. We note that the application suggests a condition that no deliveries take place between 23:00 and 07:00 and that no waste is placed outside or moved during the same hours. However the Operational Management Plan provided with the application states (5.2) that deliveries will be restricted to 07:30-10:30, but goes on to request a wider window for the condition. We also understand based on the (different) Operational Management Plan provided for the Planning Application that "The operator would use the existing general waste and recycling store within the Market Building and this would be collected as per the current position" and therefore no waste will need to be placed outside.

Planning Permission (15/06870/FULL)

Although we agree that Planning and Licensing are separate regimes we note that some of the detailed conditions suggested would allow the operation of the premises to be different to that given by the planning permission. The key relevant ones we would like to draw to your attention are the following:

- 8 Customers are not permitted to be in the restaurant building before 07:00 or after 00:30 Monday to Thursday, before 07:00 or after 01:00 Friday and Saturday and before 07:00 or after 23:30 on Sunday.

These times are the same as the terminal hours for alcohol/LNR and music and do not allow for an additional 15/30 minutes for dispersal. As commented above the CGCA's view is that the hours should not be extended beyond those already permitted by 13/05021/LIPDPS.

- 9 You can only put tables and chairs on the terrace and Piazza between 07:00 and 22:00 daily

We believe that this is an appropriate terminal hour for the use of outside space under the licence. We also believe that 07:00 is too early for the use to commence and it should not be permitted before 08:00 Monday to Saturday and 10:00 on Sunday.

- 11 If you provide a bar and bar seating, it must take up no more than 15% of the floor area of the property, or no more than 15% of each unit if you let the property as more than one unit. You must you the bar to serve restaurant customers only before, during or after their meals.

As noted above we believe that this restriction on the use of the bar area and seating is appropriate to apply also to the Licence to prevent an increase in Public Nuisance within the CIA and in the vicinity of the premises. We acknowledge that the proposal complies with the 15% requirement.

We would like to point out that conditions 8 and 9 are consistent with the Operational Management Plan offered by Capital and Counties (the applicant for this licence) when making their Planning Application.

CGCA's Proposal on hours and conditions

Our view is that to support the licensing objectives the following hours and conditions should be placed on the licence. The other conditions proposed by the applicant are appropriate

- The terminal hours for the whole premises should be the same as those for 13/05021/LIPDPS namely 00:00 Monday to Saturday and 23:30 on Sunday. The start times proposed are acceptable.
- The premises can remain open on Monday to Saturday for an additional 30 minutes to aid dispersal. We would be happy for LNR to remain for this period if required.
- On Sunday the premises should close at 23:30 as required by Planning.
- The use of the piazza area should restricted to 10:00/12:00 until 22:00
- The use of the terrace area should be restricted to 08:00/10:00 to 22:00.
- Smokers using the terrace to smoke during these hours should not be able to take their drinks with them unless seated at tables and chairs.
- After 22:00 smokers should be required to use a specified area in the Piazza.
- After 22:00 doors and windows should be closed other than for the entry and exit of customers.
- Deliveries should be restricted to 07:30-10:30 daily

- The licence should require the premises to use the refuse area in the Market Building for the disposal of all rubbish
- MC66 should apply to the whole area of the first floor, including the terrace. However the area outlined in green can be used for customers who will dine or have dined in the premises.
- In the Piazza area MC66 does not apply but the substantial food condition (MC41) should apply to this area.

We believe that restricting these hours and conditions will support the Licensing Objective of the prevention of Public Nuisance.

Name:	Shirley Gray
Address and/or Residents Association:	Southampton Street resident
Received:	19 th April 2016

Regarding the above application. This is not a welcome venue to the Covent Garden Conservation area and would cause noise and disturbance to the large number of adjacent residents.

Therefore please note :

- Objection to outside availability (balcony and ground floor) for the sale of alcohol later than 22.00 daily. This causes public nuisance.
- Opening hours to be confined to the core hours Alcohol only to be served with table meals Noisy deliveries and rubbish collection only after 7.30am in line Westminster's recommended hours. Bottle crushing equipment on site.
- Any sound of music to be limited to inside only Responsible security staffing to prevent disorder

3. Policy & Guidance

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

Policy CIP1 applies	<p>Policy CIP1 applies:</p> <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>
Policy MD2 applies:	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.

Policy RNT2 applies:	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.
Policy PB2 applies:	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.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Appendices

Appendix 1	Premises plans (only amended plans included)
Appendix 2	Copies of existing Brasserie Blanc Licences
Appendix 2a	Bundle from applicant re: Sushi Samba
Appendix 2b	Letter from applicant, leaseholder, acoustic report and planning permission
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

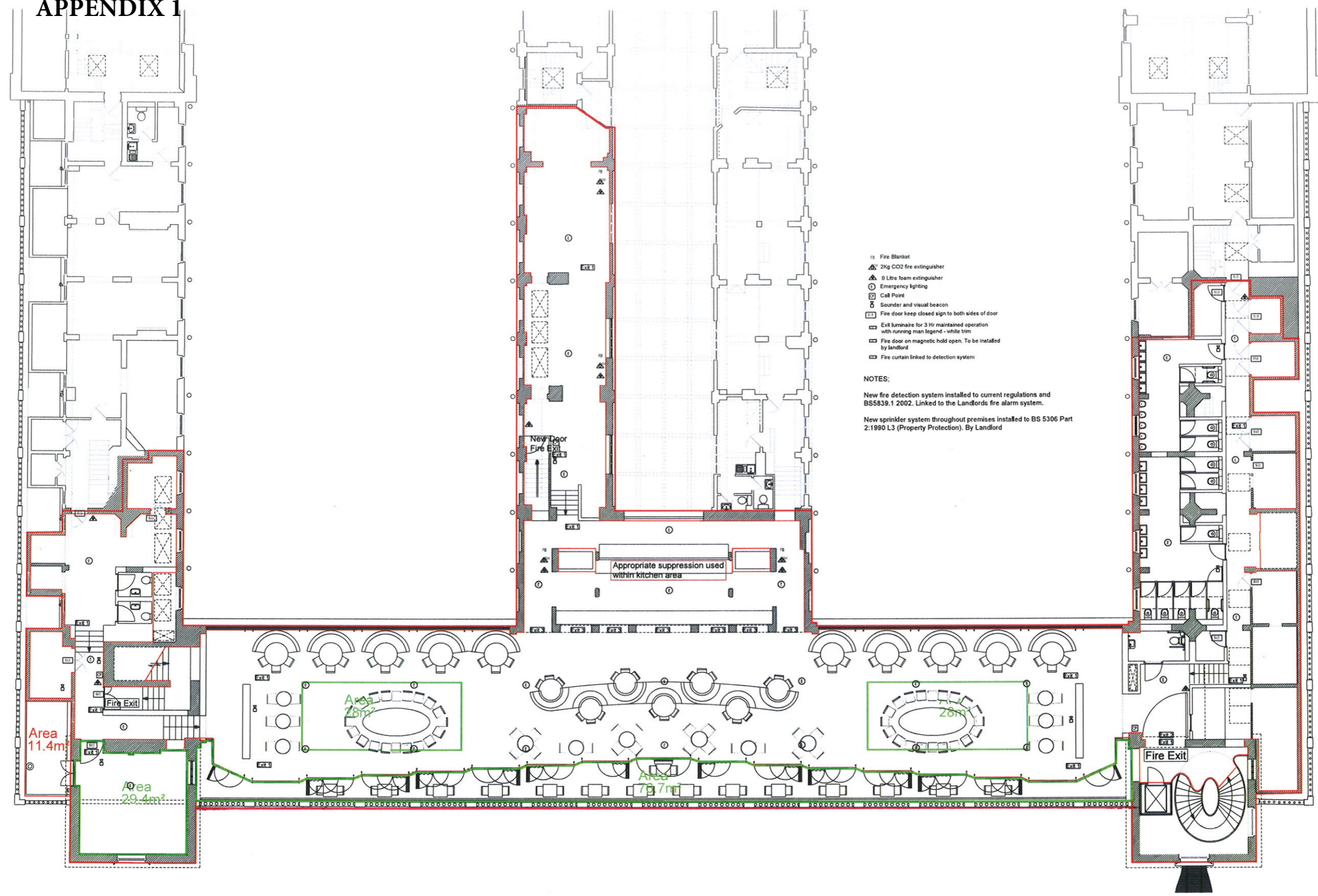
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

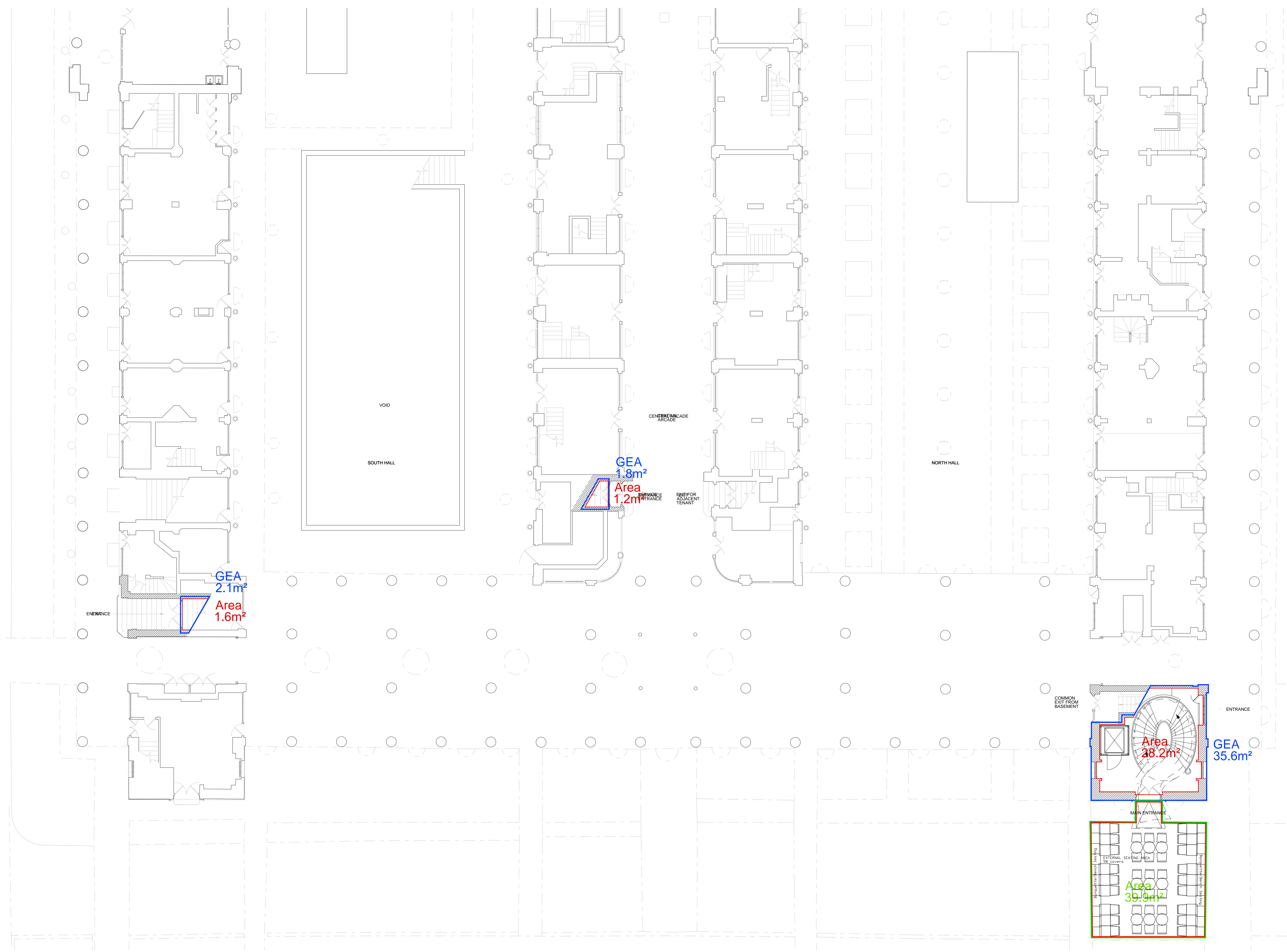
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	23 rd March 2016
5	Plans	23 rd March 2016
6	EH Representation	18 th April 2016
7	Police Representation	9 th April 2016
8	Shirley Gray Representation	19 th April 2016
9	CGCA Representation	19 th April 2016

APPENDIX 1



page 11



Total terraces	GIA (excluding external seating Area)
88.1m ²	786.1m ²
948sqft	8461sqft
Total Bar	GEA (excluding external seating Area)
162.1m ²	910.5m ²
1744sqft	9800sqft

