



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 27 October 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Aziz Toki (Chair)
Md Shamsed Chowdhury
Laila Cunningham

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 via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street 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.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 07790980186
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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. 14 PARK STREET, W1K 2HY

(Pages 1 - 150)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	14 Park Street W1K 2HY	New Premises Licence	22/06767/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. PORTICO HOTEL VICTORIA, 30-32 ST GEORGE'S DRIVE, SW1V 4BN

(Pages 151 - 172)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Pimlico North * None ** None	Portico Hotel Victoria 30-32 St George's Drive SW1V 4BN	New Premises Licence	22/08286/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. SOPHISTICATS, 3-7 BREWER STREET, W1F 0RF

(Pages 173 - 212)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * **	Sophisticats 3-7 Brewer Street W1F 0RF	Sex Establishment Licence	22/08456/LISEVR
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
19 October 2022**

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	27 October 2022
Licensing Ref No:	22/06767/LIPN - New Premises Licence
Title of Report:	14 Park Street London W1K 2HY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 July 2022		
Applicant:	14 -16 Park Street Limited		
Premises:	Park Street Hotel		
Premises address:	14 Park Street London W1K 2HY	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises proposes to operate as a 6-star Hotel and Restaurant with Residential Apartments and associated facilities.		
Premises licence history:	This application is for a new premises, and therefore no premises licence history exists.		
Applicant submissions:	As part of the application the applicant has provided a set of proposed conditions and a supporting bundle of information for the hearing. This includes an acoustics report, an operator's management plan and several other reports pertaining to the application. This can be seen at Appendix 2 .		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:	<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>					

Recorded Music				Indoors / Outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 09:00 to 00:00.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		<p>24 Hours for Residents of the Hotel and their guests, Residents of the Residential Apartments and their guests.</p> <p>Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to a bank holiday: 9am to 12am</p>					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health Consultation Service
Representative:	Ian Watson
Received:	4th August 2022
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 09.00 to 23.30 hours, Friday and Saturday between 09.00 and 00.00 hours and Sunday between 09.00 to 22.30 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 09.00 to 00.00 hours. 2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 23.00 to 00.00 hours. 3. To provide regulated entertainment 'Indoors' comprising <ul style="list-style-type: none"> • Recorded Music Monday to Thursday 09.00 to 23.30 hours, Friday and Saturday between 09.00 and 00.00 hours and Sunday between 09.00 to 22.30 hours. 24 hours for residents, NYE to NYD. Sundays prior to a Bank Holiday Monday 09.00 to 00.00 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. 3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. <p>The applicant has provided additional information with the application which is being addressed.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B	Other Persons	
Name:	[REDACTED]	
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]	
Received:	01 August 2022	
<p>Thanks for the opportunity to comment on the plans for the development of 14-16 Park Street, Mayfair.</p> <p>We totally oppose these plans, as this development would drastically change the character of the neighbourhood, create serious noise pollution, create substantial congestion, in both vehicular and foot traffic, and increase the potential for crime. It would also violate our privacy and that of many Park Street residents. It would reduce the value of the adjacent residential property.</p> <p>This block of Park Street and the adjacent block on Aldford are entirely residential and without commercial development. The closest commercial development is Grosvenor House, which is set well back from the street and has no commercial enterprises on the street. Park Street as a whole is very quiet with no commercial enterprises on the street.</p> <p>This proposal includes a ground floor restaurant and bar on Park Street. It stipulates that patrons would be able to go out on the street to smoke. This would create unacceptable congestion and noise as Park Street is very narrow. Music would be played in this area until 23:00 or midnight, creating substantial noise pollution in a currently quiet neighbourhood.</p> <p>This proposal includes plans for an external terrace on the first floor directly facing Fountain House. The terrace would be occupied, and music played until 23:00 or midnight. This is an unacceptable violation of our privacy and an unacceptable introduction of noise pollution into a quiet neighbourhood. This terrace would also alter the exterior of an historic building, which we believe is contrary to Council rules.</p> <p>In sum, this proposal is entirely inconsistent with the character of this neighbourhood. It would drastically reduce the quality of life of current residents, while also drastically reducing the value of their property.</p> <p>Thanks for your consideration.</p>		

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	08 Aug 2022
<p>We act for [REDACTED], the headleasehold owner of [REDACTED] [REDACTED] (a dwelling house with its main entrance on Aldford Street, directly opposite the entrance to the Premises), [REDACTED] [REDACTED] [REDACTED]</p> <p>Please treat this letter as our client's relevant representation by way of objection to the Application, pursuant to Section 18 of the Licensing Act 2003 ("Act").</p> <p>Representation</p> <ol style="list-style-type: none"> 1. The effect of the application if granted would be to undermine the licensing objectives, in particular that of the prevention of public nuisance and the protection of children from harm. 2. The premises, although addressed at 14/16 Park Street, have a greater frontage in Aldford Street, which is a predominantly residential street. The proposed front door of the premises is in Aldford Street, directly opposite the front door of 5 Rex Place. 3. From the terms of the application itself as well as proposed condition 5, the premises are said to be intended primarily for use as an 8-bedroom hotel, with 2 residential apartments, and a public restaurant. However, it can be gleaned from both this application and in documentation associated with an application for variation of the planning permission, that the proposed operation of the premises as a hotel and restaurant will include the use of the premises as a site for "pre-booked functions", "gatherings" and "social events", open for the provision of licensable activities, including the sale and supply of alcohol and recorded music, to an unlimited number of residents of the hotel or apartments and their "guests", for up to 24 hours a day. 4. It is clear from the plans that the proposed hotel is limited to 8 rooms, while the restaurant comprises but a single room on the ground floor. At the same time, the entire first floor comprises five interconnecting rooms, entitled variously as "conference room (private function room)", "private dining room", "function room", and "anteroom", as well as there being a sizeable terrace, open to the street. This is clearly an indication of the actual use to which the premises would be put if a premises licence were to be granted. Even were the operation limited to the core hours for an unlimited number of members of the public, the disturbance and public nuisance caused to residential properties in the area would be substantial. 5. The arrival and departure/dispersal of an unlimited number of patrons at all times of the day and night would cause additional and unacceptable disturbance and public nuisance. 6. The proposed user of the Premises would have a particularly detrimental impact on the residential use and enjoyment of homes in Aldford Street and Rex Place, given the close proximity of the buildings. <p>Our client reserves the right to make further representations at any hearing to determine the Application, but for the reasons we set out above, our client believes that the application for a premises licence at the Premises should be rejected.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	03 August 2022

Introduction

I write to make a 'relevant representation' objecting to the grant of a premises licence for 14-16 Park Street ("the premises").

My representation is made in respect of the likely effect of granting the licence, and particularly granting the licence as applied for, being to harm the licensing objectives, particularly 'prevention of public nuisance' and 'protection of children from harm'.

Background

I own a property located at [REDACTED] which is in very close proximity to the premises. My partner and I have two children. We chose this neighbourhood for our property due to the location – a quiet neighbourhood surrounded by other residential properties and offices. My property has undergone an extensive refurbishment recently and we have made improvements throughout the house and to the outdoor space located at the back of the property.

Due to the nature of the Grade II listed building we had to preserve the existing windows and Single glaze windowpanes which allow the building to keep its original features but also provides limited protection from external noise.

There will be an undoubted negative impact on myself, and other residents should the application be granted.

The application

The premises is described as '*Hotel and Restaurant with Residential Apartments and associated facilities.*'

The present application seeks sale of alcohol for consumption on and off the premises; late night refreshment (hot food and hot drinks); and recorded music from 9am to 11.30pm Mon-Thurs, 9am to midnight Fri-Sat, 9am to 10.30pm Sun (midnight on Sun before a bank holiday).

However, the hours are subject to two exceptions. The first is on New Year's Eve, when activities would be extended throughout the night. The second is that the activities would be available to hotel residents and their guests and possibly residents of the serviced apartments and their guests, 24 hours a day.

The application follows a recent application ref: 21/14130/LIPN which sought permission to sell alcohol, provide late night refreshment (hot food and hot drink) and provide 'regulated entertainment' in the form of plays; films; indoor sporting events; live music; recorded music; performance of dance; and anything similar. All of these activities would have been provided 24 hours a day.

The applicant company for 21/14130/LIPN was the same as for the present application.

It is difficult to ascertain from the application and Operating Schedule how the premises intends to operate. The description of the premises in the application and proposed condition 5 seems to give primacy to the restaurant use, however the restaurant area is only a small fraction of the total licensed area, which includes areas marked as lounges, function areas and conference spaces.

Whilst I appreciate that certain licensable activities may be legitimately sought for hotel guests through the night to e.g. facilitate hotel minibars, it is less clear why the application appears to i) expand the categories of persons permitted to partake of the activities to include an unlimited number of guests of hotel residents; ii) expand the categories of persons to include people staying in serviced apartments and their guests; iii) not limit activities to the hotel rooms/serviced apartments (although condition 1 appears to prevent residents of the serviced apartments and their guests from using hotel facilities after core hours'.

There are also no capacity figures indicated for the various areas or for the premises as a whole. This information is key to assessing whether the licensable activities proposed for members of the public to 'core hours' will cause a nuisance, and whether the intention to provide activities 24 hours a day to residents and guests would cause a nuisance – dispersal of people being key in each case.

This will inevitably result in noise nuisance from patrons arriving or leaving late at night; noise transmission through the premises from regulated entertainment; disturbance from servicing the premises; noise from persons attending events or publicly accessible areas; disturbance from vehicles collecting patrons at all hours of the day and night; noise from customers attending late night events or bars at the premises and smoking outside.

There are also 2 outdoor areas at the back of the building (14-16 Park street) which overlook our terrace garden. This will create a visual and acoustic nuisance throughout the day, evening and at night. I have included a photo with the letter to show the proximity of this terrace to ours. Noise from customers attending events, using the restaurant facilities and smoking outside on the terrace will be a major issue.

I am aware that a number of conditions have been proposed, but these do not provide sufficient safeguards, given the timings, activities and scope requested.

Statement of Licensing Policy ("SoLP")

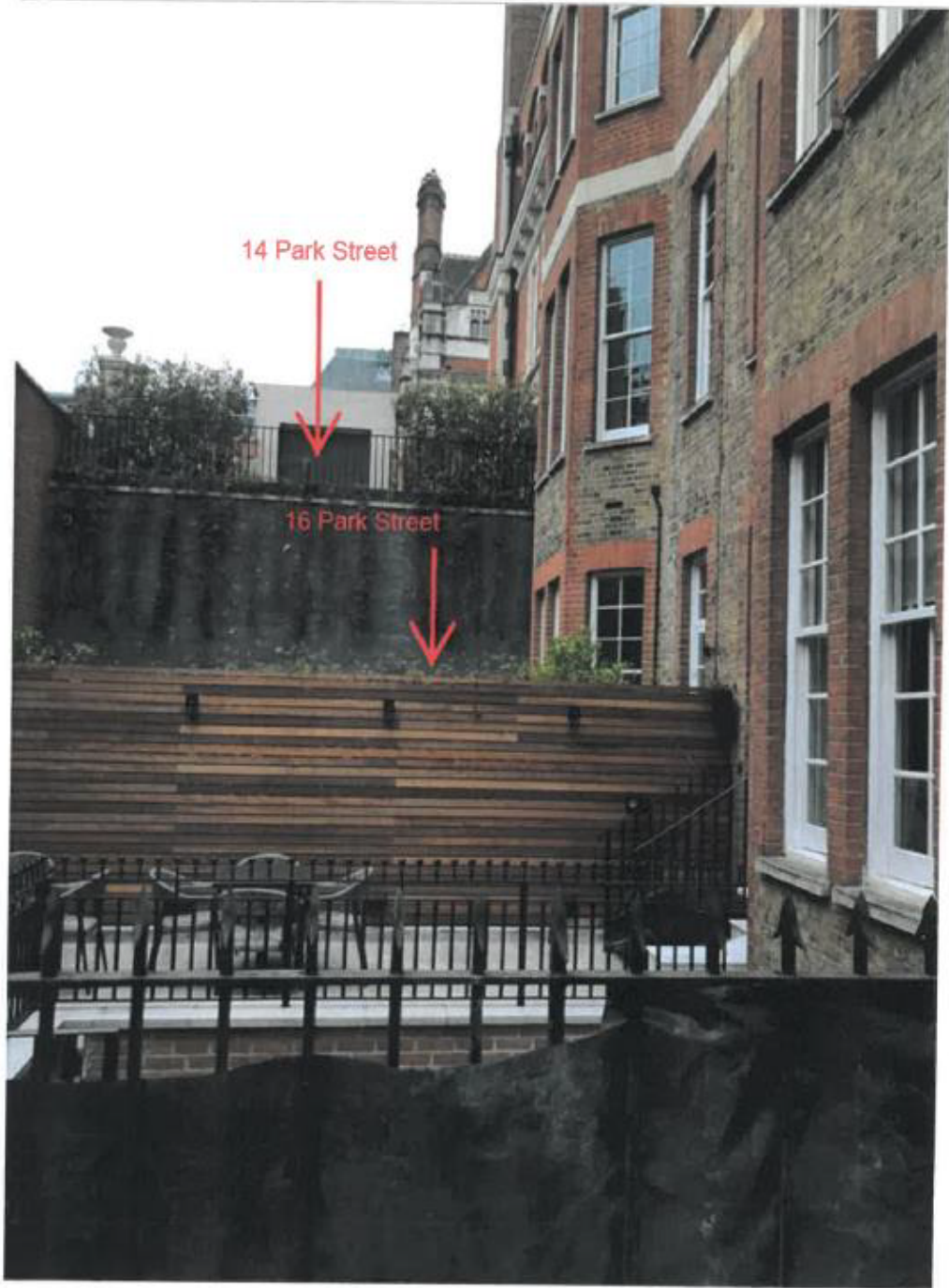
The applicant needs to demonstrate that they fall within the Council's Statement of Licensing Policy, particularly 'prevention of public nuisance'.

Policy PN1 states that an application will not be granted unless it meets the criteria in that policy. The application manifestly does not do this at present.

Although the hotel policy HOT1 will clearly be relevant, it is difficult to ascertain on the information available what other policies will be relevant. I reserve the right to make further submissions in this regard in due course.

Please keep me updated as to the progress of the application, and any amendments which may be made or further documentation which may be submitted.





Yours sincerely,

A blue ink signature with a black redaction box below it.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	07 August 2022
<p>I strongly object to this application. This is a residential area and having a hotel there will destroy the nature of such a residential area. The committee should reject this application! If the committee decides to grant this license, the committee will need to impose strict conditions to fully protect the residents from any noise, disturbance and traffic. I plan to speak at the hearing to discuss all the possible conditions that need to be included in the license.</p> <p>I have kept saying for years that Mayfair needs serious protection from the council to protect its residential character. As residents, rather than living in peace and enjoying our neighbourhood, we must continue fighting the greed exhibited by outside parties that are only out to maximize their profits. Residents are paying the cost of their grabbing hands. Enough is enough!</p>	
Name:	[REDACTED]s
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	12 July 2022
<p>As a local resident I should like to object to this introduction of a licensed premises into the residential heart of Mayfair with all the consequences of unacceptable noise and disturbance. The very concept of a hotel in these narrow streets is unacceptable and associated licensing will only compound the problem due to difficulties of access and dispersal and already overstretched parking facilities Please acknowledge receipt of this objection Many thanks</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	01 August 2022
<p>This application is premature and should be suspended until the outcome of 22/04330/FULL is known. As things stand the license applied for is prohibited by the current planning permission. Grant of this consent should not be used to put pressure on 22/04330/FULL to align with the terms of the license.</p>	

Name:	██████████
Address and/or Residents Association:	██████████ ██████████
Received:	17 July 2022
<p>I am a representative for the leaseholders at ██████████ and I am writing with regard to the notification of a new premises licence application at 14-16 Park Street, which is located directly across from ██████████. The application reference is 22/06767/LIPN.</p> <p>I have reviewed the detailed proposal for development of this property and have discussed it with the leaseholder. I and would like to register my strong objections for this proposal. This is the latest iteration of a previous application that aimed to install a nightclub venue at this location. The current application has eliminated the live music and sporting events, but continues to propose the disturbance of the existing residential neighbourhood.</p> <p>The times of playing or recorded music applied, is unacceptable in a residential area such as Park Street, The noise and disturbance that this will cause residents is strongly objected. Furthermore, the issue that this will cause will be the increase of traffic and parking. The additional traffic and demand for parking will adversely interfere with normal deliveries and local parking by permanent residents. It is also noted that the current development of residential housing in adjacent buildings (not yet occupied) is already going to place an additional burden on very limited parking capacity. There is currently not enough parking available for residents, let alone for guests, of the premises proposed. This will not only cause issues with parking, but the danger of more cars than can the area handle is also an issue. It is a one way system, so this will cause congestion, which will cause more noise and more pollution in the area.</p> <p>They have not allowed for the excess people loitering the area before and after they attend the premises and the disturbance this will also cause. This is a commercial development in a residential area and the application indicates the times that they will permit residents of the building and other patrons to congregate outside the building, as smoking is not permitted within the premises, outside the street leading to disturbances at all hours.</p> <p>The proposal to add a first floor exterior terrace, will allow for social events to take place in the open air, overlooking the street and looking directly into the bedrooms and reception areas of Fountain House flats which face on Park Street. This constitutes as an unacceptable invasion of privacy and safety for the permanent residents.</p> <p>Furthermore, the extended hours of recorded music until past 11.30pm, especially at the exterior terrace, will lead to increased level of noise, pollution and disturbance of the peace for all residents surrounding the area. Late refreshments, the sale by retail of alcohol will also create more disturbance to the residents of the buildings surrounding the proposed license after they leave the premises inebriated with alcohol.</p> <p>This application pretends to offer a low impact boutique hotel, but the plans indicate a much more extensive exterior and interior renovation that will lead to congestion, noise pollution, and privacy concerns for Fountain House and adjacent Park Street and Aldford Street residents. It also appears to represent a foray into commercial development of the property that will constitute an irreversible alteration of the residential character of the neighbourhood. As such, I wish to register an objection to the establishment of any hotel venue or related commercial development at this site.</p> <p>Kind regards, ██████████ ██████████</p>	

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Hotels Policy HOT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 6. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</p>
Core Hours Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>4. Hotels Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

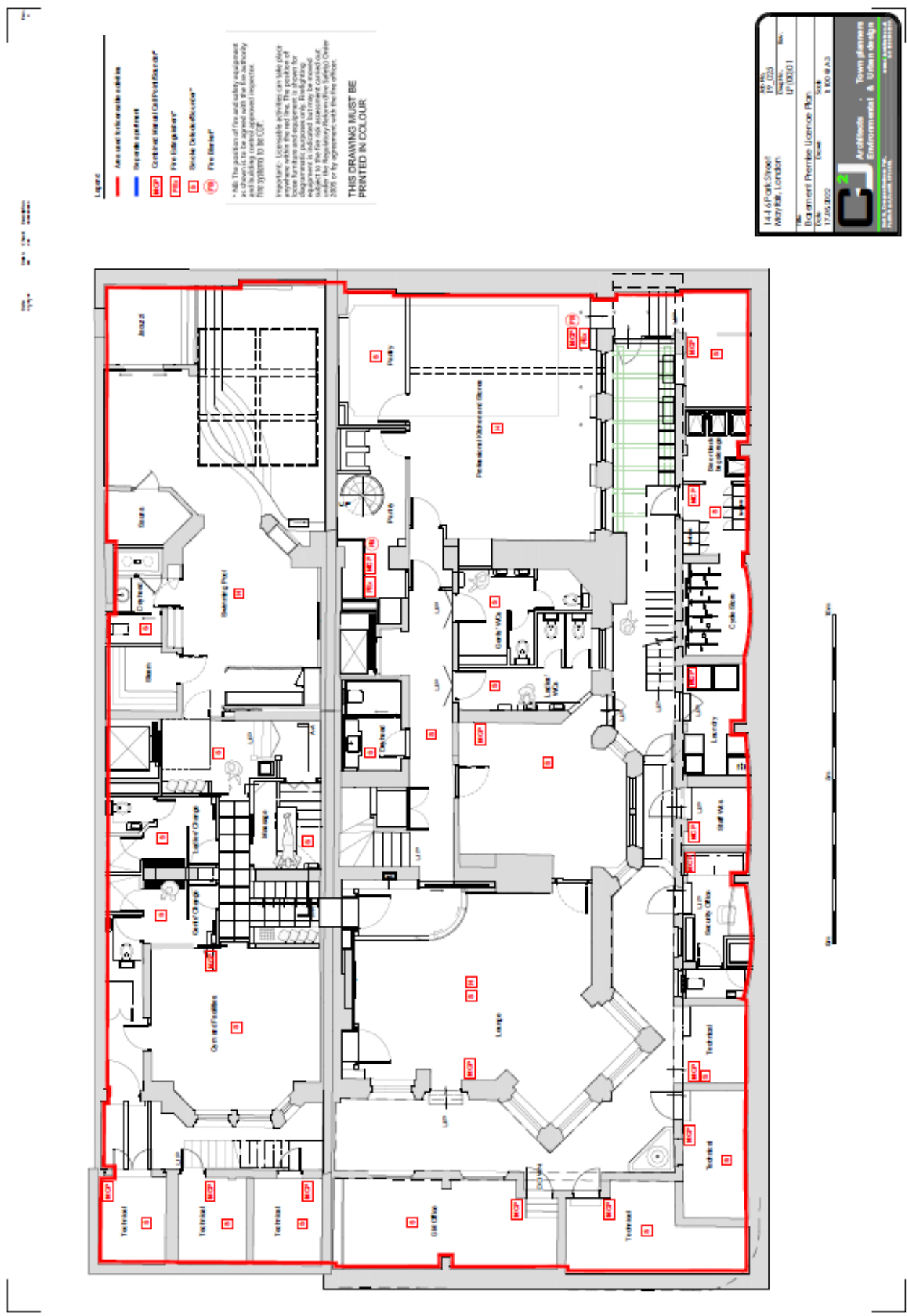
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

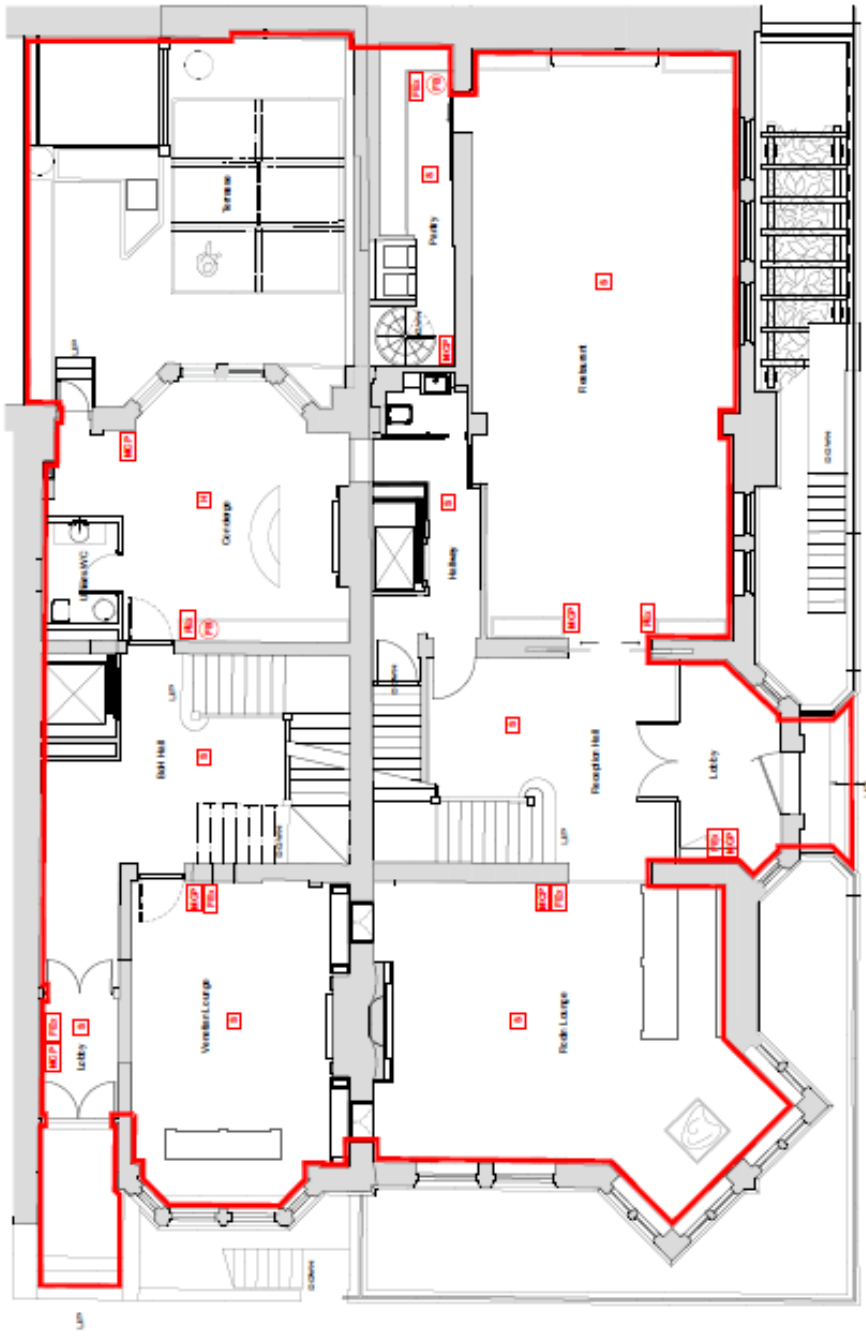
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.


