



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 5 October 2023**

Time: **10.00 am**

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

Members: **Councillors:**

Aziz Toki (Chair)
Judith Southern
Jacqui Wilkinson

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 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require any further information, please contact 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. THE UNIVERSITY WOMEN'S CLUB, 2 AUDLEY SQUARE, W1K 1DB

(Pages 1 - 60)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	The University Women's Club 2 Audley Square W1K 1DB	New Premises Licence	23/03384/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**2. BASEMENT AND GROUND FLOOR, 9 BERWICK STREET,
W1F 0PJ**

**(Pages 61 -
100)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * West End ** None	The Soho Social Basement and Ground Floor 9 Berwick Street W1F 0PJ	New Premises Licence	23/03810/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. SNOWFLAKE GELATO, BASEMENT AND GROUND FLOOR,
102 WARDOUR STREET, W1F 0TP**

**(Pages 101 -
124)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * West End ** None	Snowflake Gelato Basement and Ground Floor 102 Wardour Street W1F 0TP	New Premises Licence	23/04180/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

4. 74 VICTORIA STREET, SW1E 6SQ

**(Pages 125 -
216)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** None	74 Victoria Street SW1E 6SQ	New Premises Licence	23/04190/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
28 September 2023**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

Core hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	5 October 2023
Licensing Ref No:	23/03384/LIPN - New Premises Licence
Title of Report:	The University Women's Club 2 Audley Square London W1K 1DB
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:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 May 2023		
Applicant:	The University Women's Club Ltd		
Premises:	The University Women's Club		
Premises address:	2 Audley Square London W1K 1DB	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises operates as a proprietary member's club.		
Premises licence history:	<p>The premises currently benefits from a club premises certificate (06/07833/WCCMAC).</p> <p>This application follows pre-application advice and seeks to replace the club premises certificate with a new premises licence:</p> <p>a) regularise the permitted hours for alcohol and other licensable activities to 7am to 1am, Monday to Sunday - i.e. actually reducing the hours for regulated entertainment (which are currently unrestricted, 24/7); and</p> <p>b) permitting alcohol to be supplied to persons attending bona fide pre-booked functions and events, alongside standard supplies to members of the Club and their guests.</p> <p>The premises history can be found at Appendix 3 of the report</p>		
Applicant submissions:	<p>The applicant has provided documents that include an introduction and description of the application, the pre-application advice report, list of proposed conditions, the Club's dispersal policy and a letter to interested parties. This can be found at Appendix 2 of the report.</p> <p>The proposed 20 conditions can be found at Appendix 4 of the report.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:				Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			

Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Anything of a similar description to that falling within (e), (f) or (g):				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		Unrestricted for residents. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Both
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-		Unrestricted for residents.					

standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
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Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	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						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	19 June 2023
<p>I refer to the application for a new Premises Licence for the above premises. The premises does benefit from a club premises certificate, 06/07833/WCCMAC.</p> <p>This representation is based on the Operating Schedule and the submitted plans for the building which are titled with the address.</p> <p>The applicant is seeking the following on the basement, ground, first, second, third and fourth floors:</p> <ol style="list-style-type: none"> To allow the Supply of Alcohol 'on and off' the premises Monday to Sunday 07:00-01:00 hours. To allow the provision of Late-Night Refreshment 'indoors' Monday to Sunday 07:00-01:00 hours. To allow the provision of Regulated Entertainment: Films, Live Music, Recorded Music, Performance of Dance and anything similar 'indoors' Monday to Sunday 07:00-01:00 hours. To allow the above provisions from the end of New Year's Eve to the start of permitted hours on New Year's Day, and to allow the timings to be unrestricted for residents. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. The provision of Late-Night Refreshment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. The provision of Regulated Entertainment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. The non-standard timings may cause an increase in Public Nuisance in the area. <p>The applicant did seek pre-application advice, 23/00855/PREAPM. Further information has been provided, including proposed conditions. Further conditions may be proposed by Environmental Health in order to promote the Licensing Objectives.</p> <p>The granting of the new Premises Licence as presented would have the likely effect of</p>	

causing an increase in Public Nuisance in the area and may impact on Public Safety.

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

2-B Other Persons

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received:

8 June 2023

Dear Sirs,

I have a [REDACTED], [REDACTED] The University Women's Club and my [REDACTED] of this establishment and this has been the subject of several complaints in the past.

I therefore STRONGLY OBJECT to this application in entirety, as this establishment is a direct [REDACTED] and I wish to have peace and quiet enjoyment in my home without having to listen to late night music (live and recorded), dance nights or even guests venturing out into the garden which is directly opposite my flat.

I have a right to quiet enjoyment of my home without having to deal with issues like this. We residents are already suffering from the noise from the Audley Square development, and now we face possibly suffering late night noise as well! Please do not allow licensing such as this to create misery for hundreds of taxpaying Westminster residents. During lockdown in June and July 2020, I called in many complaints (11 times over 2 months!) to the Noise Team about number 3 Audley Square, which is the building next to the University Women's Club as they were having noisy parties. This is one property behind UWC so if the noise from them was unbearable, the noise from our direct neighbour will be even worse!

Please therefore REJECT this application in its entirety.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

8 June 2023

Re application 23/03384/LIPN

I OBJECT to the new premise licence application for the University Women's Club Ltd on the grounds that the playing of music is very disruptive as [REDACTED] to the Club and in the past I have raised concerns/complaints with Westminster Council about the level and duration of loud music being played especially during the summer months when everyone has their windows opened.

The music has been very loud and the noise the guests makes the whole thing unbearable as the space is very small and it vibrates higher. This is the residential part of Mayfair and as residents, I have to content with all the building works noise in the daytime and then the music/noise from the Club. They have used bands in the past that go on late into the night. One off event was not an issue but to be given a licence to this on a regular basis is not fair to residents who want to peace and tranquility for well being and health. Please take this into account and appreciate that the levels of noise in Mayfair are already very high and at times quite stressful.

Thank you for taking the time to read this.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received: 1 June 2023

I wish to object to this application, which I think should be rejected entirely. The building in question is adjacent to a residential block and the nature of the buildings is such that noise from buildings nearby echoes in the inner courtyard. There have been several occasions where loud music played in nearby buildings has kept me awake all night ! There is a large construction site nearby which can be quite noisy during the daytime. If noise from live music in the evenings is added to this there will be no relief for the residents. The location is totally unsuited to the proposed usage and I can see no reason whatsoever for granting this application.

Name:	[REDACTED]
Address and/or Residents Association:	

Received: 10 June 2023

To whom it may concern,
We would like to object to the University Women’s Club licence application. I find myself having [REDACTED] UWC and I am extremely worried about the impossible living conditions this changes in the licence would represent for me and my neighbouring flats. Especially negative effects the noise will have in my mother’s health and well-being, she is nearly 80 years old and spends long periods of time in the flat. I am very concerned about the living conditions of Westminster, because we already suffered a situation during lockdown in June 2020 with loud parties at No3 Audley Square, and this was horrible for all of [REDACTED]. The UWC is [REDACTED]. The big change in licence will certainly cause a serious change in the neighbourhood that is a very discreet and authentic part of Mayfair with a lot of elderly neighbours, that enjoy the benefits of its calm and silent neighbourhood. Please prevent people turning Westminster in something different from its essence.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received: 5 June 2023

I STRONGLY OBJECT to the application request from the University Women's Club. I totally disagree with the idea of listening to music all day long (whatever live or recorded). The establishment is really near one third of the whole flats [REDACTED]: as residents we would like to have peace and be quiet in our homes, have the possibility to go out in our gardens. We already have to face problems and noise due to the Audley Square developments during the day. How could we manage noise also by night? Before deciding, please think about how it would be noisy for us. Please therefore i ask you to REJECT this application in its entirety.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	9 June 2023
<p>Noise: [REDACTED] and work from home. This development will generate a lot of noise during the development and after. I am also very concerned about future nightly noise that will disturb all residents.</p> <p>Parking: This is already a problem, the nearby car parks have been closed, leaving only limited street parking, even for permit holders.</p> <p>Traffic: South Audley Street is already congested, often blocked by delivery vans and causing long delays. This will only get worse.</p>	
Name:	Mr [REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 June 2023
<p>[REDACTED] the University Women's Club, I wish to OBJECT to this application.</p> <p>No information is supplied to justify the application. The all-encompassing hours and permissions sought threaten to generate a great deal of noise and disruption for the residents of our block, who are entitled to be able to enjoy their domestic existences with a reasonable degree of peace and quiet.</p> <p>The club has not consulted us about this at all and appears to have little regard for the welfare of their neighbours.</p> <p>I urge you to REJECT this application for the reasons stated above.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	1 June 2023
<p>The Garden of this property [REDACTED] so as you know noise reverberates. 7 a.m. till 1 a.m. at night would be unbearable to all the residents. This has been an ongoing situation for years and I continually complained, phoning the police on several occasions. Obviously nothing was done. A Few years ago they stopped this practice and the music stopped at 11 p.m. which is acceptable.</p> <p>I have been living here for over 30 years. A lot of the Residents are elderly who live her, WHAT DUTY OF CARE AND RESPECT to allow such a disturbance. Furthermore, they stand in the Garden when they are drunk, shouting and screaming. Maybe next time if this happens the Police will have the power to do something.</p> <p>I STRONGLY OBJECT TO THIS LICENSE being extended.</p>	

Further Submissions 1 June 2023

I did send an objection through, but something wrong with your website. [REDACTED] [REDACTED] for over 30 years, so you can imagine how old I and my Partner are. There are other elderly residents her as well. The Noise level was unbearable as you know noise reverberates. I have complained in the past years, by ringing the police and the Club itself but no notice was take. Thankfully a few years back when I complained they stopped the music at 11 p.m, Now they want to extend their license to 1 a.m in the morning. This is obviously outrageous considering the behaviour when one gets drunk, the screaming and shouting outside in the Gardens also the Music is so loud it is obvious to anyone that you cannot sleep. IS THIS DUTY OF CARE AND RESPECT. I STRONGLY OBJECT to this license being given. PLEASE HAVE SOME THOUGHT FOR THE NEIGHBOURS I have already made a complaint

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received: 16 June 2023

Dear Madam or Sir,
I've been [REDACTED] since 1972 when there was the 21 Club was just around the corner and the evenings were unbearable with the late night noise and coming and goings throughout the night.
[REDACTED] onto the UWC and if this Licence is granted for music and alcohol to be served 7 days a week and from 7am through to 1am what peace and tranquility will we have in the evenings and during the night to sleep. What with Hen Nights and wedding parties and music life once again will be unbearable. I would kindly request that due consideration is given not only to myself but also to my neighbours [REDACTED] of whom there are many Council Tax payers. Please help us to keep Mayfair a lovely and peaceful residential part of london by declining this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received: 31 May 2023

I am the General Manager [REDACTED], which [REDACTED] The University Women's Club [REDACTED] of this establishment and this has been the subject of several complaints in the past. On behalf of our residents, I therefore STRONGLY OBJECT to this application in entirety, as this establishment [REDACTED] to hundreds of residents that wish to have peace and quiet enjoyment in their homes, without having to listen to late night music (live and recorded), dance nights or even guests venturing out into the garden [REDACTED] [REDACTED]. Residents have a right to quiet enjoyment of their homes without having to deal with issues like this. They are already suffering the construction noise from the Audley Square development which frequently overruns the finishing times during weekdays as well as weekends, and now they will have to suffer late night noise as well? Please see the sense in not allowing licensing such as this to create misery for hundreds of taxpaying Westminster residents. Please therefore REJECT this application in its entirety.

Further Submissions 1st June 2023

I made this comment at 4 pm yesterday as well as 09:47 AM this morning and received

confirmation both times that it had been accepted via email from publicaccess@westminster.gov.uk, but my comment is not on the portal? I therefore post it again for the third time:

I am the General Manager [REDACTED] The University Women's Club [REDACTED] of this establishment and this has been the subject of several complaints in the past. On behalf of our residents, I therefore STRONGLY OBJECT to this application in entirety, as this establishment [REDACTED] that wish to have peace and quiet enjoyment in their homes, without having to listen to late night music (live and recorded), dance nights or even guests venturing out into the garden [REDACTED].

Residents have a right to quiet enjoyment of their homes without having to deal with issues like this. They are already suffering the construction noise from the Audley Square development which frequently overruns the finishing times during weekdays as well as weekends, and now they will have to suffer late night noise as well? Please see the sense in not allowing licensing such as this to create misery for hundreds of taxpaying Westminster residents. During lockdown in June and July 2020, we submitted many complaints (11 times over 2 months!) to the Noise Team about number 3 Audley Square, which is the building next to the University Women's Club as they were having noisy parties. This is one property removed so if the noise from them was unbearable, the noise from our direct neighbour will be even worse! Please therefore REJECT this application in its entirety.

Further Submissions 5 June 2023

We OBJECT to this application due to the unbearable noise this will cause to residents of [REDACTED]. This application should be refused in its entirety.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	2 June 2023

Dear Sir/Madam,

I am a resident and on the board of the directors [REDACTED] [REDACTED] The University Women's Club [REDACTED] of this establishment and this has been the subject of several complaints in the past.

I STRONGLY OBJECT to this application in entirety, as this establishment is a direct neighbour to hundreds of residents that wish to have peace and quiet enjoyment in their homes, without having to listen to late night music (live and recorded), dance nights or even guests venturing out into the garden [REDACTED].

I have a right to quiet enjoyment of my home without having to deal with issues like this. Please see the sense in not allowing licensing such as this to create misery for hundreds of taxpaying Westminster residents. During lockdown in June and July 2020, many complaints (11 times over 2 months!) were submitted to the Noise Team about number 3 Audley Square, which is the building next to the University Women's Club as they were having noisy parties. This is one property removed so if the noise from them was unbearable, the noise from our direct neighbour will be even worse!

Please therefore REJECT this application in its entirety.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	28 May 2023
<p>On behalf of ██████████ I would like to make an objection on grounds of public nuisance. There are two issues, both of which are minor and if agreement can be reached on these then I will be willing to withdraw this objection.</p> <p>Firstly I query whether this operation needs an off-sales provision and would prefer that it is excluded apart from unfinished drinks having been taken with a meal. If this can be accepted then I would not be concerned about the suggested cut off time of 23.00 hours ie there need be no cut-off time.</p> <p>Secondly a condition restricting deliveries and collections to between hours of 7am and 11pm would be appreciated.</p> <p>Further Submissions 18 June 2023</p> <p>I made an objection to the above application on 28th May. I have since become aware of concerns from a local resident and would like to add to my original objection:-</p> <p>The applicant is proposing later hours than permitted by the current club premises certificate. Whilst that might not be of such concern for genuine club use, it would appear that there may be an increase in "bona fide pre-booked functions". A club has the ultimate sanction of expelling errant members but this is not available in the case of third parties. Thus there is an increased risk of nuisance. In the light of that, additional concerns also arise regarding the conditions proposed :-</p> <ol style="list-style-type: none"> 1. Licensable activities are scheduled to end at 23.00 hours in the rear garden but will smokers still be allowed to use this space after that time. 2. The condition re smokers specifically refers to those leaving and re-entering at ground floor level. Does this specific reference to ground floor level imply that there are other external areas/terraces on upper floors. 	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	2 June 2023
<p>I am a ██████████. I work jolly hard (within Westminster) during the week and I do not want potentially seven nights of noise next door disturbing my sleep. This is a properly residential corner of Mayfair (always has been) and it's not appropriate to make it into a centre of night life.</p> <p>I urge planners to reject this application.</p>	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	2 June 2023
<p>I as a ██████████ OBJECT to the development planned for our area. I chose to move to Mayfair and specifically ██████████ due to the safe, quiet peaceful nature of the area. We pay significant rents to live in this area. The planned development will significantly hamper/complicate our lifestyle from a noise, lighting and accessibility perspective. While I am generally in favor of smart planned development, this plan is quite vague.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	6 June 2023
<p>I object to the application.</p> <p>I urge you to reject this application as the sound and noise would interfere with the peace and quiet that we, as residents of [REDACTED] have a right to.</p> <p>Thank you for taking the time.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	2 June 2023
<p>I OBJECT to this application as this establishment is a [REDACTED] building wherein hundreds of residents and their families live. if this application goes thru it will create nuisance and disturb the peace and the quiet environment of the residents living in the building. I believe a home is place where one finds tranquillity, happiness , love and joy to create lifelong memories with your loved ones .</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	5 June 2023
<p>It is very unreasonable to have such a disturbance which will result if this application is implemented. Many of the [REDACTED] will be severely affected by the noise at unsocial hours .</p> <p>This application should be rejected.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	8 June 2023
<p>I own a [REDACTED], [REDACTED] which is located [REDACTED]</p> <p>The application for a licence to play live and recorded music , dancing and for the sale of alcohol during the hours proposed is inappropriate given the proximity of the property to multiple residential dwellings. The prospect of noise audible outside of the property every day from a significant number [REDACTED] is inconsistent with the peaceful amenity which would reasonably be expected to be enjoyed by a high quality residential development [REDACTED] the applicant's property.</p> <p>Accordingly, I strongly object to this application.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	6 June 2023
<p>We OBJECT to application 23/03384/LIPN, alcohol and music up to to 1am at the Ladies University Club.</p> <p>Background We are retired and have [REDACTED] for 17 years, full time, with The Club [REDACTED] to the garden, and have seen many groups of people there including wedding receptions. Only once in all this time have we had cause to ring the Council Environmental Health people and complain about noise. The event was a soprano who was singing loudly at 10.30 pm with doors and windows open because the weather was very warm. Generally, they have been good neighbours, and are an important part of "Mayfair Village", as estate agents call this part of Mayfair. Like us, they have suffered noise from the Audley Square development. We are however puzzled why this licensing is necessary, as they provide alcohol and occasional music to their members and guests already. We can only assume there will be increased activity from appealing to different clients.</p> <p>Noise Unfortunately this proposal contains significant risks of nuisance to a number of [REDACTED]. The rear of the Club is overlooked by the rear of parts of [REDACTED], and the idea of music after say 11pm is a problem for those of us wishing to sleep. I believe the proposal assumes all doors and windows would be closed while music is played, but I question the reality of this as the building is not air conditioned as far as I know. In summer particularly a large party would be stifling indoors and would want to open the doors and windows as they always have. They say activity in the garden would cease at 11pm except for smokers. However, inebriated groups of male or mixed smokers (not all visitors are ladies) can be very noisy, and the idea of them being there up to 1am is not acceptable. The City Plan says this about alcohol: The golden standard is for people to feel safe and have a sense of belonging and enjoyment ensuring a good quality of life for residents... Growth is only possible when a city is a rewarding place to live, work and visit and....night time economy is not dominated by alcohol consumption and associated antisocial behaviour.</p> <p>1 Mayfair/Audley Square My close-up photo shows that this new residential development is so close to the Club that only the width of one townhouse garden separates them. At present the former Audley Square site is under construction and so there are no flat-owners to comment on this application. However, in a few months time flats fronting on to South Audley St, and probably having bedrooms at the rear, will be just a few metres from the club and would suffer the same noise nuisance as [REDACTED]. The Club will have bedrooms on three sides within a short stone's throw, just where the main entertainment rooms will be above the garden. Noise would be trapped in this enclosed area by tall residential buildings.</p> <p>Summary It is entirely unrealistic that this proposal from a traditional Mayfair club, whose presence many of us have valued up to now, should be allowed to go ahead. Any music should be capped no later than 11pm, and the conditions under which alcohol is sold should be scrutinised closely. Smokers should be directed to the street (Audley Square) rather than the garden after a specified hour e.g.8pm. Furthermore some days without music should be available as respite to the numerous close neighbours, e.g. all Sundays and a week at Xmas. The fact is, unless the music is very quiet (and how do you regulate that?), the absence of air conditioning and double glazing would mean plenty of noise leaking out even with doors and windows theoretically shut.</p> <p>Photos Both taken from [REDACTED]. Please note the mass of brickwork on the right is the wing</p>	

of [REDACTED]. Many windows can be seen in its ten stories, and similar windows are also located on the side facing the blue crane, and not visible in the photo. There are probably several dozen bedroom windows within about 20 to 30 metres of the two main Club rooms, including [REDACTED]. Here are the photos. First one is older, the distant view will be blocked off by 1 Mayfair, leaving the club (on the left with sunshades) very enclosed so sound will reverberate around. On the right are [REDACTED] with some more under the camera position and still more to the right of the camera position. The facing cream coloured wall is the boundary of CH and the Club. There are further flat windows not visible here, between the red brick of [REDACTED] and the blue crane. In the left foreground Embassy of Qatar, 1 South Audley St. The second photo is current, shows the garden steps and balcony which would be the source of any Club noise. This uses a mildly telephoto lens on an iPhone, while the one above is wide angle. White plastic conceals new flats under construction. These face South Audley St so the bedrooms will probably be at the back in the present view.



Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]

Received: 3 June 2023

Dear Sirs,

I am one of the [REDACTED] in Mayfair and would like to voice my strong objection to the project taking place at the University Women's Club. As this is a residential area, we would like to keep it this way without any activities that might disturb the peace of the neighbourhood.

Name:	██████████
Address and/or Residents Association:	██████████

Received: 3 June 2023

To Whom this may Concern,

I am writing today to express my objections to the licensing application that has been submitted by The University Woman's Club. 23/03384/LIPN.

Myself and my partner request that you reject this proposal in it's entirety. ██████████ and this is a quiet residential building. Approving this application will allow for late night noise from music and patrons. The area already has an issue with anti-social behaviour of noise on Curzon Street, that the police cannot get a grip on. Cars will loudly and dangerously show off creating noise and disturbance to residents in this building. Approving the application for The University Woman's Club will only add to this anti-social behaviour, by the noise the club will make AND give further opportunities for these dangerous drivers to show off to the patrons coming and going from the club on South Audley Street.

Last year there was an issue with live and recorded music coming from 3 Audley Street, starting in the early evening till very late. The noise was unbearable as it reverberates around the courtyard ██████████ has. Myself and my partner are shift workers in safety dedicated roles and we were forced to go to work not fully rested because of the noise from 3 Audley Street. The University Woman's Club is closer to us and therefore will cause even more noise and disturbance. Please keep in mind that there are plenty of other similar venues in the vicinity so there doesn't need to be anymore.

Why should the long standing residents of ██████████ be subjected to this? There is also the question of, do we need to provide more outlets for people to binge drink, further developing an epidemic in the UK, especially London.

The ██████████ are subjected to noise all day from the current construction at Audley Square, so please don't provide more opportunities for noise in the evening.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████

Received: 2 June 2023

I am writing to voice my strong objection to the above application to allow parties where alcohol will be served to the early hours.

As a ██████████ located to the south of the University Women's Club, ██████████ by the noise generated by alcohol-fuelled party-goers until 1am in the morning. It will be intolerable.

Allowing such revelry in this quiet residential area will fundamentally alter the nature of this peaceful corner of Mayfair.

The application claims that "external doors leading into the rear garden shall be maintained closed after 22.00 hours or when ever regulated entertainment is provided in the ground floor dining room", but how will that be enforced?

Or, "The provision of licensable activity in the rear garden shall cease at 23.00 hours daily." This means that on any night of the week, there may be a party taking place in the rear garden until

11pm at night. In fact on the application for the license it states that alcohol be served until 1am. This will be an infringement on the rights of the neighbours — such as those of us who live in Chesterfield House — to have an evening in without boisterousness next door.

For all the above reasons stated, any activity that may take place within the University Women's Club must be restricted to indoors only, up to 11pm. I trust you will take into account my objections and reject this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received: 2 June 2023

I am writing to you as [REDACTED]
[REDACTED] The University Women's Club

I object to the up mentioned application for the reason is that the license application for the university woman's club is to play music, and sale of alcohol, from 07 am until 1 am at night, Monday to Sunday that would cause me and my family nuisance due to the generated noise and that is detrimental to our peace and quiet enjoyment.

Plus, we are already suffering from the construction noise from Audley Square development and now adding this on top that would be an unbearable disturbance to us and to other residents I presume.

In Brief as Taxpayer, I urge the Council to REJECT this application in its entirety.

Further Submissions 2 June 2023

Dear Sirs

Reference to 23/03384/LIPN | The University Women's Club Ltd| 2 Audley Square London W1K 1DB

I am writing [REDACTED] [REDACTED] to
The University Women's Club

I object to the up mentioned application for the reason is that the license application for the university woman's club is to play music, and sale of alcohol, from 07 am until 1 am at night, Monday to Sunday that would cause me and my family nuisance due to the generated noise especially late at night and that is detrimental to our peace and quiet enjoyment.

Plus, we are already suffering from the construction noise from Audley Square development and now adding this on top that would be an unbearable disturbance to us and to other residents I presume.

In Brief as Taxpayer, I urge the Council to REJECT this application in its entirety

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]

Received: 2 June 2023

I am a [REDACTED], which is [REDACTED] The University Women's Club which i understand has already been the subject of several complaints in the past.

I STRONGLY OBJECT to this application as this establishment [REDACTED] and I wish to have peace and quiet enjoyment in my home without having to listen to late night music (live and recorded), dance nights or even guests venturing out into the garden which is [REDACTED].

I currently enjoy the quiet environment of my home, and appreciate the quietness of the area, particularly in the evening and at weekends. There already is construction noise from the Audley Square development which detracts from the ambience of my flat during the day. If this were to be the case at night, my life would be very different and far from that which I currently enjoy.

I am a long standing tax payer in Westminster since 2001, and the quiet environment of South Audley Street, Chesterfield Gardens and Curzon Street is a key attraction of the area. Please do not grant this license and affect adversely [REDACTED].

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	13 June 2023

As owner of [REDACTED] I object to this application as this is a [REDACTED] of [REDACTED], and the proposal will have a direct impact on our property.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	5 June 2023

I refer to the licence application by the University Women's Club which, yet again, is another application to destroy the comfort of residents of this area. I cannot believe that any reasonable person would allow such an application to proceed. I just wonder whether these people would like to have music/noise on their doorsteps - or would they simply prefer to destroy what is currently a very pleasant residential area. Chesterfield Gardens is not Soho where one would expect to have entertainment at any time of the day to satisfy the desires of selfish people. I hope that Westminster City Council will have some sympathy for the law-abiding people who wish to live in a quiet residential area. I wonder whether the Councillors and officials would like to have this sort of disturbance next to their private homes? Please consider the interests of the residents who have resided peacefully in this area for many years. I urge you to reject this application by individuals who have no concern whatsoever for those who wish to continue living in a pleasant and relaxed atmosphere, as they have done so for many years. With the UWC on one side, and Tchenguiz on the other, this will be a very unpleasant environment in which to live.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	8 June 2023

Dear Sirs,
I [REDACTED], [REDACTED] The University Women's Club and [REDACTED] establishment and this has been the subject of several complaints in the past.

I therefore STRONGLY OBJECT to this application in entirety, as this establishment is a direct [REDACTED] and I wish to have peace and quiet enjoyment in my home without having to listen to late night music (live and recorded), dance nights or even guests venturing out into

the garden which is directly opposite my flat.

I have a right to quiet enjoyment of my home without having to deal with issues like this. We residents are already suffering from the noise from the Audley Square development, and now we face possibly suffering late night noise as well! Please do not allow licensing such as this to create misery for hundreds of taxpaying Westminster residents. During lockdown in June and July 2020, I called in many complaints (11 times over 2 months!) to the Noise Team about number 3 Audley Square, which is the building next to the University Women's Club as they were having noisy parties. This is one property behind UWC so if the noise from them was unbearable, the noise from our direct neighbour will be even worse!

Please therefore REJECT this application in its entirety.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	18 June 2023
This proposed license would cause high levels of disturbance to our apartment as well as all owners and tenants of [REDACTED] and neighbouring areas. I strongly object	

3. Policy & Guidance

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 customers will be permitted to remain on the premises.5. The proposed hours when any music, including incidental music, will be played.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.7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

	<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>6. Pubs and bars, Fast Food and Music and Dance venues</p> <p>Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy PB1 applies</p>	<p>A. Applications outside the West End Cumulative 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 applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</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:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@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	July 2023
4	Environmental Health Service	19 June 2023
5	Representation 1	8 June 2023
6	Representation 2	8 June 2023
7	Representation 3	1 June 2023
8	Representation 4	10 June 2023
9	Representation 5	5 June 2023
10	Representation 6	9 June 2023
11	Representation 7	15 June 2023
12	Representation 8	1 June 2023
13	Representation 9	16 June 2023
14	Representation 10	31 May 2023
15	Representation 11	2 June 2023
16	Representation 12	2 June 2023
17	Representation 13	6 June 2023
18	Representation 14	2 June 2023
19	Representation 15	5 June 2023
20	Representation 16	8 June 2023
21	Representation 17	6 June 2023
22	Representation 18	8 June 2023
23	Representation 19	6 June 2023
24	Representation 20	3 June 2023
25	Representation 21	3 June 2023
26	Representation 22	2 June 2023
27	Representation 23	2 June 2023
28	Representation 24	2 June 2023
29	Representation 25	13 June 2023
30	Representation 26	5 June 2023
31	Representation 27	8 June 2023
32	Representation 28	18 June 2023

AREA PLAN

THE UNIVERSITY WOMENS CLUB
2 Audley Square, Mayfair, LONDON, W1K

Second Floor

Net Internal Area

PRIVATE MEMBERS CLUB	160.2 sq m	1724 sq ft
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The following has been INCLUDED in the NIA:

Single Bedroom - Ensuite x 3 (S-ES)	43.7 sq m	470 sq ft
Double Bedroom x 1 (D)	11.2 sq m	121 sq ft
Double Bedroom - Ensuite x 3 (D-ES)	63.4 sq m	682 sq ft
Members Room	34.1 sq m	367 sq ft
Stores	7.8 sq m	84 sq ft

Gross Internal Area

GIA	223.0 sq m	2400 sq ft
-----	------------	------------



AUDLEY SQUARE

SOUTH AUDLEY STREET

- FIRE EXTINGUISHER
- EMERGENCY LIGHT
- SOUND SYSTEM PLANN
- CALL POINT
- SMOKE DETECTOR

- 0.00 FLOOR TO CEILING HEIGHT (METRES)
- R0.00 FLOOR TO FALSE CEILING HEIGHT (METRES)

Dwg No. 38552-UWC-A2

Issue A September 2017

Scaled for presentation purposes

Plowman Craven **RICS**
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+44(0)1582 765566 www.plowmancraven.co.uk

Conditions of Site:
Occupied
Vacant
Heavy Fire-Duty
Shut & Close
Fire Alarm
Car A Fire Out

Notes:
This drawing complies with the 6th edition of the BS58 code and specific clear requirements based on the current usage and configuration of the building. The plan indicates the extent of the street spaces produced to an economy commensurate with standard presentation scales. It is held in a standard digital CAD format.
Distorted the drawing assumed will the WALL line in accordance at the time of survey.

Revisions:
A - Original Issue (September 2017)

AREA PLAN

THE UNIVERSITY WOMENS CLUB
2 Audley Square, Mayfair, LONDON, W1K

Third Floor

Net Internal Area

PRIVATE MEMBERS CLUB 138.9 sq m 1466 sq ft

The following has been INCLUDED in the NIA:

Single Bedroom x 6 (S)	82.0 sq m	869 sq ft
Double Bedroom x 2 (D)	31.9 sq m	343 sq ft
Double Bedroom - Suite x 1 (D-S)	16.0 sq m	168 sq ft
Unlet Suite	7.3 sq m	78 sq ft
Pantry	2.1 sq m	23 sq ft

The following has been EXCLUDED from the NIA:

Reception/Showroom 2.7 sq m 29 sq ft

Gross Internal Area

GIA 216.0 sq m 2331 sq ft

- FIRE EXTINGUISHER
- EMERGENCY LIGHT
- SOUND SYSTEM ROOM
- CAR POINT
- SMOKE DETECTOR



AUDLEY SQUARE

SOUTH AUDLEY STREET

Condition of Site:
Occupied
Heavy Fit-Out
Steel & Core
Upper Construction
C/A 1/1/2011

Notes:
The drawing complies with the 6th edition of the NBCS code and specific client requirements based on the current usage and configuration of the building. This plan indicates the extent of the scope quoted, produced to an accuracy commensurate with standard presentation scales. It is held in a scaled digital CAD format.
Detailed line drawings assumed will line. Wall line inaccessible at the time of survey.

Revisions:
A-Original Issue (September 2017)

0120 FLOOR TO CEILING HEIGHT (METRES)
0130 FLOOR TO FALSE CEILING HEIGHT (METRES)

Dwg No. 38552-UWC-A3

Issue A September 2017

Scaled for presentation purposes

Ployman Craven



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AREA PLAN

THE UNIVERSITY WOMENS CLUB
2 Audley Square, Mayfair, LONDON, W1K

Fourth Floor

Net Internal Area

PRIVATE MEMBERS CLUB 66.1 sq m 711 sq ft

The following has been INCLUDED in the NIA:

Single Bedroom x 1 (S) 8.7 sq m 104 sq ft

Double Bedroom x 3 (D) 56.4 sq m 607 sq ft

The following has been EXCLUDED from the NIA:

Restricted Headroom 3.2 sq m 34 sq ft

Gross Internal Area

GIA 107.5 sq m 1157 sq ft



- FIRE EXTINGUISHER
- EMERGENCY LIGHT
- SOUND SYSTEM HORN
- CALL POINT
- SMOKE DETECTOR

AUDLEY SQUARE

SOUTH AUDLEY STREET

Condition of Site:
Occupied
Vacant
Market
Shells & Core
Under Construction
Call A FFOUI

Notes:
This drawing complies with the 8th edition of the RICS code and specific client requirements based on the current usage and configuration of the building. The plan includes the extent of the areas quoted, produced to an accuracy commensurate with standard presentation scales. It is held in a scaled digital CAD format.
Quoted the dates assumed valid to the time of survey.

Reference:
A - Original Issue (September 2017)

0120 FLOOR TO CEILING HEIGHT (METRES)
0130 FLOOR TO FALSE CEILING HEIGHT (METRES)

Dwg No. 38552-UWC-A4

Issue A
September 2017
Scaled for presentation purposes

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Thomas & Thomas
Partners LLP

The University Women's Club

2 Audley Square

London W1K 1DB



SUMMARY OF PROPOSALS

THOMAS & THOMAS PARTNERS LLP

38A MONMOUTH STREET

LONDON

WC2H 9EP

Reference: TOM/UNI.28.1

Solicitors for the Applicant

Introduction

1. The University Women's Club (the "**Club**") was founded in 1886, and has been in its permanent home in the stunning Grade II listed building at 2 Audley Square in Mayfair (the "**Premises**") since 1921. It is the sole surviving club of the original members clubs in London that were set up for women by women in the late 19th century.
2. While it was founded by a group of pioneering university graduates, the Club has never insisted on formal academic requirements as a pre-requisite for membership. Today, the Club's aim remains to be a sanctuary for women in the city, providing a welcoming and edifying environment for student, graduate, professional and business women of all ages and backgrounds.
3. The Club hosts a wide-range of talks, workshops, readings and social gatherings throughout the year. The main communal spaces are the garden-adjacent dining room (pictured below), the wood-panelled library (pictured above) and the drawing room (pictured below), all beautifully appointed and maintained. The Club is both a social destination and a valuable resource to its members: with an extensive library and program of intellectual events, alongside superb networking opportunities and career support.



The dining room



The drawing room

4. The Club has (and has had for many years) an existing club premises certificate, which authorises the supply and sale of alcohol to Club members and guests 11am to 11.30pm Monday to Saturday, and from 12pm to 3pm and 7pm to 10.30pm on Sunday, alongside completely unrestricted music and private entertainment.
5. The Club also has 22 affordably-priced bedrooms available for member and guest use – and alcohol is permitted 24/7 for those staying in the rooms, as is standard for any hotel.
6. To be sure: while it is a dedicated women's club focused on serving the needs of women, men are welcome at all times, as guests of members.

The Application

7. Following pre-application advice (reference 23/00855/PREAPM), this application seeks to replace the club premises certificate with a new premises licence:
 - a) regularise the permitted hours for alcohol and other licensable activities to 7am to 1am, Monday to Sunday - i.e. actually reducing the hours for regulated entertainment (which are currently unrestricted, 24/7) very significantly; and
 - b) permitting alcohol to be supplied to persons attending bona fide pre-booked functions and events, alongside standard supplies to members of the Club and their guests.
8. The 24/7 use for those staying at the Club is also to be maintained, and alcohol sales to general members of the public will still not be permitted under any circumstances.
9. Crucially, the nature of the club, its governance and its membership are not changing at all. The Club will continue to be run impeccably by its members and for its members, in the same manner it has been for over 100 years in Audley Square.
10. The effect of the application will simply be to:
 - a) support the Club's endeavours and continued operation, by permitting more flexibility in relation to alcohol hours and pre-booked functions, thereby bringing it in line and up to date with many of the other traditional, long-standing members clubs in Westminster – such as the East India Club (with male only membership), the Royal Airforce Club and The Cavalry & Guards Club, all of which have premises licences authorising pre-booked events and alcohol and other activities until 1am or later. For comparison, The Dorchester Hotel – a stone's throw from the Club to the west – has a 3am public bar licence; and
 - b) provide additional protections for the licensing objectives, via a suite of new, modern licence conditions and protections recommended by Environmental Health, alongside new mandatory conditions requiring a designated premises supervisor and supervision of alcohol sales by a personal licence holder – none of which are contained in the existing club premises certificate.