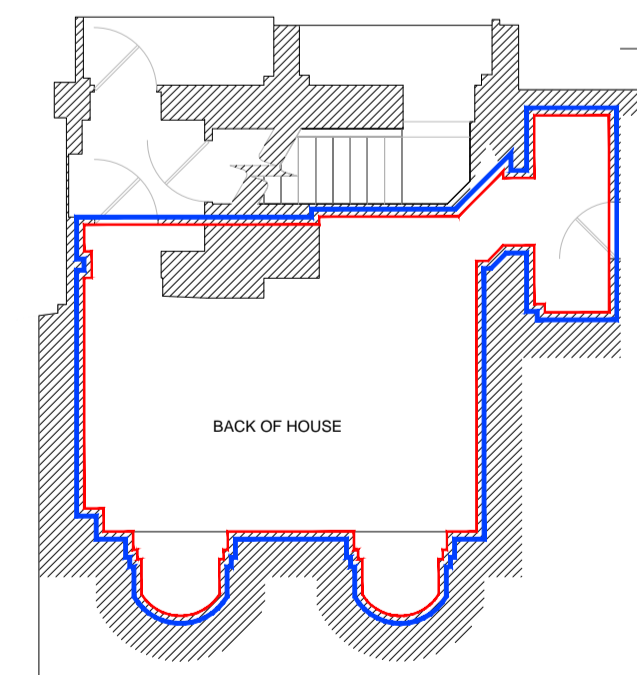
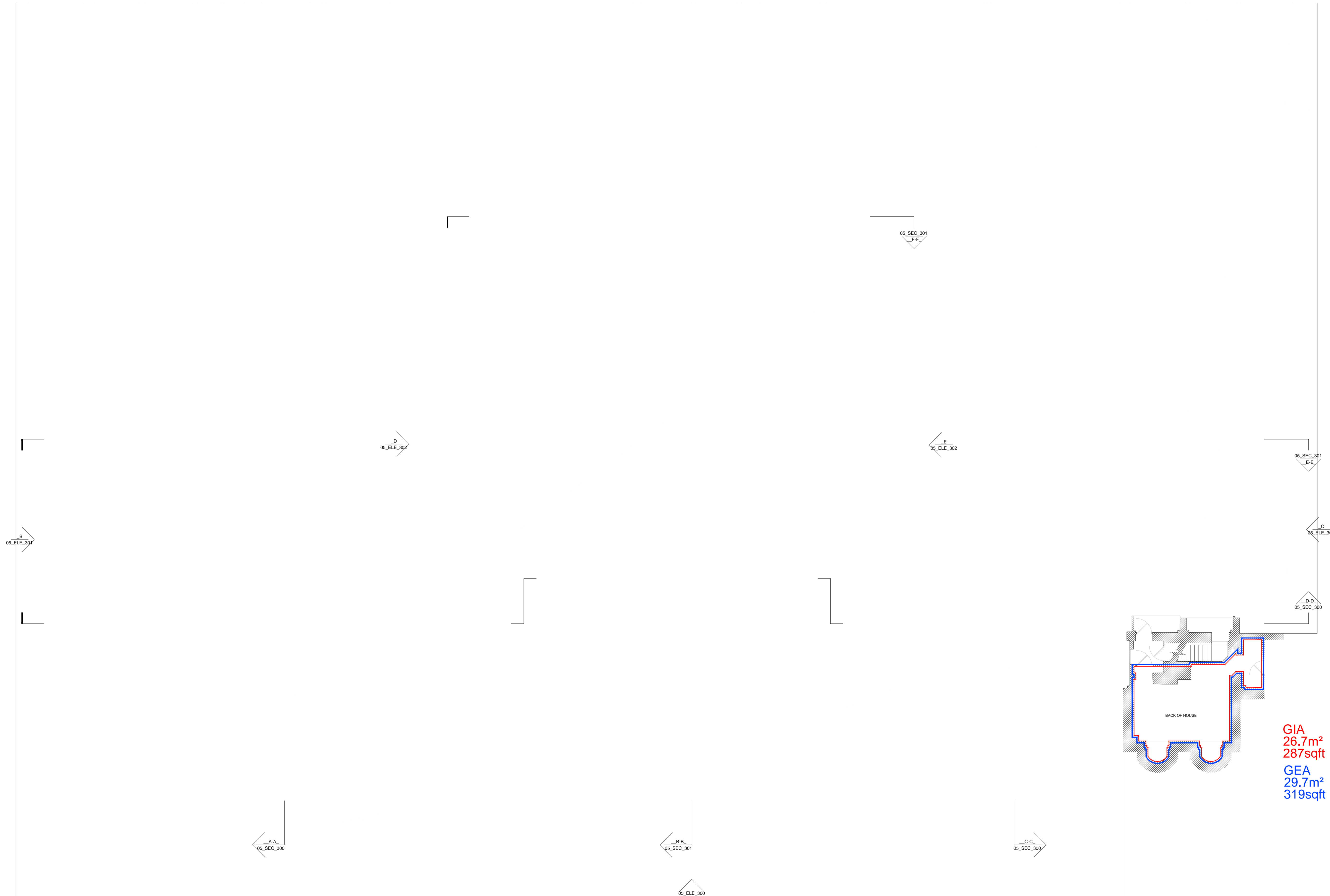


This drawing is to be read in conjunction with all other contract documents and specifications and all other consultants drawings.
 All levels and dimensions should be checked on site and any discrepancies notified to the Architect prior to proceeding with works.
THIS DRAWING IS COPYRIGHT.
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-  Existing structure within title boundary
-  New Partition

- (A) New Feature Stair
- (B) New Lift
- (C) Fire Door (on hold open)
- (D) New glazing / door to existing opening
- (E) New glazing / door to new opening
- (F) New stairs
- (G) Existing stair reconfigured
- (H) Existing Coade Stone Statues to be Refurbished
- (I) New glazed vitrine to existing opening
- (J) New Glazed Entrance Doors in Metal Frame
- (K) Removable Wheelchair Ramp
- (L) New plant enclosure to existing and proposed services
- (M) External Blind
- (N) Possible Aberdeen Granite column to match existing columns
- (O) New Decorative Glass Tube Canopy
- (P) New Service Riser Enclosure
- (Q) Existing rooflight above
- (R) New stone infill to existing opening
- (S) Existing glazed dormer rooflight to be refurbished
- (T) Reinstated and refurbished existing fabric
- (U) Retention of existing structure
- (V) Suspended Acoustic Panels
- (W) Rails for sliding guardrail equipment
- (X) Painted cast iron downpipes

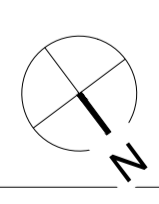
- 1 Aberdeen Granite Colonnade
- 2 'Pink' Yorkshire Sandstone
- 3 Steel & Glass Conservatory Structure
- 4 Channelled Granite
- 5 Existing Lead Roof
- 6 Rendered Brickwork
- 7 Slate Tiling
- 8 Existing Iron & Glass Structure
- 9 Cast Iron Structure
- 10 London Stock Brick
- 11 New Steel Structure
- 12 Exposed aggregate hot poured floor finish
- 13 Glazed Roof
- 14 Solid Roof with Zinc finish
- 15 Glass Panel
- 16 Folding Glass Doors
- 17 New Opaque Glass Infill Panel with Timber Frame to Replace 1980s Painted Steel Glazing
- 18 New Balustrade
- 19 Translucent/Opaque Glass
- 20 New Roof to match adjacent existing Lead roofing
- 21 Timber Louvres



GIA
 26.7m²
 287sqft

GEA
 29.7m²
 319sqft

Rev	Description	Date	By	CHK
	key plan			



28 - 42 Banner Street
 London EC1Y 8QE
 Tel 020 7608 9600
 Fax 020 7608 9601
 www.ericparryarchitects.co.uk

Eric Parry Architects

client
 CAPCO

project
 THE OPERA TERRACE

drawing title
 PROPOSED BASEMENT PLAN

scale
 1:100 @ A1

drawing no
EPA COV 05 PLN 299

revision
4

Comaprison table of the two existing licences and the current application

Brasserie Blanc	Le Creperie	Sushi Samba
<p>Playing of Recorded Music: Indoors Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted</p>	<p>Playing of Recorded Music: Indoors Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted</p>	<p>Playing of Recorded Music: Indoors</p> <p>Monday to Thursday: 08:00 to 00:30 Friday to Saturday: 08:00 to 01:00 Sunday: 09:00 to 00:00 Sundays before Bank Holidays: 09:00 to 01:00</p>
<p>Late Night Refreshment: Indoors</p> <p>Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00</p>	<p>Late Night Refreshment: Indoors</p> <p>Monday to Saturday: 23:00 to 23:30</p>	<p>Late Night Refreshment: Indoors</p> <p>Monday to Thursday: 23:00 to 00:30 Friday to Saturday: 23:00 to 01:00 Sunday: 23:00 to 00:00 Sundays before Bank Holidays: 23:00 to 01:00</p>
<p>Sale of Alcohol: On and Off</p> <p>Monday to Saturday: 08:00 to 00:00 Sunday: 09:00 to 23:30</p>	<p>Sale of Alcohol: On and Off</p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p>	<p>Sale of Alcohol: On and Off</p> <p>Monday to Thursday: 08:00 to 00:30 Friday to Saturday: 08:00 to 01:00 Sunday: 09:00 to 23:30 Sundays before Bank Holidays: 09:00 to 01:00</p>



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

Premises licence

Regulation 33, 34

Premises licence number:

16/00335/LIPT

Original Reference:

05/04966/LIPC

Part 1 – Premises details

Postal address of premises:

La Creperie
7 The Piazza
Covent Garden
London
WC2E 8HD

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

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

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

Part 2

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

Capital & Counties CG Ltd And Capital & Counties CG Nominee
15 Grosvenor Street
London
W1K 4QZ

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

05860230

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

Name: Mr Jean-Marie Morain

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

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

Licence Number: 419
Licensing Authority: Winchester City Council

Date: 04.02.2016

Signed: pp David Sycamore
Operational Director - Premises Management

Annex 1 – Mandatory conditions

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

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

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

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

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

Conditions related to the Sale of Alcohol

- 9. Substantial food and non-intoxicating beverages including drinking water shall be available during the whole of the permitted hours.
- 10. All service of alcohol shall be by way of waiter/ waitress to table.
- 11. CCTV system to be installed and maintained to the reasonable requirements of the Metropolitan Police Crime Prevention Officer.
- 12. Maximum numbers inclusive of staff, as advised by LFEPA Proper Officer, currently specified at 60.

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

Conditions related to the Sale of Alcohol

- 13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00

- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

14. 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.