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

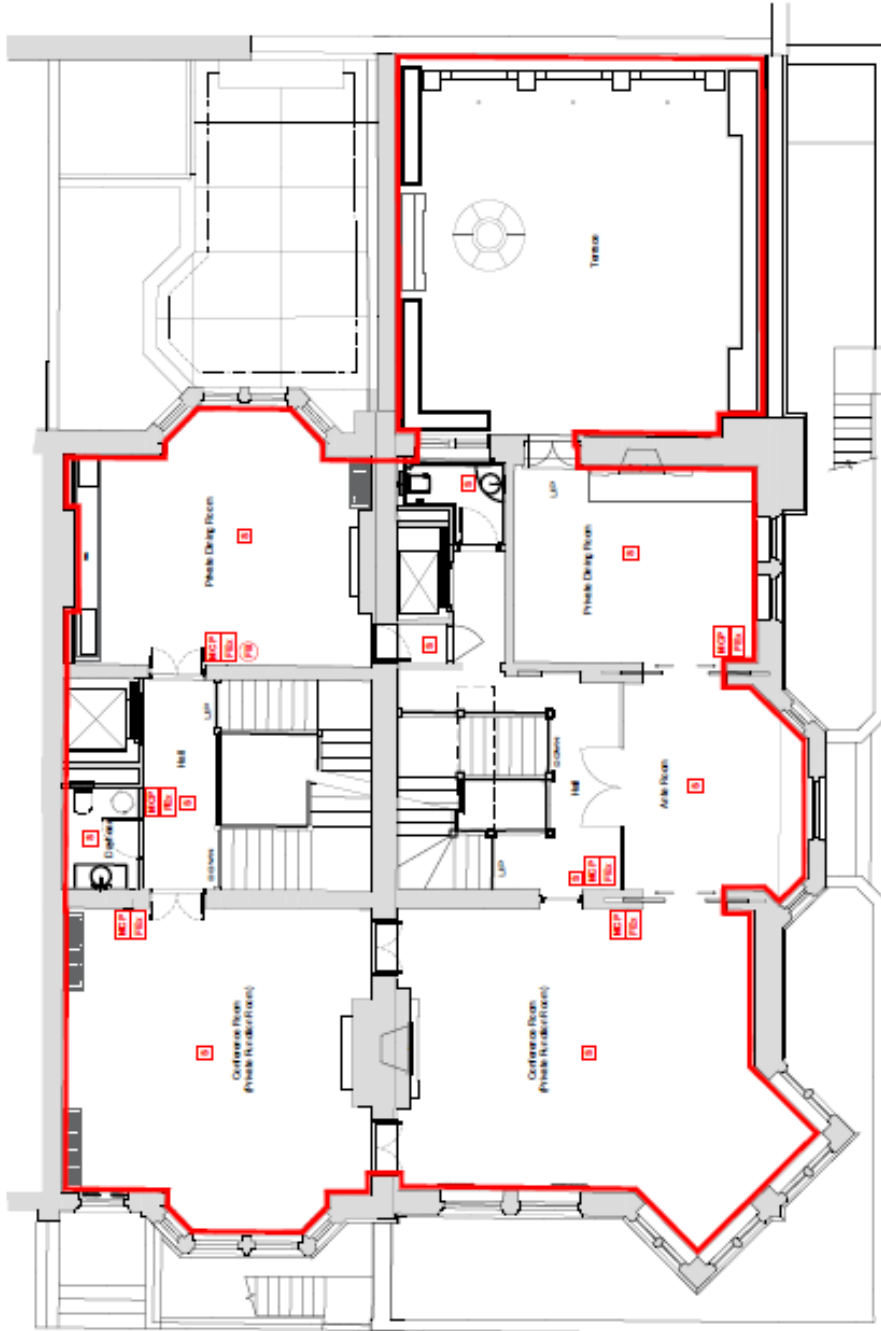
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation	04 August 2022
5	Interested Party 1	01 Aug 2022
6	Interested Party 2	08 Aug 2022
7	Interested Party 3	03 August 2022
8	Interested Party 4	07 August 2022
9	Interested Party 5	12 July 2022
10	Interested Party 6	01 August 2022
11	Interested Party 7	17 July 2022



- Legend**
- Area used for fire safety signage
 - Separate apartment
 - M2P Continuous linear CO2 fire detector
 - M2S Fire alarm gong
 - D Smoke Detector/Smoke alarm
 - R Fire Blanket
- *M2S: The position of fire and safety equipment as shown is to be agreed with the fire authority and building control approved inspector. The symbols to be used:
- Important:** Inaccessible activities can take place anywhere within the red line. The position of fire furniture and equipment is shown for information only. The position of fire furniture and equipment is subject to the fire risk assessment carried out by the fire risk assessor. The fire risk assessor's report should be read in conjunction with other drawings and specifications. Order 2020 or by agreement with the contractor.
- THIS DRAWING MUST BE PRINTED IN COLOUR**



144 of Park Street Worthing, London	Ref No: 17_023	Rev: 001
Project: IP/00012	Date: 17/03/2022	
Title: Ground Floor Fire Risk Licence Plan		
Scale: 1:500 @ A3	Author: Town planners Environments Urban design	
		
144 of Park Street, Worthing, Sussex, BN11 1AB Tel: 01323 812121		



Legend

- Area used for fire risk assessment
- Department
- A Fire Alarm Call Point
- E Fire Extinguisher
- B Fire Blanket

Notes:

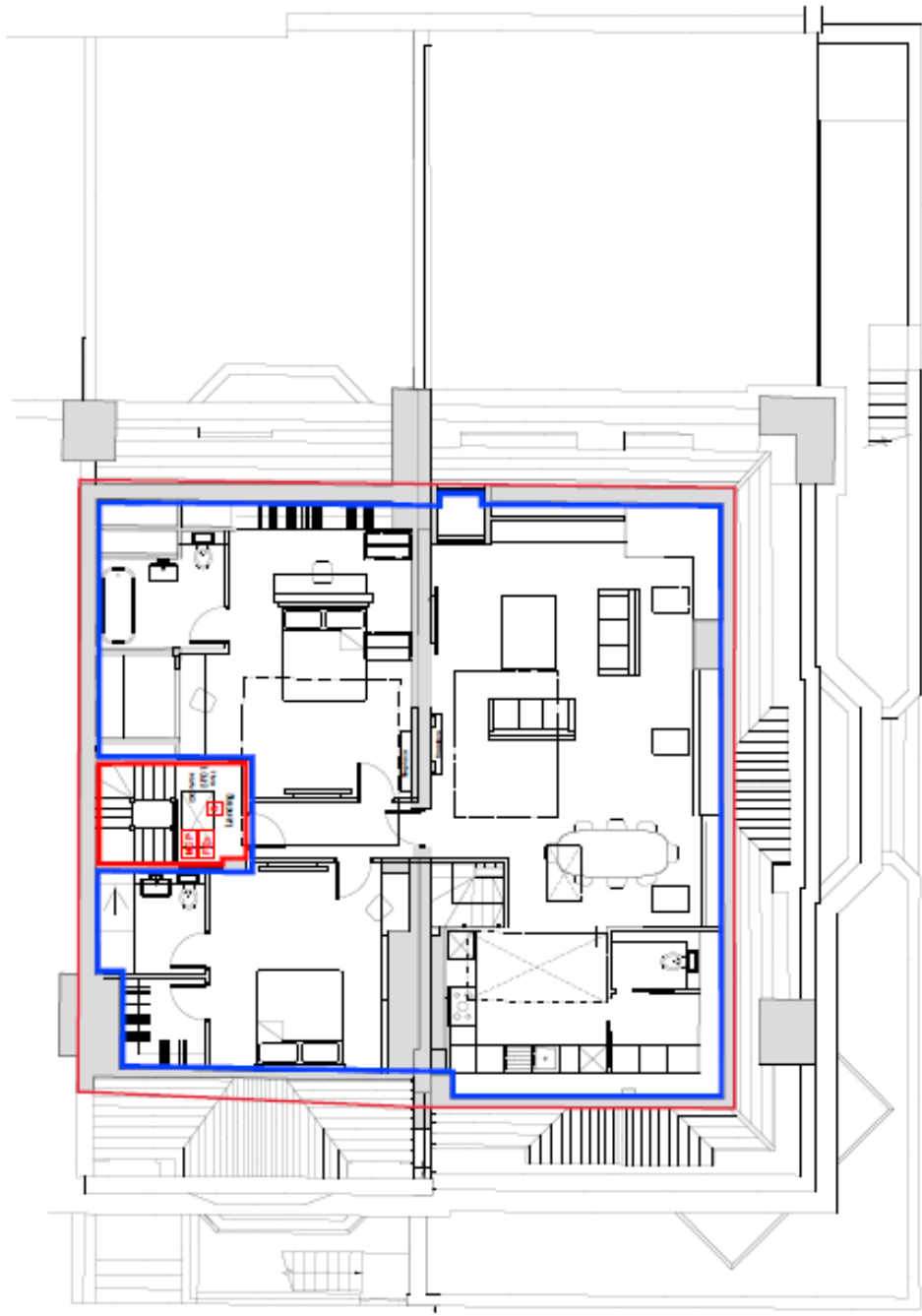
- * All the positions of fire and safety equipment as shown is to be agreed with the fire authority and building control approved inspector.
- Important: Intensible activities can take place anywhere within the red line. The position of some furniture and equipment is shown for information only. The fire risk assessment carried out is subject to the fire risk assessment carried out by the fire authority and building control approved inspector 2020 or by agreement with the fire authority.

THIS DRAWING MUST BE PRINTED IN COLOUR

144 & Park Street Mayfair, London		Ref: 19_025	Rev:
Project: 17/00003		Date:	
Title: First floor Premise Licence Plan		Scale: 1:500 @ A3	
Date: 12/03/2023		Sheet: 1 of 1	

Architects : Town plans
Environment : Urban design

144 & Park Street
 Mayfair, London W1K 1PF
 Tel: 020 7613 1000
 www.townplans.co.uk



- Legend**
- Area used for fire alarm cable
 - Separation
 - E Combined Manual Call Point/Alarm
 - B Fire Blanket
 - A Fire Alarm Call Point
 - C Fire Alarm Control Panel
 - F Fire Extinguisher

* All the position of fire and safety equipment are shown in bold and with the boundary for the system to be CDF.

Important: Locomotive activities can take place in any area of the building. The location of fire alarm and equipment is shown for diagnostic purposes only. Highlighting is subject to the fire alarm system being installed under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

THIS DRAWING MUST BE PRINTED IN COLOUR

144 Park Street
Weybridge, London
IP13 7JN
Tel: 01753 670007

144 Park Street
Weybridge, London
IP13 7JN
Tel: 01753 670007

144 Park Street
Weybridge, London
IP13 7JN
Tel: 01753 670007

144 Park Street
Weybridge, London
IP13 7JN
Tel: 01753 670007

PROPOSED CONDITIONS

CONDITIONS PROPOSED FOLLOWING CONSULTATION WITH RESIDENTS

1. Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays. **(Mirrors Proposed New Planning Condition)**
2. The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily. **(Repeats current Planning Condition)**
3. Deliveries and servicing (including waste collections) for the hotel use will only be between 07:00-09:00 and 15:00-17:00 Monday - Saturday. **(Repeats and clarifies current Planning Condition)**
4. MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

PREVENTION OF PUBLIC NUISANCE

5. Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests, 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 (except chopsticks),
 - (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 andprovided 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. During the hours of operation, 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.
7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
10. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
11. 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.
12. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
16. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

PREVENTION OF CRIME AND DISORDER

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of sale of alcohol.
20. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.

PREVENTION OF CHILDREN FROM HARM

21. A challenge 25 proof of age scheme shall be operated at the premise 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.

PUBLIC SAFETY

22. 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.
23. 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.

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

WORKS CONDITIONS

28. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
29. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
30. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team.

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

APPLICANT'S SUPPORTING BUNDLE



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Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Images of the Premises

Images of Proposed Bedrooms:



Images of Proposed Suites:



Image of Proposed Restaurant:



Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of Dr Hadfield

New Premises Licence Application

14-16 Park Street Hotel and Residential Apartments

Mayfair, London, W1K 2HY

Proposed Operations and Licensing
Authority Policy Assessment (September,
2022)

Dr Philip Hadfield

BA Hons (Keele) Mphil (Cantab) PhD (Durham)

Director: www.philhadfield.co.uk

**Consultant: Arcola Research LLP, Ingenium
Research, Institute of Alcohol Studies**

Advisory Board (formerly Senior Research Fellow)

**Centre for Criminal Justice Studies, School of
Law, University of Leeds**

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1. The author

- 1.1 I am currently Director of www.philhadfield.co.uk a research and training consultancy working in the alcohol and drugs field. I have previously held posts as a Senior Research Fellow at the University of Leeds, a Research Officer at the University of Durham and a Lecturer in Criminology at the University of York.
- 1.2 My consultancy and research interests focus upon crime prevention, policing and regulatory matters, with special reference to the evening and night-time economy (ENTE). I have managed and worked on research projects on these topics since 1998 and have authored and co-authored a number of the leading books, reports and articles in this field, alongside contributing to the national and international 'conversation' on the ENTE at conferences and networking events. In recent years, I have focused, in particular, upon improving the methodology and conceptual bases for ENTE studies, ensuring they better match client requirements; providing evidence that supports complex problem solving and pragmatic decision-making. Further details of my professional activities and credentials may be found in Appendix 2 to this report.
- 1.3 In licensing consultancy matters, my approach is premised upon an independent assessment of operating standards, public policy and regulatory issues, which take the reduction of harm as their key goal.¹ This involves assessing each set of circumstances as they relate to the statutory licensing objectives and associated legislation, Home Office

¹ See Robson, G. and Marlatt, A. (2006) 'Harm Reduction and its Application to Alcohol Policy,' *International Journal of Drug Policy*, 17(4) Special Issue: 255-376.

guidance and best practice. I have particularly lengthy experience in matters of assessing licensed premises whose Premises Licences are under Review and in making assessments of cumulative impact, helping councils weigh the evidence that might underpin such area designations (or alternative interventions). I have worked in such capacities since first implementation of the Licensing Act in 2005 and previously under the Licensing Act 1964 regime, bringing broad insight into the recent development of licensing policy and practice, particularly as it relates to the gathering of empirical evidence.

- 1.4 In 2016 - 2017 I was commissioned by the City of Westminster to conduct a 'Mayfair Cumulative Impact Assessment observational exercise'. My report is referenced in the current Westminster Statement of Licensing Policy (as revised in October 2021) at Paragraph D41. In this work, I attributed negative cumulative impacts on the Licensing Objectives to the proliferation of late-night licensed premises operating in Berkeley Street, Berkeley Square and Dover Street (but not Shepherd Market). Following Westminster's later internally-produced 'Cumulative Impact Assessment' of October 2020, which assessed the statistical evidence of cumulative impacts on the Licensing Objectives in Mayfair, it was decided to allocate these (former) locations in Mayfair to the new category of 'Special Consideration Zone' (SCZ), within Westminster's Spatial Policies.

2 14-16 Park Street case overview and research methods

- 2.1 I have received instructions from Keystone Law, 48 Chancery Lane, London, WC2A 1JF, acting on behalf of 14-16 Park Street Limited in respect of the Application for a new Premises Licence, pertaining to the extensive re-development of 14-16 Park Street, a property in Mayfair. The proposal is to create a small 6-Star luxury boutique hotel with 6-8 bedrooms on the Second and Third Floors and self-contained residential

apartments on the Fourth and Fifth floors. The Lower Ground Floor will feature a Gym and Spa. The Hotel's licensed facilities are planned for the Ground Floor and First Floor, which will feature a restaurant, private dining rooms and two outdoor terraces.

- 2.2 In September 2022, Keystone Law provided me with various documents pertaining to the application for a new Premises Licence at the site. These comprised: the Premises Licence Application for the hotel, the Development Plans for all external and internal areas, a Presentation showing the Applicant's Management Plans and a draft of proposed Conditions to be attached to the Premises Licence in pursuit of the statutory Licensing Objectives and in response to local Licensing Policies and context, as suggested by the Applicant. I understand that the proposed Licence Conditions were also drafted in response to the Planning consent Conditions obtained and following consultation with local residents.
- 2.3 I was also provided with a Representation from the City of Westminster Environmental Protection Team Officer and from a number of local residents. I understand there are no Representations from the other Responsible Authorities, or other Interested Parties.
- 2.4 I established direct contact, via Keystone Law, with the Development team at 14-16 Park Street Limited who arranged an internal inspection of the premises to enhance my understanding of the Applicant's proposed ambitions for the site and associated licensing requirements.
- 2.5 In preparing this document, I also re-read the City of Westminster's 'Statement of Licensing Policy 2021' and associated 'Cumulative Impact Assessment 2020'. Read in combination, these documents gave insight into both the specifics of the proposed licensable activities at the site and their 'fit' within the broader policy context of the application in Mayfair.

- 2.6 Upon reading this documentation, I agreed to prepare this report setting out my professional assessment of how the 14-16 Park Street Limited proposals might affect promotion of the Licensing Objectives in this part of Westminster. I make reference to Westminster's Licensing Policy with respect to 'Core Hours' and to my experience of gathering and assessing research data to inform the drafting of Licensing Policies, and particularly Cumulative Impact Policies, in Westminster, and elsewhere in London Boroughs such as Hackney and Camden. These other areas of London provide useful comparisons as they have hotels located in and amongst their nightlife areas and often in close proximity to local residents, so strong management plans and effective implementation of those procedures are essential.
- 2.7 Observations of 14-16 Park Street were conducted over the period of Saturday 17 September – Sunday 18 September 2022. I began my visit on Saturday 17 September with a guided tour and explanation of the development led by Mr Ema Simione, a security officer at the premises. Mr Simione was able to answer my questions with regard to the location of proposed licensable activities at the site, as set out in the Spatial Plans and Hotel Management Strategy. I was particularly interested to consider from an internal perspective, how the proposed hotel operations would be planned, organised and managed so as to prevent any possible noise disturbance or other negative impacts to their immediate neighbours and therefore support the Licensing Objectives.
- 2.8 Following this guided-tour, I conducted my own independent investigations of the vicinity of the premises, working across a radius of 10-minutes' walking distance from 14-16 Park Street. The observations were conducted from 7pm-2am hours on Saturday 17 – Sunday 18 September 2022. These hours were chosen in order to assess the location, size and nature of the local Evening and Night-Time Economy, to consider the location of any existing noise-sensitive uses, to understand the flow of

pedestrians and vehicles at night, to observe the use of public transport hubs and to explore other aspects of the Licensing Objectives, such as the presence (or absence) of crime and disorder. I also sought to record any activity by the police, or other agencies, and from licensed operators in terms of safety and security management.

3 The 14-16 Park Street Premises Licence Application

3.1 The proposed Hotel is located at the north western edge of Mayfair, close to Park Lane and approximately 5-minutes' walk south from Marble Arch.

3.2 The Premises Licence application requests to permit (to the public):

Recorded music and sale by retail of alcohol:

Monday to Thursday 9:00am to 11:30pm;

Friday to Saturday 9:00am to midnight and

Sunday 9:00am to 10:30pm.

Late Night Refreshment:

Monday to Thursday 11pm to 11:30pm;

Friday to Saturday 11pm to midnight, and

Those same *Licensable Activities to Residents of the Hotel and their*

Guests:

24-hours-a-day, on such other times and on such other terms as set out in the application.

The *Opening Hours* requested for the proposed premises match those requested for the above Licensable Activities.

- 3.3 The City of Westminster's 'Core Hours' Policy (HRS1) specifies the following in hours in respect of Hotels:

"Monday to Thursday: 9am to 11.30pm

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours."

And for Restaurants:

"Monday to Thursday: 9am to 11.30pm

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight."

- 3.4 The Hours applied for therefore fall within 'Core Hours'. The premises are not located within one of Westminster's designated Cumulative Impact Areas (CIAs) or Special Consideration Zones (SCZs). This implies that there are no underlying 'policy presumptions' to deny the licence application. As Para E3 of the Westminster Licensing Policy outlines:

"It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. However, this is subject to the application meeting the other policies within this statement."

4 The City of Westminster Licensing Policy

- 4.1 As noted in Para 1.4 (above) the City of Westminster have assigned

certain parts of Mayfair to the category of a Special Consideration Zone (SCZ) – see Map at p.60 / Paras D57-58.

Within a SCZ, licence applications require:

“a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area.”

(Para: D42).

4.2. The Mayfair SCZ comprises a tightly-drawn boundary around Berkeley Street, Berkeley Square and Dover Street. It maps onto one component of the area in which I conducted the Observational Study / Behaviour Audit in Mayfair commissioned by Westminster in 2016-17.

4.3. The tight boundaries of the Mayfair SCZ should be noted. I was commissioned to look at the areas listed above and also Shepherd Market (in which no evidence of cumulative impacts was found). At no point was I asked to consider the Mayfair area more broadly; it was not part of the brief for the research; a brief that had been generated from police reports, neighbourhood complaints and anecdotal evidence of emergent ‘issues’. Subsequently, Westminster’s own Cumulative Impact Assessment exercise in 2020 did not identify evidence of a spread of cumulative impacts across Mayfair generally. This is to be expected as high concentrations of licensed premises can only be found in the south and eastern section of the neighbourhood, which has direct transport links from Green Park, Piccadilly and Berkeley Street and therefore does not spread the impact of patron dispersals into the residential and retail areas of Mayfair to the north and west.

4.4 The Home Office s182 Guidance commends a targeted and nuanced

approach to Spatial Policies and devotes much attention to recommendations and requirements (now developed and refined over 17 years) for area-based restrictions to be both proportionate and justifiable in terms of the statutory Licensing Objectives. Moreover, as the Guidance states:

“14.52 ... The Statement of Licensing Policy should emphasise the consideration which will be given to the individual merits of an application.”

- 4.5 The Guidance is specific in commending other measures, such as Review, in the case of identified ‘problem’ premises.
- 4.6 In the case of the development of new licensed premises outside of Cumulative Impact Areas (or a SCZ) the emphasis is on pre-empting any negative impacts on the vicinity of the proposed premises by devising sets of Conditions that bind the Applicant to certain high standards of operating which then work in tandem with the normal statutory requirements and industry best practice to ensure that the premises are well managed and that any potential problems or challenges have been anticipated and appropriately removed or mitigation plans set forward in advance.
- 4.7 The 14-16 Park Street application falls outside of the more restrictive policies applied by Westminster to parts of City experiencing negative cumulative impacts and towards premises that offer post-midnight attractions to the general public. The nub of this matter would therefore appear to surround the extent to which the Applicants are able to successfully address and mitigate the concerns raised in the Representations from Westminster’s EPT Officer and from local residents about the introduction of a new licensed premises in this specific location.
- 4.8 In the following paragraphs I look in detail at the location of the premises and my observations of the vicinity at night. These matters are considered in the

light of the Applicant's proposals for operation and management of the premises.

5. Development site and area visit observational report

- Date of visit: Saturday 17-Sunday 18 September
- Times: Internal inspection of the premises at 6.30-7.30pm, followed by on-street observations of the local vicinity conducted until 2am.
- Weather conditions: Dry 14C, dropping to 10C overnight.

5.1 The visit was conducted on the weekend before the State Funeral of Queen Elizabeth 2 on 19 September 2022. This was an extremely busy time for the hospitality industry. It was almost impossible to book overnight accommodation in Central London at this time, with public transport under pressure from the incoming crowds. This was Westminster at its most 'stressed' in terms of cumulative noise impacts and pressure on services and infrastructure.

5.2 The observational exercise began with an area assessment and comprehensive audit of licensed premises at a street-by-street-level, together with a record of their operating hours as advertised / operationalized (as opposed to those hours permitted by their Premises Licences). This was supplemented by an audit of transport options as well as an observational record of activity in the area. The scope of the observations was to take-in all areas within a 10-minute distance walking radius of 14-16 Park Street.

The 14-16 Park Street premises

5.3 The proposed premises inhabit a corner plot which combines two Mayfair mansion houses, with entrances on Park Street and Aldford

Street. The main entrance to the premises is proposed for Aldford Street, as shown in Appendix 1, Picture 1.

- 5.4 Viewed from Aldford Street, the premises can be seen in Appendix 1, Pictures 2 and 3, with a First-Floor outdoor terrace to the right of the building. Below the Terrace one sees the proposed restaurant dining room on the Ground Floor, with commercial kitchens planned for the Basement directly below street level.
- 5.5 The proposed premises then wrap around the corner plot to encompass 16 Park Street. Picture 4 in Appendix 1 shows the street view from Park Street, and in Picture 5, the doors to the building at 16 Park Street, which are proposed to function as the entrance to the self-contained residential apartments on the top two floors of the development.
- 5.6 The building features a spacious outdoor paved Terrace on the First Floor, which as indicated, looks onto Aldford Street to the front. There is also a smaller 'Garden' to the property at Ground Level, to the rear (see Pictures of the terrace numbered 6 and 7 and the garden area, numbered 8 and 9). These outdoor areas offer obvious potential for noise escape, however any negative impacts have been anticipated in the Proposed Conditions:

“The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily. (Repeats current Planning Condition)”.

And also feature in the Management Plan, which highlights that patron use of outdoor terraces will be specifically supervised by members of the staff team.

- 5.7 Internally it is immediately apparent that the premises comprise two historic buildings with many period features such as oak staircases and

panelling, wooden sash and metal windows. These features have been sympathetically complimented by new luxury fittings, such as marble and stone floors, marble kitchen and bathroom fittings and bespoke cabinetry, with built-in wardrobes and head-boards in bedrooms. The impression is one of very high quality and significant investment; an interior described by the Applicant as being of 'Mayfair' standard.

5.8 The property features a swimming pool at Lower Ground Level and I understand this is to remain intact as a facility of the Hotel.

5.9 The Applicant's Management Plan makes clear that in the Ground Floor Restaurant and all Private Dining / and Function Rooms:

“Access to the restaurant areas will generally be restricted solely to residents (or guests of residents) or guests to pre-booked tables or functions, with no general access to the public unless pre booked or they are accompanied by a guest or are permitted for special reasons or for special occasions. In effect it is not possible to walk in off the street and use the hotel facilities without prior notice and a confirmed booking or a member of senior management permitting their entry. This is to ensure guests receive high class service (Para 3.6).”

5.10 From the above we see that the Hotel Restaurant is planned as operating as a low-key venue for dining within Core Hours. Persons who are not hotel guests will need to pre-book so there will not be facilities for casual 'walk-ups'. Similarly, there will be no public bar and alcohol will be served to the public only as ancillary to a pre-booked table meal (see proposed Conditions).

Surroundings of the Premises:

5.11 The immediately neighbouring terraced property on Park Street is occupied by business offices. It was clear from my inspection that the immediate area comprises a mixture of residential and office uses. There were signs of residential use at Fountain House and in some of the Park Street and Aldford Street properties and on Rex Place. However, there was no indication that this was a highly populated residential area. On the night of my visit many of the properties were in darkness, there were few lights on in surrounding buildings. The movement of people into and out of property entrances was almost zero. There was essentially no 'street life', with very little pedestrian flow at any time of the night and only limited movement of vehicles. This lack of activity, even apparently within buildings, I found surprising; it did not match what I often see in other areas of the West End such as Marylebone and Fitzrovia in which large numbers of full-time residencies are quite apparent.

5.12 Although the very immediate area can certainly be described as 'quiet', one only has to walk for 2-minutes to find notably more street activity to the west on South Audley Street and to the east on the major Central London thoroughfare of Park Lane.

5.13 This easy proximity to the attractions of urban life is noted in on-line descriptions of an apartment in Fountain House sold by Savills Estate Agents in July 2022, which describes the local amenities as follows:

"Fountain House is located in Mayfair, on the east side of Park Lane, overlooking Hyde Park, and is just steps away from the world class amenities, boutique shops and the fine dining restaurants of Mayfair."

<https://search.savills.com/property-detail/gbmyrsmas210095>

5.14 The closest Licensed Premises to 14-16 Park Street can be found on the eastern flank of Park Lane and on South Audley Street.

5.15 Listed from north to south, the Park Lane premises comprise:

The JW Marriott Grosvenor House London, a 5-Star Hotel which features a number of public-facing dining and function / conference facilities, notably the JW Steakhouse, The Great Room and The Red Bar.

The Dorchester Hotel, world-famous hotel which features a 'collection' of restaurants and bars: <https://www.dorchestercollection.com/en/london/the-dorchester/restaurants-bars/> including The Grill at the Dorchester, Alan Ducasse, and China Tang.

45 Park Lane which is a smaller contemporary-styled hotel operated by the same ownership as The Dorchester.

EL&N London at 48 Park Lane is a small café and coffee shop which closes at midnight daily. It does not serve alcohol.

5.16 The premises on Park Lane are all strongly marketed towards international visitors to London. Access to their facilities is directly onto Park Lane, having no discernible impact on the streets of Mayfair to the east of this main thoroughfare. Photograph 10 in Appendix 1 shows the line of chauffeur driven vehicles waiting outside The Dorchester on Park Lane, near the entrance to The Ballroom. No activity from Black Cabs or PHVs was seen outside these facilities.

South Audley Street

5.17 Two blocks east of 14-16 Park Street one finds South Audley Street which presents as a long thoroughfare through Mayfair running north from

Curzon Street to Grosvenor Square. The northern section of the street, closest to the subject premises, contains a number of licensed venues, as follows:

Kai Mayfair is a Chinese Restaurant with 1 Michelin Star 2009-2022, operating daily from 6.30pm to midnight.

Harry's Bar at 26 South Audley Street is a Private Members' Club serving North Italian Cuisine. Although it has an 'active frontage', with outdoor tables and chairs, it is a discreet high-end venue and is not open to the general public. Advertised opening hours are midday – 10pm daily, however, the venue's website states *12-late*. On the night of my visit there were a number of chauffeurs / security guards waiting silently next to parked cars outside the venue for the departure of their employers.

The Audley Public House is currently undergoing redevelopment, but according to on-line hospitality industry media reports is due to re-open before the end of 2022. It will feature a revamped Audley Public House on the Ground Floor and Mount St. Restaurant on the First Floor, with upper floors dedicated to Functions and Events Hire.

<https://www.hot-dinners.com/2022051311408/Gastroblog/Latest-news/audley-mayfair-public-house-mount-street-restaurant-london>

'34 Mayfair', which describes itself as 'the hidden gem of Mayfair' is a large and popular up-market restaurant with an art-deco interior design. The menu features British game and world meats cooked on an imported Argentinian grill. It operates until midnight daily, apart from Sundays when it closes at 11pm.

- 5.18 In the streets around 14-16 Park Street there is a complete absence of the sorts of facilities such as late-night convenience stores, off-licences, fast food takeaways and taxi offices that one finds in other parts of the West End and neighbourhoods across London. Such facilities encourage patrons of licensed premises to linger on the streets following their departure from licensed premises, but are not part of the street scene in Mayfair.
- 5.19 Even though the timing of my visit corresponded with very high numbers of visitors and licensed premises occupancy across Central London, the streets around 14-16 Park Street were quiet throughout the evening and night-time period. Nonetheless, this part of Mayfair is far from being a 'backwater'; there are a number of licensed premises operating discreetly to a small upmarket audience, bringing life to the area. Sensible comparisons would therefore be with upmarket urban residential areas in major cities, and not smaller, fundamentally 'quiet' locations outside of the cities, or in the suburbs.