Flexibility on events

11. The Club already hosts a diverse range of functions, and has done throughout its illustrious history, without impacting the licensing objectives. The Club plans to use the new licence to facilitate high calibre, occasional events, such as private dinners and receptions, which aren't necessarily subject to restrictive conditions on membership, and which may occasionally go beyond 11pm (or start earlier than 11am). These may include

soirees and receptions after - for example - gallery exhibitions, theatre performances, business conferences, awards ceremonies or fashion shows.

12. As with all of the Club's activities, the number, type and impact of these events will be closely monitored and curated by the Club's management committee to ensure that the atmosphere and reputation of the Club is not diminished.
13. Indeed, the nearest "interested parties" that could be acutely impacted by the Club's activities if they were not properly managed are the Club's very own paying members, who of course use and sleep at the club regularly. The Club is owned and managed by those members, and run for their benefit – and the operation is therefore very much self-policing, and will continue to be so under the new licence. This is precisely why the Licensing Act 2003 regime and indeed Westminster's licensing policy take a more relaxed, permissive view of "qualifying clubs" (as they are referred to in the legislation). To quote paragraph F106, within Qualifying Clubs Policy QUC1:

"Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs. Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance. [emphasis added]"

Documents enclosed

14. The following documents are enclosed for the Licensing Sub-Committee:
 - a) the pre-app report;
 - b) the proposed list of conditions (over and above the mandatory conditions under the Licensing Act 2003), matching those suggested in the pre-app report;
 - c) the Club's dispersal policy; and
 - d) the letter from the Club drafted for the Chesterfield House residents who submitted representations, but which the Board of Directors of Chesterfield House refused to circulate.

Responsible Authorities

15. There have been no representations from the Police or the Licensing Authority, reflecting the inherently low-risk nature of this application, and the vast and proven operating experience of the Club.
16. Pre-application advice was sought from Environmental Health (via Officer Ian Watson) in February this year – that report is enclosed. All of the conditions suggested in the report have been incorporated in the

application. Mr. Watson has since retired, and Officer Sally Fabbriatore submitted a protective representation, requesting the opportunity to visit the premises. Ms. Fabbriatore visited the premises on 14 August, and no further conditions have been proposed.

Interested Parties

17. There have been a number of representations from residents of [REDACTED], concerned about the potential for disturbance. It appeared to the Club that these objections were largely based on a misapprehension of the Club's plans for the new licence. So, the Club prepared a letter explaining the background to the application, seeking to allay these concerns. A copy of this letter is enclosed.
18. The Club liaised with the General Manager of [REDACTED] (who had also made a representation herself), and also offered to speak to the Board of Directors of [REDACTED] directly. The General Manager was very receptive, and asked for consent from the Board of Directors to share the letter with the residents more widely – but unfortunately this was not forthcoming, and the Board instructed that the letter not be shared, for reasons that are unclear.

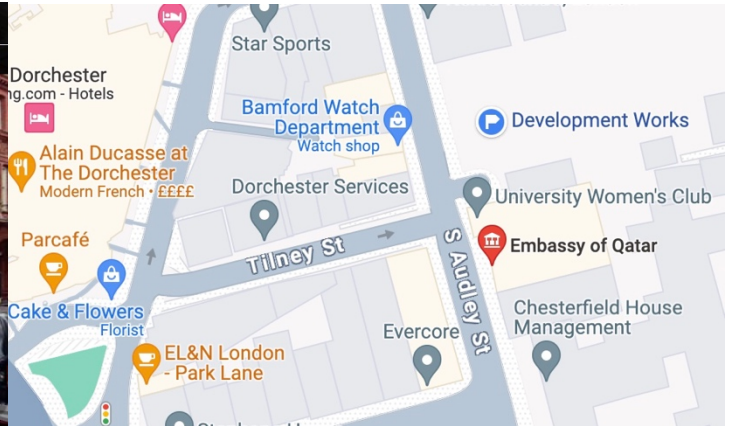
Irrelevant representations

19. Many of the representations refer to recent nuisance caused by the "1 Mayfair" development works that have been taking place for some time in Audley Square,¹ as well as parties that were held in 2020 during lockdown at 3 Audley Square.
20. The Club is very sympathetic to those who have been struggling with these issues. The Club are themselves all too familiar with the noise and disruption caused by the works. As shown in the image and map below, the Club is the direct neighbour to the works, considerably closer than Chesterfield House – and, as set out in the letter to residents, the Club's operation and revenue have been significantly impacted. The Club has been given a business rates discount to reflect the serious disruption to its business, but Westminster have decided to reduce this by 50%, even though the development has been seriously delayed, and is now not due to complete until 2026.

¹ See here <https://1mayfair.com/>



Image showing the main entrance to the Club opening onto Audley Square, with the development works visible to the left (Source: Google Street View)



Map showing the Club, with the development works on Audley Square to the north (blue flag), Chesterfield House to the south (interposed by the Embassy of Qatar) and internationally renowned hotel The Dorchester to the west (Source: Google Maps)

21. However, we must emphasise that these issues are not in any caused by or connected to the Club or its activities (or indeed any licensable activities of any premises anywhere) – indeed, the Club is itself the principle victim of them. Comments from residents relating to these issues therefore do not qualify as relevant representations under the Licensing Act 2003, and can have no bearing whatsoever on the Licensing Sub-Committee’s decision as to whether to grant this application.

Policy

Qualifying Club Policy QUC1

22. Policy QUC1.A provides:

A. Applications outside the West End Cumulative [Impact] Zones will generally be granted subject to:

- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.*
- 2. The hours for licensable activities are 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 applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area.*
- 5. The application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.*

23. The Premises are (well) outside the West End Cumulative Impact Zone or any Special Consideration Zone, and all of the other requirements are satisfied here – so, there is a policy presumption in favour of grant. Taking the key points in turn:

The nature of the venue as a qualifying club

24. As alluded to above, there is no question that the Club will continue to to meet the requirements in Part 4 of the Licensing Act 2003 to be classified as a “qualifying club”. The Club’s governance, management and

membership structure will remain completely unchanged. Switching from a club premises certificate to a premises licence does nothing to effect this - indeed, the Licensing Act 2003 is clear that it is perfectly possible for a club premises certificate and premises licence to co-exist for the same premises.²

The promotion of the licensing objectives generally

25. The Club takes the licensing objectives extremely seriously – both with a view to protecting the interests of local residents, but also (crucially) its own members. This application will promote the licensing objectives from all angles:

a) The club premises certificate provisions under the Licensing Act 2003 are very deliberately “a *different regime with lighter controls*”³, reflecting the low-risk nature of “qualifying clubs”. By “opting in” to the premises licence regime, the Club are voluntarily subjecting themselves to more rigorous statutory controls. The key differences to highlight are that:

- i. There will be a qualified designated premises supervisor specified under the premises licence, with overall responsibility for the supply of alcohol on the Premises, answerable to the Council and the Police – and a qualified personal licence holder must oversee all alcohol sales at the Premises.
- ii. The Police and the Licensing Authority will have the general powers of entry and inspection under section 179 of the Licensing Act 2003, which provides that: “*Where a constable or an authorised person has reason to believe that any premises are being, or are about to be, used for a licensable activity, he may enter the premises with a view to seeing whether the activity is being, or is to be, carried on under and in accordance with an authorisation.*”⁴ This does not apply where a premises only has a club premises certificate, as is currently the case for the Club.

b) Over and above these new statutory controls, the Club have offered a suite of additional model conditions, as recommended by Environmental Health – none of which are on the existing club premises certificate. These guarantee *inter alia* that:

- i. A strict maximum capacity of 60 will be observed in each of the library, dining room and drawing room.

² See section 2(3): “*Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person.*” See also section 179(7): “*Nothing in this section applies in relation to premises in respect of which there is a club premises certificate but no other authorisation.*”

³ Government spokesman Lord Davies in the House of Lords during the report stage of the Licensing Bill (HL Deb, vol 645, col 482, 27 February 2003).

⁴ See section 179(1).

- ii. The garden doors will always be closed after 10pm, and licensable activities in the rear garden will never go beyond 11pm.
- iii. There will be full CCTV coverage and an incident log.
- iv. No noise or vibration emanating from the Premises will cause a nuisance.
- v. Any alcohol service in the morning before 9am will be ancillary to substantial food.

The licence plans have also been modernised, as recommended by Environmental Health.

- c) The Club have prepared a comprehensive dispersal policy (which is before the Licensing Sub-Committee), formalising the processes that will ensure members and other persons attending the Premises do so smoothly and without causing disturbance.

The hours

26. The proposed hours are slightly beyond policy “core hours” for qualifying clubs, which are 9am-11.30pm Monday to Thursday, 9am-midnight Friday & Saturday and 9am-10.30pm Sunday. But this does not mean that the application falls outside the Core Hours Policy HRS1 - it is just that the application must be considered on its merits in relation to the additional hours sought, per policy HRS1.B. As to the merits:

a) The hours are integral to the Club’s aims, and to support its endeavours financially

- i. As explained above, the extra alcohol hours will give the Club more flexibility with its event programming.
- ii. Beyond specific events, it will also permit a more flexible use of the space by members on a day to day basis, at a time when the time and financial pressures pressures of modern life make it increasingly difficult for working-age people to fit the Club (or indeed any social forum) into their schedule on a regular basis.
- iii. This added flexibility will support the Club financially, in turn enabling it to further its work supporting women.

b) The application proposes a dramatic reduction in authorised hours for regulated entertainment

- i. Currently, music and private entertainment are unrestricted, with 24/7 provision permitted. The rationalisation of hours proposed by the application will involve a slight extension in the window for alcohol service, but a dramatic reduction in permitted hours for entertainment. This significantly reduces the scope for disturbance late at night, and

will help (further) safeguard residential amenity.

- c) The nature of the Club and the controls offered mean the hours do not present a risk to residential amenity
- i. Policy HRS1 fully recognises that qualifying clubs are low-risk, and therefore merit a degree of flexibility when it comes to hours. Paragraph E18 mirrors the guidance in the Qualifying Clubs policy:

“In the past, qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises.”
 - ii. Given its self-policing membership and management structure (as discussed above), and impeccable track record, this could not be more apposite for the Club. This is reinforced by the nature of the Club’s activities, the building they are housed in and the type of events they will be programming – these are the antithesis of high-octane, drink-led premises. The Club has an ethos and reputation to maintain, its members interests to promote and a hotel to run.
 - iii. As set out above, there are enforceable safeguards underpinning this position, in the form of the additional controls under the premises licence regime and the suite of extra licence conditions offered (alongside the dispersal policy).

The Public Sector Equality Duty

What is the duty?

27. Section 149(1) of the Equality Act 2010 contains a ‘public sector equality duty’ (the “**Duty**”), which provides that the City Council 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 the Equality Act 2010;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- (the “**Equality Objectives**”).

28. The protected characteristics here include sex.⁵ And the requirement to have due regard to the need to advance equality of opportunity under limb a). involves having due regard, in particular, to the need to:⁶
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low,
- (the “**Equality of Opportunity Objectives**”).

What does the Duty require in relation to the application?

29. We set out the legal and policy context of the Duty in full in the Appendix.
30. In summary, the Licensing Sub-Committee must “*confront the anticipated consequences [of their decision] in a conscientious and deliberate way in so far as they impact upon the equality objectives*”⁷ – and must do so “*side by side with all other pressing circumstances*”⁸, including the licensing objectives and any points raised in the course of representations.
31. While much progress has been made in recent decades, it is no secret that gender inequality in the workplace is still very much a live issue in the UK:
- a) According for the Office for National Statistics, median hourly pay for full-time employees in the UK was still **8.3% less for women than for men as of April 2022**.⁹
 - b) The “Female FTSE Board Report 2022”¹⁰ by Cranfield University and Ernst & Young identified that just 36 executive director roles in the FTSE 100 were held by women – a mere 16.8%. Nine of these were Chief Executive Officer – i.e. only 9% of FTSE CEOs are women. The figures for the FTSE 250 are even worse, with only 47 executive directors roles (12.1%) held by women, of which only 12

⁵ Section 149(7) of the Equality Act 2010.

⁶ Section 149(3) of the Equality Act 2010.

⁷ Per the Court of Appeal in *R v Bracking*.

⁸ *Ibid.*

⁹ See

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2022>

¹⁰ See <https://www.cranfield.ac.uk/som/research-centres/gender-leadership-and-inclusion-centre/female-ftse-board-report>

were Chief Executive Officer. **That is, women make up just 4.8% of the CEOs in the UK's largest 250 listed companies.** Professor Sue Vinnicombe, Professor of Women and Leadership at Cranfield School of Management and lead author of the report, described this lack of progress as “*frankly appalling*”.¹¹

32. There is therefore much work still to be done. The Club is unique amongst the traditional clubs in London in offering a member-owned and managed space dedicated to professional women of all backgrounds. It provides direct support to women in their careers, and offers access to a network of unparalleled female talent in a host of industries and fields. Supporting the Club in its aims and work by granting this application will therefore undoubtedly advance the Equality Objectives, especially the Equality of Opportunity Objectives.
33. The landscape of other Westminster clubs is important here. Of course, the licensing regime requires each application to be considered on its merits, without being bound by precedent. But in applying the Duty, the context of other traditional male-only or male-centric clubs having alcohol until 1am or later and flexibility as regards pre-booked functions is very relevant. It means the Licensing Sub-Committee must have regard to the fact that the application will promote the Equality of Opportunity Objectives in both:
- a) a narrow sense, by ensuring that the only traditional members club in London dedicated to women and their careers is given comparable privileges to those enjoyed by other traditional clubs dedicated to men; and
 - b) the broadest possible sense, by helping the Club continue to provide and expand its activities supporting women.

Conclusion

34. In summary:
- a) The proposals will institute more flexibility in relation to alcohol and events to assist the Club in furthering its aims, but without changing the fundamental nature of the Club whatsoever.
 - b) The application will support a Club that has been championing the interests of working women for well over 100 years, and remains a sanctuary for student, graduate, professional and business women of all ages and backgrounds – and the changes will simply bring the Club in line with other traditional members clubs in Westminster.
 - c) The application involves giving up 24/7 authorisation for music and private entertainment, and will

¹¹ See <https://www.cranfield.ac.uk/press/news-2022/alarmed-lack-of-women-in-executive-roles-despite-ftse-350-improving-boardroom-gender-diversity>

therefore help safeguard residential amenity.

- d) The nature of the Club and the fact it is owned and managed by its members means the operation is self-policing. The Club has an ethos and reputation to maintain, its members interests to promote and a hotel to run. All events will be carefully curated and vetted by the management committee.
- e) This will be underpinned by the additional controls under the premises licence regime (as compared to the club premises regime), and the extensive additional licence conditions offered, together with the dispersal policy.
- f) The public sector equality duty requires the Licensing Sub-Committee to factor in the need to advance equality "*side by side*" with all other issues when making its decision. The context of continued inequality in the workplace in the UK, particularly in senior executive corporate roles, is highly relevant to this – and so too is the Club's unique offering to women in London.

Thomas & Thomas Partners LLP

25 September 2023

Appendix – the Public Sector Equality Duty

The scope of the Duty

1. The significance of the Duty for public decision-making has been repeatedly affirmed in the Senior Courts.

To quote the Court of Appeal in *R (Bracking) v SoS for Work and Pensions*,¹² at [60]:

“the 2010 Act imposes a heavy burden upon public authorities in discharging the PSED and in ensuring that there is evidence available, if necessary, to demonstrate that discharge. It seems to have been the intention of Parliament that these considerations of equality of opportunity (where they arise) are now to be placed at the centre of formulation of policy by all public authorities, side by side with all other pressing circumstances of whatever magnitude [emphasis added].”

2. Indeed, while the Duty does not curb powers to take decisions, it does require public authorities to:

“confront the anticipated consequences [of their decision] in a conscientious and deliberate way in so far as they impact upon the equality objectives for those with the characteristics identified in section 149(7) of the Equality Act 2010.”¹³

3. Moreover, the Duty:

“must be “exercised in substance, with rigour, and with an open mind”; “is not a question of “ticking boxes””; “is non-delegable”; and falls upon the decision maker “personally”.”¹⁴

4. The Duty applies both when a local authority is formulating its policy and each time an individual case is determined applying that policy¹⁵.

The implications for licensing decisions generally

5. There is therefore no doubt that the Duty applies in respect of all of the City Council’s functions under the Licensing Act 2003, as statutory functions of equivalent nature to the planning functions under

¹² [2013] EWCA Civ 1345

¹³ *Ibid*, at 74.

¹⁴ See *R (Bracken)* at 26, citing *R (Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin) and *R (National Association of Health Stores) v Department of Health* [2005] EWCA Civ 154, in turn cited with approval and applied by the Supreme Court in *Hotak v London Borough of Southwark* [2016] A.A.C. 811. See also *R (Buckley) v Bath and North Somerset Council* [2018] EWHC 1551 (Admin)

¹⁵ *Pieretti v London Borough of Enfield* [2010] EWCA Civ 1104

consideration in *R(Buckley)*¹⁶ – and it applies every time the Licensing Sub-Committee is asked to determine an application under the Act.

6. The Duty overlays the Council’s obligations both to promote the licensing objectives and to have regard to its statement of licensing policy and the statutory guidance under the Licensing Act 2003 – and so must be given due weight when considering the individual merits of an application.
7. It is not sufficient simply to acknowledge the existence of the Duty in general terms when making a decision, or seek to apply a general policy that has been the subject of an EIA. Rather, careful regard – with due rigour - must be had to the specific impact of any decision on the Equality Objectives.
8. As noted in the Equality and Human Rights Commission’s “Technical guidance on the Public Sector Equality Duty: England”:¹⁷

“Many functions of a body subject to the duty require it to make decisions in individual cases. For example, licensing, child protection measures and staff discipline. [...] Where individual decision makers exercise some degree of discretion, having a policy or guidance does not remove the responsibility on them to ensure that they have considered all relevant matters [in relation to the Duty]. [emphasis added]”

9. The Duty cannot be displaced or ignored because of other consideration in a particular case (such as the notion of “core hours” in the licensing policy) - it is something that must always be had regard to when weighing a decision, “*side by side with all other pressing circumstances of whatever magnitude*”.¹⁸

Westminster’s licensing policy and the Duty

10. Paragraphs B28 to B37 of the Policy set out the Council’s intended approach to “Equality & Inclusion in Licensed Venues”, with a stated view of ensuring the city “*is open and accessible to all*”.¹⁹ At B31, it says that “*we need to hold ourselves, as well as the venues and businesses we licence, to account to ensure that together we continue to promote and offer equal opportunities and inclusive experiences for everyone*”.

¹⁶ *R(Buckley) v Bath and North Somerset Council* [2018] EWHC 1551 (Admin)

¹⁷ At 5.54 and 5.57; see <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

¹⁸ Per *R (Bracking)*.