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

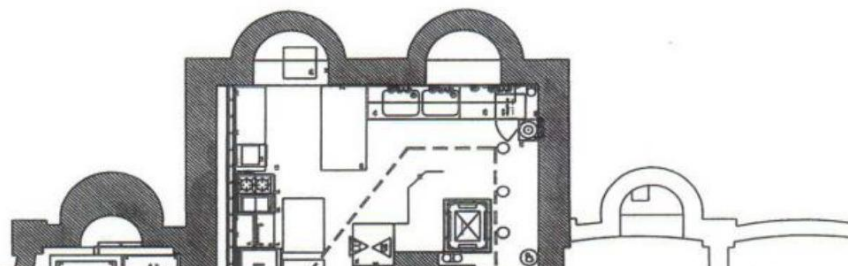
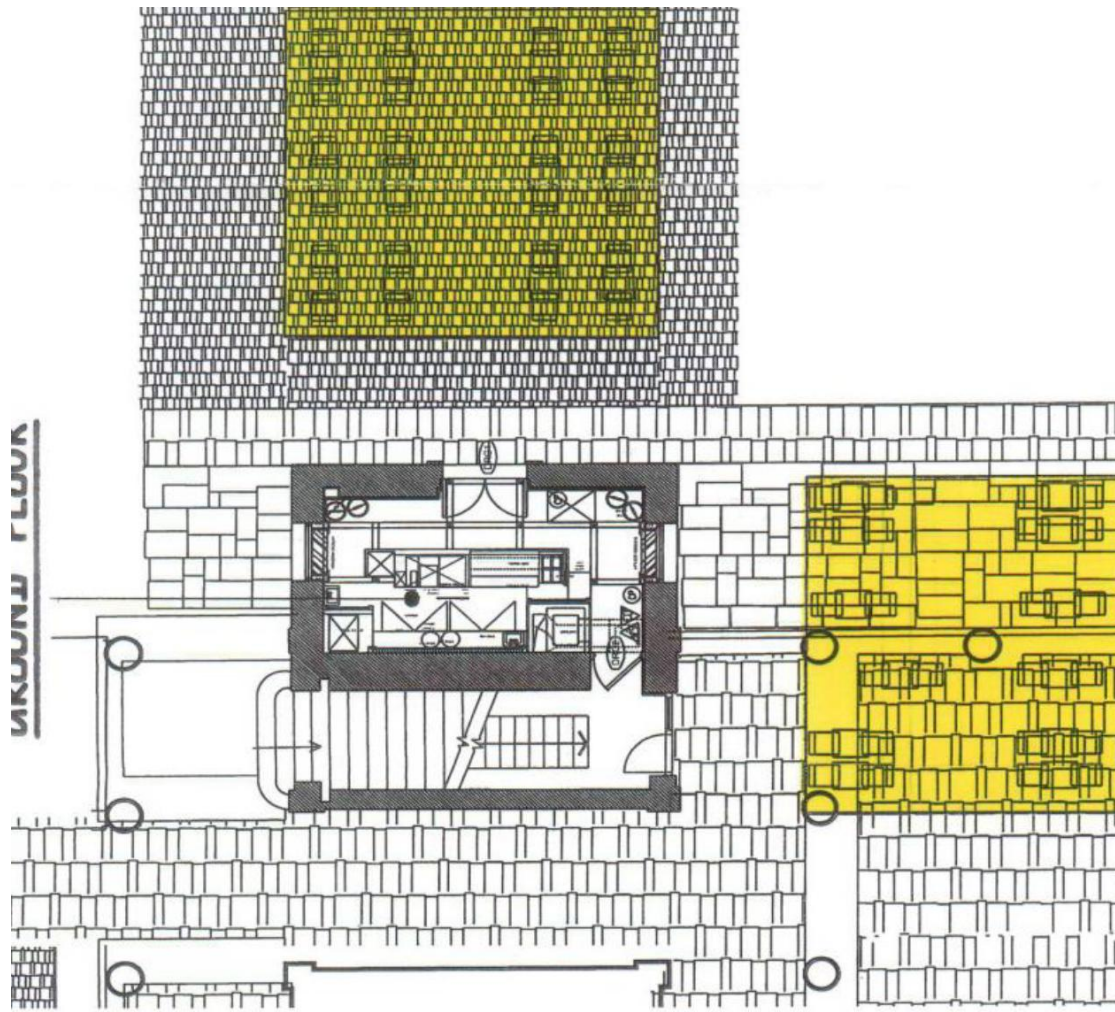
Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans





Schedule 12
Part B

WARD: St James's
UPRN: 010033620504

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

16/00335/LIPT

Part 1 – Premises details

Postal address of premises:

La Creperie
7 The Piazza
Covent Garden
London
WC2E 8HD

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music **Unrestricted**

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

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

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

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

Capital & Counties CG Ltd and Capital & Counties CG Nominee
15 Grosvenor Street
London
W1K 4QZ

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

05860230

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

Name: Mr Jean-Marie Morain

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

Restricted

Date: 04.02.2016

Signed: pp David Sycamore
Operational Director - Premises Management



Schedule 12
Part A

WARD: St James's
UPRN: 010033544633

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

13/05021/LIPDPS

Original Reference:

05/05113/LIPCV

Part 1 – Premises details

Postal address of premises:

Brasserie Blanc
35 The Market
Covent Garden
London
WC2E 8RF

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music

Unrestricted

Late Night Refreshment

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

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 00:00 (08:00 to 10:00 subject to condition 13)
Sunday: 09:00 to 23:30 (09:00 to 11:00 subject to condition 13)

For times authorised for New Year see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 08:00 to 00:30
Sunday: 09:00 to 00:00
New Year's Eve: From start of permitted hours to end of permitted hours on New Year's Day

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

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

Part 2

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

Blanc Brasseries Limited
106-108 High Street
Teddington
TW11 8JD

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

04782459

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

Name: Mr Jean-Marie Morain

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

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

Licence Number: 419
Licensing Authority: Winchester City Council

Date: 29th July 2013

Signed: pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

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

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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

Conditions for Sale of Alcohol

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

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

Annex 2 – Conditions consistent with the operating Schedule

11. The new bar room shall only be used for private pre booked events.

Conditions for Sale of Alcohol

12. Outside the area edged green on the approved plan the supply of alcohol shall be by waiter/waitress service and only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. Between 08:00hrs and 10:00hrs Monday to Saturday and 09:00hrs and 11:00hrs on Sunday the supply of alcohol shall be by waiter/waitress service and only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
14. Between 08.00 and 11.00 Monday to Saturday and 09.00 to 11.00 on a Sunday, the entire premises shall only operate as a restaurant (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.

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

None



Schedule 12
Part B

WARD: St James's
UPRN: 010033544633

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/05021/LIPDPS

Part 1 – Premises details

Postal address of premises:

Brasserie Blanc
35 The Market
Covent Garden
London
WC2E 8RF

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

Late Night Refreshment

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

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 00:00 (08:00 to 10:00 subject to condition 13)
Sunday: 09:00 to 23:30 (09:00 to 11:00 subject to condition 13)

For times authorised for New Year see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 08:00 to 00:30
Sunday: 09:00 to 00:00
New Year's Eve: From start of permitted hours to end of permitted hours on New Year's Day

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

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

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

Blanc Brasseries Limited
106-108 High Street
Teddington
TW11 8JD

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

04782459

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

Name: Mr Jean-Marie Morain

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

Restricted

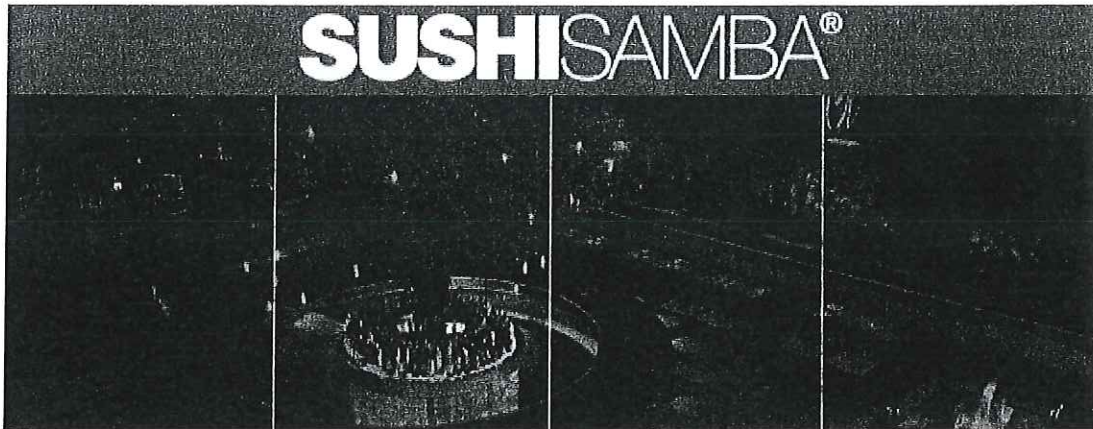
Date: 29th July 2013

Signed: pp 
Operational Director - Premises Management

APPENDIX 2a

Sushi Samba Covent Garden

Units 35 & 7 The Market



Application for a Premises Licence

OPERATIONAL MANAGEMENT STATEMENT AND APPENDIX 11 SUBMISSION

1 Introduction

1.1 This document is submitted in support of the application for a new Premises Licence in respect of Units 35 & 7 The Market Covent Garden WC2E 8RF (the “Premises”).



1.2 Existing Premises licences no. 16/00335/LIPT and 16/00840/LIPT authorise licensable activities for both 35 The Market and 7 The Piazza; operating as 2 restaurants and bars - Brasserie Blanc at 35 The Market and Le Petit Blanc (La Creperie) at 7 The Piazza.

1.3 Following pre-application advice, the application is submitted to extend and merge the two premises and licences, with a new entrance to Unit 35, subject to the same conditions of the existing licences and extending the hours as follows:

	Sale of Alcohol	Recorded Music	Late Night Refreshment	Opening Hours
Monday to Thursday	08.00 – 00.30	08.00 – 00.30	23.00 – 00.30	07.00 – 00.45
Friday & Saturday	08.00 – 01.00	08.00 – 01.00	23.00 – 01.00	07.00 – 01.15
Sunday	09.00 – 23.30	09.00 – 00.00	23.00 – 00.00	07.00 – 00.00

1.4 The applicant is an extremely experienced operator with a proven track record. The applicant has managed some of the world’s most popular and exclusive restaurants. Highly acclaimed Sushi Samba restaurants are located in New York City, Miami Beach, Las Vegas, Coral Gables

and Heron Tower in the City of London. The Premises will specialise in a unique fusion of Japanese, Brazilian and Peruvian cuisine.

- 1.5 This document addresses Appendix 11 of the City of Westminster's Statement of Licensing Policy. In doing so the applicant can demonstrate the Premises will:
 - 1.5.1 Promote the licensing objectives of the prevention of public nuisance
 - 1.5.2 Promote the licensing objective of the prevention of crime and disorder; and
 - 1.5.3 Be professionally and responsibly managed alongside nearby local residents.
- 1.6 The premises are situated within the busy Market Building in the centre of Covent Garden. The area has mixed uses, with restaurants, bars and casinos in the close vicinity. There are excellent transport links nearby.

2 Planned Management Measures for Control of Noise

2.1 The proposed hours of operation are:

	Sale of Alcohol	Recorded Music	Late Night Refreshment	Opening Hours
Monday to Thursday	08.00 – 00.30	08.00 – 00.30	23.00 – 00.30	07.00 – 00.45
Friday & Saturday	08.00 – 01.00	08.00 – 01.00	23.00 – 01.00	07.00 – 01.15
Sunday	09.00 – 23.30	09.00 – 00.00	23.00 – 00.00	07.00 – 00.00

- 2.2 The main entry and departure points are located on Covent Garden Market located on the Eastern frontage of the North East pavilion building. The entrance will be situated at ground floor level leading to a staircase and lift up to the main restaurant space at first floor level. This will help prevent internal noise carrying outside.
- 2.3 There will be no Regulated Entertainment in the external areas on the ground floor. Customers will be carefully supervised in these areas to minimise the risk of public nuisance. The application proposes a condition restricting the use of the ground floor terrace after 11pm.
- 2.4 Customers will be welcomed by a staff member immediately upon arrival at the Premises. During busy periods, additional staff will supervise the entry of customers to prevent any queuing. All customers will be supervised and managed by staff to ensure they cause no nuisance.
- 2.5 The departure of customers will be managed in accordance with the dispersal policy at section 4 of this document. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.
- 2.6 The dispersal policy includes arrangements for taxis. These procedures will ensure taxis are managed so as to mitigate possible nuisance.
- 2.7 The applicant will implement comprehensive servicing and delivery procedures to ensure this activity has minimal, if any, impact on the local amenity. The relevant procedures are set out in section 5 of this document.

3 Noise Criteria

3.1 The criteria set out in policy PN1 are addressed as follows:

Noise and Vibration

3.2 An environmental noise survey has been prepared to ensure the operation of the Premises' plant complies with the City Council's noise limits. The survey found that existing ambient noise levels were relatively high: LA90,15min 48dB during the day and LA90,15min 43dB at night.

3.3 Music will be played at levels in accordance with the Sushi Samba restaurant use.

3.4 Management controls are included in the dispersal policy at section 4 and the servicing and delivery procedures at section 5 of this document. The objective of these procedures is to ensure residents are not disturbed by noise from the Premises in accordance with Policy PN1.

3.5 In addition, the following conditions are proposed with the application:

3.5.1 *"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."*

3.5.2 *"Loudspeakers shall not be located in the entrance lobby or outside the premises building."*

3.5.3 *"All windows and external doors shall be kept closed after 00:00 hours (midnight) except for the immediate access and egress of persons."*

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

Eating, Drinking and Smoking Outside Premises

3.6 External areas will be carefully managed to ensure customers behave responsibly and do not cause a nuisance.

3.7 The following conditions are proposed with the application:

3.7.1 *"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."*

3.7.2 *"Patrons permitted to temporarily leave the first floor area and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them."*

3.7.3 *"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."*

Other Environmental Impacts

- 3.8 The applicant will implement a number of measures to ensure no adverse impact to the local environment, including but not limited to:
- 3.8.1 Model conditions proposed with the application as follows:
- 3.8.1.1 *“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.”*
- 3.8.1.2 *“All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.”*
- 3.8.1.3 *“No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours.”*
- 3.8.2 A dispersal policy at section 4 of this document.
- 3.8.3 A deliveries, collections and servicing procedure at section 5 of this document.