Transport audit (late night transport)

- 5.20 A key theme for the operators in addressing the concerns raised by the Representations in this matter is planning for the arrival and departure of patrons, especially non-resident patrons.
- 5.21 It is anticipated that a high proportion of the hotel's overnight guests will be international visitors to London who will not bring private vehicles. They are likely to arrive by taxi or chauffeur-driven vehicle. These vehicles will simply drop off and collect the guests before leaving the area either immediately, or following a short wait, and will not therefore add to the pressure on parking spaces.
- 5.22 I believe that the large majority of non-residents attending the hotel restaurant or function rooms are also likely not to use private vehicles and

not to use public transport. In my previous reporting for the City of Westminster I looked in detail at ENTE patron dispersals in Mayfair and noted the atypical popularity of PHVs, valet-parked limousines and Black Cabs. This was despite the very accessible and relatively inexpensive options of the Night Tube and Night Buses that were close at hand. These consumer choices were also strongly apparent in the quiet and staggered dispersals from licensed premises I witnessed in South Audley Street.

- 5.23 My recommendation would be for the operators to give careful consideration to the management practices surrounding the arrival and departure of taxis and other 'hired' vehicles, ensuring that any noise impacts on the neighbourhood are removed, or minimised.
- 5.24 The main entrance to the proposed premises on Aldford Street already features a lobby area which could be used as a waiting area for customers who have pre-ordered taxis (see Photograph 11, in Appendix 1).
- 5.25 I understand that the Applicant is anticipating that the Restaurant will operate with a maximum guest capacity of 48. Given that some of the diners will be hotel guests and that the restaurant will operate a number of 'sittings' we can predict that departures from this premises are also likely to be staggered. It is also likely that late-night bookings for 'dinner' will be less popular than evening bookings, given the typical occupancy flows one sees in restaurants; the numbers of patrons leaving at, or around, midnight are likely to be low and therefore quite easily manageable for an attentive staff team.
- 5.26 The Operator's Management Plan devotes considerable attention to the management of customer flows and associated activity by vehicles outside the premises, for example, at Para 7.14:

“In addition to the above controls the following measures will operated in respect of all areas:

- *Table bookings would for all areas would be co-ordinated and staggered.*
- *Departure times would also be staggered to ensure guests do not leave in groups.*
- *All guests leaving after 10pm by way of taxi, would be required to do so by pre-booking.*
- *At the time a guest pays their bill, whilst still seated at their table, staff offer to book a taxi on behalf of the named customer who then remain inside the premises until the car is available.*
- *Bellman/SIA trained to ensure guests and staff leave quietly.”*

5.27 One of the reasons that the immediate vicinity of the premises presents as ‘quiet’ is that the directional flow of road traffic is tightly controlled by one-way systems. Park Street runs south-to-north one block behind the east side of Park Lane. It runs from South Street on its southern end, crossing Aldford Street (one-way West to East), Mount Street, Reeves Mews, Upper Grosvenor Street (one-way East to West), and five more streets before its final junction with Oxford Street.

5.28 Parking, vehicular access:

A cycle tunnel under Park Lane blocks Aldford Street’s Park Lane junction from vehicular access (except bicycles). In the evenings the tunnel is used by pedestrians, more than cyclists, to cross Park Lane. As a result of this obstruction, all traffic that enters Aldford Street, which is one-way in an eastbound direction, must do so from the side streets.

Park Street is also one-way in a northbound direction, so all traffic attempting access to 14-16 Park Street must come from South Street. Vehicles can gain access to South Street and then Park Street from Park Lane south via Mount Street, onto South Audley Street southbound, then

turning left onto South Street (west bound) for Park Street's southern end. South Street is also accessible from Park Lane's southbound carriageway.

Vehicular access from Park Lane (northbound) can also be gained to the area with a right turn at Stanhope Gate, taking Deanery Street past the Dorchester and turning left onto South Audley Street northbound, then turning left onto South Street in order to access Park Street and Aldford Street (Aldford Street is one way, as noted above).

All vehicles will have to come from/via South Audley Street, or the Park Lane junction of South Street and Park Street south section, crossing Aldford Street to stop on Park Street, or turn right onto Aldford Street (one way west to east) to stop outside the main entrance to 14 Park Street on Aldford Street. This is the largest entry/exit to the building and the likely entry / exit option for the restaurant (though the Park Street access doorway could also be used).

5.29 Vehicular access to the area is also possible onto South Audley Street from further East (north east, east and south east):

- from Piccadilly and the Green Park area, via Berkeley Square, or Half Moon Street and Curzon Street.
- Berkeley Square, Hill Street
- Grosvenor Square area via Grosvenor Street, Adams Row or Mount Street.

As noted, vehicular access will come from South Audley Street essentially, onto South Street, then onto Park Street south end. Pick-ups and deliveries outside are possible on Park Street, or Aldford Street. Vehicles will have to leave either via Aldford Street, or Park Street and Mount Street, or other connecting side streets on Park Street north of Mount Street.

5.30 In relation to parking. Immediately outside 14-16 Park Street on Park Street and Aldford Street there are single yellow lines parking restrictions (8:30am-6:30pm Monday-Friday; 8:30am-1:30pm Saturdays). The cul-de-sac end of Aldford Street, diagonally opposite 14-16 Park Street is also a single yellow line area and may become a waiting area for deliveries, drop-offs and pick-ups from the premises, along with the single yellow line zone immediately outside the property. One option would be for a door supervisor to be stationed at this point whenever necessary to oversee the short walk of customers from the premises to their waiting vehicles. There are no 'No-Loading' restrictions in the immediate vicinity on Park Street, or Aldford Street.

5.31 There are pay-by-phone parking bays in the area on Park Street, the majority of the parking bays in the area are Resident-Only at all times. The nearest car parks are not far away on the Hyde Park side of Park Lane and centrally on Park Lane itself. These are:

- Q-Park Park Lane
- ParkBee Q-Park Park Lane
- Euro Car Parks Mayfair

5.32 The Q-Park car parks are accessed from the northbound (Hyde Park side) carriageway of Park Lane. Pedestrian access to Aldford Street and Park Street is possible via the cycle-tunnel. In the case of Euro Car Parks Mayfair to the south, pedestrian underpass access is possible outside the London Hilton Hotel.

5.33 Park Lane is a Red Route, with 'No Stopping' restrictions excepting buses and the taxi ranks outside the iconic hotels. Red Route restrictions affect the entrances of South Street and Mount Street at their Park Lane junctions.

5.34 Notwithstanding my comments above regarding the most *likely* and typical transport choices of visitors to Mayfair licensed premises at night, it is necessary to consider what public transport options are available.

5.35 Bus services are available from stops on Park Lane north- and south-bound, include night services, as follows:

Northbound

- Bus numbers: 2, 6, 13, 16, 23, 36, 74, 137, 148, 390, 414, N2, N16, N74, N137.

Southbound

- Bus numbers: 2, 6, 13, 16, 23, 36, 74, 137, 148, 390, 414, N2, N16, N74, N137.

5.36 Nearest London Underground stations:

- Marble Arch: Central Line
- Hyde Park Corner: Piccadilly Line
- Green Park: Jubilee, Piccadilly and Victoria Lines.

All of the above are on TFL's Night-Tube network (currently Friday and Saturday nights on the Central, Jubilee, Northern, Piccadilly and Victoria lines).

6. Policy Context

6.1 The evidence base for the City of Westminster's Statement of Licensing Policy 2021 is derived from the pre-pandemic period of 2017-2019. Since 2019 the pressures faced by the hospitality sector in Central London could not have been anticipated; however, they are an important consideration

in 2022, with much uncertainty remaining. It should be noted that in continuing their work to completion and creating new facilities and jobs, the developers of 14-16 Park Street are making something of a 'leap of faith'.

- 6.2 In past work in licensing I have had experience and knowledge of a number of hotels in Boroughs such as Camden, Wandsworth and Hackney that are located within Cumulative Impact Areas, in close proximity, not only to other licensed premises, but also to local residents' homes. These include hotels where I have also stayed as a guest, such as the Ham Yard Hotel in Soho and the Ace Hotel in Shoreditch (opened in 2013, closed during the pandemic and now permanently closed following an announcement by its US owners). These and similar hotels have (or had) licensing arrangements which allow guests of hotel residents to remain on-site and use hotel bar facilities late at night. Arrangements for trading beyond Borough 'Policy Hours' also apply to persons attending pre-booked events within the hotels.
- 6.3 The licensing permissions noted above recognise that hotels are not the same as other on-licensed premises. They have diverse paying guests staying overnight to sleep, rest and recuperate for work and leisure purposes and some will have flights to catch. I understand that 14-16 Park Lane residents will be paying approximately £1000 per night for their accommodation. Hotels are also subject to customer feedback in independent on-line reviews. These factors encourage hotel operators to pay special attention to issues such as noise nuisance and patron behaviour, having a vested interest in keeping strict management control over how their premises are run. It should also be noted that there will be residents living permanently in apartments directly above the hotel. These residents will be both the Hotel's nearest neighbours and some of its most loyal customers.

6.4 I understand that the number of guest bedrooms is likely to be limited to no more than eight. Therefore, despite the high price tag of overnight stays, the sustainability of the 14-16 Park Lane business model relies heavily on the licensed offer that can be made to both its guests and to the broader customer base for its Ground Floor restaurant offer. Both the accommodation and restaurant markets are highly competitive and mobile, with hotels across Central London essentially competing for many of the same pool of patrons.

7. Premises-specific Nuisance v Cumulative Impact

7.1 I could find no evidence of negative cumulative impacts from licensed premises in the immediate or wider vicinity of 14-16 Park Street. The patrons of licensed premises on Park Lane and South Audley Street moved directly from within the premises to waiting taxis or chauffeur-driven vehicles. There was little evidence of private car use and comprehensive and proximate public transport options are available throughout the night (although PHVs and Chauffeured vehicles are notably the transport of choice for patrons of licensed premises in this location). No movement of patrons toward residential areas or lingering in crowds on the pavements was observed. Should public transport or Black Cabs be sought the most obvious route is a 2-minute walk to Park Lane.

7.2 The Home Office s182 Guidance is clear in framing the denial of licences as interventions of last-resort where attempts to address problems at an individual premises-level have proved ineffective and/or insufficient as a result of the high concentration of licensed premises and intensive use of the public realm by venue patrons. My observations and comprehensive premises-auditing suggest that such negative environmental factors are not to be found in the vicinity of 14-16 Park Street.

7.3 Having noted the absence of 'cumulative impacts' in the vicinity it is

necessary to consider if there are any factors within the proposed operations contained within this Application that are likely to give rise to negative impacts on the Licensing Objectives.

- 7.4 The Applicant has set out their proposals for bringing all Licensable Activities within Core Hours and their existing Planning consents. This aspect would therefore appear to be non-contentious from a Policy perspective. It also appears to be the correct and sensible course of action.
- 7.5 Within their Management Plan the Applicant has given a great deal of thought and pre-planning to the issue of preventing any negative impacts on the Licensing Objectives. There are measures in place to prevent nuisance by whatever means that hotel guests and other attendees use to exit the development, with the use of outdoor spaces also constrained to an 8.30pm curfew. Pre-booked taxis are anticipated to be the main method of dispersal. Those who do use public transport are in the main likely to make the short walk to Park Lane to access Night Bus services, or Night Tube from Marble Arch. Park Lane is a location that remains busy, well-lit and heavily supervised at night, particularly around the taxi ranks that occupy the frontages of the large hotels.
- 7.6 Given these combined aspects of pre-planning and strong management I do not believe that the Application will give rise to negative impacts on the Licensing Objectives in this location.

8. Conclusions

- 8.1 In the absence of evidence of negative *cumulative* impacts upon the Licensing Objectives, the s182 Guidance to the Licensing Act 2003 strongly commends that licensing applications are considered on a case-by-case basis. At Para 14:52 the Guidance states: "*In determining*

appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.”

- 8.2 I can find no empirical evidence to support denial of the Premises Licence in this location. Such an approach would be out-of-step with the general thrust of the s182 Guidance in circumstances where cumulative impacts are absent and other measures, such as enforceable Conditions, are available to secure the Licensing Objectives.
- 8.3 I am also of the opinion that the licensing requirements of small boutique hotels such as 14-16 Park Street do not sit easily in Licensing Policies when placed within general categories of ‘on-licensed premises’ alongside pubs, bars and nightclubs. Such hotels have a very different clientele with very different expectations. Moreover, hotel operators have a vested interest in placing the interests of their overnight residents and long-term residential neighbours over the desires of casual attendees and for these reasons pay particular attention to the prevention of noise nuisance both within and around their premises.
- 8.4 In this case the Applicant has in place a comprehensive ‘Management Plan’ for 14-16 Park Street which anticipates and addresses such concerns. I would respectfully suggest that the application can be granted with a high level of confidence that the operation of this licensed premises will not give rise to a public nuisance to residents or negatively impact any of the licensing objectives, subject to the negotiation of suitable Conditions to compliment the Applicant’s Management Plan.

9. Declaration

I understand that my duty as an expert witness is to the Hearing and this report and its appendices have been prepared in compliance with that duty. All matters

relevant to the issues on which my expert evidence is given have been included in this report. I believe that the facts I have stated in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional upon the outcome of the case in any way whatsoever.



P.M. Hadfield

Director www.philhadfield.co.uk

Visiting Senior Research Associate, Centre for Criminal Justice Studies

School of Law,

University of Leeds

26 September 2022

Appendix 1: Photographs 14-16 Park Street (September 2022)



1. The main entrance to the proposed premises on Aldford Street.



2. The proposed premises as viewed from Aldford Street.



3. Wider view from Aldford Street.



4. The premises viewed from Park Street.



5. Proposed services entrance at 16 Park Street.



6. First Floor Terrace, looking north towards the 'Garden' terrace.



7. Terrace looking south towards Aldford Street.



8. The 'Garden' at the rear of the property at Ground Level. A glass roof provides light to the swimming pool area on the Lower Ground Floor.



9. The neighbouring property on Park Street is occupied by a number of business offices, as viewed from the Ground Floor garden terrace at 16 Park Street.



10. Chauffeur driven vehicles wait outside The Dorchester on Park Lane.



11. The Lobby area located behind the main entrance doors on Aldford Street.

Appendix 2: Professional biography of the author (September 2022)

Dr. Phil Hadfield is a Social Scientist and Director of www.philhadfield.co.uk an Independent Research Consultancy based in Leeds. Phil's work addresses research / data needs, problem-solving and cost v benefit analysis for clients in urban cultural planning, place management, community safety, public health and regulatory matters, with special reference to Evening and Night-time Economies (ENTEs).

Phil has a background in academia and Research Council / NGO-funded projects. He holds (or has held) Advisory Board / Steering Group roles at the University of Leeds, London School of Hygiene & Tropical Medicine, the Institute of Alcohol Studies and the City of Bordeaux. He is on the International Editorial Board of the journal Contemporary Drug Problems.

Phil has advised many Licensing Authorities, notably the City of Westminster, Camden, Hackney, Liverpool, and the City of London on their licensing policies, together with contributions to the City of Sydney, 'Open Sydney' research Programme and three EC-funded Pan-European Research Programmes.

He is the author or co-author of some of the leading (highest citation) books and research articles on the ENTE. Through his work as an Expert Witness, Phil has considerable practical experience of evidence-gathering and decision-making processes within a UK licensing framework.

Key recent projects:

The London Night-Time Data Observatory

In 2020, Phil worked in collaboration with Arcola Research LLP and the Greater London Authority (GLA) to develop a data-monitoring tool, producing outputs that

can inform the future of nightlife policy across the Capital. COVID-19 Resilience is one of the six Dashboard Indicators of the Observatory that will be used to monitor the 'health' of London's ENTE. The first iteration of the London Night-Time Observatory has been launched here: <https://data.london.gov.uk/night-time-observatory/>

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of Adrian Studd

Park Street Hotel

14-16 Park Street, Mayfair, London, W1.

Report by

Adrian Studd, Independent Licensing Consultant.

Introduction.

1. Marcus Lavell of Keystone Law has instructed me to inspect the above premises and conduct observations in the area, to conduct a review of the licence application and proposed conditions, and to prepare a report considering the potential impact the premises will have on the surrounding area should the application be permitted. In addition I will consider any further conditions that may be required to ensure the premises operates in a manner that fully supports the Licensing Objectives and does not cause noise or nuisance to residents.

Summary of expertise – Adrian Studd.

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games.
3. In addition to leading my team, I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures, and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits

for the profile of the MPS and the United Kingdom. I was awarded an Assistant Commissioners Commendation for this work.

4. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.
5. Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, to address these problems using action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
6. From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs, and Government departments to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on several Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.
7. I was involved with Best Bar None for several years and successfully helped several boroughs to implement the initiative. I was a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years of my service, I was in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe.

During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended many internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

8. Following my retirement I set up a licensing consultancy to improve standards and provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, noise and nuisance, cumulative impact, sexual entertainment, street drinking, rough sleepers, age related products, betting and gaming and planning. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late-night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Proposed Premises.

9. The proposed Premises, a small boutique hotel with fine dining at 14 – 16 Park Street, Mayfair, are located on Park Street at the junction with Aldford Road, Mayfair. The premises consists of two relatively small-town houses, connected internally via doorways, which have the entrance to number 14 Park Street in Aldford Road and the entrance to number 16 in Park Street, opposite Fountain House. I understand the main entrance to the hotel premises will be from Aldford Street. The plans setting out the proposed premises is attached to the application.
10. The hours and permitted activities at the premises have been the subject of consultation with residents with tight controls in place to prevent members of the public, who are not residents of the hotel or guests of residents, from having access to the hotel facilities outside the hours of 09:00-23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday and 09:00 to 22:30 on Sundays. This mirrors the Proposed New Planning Conditions. In total there are 30 Proposed Conditions to ensure the premises operates in a manner that fully supports the Licensing Objectives.

Observations.

11. I conducted observations in the area and inspected the premises from about 17.30 hours on Friday the 9th of September 2022 until about 23.00 hours. The Mayfair area generally was busy with traffic and pedestrians who were using the many nearby facilities including hotels and restaurants. Close by is Park Lane, a main thoroughfare, which was busy all evening and the traffic noise is a constant backdrop in Park Street.
12. Park Street itself is a relatively quiet street in comparison, for example, to busy nearby roads such as Park Lane. However, there was still a constant flow of pedestrians and cars using the street, to access not only the various residential properties located in Park Street and close by, but also to access the apartment hotels, the Park Street entrance to Grosvenor Park Hotel, extensive Taxi ranking and the nearby restaurants. There were also 'Deliveroo' and similar other delivery riders using the street as a cut through or to deliver food and goods.
13. Opposite 14 and 16 Park Street is Fountain House that offers modern apartments for rent on short or long term lets and a quick internet search, for example on Booking.com, shows regular availability and a 24-hour front desk. There are restaurants such as Kai Mayfair, Chinese restaurant at Aldford Street junction with South Audley Street and other apartment Hotels and similar in Park Street and the surrounding area including Grand Residencies by Marriot at 47 Park Street. Also in Park Street is an entrance and vehicle access to Grosvenor House hotel, a large hotel with 24-hour concierge, restaurant and bar.
14. I inspected the proposed premises in Park Street about 17.45 and was shown around the premises which is currently unoccupied. The premises covers six floors from the basement to the top floor and is spread across two houses that are interconnected via connecting doors. The layout appears to follow that of the original two separate houses and the rooms are modest in size, the largest single space being the ground floor room identified as the restaurant on plans. All fixtures and fittings appear to be 'luxury fittings' that suit a high end, luxury hotel style premises.
15. The basement contains services for the building, a small swimming pool and gym and

changing and toilet facilities. The ground floor has two entrances, what appears to be the main entrance on Aldford Street with what appears to be a secondary entrance on Park Street. This floor houses two modest lounges with interconnecting doors either side of the fireplace, a reception and concierge, a small outside terrace and the main restaurant.

16. The first floor has two conference/ function rooms looking out over Park Street that are interconnected either side of the fireplace, a couple of small private dining rooms and another small terrace to the rear.
17. The second and third floors each contain four ensuite bedrooms, a total of eight bedrooms in the hotel premises. The fourth and fifth floor each contain a small, two-bedroom, self-contained apartment.

Representations.

18. I have received copies of representations from eight residents of Park Street or Mount Street who object to this application. There is also an objection from The Environmental Health Officer.
19. The representations raise a number of similar concerns that fall broadly into the following categories:
 - I. Changing the character of the neighbourhood from entirely residential.
 - II. Create congestion from traffic and pedestrians.
 - III. Violation of privacy and noise from terraces.
 - IV. Compound the problem of overstretched parking facilities.
 - V. Increase in noise and pollution to residents.

Conclusion.

20. The proposed hotel premises is modest in size and capacity with just eight double bedrooms over two floors and two small apartments on the top two floors. There is no provision for live music and there are other facilities for guests, such as the leisure pool and gym facilities, which highlight the premises as a 'home from home' rather than a

destination restaurant or club.

21. There is a small restaurant and lounge areas that are commensurate with the small size of the hotel and have strict conditions proposed limiting the hours they can be used and who can use them, in particular only residents and guests after 22.30 on Sunday, 23.30 Monday to Thursday and midnight Friday and Saturday. Outside space at the hotel is limited to two small terraces.

22. The proposed conditions are comprehensive and have been developed as a result of consultation with the residents. The conditions significantly limit the activities that can take place at the premises, the times that those activities can take place and those who can use those facilities. These conditions provide a robust framework which will ensure that the premises can only operate in a manner that supports the Licensing Objectives and does not cause noise or nuisance to residents.

Adrian Studd,

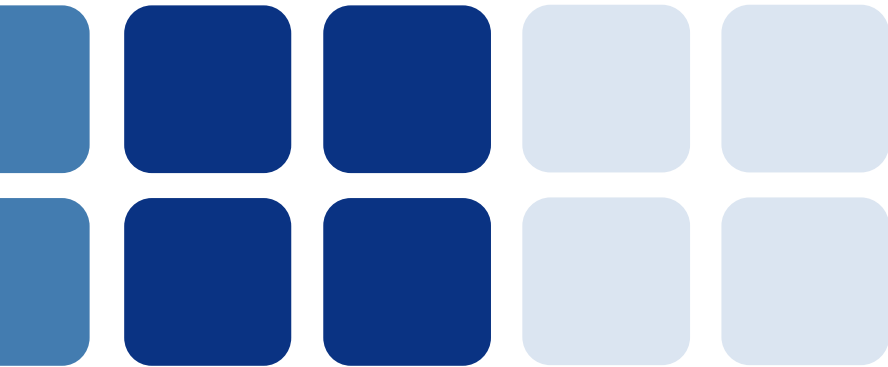
Independent Licensing Consultant.

29/09/2022.

Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Expert Report of RBA Acoustics



14 – 16 PARK STREET,
LONDON W1K 2HY

Acoustic Assessment Report for Licensing

Reference: 12186.RP01.AAR.0

Prepared: 7 October 2022

Revision Number: 0

Buckingham Securities

19 Charles Street

Mayfair

London

W1J 5DT

Acoustic Assessment Report for Licensing



14 – 16 PARK STREET, LONDON W1K 2HY

Reference: 12186.RP01.AAR.0

Prepared: 7 October 2022

Revision	Comment	Date	Prepared By	Approved By
0	First issue of report	7 October 2022	Toby Walton	Torben Andersen

Terms of contract:

RBA Acoustics Ltd have prepared this report in accordance with our standard Terms & 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.

The recommendations within this report relate to acoustics performance only and will need to be integrated within the overall design by the lead designer to incorporate all other design disciplines such as fire, structural integrity, setting-out, etc. Similarly, any sketches appended to this report illustrate acoustic principles only and will need to be developed into full working drawings by the lead designer to incorporate all other design disciplines.



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APPENDIX A – ACOUSTIC TERMINOLOGY

APPENDIX B – INSTRUMENTATION

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APPENDIX D – GRAPHS AND SITE PLANS

1.0 INTRODUCTION

14 – 16 Park Street Limited has applied for a Premises Licence for 14 – 16 Park Street to allow the operation of a Hotel and Restaurant with Residential Apartments and associated facilities.

RBA Acoustics have been appointed to undertake an impact assessment of the noise emitted from the use of the proposed terrace areas, patron dispersal and noise breakout from the premises.

Noise associated with the premises has been assessed and compared with the existing noise levels at the site. This report presents the results of the following assessments:

- An assessment of external patron noise – Section 6.0
- An assessment of patron pick up's/drop off's – Section 7.0
- A noise breakout assessment – Section 8.0

2.0 SITE DESCRIPTION

The building at 14 – 16 Park Street, London W1 is a five-storey structure located within a mixed-use residential and commercial area. The building itself currently comprises two residential dwelling houses. The site is bounded by Park Street to the West and Aldford Street to the South. The site is surrounded by the adjacent mixed commercial and residential premises to the east and north, which are then bounded by Rex Place (east) and Mount Street (north).

The proposed development includes a ground-floor and first-floor terrace area. The closest noise-sensitive receptors to the terraces are understood to be directly opposite at 10 Aldford Street (approximately 10 m away), the rear of 18 Park Street (approximately 10m away), and the front of 7 Aldford Street (approximately 5m away).

We understand that the terraces are proposed to operate between the following hours:

08:00 and 20:30 hours Sunday to Monday

3.0 PROPOSED CONDITIONS

We are in receipt of the proposed Licensing and Planning Conditions, and the relevant conditions are repeated below:

“1. Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 Friday and Saturday or 09:00 to 22:30 on Sundays.”

“2. The two external terraces may only be used by the residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00 – 20:30 daily.”

“10. Loudspeakers shall not be located in the entrance lobby or outside the premise building.”

“11. 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.”

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

“15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Services and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health service. No additional sound-generating equipment shall be used on the premises without being routed through the sound limiter device.”

4.0 LONG-TERM ENVIRONMENTAL NOISE SURVEY

4.1 General

Monitoring of the prevailing background noise was undertaken over the following periods:

12:00 hours, Friday 16 October to 12:00 hours, Tuesday 20 October 2020

During the survey periods the weather conditions were generally appropriate for the noise measurement exercise, it being dry with light winds.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

4.2 Measurement Locations

Measurement Position 1 (Park Street)

Measurements at this position were undertaken with the microphone positioned on the A-frame, outside a first-floor level window at approximately 3m above the ground level, overlooking the Park Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors overlooking Park Street. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along the Park Street and Aldford Street, as well as construction noise from the activity at the rear of 20 Park Street building.

Measurement Position 2 (Aldford Street)

Measurements at this position were undertaken with the microphone positioned on a tripod, at the rear terrace of 14 – 16 Park Street building at approximately 2m high above the first-floor level, overlooking the Aldford Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors at 7 Aldford Street and 9 Rex Place. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along the Aldford Street and Rex Place, as well as construction noise from the activity at the rear of 22 Park Street building.

The measurement positions are also illustrated on the site plan in Figures 1 to 3 in Appendix C.

4.3 Instrumentation

Details of the instrumentation used to undertake the survey are provided in Appendix B.

The sound level meters were calibrated both prior to and on completion of the survey with no significant calibration drifts observed.

4.4 Weather Conditions

As the survey was unattended it is not possible to comment with certainty regarding meteorological conditions throughout the entire survey period, however, based on observations during the site visits, and weather reports for the area, it was generally considered suitable for obtaining representative noise measurements, it being dry with little wind.

4.5 Covid-19 Impact

It is accepted that the effects of COVID-19 on transport and trade may have in turn affected local noise levels as measured during the survey. In this case it is considered that any effects of COVID-19 would have caused the local noise environment to be lower, and therefore criteria based on the lowest measured background level would represent more onerous criteria for plant noise assessment and patron noise assessment. It is therefore considered appropriate to compare measurements made in 2020 with those measured as part of studies in 2014.

4.6 Results – 2020 Survey

The noise levels at the measurement positions are shown as time-histories on the attached Graphs 1 to 4

In order to ensure a worst-case assessment, the lowest background L_{A90} noise levels measured have been used in our analyses. The lowest L_{A90} and the period averaged L_{Aeq} dB noise levels measured are summarised below.

Table 1 – Measured Levels

Measurement Period	Measurement Position 1 (Park Street)		Measurement Position 2 (Aldford Street)	
	Lowest measured $L_{90, 15 \text{ minutes}}$ (dBA)	Average Measured $L_{eq, T}$ (dBA)	Lowest measured $L_{90, 15 \text{ minutes}}$ (dBA)	Average Measured $L_{eq, T}$ (dBA)
Daytime (07:00 – 19:00)	46	64	44	56
Evening (19:00 – 23:00)	50	63	46	54
Night-time (23:00 – 07:00)	42	58	44	50
Terrace Opening Hours (08:00 – 20:30)	47	64	45	56
Premises Opening Hours including Dispersal (09:00 – 00:30)*	45	64	44	55

*The opening hours for the venue are 09:00 – 00:30 as stipulated by the proposed conditions. To allow for a worst-case assessment of the dispersal of patrons, we have included an additional half an hour (up to 00:30) within our assessment.