¹⁹ At B30.

11. The Policy proceeds on the basis that the principle means to achieve this goal – and for the City Council to comply with the Duty (which is referred to at B33) – is to use the licensing process to ensure operators themselves promote equality and inclusivity.
12. The Club has been striving to achieve the key objectives set out in paragraphs B28 to B37 of the Policy ever since it was founded well over one hundred years. The Licensing Authority’s objectives set out in the *“Equality and Inclusion in Licence Venues”* are very closely aligned with the applicant’s underlying principles. By granting the application, the Sub-Committee can follow the commendable ambitions set out in Policy paragraph B31.
13. B37 closes by pledging that *“any strategy or policy affecting the licensed industry is always underpinning [sic] by the promotion of equality and inclusivity”*. This is welcome as an overarching principle – but it can never sidestep the fact that the Equality Objectives must be considered every time an individual application is decided.²⁰

²⁰ B37 also promises a code of practice for licensed operators, and an annual report on the Council’s compliance with the Duty – but we aren’t aware of those documents / reports ever having been published.



City of Westminster

Office Name: Ian Watson
 Designation: Senior Practitioner
 Environmental Health
 Date: 27/03/23
 Contact number:
 Email: iwatson@westminster.gov.uk
 Signed: Ian Watson
 Uniform Ref Number: 23/00855/PREAPM

Trading name of business and Address: 2 Audley Square, W1K 1DB Reference Number if Applicable: 23/00855/PREAPM		
Licence: Yes 06/07833/WCCMAC	Applicant/Solicitor: Thomas O'Maoileoin Thomas and Thomas	Cumulative Impact Zone: No
Type of Business: Private Members Club Current Areas: Basement to Fourth Floor. Current Activities: Supply of Alcohol, Recorded Music and Private Entertainment. Current Alcohol Hours: Monday to Saturday 11.00 – 23.00 hours Sunday 12.00 – 15.00 and 19.00 – 22.30 hours.		
<p>Pre application advice purpose. To assess the proposal for the premises to apply for a Premises Licence to replace the existing Club Premises Certificate. Comment on the extension of hours to 01.00 hours and propose conditions to allow pre-booked private events. Advise on technical suitability and policy implications in advance of the appropriate application.</p> <p>Issues discussed and actions taken</p> <p>Inspection carried out by Ian Watson (Environmental Health – EH) of the premises to fully assess the premises and change of conditions/hours. The findings are detailed below.</p> <p>Licensing Policy</p> <p>The premises are not located within any Cumulative Impact or Special Consideration Zone, therefore, the applicant will only need to consider any impact on the licensing objectives and the core hours policy. There is no specific policy for premises operating as a proprietary club under a premises licence but policy QUC1 states at F106, Westminster contains a number of well-known traditional clubs and other clubs that will be Qualifying Clubs. Through their membership controls, qualifying clubs have little association with crime and disorder and public nuisance. Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit, these will be considered under the Public House and Bars Policy PB1.</p> <p>Therefore, for the premises not to be considered under policy PB1 suitable conditions would need to be proposed defining a way of operation that would fall outside policy PB1 A5, that states under clause D.</p>		

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The council is of the view that there is a clear distinction in the character and operation of 'Qualifying Clubs' and proprietary clubs and considers that proprietary clubs are very likely to contribute to cumulative impact in the CIA and will often not offer sufficient control over their members to promote the licensing objectives.

The general day to day operation of the premises will not change when operating under a premises licence. The change will allow some flexibility to permit pre-booked private functions to generate additional income.

There is no requirement to address cumulative impact at this location.

The proposed licensable hours will exceed Westminster's core hours policy. The additional hours will be considered on their merits and may still need to be conditioned to ensure that any potential impact on the licensing objectives or on areas identified under policy HRS1 B. Such areas are, the proximity of residential accommodation and the general likelihood of nuisance from any music played, people remaining on the premises or leaving, capacity and the past operation.

Applications will be considered on their own merits and subject to the application demonstrating that the operation of the premises will promote the licensing objectives, the location where the premises will operate, the proposed hours and the proposed licensable activities.

Proprietary clubs are also mentioned under the CIP1 policy @ D22, D28 and D29 respectively that states,

D22 The Licensing Authority considers that within the West End Cumulative Impact Zone premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone.

D28 In contrast, many proprietary clubs may allow members to join online with little or no prior contact with the member. Joining fees may be nominal and membership short term. Access to the club may be extended to guests of the management or other categories of person to allow immediate access. Individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser. Access may also be permitted to guests of invitees or guests of the management. Moreover, persons leaving proprietary clubs and premises operating private functions will sometimes cause public nuisance or be involved in crime, either as perpetrators or victims.

D29 The council is therefore of the view that there is a clear distinction in the character and operation between "qualifying clubs" and proprietary clubs and premises which promote private functions and considers that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact in the West End Cumulative Impact Zone and will often not offer sufficient control over their members to promote the licensing objectives.

As already stated above, the premises are not located within any recognised cumulative impact zone but it would be unwise not to note the above comments and propose operational conditions to

minimise nuisance and disorder.

The current certificate is strictly conditioned with regard to the sale of alcohol and the premises have robust discipline, ethical and conduct codes in place for the members some of which can be replicated on the new application.

Public Nuisance

A check on the property file shows two complaints received in August 2021 regarding loud music emanating from the premises. No visit was made to substantiate the complaints.

Licensing Position

A new application is to be made to reflect the additional hours, activities and conditions.

The proposed licensed hours are

Supply of Alcohol 'On' and 'Off' the premises

Monday to Sunday 07.00 to 01.00 hours.

Unrestricted for residents.

Late Night Refreshment 'Indoors'

Monday to Sunday 23.00 to 01.00 hours.

Regulated Entertainment 'Indoors'

Recorded Music

Live Music

Performance of Dance

Anything of a similar description

Monday to Sunday 07.00 to 01.00 hours.

New Year's Eve to the start of New Year's Day.

Opening 24 hours to suit the residential accommodation.

Proposed changes.

- Replace and update current conditions with model conditions as part of a new licence application.
- Submit new plans of the premises clearly showing the proposed licensed areas.

Conditions

To address the licensing objectives with regard to the Licensing Policy the following conditions are proposed.

- The supply of alcohol for consumption 'On' the premises shall be restricted to members of The University Women's Club and their bona fide guests and persons attending bona-fide pre-booked functions and events as managed by The University Women's Club. A list of persons attending a pre-booked function or event shall be available for inspection by the relevant authorities.

- The supply of alcohol between 07.00 and 09.00 hours Monday to Sunday shall be ancillary to the provision of substantial food, except for residents and their bona fide guests.
- 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.
- The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed,
 - Dining Room – 60 persons
 - Library – 60 persons
 - Drawing Room – 60 persons
- There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
- All sales of alcohol for consumption 'Off' the premises will be in sealed containers only and shall not be consumed on the premises.
- A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
- 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 and will include the external area immediately outside the premises entrance. 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.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 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.

- The external doors leading into the rear garden shall be maintained closed after 22.00 hours or when ever regulated entertainment is provided in the ground floor dining room, except for immediate access and egress or in an emergency.
- The provision of licensable activity in the rear garden shall cease at 23.00 hours daily.
- Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 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.
- 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.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

Conclusion

The application for a new premises licence to replace the existing club premises certificate is not against policy but may raise concerns with responsible authorities or interested parties. As such additional conditions may be required to alleviate such concerns. The proposed conditions still reflect a members club operation but allows access to the public for pre-booked private functions.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

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

New premises licence – University Woman’s Club

Proposed Conditions

- The supply of alcohol for consumption ‘On’ the premises shall be restricted to members of The University Women's Club and their bona fide guests and persons attending bona-fide pre-booked functions and events as managed by The University Women's Club. A list of persons attending a pre-booked function or event shall be available for inspection by the relevant authorities.
- The supply of alcohol between 07.00 and 09.00 hours Monday to Sunday shall be ancillary to the provision of substantial food, except for residents and their bona fide guests.
- 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.
- The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed,
 - Dining Room – 60 persons
 - Library – 60 persons
 - Drawing Room – 60 persons
- There shall be no sales of alcohol for consumption ‘Off’ the premises after 23.00 hours.
- All sales of alcohol for consumption ‘Off’ the premises will be in sealed containers only and shall not be consumed on the premises.
- A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
- 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 and will include the external area immediately outside the premises entrance. 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.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 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

New premises licence – University Woman’s Club

Proposed Conditions

- (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.
- 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.
 - The external doors leading into the rear garden shall be maintained closed after 22.00 hours or when ever regulated entertainment is provided in the ground floor dining room, except for immediate access and egress or in an emergency.
 - The provision of licensable activity in the rear garden shall cease at 23.00 hours daily.
 - Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
 - 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.
 - 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.
 - All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
 - All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.



DISPERSAL POLICY

1. OBJECTIVE

- 1.1 The objective of this Dispersal Policy is to ensure a quiet, controlled and swift dispersal of our patrons at all times, but particularly in the evening.
- 1.2 By following this Dispersal Policy patrons will be managed professionally and responsibly to ensure they make their onward journey without any adverse impact on our neighbours.
- 1.3 The Policy identifies and addresses the following risks:
 - 1.3.1 Noisy or anti-social behaviour by patrons leaving the premises.
 - 1.3.2 Groups of patrons leaving the premises at the same time.
 - 1.3.3 Safety of patrons smoking and leaving.
- 1.4 The Policy also helps to ensure patrons make their onward journey safely and do not become victims of crime.

2. LOCATION

- 2.1 The premises consists of the basement to fourth floor of 2 Audley Square, residing at the southern end of South Audley Street.
 - 2.2 South Audley Street is a busy thoroughfare connecting Grosvenor Square to the north with Cuzon Street to the south. The immediate area consists of the Embassy of Qatar; various corporate offices; as well as luxury retail stores and other licensed premises to the north and west.
 - 2.3 The nearest residential properties are located on South Audley Street, notably Chesterfield House.
-



DISPERSAL POLICY

3. HOURS OF OPERATION

3.1 All staff must be aware of the [intended] permitted hours of operation, as follows:

3.1.1 Monday to Sunday: 07:00 – 01:00 [for non-residents]

3.1.2 Unrestricted for residents of the Club residing that evening.

4. GENERAL ENTRY/EGRESS

4.1 Save for a basement escape, the single entrance and exit is located at ground floor level onto Audley Square. This door shall be monitored by staff.

4.2 When leaving the premises patrons will be reminded to respect the needs of local residents and businesses and leave the area quietly.

5. FRONT OF HOUSE

5.1 Staff shall monitor the entrance and be trained to:

5.1.1 greet patrons on arrival at the premises; and

5.1.2 assist with an orderly departure from the premises in a timely manner. This will include asking the means of transport, and where necessary, directing those leaving.

5.2 All staff working at the later hours will be trained to assist the exit of patrons from the premises.

6. DISPERSAL

6.1 The sole point of dispersal is the front of the premises onto South Audley Street via Audley Square.



DISPERSAL POLICY

- 6.2 Guests are expected to arrive via either public transport or taxi. Reception staff will greet patrons on arrival, overseeing that they move from reception into the Club.
- 6.3 It is anticipated that guests will leave and continue their onward journeys by either public transport network or taxi.
- 6.4 CCTV cameras are installed internally and monitor the entrance.
- 6.5 The nature of the premises and the above measures will ensure that noise and disturbance associated with patrons arriving and leaving the premises will be kept to a minimum.
- 6.6 Towards closing time, the following measures may be taken to ensure a gradual and quiet closure of the Premises:
 - 6.6.1 Raised lighting levels where appropriate.
 - 6.6.2 Politely reminding customers the Premises is about to close.
 - 6.6.3 Asking customers if they require a taxi and advising customers to wait inside the premises.
- 6.7 Members of staff will be trained to comply with the conditions of the Premises Licence to ensure patrons are managed professionally and leave quickly and quietly.
- 6.8 Staff will be made aware of local transport links (see paragraph 7) and be able to inform patrons where required.

7. TRANSPORT

- 7.1 The premises are well serviced both by public transport and private hire taxis, as set out below. All front of house staff will be familiar with these transport links so they can advise patrons where required.



DISPERSAL POLICY

7.2 TUBE AND NIGHT TUBE

7.2.1 The premises is well situated near the following easily accessible tube stations: -

- (a) Hyde Park Corner Station: 0.4 mile / 9 minute walk / Piccadilly Line
- (b) Green Park Station: 0.4 mile/ 10 minute walk / Piccadilly; Jubilee; Victoria
- (c) Bond Street Station: 0.5 mile / 13 minute walk / Central; Jubilee; Elizabeth

8.2.2 All of the above stations have the benefit of the extended night tube services, which run 24-hours on Friday and Saturday evenings.

7.2.3 Where necessary customers will be given directions to the station and, at night, will be reminded to respect the needs of local residents and businesses and leave the area quietly.

7.3 TAXIS

7.3.1 TFL licensed Taxi Ranks are positioned in the immediate vicinity, as follows:

- (a) Stanhope Gate: 10 cab capacity; Monday to Sunday 24 hours
- (b) Curzon Street: 2 cab capacity; Monday to Sunday 24 hours
- (c) Park Lane (Curzon Street): 4 cab capacity; Monday to Sunday 19:00 to 07:00

7.3.2 Other app-based taxi services are available throughout the day and night in the surrounding area.

7.3.3 Customers wishing to leave the premises by private hire vehicle will be encouraged to make their booking in advance and wait inside the premises.



DISPERSAL POLICY

7.3.4 Customers will be encouraged to quickly and quietly disperse towards their waiting vehicle to minimise noise.

8. SMOKING

8.1 Patrons wishing to smoke will be directed to use the Club's Garden and managed accordingly to ensure they do not cause nuisance to residents or our neighbours.

9. GENERAL MANAGER'S ROLE

9.1 It is ultimately the responsibility of the General Manager and/or Designated Premises Supervisor to:

- a) ensure that staff act effectively and responsibly to comply with this policy;
- b) dissuade patrons from causing any disturbance or nuisance within the vicinity of the premises; and
- c) prioritise and assist wherever possible in ensuring a quiet and orderly dispersal as possible.

Dear Neighbour,

I would like to thank you for taking the time to comment on our recent application for a change to our license. It is clearly a matter that has caused much discussion and I would like to take the opportunity to better explain the reason behind this application and the potential impact it will have on yourselves.

Firstly, and most importantly we have no intention of making any fundamental changes to the operation of the Club. We will continue to be run by our members and for our members in the same manner as it has been for the 100 years that we have been in Audley Square. Neither do we intend to significantly increase the number or scope of private events that we host, primarily as this would have a negative impact on our members, but also on yourselves as local residents.

What we do seek to do is bring in a higher calibre of events, in particular private dinners, and receptions. Currently we are limited in what we can provide to non-members, and we would like to be able to offer similar events to those that we currently host for members, to carefully selected external clients. As with all of our current activities, the number, type and impact of these events will be closely monitored by our committee to ensure that the atmosphere and reputation of the Club is not diminished.

Currently our Club Premises Certificate allows for unrestricted recorded or Live Music, Dancing or other entertainment. Even though we have had permission for 24 hr entertainment we choose to impose limitations ourselves in order not to affect Members staying with us at the Club. We currently do not allow any music after 1am and the garden is not used after 11pm, we have no intention of changing this rule.

Our current certificate allows sale of alcohol to Members and Guests at the Club and also unrestricted sale to residents staying at the Club. We are now seeking the option to provide alcohol to events hosted by non-members in addition to members. In keeping with most other private members clubs, we are asking for the option to continue this until 1am, in some cases there are licenses issued for much later. This will only be required on rare occasions, and we would carefully monitor the provision to make sure that there is no disruption to our members or neighbours.

You will be only too aware of the huge disruption that the Audley Square development has had on the local area and as the direct neighbours it has had the most impact on us. Our bedrooms on all sides are now overlooked by a building site causing some members to choose not to stay, the garden has a tower crane looming over it and has virtually stopped our members use of the terrace, documentary filming once a key revenue stream for us has all but stopped due to noise concerns. As you may know the University Women's Club has been a respected local institution for over 100 years and we take the stewardship of our wonderful property very seriously. Founded by the pioneers of Women's education we continue to provide a sanctuary for student and graduate women to this day. If we are to continue in these aims during such challenging times we need to adapt and we hope that these small changes will ensure that the Club remains a part of the Mayfair community for generations to come.

If you have any other questions regarding our application, I encourage you to get in touch so that we can discuss it further.