4 People Arriving, Departing & in the Vicinity

Dispersal Policy

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 4.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 4.3 Despite the Premises' central London location, employees are made aware that local residents live close by.

Hours of Operation

- 4.4 In order to allow a gradual dispersal of customers from the premises, the proposed operational hours of the Premises will be:
 - 4.4.1 Monday to Thursday: 7am to 00.45am.
 - 4.4.2 Friday and Saturday: 7am to 01.15am.
 - 4.4.3 Sunday: 7am to 00.00am.
- 4.5 This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 4.6 The main entrance/exit of the Premises is located on the Covent Garden Market Piazza located on the Eastern frontage of the North East pavilion building. This entrance will be managed by reception staff inside the Premises during busy periods.

Dispersal

- 4.7 The exit is on the Covent Garden Market Piazza located on the Eastern frontage of the North East pavilion building. There will be a gradual dispersal of patrons throughout the evening. The sale of alcohol will cease in accordance with the terminal hours above, with customers leaving the Premises in a gradual and controlled manner until close.
- 4.8 Towards closing time the following measures are taken to ensure a gradual and quiet closure of the Premises:
 - 4.8.1 Raised lighting levels.
 - 4.8.2 Politely reminding customers the Premises is about to close.

- 4.8.3 Asking customers if they require a taxi and advising customers to wait inside the Premises.

Transport

- 4.9 Customers will arrive and depart by various modes of transport, including by foot and private car. Customers are welcomed straight into the Premises by members of staff. There will be no queuing or loitering on the Covent Garden Piazza.
- 4.10 When arriving by private car to Russell Street and if required, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.
- 4.11 The Premises will be well serviced by public transport links, as set out below. All staff will be familiar with the transport links so they can advise customers when required.

Tube

- 4.12 The following tube stations are located within walking distance of the Premises:
- 4.12.1.1 Covent Garden Underground Station.
 - 4.12.1.2 Leicester Square Underground Station.
 - 4.12.1.3 Piccadilly Circus Underground Station.
 - 4.12.1.4 Charing Cross Underground Station.
 - 4.12.1.5 Tottenham Court Road Underground Station.
- 4.12.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

4.13 Rail

- 4.13.1 The Premises is within walking distance of Charing Cross Rail station.
- 4.13.2 Other rail stations, for example Victoria, Paddington, Liverpool Street, Euston and Kings Cross St Pancras are easily reached by tube, bus or taxi.

4.14 Buses

- 4.14.1 The Premises is well serviced by public buses. TFL bus services, including night buses, go to a variety of destinations throughout London from nearby bus stops.
- 4.14.2 Bus routes include: RV1, 6, 9, 11, 13, 15, 23, 87, 91, 139, 176, N9, N11, N13, N15, N21, N26, N44, N87, N89, N91, N155, N199, N343 and N551.

4.15 Taxi

4.15.1 Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.

4.15.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available.

4.15.3 Staff will assist customers calling a taxi if required.

Private Car Service

4.16 The Premises will have an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

4.17 Customers will be asked if they need transport home at the time they request their bill.

5 Deliveries, Collections & Servicing

- 5.1 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents.
- 5.2 The Piazza is pedestrianised though delivery vehicles are permitted to service businesses within the market building between 7.30am and 10.30am. The servicing and delivery schedule is expected to be consistent with these times.
- 5.3 The following model licence conditions are proposed with the Application:
- 5.3.1 *"All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times."*
 - 5.3.2 *"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 07:00 hours on the following day."*
 - 5.3.3 *"Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays."*

Thomas & Thomas
Partners LLP

Your ref:
Our ref: AT/NEW.39.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Licensing Service
City of Westminster
64 Victoria Street
London SW1E 6QP

By e mail

09 June 2016

Dear Sirs

Units 7 and 35 The Market, The Piazza, WC2

We act for the applicant in the above matter and refer to the forthcoming hearing before the licensing sub-committee. We enclose our client's acoustic report, revised plans and a letter of support from the landlord, Capital and Counties.

The application follows the grant of planning permission which not only dealt with changes to the demise of the existing building and proposed entrance but also granted an extension of hours, consistent with the proposed hours for the sale of alcohol. Substantial pre-application advice was also received by the City Council which resulted in the conditions included within the operating schedule. We have also met with Mr Kaner from the Covent Community Association.

Essentially, the application reflects the merger of the two licences on the same terms with extended hours for the restaurant only. The existing licences allow the sale of alcohol without food in parts of the first floor restaurant and terrace and all of the ground floor external seating. These areas are shown on the existing licence plans and have simply been re-appropriated to different areas but with the same floor space.

The other change is that the ground floor effectively becomes just an entrance with the existing seating area unchanged in location and use. The first floor is subject to the same conditions as existing with the addition of a full restaurant condition in respect of the proposed extended hours, in line with the planning permission.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

COVENT GARDEN

capco

Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

Dear Sirs,

Units 8 and 35 The Market, WC2
Ref no: 16/03019/LIPN

Capital and Counties CG Limited & Capital and Counties CG Nominee Limited, are the freehold long lease holders of the above premises, previously operating as Brasserie Blanc. We negotiated a surrender of that lease in favour of the applicants, Newinco 1314, trading as Sushi Samba.

Sushi Samba was selected from a very long list of prospective tenants. We were and remain impressed with their offer, management and commitment to the Market. We carried out extensive stakeholder consultation as part of the planning process, which reflects the plan and extended hours submitted as part of this application.

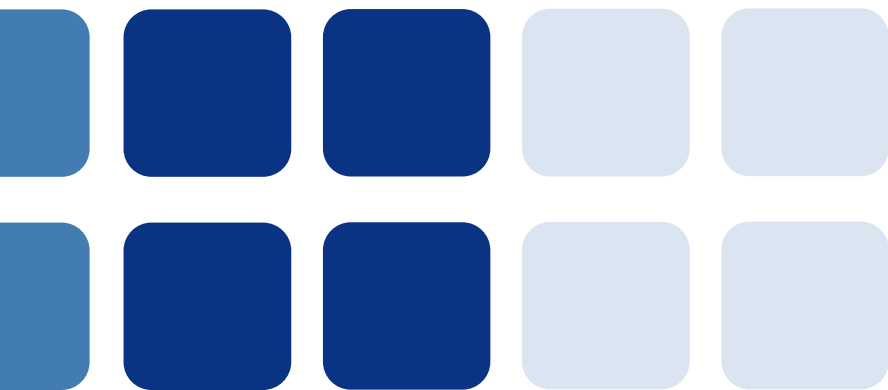
Our agreement with Sushi Samba includes an obligation to transfer the existing premises licences to them. Those licences allow the sale of alcohol on the same terms as reflected in the application, save for an extension of hours in line with the planning permission for the restaurant on the first floor.

Capital and Counties CG Limited endorse and support this application.

Yours faithfully,



Christopher Denness
Director of Asset Management
Capital and Counties CG Limited



SUSHI SAMBA
COVENT GARDEN
LONDON

Acoustic Assessment

REPORT 7495/AAR
Prepared: 9 June 2016
Revision Number: 0

Sushi Samba
110 Bishopsgate
LONDON
EC2N 4AY

Acoustic Assessment



SUSHI SAMBA
COVENT GARDEN
LONDON

REPORT 7495/AAR
Prepared: 9 JUNE 2016

Revision	Comment	Date	Prepared By	Approved By
0	First issue of report	7 June 2016	Francis Kneller	Torben Andersen
1	Minor amendment to introduction to reflect application details	9 June 2016	Torben Andersen	Russell Richardson

Terms of contract:

RBA Acoustics Ltd has prepared this report in accordance with our standard terms and conditions. RBA Acoustics Ltd shall not be responsible for any use of the report or its contents for any purpose other than that for which it was provided. Should the Client require the distribution of the report to other parties for information, the full report should be copied. No professional liability or warranty shall be extended to other parties by RBA Acoustics Ltd without written agreement from RBA Acoustics Ltd.

In line with our Environmental Policy, up to two hard copies of the report will be provided upon request. Additional copies of the report, or further hard copies of revised reports, would be subject to an administrative cost of £20.00 (+VAT) per copy.



RBA ACOUSTICS
44 Borough Road
London SE1 0AJ
T. +44 (0) 20 7620 1950
W. www.rba-acoustics.co.uk

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1.0 INTRODUCTION

Sushi Samba intend to open a new restaurant/bar within the Market premises, Covent Garden.

The proposed restaurant/bar is to occupy Units 8 and 35 of the Market premises. The main restaurant/bar area is located at 1st floor with the entrance at ground floor level. The premises also have ground and first floor external terraces which accommodate dining areas. We understand the premises has a current licence to operate as a licensed restaurant/bar until 00:30 hours with the external terrace at ground restricted until 23:00 hours.

It is desired to seek permission to extend the main restaurant operating hours until 01:00 hours on Friday and Saturday and to maintain the use of the outside 1st floor terrace until 00:00 as existing.

RBA Acoustics have been appointed to undertake a detailed assessment of the potential noise impact of such operations and to comment upon the extent of any adverse impact.

This report contains the results of our recent noise measurements and includes an assessment of the likely noise impact to local residents.

2.0 ENVIRONMENTAL NOISE SURVEY

To establish a representative background noise levels within the area, noise levels were measured between the hours of 22:00 to 02:00 on Wednesday 1 June - Thursday 2 June 2016,.

2.1 Measurement Equipment

The following equipment was used:

Table 7495/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Valid Until
Norsonic Type 1 Sound Level Meter	Nor140	1406407	474294132	30 September 2017
Norsonic Pre Amplifier	1209	20688		
Norsonic ½" Microphone	1225	226839		
Norsonic Sound Calibrator	1251	34482	CAL 022-2015-5523	3 September 2017

The equipment was calibrated prior to and on completion of the survey. No calibration drift was observed.

2.2 Measurement Location

Measurements were undertaken on the Covent Garden piazza approximately 5m from the façade of the nearest identified residential properties belonging to Russell Chambers. The microphone was located on a tripod and positioned 1.2m above ground level. Weather conditions were conducive to noise measurements, it being dry with only light winds.

The measurement location is illustrated on the attached site plan 7495/SP1.

2.3 Site Conditions

During our survey period it was identified that the background noise climate was dominated by patron noise from nearby existing licensed restaurants and bars and from members of public passing through the piazza area.

2.4 Results

The measured noise levels at the measurement position are shown in Table 7495/T2 below.

Table 7495/T2 – Measured Background Noise Levels

Measurement Date	Time Period	Average Measured $L_{Aeq,15mins}$ (dB)	Lowest Measured $L_{A90,15mins}$ (dB)
Wednesday 01 June 2016	22:00 -23:00	59	55
Wednesday 01 June 2016	23:00 – 00:00	61	55
Thursday 02 June 2016	00:00 – 01:00	60	53
Thursday 02 June 2016	01:00 - 02:00	55	51

3.0 ASSESSMENT CRITERIA

3.1 Westminster City Council Requirements

There are no specific WCC requirements with regard to assessing noise from patrons external to any particular premises.

However, although not strictly comparable, a very worst-case assessment for external patron noise would be undertaken in a similar manner as that required for mechanical services plant.

The background noise levels measured at the site (and reported in Section 2.0) demonstrate that the existing prevailing noise levels are above the WHO guideline levels and therefore the target requirement for normal mechanical services plant would be to ensure L_{Aeq} levels are at least 10dBA below the lowest L_{A90} values.

Normal speech is, inevitably, intermittent and it is therefore appropriate to apply a further penalty to the noise assessment (following the approach taken for mechanical plant). However, given that the surround noise climate is dominated by patron noise (speech) from other licensed establishments and from members of the public passing through the area, we feel a penalty due to speech is not applicable in this instance as the noise climate already is mostly dominated by 'human/intermittent' speech noise sources.

In light of the above, the maximum noise level ($L_{Aeq,15min}$) emitted by patrons using the courtyard area would ideally not exceed 10dBA below the minimum measured external background noise ($L_{A90,15min}$) at the nearest noise-sensitive receptors.

3.2 Institute of Environment Management & Assessment (IEMA) and Institute of Acoustics Guidelines on Noise Impact Assessment

When assessing the subjective impact of any development it is important to consider the specific circumstances of the site. The characteristics of the various sources must therefore be considered in addition to factors common to all noise impact assessments such as existing background noise level comparisons.

The Institute of Environmental Management and Assessment (IEMA) document "Guidelines on Noise Impact Assessment" gives guidance as to how basic noise changes may be categorised.

Table 7495/T3 repeats the guidance within the document in order to categorise "effect descriptors". This identifies the impact of different levels of noise above the prevailing background noise.