4.7 Data Comparison – Lowest L_{90} 2014 & 2020

The Table 2 below presents the measured levels in comparison to the noise data previously acquired by RBA at the same development site during surveys in 2014 (our report 5207/ENS dated 1 August 2014 refers).

Table 2 – Measured Levels in Comparison to Historic RBA Data

Measurement Period	Measurement Position 1 (Park Street) $L_{90, 15 \text{ minutes}}$ (dBA)		Measurement Position 2 (Aldford Street) $L_{90, 15 \text{ minutes}}$ (dBA)	
	New	Previous	New	Previous
Daytime (07:00 – 19:00)	46	53	44	50
Evening (19:00 – 23:00)	50	55	46	53
Night-time (23:00 – 07:00)	42	48	44	46

As can be seen from the above, the lowest L_{90} noise levels as measured during the most recent (2020) survey are significantly lower at all times and positions than those recorded in 2014. Given the acknowledged impact of the Covid-19 restrictions on noise levels it is considered reasonable to adopt the historic 2014 measurement data for assessments requiring noise level comparisons.

5.0 SHORT-TERM ENVIRONMENTAL NOISE SURVEY

5.1 General

An engineer was in attendance over the period of 21:00 hours to 00:30 hours Thursday 22 September 2022, to undertake a traffic count and observations of local activity and to also undertake attended measurements of the prevailing noise climate.

During the survey period the weather conditions were generally appropriate for the noise measurement exercise, it being dry with light winds.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

5.2 Measurement Location

Measurement Position 1 (Park Street)

Measurements at this position were undertaken with the microphone positioned on a tripod at a height of 1.75 m on the corner of outside 14 Park Street, on the corner of Park Street and Alford Street.

This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors overlooking Park Street, when considering vehicle traffic. The prevailing noise climate was noted to be dominated by the traffic and pedestrian activity along Park Street and Alford Street.

5.3 Instrumentation

Details of the instrumentation used to undertake the survey are provided in Appendix B.

The sound level meter was calibrated both prior to and on completion of the survey with no significant calibration drift observed.

5.4 Results

The lowest L_{A90} and the period averaged L_{Aeq} noise levels measured are summarised in Table 3, along with the maximum L_{AFmax} levels measured.

Table 3 – Attended Survey Measured Levels

Measurement Period	Lowest $L_{A90,5min}$ (dB)	L_{Aeq} (dB)	$L_{AFmax,5min}$ (dB)
21:00 – 21:30	54	61	80
21:30 – 22:00	56	62	78
22:00 – 22:30	56	62	81
22:30 – 23:00	56	61	78
23:00 – 23:30	56	62	80
23:30 – 00:00	56	62	86

Measurement Period	Lowest $L_{A90,5min}$ (dB)	L_{Aeq} (dB)	$L_{AFmax,5min}$ (dB)
00:00 – 00:30	54	64	89

5.5 Traffic Count & Observations

The table presented below shows the number of vehicles counted within each period passing 14 – 16 Park Street.

Table 4 – Traffic Count

Period	Number of Vehicle Pass-by's			
	Private Car	Private Hire Vehicles	Powered Two-Wheeler	Van
21:00 – 21:30	6	13	1	0
21:30 – 22:00	16	20	1	1
22:00 – 22:30	16	17	3	0
22:30 – 23:00	13	13	3	0
23:00 – 23:30	15	14	2	0
23:30 – 00:00	16	16	2	0
00:00 – 00:30	18	11	0	0
Total	100	104	12	1

During the attended survey it was noted that there was significant traffic noise arising from the nearby Park Lane. Mount Street to the north was also noted to be busy with traffic movements with an audible contribution from here to the local noise climate. It was noted that 95% of the traffic was travelling along Park Street, with the remainder using Aldford Street. It was noted that the majority of the traffic consisted of private hire vehicles, with up to 40% of the private car count likely to be executive taxis. The opposite corner to the survey position, outside of 10 Aldford Street was used frequently as a drop off point for private hire vehicles dropping residents' home and to the hotel located opposite 14 – 16 Park Street.

It was noted that there was frequent pedestrian use on both Park Street and Aldford Street, with individual or groups of pedestrians passing every 1 – 2 minutes.

6.0 CRITERIA

6.1 General Westminster City Council Requirements

There are no specific WCC requirements with regards to assessing atmospheric noise breakout from patrons external to any particular premises. We therefore consider to criteria in the following sections to be applicable.

For ease of reference Policy 33C of the Westminster City Plan is as follows:

Noise and Vibration

C. Development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to:

1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
2. minimising noise from plant machinery and internal activities;
3. minimising noise from servicing and deliveries; and
4. protecting the relative tranquillity in and around open spaces

6.2 Regional Planning Policy – The Mayor's London Plan

The Mayor's London Plan, published in 2021, outlines a number of policies in response to environmental issues. With specific reference to noise issues as part of the planning process. Policy D14 provides guidance to all London Boroughs on policies for controlling noise and states:

A In order to reduce, manage and mitigation noise to improve health and quality of life, residential and other non – aviation development proposals should manage noise by:

- 1) Avoiding significant adverse noise impacts on health and quality of life.
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

- B Boroughs, and others with relevant responsibilities, should identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra’s Noise Action Plan for Agglomerations.

6.3 National Planning Policy Framework

The current National Planning Policy Framework (NPPF), July 2021, sets out the Government’s planning policies for England. In respect of noise, Paragraph 185 of the NPPF states the following:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. “

6.4 WHO Environmental Noise Guidelines

To put the predicted levels into context, it is important to consider the recommendations stated in the World Health Organisation (WHO) document “Environmental Noise Guidelines for the European Region” 2018. This document sets out to define “recommended exposure levels for environmental noise in order to protect population health”. The guidance documents relates specifically to external noise levels, and recommends that “all CNG (WHO Community Noise Guidelines, 1999) indoor guideline values and any values not covered by the current guidelines (such as industrial noise and shopping areas) should remain valid”. We therefore make reference to the WHO Community Noise Guidelines for recommendations on internal noise levels.

The WHO document “Guidelines for Community Noise” 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 Table 4.1: Guideline values for community noise in specific environments, as stated in the WHO document.

Table 5 – Guideline Values for Community Noise

Specific Environment	Critical Health Effect(s)	L _{Aeq} (dB)	Time Base (hours)	L _{Amax,f} (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

Specific Environment	Critical Health Effect(s)	L_{Aeq} (dB)	Time Base (hours)	$L_{Amax,f}$ (dB)
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

6.5 Noise Policy Statement for England (NPSE)

The NPSE seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.

The statement sets out the long-term vision of the government’s noise policy, which is to “promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development”.

This long term vision is supported by three aims:

- Avoid significant adverse impacts on health and quality of life;
- Mitigate and minimise adverse impacts on health and quality of life; and
- Where possible, contribute to the improvements of health and quality of life.

The long-term policy vision and aims are designed to enable decisions to be made regarding what is an acceptable noise burden to place on society.

The Explanatory Note within the NPSE provides further guidance on defining “significant adverse effects” and “adverse effects” using the following concepts:

- No Observed Effect Level (NOEL) – the level below which no effect can be detected. Below this level no detectable effect on health and quality of life due to noise can be established;
- Lowest Observable Adverse Effect Level (LOAEL) – the level above which adverse effects on health and quality of life can be detected; and
- Significant Observed Adverse Effect Level (SOAEL) – the level above which significant adverse effects on health and quality of life occur.

The three aims can therefore be interpreted as follows:

- The first aim is to avoid noise levels above the SOAEL;
- The second aim considers situations where noise levels are between the LOAEL and SOAEL. In such circumstances, all reasonable steps should be taken to mitigate and minimise the effects. However, this does not mean that such adverse effects cannot occur; and
- The third aim considers situations where noise levels are between the LOAEL and NOEL. In these circumstances, where possible, reductions in noise levels should be sought through the proactive management of noise.

The NPSE recognises that it is not possible to have single objective noise-based measures which define the SOAEL, LOAEL and NOEL and that are applicable to all sources of noise in all situations. The levels are likely to be different for different noise sources, receptors and at different times of the day.

6.6 Planning Practice Guidance (2014)

The national Planning Practice Guidance (PPG) “advises on how planning can manage potential noise impacts in new development” and provides guidelines that are in line with the NPPF.

The PPG states that local planning authorities should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

(Paragraph: 003 Reference ID: 30-003-20190722 Revision date: 22 07 2019)

This guidance introduced the additional concepts of NOAEL (No Observed Adverse Effect Level), and SOAEL (Significant Observed Adverse Effect Level) which can be seen in Table 3 below.

Factors to be considered in determining whether noise is a concern are identified including the absolute noise level of the source, the existing ambient noise climate, time of day, frequency of occurrence, duration, character of the noise and cumulative effects (004 Reference ID: 30-004-20190722 Revision date: 22 07 2019).

With particular regard to mitigating noise effects on residential development the PPG highlights that effects may be partially off set if residents have access to a relatively quiet façade as part of their dwelling or a relatively quiet amenity space (private, shared or public) (011 Reference ID: 30-011-20190722 Revision date: 22 07 2019).

Table 6 – Planning Practice Guidance

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level			
Not noticeable	No effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid through use of appropriate mitigation whilst taking into account the social and economic benefit
Unacceptable Observed Adverse Effect Level			
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent through use of appropriate mitigation

6.7 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 6 has been adopted to categorise the difference between the measured levels as identified in the guidelines published jointly by the IOA and IEMA. This identifies the impact of different levels of noise above the prevailing background noise.

Table 7 - Significance of Noise Level Change

Noise Change [dBA]	Category
0	No Impact
0.1-2.9	Slight Impact
3.0 – 4.9	Moderate Impact
5.0 – 9.9	Substantial Impact
10.0 and above	Severe Impact

6.8 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 7 compares the generally accepted subjective response of typical subjects to variations in sound pressure level.

Table 8 – 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

6.9 Summary

Based on the above guidance, we consider it appropriate that the following increases of the existing measured background noise levels due to activities as a result of the change of use of the premises will fall in the following effect level categories.

Table 7 – Categorisation of Effect Level Categories

Background Noise Level Increase $L_{eq,T}$ (dBA)	Effect(s)	NPSE Assessment	Subjective Response
0.1 – 2.9	Slight/Not Significant	No Observed Adverse Effect	Imperceptible
3.0 – 4.9	Moderate	Lowest Observed Adverse Effect	Perceptible
5.0 – 9.9	Substantial	Significant Observed Adverse Effect	Clearly Noticeable
10.0 and above	Very Substantial	Unacceptable Adverse Effect	Twice as Loud

7.0 ASSESSMENT OF EXTERNAL PATRON NOISE

7.1 Assessment

In order to predict the likely level of noise transfer to the nearest affected residential windows, we have undertaken a detailed 3-dimensional noise modelling exercise using the CadnaA software.

Our assessment has been based on a maximum occupancy of 14 people within the ground floor terrace and 22 people within the first floor terrace, with half of these patrons talking at any one time.

Patron Noise Levels

We have used the following sound power level per person within our assessment, which has been taken from Building Bulletin 93 (BB93). BB93 is a standard that sets out performance standards for the acoustics of school buildings and provides useful reference data for people speaking. It should be noted, the speech noise data used correlates well with speech levels previously measured by RBA Acoustics. A raised voice has been used as this presents a worst-case scenario.

Table 8 – Sound Power Level of 1 Person Speaking with a Raised Voice

Measurement	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Sound Power Level (L_{eq})	65	65	70	75	72	64	57	49

7.2 Identified Receptors

We understand that the nearest residential receptors to the property are, 10 Alford Street, 7 Alford Street and the front and rear of 18 Park Street. The receptors are identified on the Site Plan in Figure 1.

7.3 Results

Based on the above, we predict the following noise levels at the identified residential receptors. The background noise levels have been taken from Measurement Position 2 of the long-term noise survey, as this was the lower noise level and therefore presents a worst-case assessment

Table 9 -Predicted Results

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	42	56	56	0
Receptor 2 - 10 Alford Street	48		57	1
Receptor 3 - 18 Park Street Rear	27		56	0
Receptor 4 - 18 Park Street Front	51		57	1

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change at 10 Alford Street and the rear of 18 Park Street during hours in which the terraces are in use is considered a “Slight Impact”. However, this would fall into the “No Observed Adverse Effect Level” NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

8.0 ASSESSMENT OF PATRON PICK-UP/DROP-OFFS

As customer taxi pick-up/drop off activity is formed of several different discrete events, we have used a combination of measured noise level events from our database to form the resultant noise level of a taxi pick-up/drop-off event. The following table summarises this calculation.

Table 10 – Taxi Noise Data

Activity	Sound Power SEL (dBA)	Measurement Distance (m)
Car door slams	64	3
Car starting/pulling away*	81	3
2No. taxi drive passbys*	80	3
Combination/Resultant Noise Level of Taxi Pick-up/Drop-off Event	84	3

*It should be noted that this taxi noise data is based off the older diesel engine London Black Taxi vehicle– as such, we consider the data used this assessment will provide a worst-case scenario due to the fact that as London and WCC move toward environmental targets, battery/hybrid vehicles will become more prevalent. These have significantly lower noise profiles.

The sound power level generated by 20No. taxi pick-up/drop-off events in a 5-minute period has been calculated as L_{wA} 90 dB and this level has been used in our 3D Environmental Noise Model.

This number of taxi pick-up/drop off events is based the following assumptions:

- The proposed venue capacity is for 250 patrons
- The venue operates up until 00:00 hours, as such, patrons are likely to leave prior to this time therefore it is unlikely the premises will ever be at full capacity as closing time. However, as a worst-case assessment, we have assumed all patrons will leave within the last half an hour of operation
- Not all patrons will use taxis to depart from the premises i.e. some will travel by foot to local hotels or tube stations
- A majority of patrons who do leave via taxi will leave in groups of 2 or 3
- The busiest time of patrons leaving will be in the last hour of the premise’s operation i.e. between 23:30 and 00:30 hours

8.1 Results of Assessment

The results produced by our 3D environmental noise model, predicted at the identified receptors, are presented in the table below:

Table 11 – Predicted Noise Increase

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	45	55	55	0
Receptor 2 - 10 Alford Street	47		56	1
Receptor 3 - 18 Park Street Rear	42		55	0
Receptor 4 - 18 Park Street Front	45		55	0

8.2 Context

As discussed from the results of the traffic count and observations, the current noise climate is dominated by road traffic noise. The traffic count highlighted that the majority of the vehicles in the area are private hire vehicles, with regular drop offs occurring outside 10 Alford Street.

Therefore the likely increase of traffic associated with the development is not likely to cause any noticeable increase over the current traffic type.

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change at 10 Alford Street is considered a "Slight Impact". However, this would fall into the "No Observed Adverse Effect Level" NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

9.0 NOISE BREAKOUT ASSESSMENT

An assessment of noise breakout from the various function rooms with the proposed development to the nearby noise-sensitive properties has been undertaken to determine suitable maximum internal noise levels in order to comply with the proposed criteria.

9.1 Existing Sound Insulation

We understand that the existing single pane glazing is to be retained. We have therefore assumed the following sound reduction indices within our assessment:

Table 12 – Glazing Sound Insulation

Configuration	Sound Reduction Indices and Octave Band Centres Frequencies (dB)							R_w (dB)
	63	125	250	500	1k	2k	4k	
6 mm glass	16	20	24	31	35	29	36	32

Should the provision of secondary glazing be considered, it would be possible to play amplified music at a higher level.

9.2 Internal Amplified Noise Limits

We have carried out an assessment of noise breakout from the various function rooms within the development, which has been used to set limiting noise levels within. These limits have been set for the scenario of open doors (when considering the terraces) and for closed sealed glazing.

The following noise limits will apply when measured within the development:

Table 13 – Limiting Levels for Internal Amplified Sound

Scenario	L_{eq} Sound Level (dB) at Octave Band Centre Frequency (Hz)								L_{Aeq} (dB)
	63	125	250	500	1k	2k	4k	8k	
Closed Doors	80	80	78	78	75	70	70	65	80
Sealed Glazing	65	65	60	60	58	58	55	55	64

It should be noted that the limiting levels above should the glazing be sealed (Scenario 2) should include a lobbied door arrangement to lessen noise breakout when the door is opened. Should it not be preferable for a lobbied door to be installed then the limits for Scenario 1 would apply at all times. A noise limiting device should be fitted to any proposed systems to ensure that the above levels are not exceeded.

9.3 Received Levels at Receptors

The predicted levels at the identified receptors are presented in the table below:

Table 14 – Predicted Noise Increase

Receptor	Predicted Receive Level (dBA L_{eq})	Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
Receptor 1 - 7 Alford Street	40	55	55	0
Receptor 2 - 10 Alford Street	40		55	0
Receptor 3 - 18 Park Street Rear	40		55	0
Receptor 4 - 18 Park Street Front	43		55	0

10.0 CUMULATIVE RECEIVED LEVELS

To assess the impact of the noise sources identified and assessed within the previous sections, the cumulative noise level increase must be considered.

Table 15 shows the cumulative predicted levels at the identified receptors during hours within which the terraces are in operation.

Table 15 – Cumulative Levels during Terrace Opening

Receptor	Predicted Receive Level (dBA L_{eq})			Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
	Terraces	Taxi Arrival /Departure	Breakout			
Receptor 1 - 7 Alford Street	42	45	40	56	57	1
Receptor 2 - 10 Alford Street	48	47	40		57	1
Receptor 3 - 18 Park Street Rear	51	42	43		57	1
Receptor 4 - 18 Park Street Front	27	45	40		57	1

Table 16 shows the cumulative predicted levels at the identified receptors during hours within which the terraces are closed.

Table 16 – Cumulative Levels during Terrace Closure

Receptor	Predicted Receive Level (dBA L_{eq})			Existing Background Noise Level (dBA L_{eq})	Cumulative Level (dBA)	Background Noise Level Increase (dB)
	Terraces	Taxi Arrival /Departure	Breakout			
Receptor 1 - 7 Alford Street	0	45	40	55	56	1
Receptor 2 - 10 Alford Street	0	47	40		56	1
Receptor 3 - 18 Park Street Rear	0	42	43		55	0
Receptor 4 - 18 Park Street Front	0	45	40		56	1

10.1 Discussion of Results

Significance of Noise Level Change and Noise Policy Statement for England Effect Level

When comparing the increase in noise level change to the IEMA guidelines summarised in Table 7 of this report, the worst-case subjective significance of the worst-case 1 dBA change is considered a “Slight Impact”. However, this would fall into the “No Observed Adverse Effect Level” NPSE category which can be seen in Table 6.

Subjective Response to Apparent Change of Loudness

When assessing the worst-case 1 dBA noise level increase to the subjective response of the apparent change of loudness as shown in Table 8 of this report, the change in loudness should not be discernible.

11.0 CONCLUSION

RBA Acoustics have undertaken an assessment of potential entertainment and patron noise sources compared to the prevailing background noise levels measured at the nearby noise-sensitive receptors. Predicted noise levels have been determined and subsequently compared against a series of criteria proposed as being appropriate for the assessment of noise from licensed premises.

Our assessment demonstrates that the proposed operation of the 14 – 16 Park Street scheme will not lead to any adverse noise impact on nearby residents.

Appendix A – Acoustic Terminology

A-weighting (e.g. dB(A))	A correction applied across the frequency bands to take into account the response of the human ear, and therefore considered to be more representative of the sound levels people hear.
DeciBel (dB)	Unit used for many different acoustic parameters. It is the logarithmic ratio of the level being assessed to a standard reference level.
$L_{eq,T}$	The level of a notional steady sound which, over a stated period of time, T , would have the same acoustic energy as the fluctuating noise measured over that period. Typically used to represent the average or ambient noise level.
$L_{Aeq,T}$	The A-weighted level of a notional steady sound which, over a stated period of time, T , would have the same acoustic energy as the fluctuating noise measured over that period. Typically used to represent the average or ambient noise level.
L_{An} (e.g. L_{A10} , L_{A90})	The sound level exceeded for $n\%$ of the time. E.g. L_{A10} is the A-weighted level exceeded for 10% of the time and as such can be used to represent a typical maximum level. Similarly, L_{A90} is the level exceeded for 90% of the measurement period, and is often used to describe the underlying background noise.
$L_{Amax,T}$	The instantaneous maximum A-weighted 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, e.g. sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the ambient level.
Octave band	A frequency band in which the upper limit of the band is twice the frequency of the lower limit.
1/3 Octave band	A frequency band which is one-third of an octave band.
R_w	A single number quantity which characterises the airborne sound insulation of a material or building element in a laboratory test.

Appendix B – Instrumentation

The following equipment was used for the measurements.

Use	Manufacturer	Model Type	Serial No.	Calibration	
				Certificate No.	Expiry Date
Long-Term Noise Monitoring Survey	Norsonic Type 1 Sound Level Meter	Nor140	1406258	U31229	13 March 2021
	Norsonic Pre Amplifier	1209	20490		
	Norsonic ½" Microphone	1225	225526	31228	13 March 2021
	Norsonic Sound Calibrator	1251	34397	U31227	12 March 2021
	Norsonic Type 1 Sound Level Meter	Nor140	1403127	30803	30 January 2021
	Norsonic Pre Amplifier	1209A	12071	30816	31 January 2021
	Norsonic ½" Microphone	1225	41473		
	Norsonic Sound Calibrator	1251	31986	30801	30 January 2021
Attended Measurements	Norsonic Type 1 Sound Level Meter	Nor140	1406255	U37581	7 April 2023
	Norsonic Pre Amplifier	1209	20491		
	Norsonic ½" Microphone	1225	225529	37580	7 April 2023
	Norsonic Sound Calibrator	1251	34391	U37579	7 April 2023

Appendix C – Graphs and Site Plans

14 & 16 Park Street, W1K 2HY

L_{Aeq} Time History

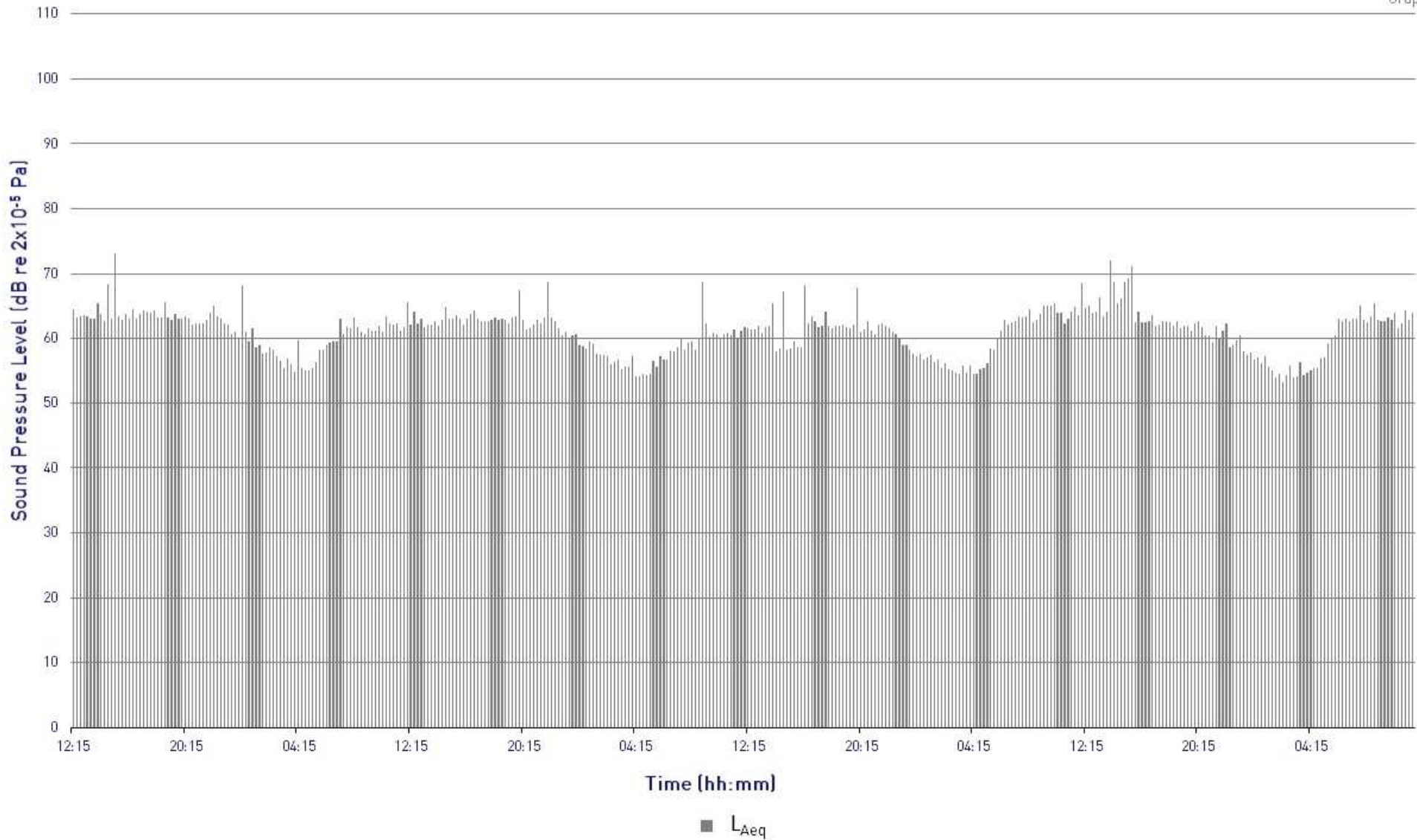
Measurement Position 1, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 1

page 109



14 & 16 Park Street, W1K 2HY

$L_{Amax,f}$ and L_{A90} Time History

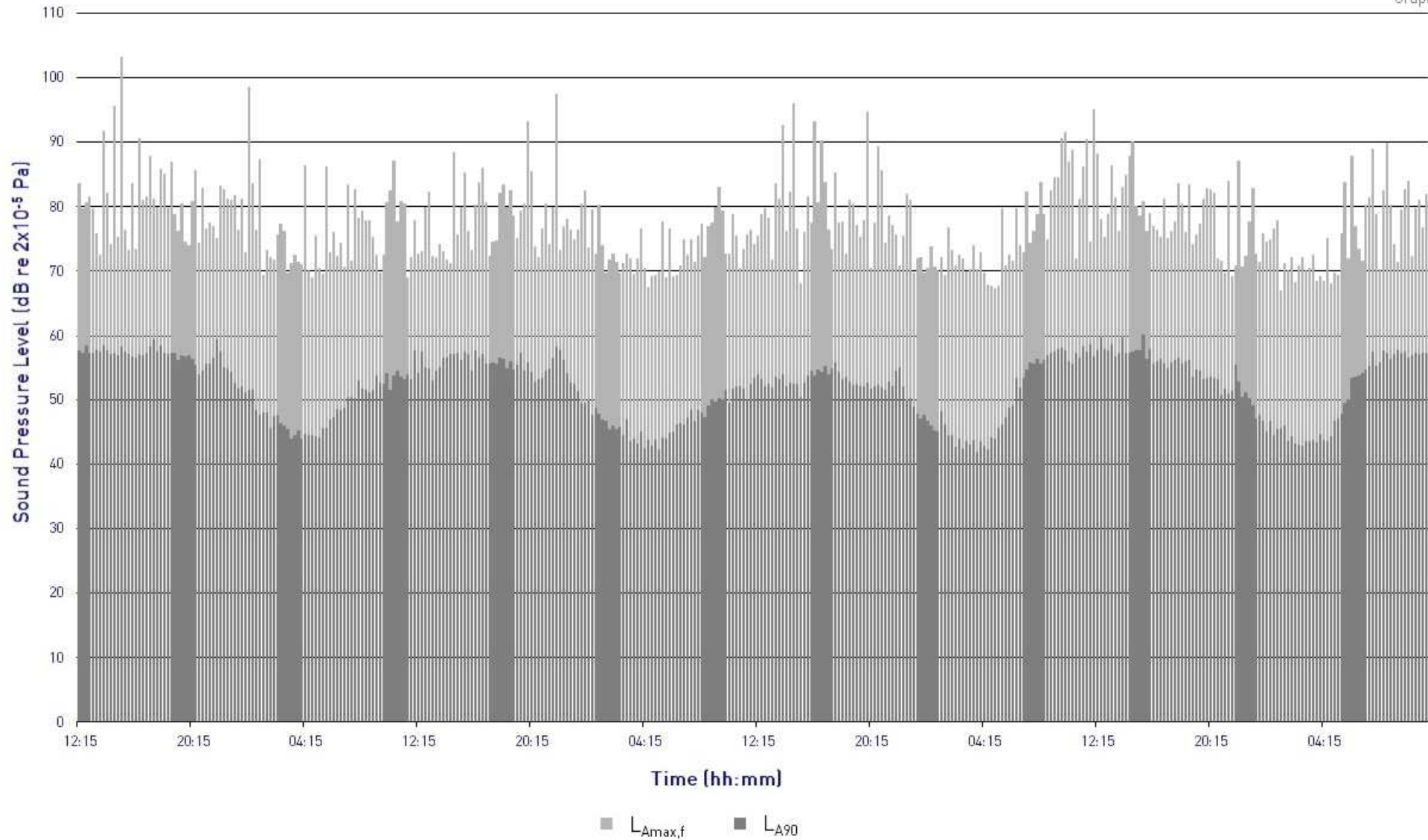
Measurement Position 1, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 2