Kind regards
Alex

Licensing Act 2003 History for Club Premises Certificate

Application	Details of Application	Date Determined	Decision
05/08186/LICC	Club Premises Certificate Conversion – Playing of Recorded Music: Unrestricted Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted Sale by Retail of Alcohol: Monday to Saturday - 11:00 to 23:00 Sale by Retail of Alcohol: Sunday - 12:00 to 15:00 and 19:00 to 22:30	29 September 2005	Granted Under Delegated Authority
06/07833/WCCMAC	Master Licence	29 September 2005	Granted Under Delegated Authority

There is no 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.
9. Admission of children to the premises must be restricted in accordance with film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions consistent with the operating schedule

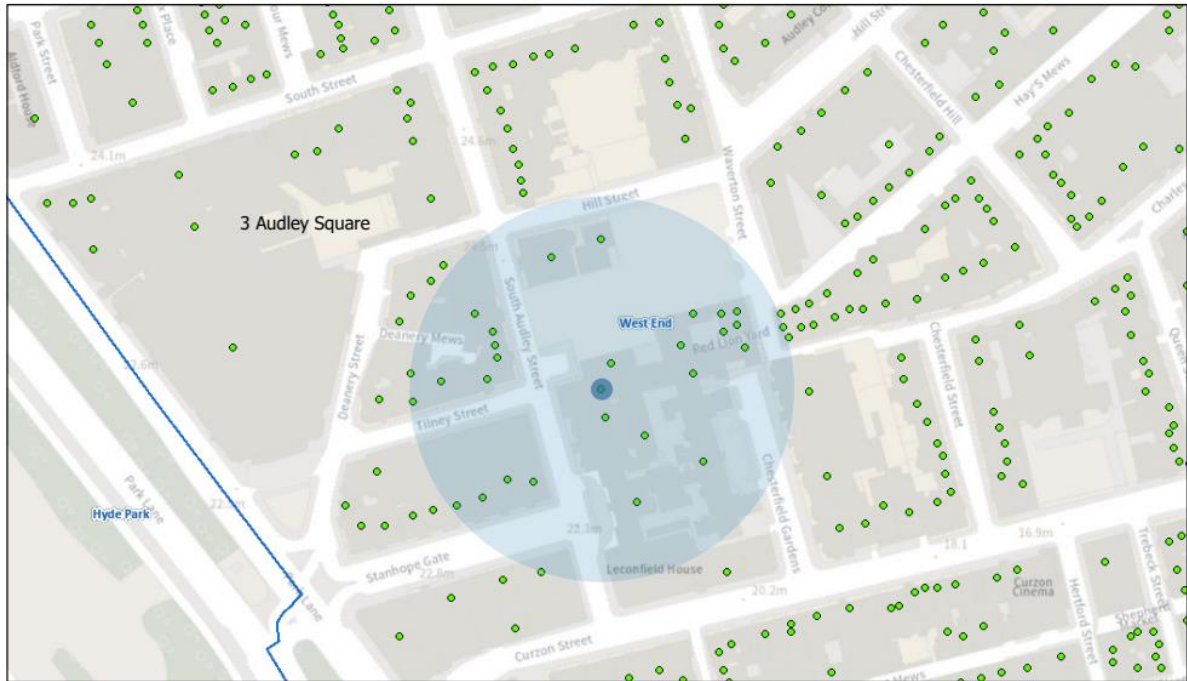
10. The supply of alcohol for consumption 'On' the premises shall be restricted to members of The University Women's Club and their bona fide guests and persons attending bona-fide pre-booked functions and events as managed by The University Women's Club. A list of persons attending a pre-booked function or event shall be available for inspection by the relevant authorities.
11. The supply of alcohol between 07.00 and 09.00 hours Monday to Sunday shall be ancillary to the provision of substantial food, except for residents and their bona fide guests.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed,
 - Dining Room – 60 persons
 - Library – 60 persons
 - Drawing Room – 60 persons
14. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
15. All sales of alcohol for consumption 'Off' the premises will be in sealed containers only and shall not be consumed on the premises.
16. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
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 and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) 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.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 21. The external doors leading into the rear garden shall be maintained closed after 22.00 hours or when ever regulated entertainment is provided in the ground floor dining room, except for immediate access and egress or in an emergency.
 22. The provision of licensable activity in the rear garden shall cease at 23.00 hours daily.
 23. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
 24. 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.
 25. 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.
 26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
 27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

Conditions proposed by the Environmental Health

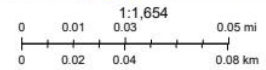
None

2 Audley Square, London



15/09/2023, 14:15:08

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count = 155

Licensed premises within 75 metres of 2 Audley Square, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
06/07833/WCCMAC	The University Women's Club	2 Audley Square London W1K 1DB	Club or institution	Sunday; 12:00 - 15:30 Sunday; 19:00 - 23:00 Monday to Saturday; 11:00 - 23:30
15/10074/LIPN	Ascott Mayfair London, Lower Ground Floor	49 Hill Street London W1J 5NB	Hotel, 3 star or under	Monday to Sunday; 12:00 - 01:30
06/06648/WCCMAP	The Ascott Mayfair	First Floor 49 Hill Street London W1J 5NB	Hotel, 3 star or under	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	5 October 2023
Licensing Ref No:	23/03810/LIPN - New Premises Licence
Title of Report:	The Soho Social Basement And Ground Floor 9 Berwick Street London W1F 0PJ
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:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 June 2023		
Applicant:	The Soho Social & Co Ltd		
Premises:	The Soho Social		
Premises address:	Basement And Ground Floor 9 Berwick Street London W1F 0PJ	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a café and tapas bar.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The applicant proposed a number of conditions in their operating schedule and has agreed a number of conditions with the Metropolitan Police.</p> <p>These can be found in Appendix 4.</p>		
Applicant amendments:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Late Night Refreshment Monday to Sunday 23:00 to 23:30</p> <p>Retail Sale of Alcohol Monday to Sunday 10:00 to 23:30</p> <p>Opening Hours Monday to Sunday 08:00 to 00:00</p> <p>The applicant has since reduced the hours for Sundays for all licensable activities which are reflected in section 1-B of the report.</p>		

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	23:30	23:30	N/A
Seasonal variations/ Non-standard timings:				None			

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	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:	PC Adam Deweltz
Received:	12 th June 2023 (Withdrawn 20th June 2023)
<p>23/03810/LIPN - Basement and Ground Floor, 9 Berwick Street, London, W1F 0PJ</p> <p>I refer to the above-mentioned application for a new premises licence.</p> <p>Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:</p> <p>A new premises licence for licensable activities are likely to undermine the following licensing objective:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder. <p>The premises is also situated within Westminster's Cumulative Impact Area, and the hours you have applied for on Sunday are just outside of Westminster's Core Hours Policy. If this premises licence is granted, it could have an impact on an area already saturated by licensed premises and this could increase crime and disorder.</p> <p>I am happy to discuss my representation in further detail with you.</p> <p>The Metropolitan Police withdrew their representation on the 20th June 2023 due to hours being reduced on a Sunday and conditions that have been agreed with the applicant. These conditions can be found at Appendix 4.</p>	

Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	3 July 2023

Dear Sirs

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 9 Berwick Street, London, W1F 0PJ.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

Retail sale of Alcohol (On and Off sales)

Monday to Saturday 10:00 to 2:30

Sunday 10:00 to 22:30

Late Night Refreshment:

Monday to Saturday 23:00 to 23:30

Hours premises are open to the public

Monday to Sunday 08:00 to 00:00

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RNT1.

Policy RNT1 (B) states

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are 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 applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace

address.

4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The Licensing Authority note that the applicant has agreed with the Metropolitan Police Service to reduce the terminal hour on Sundays for the retail sale of alcohol from 23:30 to 22:30 bringing this application within Westminster core hours for Restaurants

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority note that the applicant has proposed the following condition in their operating schedule:

1. The supply of alcohol on the premises shall only be to persons seated and eating substantial food.

However, The Licensing Authority encourages the applicant to consider Westminster's model conditions MC38 and MC39 in order to bring it in line with RNT1:

MC38 The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

MC39 The supply of alcohol shall be by waiter or waitress service only.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
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Representative:	Anil Drayan
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Received:	10 July 2023
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I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Zone (CIZ)

The applicant has submitted plans of the premises, dated 7 June 2023, showing the basement and licensed area on the ground floor.

The following licensable activities are being sought:

1. Supply of Alcohol 'On' and 'Off' the premises between 10:00 to 23:30 hours Monday to Sunday.
2. Provision of Late-Night Refreshment between 23:00 to 23:30 hours Monday to Sunday

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the West End CIZ.
2. The Provision of Late-Night Refreshment Indoors' and 'Outdoors' may lead to an increase in Public Nuisance in the West End CIZ

Environmental Health also makes the following further comments:

- Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises to demonstrate compliance with policy CH1, Protection of Children from Harm,. Free advice on complying with this can be found at: (see page 36 of policy)
- An extensive list of conditions and undertakings have been offered but these appear to be insufficient to be consistent with the Statement of Licensing Policy eg the 'restaurant' condition for the CIZ has not been offered. In addition the hours for licensable activities requested on Sundays go beyond 'core' hours.
- The provision of sanitary accommodation must be at least in line with BS6465 for the proposed capacity particularly as the premises are located in the CIZ. Also separate provision for food handling staff is advised.
- An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance
- It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore sought as to the previous use of the premises to determine if this proposed use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy

The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	27 June 2023
I am writing to object to the above application in the strongest terms and In support of residents very nearby including feet away and the amenity group with hundreds of local members The ██████████.	
As a council we need to pay due attention to the licensing objectives which are designed to	

actually protect people. Adding more and more licenses to sell more and more alcohol is a recipe for more crime and disorder, more public nuisance.

This application really needs a simple refusal.

There are 500 other licenses around Soho cheek by jowl to large residential housing literally feet away: Kemp House on Berwick Street along with privately rents flats above shops all along Berwick Street and adjacent Peter Street. The cumulative impact needs acknowledging: one more alcoholic bar plus their right to apply for a large number of temporary entertainment licenses.

Cars pull up at night on Berwick Street attracted by licensed venues and impromptu parties happen as revellers pre-load before going to a bar or club. Revellers also congregate already after the bars close meaning their impact is well above and beyond core hours.

Nearby is Frith and Greek Street and adjoining Bateman Street we cannot turn a blind eye to the total excess of licenses causing the streets to be chockablock with pavements blocked, crowds and cars and potentially emergency vehicles in gridlock.

I have seen police vehicles stationary for many minutes due to the crowd accumulated in road and pavements nearby.

The din and disorder faced is escalating with crime up by over 30% and insufficient police. We try to ensure people dont urinate on Berwick and nearby streets but it's nigh on impossible. This is a public nuisance directly caused by licensed premise like this application. On those grounds alone as local councillor and as lead member for Soho, please decline this license as councillors we have a duty to protect people from the life changing consequences of crime and nuisan

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	30 June 2023

I would like to object to the licensing application for 9, Berwick Street. This is described as a Cafe/Tapas bar. What reason would a Cafe owner want a license for? This description is deliberately misleading. Quite obviously, the owner is only interested in increasing his profits by selling alcohol..

While the reasons for my objection to the awarding of an alcohol license to this location are obvious: Noise; overcrowded pavements; street noise till late at night; piss and vomit; crime etc. all these to the detriment of the residents of Soho.

But I also believe that the distortion of rents once a premise has a license, means there are fewer available premises to rent to other forms of business. Rents are being artificially skewed to the detriment of the small business. Surely there are already far too many bars in Soho? The area has lost much of its charm of yesteryear. The, once many small specialist shops are no longer in Soho. They can no longer afford the rents.

I cannot believe the top echelon of tourists, that we are told will occupy beds in the new Broadwick Hotel, for example, wish to come out onto today's streets of Soho: to the chaos and alcoholic rowdiness of an evening that is now the norm.

I would like to object to the awarding of a licence to Application ref. number 23/03810/LIPN to the premises at 9 Berwick Street in the strongest terms.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	3 July 2023

I strongly object to the above application for a licence for the serving of late-night refreshments and alcohol both indoors and outdoors. The premises are opposite my residence and the provision of these services there will be a direct and additional source of noise and disturbance to the immediate environment of my residence and this section of Berwick Street.

The environmental health of Berwick Street has deteriorated enormously over the past year or more with the opening of new restaurants, bars and shops which has resulted in constant noise and disturbance from music and the congregation of often drunk and/or disruptive customers and passers-by. The disturbances are frequent, all day and every day of the week, and create a very stressful environment in which to reside.

I notice that this application does not include a licence for live or recorded music ("e" & "f" under the section "Provision of regulated entertainment"), but I am not certain that this means that music cannot be played on the premises at all.

This particular application is asking for the premises to operate with the licences every day of the week until 11.30 pm, with closure at midnight. The fact of these late hours, combined with the inevitable noise and disturbance resulting from outdoor eating and drinking, and the possibility of yet more music playing, means that I strongly object to the granting of this licence application.

Name:	██████████
Address and/or Residents Association:	██████████
Received:	4 July 2023

Reference: 23/03810/LIPN: B/GF, 9 Berwick Street, W1F 0PJ

We write to make a relevant representation to the above application on behalf of ██████████
██████████

About the ██████████

The ██████████ is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Application summary

New Premises Licence

The Soho Social, new Café and Tapas Bar

Alcohol, on / off sales: Mon - Sun: 10:00 - 23.30

LNR, on / off sales : Mon - Sun: 23:00 - 23:30

Opening Hours: Monday - Sunday : 08:00 - 00:00.

Capacity: 16 internal seats

On and Off Sales

Representation

We object to this application for a new restaurant on the grounds it will fail to promote the licensing objectives and will increase cumulative impact in the West End Cumulative Impact Zone.

This is an application for a new restaurant to core hours which also includes a designated external area.

These premises are within Soho, an area which, as the Committee will be aware, is at the heart of the West End's entertainment district, with its **487** licensed premises, a large proportion of which are late night 121 (25%) licences with a terminal hour between 1am - 6am and a **capacity of 22,827**.

As a new café in the cumulative impact zone the applicant has to demonstrate they will not add to cumulative impact. It appears to us that the proposal of MC66 is taken as almost a *de facto* demonstration that there will be no addition to cumulative impact. We do not believe that this is consistent with the cumulative impact policy, which acknowledges that RNT1 uses are a lower risk than some other types, but not that they are of **no** risk, especially when considering the year on year increase in these types of premises. Thirty-eight new licensed premises have opened in Soho between 2020 to 2022, with 21 of these being new restaurants and cafés.

It is highly likely that a number of customers from this premises (many of whom may well be intoxicated) will want to continue their night out in Soho, meaning that more people will be retained for longer in the area, a concern raised within Cumulative Impact Policy,

D5 states, *'The retention of people late at night contributes to cumulative impact.'*

If this licence were to be granted, this would mean a loss to residents and the community as a whole of another general retail shop, in this case a clothes shop.

We note the proposed conditions, about which we have various concerns. We see that these include that there will be no vertical drinking, and, "the supply of alcohol on the premises shall only be to persons seated and eating substantial food". However in the section under "crime and disorder", it says that "Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises", which would appear to us to be inconsistent one with the other.

There is also no mention of off-sales, when the takeaway service will cease, proposed numbers of people standing outside to smoke, music, etc, all points we would expect to see covered in any proposed conditions.

We are also concerned that there is no mention of the type of food on offer, beyond "substantial food", with no description of same, beyond "tapas". There is concern that this is going to be a bar, particularly when it says "substantial food shall be available".

We would also point out that, as the Committee is no doubt aware, Berwick Street has a large number of residential properties in the immediate vicinity, between Peter Street and Broadwick Street, including four flats above the proposed restaurant, including one family with a new baby (whose father was born and raised in Soho, who fears they will have to move due the noise and disturbance generated by a restaurant beneath their flat). Soho without its community and families is reduced to nothing but one big food, alcohol and entertainment area (see below). The Soho we know and love will be lost forever.

In addition in the immediate area (opposite 9 Berwick Street) is Kemp House, a high rise block of 17 floors, with four flats on each floor. In addition many of the shops have flats above them.

There are also blocks of flats on Peter Street, large blocks of flats on Hopkins Street (parallel to Berwick Street). For these reasons we feel that this is an unsuitable location for a new licensed restaurant / café.

This section of Berwick Street also has a number of licensed premises, namely the Blue Posts, My Place, Red Dog, Violet's, Mediterranean Café, Flat White, the Breakfast Café, Duck and Rice, Yauatcha, many of which have tables and chairs outside. In addition of course there is Berwick Street Market, with a large number of food stalls that operate during the day.

There are very real concerns amongst residents about the ever increasing numbers of licensed premises. Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

With all of the above it is unsurprising that many residents experience sleep disturbance. The Soho Society conducted a survey which confirms that residents are disturbed by noise at night, and say that this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents' quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is "adversely impacting my health" and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1**.

Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1. ***It highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.***

The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho. The crime figures are high and rising. The recent police crime reports for April/May show that current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime are between 10pm - 2am.

The Committee will also no doubt be aware of a number of recent serious incidents that have taken place in Soho. These incidents confirm what residents already know - that Soho is unsafe at night. It has reached such a level that public safety is threatened. The large number of licensed premises, plus the large numbers of intoxicated people out on the streets at night attract criminal gangs, and this in turn results in high levels of crime and disorder creating a very

unsafe environment. Public safety is a huge concern and has been for a long time.

In Soho the majority of robberies take place at night, with people being targeted as they leave venues.

Alongside the robberies and assaults, drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, which is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

The Committee will well know that, unfortunately, intoxicated people very often become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho specifically to target them. This is one reason why, sadly, we believe customers leaving this restaurant at night would be at high risk of becoming victims of crime.

Cumulative Impact Policy CIP1

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, It describes the high level of cumulative impact in the West End Zone between 2017-2019. It concludes that:

*'After consideration of the cumulative impact assessment it is the Licensing Authority's view **that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.**' (p.19) (Our emphasis)*

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage. However, it may do in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, and our observation is that Soho attracts more people now than at pre-COVID times.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Then D23:

*'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, **The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.**' (our emphasis)*

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

The applicant needs to demonstrate that they will not increase cumulative impact. We believe that they have failed to do so.

In summary

This is an application for a new Café and Tapas Bar in the West End Cumulative Impact Zone, and we believe that any increase in the number of licensed premises and numbers of people in the area will fail to promote the licensing objectives and will increase cumulative impact.

We respectfully request the Licensing Sub Committee to refuse this application.

Yours faithfully,

Licensing Committee
The Soho Society

Appendix 1 : Soho Society Sleep Survey Results

Appendix 1 : Soho Society Sleep Survey Results - 31 October 2022

The survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And I have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

END

Name:	██████████
Address and/or Residents Association:	██
Received:	7 July 2023

I am contacting you in regards to the above NEW licensing application, which I am very concerned about.
As you can see from my address above, ██████████ of the premises, and have lived in this street for 25 years, and in Soho for 32 years.

The premises want to establish a Tapas bar, The Social. I entirely object to the application of another alcohol license in Soho, and in this very residential part of our Street, Berwick Street. I will outline my concerns about the application as per below:

1. The application seeks hours for the sale of alcohol, late night refreshment and opening hours to 10:00-23:30 Monday to Sunday. I object vehemently!

Restaurants should only ever serve alcohol to be taken with an ancillary meal at a table. There is no mention of that in the application. So, it is clear the owners are wanting a pub like outfit with the only difference being that the snacks available would be Spanish tapas.

2. The application seeks to serve alcohol 10am - 23.30 every day. I object.

a. This would only add problems to already existing antisocial behaviour taking place in conjunction with too much alcohol consumption.

b. This part of Berwick Street is residential and must not be turned into an all day and late-night hang-out for people consuming more alcohol in Soho, where people are already urinating and being sick everywhere and causing a noise nuisance as well as an increase in crime with unassuming people falling victim to all sorts of crime while being under the influence.

In order to keep our residential area liveable and peaceful I look for the cooperation of your Authority for support - before it is too late - and to prevent that our area is lost to even more noisy and alcoholised premises. Help is needed to protect this neighbourhood from nuisance and crime and venues wanting to operate very late into unsocial hours that pose a threat to peace and safety.

Also from experience there have already been issues with other premises on Berwick Street, expanding their seating to the outside area for commercial purposes by placing tables and chairs on Berwick Street without any permission to do so and causing a nuisance in the neighbourhood. This is unfortunately another very foreseeable issue that will arise undoubtedly since most premises in Soho consider themselves to be above the law and take advantage of cost cutting in the cost of living crisis and resulting in insufficient staff from Westminster Council to properly monitor and hold them to task.

Needless to say, I would clearly object any authorisation for additional tables and chairs since it would cause

We already experience noise nuisance on Berwick Street from customers passing by and talking loudly and the narrow street echoes and amplifies the sound far and wide.

A noise nuisance from street musicians and buskers are drawn like moths to the light in great numbers to 'entertain' customers and passers-by to establish a business patch for themselves

The knock on effect is too detrimental to our area to allow any more licenses to be dished out.

Thieves and other petty criminals to be drawn to the area to home in on unassuming customers under the influence of alcoholic beverages and distractions.