Table 7495/T3 - Significance of Noise Level Change

Noise Change (dBA)	Category
0.0-2.9	None/Not Significant
3.0 to 4.9	Slight Impact (at a receptor of some sensitivity)
3.0 – 4.9	Moderate Impact (at a sensitive or highly sensitive receptor)
5.0 – 9.9	Substantial Impact
10.0 and above	Very Substantial Impact

3.3 BS 8233:2014

BS 8233:2014 *Guidance on sound insulation and noise reduction for buildings* provides information on achieving internal acoustic environments appropriate to their functions.

As part of this document recommendations are given to the internal noise levels which are commensurate with achieving acceptable resting, dining and sleeping conditions within residential properties. The values given are generally in terms of an L_{Aeq} level although reference is also made with regards to maximum noise levels (although no criterion is specified in this recently revised version of the standard).

Table 7495/T4 – BS8233 Residential

Activity	Location	07:00 – 23:00	23:00 – 07:00
Resting	Living room	35 dB $L_{Aeq, 16 \text{ hour}}$	-
Dining	Dining room / area	40 dB $L_{Aeq, 16 \text{ hour}}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq, 16 \text{ hour}}$	30 dB $L_{Aeq, 8 \text{ hour}}$

3.4 World Health Organisation: Guidelines for Community Noise

The document describes guideline levels that are “*essentially values for the onset of health effects from noise exposure*”.

A table of guideline values is included, relating to adverse health effects, referred to as any temporary or long term deterioration in physical, psychological, or social functioning that is associated with noise exposure. The following is an extract from the Table 4.1: Guideline values for community noise in specific environments, as stated in the document.

Table 7495/T5 – Guideline Values for Community Noise

Specific Environment	Critical Health Effect(s)	L_{Aeq} (dB)	Time Base (hours)	$L_{Amax,t}$ (dB)
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-times	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

From Table 7495/T5, it is implied that an open window offers a level difference of approximately 15 dB L_{Aeq} , as the difference between guideline values for areas inside of a bedroom (30 dBA) should be 15 dB lower than that directly outside of the bedroom (45 dBA).

Therefore, assuming a worst case scenario of windows being open in the nearest potentially affected properties, acceptable levels outside of bedrooms can be calculated as being 45 dBA. This being 15 dB L_{Aeq} above the level of 30 dB L_{Aeq} referred to in the WHO guidelines above in relation to “Inside bedrooms”.

3.5 Subjective Impact

In addition to the comparison of the difference in background noise levels in line with the above guidelines, it is important to understand the potential subjective effect of such changes in the noise level. Table 7495/T6 compares the generally accepted subjective response of typical subjects to variations in sound pressure level for similar sources.

Table 7495/T6 – Subjective Response to Noise Levels

Change In Sound Level (dB)	Change in Power		Apparent Change in Loudness
	Decrease	Increase	
3	1/2	2	Just Perceptible
5	1/3	3	Clearly Noticeable
10	1/10	10	Half or Twice as Loud
20	1/100	100	Much Quieter or Louder

4.0 NOISE DUE TO 1st FLOOR TERRACE ACTIVITY

4.1 Predicted Noise Levels Within 1st Floor Terrace During Proposed Operation

In order to predict the likely noise levels at the nearest affected residential windows generated by customers using the 1st floor terrace, we have undertaken a detailed noise modelling exercise using the CadnaA software.

This modelling suite incorporates the guidance within ISO9613 and has taken as its basis a premises occupancy of 15 dining tables/30 customers on the terrace, 15 of whom are speaking simultaneously.

The above is a worst-case assumption, since it is likely that only a small proportion of customers will be talking simultaneously, as it is usually the case that when one person on a table is talking that the other(s) will be listening to the first person speaking.

Noise levels on the 1st floor terrace have been calculated based on the above assumptions and are shown in Table 7495/T7.

Table 7495/T7 – Sound Power Level of One Person Speaking

Noise Level Parameter	Octave-Band Sound Power Levels (dB)								
	63	125	250	500	1k	2k	4k	8k	Overall (dBA)
One person speaking normally (SWL)	45	55	65	69	63	56	50	45	68

4.2 Residential Receptors - Russell Chambers Adjacent to the Terrace Area

The closest and most noise-sensitive properties to the premises and the 1st floor terrace have been identified as being the windows belonging to Russell Chambers at upper floor level which overlook the premises and 1st floor terrace. These windows are approximately 25m from the 1st floor terrace. These have been considered to be the worst affected windows.

This positions are shown on the attached site plan 7495/SP1.

4.3 1st Floor Terrace Noise Model Results

A noise map of the predicted noise levels due to use of the Premises is shown in Noise Map 7495/NM1. The predicted façade incident noise level at the worst-affected receptors is shown within the outline of the building.

Table 7495/T8 – Predicted Average Noise Levels at Receptors

Receptor	Worst Case Predicted L_{Aeq} Noise Level
Residential Receptor	41

5.0 NOISE DUE TO 1st FLOOR RESTAURANT ACTIVITY

In addition to the assessment of terrace noise, we have also given consideration to the potential noise break-out from within the restaurant for the proposed, extended hours.

It is understood that typical music internal noise levels will be in the region of 85dBA L_{eq} . It is reasonable to expect that any granting of permission for this application may include Conditions requiring a noise limiter to any music reproduction systems. The noise limiter can subsequently be adjusted in the event that music is audible at the nearest residential properties.

The proposed extension to hours covers the period until 01:00 hours and it is therefore for this worst-case period that we have conducted our assessment. At this time, all windows and doors to the terrace area will be closed.

We have therefore input these assumptions into our CadnaA model (assuming a sound insulation commensurate with typical thermal double-glazing) in order to predict noise transfer levels. This has indicated noise break-out levels on the terrace itself of 50dBA L_{eq} and resultant levels at Russell Chambers of 34dBA.

6.0 ASSESSMENT OF PREDICTED NOISE

Combining predicted noise levels due to internal (restaurant) break-out and noise levels due to terrace activities, the overall predicted level is 42dBA L_{eq} . This would be applicable for periods up to midnight.

For the 00:00 to 01:00 hours period, only noise break-out from the restaurant would be applicable (as the terrace would not be in use).

6.1 Assessment against WCC Criteria

At the receptor the predicted noise levels from both the restaurant and first floor terrace areas (42dBA L_{eq}) are 11dBA below the lowest prevailing background L_{A90} noise level and as such are compliant with the proposed criterion.

For the 00:00-01:00 hours period, the predicted noise level of 34dBA L_{eq} (due to restaurant activity alone) is some 17dBA below the lowest prevailing background L_{A90} noise level and therefore compliant with the proposed criterion.

6.2 Assessment against IEMA Methodology

Table 7495/T9 provides a comparison of the predicted levels with the IEMA assessment methodology. For the sake of simplicity, we have adopted the worst-case (combined) noise levels due to the restaurant and compared these against the lowest (00:00-01:00 hours) background levels.

Table 7495/T9 – Assessment using IEMA Methodology

Receptor Location	Minimum Measured $L_{Aeq,5min}$ Noise Level (dB)	Predicted Worst-Case Noise Level at Nearest Residential Façade ($L_{Aeq,5min}$) (dB)	Increase in Existing Minimum Noise Levels at Nearest Residential Façade (dB)
Russell Chambers	53	42	0

As can be seen from the above, worst-case noise levels at the worst-affected receptor location are predicted to lead to no increase to the lowest prevailing noise level at the nearby residential facades. This would be considered as “No significant impact” under the IEMA assessment methodology.

It is therefore suggested that the proposed use would be acceptable until 01:00 hours.

6.3 Comparison with BS8233 and WHO internal noise levels

In addition to the WCC and IEMA assessment approach, it is useful to compare the resultant predicted levels inside the nearby residential properties, assuming windows are opened. Guidance within WHO suggests a reduction of around 15dBA can typically be expected for external noise intrusion through an open window. This would lead to the following internal noise levels due to activity on within the restaurant and 1st floor terrace area.

Table 7495/T10 – Worst Case Internal Noise Levels within Residences

Receptor Location	Worst-case External Noise Level at Façade L_{Aeq} (dBA)	Resultant Internal Noise Level L_{Aeq} (dBA)	Target Internal Noise Levels within Bedrooms for Sleeping/Resting
Russell Chambers	42	29	30-35

As can be seen from the above, predicted worst-case noise levels within nearby residential properties would generally be below those advised within both BS8233 and WHO as being suitable for the provision of sleeping/resting, even with windows open.

6.4 Summary

In summary, our assessments against the IEMA, BS8233 and WHO criteria above all indicate compliance will be achieved at all receptors.

With regard to the idealised WCC criterion, our assessment shows full compliance. Our assessment predicts a level at least 11dBA below the background noise level at 1m from the façade.

It is our opinion that the impact on the worst-affected Russell Chambers receptor will be negligible and a predicted level of at least 10dBA below the lowest measured background, will lead to no loss of amenity at the worst-affected receptor.

Furthermore we understand the worst-case receptor (Russell Chambers) does not have an external space, such as a garden or balcony. Therefore the BS 8233 and WHO assessments, which compare the predicted levels to internal noise levels, provide a more relevant indication of the level of impact. As previously mentioned our predictions show full compliance with these internal noise levels even with the residential windows being open.

7.0 CONCLUSION

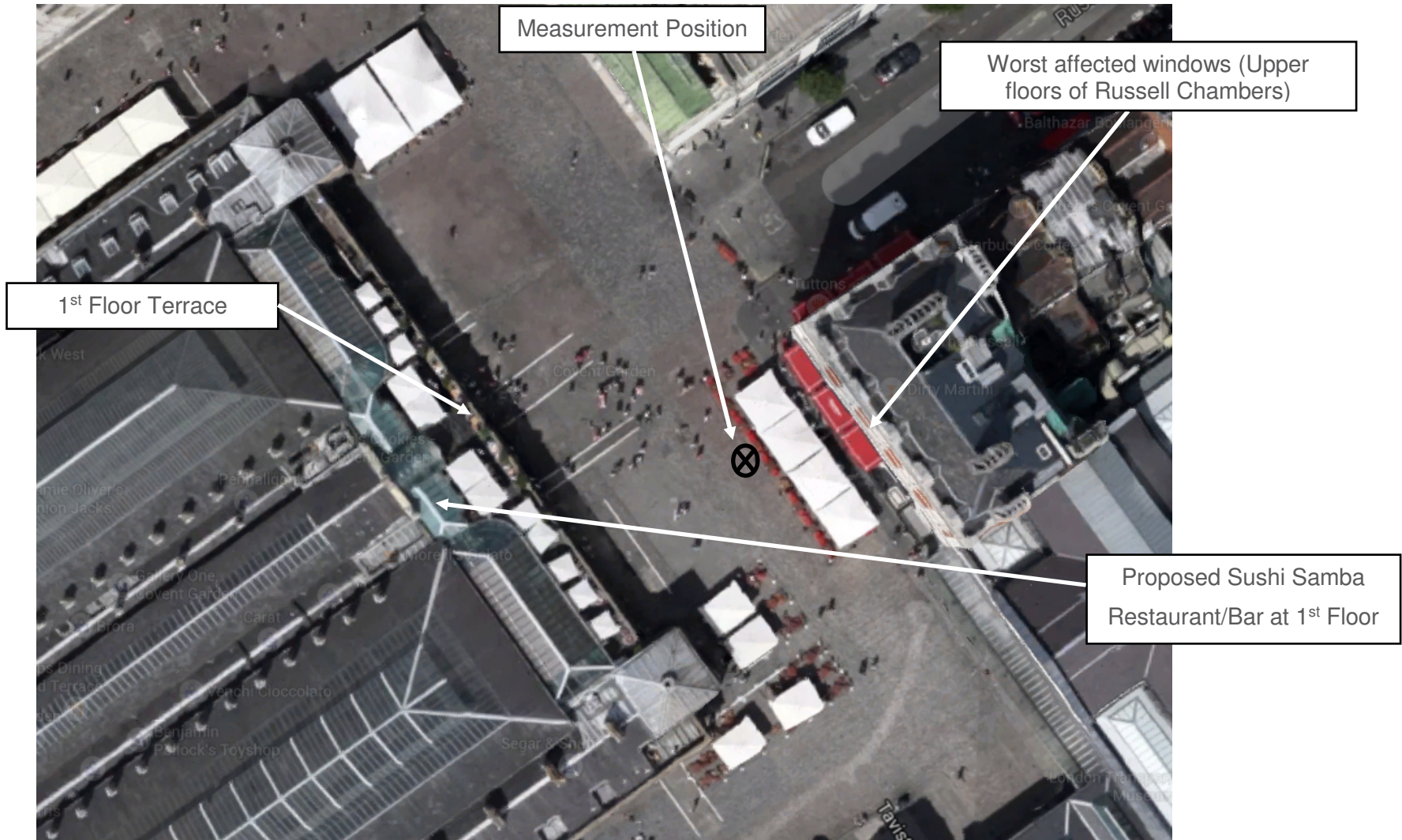
A detailed environmental noise assessment has been undertaken for the proposed operation of hours for the 1st floor terrace and extended opening hours of the restaurant at the Sushi Samba Covent Garden Restaurant/Bar.