page 110



14 & 16 Park Street, W1K 2HY

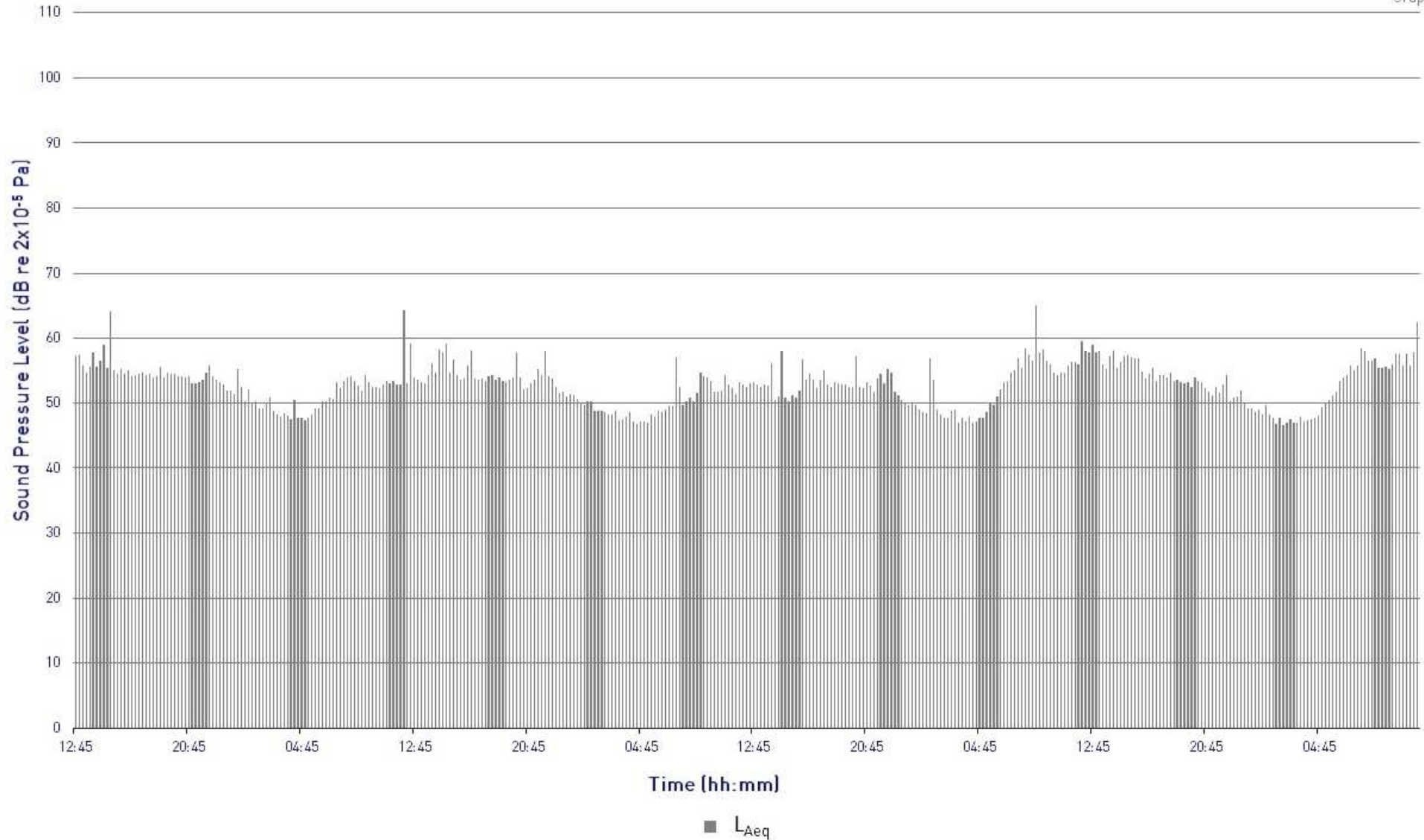
L_{Aeq} Time History

Measurement Position 2, Friday 16th October to Tuesday 20th October 2020



Project: 10553

Graph 3



page 111

14 & 16 Park Street, W1K 2HY

$L_{Amax,f}$ and L_{A90} Time History

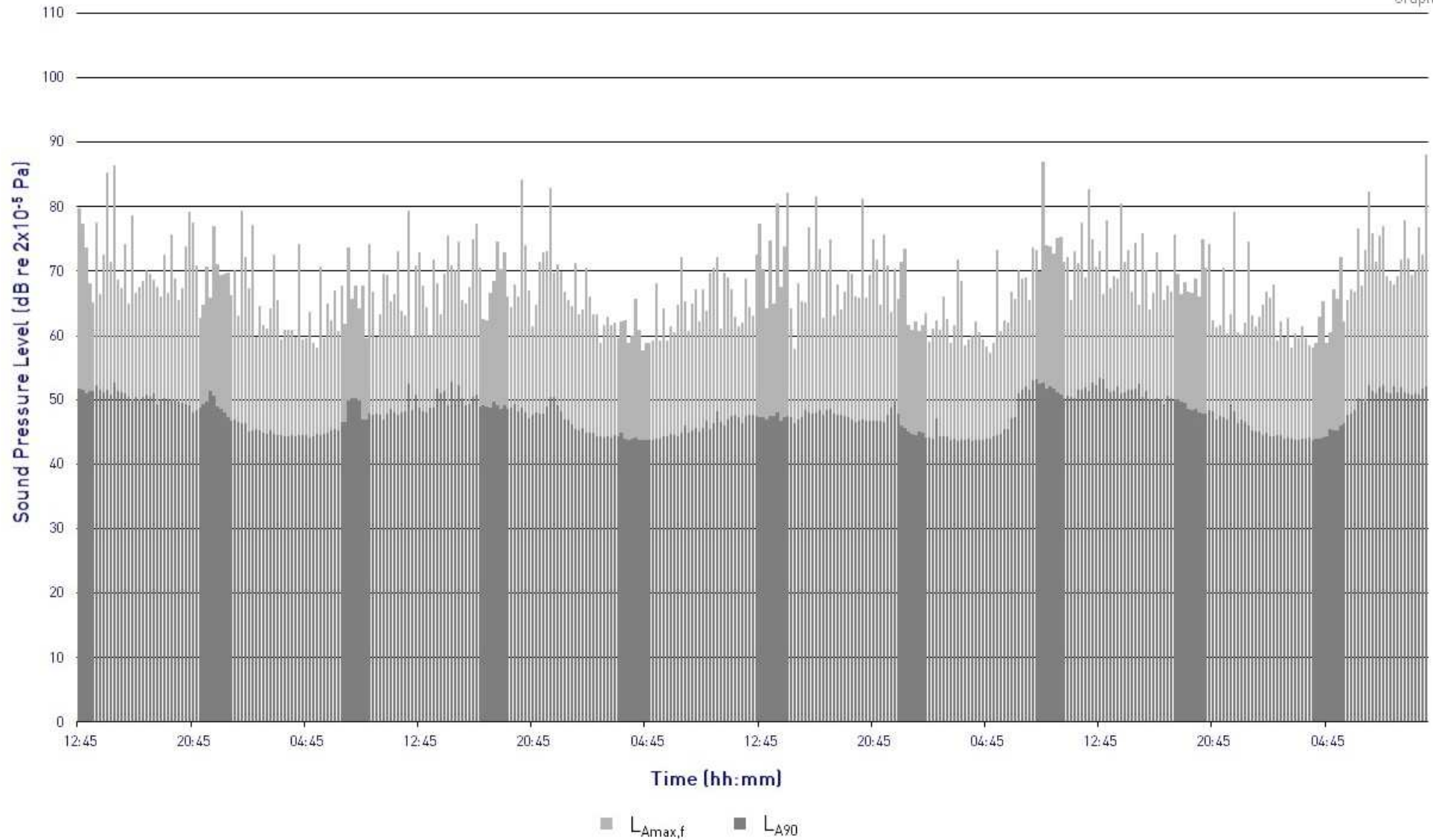
Measurement Position 2, Friday 16th October to Tuesday 20th October 2020



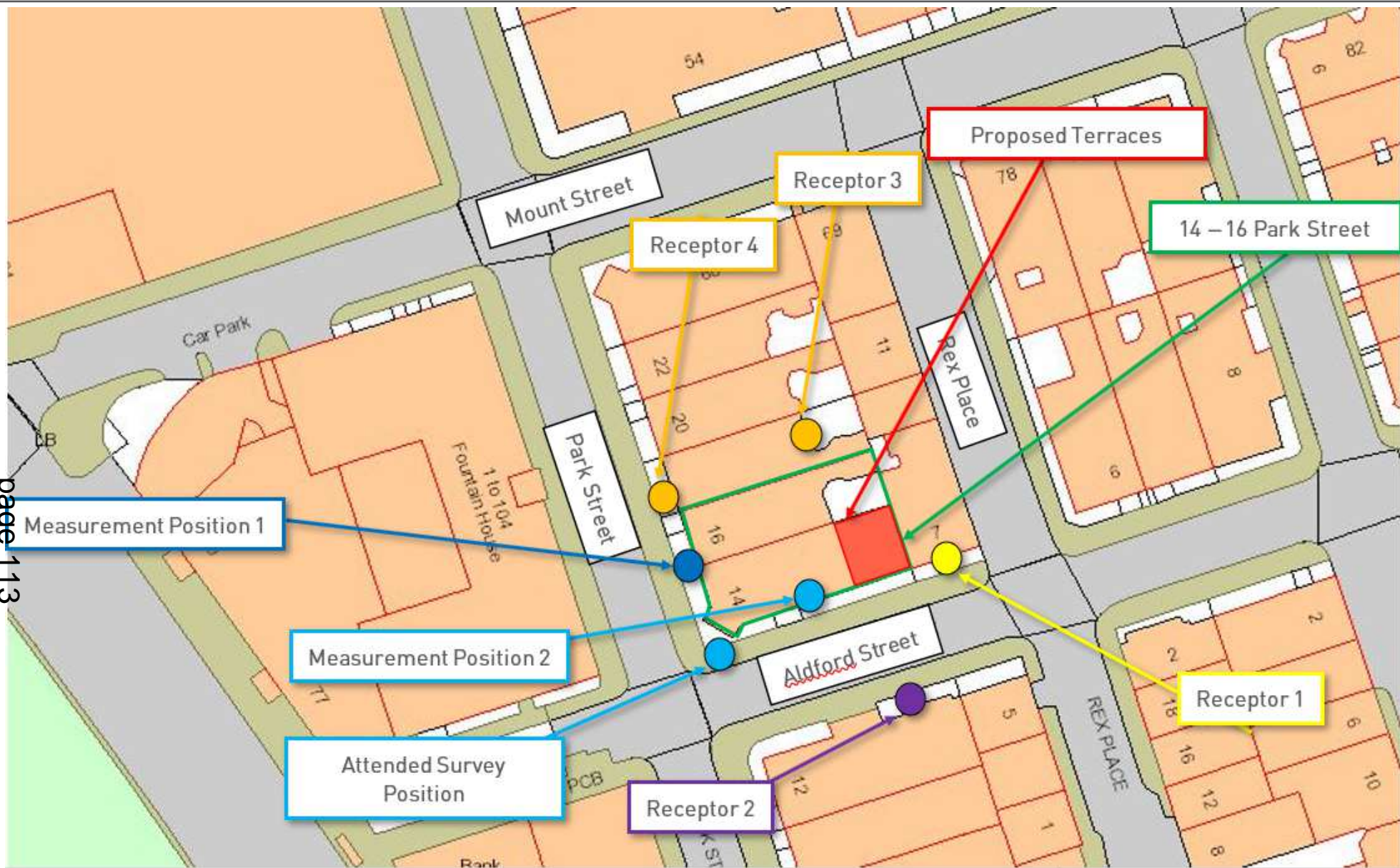
Project: 10553

Graph 4

page 112



PSB-088



14 - 16 Park Street, London W1K 2HY
 Site Map
 Project 12186

Figure 1
 7 October 2022
 Not to Scale



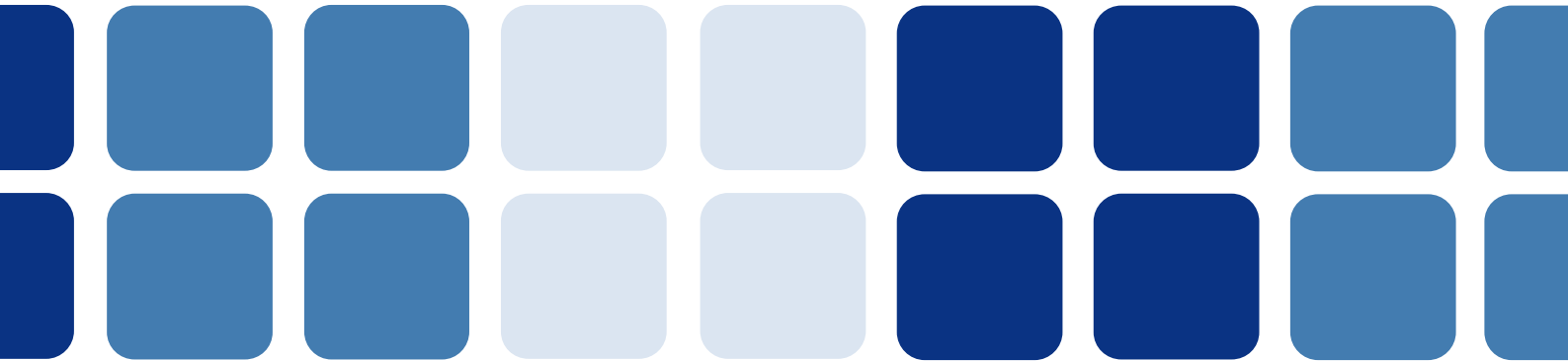
14 - 16 Park Street, London W1K 2HY
Site Plan showing Measurement Positions
Project 12186

Figure 2
7 October 2022
Not to Scale

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Before the City of Westminster's Licensing Sub-Committee
In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

Summary of Consultation

Before the City of Westminster's Licensing Sub-Committee

In the Matter of an Application for a new Premises Licence

Park Street Hotel
14-16 Park Street, London

SUMMARY OF CONSULTATION

An Application for a New Premises Licence was submitted in 2021 (Ref: 21/14130/LIPN), and consulted upon. This received a number of Representations from the Local Community, which also cross referenced planning and sought consistency between the two. That first Application was withdrawn, to provide the Applicant with an opportunity to consult directly with those parties who made Representations, and the neighboring public generally, to explain the operation in more detail. The Applicant also used this opportunity to explain that updated licensing and planning applications would be submitted.

That consultation was carried out by Comm Comm UK Ltd, who undertook the following:

- Letters were sent to all objectors of the previous licensing application to invite them to meet on 7 June (5-7pm).
- Newsletter invitations were sent to all addresses (at least to 121 in the area and a number of other key groups and stakeholders) in the immediate vicinity for a public exhibition on 9 June (4-7pm).
- Information boards showing the layouts of the new hotel and mood boards to show the proposed character were displayed at the events on 7 and 9 June.
- A meeting was held with a representative of the Mayfair Residents' Group on 16 June where the boards were displayed.
- A meeting was held with the owner of 20 Park Street on 17 June to discuss the proposals.

Feedback was limited due to there being a surprisingly low turnout. However, those who did engage thanked the team for the consultation and said they were keen to see the details of the proposed conditions for both planning and licensing. They were pleased that the proposed hours of the restaurant were core hours. It was also understood why a hotel of this size would require a restaurant open to the public to be viable. It was also understood that the high quality and small size of the hotel would mean guests would behave accordingly.

As a result of the above consultation and sensitively reshaped terms, this Application has attracted a fraction of the Representations seen in the previous Application.

Before the City of Westminster's Licensing Sub-Committee

In the Matter of an Application for a new Premises Licence

Park Street Hotel

14-16 Park Street, London

OPERATOR'S MANAGEMENT PLAN

1.0 INTRODUCTION

- 1.1 This Operator's Management Plan has been prepared for the use of 14-16 Park Street, London W1, as a hotel with two residential flats above. The hotel will be a 6-star luxury hotel offering customary (including 24-hour concierge) and attendant amenities such as a hotel restaurant, bar and functions rooms with spa and such other ancillary services befitting of a 6-star luxury hotel. The hotel will be operated to the very highest of standards and best in -class level of service where guest experience and service is vital for long term success.
- 1.2 The principles in this management plan ensure that the operations are managed in a way that respects the needs of surrounding local residents and hotel guests 24 hours a day.
- 1.3 This document therefore sets out an Operating Management Strategy for the hotel to ensure that its operations promote the Licensing Objectives.

2.0 THE NATURE OF THE OPERATION AND FACILITIES

2.1 This section sets out the facilities associated with the hotel and their capacities, having regard to the nature of the hotel. The relevant floor plans can be found within the Premises Licence Application documents and will be appended to this OMP following the grant of a Premises Licence.

The Hotel:

The hotel is generally laid out as a luxury 8 suite hotel. The hotel will be fully staffed and managed 24 hours a day. There are 2 entrances located on Park Street and Aldford Street. The daily theoretical capacity of guests at any one time is approximately 181 persons excluding staff as indicated in the table below. The premises can safely hold a much higher number but the management want to ensure the local amenity is protected by offering a greatly reduced number. This will be set upon completion of the works and assessed by Westminster’s Licensing Environmental Health Consultation Team and any licence will not be permitted unless the proposed “Works Condition” is removed.

2.2 The following tables and sections set out how the hotel will be run and managed having regard to the capacity of each area of the hotel. In considering the capacity of each area, these are required in order for the hotel to operate effectively and viably, but the success of the hotel will also rely heavily on the guests experience and generating the reputation for the provision of a luxury service. The hotel will be exclusive, and guests made to feel special, through the quality of service and boutique feel. Further following the lessons learned from the COVID pandemic, the hotel operation has built in the ability for customers to be separated into different rooms if they so wish. This is part of the 6 star service.

2.3 Consequently, that experience cannot be delivered by operating at full capacity in every area of the hotel on every day of the week. The capacity is therefore notional, and on the occasion where full capacity is reached, this would be co-ordinated to ensure that it is for a particular facility or area of the hotel. That is not to say there will not be days on which a function or event may be held, but in the normal course of events, the occupancy of the ancillary hotel areas is expected to be low.

2.4 The steps set out in this management plan will be adhered to irrespective of the capacity on a particular day but will ensure that on busier days the effects are no more noticeable that would otherwise be the case.

2.5 The table below sets out the theoretical guest capacity of each area of the hotel.

Floor	Room Function	Approximate Guest Capacity
Lower Ground Floor	Staff Welfare Facilities	0
	Gym Spa	4
	Guest WC	0
Ground Floor	Restaurant	48
	Rodin lounge	29
	Venetia Lounge/ (now Sushi Lounge)	26
	Concierge (now Susi Kitchen)	7
	Reception	0
	Concierge	0
	Total	110

First Floor	Private Dining Room 1	14
	Private Dining Room 2WC	0
	Ante Room	0
	Conference Room / function room 1	0
	Conference Room / function room	32
	Total	21
Second Floor	4 Hotel Rooms	67
Third Floor	4 Hotel Rooms	N/A
Fourth Floor	Self-Contained Residential Flats	N/A
Fifth Floor	Self-Contained Residential Flats	N/A
Roof Terrace	Outside seating / dining (till 8.30pm)	25

Table 1 – Theoretical Front of House Hotel Capacity

3.0 SERVICING ARRANGEMENTS

- 3.1 An aparthotel caters for an extended length of stay compared to a typical hotel, where the turnover of guests is also reduced. Given the low number of larger suites on offer together with the Spa facilities, it is expected that guests would be longer term and greater than the average of 2 nights at a five-star hotel. Therefore, the servicing requirements and guest movements of an aparthotel are also typically reduced.

Access and Operational Arrangements

- 3.2 The proposals maintain the existing building frontage, therefore access to the site will remain as per the existing situation. Vehicles can park and service the site using the existing on-street facilities. The hotel expects the vast majority of guests to be international and therefore arrive and depart by taxi / limousine.
- 3.3 The main entrance for guests and Hotel residents will be from 14 Park Street on Aldford Street . The occupiers of the residential flats will likely prefer to enter from 16 Park Street. Exit and entry via the entrance on 16 Park Street will be controlled by automated door entry system between 11:00 pm and 7:00 am to prevent casual entry but still allow for access to the residential flats.
- 3.4 Staff access to the property will be from 14 Park Street on the Aldford Street side via the external metal steps; this access also permits access for residents.
- 3.5 The external terraces areas indicated on the scheme drawings will only be open for use between 8:00am and 8:30pm.

Ground Floor Restaurant / Private Dining / Function Rooms

- 3.6 Access to the restaurant areas will generally be restricted solely to residents (or guests of residents) or guests to pre-booked tables or functions, with no general access to the public unless pre booked or they are accompanied by a guest or are permitted for special reasons or for special occasions. In effect it is not possible to walk in off the street and use the hotel facilities without prior notice and a confirmed booking or a member of senior management permitting their entry. This is to ensure guests receive high class service.
- 3.7 For members of the public (not residents of the hotel or guests of residents) access to the bar, restaurant and all other facilities will be restricted to 9.00am to 11.30pm Monday to Thursday, 9.00am to Midnight Saturday and Sunday, and 9.00am to 10.30pm on Sunday (Westminster Core Hours). The terrace areas will be accessible to residents of the hotel, their guests and guests of a pre-booked function, and will be closed from 8.30pm. The hotel does not anticipate there will be regulated entertainment. All windows and external doors to the restaurant will be closed from 11pm except for immediate access and egress of persons or for safety or other special reasons. The First-floor functions rooms are available to pre-booked in line with the Restaurant Hours. Smoking - Guests wishing to smoke after 11.30pm will on occasions be allowed to smoke under the walkway at Park Street side or in such additional areas as agreed with the Environmental Health Consultation team. For hotel residents and their bona fide guests the restaurant facility will be made available for them at any time.

Leisure Facilities

- 3.8 The leisure facilities (i.e but not limited to the gym/spa) provided at lower ground floor level will be open to residents at any time. It will have secure key access.

Taxi Drop-offs/Pick-ups

- 3.9 At present drop-offs and pick-ups are undertaken from Park Street and Aldford Street. As part of the proposals, this location will remain unchanged and as such visitors of the aparthotel will continue to be dropped off/picked up by taxis off the public highway. Typical guests are likely to be international and will not require car parking. Guest will be encouraged to pre book taxis upon paying the bill or collecting there coats and management will be on hand to assist. Trained Bellman will be on both doors to ensure smooth service of vehicles and limit taxi waiting times and ensure guests do no linger outside the premises. The Hotel is also considering a door to door chauffeur service.

Refuse and Servicing Arrangements

- 3.10 Servicing currently takes place to the west of the site from Park Street where there are single yellow lines but no loading restrictions. It is proposed that the current arrangement is maintained.
- 3.11 A service access is provided to the south of the site on Aldford Street. All goods will be trolleyed between the service access on Aldford Street and servicing/delivery vehicles parked on Park Street.
- 3.12 Delivery and service vehicles visiting the site will be restricted to transit style vans all of which will be directed to Park Street. Deliveries are pre booked and co-ordinated and supervised by a dedicated goods receiving team.
- 3.13 Similarly, waste collection, which will be undertaken by a private contractor or Westminster City Council, and will be taken from Park Street (or such other area as agreed with Westminster City Council). The bin store will be located within basement vault of 16 Park Street. Bins will be taken to the ground floor and wheeled from the site service access on to Park Street on collection days and will be placed outside just before collection.
- 3.14 Deliveries to the site and collections from the site will be restricted to 7:00am to 9:00am and 3:00pm to 5:00pm Monday to Saturday or in line with Westminster's specified times for the street. The applicant has advised that the afternoon period will experience limited servicing activity.

4.0 FREQUENCY OF DELIVERIES AND WASTE COLLECTION

Overview

- 4.1 There will be a number of servicing and deliveries associated with the aparthotel and its various ancillary facilities.
- 4.2 The applicant has advised that there will be approximately 12 deliveries to the site per day. Deliveries are pre booked and co-ordinated and supervised by a dedicated goods receiving team.
- 4.3 Table 4.1 below provides a schedule for delivery/collection activities at the site, along with frequency and time of delivery.

Delivery Type	Frequency	Time of delivery
Butchery	Once Daily Mon-Sat	0700-0900
Fishmongers	Once Daily Mon-Sat	0700-0900
Fruit and Vegetables	Once Daily Mon-Sat	0700-0900
Dairy Produce	Once Daily Mon-Sat	0700-0900
Dry goods	Once Daily Mon-Sat	0700-0900
Laundry/Linen	Once Daily Mon-Sat	0700-0900
Facility and cleaning materials	Weekly	0700-0900
Wines/Spirits/Mixers	Weekly	0700-0900

Table 4.1: Schedule of Servicing/Deliveries

5.0 SERVICING MANAGEMENT

- 5.1 The purpose of this section is to ensure that delivery and servicing activity associated with the proposals can take place in a safe, efficient and sustainable manner:
- A full management team will be on site 24 hours a day 365 days
 - Staff will be extensively trained (as well as experienced) to ensure high levels of hospitality, cleanliness, friendliness and security.
 - Rotas will ensure at any one time First Aid and SIA qualified staff (where necessary) are on shift and in hand for safety of all guests.
 - Local residents will be reached out to give direct contacts to senior management team.
- 5.2 Senior Management at the aparthotel will be responsible for the ongoing management of deliveries and servicing associated with that element of the development.
- 5.3 Senior Management will be responsible for managing the arrival of deliveries and will seek to arrange deliveries outside peak periods and will be responsible for ensuring that goods are brought directly into the site and not left or stored on the public highway. Measures taken to minimise the time the process takes include:
- Inform suppliers of the delivery location.
 - Implement a delivery booking system.
 - Peak hour delivery restrictions.
 - Communication of local loading restrictions and constraints to reduce the time spent onsite by suppliers.
 - Reduce delivery, servicing and collection frequencies.
 - Establish a centralised ordering system; and
 - Reduce or consolidate the number of suppliers.
- 5.4 To minimise the occurrence of multiple delivery vehicles, the schedule will be set out so that vehicles arrive at known times or set intervals. Suppliers will be informed of the booking system prior to the commencement of the contract and will be given details of a central contact with whom deliveries should be scheduled.

6.0 MONITORING AND REVIEW

Monitoring and Review of Servicing

- 6.1 Senior Management will be responsible for the ongoing monitoring of the OMP. The monitoring process will generate information by which the Plan can be evaluated. Monitoring activity will include continual recording of deliveries and collections made to and from the site, recording feedback and comments received from the site occupants or neighbouring residents/businesses and noting any incidents and problems with deliveries and servicing activity. This will include, but not be limited to the following:
- Date and time of delivery.
 - Delivery dwell time and time of departure.
 - Type and size of vehicle.
 - Recipient; and,
 - Type of activity, e.g., courier, maintenance, stationary/goods delivery etc.
- 6.2 The monitoring process will enable the OMP to be modified as appropriate to respond to any issues as they arise. The management of the site will undertake a comprehensive review of the Servicing Plan annually.

Complaints Handling

- 6.3 The hotels aim is first and foremost to operate in a manner such that a complaint should never arise. However, to account for such an eventuality, a contact number and / or email will be provided to neighbours, occupiers and guests for any complaints. All complaints will be addressed immediately, and the complainant responded to.
- 6.4 All complaints will be registered and logged for review by management, to investigate whether any changes can be made to the operation to ensure the issues does not reoccur.
- 6.5 The complainant will be informed of any steps taken.