I would like to kindly ask you for conditions to be added, which would address this outside issue.

Equally no outside drinking ought to be allowed with the premises being a restaurant!

There is always concern that the additional footfall of drunk late night punters into Berwick Street would put too much strain on the police force in the West End; they are already very stretched. Every additional bar / restaurant that opens longer creates potential mugging and assault victims - as well as perpetrators. Gangs are already very keen to pry on the vulnerable drunk late at night in my street and to prevent crime from thriving further on our doorstep such license applications must be extremely carefully considered by WCC and maintenance of law and order in Soho must be a priority when making their decision.

I am also concerned for the safety of women at night in Soho since many a drunk man will assume most women in Soho to be for purchase and a rise in sexual harassment crime as a consequence would sadly and most predictably be the result. This risk must be avoided at all cost! Women must be protected.

The West End Entertainment Catchment Stress Area currently already accounts for a total accommodation number of 99 venues within approximately a quarter mile square neighbourhood with late night licences totalling accommodation of over 26,000 people!

Soho is already most saturated; there are over 40 venues in our neighbourhood which close after 23.00;

I trust that you will sincerely consider my concerns when you decide upon the licensing application referenced 23/03810/LIPN.

With many thanks and kind regards,

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	4 July 2023

I live just two small blocks away from Berwick Street and have lived here for 13 years. I have been a Soho resident since 1994.

This application is for yet another cafe in a part of Berwick Street that is already saturated with cafes, and notably it is asking for an alcohol licence. On top of which it is also trying for opening hours that go over core hours as recommended by Westminster Council's own Licensing Policy.

I respectfully ask the Licensing Group not to grant this application as the short area from Berwick Street across two blocks to my own street (Ingestre Place) is possibly the most densely populated area of residential Soho. This section of Berwick Street, along with Hopkins Street, Ingestre Place, Peter Street and Broadwick Street may be in the heart of the West End cumulative impact area, but it is also unusually quiet and peaceful, despite the amount of cafes and bars already established on Berwick Street. Approximately two thousand people live in these few streets and we all prize the general peace and quiet of the immediate neighbourhood! Granting applications like this, which wants to open from 8.00am until midnight, seven days per week, and appears more like a bar than a cafe, will erode the residential amenity of this part of Soho and degrade the area.

Soho is already saturated with alcohol-led premises and any more will simply jeopardise the residential aspect of the neighbourhood as more and more people visit here to eat, get drunk and be loud.

If the application were to adhere to core hours (as outlined in Westminster Policy) and drop the application for an alcohol licence, I would mind a lot less. But then, as I have pointed out, we simply do not need yet another cafe in the immediate neighbourhood as it will contribute to cumulative effect (and noise pollution) in this most densely-populated residential part of Soho.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	8 June 2023

I strongly object to this licensing application as it will likely cause major disturbance to many the local residents in this densely residential part of Berwick Street. I do not think that selling of alcohol for inside and outside of the premises until 11.30pm Mon - Sunday & closing at midnight is appropriate in this high pressure area. I am concerned that this change of use of premises has been considered at all. If it is to go ahead then I expect that the council confer with residents as to how any negative impacts around noise, drunkenness and the attraction of

venders, pedi cabs, delivery etc can be lawfully mitigated to protect residents from disturbance and distress that this premises could cause with the timeframes of current application. The time frames need review, assurances regarding the mitigation of disturbance need to be lawfully secured. Absolutely no outside tables or drinking outside, as the noise & potentially cigarette from these activities will severely impact the quality of life of residents especially those directly above the premises (4 households) but all local residents will be impacted by noise and disturbance in this part of the street which commonly becomes quite from around 8/9pm.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	10 June 2023
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[REDACTED] the premises at the corner of Berwick and Broadwick Streets. I have lived there for more than 30 years. This is a highly residential area of Westminster with a large number of residents along the street and opposite at Kemp House. Noise nuisance is already bad with 2 pubs, and multiple cafes making illegal use of the pavement and carriageway. I am routinely unable to sleep until after midnight and this is impacting my health and I'm sure many other residents. Crime in Soho is also very significant and appears to be highly correlated with the number of alcohol licences according to the council's own data. I would respectfully ask that the application be refused on grounds of noise and crime.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]

Received:	4 July 2023
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The new license applications is for the sale of alcohol and late night refreshments from Monday to Sunday, 10am to 11.30pm in Soho, which is a stress area because of the high number of such licenses already in place.

The premises is adjacent to Berwick Street Market, the north end of which already has noisy bars and has a history of noise nuisance for local residents, notably in relation to The Endurance Pub, which eventually lost its licence.

The southern end of Berwick Street Market, where the premises is located, is a highly residential locale. On the eastern side, above the premises, are many flats, including some social housing residences on the upper floors of the premises. On the eastern side, opposite the premises, is Kemp House, where we live, a WCC social housing block which contains 61 flats, including 4 new family flats at the 1st and 2nd floor. In Kemp House there are many vulnerable residents who we know from experience feel unable to make representations on matters such as this. Our home is on the 5th floor and the bedroom of our two young daughters faces the premises. We are aware of the noise disturbance caused by similar licensed premises further north on this street and dread the possibility of similar disturbance being introduced here.

There is already significant late-night noise on Berwick Street from passersby travelling between other licensed premises elsewhere in Soho, but this highly residential section of the street is not a destination so currently does not suffer the same level of late-night noise disturbance as other streets in Soho. This makes the late-night noise levels bearable, which is important because Berwick Street Market is already setting up noisily on the cobbled street at 7am. Adding an 11.30pm alcohol license 7-days per week for a premises that plans to open from 8am until midnight will have a material detrimental impact on the quality of life for residents in the direct vicinity, notably those above the premises a

Name:	██████████
Address and/or Residents Association:	████████████████████
Received:	4 July 2023

Approving this license will not meet the licensing objective of prevention of public nuisance. Firstly, the area in which this business is proposed to be is densely populated by residents. There are 3 other residential flats above and there are several further down the road with a larger block of flats, Kemp House opposite.

The application to have a late night venue will disrupt the residents quality of life due to noise and the possibility of disruptive behaviour that this venue will likely create (as seen up the road with my place/violets etc) . The area is already incredibly saturated with bars and late night venues which will just add to further public issues. I am also aware that historically similar applications for this property to be a late night venue with a alcohol license have not been granted for the very reason of it affecting residents negatively.

Although Soho is a lively and vibrant area, it is imperative that families and a community can remain here.

The introduction of more late night licensing, which will add to the already saturated area, will likely force families like mine to move out of Soho. It will also add to the cumulative impact in the area and likely add to further problems which unfortunately come along with late night drinking (public nuisances, noise pollution, strain on the social services and criminality)

I have grown up in Soho/Covent Garden and happen to be a social tenant with Soho Housing whose own mission statement is to keep soho residents in the area with affordable rent and I fear this change will force me and my family to move out and rent privately which is terrifying with a new child and the current cost of living crisis. Any granting of this licence will also go against an already established local organisations vision within the community.

With the consumption of alcohol both in and outside of the venue there will inevitably be excessive noise outside late at night and the possibility of second hand smoke coming up into our flat which will greatly affect our quality of life. As we happen to live in a small 1 bed flat we are planning on making our front room into a bedroom to afford our daughter the extra space and eventually her own bedroom. We are very worried this will make this impossible and again force a young family out of the area.

Lastly, looking at the plans of the building and the proposed business, I am concerned by the blank space that is noted in the basement area supposedly a kitchen but I can't imagine this without the needed fire exits . Although alcohol is not to be sold in this area it is vague as to what it will be used for and not outlined explicitly. This causes great concerns and highlights further that the conditions of the license are vague and adds to our fears that it may become a club when it was mentioned in person to us that this would only be a coffee, breakfast/tapas/light eats restaurant.

Please consider my representation and all of the points I have raised against the application of alcohol license and please consider that I wish to attend the hearing so I am able to address you, the Licensing Committee, about the importance of my family and I being able to remain living in Soho.

Name:	██████████
Address and/or Residents Association:	██
Received:	3 July 2023

I am writing to you because I am objecting to the licensing application for alcohol on and off the premises of the basement and ground floor of 9 Berwick st, W1F 0PJ- 23/03810/LIPN.██████████ I am concerned that approval of this license will hugely impact the residents of this area negatively.

Approving this license will not meet the licensing objective of prevention of public nuisance. Firstly, the area in which this business is proposed to be is densely populated by residents. There are 4 residential flats above, one of which I live in, and there are several further down the road with a larger block of flats, Kemp House, opposite. The application to have a late night venue will disrupt the residents quality of life due to noise that it will likely create. Currently, we have had many issues with noise from the stores that have opened in 8 Berwick St and in the pop up shops on the other side of the road. Due to the nature of our building and the older foundations, the noise carries all the way up and through our flat and for a late night venue to open directly underneath us with the proposed hours of 8am to 12am that the application states, will be an incredible nuisance as the premises is not purpose built (All of the flats above the unit have single glazed windows and have been denied double glazing and secondary glazing by our housing association - Soho Housing) and it will disrupt our quality of life hugely along with impacting our mental well-being. I have attached a video of the noise we are able to hear simply from the business in 8 Berwick st to highlight how the sound travels through and from the outside of the building from next door. This clip is taken from in our flat, facing the wall so not to have faces included.

I am especially concerned about this likely noise and the disturbance it will cause due to just having had a child on 17th June 2023. Although Soho is a lively and vibrant area, it is imperative that families and a community can remain here and thrive here for Soho to not only maintain its charm but to remain a living, breathing and functional community. The introduction of more late night venues, which will add to the already saturated area, will inevitably force families like mine to move out of Soho as we will be unable to effectively bring our child up due to the noise. It will also add to the cumulative impact of the area. This is a prospect that saddens my family hugely as we have deep ties to Soho with my husband being brought up here and attending school here. This is very much so what we want for our child but the likely nuisance this license will cause will mean we will be unable to remain in Soho.

With the consumption of alcohol both in and outside of the venue there will inevitably be excessive noise outside of the building, smoke that will enter our flat as our windows are directly above where the proposed outside area is and it will disrupt our only fire exit to the building as we share a small way into the building. I have attached a picture to this email that shows the outside of the building. Please note how close our door is to the proposed outside area and how limited the space is for us to enter is currently, let alone with additional seating or people congregating outside. Also to note, our flat is the second set of windows up. This greatly concerns me as again, with a child in the building we need to be able to ensure she is able to sleep properly for her mental development and we need to maintain a safe environment for her to be able to grow, develop and have the best start in life. 95% of a child's brain development occurs in the first 5 years of their life and it is imperative this is protected.

Lastly, looking at the plans of the building and the proposed business, I am concerned by the blank space that is noted in the basement area. Although alcohol is not to be sold in this area it is vague as to what it will be used for and not outlined explicitly. This causes great concerns and highlights further that the conditions of the license are vague and adds to our fears that it may become a club when it was mentioned in person to us, that this would only be a coffee,

breakfast and tapas light eat restaurant.

Please consider my representation and all of the points I have raised against the application of alcohol license and please consider that I wish to attend the hearing in due course to address you, the Licensing Sub-Committee, in person to impress the importance to myself and my family of our being able to remain living in Soho.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	10 June 2023

[REDACTED] and have done so for more than 30 years. Its a residential area with a large housing block at Kemp House opposite these premises and also people living above. Berwick Street already has severe noise nuisance problems from the 2 pubs and restaurants that have taken over the pavement for tables and chairs leaving no room for pedestrians forcing them into the road. Noise nuisance is a serious problem as is crime in the area which is driven by the number of licensed premises. This licence would make a bad situation worse in the cumulative impact area and should not be granted.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	4 July 2023

I feel that this application, if granted, would fail to meet the licensing objectives set out in the Licensing Act 2003, specifically:

Prevention of Public Nuisance: The premises is located in a primarily residential area, surrounded by homes that include families and young children.

The area is vibrant and lively, and our residential community contributes significantly to the unique charm of Soho. I would argue that preserving this balance between residential and commercial establishments is vital to the very existence of Soho as a living, breathing, functional community.

Historically, licensed premises have been situated either at the Broadwick Street end or in the Brewer Street/Walker's Court area, maintaining a reasonable distance from these residential properties. To allow a change in this arrangement and permit an alcohol licence for premises directly below a residential property would significantly disrupt the current status quo. It's also worth noting that this premises has traditionally been a retail shop. The sudden proposal to operate a restaurant selling alcohol until late in the night, both on and off the premises, has come as an unwelcome surprise.

The hours proposed for the operation of this venue are incredibly late. The inevitable noise and public nuisance will have a profound negative impact on the quality of life of the residents. Moreover, the conditions proposed are alarmingly vague, which does not inspire confidence in the establishment's commitment to operating within the guidelines and standards expected of licensed venues. Granting this application will contribute to a negative impact on the entire neighbourhood, which already boasts a vibrant nightlife scene. It is critical that this impact be considered in the decision-making process.

In 1968, a similar application was rejected by the Westminster council, on the grounds that a late night venue would be "inappropriate in this quieter area of Soho" and "likely to be seriously

detrimental to residential amenities by reason of noise and general activities (especially late at night)". Highlighting the importance of preserving the community's quality of life and living standards. I humbly request that the council consider this historical decision, the facts presented in this letter, and the impact on the community, before making a final decision on this licence application.

Thank you for your time and attention to this matter. I trust in your commitment to maintain the quality of life of residents in our beloved neighbourhood of Soho. I would like to be notified of and attend the hearing when it occurs.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	3 July 2023

On behalf of [REDACTED] I would like to lodge our objection to the proposed premises licence at 9 Berwick Street. As well as having a number of our residents in the close vicinity, we actually have residents who live in the residential upper parts of the property in question at 9 Berwick Street.

Whilst we accept that commercial activity and residential residents form part of the mixed community that reflects life in Soho and in central London generally, the proposed use and extended hours of operation for the ground and basement levels of 9 Berwick Street are unacceptable in maintaining the balance of residents living on the upper parts and whose lives will be materially affected, detrimentally, if the application were to be granted. Not only through the extended hours of operation but the associated 'servicing' of the commercial premises with deliveries, refuse and cleaning, all of which would only extend the impact on residents. We strongly object to the application.

[REDACTED]	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	1 July 2023

I am concerned about this application because [REDACTED] and endure significant levels of noise disturbance and ASB with existing licensing times.

[REDACTED] often is used as a side street for parties to 'carry-on', bar/restaurant staff to not only empty glass bottles in bins at all hours of the night, but to socialise after their shift.

Drunk and high visitors can be seen urinating and defecating at our doorstep and having sex outside our front doors. Fights, rowdy behaviour, and loud music is often heard throughout the night.

I feel with extending the licensed hours passed 11pm people are encouraged to linger and use our doorstep for all sorts of reasons. We have children living in the building and even your own Viola/Westminster glass and recycling collection takes place at all hours. The sound is piercing. I am happy to send you a recording of this. I have spoken to ward councillors, and tried making noise complaints but the processes are intrusive to our privacy and it doesn't seem much has changed.

It would be helpful if a consultation/meeting for residents can be held to allow us to voice the difficulties we experience with noise and ASB. I have myself as a female been harassed as I am trying to get home, and it is unacceptable.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	7 July 2023
<p>As you can see from my address above, [REDACTED], and have lived in this street for 25 years, and in Soho for 32 years. The premises want to establish a Tapas bar, The Social. I entirely object to the application of another alcohol license in Soho, and in this very residential part of our Street, Berwick Street.</p> <p>1. The application seeks hours for late night refreshment and opening hours to 10:00-23:30 Monday to Sunday. I object vehemently!</p> <p>Restaurants should only ever serve alcohol to be taken with an ancillary meal at a table. There is no mention of that in the application. So, it is clear the owners are wanting a pub like outfit with the only difference being that the snacks available would be Spanish tapas.</p> <p>a. This would only add problems to already existing antisocial behaviour taking place in conjunction with too much alcohol consumption. b. This part of Berwick Street is residential and must not be turned into an all day and late-night hang-out for people consuming more alcohol in Soho, where people are already urinating and being sick everywhere and causing a noise nuisance as well as an increase in crime with unassuming people falling victim to all sorts of crime while being under the influence.</p> <p>There is always concern that the additional footfall of drunk late night punters into Berwick Street would put too much strain on the police force in the West End; they are already very stretched. Every additional bar / restaurant that opens longer creates potential mugging and assault victims - as well as perpetrators. Gangs are already very keen to pry on the vulnerable drunk late at night in my street and to prevent crime from thriving further on our doorstep such license applications must be extremely carefully considered by WCC and maintenance of law and order in Soho must be a priority when making their decision.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	16 June 2023
<p>16/06/2023 7:53 PM We would like to understand the area that the outdoor licence would apply to please. Our office building and courtyard backs onto the premises in question, and we would want to understand whether 9 Berwick St's back terrace is included in the outdoor licence or whether the 'outdoor' is just the Berwick Street footpath frontage. We do not want their back terrace (or the side alleyway) licenced as we feel that would be disruptive to our office staff.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
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 customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 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. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 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. 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>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>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>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement</p>
<p>Policy RNT1 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 applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside 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 are 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 applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition

	<p>of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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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