The analysis undertaken has been based on the noise levels measured so as to determine suitable background noise levels for comparison.

Through comparison with IEMA, BS 8233, WHO Guidelines and typical WCC criterion it has been shown that the proposed operation of the 1st floor terrace until 00:00 hours and the use of the restaurant itself until 01:00 hours will not lead to any unacceptable noise impact on the local residential amenity.

Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
L_{eq}	L_{eq} is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
L_{Aeq}	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
L_{An} (e.g. L_{A10} , L_{A90})	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence L_{10} is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L_{90} is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the L_{eq} value.





Sushi Samba, Covent Garden
Predicted Noise Map of 1st Floor Terrace

Figure 7495/NM1
June 2016
Not to Scale

RBA ACOUSTICS

44 Borough Road

London SE1 0AJ

T. +44 (0) 20 7620 1950

W. www.rba-acoustics.co.uk



- 1 DEC 2015



City of Westminster

Your ref: Opera Terrace S.73

My ref: 15/09825/FULL

**Please
reply to:**

Tel No:

Kimberley Davies

020 7641 5939

Mr Nick Brindley
Gerald Eve LLP
72 Welbeck Street
London
W1G 0AY**Development Planning**
Westminster City Council
PO Box 732
Redhill, RH1 9FL

1 December 2015

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No:	15/09825/FULL	Application Date:	21.10.2015
Date Received:	21.10.2015	Date Amended:	21.10.2015

Plan Nos: EPA COV 00 ELE: 200 P1; 201 P1; 202 P1; EPA COV 00 PLN:199 P1; 200 P2; 201 P2; 202 P3; EPA COV 00 SEC: 200 P1; 201 P1; EPA COV 05 PLN: 099 P1; 100 P3; 101 P4; 102 P4; EPA COV 05 ELE: 100 P4; 101 P4; 102 P2; EPA COV 05 SEC: 100 P4; 101 P4; EPA COV 05 DTL: 110 P2; 111 P2; 115 P0; 116 P0; 117 P0; EPA COV 05 PLN: 299 P4; 300 P9; 301 P12; 302 P12; EPA COV 05 RCP: 301 P2; EPA COV 05 ELE: 300 P11; 301 P8; 302 P2; EPA COV 05 SEC: 300 P9; 301 P7; EPA COV 05 DTL: 310 P3; 311 P3; 312 P3; 313 P1; 315 P1; 316 P1; 317 P1; 318 P2; 319 P1; 320 P1; 324 P0; Covering Letter dated 21 October 2015; Planning Statement; Design and Access Statement dated July 2015; Operational Management Statement date 13 October 2015; Planning Noise Survey dated 22 July 2015, Structural Proposals dated 23 July 2015, Outline Fire Strategy dated 12 May 2015.

Address: The Market, Covent Garden, London, WC2E 8RF**Proposal:** Variation of Conditions 7, 9 and 11 of planning permission dated 22 September 2015 (RN:15/06870) for removal of the existing first floor conservatories and installation of a replacement glazed structure to the eastern elevation, partial infill of the central avenue, removal of the external staircases, associated alterations to the north and south halls, and northern pavilion, use of a terrace at the southern pavilion, installation of a metal balustrade, external table and chairs; all in connection with use as a single restaurant (Class A3). Namely, to amend wording of conditions to approve a new operational management statement, extend the time of outdoor seating until 23.00 hours, and to allow the bar area to be open to non-diners.

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of details of the following parts of the development:
- i) Material samples of the balustrade to the eastern terrace
 - ii) The new staircase within the northern pavilion
 - iii) Detailed drawings and materials of the internal structure of the conservatory
 - iv) Samples of the glass
 - v) Details of the surface material to both terraces

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic

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Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must not attach canopies or heaters to the conservatory.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must abide by the terms and conditions of the approved operational management statement dated 13 October 2015 at all times.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Customers shall not be permitted within the restaurant premises before 07.00 or after 00.30 on Monday to Thursday; before 07.00 or after 01.00 on Friday and Saturday and before 07.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You can only put the tables and chairs on the terrace and piazza between 07.00 and 23.00 daily. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not allow more than 385 customers into the property at any one time. (C05HA)

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Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Covent Garden Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 11 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Covent Garden Conservation Area. This is in line with S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when

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background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 and 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been

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given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

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Licence History for 16/00840/LIPT

Application	Details of Application	Date Determined	Decision
05/05113/LIPCV Conversion Variation	Application to convert and vary a Justices' On Licence and Supper Hour Certificate	10.08.2005	Granted under delegated authority
09/06956/LIPV Variation	Application to vary the layout of the premises	213.10.2009	Granted under delegated authority
11/11936/LIPT Transfer	Application to transfer the Licensee on the licence	20.12.2011	Granted under delegated authority
12/02356/LIPV Variation	Application to vary the layout of the premises	14.05.2012	Granted under delegated authority
12/03787/LIPV Variation	Application to amend conditions on the licence dealing with persons seated on tables taking meals	20.06.2012	Granted under delegated authority
13/05021/LIPDPS DPS Variation	Application to vary the designated premises supervisor	29.07.2013	Granted under delegated authority
16/00840/LIPT Transfer	Application to transfer the Licensee on the licence	23.02.2016	Granted under delegated authority <i>Note: this licence has not yet been issued. A copy of the previous licence is attached at Appendix 2.</i>

Licence History for 16/00335/LIPT

Application	Details of Application	Date Determined	Decision
05/04966/LIPC Conversion	Application convert a Justices' On Licence	11.07.2005	Granted under delegated authority

11/11852/LIPT Transfer	Application to transfer the Licensee on the licence	16.12.2011	Granted under delegated authority
13/02004/LIPV Variation	Application to permit a commencement time, for the sale of alcohol, of 08:00 (rather than 09:00)	15.04.2013	Application withdrawn
16/00335/LIPT Transfer	Application to transfer the Licensee on the licence	04.02.2016	Granted under delegated authority

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

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

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

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

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

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

Where -

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the

permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

Conditions Applicable to Ground Floor External seating Area, 7 The Piazza:

9. The sale of alcohol is permitted only between 10.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays.
10. No Regulated Entertainment.
11. No Late Night Refreshment.
12. The supply of alcohol to the outside tables and chairs shall be by waiter or waitress service only to seated customers.
13. All tables and chairs shall be removed from the external area by 23.00 hours each day.
14. Maximum numbers of customers shall not exceed 60 at any one time.

Conditions Applicable to First Floor Area, 35 The Piazza:

15. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
16. Outside the area edged green on the approved plan the supply of alcohol shall be by waiter/waitress service and only to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
17. Before 11.00 hours and after 00.00 hours Monday to Saturday and before 11.00 on a Sunday, the entire 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.

Conditions applicable to whole premises:

- 18. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
- 19. The number of seated persons permitted on the premises at any one time (excluding staff) shall not exceed

First Floor: [X] persons

Ground Floor External seating: [X]

persons Such numbers to be determined by

the District Surveyor

- 20. 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.
- 21. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
- 22. 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.
- 23. 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.

24. 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.
25. 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.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed after 00:00 hours (midnight) except for the immediate access and egress of persons.
28. 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.
29. Patrons permitted to temporarily leave the first floor area and then re-enter the premises,
e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. 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.
32. 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.
33. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Curtains and hangings shall be arranged so as not to obstruct emergency

safety signs or emergency equipment.

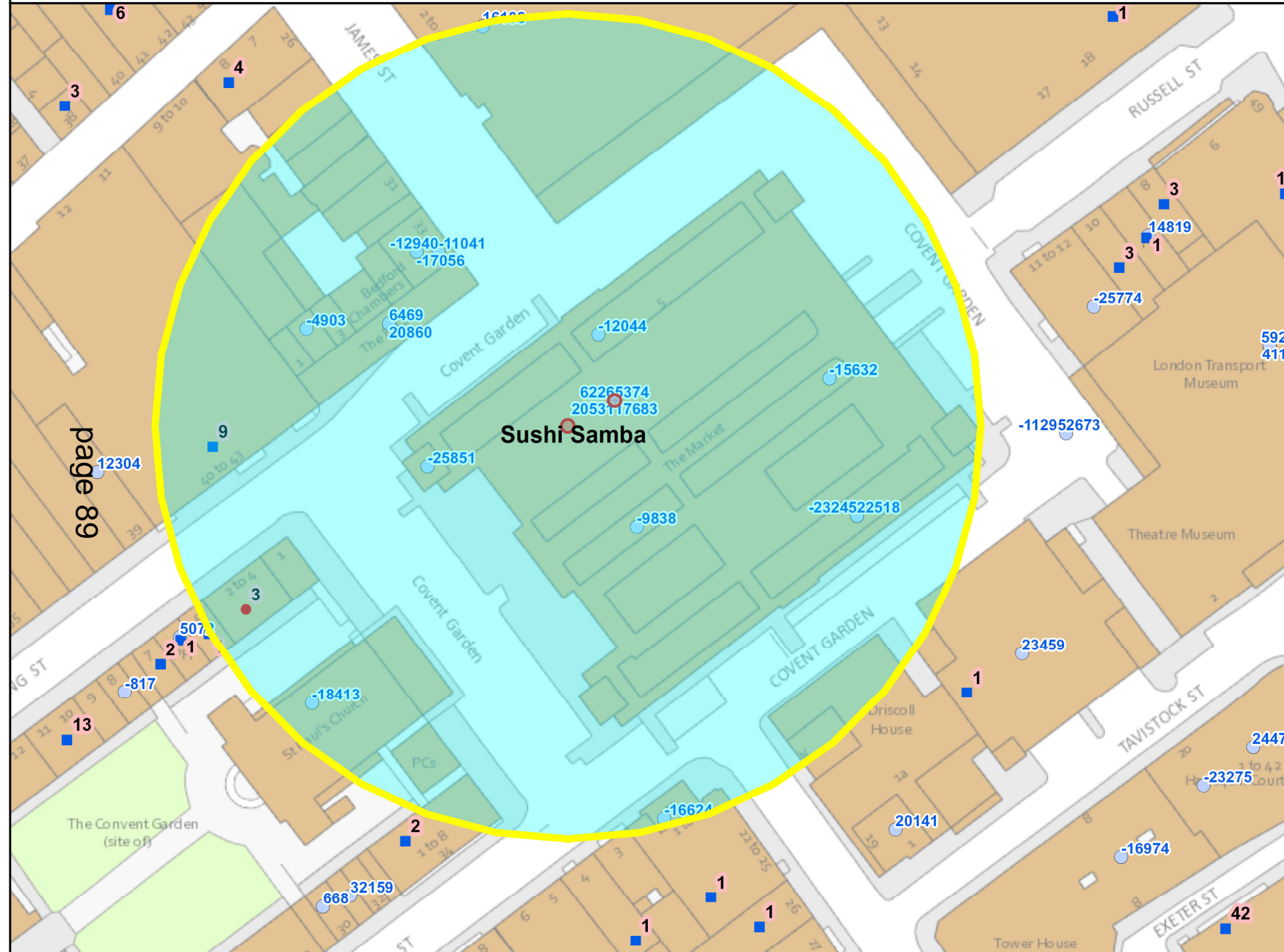
37. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours.
40. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.
41. 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 visit by a relevant authority or emergency service.
42. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
43. No deliveries to the premises shall take place between 23.00 hours and 07.00 hours.
44. No licensable activities shall be provided under the authority of this licence until the works as shown on plan numbers [X] and [X] or such other plans as submitted and approved have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been

removed from the Licence.

45. No licensable activities shall take place at the premises until premises licence numbers 16/00335/LIPT and 16/00840/LIPT (or such other number subsequently issued for the premises) has been surrendered.