7.0 THE OPERATION AND OPENING HOURS

- 7.1 The restaurant will offer a leisurely fine dining experience operated on a booking only basis. Guests will be encouraged to take their time and enjoy the experience and what the hotel has to offer.
- 7.2 The business model is focussed on the highest standards of service and reputation focussing on a luxury experience rather than a model based upon of high turnover of tables, so that patrons want to revisit the premises.
- 7.3 To that end small gatherings or social events would align with the business model, and one may hire a particular room or space and that capacity would be limited to the number of covers available. The hotel will be looking to maintain an air of sophistication and will not tolerate a noise from any of the spaces that would lead to a nuisance or a complaint by any of the hotel guests or any local resident. Therefore the premises would not trade through maximum occupancy of the hotel and its ancillary facilities. To do so would be counter to the aims of the business model and operation.
- 7.4 Such gatherings or social events through the hiring of spaces will be co-ordinated by hotel management to ensure that their frequency and timetabling is managed.
- 7.6 The capacities stated in section 2.0 therefore reflect what is possible in a particular room or space to give an idea of the likely maximum scale of event should the particular room be booked.
- 7.7 In the main, the use of the hotel will be for residents of the hotel, flats and their guests and will otherwise operate on the basis of pre-booking for attendance. It will not be possible to gain access to the hotel without a confirmed booking. Bookings and occupancy are regularly expected to be at the lower end of the indicated maximum capacities and spread out across the hotel to maintain the feeling of sophistication as well as ensuring all guests experience a good service, rather than concentrated in a particular area.
- 7.8 The tables below set out the expected use of each area in terms of the hours of operation.

Restaurant

- 7.9 We anticipate the restaurant would generally operate by bookings only, with approximately two sittings per table over the course of an evening. This will assist with staggering the arrival and departure of guests from the hotel.

Lounges First floor

- 7.10 The lounges would be served by the main restaurant kitchen, but would either be laid out for fine dining, or they may be laid out in a more informal manner, with armchairs, sofas, with a focus on daytime trade, such as afternoon teas and coffees, depending on the needs of the hotel on a particular day. These areas could be booked but would otherwise be available to occupants of the hotel and their guests and again people who may have prebooked.

First Floor Terrace

- 7.13 The first-floor terrace would form part of the fine dining offering and be for sit down meals. They would be readily available to occupants of the hotel and their guests. It would also be possible to book a table.

General

- 7.14 In addition to the above controls the following measures will operated in respect of all areas:

- Table bookings would for all areas would be co-ordinated and staggered.
- Departure times would also be staggered to ensure guests do not leave in groups.
- All guests leaving after 10pm by way of taxi, would be required to do so by pre-booking.
- At the time a guest pays their bill, whilst still seated at their table, staff offer to book a taxi on behalf of the named customer who then remain inside the premises until the car is available.
- Bellman/SIA trained to ensure guests and staff leave quietly.

8.0 NOISE

- 8.1 As noted at the outset the aim of the hotel is to provide guests with an exceptional and special experience fostered through courteous and respectful conduct of all staff and guests. This key part of the business model is the key to its success and the return of guests.
- 8.2 It is in the interest of the management to ensure that the noise and disturbance is not created to its own guests let alone neighbouring properties.
- 8.3 The co-ordination of bookings and who is visiting the hotel, and when will be a key part of managing this process as well as flows both to and from the building to ensure they do not give rise to adverse effects as a result of concentrated periods of activity.
- 8.4 The dual entrance provides the hotel to disperse activity on to two different streets if required.
- 8.5 Front of house staff will monitor for those persons who may be at risk of causing disturbance on departure and response accordingly. Additionally, although such occurrences are unlikely, Security Staff will nevertheless be trained to manage such situations and ensure that the exit from the Hotel takes place in an orderly manner.
- 8.6 Front of house staff will also monitor the use of the terrace area to ensure that it is not causing disturbance. They will also ensure in advance of the closing time, that guests are aware that the terrace closes promptly at 9pm to protect the amenity of residents and guests.

9.0 ARRIVALS/DEPARTURES

- 9.1 Our primary objective is to minimise any possible disturbance to local residents and those in local community, especially at night and therefore a number of measures will be in place to achieve this:

The hotel is served by two separate entrances. The main entrance for guests will be to 16 Park Street, taken from Aldford Street. A second entrance is located at 14 Park Street.

- 9.2 Guests will be able to arrive to either of these entrances. The mode of transport is expected to vary for all guests but will include taxi's chauffeur driven and private cars. All guests of the hotel will be asked not to park in the vicinity but to find suitable parking nearby so as not to materially effect on street parking in the immediate vicinity.

- 9.3 With respect to departures, every effort will be made to stagger these as set out in the previous section. Notices will be displayed inside the premises reminding guests to respect nearby residential properties and the hotel's own guests on departure.

- 9.4 After 10pm, any person leaving the premises who has booked a taxi will be required to wait inside the premises until the taxi has arrived. Guests will also be encouraged to book electric taxis. Our door staff and security staff will be trained and experienced to manage effectively arrivals and departures. The following Street management measures will be put into place:

- Staff will be trained to politely ask waiting cars to move on,
- Staff will politely ask drivers of any vehicles to turn off engines if waiting for a short time,
- Door staff will wear distinctive uniforms, so they are clearly identifiable,
- All hotel guests are pre-registered ensuring that their arrivals are anticipated and managed,
- The SIA door team including bellman will ensure guests leave premises quietly,
- CCTV footage will be available to review promptly for any issues,
- We will have a 24 hour presence meaning we can offer unofficial neighbourhood watch,
- Management will take appropriate actions if guests and/or staff are responsible for any ant social behaviour.

- 9.6 The door team will be trained to ask guests leaving premises to be mindful of the amenity of surrounding residents at all times. Guest will be encouraged to arrange for transports at time of paying their bills as well our concierge team will offer the same.

- 9.7 Staff will be also trained to ensure when guests leave our staff as well not to loiter on the streets and leave promptly and quietly.

CCTV

- 9.9 There will be 24h coverage throughout the hotel as well as external entrances; in the event there are complaints this can be reviewed by Management to take appropriate action.

10.0 STREET MANAGEMENT POLICY

To minimise any impact on surrounding residents the following will be adapted:

- Staff will be trained to politely ask waiting cars to move on,
- Staff will politely ask drivers of any vehicles to turn off engines if waiting for a short time,
- Door staff will wear distinctive uniforms, so they are clearly identifiable,
- All hotel guests are pre-registered ensuring that their arrivals are anticipated and managed,
- The SIA door team including bellman will ensure guests leave premises quietly,
- CCTV footage will be available to review promptly for any issues,
- We will have a 24 hour presence meaning we can offer unofficial neighbourhood watch,
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Park Street Hotel
14-16 Park Street, London

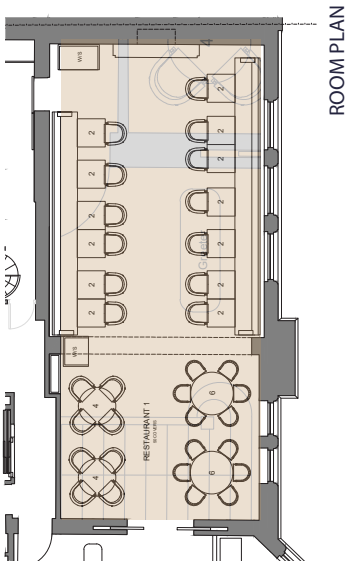
Concept Presentation

PROPOSED FACADE



GROUND FLOOR - RESTAURANT 1 & 2

CONCEPT



MIRROR DETAIL



DECORATIVE DETAIL THROUGHOUT



ART GALLERY WALLS

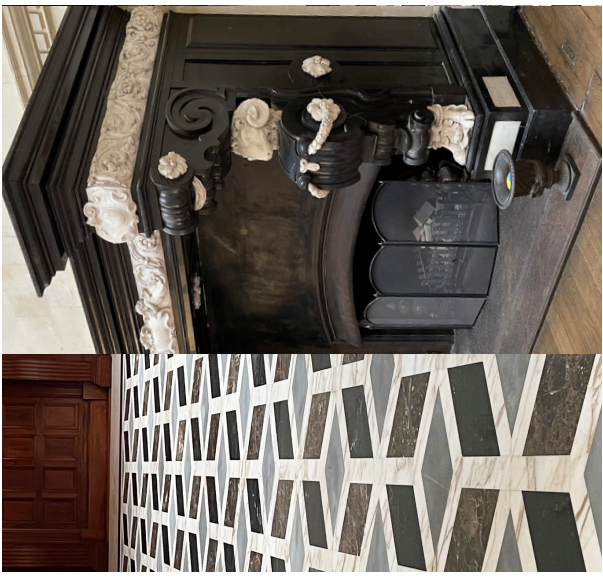


STUDDED MIRRORED PANELS



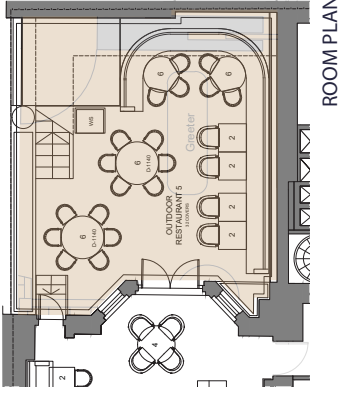
CEILING DETAILS

EXISTING FLOORING



GROUND FLOOR - SUSHI OUTDOOR TERRACE

CONCEPT



GREENERY



FEATURE DISPLAYS



MESH DETAIL



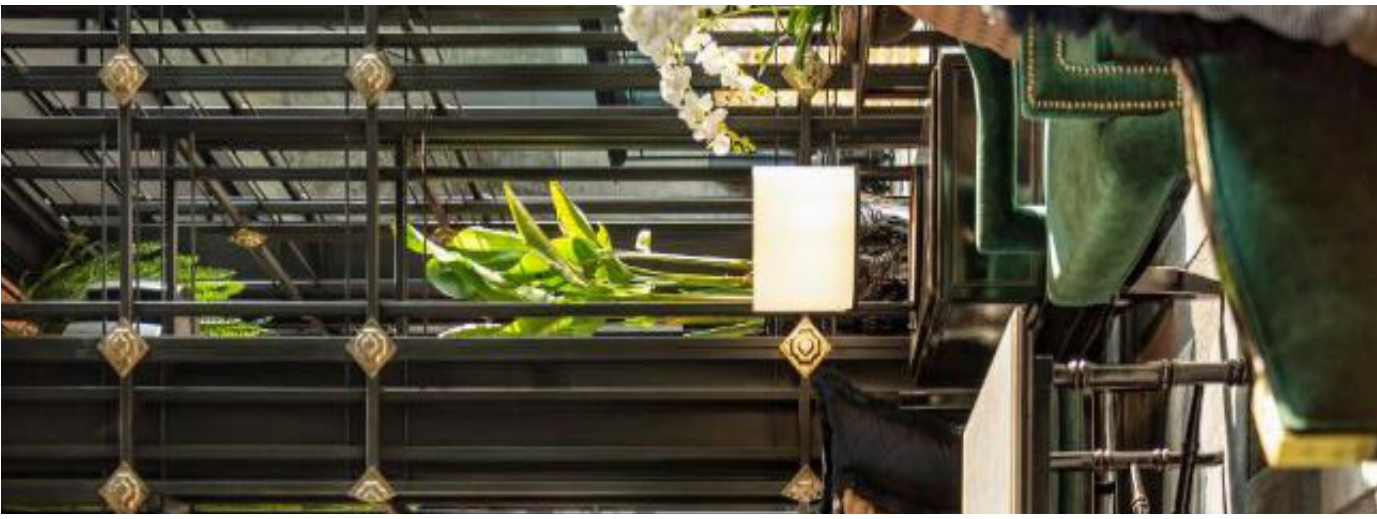
FIRST FLOOR - LOUNGE

CONCEPT

LOOK AND FEEL



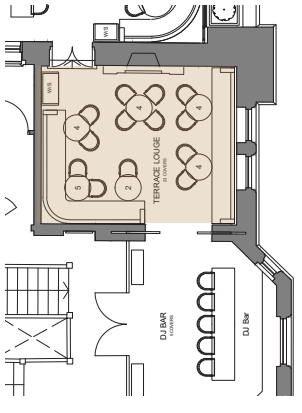
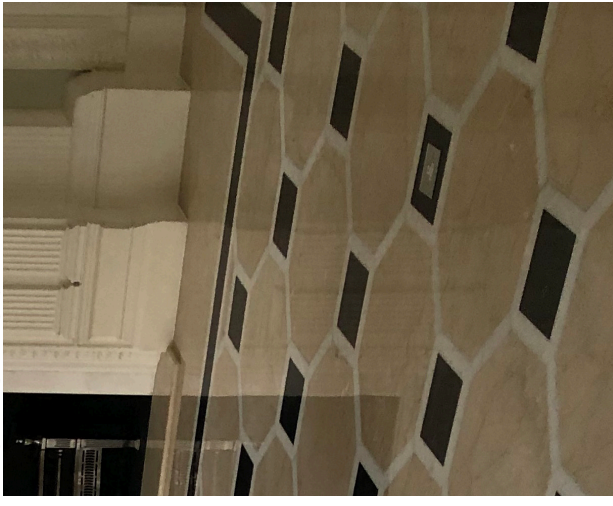
CAGE CONCEPT



BANQUETTE SEATING



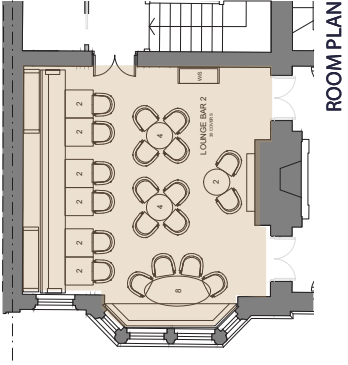
EXISTING FLOORING



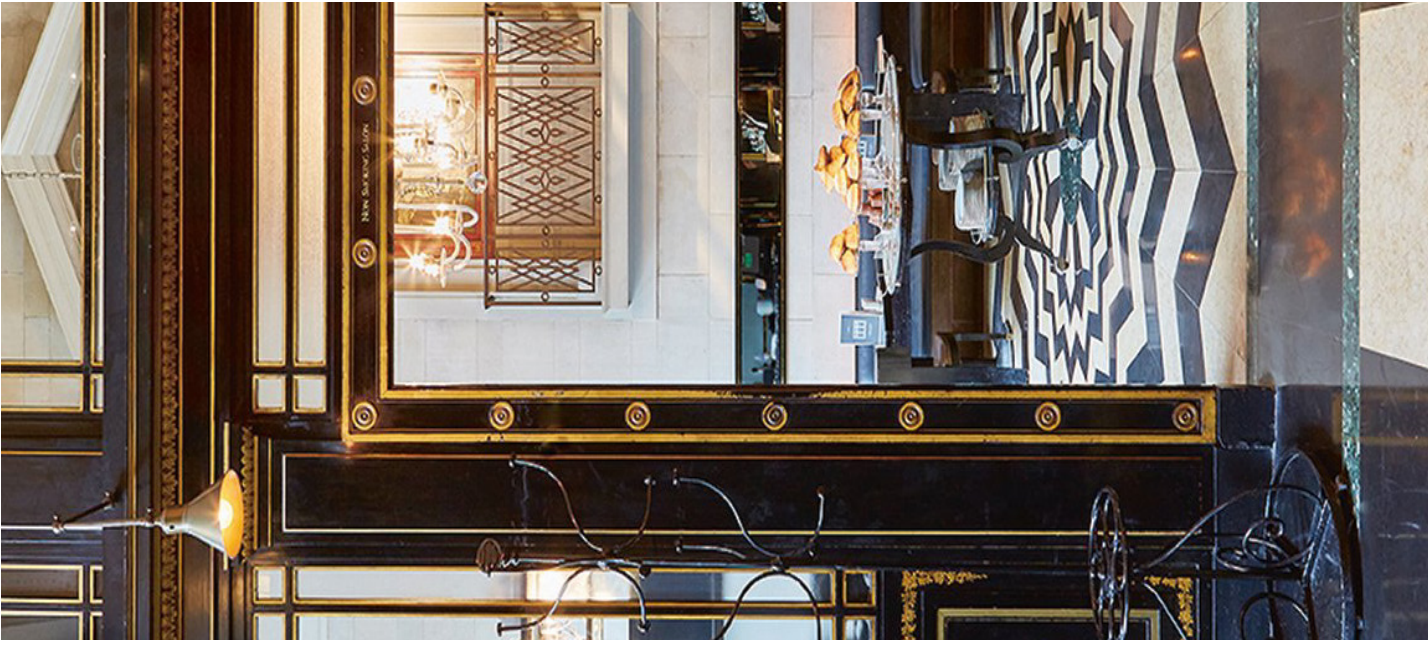
ROOM PLAN

D E C O R A T I V E P A N E L I N G

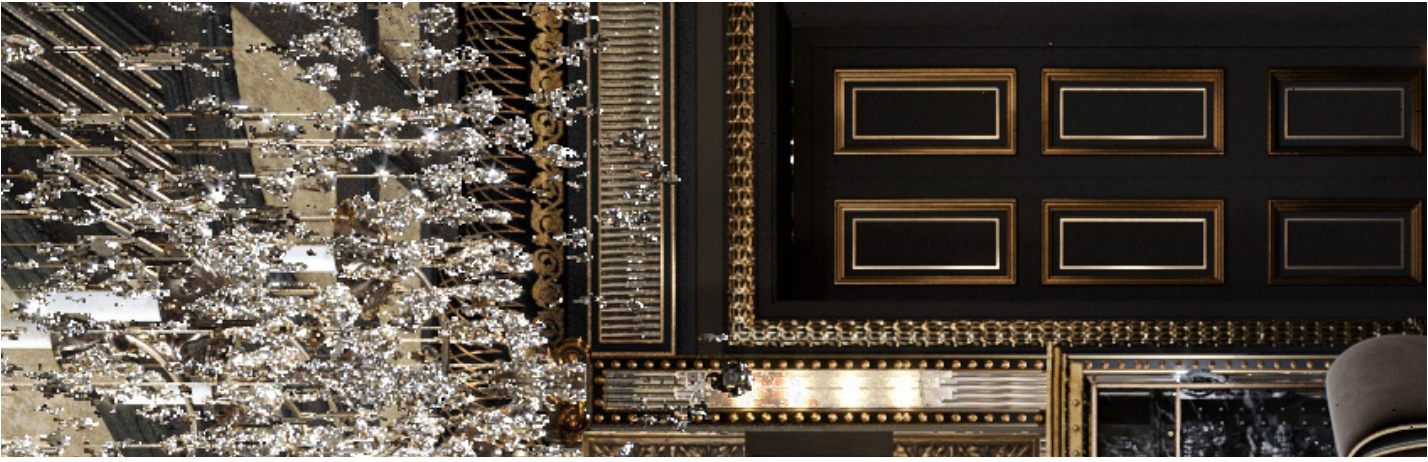
FIRST FLOOR - LOUNGE BAR
 21ST CENTURY EXPLORER - CONCEPT



LAYERED LOOK AND FEEL



TONES



BRASS INLAY STORIES TO FRONT BAR

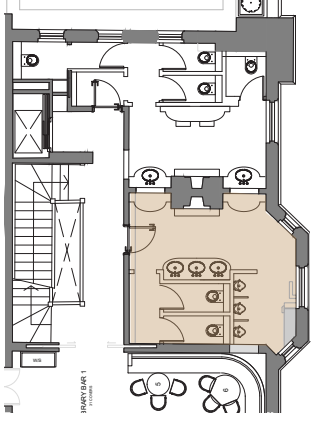
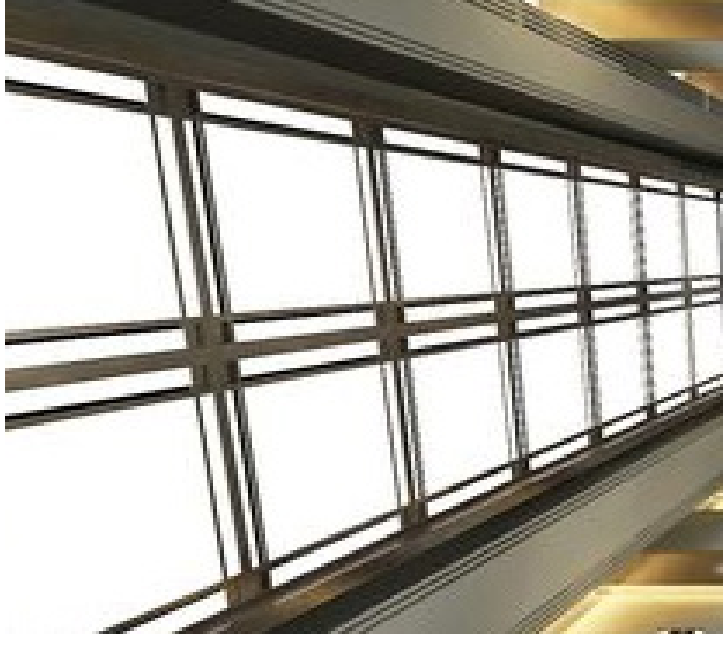


BACK BAR CONCEPT



SECOND FLOOR- MALE BATHROOM

CONCEPT

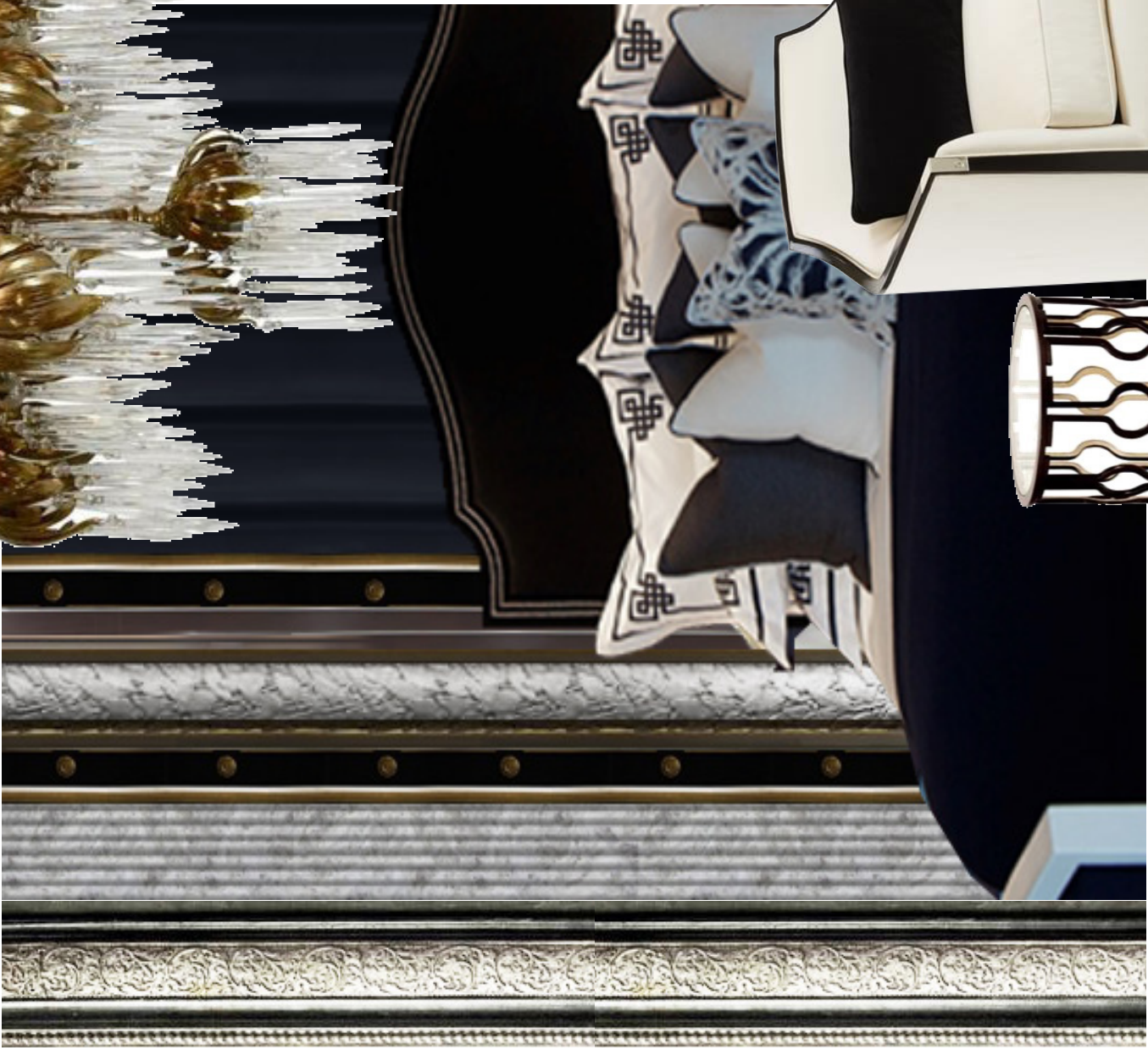


ROOM PLAN

THIRD FLOOR- BEDROOM SUITE 4

CONCEPT

HEADBOARD DESIGN



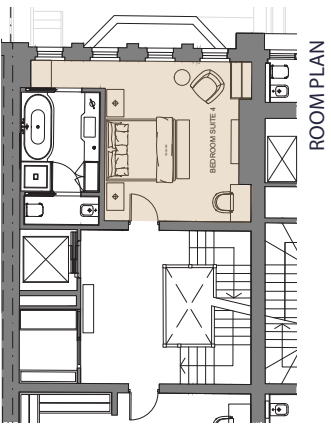
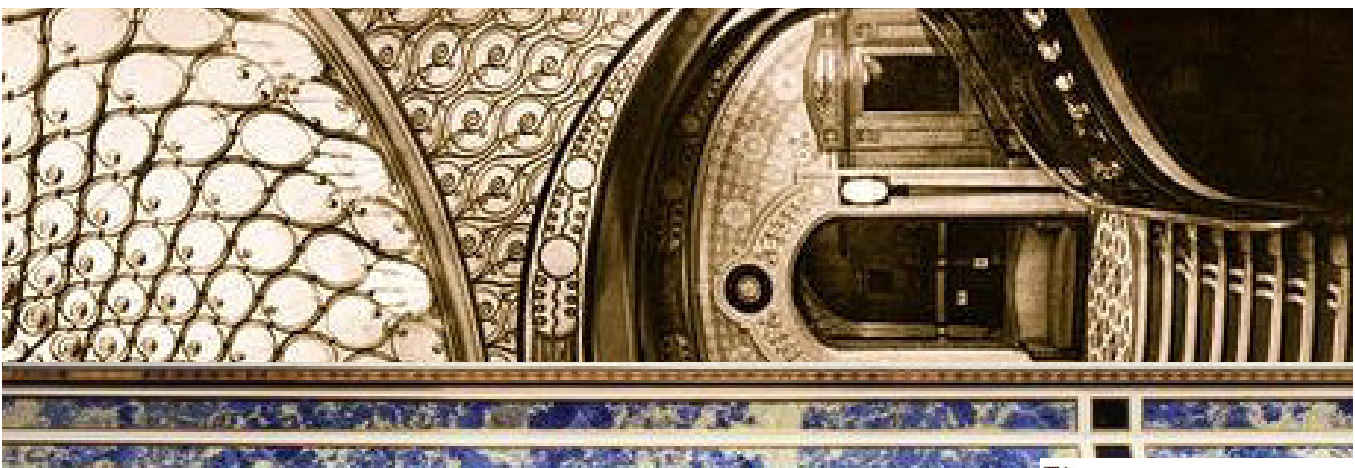
WALL DETAILS THROUGHOUT