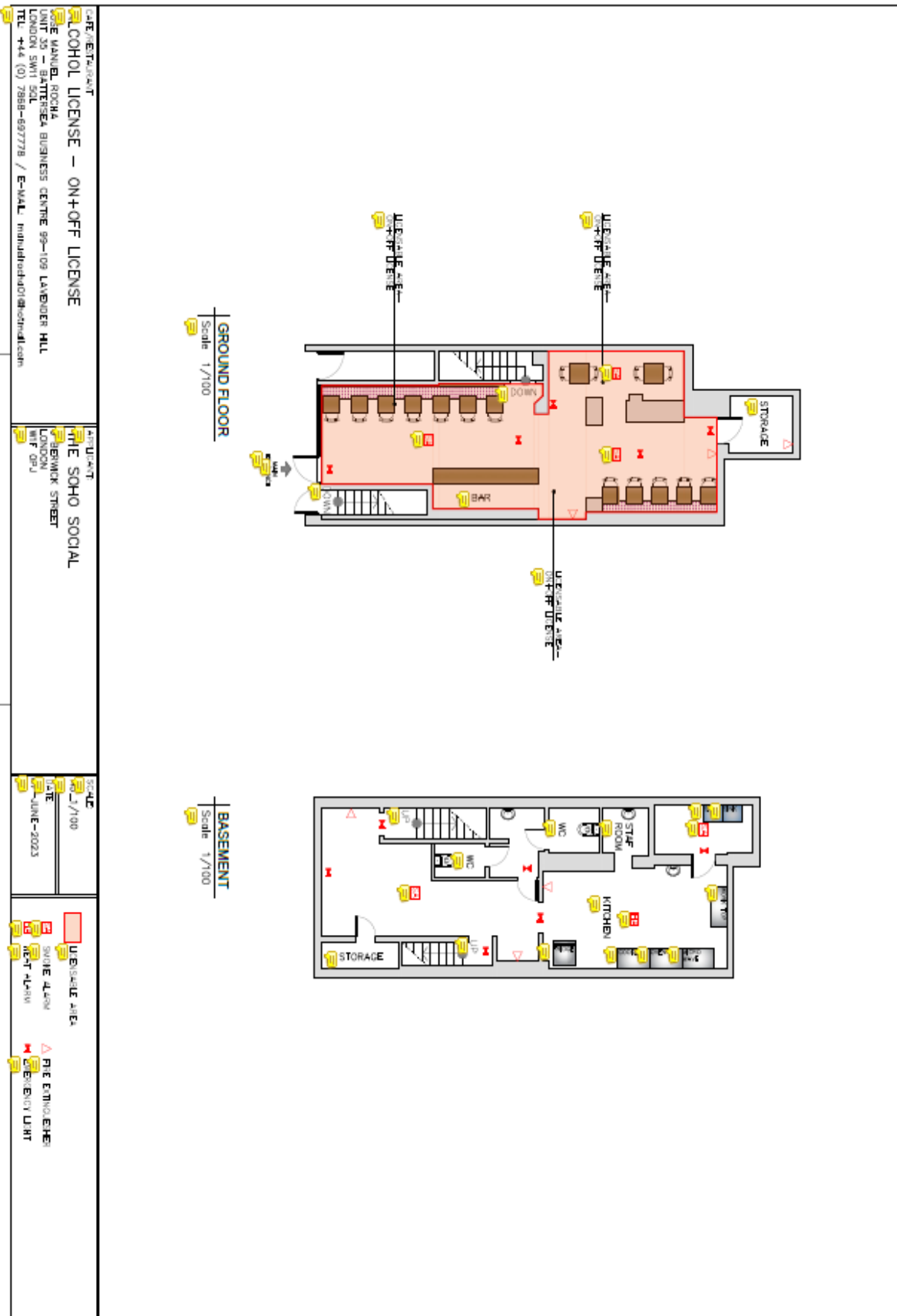
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@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 2022
3	Amended Guidance issued under section 182 of the Licensing Act 2003	August 2023
4	Metropolitan Police Service (Withdrawn 20th June 2023)	12 th June 2023
5	Licensing Authority	3 rd July 2023
6	Environmental Health Service	10 th July 2023
7	Representation 1	27 th June 2023
8	Representation 2	30 th June 2023
9	Representation 3	3 rd July 2023
10	Representation 4	4 th July 2023
11	Representation 5	7 th July 2023
12	Representation 6	4 th July 2023
13	Representation 7	8 th June 2023
14	Representation 8	10 th June 2023
15	Representation 9	4 th July 2023
16	Representation 10	4 th July 2023
17	Representation 11	3 rd July 2023
18	Representation 12	10 th June 2023
19	Representation 13	4 th July 2023
20	Representation 14	3 rd July 2023
21	Representation 15	1 st July 2023
22	Representation 16	7 th July 2023
23	Representation 17	16 th June 2023



Applicant Supporting Documents

Appendix 2

None

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. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act.

10. The DPS and Premises Holder shall participate in Local Pub Watch or other similar associations.
11. Last orders for food shall be made 20 minutes prior to the end of licensable activities.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.
13. Takeaway orders. All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.
14. There shall be no vertical drinking at the premises.
15. 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.
16. Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.
17. No beers, ales, lagers, or ciders of 6% ABV or above to be sold.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
19. A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.
20. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.
21. Alcohol shall not be in the immediate vicinity of the entrances and exit too the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.
22. For all orders taken over the phone or via the internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.
23. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be, kept at the premises and made available upon request to either Police Officers or an authorised officer of Local Authority

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

24. The premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (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,

- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

- 25. a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 26. 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.
- 27. 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.
- 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. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 29. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

The below conditions were proposed by the Licensing Authority but due to Condition 24 being proposed by the Police and agreed by Applicant these are superseded.

30. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

31. The supply of alcohol shall be by waiter or waitress service only.

Conditions proposed by the Environmental Health

None

9 Berwick Street, London



Resident Count = 264

Licensed premises within 75 metres of 9 Berwick Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/02670/LIPDPS	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
21/10111/LIPV	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/09410/LIPDPS	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Restaurant	Sunday; 12:00 - 00:00 Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:30
21/08576/LIPN	Shadow - Whole	90 Berwick Street	Not	Sunday; 12:00 -

	Premises	London W1F 0QB	Recorded	22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
15/06480/LIPN	Duck & Rice First Floor	90 Berwick Street London W1F 0QB	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
22/12056/LIPDPS	Hub By Premier Inn	90 Berwick Street London W1F 0QB	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
20/00815/LIPCH	Duck & Rice	90 Berwick Street London W1F 0QB	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
23/01063/LIPCH	Flat White	17 Berwick Street London W1F 0PT	Cafe	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 09:00 - 23:00
21/14598/LIPDPS	Co-op	104 - 105 Berwick Street London W1F 0QS	Not Recorded	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/13851/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
22/08991/LIPT	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/08995/LIPT	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00

				Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Saturday; 11:00 - 01:00 Sunday; 12:00 - 00:00
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Sunday; 12:00 - 23:00 Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30
15/04952/LIPN	Red Dog	Basement And Ground Floor 20 Berwick Street London W1F 0PY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 08:00 - 01:00
21/09669/LIPDPS	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DA	Restaurant	Monday to Sunday; 08:00 - 01:00
21/02214/LIPT	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club or institution	Monday; 09:00 - 01:30 Thursday; 09:00 - 03:30 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Tuesday to Wednesday; 09:00 - 02:30 Friday to Saturday; 09:00 - 04:00
21/14512/LIPN	Victor's	84 - 86 Wardour Street London W1F 0TQ	Restaurant	Sunday; 10:00 - 01:30 Monday to Thursday; 10:00 - 01:30 Friday to Saturday; 10:00 - 02:30
22/06200/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/04632/LIPT	Princi	Basement And Ground Floor 135 - 139 Wardour Street	Restaurant	Monday to Sunday; 00:00 - 00:00

		London W1F 0UT		
22/08728/LIPDPS	Rudys Pizza	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 00:00
22/09052/LIPRW	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Sunday; 10:00 - 22:30 Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:00
22/08296/LIPDPS	Not Recorded	6 Walker's Court London W1F 0BT	Theatre	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 01:30
21/13297/LIPDPS	Moo	99 Wardour Street London W1F 0UF	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
23/02776/LIPCHT	Supernova	25 Peter Street London W1F 0AH	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/01465/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/11661/LIPDPS	Temper	Former Trenchard House 19 - 25 Broadwick Street London	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
17/05557/LIPT	(Former 'Bunnychow')	74 Wardour Street London W1F 0TE	Restaurant	Sunday; 07:30 - 23:00 Monday to Saturday; 07:30 - 23:30
21/09379/LIPDPS	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

5 October 2023

Licensing Ref No:

23/04180/LIPN - New Premises Licence

Title of Report:

Snowflake Gelato
Basement And Ground Floor
102 Wardour Street
London
W1F 0TP

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:

Ms Emanuela Meloyan
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 June 2023		
Applicant:	Snowflake Gelato Group Limited		
Premises:	Snowflake Gelato		
Premises address:	Basement And Ground Floor 102 Wardour Street London W1F 0TP	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	As per the application form the premises intends to operate as a café with the benefit of late-night refreshments.		
Premises licence history:	This is an application for a new premises licence and no licence history exists.		
Applicant submissions:	None		
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	23:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:		None					

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

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Kudzaishe Mondhlani
Received:	18 July 2023
<p>The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the operating schedule and plans submitted of ground and basement floor drawing number A000 dated July 22.</p> <p>1. The applicant is seeking to provide Late Night Refreshment 'Indoors' Monday to Sunday between 23:00 and 00:30 hours.</p> <p>I wish to make the following representations in relation to the above application:</p>	

1. The provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety in the West End CIZ.

The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may also impact on Public Safety in the West End CIZ.

The applicant has provided additional information which is being considered. Additional Environmental Health conditions may be proposed to uphold the licensing objectives.

Responsible Authority:	Metropolitan Police
Representative:	Reaz Guerra
Received:	18 July 2023

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

There is insufficient detail contained within the operating schedule to promote the licensing objectives.

The hours sought exceed Westminster's Core Hours Policy.

It is for these reasons that we object to this application.

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	18 July 2023

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 102 Wardour Street, London, W1F 0TP.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

1. Public Nuisance
2. Prevention of Crime & Disorder
3. Public Safety
4. Protection of children from harm

The application seeks the following:

Late Night Refreshment

Monday to Sunday 23:00 to 00:30

Opening Hours to Public

Monday to Sunday 11:00 to 00:30

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1 and FFP1.

At present, the operating hours applied for Late Night refreshment currently fall outside of Westminster's core hours under Policy HRS1. The Licensing Authority encourage that the

applicant reduces the hours to be within Westminster's Core hours.

6. Pubs and bars, Fast Food and Music and Dance venues

- Monday to Thursday: 10am to 11.30pm.
- Friday and Saturday: 10am to Midnight.
- Sunday: Midday to 10.30pm.
- Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority note that the premises operation is an award winning luxury gelato selling cold food and proposes to sell hot drinks and deserts after 23:00. Due to the nature of the premises this application falls within Westminster's FFP1 (b, c, d) Policy that states.

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. 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.
3. The application and operation of the venue continuing to meet the definition of a Fast-Food Premises in Clause D.

D. For the purposes of this policy a Fast Food Premises is defined as:

1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
2. Food and drink are:
 - a. Available on the premises for self-selection.
 - b. Prepared on the premises.
 - c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.
4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

The Licensing Authority would like further submissions to the questions below:

1. Will there be deliveries from the premises?
2. What type of vehicles would be used for deliveries?
3. What kind of hot food will be sold?

The Licensing Authority would propose model conditions 86 as follows:

1. *The Licensable activities provided at the Premises shall be ancillary to the main function of the premises as a cold food/ice cream parlour'.*

The Licensing Authority has concerns regarding this premises and encourages the applicant to provide further submissions on how this will be operated and controlled to have no adverse impact on the cumulative impact area.

Paragraph F56 states; Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not

so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

Paragraph F59 goes on to say. Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.

The Licensing Authority would like the applicant to provide further submissions to the questions above to be able to assess any further relevant policy considerations.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	18 July 2023
<p>I am writing in support of [REDACTED], [REDACTED], [REDACTED].</p> <p>Please see the below text, which is the same as her comment:</p> <p>I would like to make an objection to the above application. [REDACTED] [REDACTED]. Over the past 5 years [REDACTED] we have struggled with the noise coming from the shop. Either with the music they play that echoes through our home or with their customers that are quite loud while they wait outside the shop or they exit the shop. If they stay open later this would only increase.</p> <p>Recently we have had personal conversations with the manager who has tried their best and the music level has improved, however we have been in this place before and every time there is a change in their managerial staff or other members of staff we are right back at the beginning. We do not have a direct number for the manager, and sometimes when we try to call the number that is on the website nobody picks up. There was a period last year when the number didn't work at all, so we would have to go downstairs almost daily to ask them to turn the music down.</p> <p>There are several issues with the shop. They don't have good sound proofing anywhere, their speakers are built into their ceilings and often members of staff don't know that there are people living above which means that we can hear their music from their opening time until well beyond midnight.</p> <p>Moreover, due to their opening hours, their clients will loiter outside the shop playing music from their cars or being quite loud until 1am / 2am.</p>	

The final issue is that their refrigeration and ventilation system that leads right into my bedroom window is very loud and vibrates in my house throughout the day. This issue is much worse in the summer

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received:	18 July 2023
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To whom it may concern,

I would like to make an objection to the above application. My partner and I live directly above the Snowflake ice-cream shop. Over the past 5 years we have been living above the shop we have struggled with the noise coming from the shop. Either the music they play that echoes all over my home or with their customers that are quite loud while they wait outside the shop or they exit the shop. If they stay open later this would only increase.

Recently we have had personal conversations with the manager who has tried their best and the music level has improved, however we have been in this place before and every time there is a change in their managerial staff or other members of staff we are right back at the beginning.

There are several issues with the shop. They don't have good sound proofing anywhere, their speakers are built into their ceilings and often members of staff don't know that there are people living above which means that their music resonates all over our home from their opening time until well beyond midnight.

Another issue is that due to their opening hours their clients will loiter outside the shop playing music from their cars or being quite loud until 1am / 2am.

The final issue is that their refrigeration and ventilation system that leads right into my bedroom window is very loud and vibrates in my house throughout the day. This issue is much worse in the summer.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received:	12 July 2023
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We request Councillors on the panel to consider carefully our concerns about this application for a late night refreshment licence for an ice cream parlour open seven days a week until 12.30am, in a street with a large number of residential properties which includes social housing, and where crime rates are rising.

As the Committee are aware the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.

We will present evidence on the impact of the huge number of licensed premises is having on the lives of residents and how the high level of crime has made the area very unsafe for people on a night out. Providing on and off sales until 12.30am people will be retained for longer in the area, increasing the number of people on the streets late at night will have a negative impact, it will add to cumulative impact and will fail to promote the licensing objectives.

The premises is within Soho, an area at the heart of the West End's entertainment district, with its **487** licensed premises which includes a large proportion being late night **121** (25%) licensed with a terminal hour between 1am - 6am and a **capacity of over 22,827**.

Wardour Street is densely populated at night with a number of restaurants and also drink led

venues licensed until 3am with a **capacity of 2,055**, and within the streets which surround it namely Old Compton Street, Frith Street, Dean Street and Greek Street the area has the highest concentration of late night premises in Soho, a total of **118 with terminal hours between 12am - 3.30am and capacity of over 11,200**.

It is unsurprising the crime statistics repeatedly show an increase in crime, the latest figures show levels of certain crimes are now higher than at pre COVID times and the peak times for crime being between **10pm - 2am**. The majority of robberies in Soho take place late a night, the junction between Old Compton Street and Wardour Street is a particular hotspot where people are targeted as they leave the numerous venues.

There are a number of residential properties on Wardour Street and there are real concerns amongst residents about the ever increasing numbers of licensed premises, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, and are subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

Please see the results of the [REDACTED] Sleep Survey October 2022 in **Appendix 1**.

We will withdraw this objection if the applicant agrees to no off sales after 11pm and late night refreshment until core hours.

Yours faithfully,

Licensing Committee
[REDACTED]

Appendix 1: [REDACTED] Sleep Survey Results

Appendix 2: Cumulative Impact

Appendix 3: Crime and Disorder

Appendix 4: The Application

Appendix 5: The [REDACTED]

Appendix 1: [REDACTED] Sleep Survey Results - 31 October 2022

The survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Appendix 2: Cumulative Impact

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between

2017-2019. It concludes that,

'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'
(p.19) (Our emphasis)

It states for every additional licence premises (including restaurants) the analysis will continue to show that reported incidents are likely to increase by something between 6% and 17% and crimes to increase by over 10%.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy).

D23. *'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'* (our emphasis)

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

Appendix 3: Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, *it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*

The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and rising. The recent police crime reports for April /May shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

In Soho the majority of robberies take place at night, Greek Street and the junction between Old Compton Street and Wardour Street are particular hotspots where people are targeted as they leave the numerous late night venues.

Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them.

Appendix 4: The Application

New Premises Licence

To provide hot and cold food and drinks.

LNR: Monday - Sunday : 23:00 - 00:30

Opening Hours: Monday - Sunday : 23:00 - 00:30

On and off sales

Appendix 5: The

The [REDACTED] is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
In support or opposed:	Support
Received:	27 June 2023
I support this application.	

3. Policy & Guidance

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 customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 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. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more
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	<p>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> <ol style="list-style-type: none"> 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. 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. 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. 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. 15. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally of 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>C. For the purpose Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <ul style="list-style-type: none"> - 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. <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted</p>
<p>Policy CIP1 applies</p>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the

	<p>premises.</p> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<p>Policy FFP1 applies</p>	<p>A. Applications outside the West End Cumulative Zones 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 are 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 applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a fast food premises in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 6. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 7. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 8. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 9. 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. 10. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D. <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> 11. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption. 12. Food and drink are: a. Available on the premises for self-selection. b. Prepared on the premises. c. Cooked or produced off the premises but brought to that premises in

	<p>advance of its sale to customers.</p> <p>13. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.</p> <p>14. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.</p>
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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

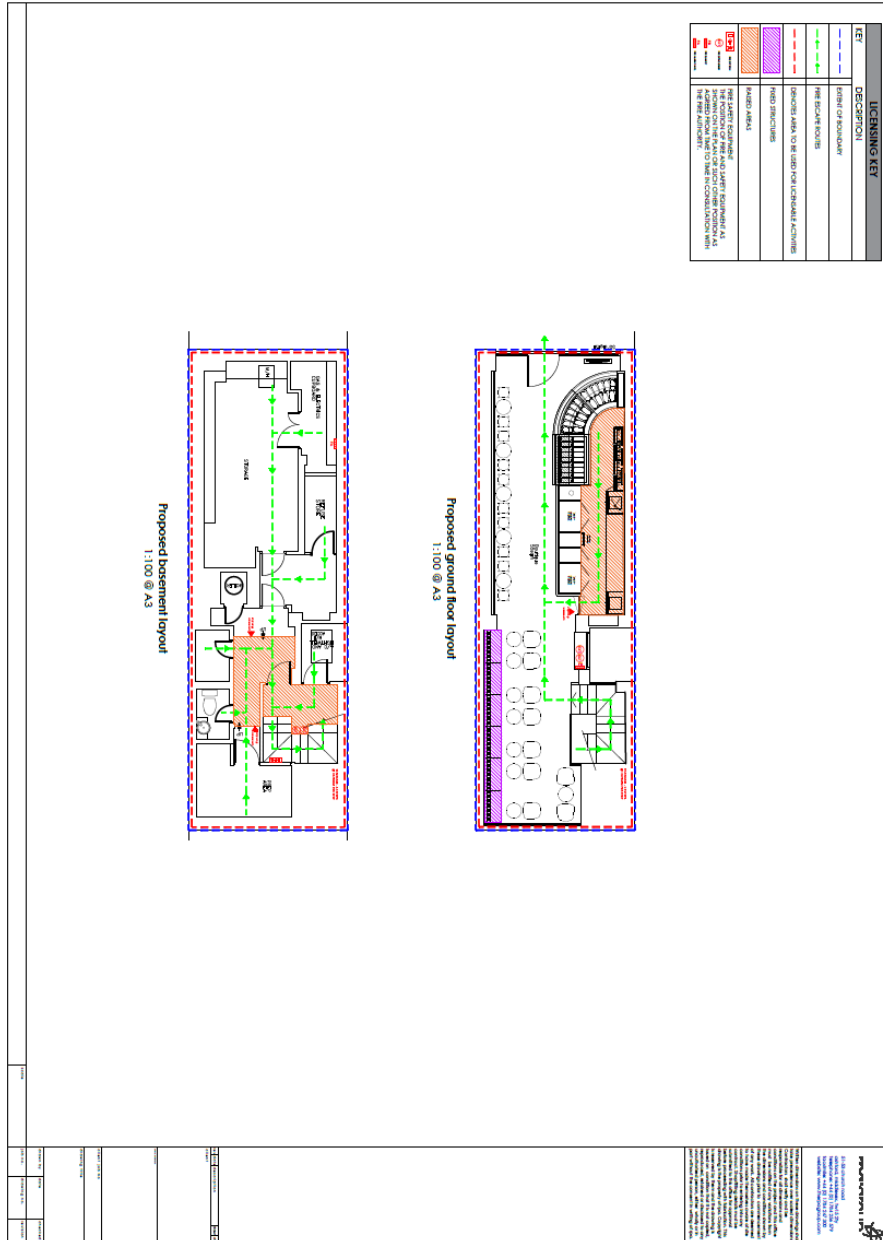
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Emanuela Meloyan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: emeloyan@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	December 2022
4	Environmental Health	18 July 2023
5	Metropolitan Police	18 July 2023
6	Licensing Authority	18 July 2023
7	Interested Party representation (1)	18 July 2023
8	Interested Party representation (2)	27 June 2023
9	Interested Party representation (3)	12 July 2023
10	Interested Party representation (4)	18 July 2023



None

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions proposed by the applicant to form part of the operating schedule

9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light

condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

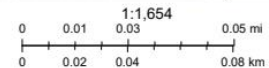
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
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 and/or is to be made available to residents and businesses in the vicinity.
14. 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.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
17. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.