Sushi Samba, Units 7 and 35 The Market, Covent Garden



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Residential / Proposed Residential	12
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

10

Meters

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Data Source: Uniform Database

Date: 01/06/2016

Premises within 75 metres of: Sushi Samba, Units 7 and 35 The Market, Covent Garden, London

p / n	Name of Premises	Premises Address	Opening Hours
-16624	The Ivy Market Grill	1A Henrietta Street London WC2E 8PS	Monday to Thursday 07:00 - 00:30 Friday 07:00 - 01:00 Saturday 08:00 - 01:00 Sunday 08:00 - 23:30
13081	21	21 The Market Covent Garden London	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 23:00
16691	Tutti Frutti	Unit 29 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Monday to Sunday 11:00 - 19:00
20531	Le Pain Quotidien	26 - 49 The Market Covent Garden London WC2E 8RF	Monday to Sunday 07:00 - 00:00
17683	Dinner Jackets	Unit 18 And Unit 19 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Monday to Sunday 11:00 - 19:00
22518	Andronicas World Of Coffee	28B The Piazza Covent Garden London WC2E 8RD	Monday to Friday 08:00 - 00:30 Saturday to Sunday 10:00 - 00:30
5374	The Crusting Pipe	27 The Market Covent Garden London WC2E 8RD	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 00:30 Sundays before Bank Holidays 10:00 - 00:30
-18413	St Paul's Church And Grounds	St Pauls Church Bedford Street London WC2E 9ED	Monday to Sunday 00:00 - 00:00
-18789	Battersea Pie Station	28 The Market Covent Garden London WC2E 8RE	Monday to Sunday 09:00 - 20:00
-20525	Not Recorded	33 The Market Covent Garden London WC2E 8RE	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 12:00 - 22:30
-25851	Laduree	1 The Market Covent Garden London WC2E 8RA	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-9838	Punch And Judy Public House	The Punch And Judy 40 The Market Covent Garden London WC2E 8RF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 23:30
-12044	Union Jacks	5 The Market Covent Garden London WC2E 8RA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 00:30
-23245	Hola Paella	28B The Piazza Covent Garden London WC2E 8RD	Sunday 09:00 - 22:30 Monday to Saturday 09:00 - 23:00
20860	Chez Antoinette Limited	The Piazza Covent Garden London	Monday to Sunday 11:00 - 23:00
20364	Meatailer	Unit 1a Mezzanine Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Monday to Sunday 09:00 - 00:30
16108	Maxwell's Restaurant	8-9 James Street Covent Garden London WC2E 8BH	Sunday 08:00 - 01:00 Monday to Saturday 08:00 - 01:30
-11041	La Creperie	7 The Piazza Covent Garden London WC2E 8HD	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-12940	Harrods Pop Up Store	7 The Piazza Covent Garden London WC2E 8HD	Monday to Sunday 09:00 - 20:30
-15632	Morelli's Gelato CG Ltd	20A The Market Covent Garden London WC2E 8RB	Monday to Sunday 07:00 - 23:30
-17056	The Rock Garden And Gardening Club	6 - 7 The Piazza Covent Garden London WC2E 8HB	Monday to Sunday 09:00 - 06:00
15528	Shake Shack	23 The Market Covent Garden London WC2E 8RD	Monday to Saturday 10:00 - 23:00 Sunday 12:00 - 22:30
6469	The Roadhouse	Basement 35 The Piazza Covent Garden London WC2E 8BE	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
6226	Brasserie Blanc	35 The Market Covent Garden London WC2E 8RF	Monday to Saturday 08:00 - 00:30 Sunday 09:00 - 00:00 New Year's Eve XXXX - XXXX

-4903	Apple	1 The Piazza Covent Garden London WC2E 8HB	Monday to Sunday 09:00 - 21:00

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Item No:	
Date:	16 th June 2016
Licensing Ref No:	16/04033/LIPN - New Premises Licence
Title of Report:	Golden Hind Restaurant 71 - 73 Marylebone Lane London W1U 2PH
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
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			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 April 2016		
Applicant:	Fine Dining EIS Limited		
Premises:	Golden Hind Restaurant		
Premises address:	71a - 73 Marylebone Lane London W1U 2PH	Ward:	Marylebone High Street
		Cumulative Impact Area:	No
Premises description:	<p>This premises operates as a restaurant on ground and lower ground floor levels. This application seeks permission to:</p> <ul style="list-style-type: none"> • serve alcohol ancillary to food for consumption on the premises • allow 20 customers to consume alcohol without food • sell sealed containers of alcohol to diners only, to be consumed off the premises • hold private events at the premises without the restaurant condition restriction 		
Premises licence history:	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
Applicant submissions:	The applicant has written to one of the objectors and a copy of their letter is attached at Appendix A2.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On and Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	PC Sandy Russell
Received:	22 nd April 2016
Status:	Withdrawn

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. It is our belief that if granted the application would undermine the Licensing Objectives.

There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reasons that we are objecting to the application at this stage in the application process.

Police propose the following conditions. If you are willing to add them to the current operating schedule should this application be granted we may be willing to withdraw our representation. They are as follows:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
4. 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
 - (h) any visit by a relevant authority or emergency service.

5. 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, supplied, or consumed on the premises otherwise than to 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.

6. Condition 5 will not apply to bonafide, pre booked, ticket only private or corporate events held in the Lower Ground Floor.
7. 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.
8. 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.
9. Save for condition 5, alcohol may be supplied and consumed by up to a maximum of 20 persons within the designated bar area at any one time.
10. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pub watch or other local crime reduction scheme approved by the police, and local radio scheme if available.

If you wish to discuss or query any aspect of police requirements please do not hesitate in getting in touch.

Following a discussion with the applicant and agreement to conditions (including amendments to some of them), the Police have withdrawn their representation. Please refer to **Appendix 4** for a list of agreed conditions.

Responsible Authority:	Environmental Health
Representative:	Maxwell Koduah
Received:	10 th May 2016

I refer to the application for a New Premises Licence number for the above premises, which is located in the area.

This representation is based on plans of Lower Ground Floor and Ground Floor levels by Beyondtheblue Training & Consultancy (undated) submitted with the operating schedule.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for consumption "On" and 'Off' the premises at the following

times:

Monday to Saturday: 11:00 to 23:00 hours

Sunday: 11:00 to 22:30 hours.

I wish to make the following representations:

1. The Supply of Alcohol for consumption "On" and 'Off' the premises and for the hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

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

Note: Environmental Health have proposed a number of conditions which are attached at **Appendix 4.**

2-B Other Persons	
Name:	Wiggin Osbourne Fullerlove on behalf of Felix Leibovich
Address and/or Residents Association:	71 Marylebone Lane London W1U 2PH
Received:	12 th May 2016
<p>We act for Mr Felix Leibovich, who is the owner and occupier of the maisonette at 71 Marylebone Lane, which is located directly above part of the premises now occupied by The Golden Hind Restaurant.</p> <p>Our client has recently received notification from you of Fine Dining EIS Ltd's application for a licence to sell alcohol from The Golden Hind Restaurant.</p> <p>Our client would like to make representations in opposition to the grant of an application for a licence to sell alcohol from The Golden Hind Restaurant.</p> <p>We note the four licensing objectives and in particular have the following concerns:</p> <ol style="list-style-type: none">1. The application states that The Golden Hind Restaurant is believed to have been established almost 100 years ago (1918) at the current site. Until the last few years, The Golden Hind Restaurant occupied Nos 72 and 73 Marylebone Lane, whereas No 71A (the premises directly below our client's maisonette) was occupied by a cafe/creperie.2 Paragraph 10(vi) of the application suggests that alcohol will not be sold or	

supplied otherwise than for consumption by persons who are seated in the premises and taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. However, in direct conflict with this assertion, paragraph 12 states that upto 20 customers will be permitted to purchase alcohol without food. Our client is concerned that 20 customers purchasing alcohol without food is likely to change the character of the restaurant significantly, making it more of a bar than a restaurant. This situation will be exacerbated outside main meal times if drinking without food is permitted.

Such a change to the character of the Golden Hind and, indeed, the introduction of alcohol even with meals, is highly likely to lead to increased disturbance, disorder and other alcohol- related offences in and around the Golden Hind. This will impact directly on our client's and his neighbours' enjoyment of what for them is a residential area.

It seems that the proposed 20 drinks-only customers will be 20 customers at any one time. However, it is not clear how such a restriction on numbers would be monitored or enforced.

3. Our client already experiences significant noise transmission from the Golden Hind premises beneath his maisonette. Consequently, he is concerned that noise levels from customers within the restaurant will be increased after the consumption of alcohol such that the noise levels would amount to a nuisance to him and to other local residents.

The consumption of alcohol may result in the litter generated outside the premises increasing, which constitutes another potential nuisance.

We request on behalf of Mr Leibovich that the application for a licence to sell alcohol from the premises is refused.

3. Policy & Guidance

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

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

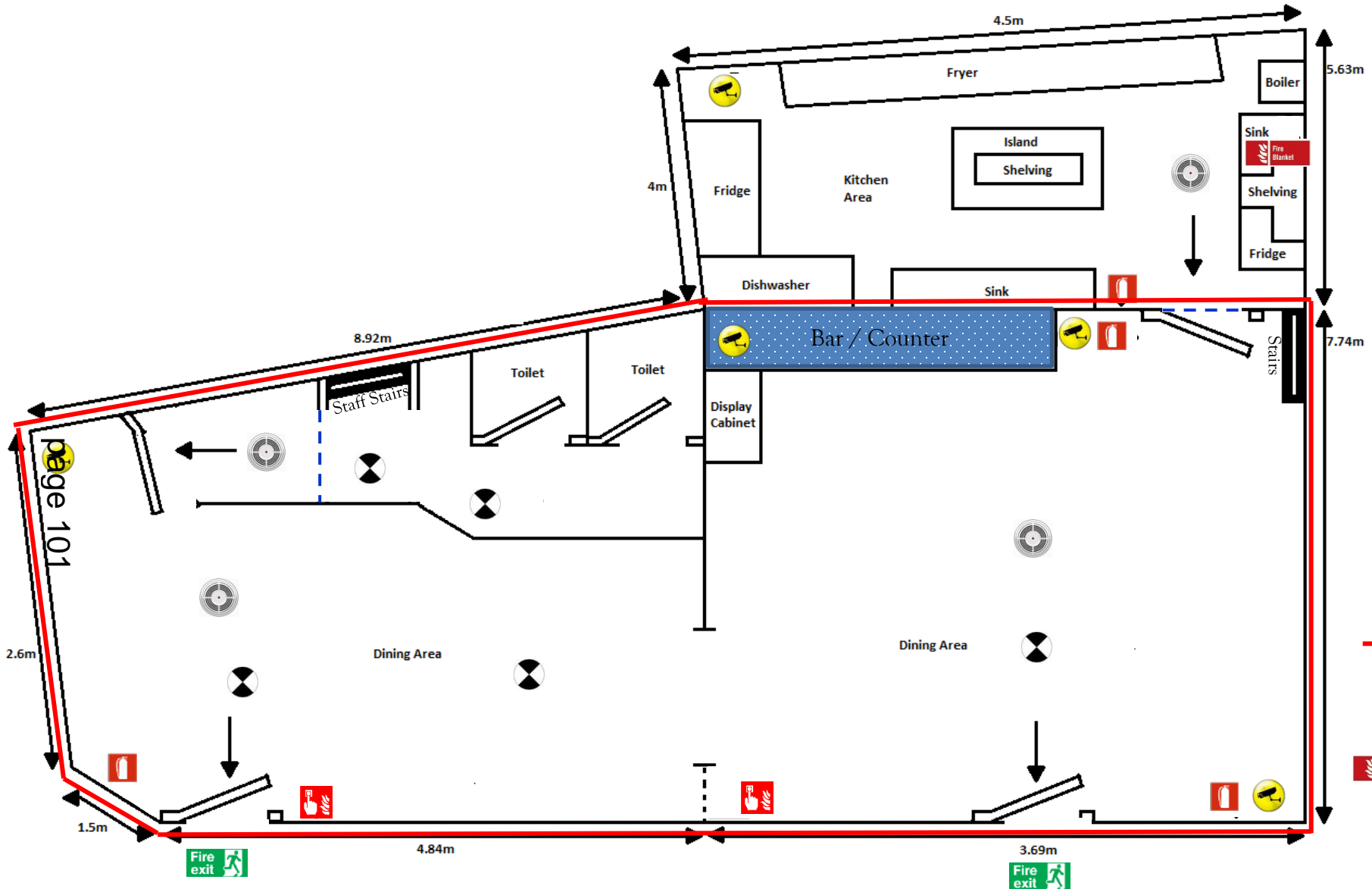
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	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