WARDROBE DESIGN

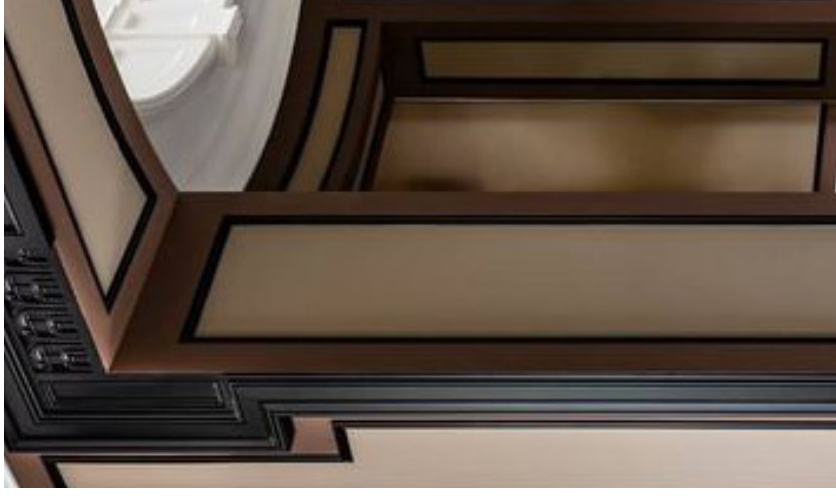
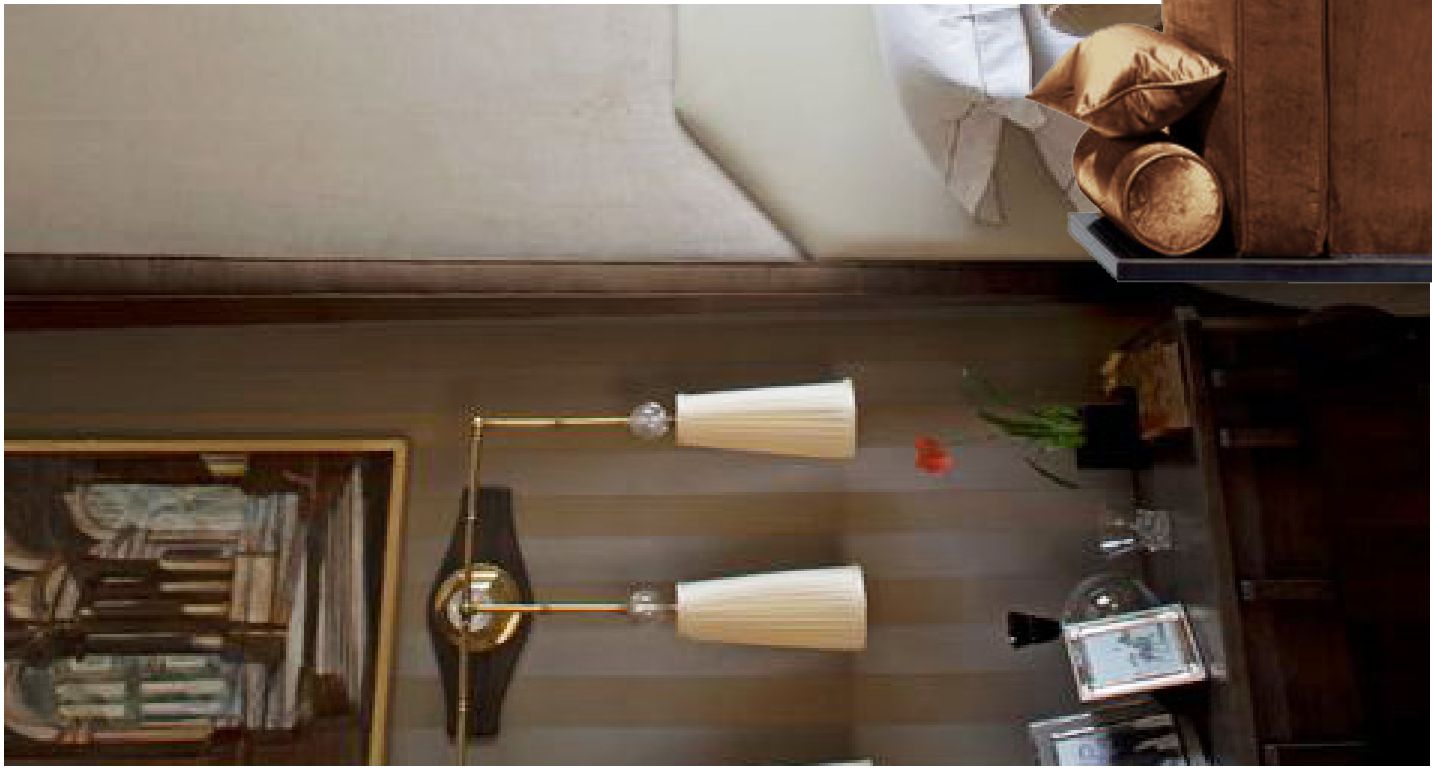


WALL EMBELLISHMENTS



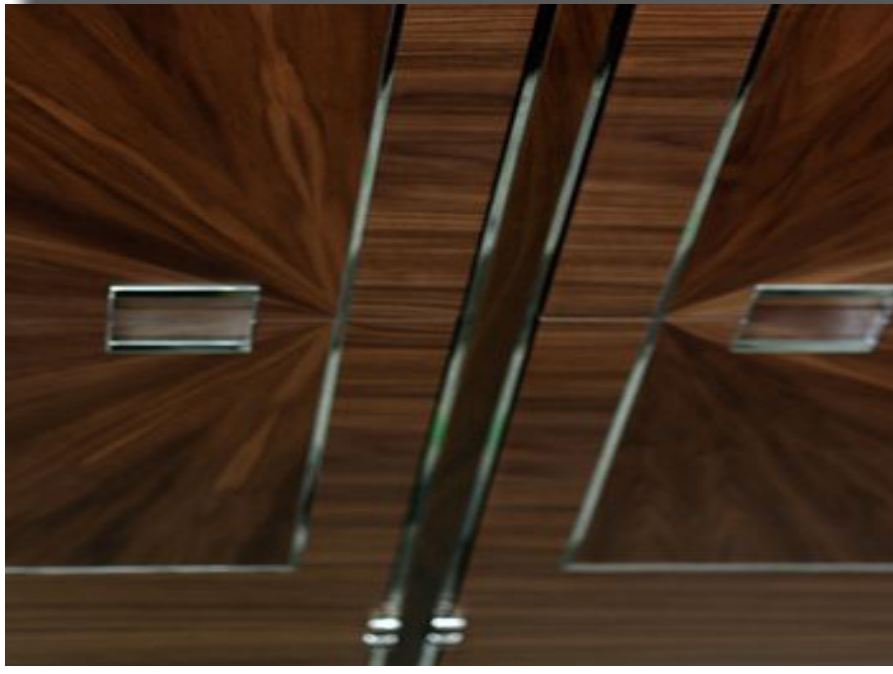
FOURTH FLOOR - CLOAK ROOM

CONCEPT



WARDROBE DESIGN

RUG



WALL PANNELLING

TV UNIT



Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

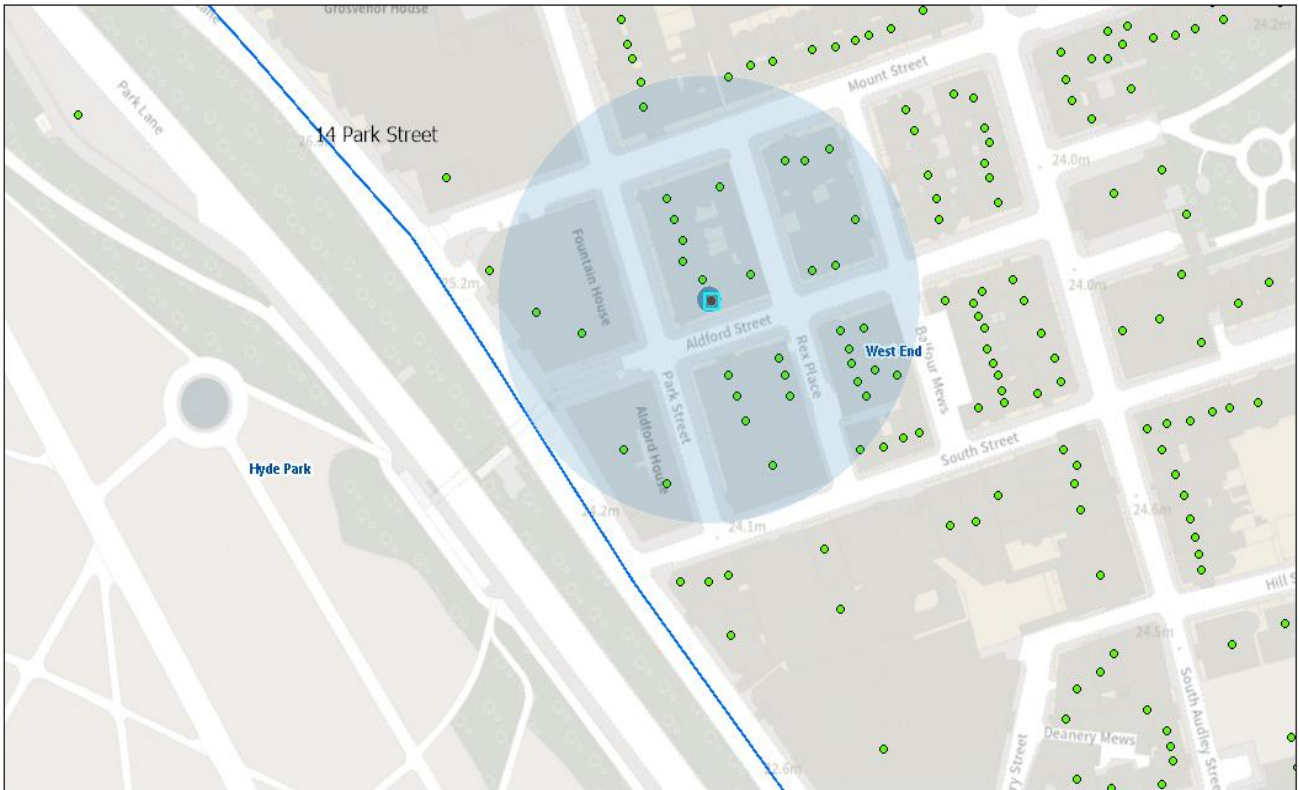
Conditions consistent with the operating schedule

9. Members of the public, who are not residents of the hotel or guests of residents, shall not have access to the hotel facilities (including the restaurant, bar and lounge areas, gym/spa, function rooms and conference facilities) outside of these hours: 09:00 to 23:30 Monday to Thursday, 09:00 to 00:00 Friday and Saturday or 09:00 to 22:30 on Sundays.
10. The two external terraces may only be used by residents of the hotel and their guests, or guests of a pre-booked function held at the hotel, between the hours of 08:00-20:30 daily.
11. Deliveries and servicing (including waste collections) for the hotel use will only be between 07:00-09:00 and 15:00-17:00 Monday - Saturday.
12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
13. Save for the provision of Licensable Activities to Residents of the Hotel and their Guests, or Residents of the Residential Apartments and their guests; 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 (except chopsticks),
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.
14. During the hours of operation, 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.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
18. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
19. 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.

20. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
22. 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.
23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
24. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
25. 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.
26. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
27. 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 refusal of sale of alcohol.
28. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.

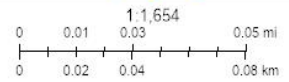
29. A challenge 25 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
30. The approved arrangements at the premises, including 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.
31. 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.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
36. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
37. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
38. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team.

14 Park Street London W1K 2HY



13/10/2022, 11:55:15

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count 129

Licenced Premises within 75 metres of 14 Park Street, London W1K 2HY				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/03229/LIPT	Malthurst Park Lane	83 Park Lane London W1K 7HB	Petrol filling station	Monday to Sunday; 00:00 - 00:00



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

27 October 2022

Licensing Ref No:

22/08286/LIPN - New Premises Licence

Title of Report:

The Portico Hotel Victoria
30-32 St George's Drive
London
SW1V 4BN

Report of:

Director of Public Protection and Licensing

Wards involved:

Pimlico North

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	2 September 2022		
Applicant:	Greysby Limited		
Premises:	The Portico Hotel Victoria		
Premises address:	30-32 St George's Drive London SW1V 4BN	Ward:	Pimlico North
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises are a newly refurbished London Hotel featuring luxury accommodation in central London.		
Premises licence history:	This is a new premises licence application and no premises history exists.		
Applicant submissions:	<p>The Hotel will NOT be providing mini bars. The bar will be closed at 23:00 to Non Residents. Alcohol will only be available after 23:00 by way of vending machine situated in the reception area or directly from the reception. This is only available to hotel residents. The reception is manned 24hrs and covered by CCTV</p> <p>The applicant has provided a mediation letter which was sent to the interested parties, a copy of which appears at Appendix 2</p>		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			On only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:0	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:0	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:0	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Tom Stewart
Received:	28 September 2022 (withdrawn 03 October 2022)
<p>The Metropolitan Police Service (*MPS*), as a responsible authority under the Licensing Act 2003, object to this premises licence application on the grounds of:</p> <p><u>The protection of children from harm and the prevention of crime and disorder.</u></p> <p>The police propose the addition of the below conditions. If the applicant is willing to accept these conditions to form part of the operating schedule, then I will be in a position to reconsider my representation:</p> <ul style="list-style-type: none"> • Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months. • The Premises shall have policy on protecting children from child sexual exploitation. The policy shall include training for all staff on the signs and indications of child sexual exploitation as well as the reporting of suspicious activity to the appropriate authorities. • Appropriate signs/posters shall be displayed in a prominent position highlighting the signs of child sexual exploitation <p>I look forward to hearing back from the applicant.</p> <p>Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 03 October 2022. The greed conditions appear at Appendix 4</p>	
Responsible Authority:	Environmental Health
Representative:	Ayesha Bolton
Received:	30 September 2022
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' the premises only from Monday to Sunday between 00.00 to 00.00 hours. 	

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 area and may impact on Public Safety.

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

The applicant has provided additional information within the application which is being assessed. Additional conditions will be proposed by Environmental Health to address the licensing objectives

2-B Other Persons

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

29 September 2022

I am emailing regarding the licence application 22/08286/LIPN for the Portico hotel. I am representing the views of all flats at [REDACTED] the hotel. The application is to sell alcohol within a bar onsite at the hotel 24 hours a day with the bar being closed to non-residents after 2300. The hotel is on the Pimlico grid in a quiet residential area and while I think it is reasonable for alcohol to be sold onsite to hotel guests, my comments are made with the spirit of maintaining the quiet village Pimlico area.

Accordingly, my representation is based on the likely impact of the licence being granted as applied for on the licensing objective of 'prevention of public nuisance.

1. The main impact from the hotel is the people stepping out onto the pavement at the front to smoke - this is daily. They can be noisy and often drop litter and cigarette butts. The mess has increased since the removal of the cigarette bin a few weeks ago and it has meant guests stand and talk directly outside number 28. I would ask that the hotel take steps to ensure those outside are quiet, do not drop litter and stand to the no30-32 side of the hotel entrance and that the sale of alcohol does not exacerbate the existing problem.

2. I have reservations about alcohol being sold to non hotel residents. I wouldn't be comfortable with a bar or alcohol for sale being advertised next door which would detract from the area. Given the smokers outside all the time I also would not welcome increased footfall and numbers of smokers outside or all leaving at 2300 each day. I also trust there wouldn't be an additional noise impact from the bar onsite through the walls. There is also no indication of what the proposed capacity would be. I note that the licensed areas of the hotel would extend on both the ground floor and in the basement.

Finally, although the application states that the sale of alcohol after 11pm would only be to hotel guests, the conditions proposed do not actually mandate this.

Please could you kindly put conditions in place/ provide reassurance as regards to my concerns above when granting the licence

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	30 September 2022

As a fellow owner in number ██████████ with small children, I totally concur with these comments. The hotel brings undue noise, horrible smoking to step out into, crowds outside our door, and residual cigarette butts that are left behind. Granting an alcohol license will only amplify this, and I am concerned about both the noise and the behaviour this would bring in a residential neighbourhood with so many small children.

Surely there are enough pubs in the vicinity?

We are very grateful for your consideration.

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	20 September 2022 (withdrawn 17 October 2022)

I am worried about the possibility of noise from the basement lounge. There is already a loud hum from an air conditioner or fan that is quite difficult to sleep through.

The existence of an all hours vending machine seems pretty difficult to control in the basement lounge when the lobby (reception) is on the ground floor.

Following receipt of the mediation letter provided by the applicant, the interested party withdrew their representation on 17 October 2022.

3.	Policy & Guidance
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The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when
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	<p>customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
<p>Policy HOT1(A) applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 6. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</p>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

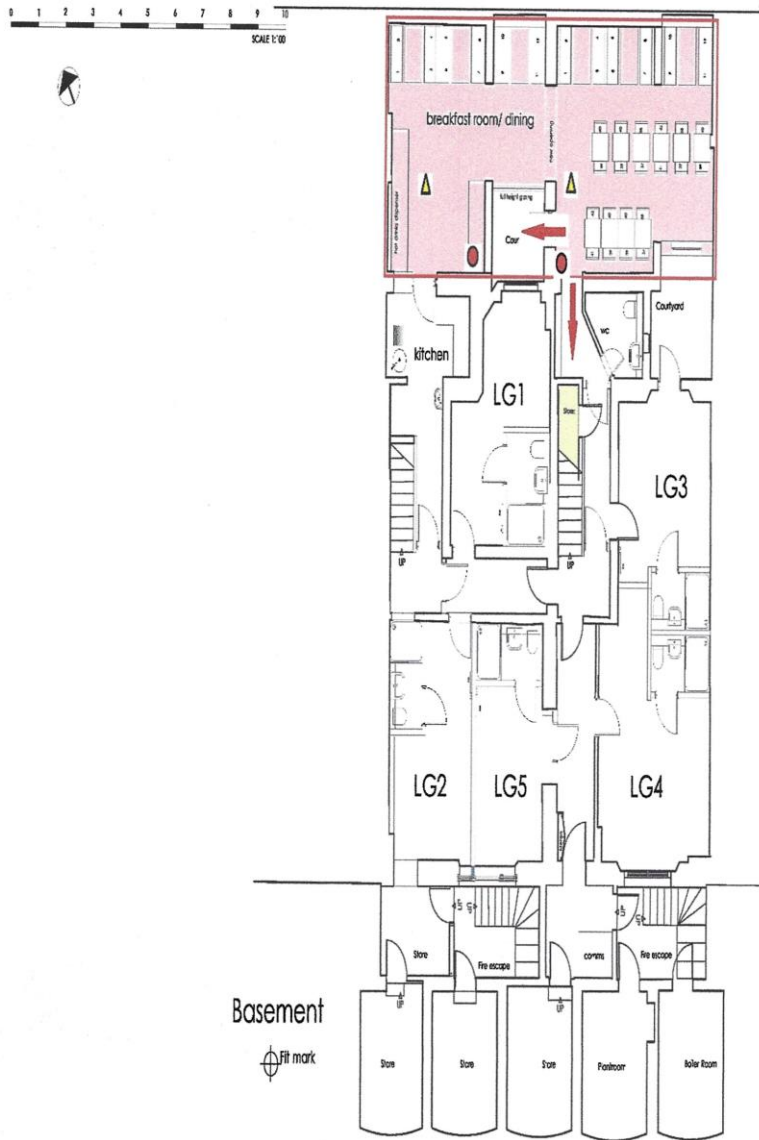
Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	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:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 641 6500 Email: kjackaman@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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	28 September 2022 (withdrawn 03 October 2022)
5	Environmental Health representation	30 September 2022
6	Interested Party representation (1)	29 September 2022
7	Interested Party representation (2)	30 September 2022
8	Interested Party representation (3)	20 September 2022 (withdrawn 17 October 2022)



PORTICO
 The Portico Hotel
 30 St. George's Drive, Victoria, London, SW1V 4BN
Design: The Architecture

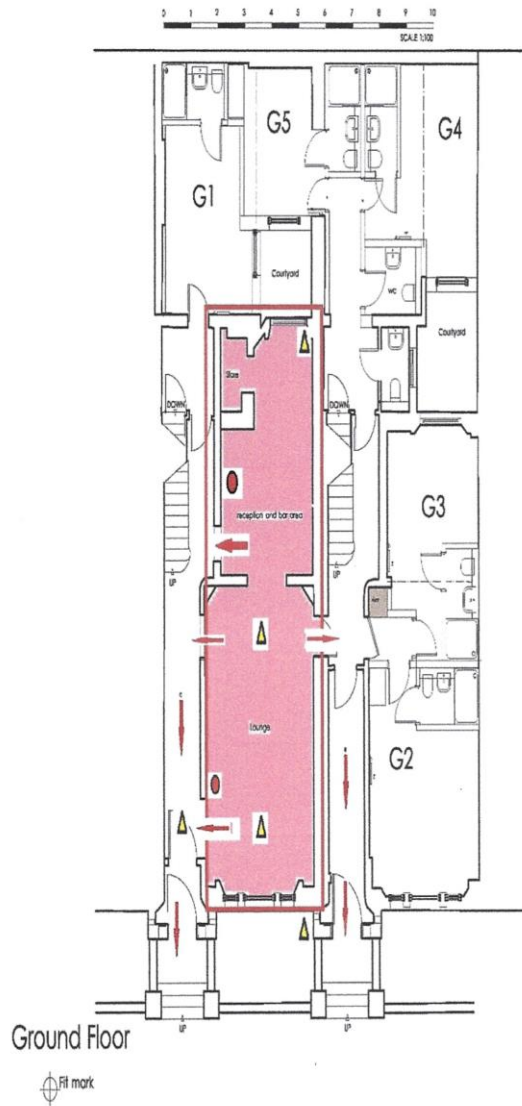
- Notes
- cctv camera ▲
 - fire exit →
 - fire point ●
 - licensable area ■

Project
 The Portico Hotel London Victoria 30 St.
 George's Drive, Victoria, London, SW1V 4BN

Status
 proposed licensing plan scale 1:100

Drawing
 2020 Existing Basement Floor Plan

Project Number	Drawing Ref	Revision	Scale	Page Size
001	101		1:100	A3



PORTICO
 The Portico Hotel
 30 St. George's Drive, Victoria, London, SW1V 4BN
© copyright The Portico Hotel

- Notes
- cctv camera
 - fire exit
 - fire point
 - licensable area

Project
 The Portico Hotel London Victoria 30 St.
 George's Drive, Victoria, London, SW1V 4BN

Status
 proposed licensing plan

Drawing				
Existing Ground Floor Plan				
Project Number	Drawing Ref	Revision	Scale	Page size
001	102		1:100	A3

Mediation Letter



Ms Helen C.N. Maclellan
Rachel & Alexei Samarenko
Hugo Wood

Dear Residents,

13/10/2022

Thank you for detailing your concerns over our recent application.
I as the CEO of GREYSBY LTD the company that owns the Portico Hotel felt it very important to engage with you, and hopefully allay the concerns you have raised.

Firstly

The reason for our application was to have more regulation with regards to the Alcohol that was being consumed in the Hotel.

Also, to offer the facility to residents and their guests to purchase alcohol within the confines of the hotel.

This eliminates several potential problems for the area.

1. The necessity to purchase alcohol by the bottle from outside off Licences
2. To reduce street drinking in the area
3. To reduce the level of noise – coming and going late at night
4. More control over the quantity of alcohol consumed on the premises

Secondly

I am concerned that the level of cigarette butts extinguished are causing a mess, this is unacceptable for you and for us.

We have always ensured that the entrance to the hotel is kept clean, however within the last Month the local Authority made us remove the ashtrays attached to the railings.

We are proposing to put decorative Brass/Coppers sand filled buckets at the entrance doors this will encourage smokers not to stand on the street and to use the buckets provided.

These will be monitored and emptied on a regular basis.

Signage will also be placed in a prominent position inside the Hotel to remind Hotel guests to use the buckets and to smoke within the confines of the Hotel entrance.

This will also be Monitored by Hotel Staff.

Thirdly

Alcohol will only be available to Hotel Residents and their guests.

This will only be available from behind the reception upon presentation of their room key/card

There will no dispensing of alcohol from vending machines or any other means.

Hotel Guests may Purchase Alcohol from Reception 24Hrs Hotel Guests only until 23:00 this will help us to regulate the quantity of Alcohol Consumed on the premises.

Fourthly

The fan hum that has now been highlighted to us has been serviced and an Acoustic cover fitted. The application submitted to the licensing authority is very Robust and with full consultation with the Police and all regulatory Authorities.

With regards to the possibility of noise from the basement lounge this is the Breakfast and evening dining room and has been so for many years. There is no application for any Regulated Entertainment. This should not be an area of concern.

I would like to impress upon you as our neighbor's, we have an open-door policy please feel free and welcome to approach our management of any concerns you have, and we will try and rectify them.

The Hotel has been here for nearly 50 years with the same Management for over 20 years we are committed to ensuring the integrity of the area.

I hope this has allayed the concerns you have raised if so, please contact the licensing authority and withdraw your objection, this will make a very costly hearing and time unnecessary.

Kind Regards
GREYSBY LIMITED

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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the City of Westminster Police Licensing Team.
10. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
11. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
12. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
13. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.
15. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
16. 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.
17. 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 always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
18. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. The installed digital CCTV system will record for 31 days all public areas of the premises which will monitor all public safety issues. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.
21. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
22. 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.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
24. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
25. 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.
26. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
27. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
28. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
29. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
30. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.
31. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.

32. A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of Alcohol.

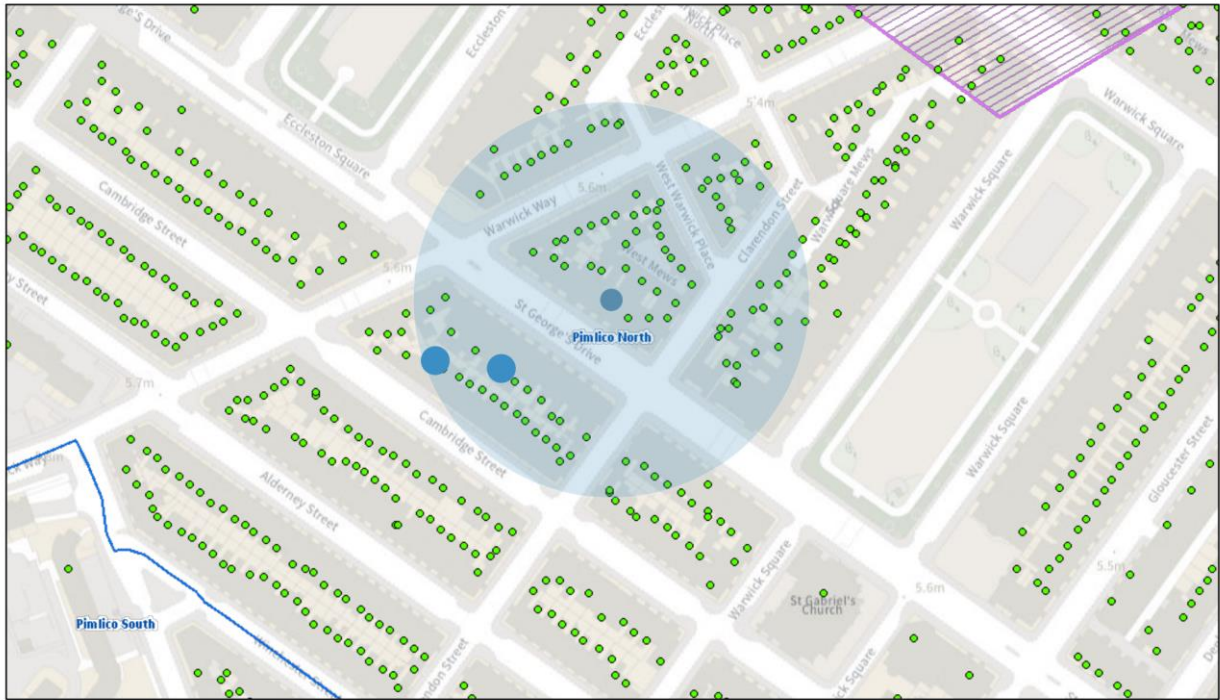
Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule

33. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months.
34. The Premises shall have policy on protecting children from child sexual exploitation. The policy shall include training for all staff on the signs and indications of child sexual exploitation as well as the reporting of suspicious activity to the appropriate authorities.
35. Appropriate signs/posters shall be displayed in a prominent position highlighting the signs of child sexual exploitation

Conditions proposed by the Environmental Health

None

Web AppBuilder for ArcGIS



Resident count: 350

Licensed premises within 75m of 30-32 St George's Drive, London, SW1V 4BN

Licence Number	Trading Name	Address	Premises Type	Time Period
19/10609/LIPDPS	Georgian House Hotel	37 St George's Drive London SW1V 4DG	Hotel, 3 star or under	Monday to Sunday; 00:01 - 00:00
07/00659/WCCMAP	Bash Supermarket	59 Cambridge Street London SW1V 4PS	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00

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City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>27 October 2022</i>
Classification:	<i>General Release</i>
Premises:	<i>Sophisticats, 3 - 7 Brewer Street, London, W1F 0RF</i> <i>22/08456/LISEVR</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The Council has received an application for the Renewal of the Sex Establishment Licence (Sexual Entertainment Venue) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) for Sophisticats, 3-7 Brewer Street, London, W1F 0RF. The report sets out the application details, representations, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

2. Powers of the Licensing Sub-Committee

- 2.1 That following consideration of the application and evidence given orally at the hearing and in writing by the applicant and objectors the Licensing Sub-Committee's powers are to:
- 2.1.1 Grant the application in full
 - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
 - 2.1.3 Refuse the application

3. Relevant History

- 3.1 The Premises has operated as a sex establishment since 2012. The premises was originally licensed as 'Shadow Lounge,' with the licence held by A3D2 Limited. Following the grant of the sex establishment licence for Shadow Lounge in 2012, annual renewal applications on behalf of A3D2 Limited Ltd have been submitted and granted under delegated authority up until 2015.
- 3.2 In 2016, an application was submitted to transfer the SEV premises licence from A3D2 Limited to Devine Restaurants Ltd. This transfer application, along with the SEV premises licence renewal submitted on 23 September 2016, were both granted by the Licensing Sub-Committee on 1 December 2016. On the 6 December 2018, the Licensing Service received an application to transfer the SEV Premises Licence from Devine Restaurants Limited to John McKeown Clubs Ltd. The last renewal application was submitted on 17 September 2021 and was granted under delegated authority. This licence (reference 21/09778/LISEVR) expired on 30 September 2022. A copy of licence 21/09778/LISEVR is attached as **Appendix A**.
- 3.2 A copy of the full sex establishment licence history for this premises since 2012 is attached as **Appendix B**.