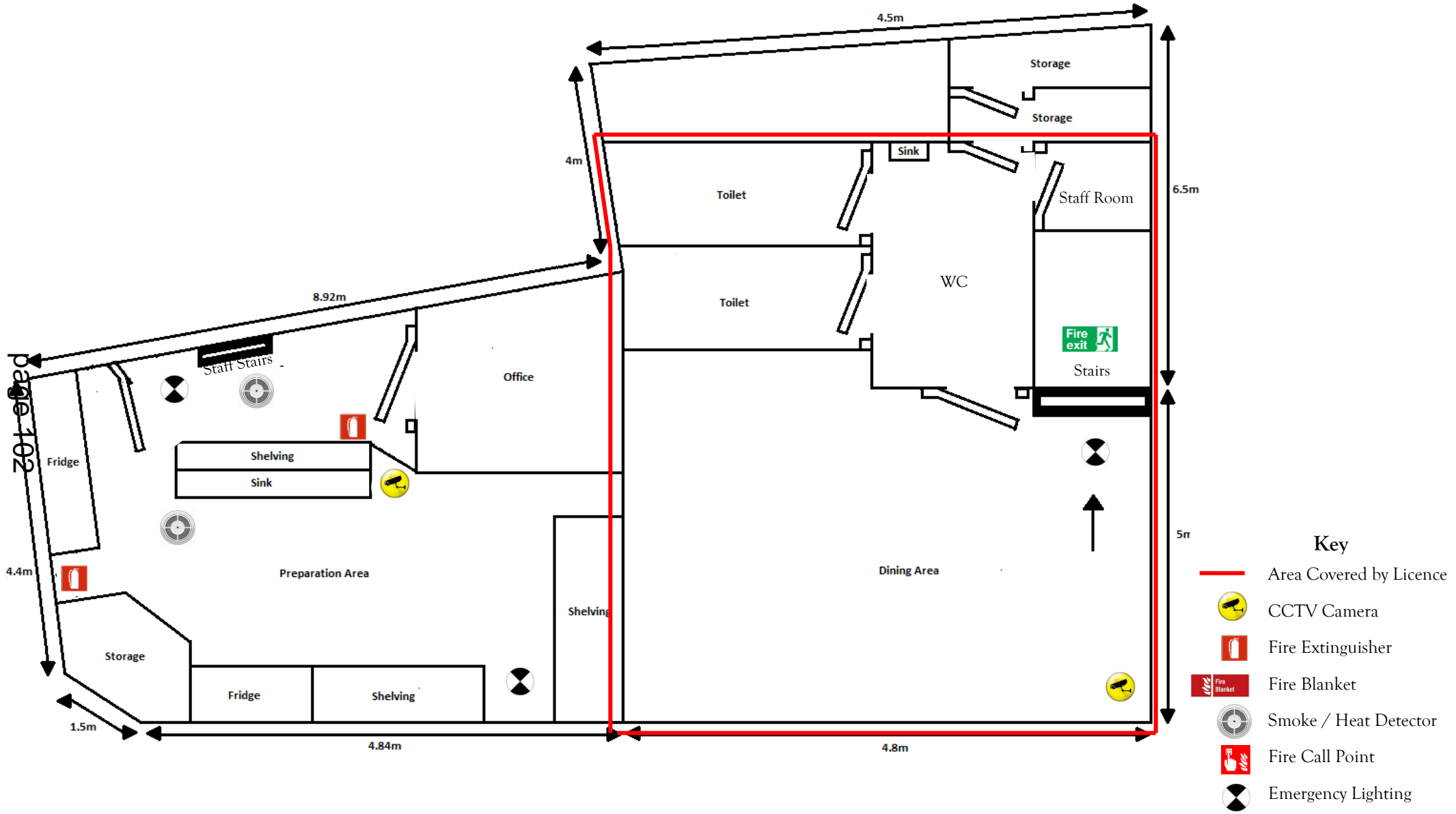
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	21 st April 2016
5	Plan	21 st April 2016
6	Environmental Health Representation	10 th May 2016
7	Metropolitan Police Representation	22 nd April 2016
8	Felix Leibovich Representation	12 th May 2016
9	Applicant letter to Felix Leibovich	1 st June 2016



- Key**
- Area Covered by Licence
 - CCTV Camera
 - Fire Extinguisher
 - Fire Blanket
 - Smoke / Heat Detector
 - Fire Call Point
 - Emergency Lighting
 - Step

Golden Hind Restaurant (Ground Floor)
71a - 73 Marylebone Lane, London W1U 2PN

Premises Licence Plan



Golden Hind Restaurant (Lower Ground Floor)
71a - 73 Marylebone Lane, London W1U 2PN



Wiggin Osborne Fullerlove
52 Jermyn Street
London SW1Y 6LX

31 May 2016

Dear Sirs,

We are in receipt of a copy of your representation in relation to the application (16/04033/LIPN) for a Premises Licence at:

The Golden Hind Restaurant
71a – 73 Marylebone Lane
London W1U 2PN

As you are aware from our previous correspondence with Mr Green, we are representing the applicant Fine Dining EIS Ltd in this matter.

You had previously requested a meeting in respect on this application, to which we responded with our availability via the email dated 4th May 2016 and the follow-up telephone conversation with Mr Green. No response was received to our previous correspondence, however we would like to take this opportunity to again offer to meet with your client, in order to discuss the representation now received.

I would assume it would be in both our client's interest to resolve this matter without the need for a hearing; yours being the only remaining active representation against the application.

There were three representations in total to the application, as I am sure you are aware.

The police were essentially satisfied with the application and just sought to agree the wording of a number of conditions. This was agreed and they have withdrawn their representation as a result.

We met with the Environmental Health Officer last week and he has agreed that the application falls within the WCC Licensing Policy guidelines. It is his intention to email us a number of conditions this week, which I anticipate we will be able to agree upon. He has further indicated that he is minded to withdraw his representation, if we can reach an agreement with your client.

Subject to an agreement being reach with EH, this just leaves the representation from your client.

Beyond the Blue
Training & Consultancy

92 Vegal Crescent
Englefield Green
Surrey TW20 0QF
United Kingdom

info@beyondtheblue.co.uk

www.beyondtheblue.co.uk



We would hope that by providing a little more information on the application and responding to the points you have raised, that your client might reconsider his representation or seek to discuss other ways we might mitigate his concerns.

Your initial point references the exception within the application for 20 'non-dining diners' to consume alcohol, without that alcohol being consumed in conjunction with a table meal.

While it is the intention of the applicant to continue to run a restaurant, there is a desire for them not to have to turn away someone who might wish to have a drink at the premises. For example, it would be reasonable to expect that occasionally a group of 4 persons may be seated at the premises and one of that group may choose not to eat a meal, but would wish to accompany their friends and have a drink as they do.

There would be nothing to stop the applicant from applying for a standard alcohol licence without any restrictions to limit the premises as a restaurant, where alcohol accompanies food. They have however chosen to voluntarily offer this as a condition of the licence. This provides reassurance that at some point in the future the premises cannot simply turn into a bar without a further variation being sought; which would then once again be open to public scrutiny.

We believe that they should be entitled to some flexibility in their approach. It is not anticipated that there will regularly be many people drinking without food, as the nature of the business is as a restaurant. The number of non-dining diners drinking alcohol will, we feel, rarely reach the maximum we have stated in the application. This means that regulating this number will be a simple process.

Furthermore, the 'restaurant condition' we have offered means that any consumption will need to take place while patrons are seated at the premises, further reducing any risk from the activity and making it relatively easy to control the number of people drinking without food at any one time.

As a sign of good faith subject to your client withdrawing their representation, our client would be willing to reduce the number of non-dining diners to 15 at any one time. This offer is made without prejudice.

The second point you made was in reference to noise transmission from the premises. We are unaware of any complaint in relation to noise from the premises and as far as we can tell no complaints have been received.

The applicant accepts their responsibility to ensure that noise is not transmitted through the premises and has enshrined this responsibility in the application, through the condition offered (No. 18):

Noise Escape - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

In many ways the granting of the Premises Licence would therefore provide your client with additional legal recourse, as were he to experience noise disturbance at some point in the future, he would not only have Noise Abatement legislation to fall back on, but also as a breach of condition on the Premises Licence, it would become enforceable under the Licensing Act 2003.

I would also highlight that no Regulated Entertainment has been applied for in this application.

The final point which was made in respect of litter and rubbish is also dealt with in the Premises Licence Application via Condition 17:

***Litter** - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.*

The applicant has therefore again accepted their responsibility in this area and volunteered a legally enforceable condition, regarding the responsibility to maintain the area to the front of the premises.

While we accept that this is a residential area, there are a number of similar businesses in the immediate vicinity, some of which appear to operate to later hours and are significantly more alcohol led than this one proposes to be.

It is also worth noting that The Golden Hind Restaurant has for a considerable time been operating on a BYO basis, and therefore the consumption of alcohol has been taking place. We therefore see no reason for the introduction of the Sale of Alcohol suddenly changing the nature of the business, other than providing convenience for its customers.

Our intention with this letter is to provide further explanation and reassurance in respect of those points you raised on behalf of your client. It is our hope that your client will reconsider his representation or choose to meet with the applicant to discuss the matter further without the need to refer this matter to a Licensing Committee Hearing; with the additional cost that brings to all parties.

I look forward to your comments on this matter and should you require any additional information, please do not hesitate to contact me.

Kind regards

Peter Mayhew
Director

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

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

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

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

Conditions consistent with the operating schedule

9. A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at the exit to the premises.

Similar condition proposed by EH

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. All doors to the premises will remain closed after 22.30 except for entrance and egress.
11. A 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.

Similar condition proposed by the Police has been agreed by the applicant:

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.

12. Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
- The responsible sale of alcohol.
 - The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
 - The responsibility to refuse the sale of alcohol to any person who is drunk.
13. 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

Similar condition proposed by the Police has been agreed by the applicant:

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
- (h) any visit by a relevant authority or emergency service

14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open. **(Also proposed by the Police)**
15. Only sealed unopened containers will be sold for off-sale and only to diners at the premises.

Similar condition proposed by EH:

Sales of alcohol for consumption off the premises shall

- a. *be in sealed containers only and not consumed on the premises*
- b. *supplied with take away meal*

16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points 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. **(Also proposed by the Police)**
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested. **(Also proposed by the Police)**
18. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.
19. No self-service of alcohol will be permitted at the premises.
20. An intruder alarm shall be installed.
21. 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. **(Also proposed by the Police)**

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

22. Condition 21 shall not apply to the lower ground floor where the lower ground floor is used for a bone-fide private or corporate event. Bone-fide private & corporate events are described as those pre-organised ticket / invitation only events, where members of the general public are not permitted on a 'walk-in' basis.

Similar condition proposed by the Police has been agreed by the applicant:

Condition 21 will not apply to bonefide, pre booked, ticket only private or corporate events held in the Lower Ground Floor.

23. Non-Dining Diners - Within the premises up to 20 customers are permitted to purchase alcohol without food. The availability of alcohol without food during the permitted hours shall not be promoted or advertised, otherwise than on menus and price lists within the premises.

Similar condition proposed by the Police has been agreed by the applicant:

Save for condition 21, alcohol may be supplied and consumed by up to a maximum of 20 persons within the premises at any one time.

24. Alcohol may only be consumed by persons seated at the premises.
25. The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Similar condition proposed by EH

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

Conditions proposed by the Police

27. 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.

Conditions Proposed by EH

28. There shall be no self-service of alcohol
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
31. No deliveries to the premises shall take place between **23.00** hours and **08.00** hours on the following day.

32. 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.
33. 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.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. 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

Premises within 75 metres of: Golden Hind Restaurant, 71-73 Marylebone Lane, London W1U 2PH

p / n	Name of Premises	Premises Address	Opening Hours
10373	Cafe Caldesi	118 Marylebone Lane London W1U 2QF	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
11750	The Angel In The Fields Public House	37 Thayer Street London	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
11822	Le Relais De Venise 'L' Entrecote'	120 Marylebone Lane London W1U 2QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15573	Tommi's Burger Joint	Basement And Ground Floor 30 Thayer Street London W1U 2QP	Monday to Sunday 10:00 - 23:30
-16478	Ivy Cafe	96 Marylebone Lane London W1U 2QA	Monday to Saturday 08:00 - 01:30 Sunday 09:00 - 00:30
-13046	Golden Eagle Public House	59 Marylebone Lane London W1U 2NY	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-2842	Number 6 George Street	6 George Street London W1U 3QX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
29643	Woodlands Restaurant	77 Marylebone Lane London W1U 2PS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29167	Bonne Bouche	2 - 3 Thayer Street London W1U 3JA	Monday to Saturday 07:00 - 20:00 Sunday 08:00 - 18:00
-13403	Not Recorded	Basement And Ground Floor 1 Blandford Street London W1U 3DA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-572	The Good Life Eatery	Ground Floor 69 Marylebone Lane London W1U 2PH	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:00
2762	Fairuz Restaurant	3 Blandford Street London W1U 3DA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
5454	The Golden Hind	Basement And Ground Floor 71 Marylebone Lane London W1U 2PJ	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 09:00 - 23:30