4. Application being considered

- 4.1 On 7 September 2022 John Mckeown Clubs Ltd submitted an application to renew the sexual entertainment venue premises licence to provide partial nudity striptease on Monday to Saturday from 09:00 to 03:00, and on Sunday from 09:00 to 23:00.
- 4.2 The applicant has not requested to change the relevant entertainment or to remove any standard conditions to the licence if this application is granted. A copy of the application form is attached as **Appendix C**.
- 4.3 As a valid application has been received prior to the expiry of the SEV Premises Licence, the licence is deemed to continue until it is determined by the Council.
- 4.4 The applicant has submitted supporting documents that is set in **Appendix D**.

5. Objections

- 5.1 There has been an objection from Westminster's City Inspectors as a statutory authority set out at **Appendix E1**.
- 5.2 The application has received 2 objections from interested parties, set out at **Appendix E2**.

6. Licensing Act 2003 Premises Licence

- 6.1 The Premises also have the benefit of a Premises Licence. The Current Premises Licence reference is 22/07500/LIPVM and a copy of the Premises Licence appears at **Appendix F**.

7. Policy Considerations

7.1 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed. In addition, the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application.

7.2 SEV carried on for the benefit of another person – SU2

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and the comments from the City Inspectors are included in the objection which appears at **Appendix D1**.

7.3 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

7.4 Character of the relevant locality – LO1

Brewer Street is in the heart of the West End with both pedestrian and vehicular access. Within a 100 metre radius of the premises, there is a resident count of 446.

7.5 Use of premises in the vicinity – LO2

The main use of the Premises in the immediate vicinity are commercial. There are three sex shops and two other SEV premises, within a 100 metre radius of the Premises. There is one school, and one place of worship within a 100 metre radius of the Premises. A map of the relevant locality is attached to this report as **Appendix G**.

7.6 Layout, character or condition of the venue – LO3

The Premises is spread over the basement and ground floor. Only the basement floor is included within the licensable area for Relevant Entertainment purposes.

8. Legal Implications

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full
 - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 8.2 Before refusing to renew an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph (c) or (d) above shall not have the right to appeal to the magistrates' court.
- 8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 8.6 Should the Licensing Sub-Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to-
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 9.3 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sophisticats will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- A - Copy of existing sex establishment licence 21/09778/LISEVR
- B - Sex establishment licence history
- C - Application form
- D – Applicant Submissions
- E - Objections
- F - Copy of premises licence 22/07500/LIPVM
- G – Map of locality

If you have any queries about this Report or wish to inspect any of the background papers please contact: Karyn Abbott on 020 7641 6500 or at kabbott@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012
Home Office Guidance March 2010

SEX ESTABLISHMENT LICENCE
Sexual Entertainment Venue

Premises licence number:	21/09778/LISEVR
Original Reference:	12/02456/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences: John McKeown Clubs
Ltd

to use the premises: Sophisticats
3-7 Brewer Street
London
W1F 0RD

as a Sexual Entertainment Venue.

This licence commences on 01 October 2021 and will expire on 30 September 2022.

Relevant Entertainment (namely partial nudity striptease) may be provided during the following times:

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

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

DATE: 09 NOVEMBER 2021

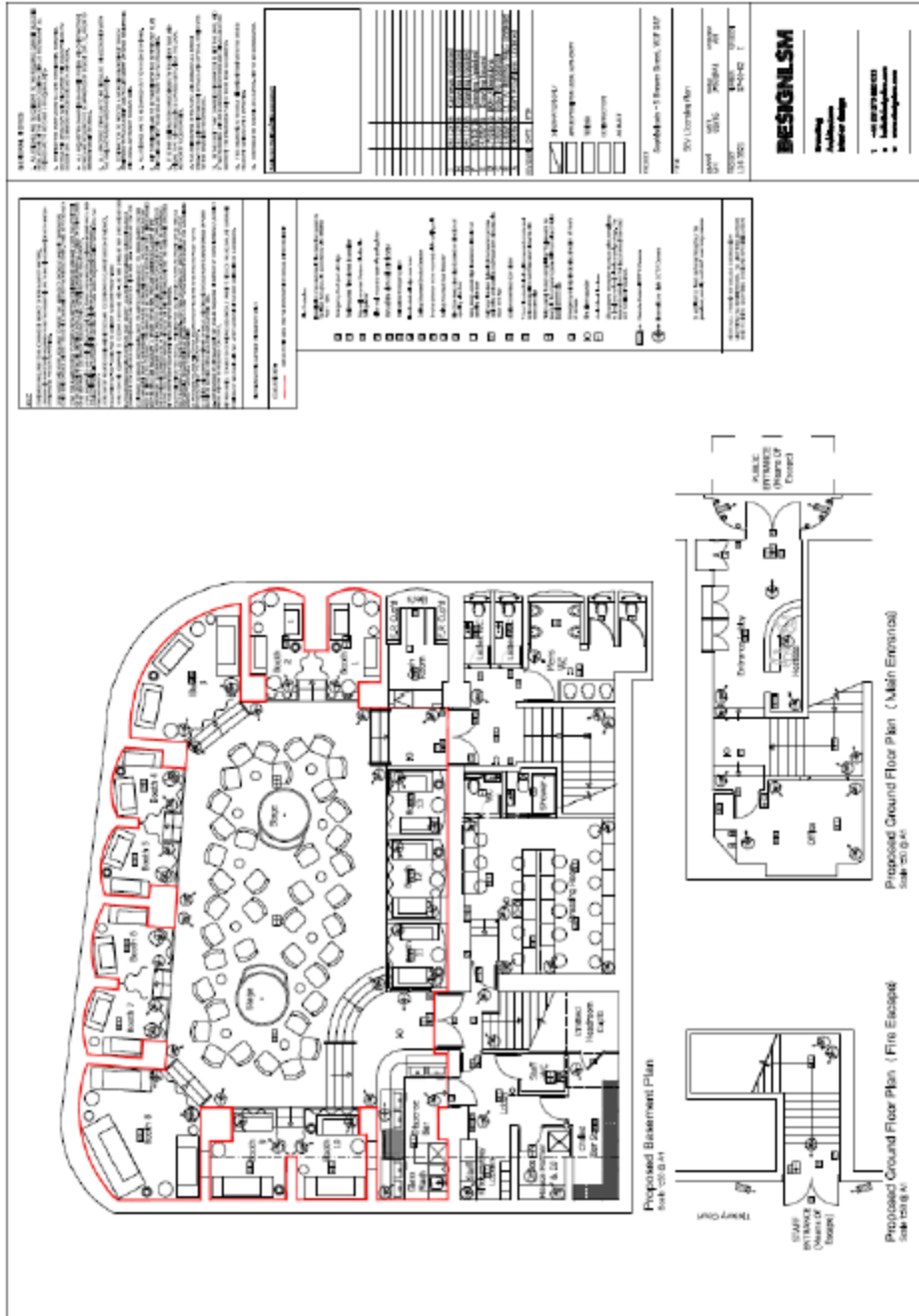
SIGNED:



On behalf of the Director – Public Protection
and Licensing



Appendix 1 – Plans



Appendix 2 – Conditions

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) 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;
 - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional Conditions:

24. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.
25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. No relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

Sex Establishment Licence History**Appendix B**

<u>Application reference</u>	<u>Details of application</u>	<u>Date of determination</u>	<u>Decision</u>
12/02456/LISEVN	Application for a new Sexual Entertainment Venue licence	12.06.2012	Granted by Licensing Sub-Committee
13/06145/LISEVR	Application to renew the Sexual Entertainment Venue licence	28.01.2014	Granted under Delegated Authority
14/01192/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought alterations to the layout.	10.06.2014	Granted under Delegated Authority
14/02983/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought approval of a varied plan.	10.06.2014	Granted under Delegated Authority
14/07611/LISEVR	Application to renew the Sexual Entertainment Venue licence	09.12.2014	Granted under Delegated Authority
15/06700/LISEVR	Application to renew the Sexual Entertainment Venue licence	18.11.2015	Granted under Delegated Authority
16/09946/LISEVT	Application to transfer the SEV licence from A3D2 Limited to Devine Restaurants Ltd.	01.12.2016	Granted by Licensing Sub-Committee
16/09959/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought to vary the plans attached to the SEV licence, to amend and remove conditions, and to increase the terminal hour for relevant entertainment to 06:00 Monday to Saturday and 05:00 on Sunday.	01.12.2016	Granted by Licensing Sub-Committee. However, the Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 Monday to Saturday and to 05:00 in this locality would be appropriate.
16/10288/LISEVR	Application to renew the Sexual Entertainment Venue licence	01.12.2016	Granted by Licensing Sub-Committee
16/14145/LISEVV	Application to vary the Sexual Entertainment Venue licence that	06.04.2017	Refused by Licensing Sub-Committee

	sought to extend the terminal hour for relevant entertainment on Sunday's until 03:00 and to add conditions to the licence.		
17/10693/LISEVR	Application to renew the Sexual Entertainment Venue licence	27.10.2017	Granted under Delegated Authority
18/15767/LISEVT	Application to transfer the Sexual Entertainment Venue licence from Devine Restaurants Limited to John McKeown Clubs Ltd.	03.01.2019	Granted under Delegated Authority
19/11935/LISEVR	Application to renew the Sexual Entertainment Venue licence	15.10.2019	Granted under Delegated Authority
20/04218/LISEVR	Application to renew the Sexual Entertainment Venue licence	06.07.2020	Granted under Delegated Authority
21/09778/LISEVR	Application to renew the Sexual Entertainment Venue licence	19.10.2021	Granted under Delegated Authority

Westminster City Council

Application for a sexual entertainment venue licence
Local Government (Miscellaneous Provisions) Act 1982

Application is hereby made and the necessary fee will be sent for a:

New Licence

Transfer of Licence Licence search

Renewal of Licence Licence number

Variation of Licence

Part 1 - Application Details

Name of premises

Address of premises

Postcode

The application is being made -

If application is made on behalf of an individual:

Title

Name Occupation (during preceding six months)

Surname

Date of birth Telephone number

If application is made on behalf of a corporate or incorporated body:

Name of applicant body:

Is this an unincorporated or body corporate? Unincorporated Body corporate

Registered / principal office address:

Postcode

Company number

Full names of directors and other persons responsible for the management of the body, including the names of managers, company secretary and similar officers and the manager of the establishment

Please continue by answering the questions you are asked below -

Part 2 - Licence Details

What hours and what days are you applying for?

What *relevant* entertainment will be performed?

For variation applications - what does the variation consist of?

Is only part of the building to be licensed?

No

Yes Please provide details

Will any part of the premises be used for the exhibition of moving pictures?

No

Yes Please provide details

Does the applicant presently use the premises as a sex establishment?

No

Yes If yes, when did the use commence?

If not, what is the present use?

Supporting Material Checklist - *tick to confirm*

- I understand that I am required to send this application with a plan showing the area to be licensed and the statutory declarations for the applicants, the directors of the company applying for the licence and any other person who will be responsible for the management of the licensed premises.

I confirm that no changes have taken place since the last renewal

All supporting material should be sent / provided to the address shown on the declaration.

Declaration Page

Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Fee

The non-returnable fee for this application is and must be submitted with this application.

An additional fee of will be payable before any approval is issued

Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

I understand we are required to send / provide the sum of , being the fee for this application.

Confirmation Date Name
Capacity

Contact details for correspondence, leave blank if due to be provided premises address

Title
Name
Surname
Postal address
Postcode
Telephone number
Email address

Supporting Material Return Address

Please send all supporting material to the address below. Specific documents will be returned to the correspondence address after a decision has been made regarding the application.

**SOPHISTICATS 3 - 7 BREWER STREET
ANTI-TOUTING POLICY**

Introduction

Members of the Sophisticats front of house and SIA teams must be aware that:

1. Unauthorised touts work in Soho.
2. In compliance with SEV Licence condition 7, Sophisticats does not engage in any unauthorised touting activity:

The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

3. Unauthorised touts have been known to dishonestly claim that they work for licensed premises in order to obtain a tip/payment from general members of the public in exchange for guiding these persons to a premises.
4. Other unauthorised touts working for unlicensed venues have been known to falsely inform general members of the public that they work for recognised licensed venues, such as Sophisticats, in order to lure those persons into the unlicensed venues that engage in the tout's services.

The Sophisticats team shall maintain a partnership working relationship with the Responsible Authorities to ensure compliance with the SEV Licence conditions and protect the welfare of customers who may become victim to unauthorised touting activity.

Anti-Touting Procedures

1. At all times ensure compliance with condition 7 of the SEV Licence:

The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

2. If a member of the front of house team or a SIA supervisor witnesses a customer being brought to the area by a suspected tout, it will be explained to the potential customer that the tout does not work for Sophisticats and there is no obligation to make any payment to the suspected tout.
3. If suspected touts are operating outside the premises, customers will be warned that they should avoid engaging with any persons taking part in unauthorised touting activity.
4. Upon leaving the premises, the procedures in the Sophisticats dispersal policy will be implemented to encourage customers to make their journey directly home via taxi or other licensed transport methods quickly and quietly.
5. The Sophisticats team shall at all times cooperate with the Responsible Authorities, including providing access to CCTV footage of external areas in respect of any investigation relating to unauthorised touting.

Any member of the Sophisticats team seeking clarification on the procedures contained in this document shall consult a member of management.

**CITY OF WESTMINSTER
CITY INSPECTOR (LICENSING ENFORCEMENT)**

MEMORANDUM

TO Karyn Abbott
REFERENCE 22/08456/LISEVR

FROM City Inspectors, 15th Floor City Hall, 64 Victoria Street SW1E 6QP
REFERENCE 22/08456/LISEVR
BEING DEALT WITH BY Central East 1 (Team 6)
DATE 04 October 2022

SOPHISTICATS, 3-7 BREWER STREET, LONDON, W1F 0RD

In response to application 22/08456/LISEVR, I have reviewed our inspection records.

I can confirm inspection Uniform - an idox solution the premises on 09.10.2021, 19.06.2022, and 10.09.2022 by City Inspector Tony Miah.

On 09.10.2021 it is recorded that the relevant entertainment provided consisted of cabaret style stage shows. No staff records were available on the night as contracts were being finalised with performers with the premises recently reopening after coronavirus restrictions. These records were requested of the duty manager. A walkthrough was carried out and no other irregularities were identified at the time of the visit.

On 19.06.2022 it is recorded that staff records were found to be compliant. The issue of touts was discussed during the visit, as was a complaint received by the council in relation to a touts being used by the premises. CCTV reviewed as part of the complaint investigation, as well as to check compliance with numerous other conditions. No offences were identified via the CCTV recordings or during the visit.

On 10.09.2022 it is recorded that further CCTV footage was reviewed and a walkthrough was carried out with the owner. No irregularities were identified at the time of the visit. Outside the premises it was observed there were a number of likely touts generally operating in the Brewer Street area.

Please let me know if you require any further information.

Kind regards

James Hayes
Team Manager
Public Protection and Licensing

Details of public objections relating to 22/08456/LISEVR

Comments received electronically via PublicAccess:



Received: 27 Sep 2022
OBJECTION

27/09/2022 7:36 PM I object to the renewal on the grounds that the applicant is not a fit and proper individual to be entrusted with a licence of this nature.

My objection is based on simple facts as follows.
I am fed up with being propositioned by 'TOUTS' EVERY time I walk across Leicester Square to get home.

They are a persistent menace. They are intimidating and an unwelcome intrusion into my peaceful existence. They constantly harass me, asking if I want to go to a strip club to see 'sexy girls'.

I consider this a form of solicitation which I am informed is a criminal offence.

I have engaged these individuals on several occasions and the detail of their narrative is always the same "I work for Sophisticats, I can take you there, you can be with sexy girls and have fun".

I have only discovered recently that I may object to the renewal of a licence for strip club that continually breaks the rules.

Section 7 of the SEVL Standard Conditions state

The licence holder or other such person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

One licence breach may seem insignificant, however, the wider implication of this activity leads to prostitution and trafficking.

I have been subjected to this nuisance for over 8 years. This is a serious issue that I would like taken seriously.

Comments received via other means:



Received: 3 Oct 2022 by

Licencing team
15th Floor
Westminster City Council
64 Victoria Street
London
SW1E 6QP
By email- licensing@westminster.gov.uk

3rd October 2022

Complaint/objection – Sophisticats 3 – 7 Brewer Street, London, W1F 0RD-22/08456/LISEVR

My name

[REDACTED] and so I am very familiar with the expectations Westminster Council has of all its operators as well as the licensing objectives and the council's licensing policies. [REDACTED] I am constantly present in the area on most nights of the week and can see what goes on on a first hand basis.

For the purposes of this correspondence, however, I would like my details to remain anonymous.

I am writing for 2 reasons. I would like to make a formal complaint against a SEV Club known as Sophisticats at 3 -7 Brewer Street and having checked its licence history online I can see Sophisticats is currently in the process of renewing its SEV licence and so I would like this letter to also be treated as an objection to that pending application. I think my complaint/objection brings up important issues that Members of the Licensing Sub Committee should consider. My complaint/objection is in relation to Sophisticats' consistent and illegal use of touts and pedicabs. The reason I am complaining now is because last week I was stopped while walking across Leicester Square and was offered the services of 'prostitutes, sexy girls or entrance into Sophisticats'. This is not the first time and lately it is becoming more frequent. I know this is in breach of its licence conditions.

I have also had my own customers complain to me about the unwanted attention and offers of solicitation made to them. They seem to operate without fear or impunity. Some customers say they would rather avoid the area than be repeatedly harassed by these individuals. This is not a new problem, but it is consistent. These individuals have been plaguing Leicester Square and the surrounding area for many years. To my knowledge, when talking to these individuals, they have always been associated with Sophisticats. Sometimes they mention other venues, however, as an operator in the night-time economy, I know these venues to be closed, so any attempt to deflect their true intention is very transparent.

I would like to know what is being done to stop Sophisticats using touts in the way it has? It is blatant and is affecting my customers and trade.

I have checked the online system/minutes from previous hearings and this complaint is not new. In relation to Sophisticats using touts, I am aware of the following.

- (i) Previous allegations of touting and use of pedicabs in a statement by [REDACTED] for the SEV renewal of Sophisticats on 19th April 2019, was flatly denied by John Mckeown – the owner of Sophisticats. In his witness statement relevant to the same renewal, Mr Mckeown states to the Licensing sub committee 'I deny engaging touts to bring customers to our premises'.
- (ii) I have video evidence of a tout offering to take 4 people off the street to take them to Sophisticats or Red Rooms, though Red Rooms was closed at the time of the recording.
- (iii) A report by Shield Associates dated 12th August 2022 relating to an application for a new SEVL for 3 – 4 Vere Street by the same applicant, John Mckeown before the Licensing Sub Committee on Thursday 25th August 2022. The objector in this case engaged Shield Associates to evaluate the operation of the Brewer Street Club with a view to determine the suitability of the applicant – John Mckeown. They report documented multiple and repeated licence breaches and it confirms the use of touts and pedicabs.

During the hearing of 25th August for Vere Street, the various allegations against the operation of the venue were NOT even contested. Mr Philip Kolvin KC said.

'The applicant has conceded that pedicabs and touts plague SEV's whatever the actions of the operator. What adds to that in this case is that there is direct evidence

that the applicant is collusive in that activity in Brewer Street and that it is doing so in breach of its own licence conditions recently imposed by this Licensing Subcommittee. All of that is noteworthy, even if it were just that there is problems with touts and pedicabs at SEV premises, that would be enough, but it's much worse here and that evidence has not been contested in any way shape or form.'

- (iv) With another local resident, we have commissioned another report by Shield Associates where observations were carried out on the night of Friday 23rd September 2022 (see attached). Despite observations taking place still within the 'consultation period' for a SEV Licence renewal, the venue is still breaching its Licence Conditions.
- (v) I am aware that the Police carried out a Review of their Camden club due to allegations of illegal behaviour and multiple customer complaints.
6.13 of this report refers to a tout named 'Gas' who offered the services of prostitution or in the alternative entry to the club. This is the clearest evidence to date that there is collusion and partnership between criminal activity and the venue.
- (vi) I am aware that [REDACTED] was a business partner with John Mckeown for many years. [REDACTED] has provided a witness statement that details exactly how John Mckeown pays the touts and details how the touts work.
I am also objecting to the renewal of this SEV licence on the basis that the operator is not a fit and suitable person to be entrusted with an SEV Licence. The basis of my objection is set out as follows.

1. There is clear and unequivocal evidence, beyond the balance of probability and reasonable doubt that shows collusion and partnership of the venue with touts, pedicabs and illegal activity.

Having already imposed new conditions on 8.10.20, I do not believe this operator has the ability nor the will to change his style of operation in relation to Touts. There is constant and repeated breach after breach. If the Licensing Sub Committee is not willing to support residents and local businesses, then everyone will start using touts!! Someone must take a stand in order to protect the rights of all individuals within the vicinity of this venue – remove the venue – remove the problem.

2. This operator has already had a Licence Review by the Police in relation to their venue in Camden. Allegations that customers were taken from Brewer Street to their Camden club or brothels form the basis of the review. Customers made allegations of being drugged, monies taken from their accounts illegally, and being the victims of crimes. In my opinion, this evidence must be examined more thoroughly by WCC.
3. I have a ruling from Deputy Judge Mr Nicolas Thompsell in relation to a Derivative Claim bought about by [REDACTED] (a former business partner of John Mckeown) that exposes John Mckeown to be a liar, fraudster, tax cheat and poor operator, with questionable accounting practices and multiple breaches of his fiduciary duties.

From the SEVL renewal hearing of 10th April 2019, in relation to evidence presented to WCC, chair of the LSC Melvyn Caplan states '*A lot of allegations, a lot of suggestions on all kinds of things. It is very clear that these are matters for other authorities.*'

In my mind, the fact that Deputy Judge Thompsell reviewed evidence in relation to the running of the business over a prolonged period of time, there can be no better authority to report findings of the same, these include but are not limited to.

- (i) Tax evasion on multiple occasions
- (ii) The provision to create fraudulent transactions
- (iii) Defrauding minority shareholders of their correct entitlement
- (iv) Fabrication of management accounts
- (v) Disregard for employment law (see attached)
- (vi) Retrospective bookkeeping to gain a pecuniary advantage
- (vii) Financial mismanagement

(viii) Multiple breaches of fiduciary breaches

During the meeting of 10th April 2019, barrister Dominic D'Souza warned the Licensing Sub Committee that granting a Licence to this individual was fraught with risk and danger. The only logical conclusion to draw from such a damning indictment from High Court Deputy Judge Thompsell, is that Mr Mckeown should not be trusted to run any business, let alone be entrusted with a Sexual Entertainment Licence – the evidence of his track record speaks to itself.

4. Given the number of incidents of recorded crime in the vicinity of the venue, the Committee may decide this location is simply not suitable for an operation of this nature.
5. Finally, in a memo from 'City Inspectors' to Ms Daisy Gadd 19th November 2019, the inspectors reference multiple breaches of contact between performers and customers over several nights.

What was done in relation to this? What is the current position?

This has been going on for many years. When is it enough?

I am happy to attend hearings as required by WCC, however, I shall be seeking legal representation for any such hearings.

I would like my identity to remain anonymous purely to protect my family, myself and my business from any adverse reactions.

Yours sincerely

[REDACTED]



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

Schedule 12
Part A

WARD: West End
UPRN: 010033540855

Premises licence

Regulation 33, 34

Premises licence number:

22/07500/LIPVM

Original Reference:

16/09817/LIPN

Part 1 – Premises details

Postal address of premises:

Sophisticats
Basement and Part Ground Floor
3-7 Brewer Street
London
W1F 0RD

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Performance of Live Music

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

Playing of Recorded Music	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	
Sale by Retail of Alcohol	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	

The opening hours of the premises:	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.	
An additional hour when British summer time commences.	

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:	
Alcohol is supplied for consumption on the Premises.	

Part 2

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

John McKeown Clubs Limited
Woodgate House
2 - 8 Games Road
Barnet
EN4 9HN

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

11224347

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

Name: Ioana Guliciuc

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: PERS5266
Licensing Authority: London Borough Of Lambeth

Date: 26 August 2022

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
25. 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.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. 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.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
41. 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.
42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - a) Any emergency lighting battery or system
 - b) Any electrical installation
 - c) Any emergency warning system
43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
44. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.

48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.
51. 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.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.

Annex 4 – Plans





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

Schedule 12
Part B

WARD: West End
UPRN: 010033540855

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/07500/LIPVM

Part 1 – Premises details

Postal address of premises:

Sophisticats
Basement And Part Ground Floor
3-7 Brewer Street
London
W1F 0RD

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Performance of Live Music

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

Playing of Recorded Music

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Late Night Refreshment

Monday to Saturday: 23:00 to 03:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

Sale by Retail of Alcohol

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

The opening hours of the premises:

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

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

Alcohol is supplied for consumption on the Premises.

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

John McKeown Clubs Limited
Woodgate House
2 - 8 Games Road
Barnet
EN4 9HN

Registered number of holder, for example company number, charity number (where applicable)
11224347

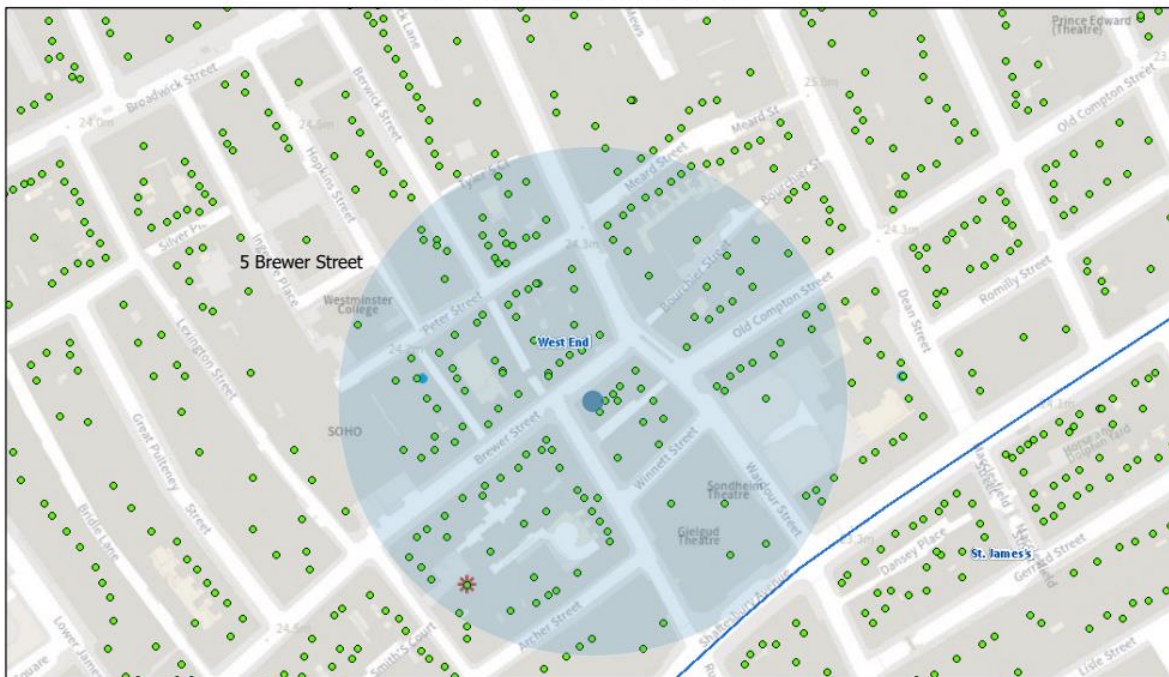
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Name: Ioana Guliciuc

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

Date: 26 August 2022

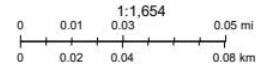
This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

3-7 Brewer Street, London



14/10/2022, 08:43:40

- | | | | |
|-------------------------|-----------------------------|-------------|-------------|
| Property Mailing List | Borough Boundary - Detailed | Academy | Independent |
| Borough Boundary - Mask | Faith Groups | Primary | Nursery |
| Ward Boundaries | Schools | Free School | Secondary |
| Ward Labels | Others | Special | |



Resident Count: 446

Faith Groups: 1

Schools: 1

Sexual Entertainment Venues: 2

Sex Establishment: 3

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