102 Wardour Street, London, W1F 0TP



19/09/2023, 16:31:17

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 179

Licensed premises within 75m of Basement and Ground Floor, 102 Wardour Street, W1F 0TP				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Monday to Wednesday – 09:00 – 02:30; Thursday to Saturday – 09:00 – 03:30; Sunday – 12:00 – 23:00
22/01465/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
23/03795/LIPCH	Soho Hotel	4 Richmond Mews London W1D 3BD	Hotel	Monday to Sunday – 00:00 – 00:00

21/13851/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday to Thursday – 08:00 – 23:30; Friday to Saturday – 08:00 – 00:00; Sunday – 08:00 – 22:30
23/04632/LIPT	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Restaurant	Monday to Sunday – 00:00 – 00:00
22/01602/LIPDPS	The Ship Public House	116 Wardour Street London W1F 0TT	Pub	Monday to Thursday – 10:00 – 23:30; Friday to Saturday – 10:00 – 00:00; Sunday – 12:00 – 22:30
21/02214/LIPT	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
21/14512/LIPN	Victor's	84 - 86 Wardour Street London W1F 0TQ	Restaurant	Monday to Thursday – 10:00 – 01:30; Friday to Saturday – 10:00 – 02:30; Sunday – 10:00 – 01:30
21/10111/LIPV	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Shop	Monday to Saturday – 08:00 – 23:00; Sunday – 10:00 – 22:30
22/02670/LIPDPS	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Monday to Thursday – 09:00 – 23:30; Friday to Saturday – 09:00 – 00:00; Sunday – 09:00 – 22:30
22/08991/LIPT	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
22/08995/LIPT	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday to Saturday – 10:00 – 01:00; Sunday – 12:00 – 00:00
13/03483/LIPN	Piccolo Fomo Pizzeria	9-12 St Anne's Court London W1F 0BB	Restaurant	Monday to Saturday – 10:00 – 23:30; Sunday – 10:00 – 22:30

17/06448/LICV	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Cinema	Monday to Saturday – 12:00 – 00:00
22/09052/LIPRW	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Monday to Wednesday – 07:00 – 23:30; Thursday to Saturday – 07:00 – 00:00; Sunday – 10:00 – 00:00
22/09410/LIPDPS	Banana Tree Restaurants	103 - 109 Wardour Street London W1F 0UN	Restaurant	Monday to Thursday – 10:00 – 00:30; Friday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 00:00
23/02617/LIPDPS	Aulis	Ground Floor 16 St Anne's Court London W1F 0BF	Cafe	Monday to Saturday – 08:00 – 23:30; Sunday – 10:00 – 22:00
21/09379/LIPDPS	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
23/02677/LIPDPS	Miznon	8 Broadwick Street London W1F 8HW	Restaurant	Monday to Thursday – 09:00 – 23:30; Friday to Saturday – 09:00 – 00:00; Sunday – 09:00 – 22:30
19/06818/LIPCH	The Player	Basement 8 - 12 Broadwick Street London W1F 8HW	Night Club	Monday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 00:00



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	5 October 2023
Licensing Ref No:	23/04190/LIPN - New Premises Licence
Title of Report:	74 Victoria Street London SW1E 6SQ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 June 2023		
Applicant:	Singtime Uk Ltd		
Premises:	N/A		
Premises address:	74 Victoria Street London SW1E 6SQ	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises intends to operate as karaoke bar with provision for substantial food and musical entertainment on ground floor and basement.		
Premises licence history:	<p>The premises has had the benefit of a premises licence since August 2015.</p> <p>The current premises licence (23/02561/LIPT) can be viewed at Appendix 3 of this report.</p> <p>A full licence history and Temporary Event Notice history for the premises appears at Appendix 4.</p>		
Applicant submissions:	<p>The applicant has provided the following documents:</p> <ul style="list-style-type: none"> • Mediation with the interested party • An operational management statement • Presentation • Noise Impact Assessment <p>A copy of the documents can be found at Appendix 2.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Films:	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:	00:00	00:00	01:00	01:00	01:00	01:00	23:00
Seasonal variations/ Non-standard timings:	None						

Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	00:00	00:00	01:00	01:00	01:00	01:00	N/A
Seasonal variations/ Non-standard timings:		None					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	09:00
End:	00:00	00:00	01:00	01:00	01:00	01:00	23:00
Seasonal variations/ Non-standard timings:		None					

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

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	00:00	00:00	01:00	01:00	01:00	01:00	23:00
Seasonal variations/ Non-standard timings:		None					

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:	00:30	00:30	01:30	01:30	01:30	01:30	23:30
Seasonal variations/ Non-standard timings:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbriatore
Received:	19 July 2023

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans for the ground floor and basement.

The applicant is seeking the following on the **ground floor and basement**:

1. To allow the Supply of Alcohol 'on and off' the premises Monday and Tuesday 10:00-00:00 hours, Wednesday to Saturday 10:00-01:00 hours and Sunday 10:00-23:00 hours.
2. To allow the provision of Late Night Refreshment 'indoors' Monday and Tuesday 23:00-00:00 hours and Wednesday to Saturday 23:00-01:00 hours.
3. To allow the provision of Live Music 'indoors' Monday and Tuesday 09:00-00:00 hours and Wednesday to Saturday 09:00-01:00 hours.
4. To allow the provision of Films and Recorded Music 'indoors' Monday and Tuesday 09:00-00:00 hours, Wednesday to Saturday 09:00-01:00 hours and Sunday 09:00-23:00 hours.

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

1. The provision of the Supply of Alcohol and the proposed hours may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment and the proposed hours may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
3. The provision of Live Music and the hours proposed, may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
4. The provision of Films and Recorded Music and the hours proposed, may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

The applicant did seek pre-application advice (2302903/PREAPM) which has been followed through the proposed conditions. Further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.

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

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

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	14 July 2023		
<p>This application is for opening hours beyond those set in Core Hours in The Statement of Licensing Policy 2021 and as such should be refused.</p> <p>Pubs, restaurants and all licensed premises should comply with the Core Hours established in the Statement of Licensing Policy to avoid issues of Public Nuisance.</p> <p>In addition once the hours have been set to Core Hours for all activities there should be an express provision in any license the prohibits the emanation of sound from any source from the inside of the premises to the surrounding external streets / neighbourhood.</p> <p>The interested party has provided additional response to the applicant's mediation emails/documents which can be found at Appendix 2.</p>			

3. Policy & Guidance

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 customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 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. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 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. 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. 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. 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. 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

	<p>are expected to be covered by Temporary Event Notices or variation applications.</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> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy PB1 applies</p>	<p>A. Applications outside the West End Cumulative 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 applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within</p>

	<p>the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 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, and/or, 2. 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. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
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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

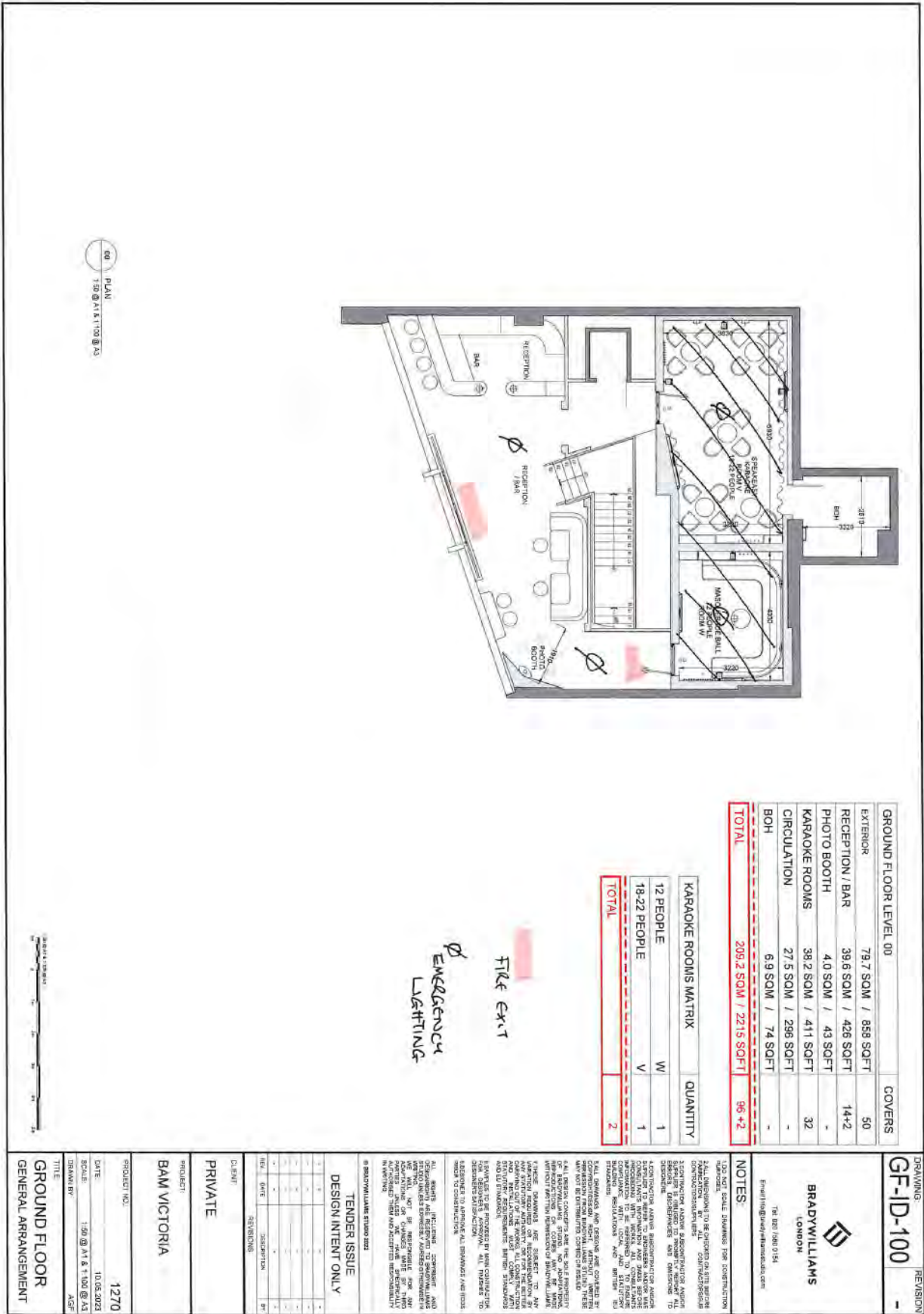
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Existing premises licence 23/02561/LIPT
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@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	December 2022
4	Environmental Health Service representation	19 July 2023
5	Interested party representation	14 July 2023



GROUND FLOOR LEVEL 00	COVERS
EXTERIOR	50
RECEPTION / BAR	14+2
PHOTO BOOTH	-
KARAOKE ROOMS	32
CIRCULATION	-
BOH	-
TOTAL	96 +2

KARAOKE ROOMS MATRIX	QUANTITY
12 PEOPLE	1
18-22 PEOPLE	1
TOTAL	2

EMERGENCY LIGHTING
 FIRE EXIT

BRADYWILLIAMS
LONDON

71, 831, 198 0154
 Email: info@bradywilliams.com

GF-ID-100 -

REVISION

NOTES:

1. ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK.
2. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
6. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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9. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
10. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

TENDER ISSUE
 DESIGN INTENT ONLY

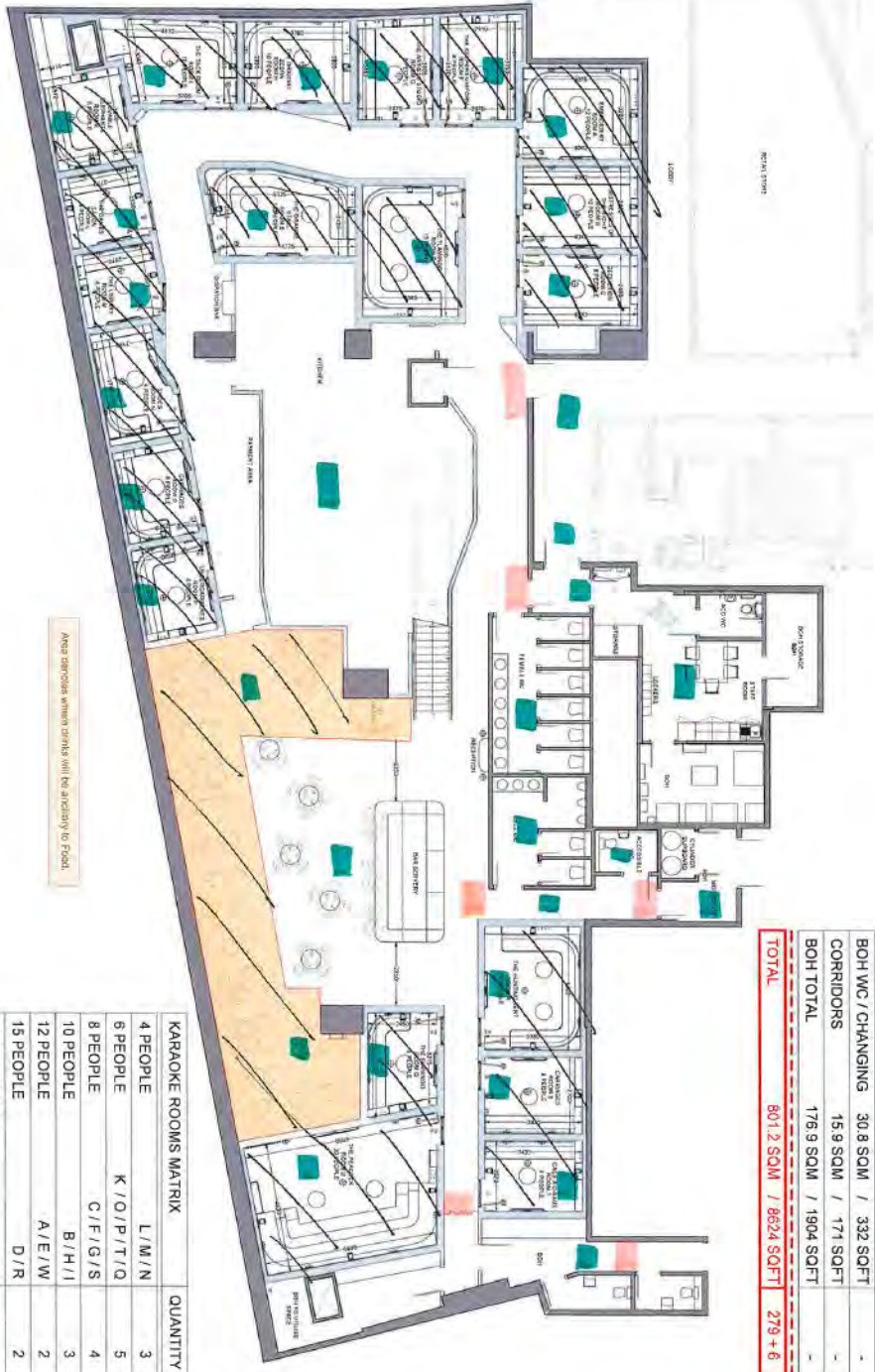
REVISIONS:

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

CLIENT: PRIVATE
PROJECT: BAM VICTORIA
PRODUCT NO.: 1270
DATE: 10.05.2023
SCALE: 1:50 @ A1 & 1:100 @ A3
DRAWN BY: AGF

TITLE: GROUND FLOOR GENERAL ARRANGEMENT

File Exit
Emergency Lighting



01 PLAN
1:75 @ A1 & 1:100 @ A3

LOWER GROUND FLOOR -01	COVERS	TOTAL
BAR AREA 162.0 SQM / 1636 SQFT	91 + 6	103 + 8
KARAOKE ROOMS 231.5 SQM / 2492 SQFT	188	220
EXTERIOR - / -	-	50
CIRCULATION 110.6 SQM / 1190 SQFT	-	-
PAYMENT AREA 3.1 SQM / 33 SQFT	-	-
TOILETS 36.2 SQM / 390 SQFT	-	-
KITCHEN 85.2 SQM / 917 SQFT	-	-
STORAGE 45.1 SQM / 485 SQFT	-	-
BOH WC / CHANGING 30.8 SQM / 332 SQFT	-	-
CORRIDORS 15.9 SQM / 171 SQFT	-	-
BOH TOTAL 176.9 SQM / 1904 SQFT	-	-
TOTAL 801.2 SQM / 8624 SQFT	279 + 6	373 + 8

KARAOKE ROOMS MATRIX	QUANTITY	TOTAL
4 PEOPLE L/M/N	3	3
6 PEOPLE K/O/P/T/Q	5	5
8 PEOPLE C/F/G/S	4	4
10 PEOPLE B/H/I	3	4
12 PEOPLE A/E/W	2	3
15 PEOPLE D/R	2	2
18-22 PEOPLE V	-	1
30 PEOPLE U	1	1
TOTAL	20	22

Area devices within drinks will be ancillary to food.

DRAWING: SK-053
REVISION: -



NOTES:

1. ALL DIMENSIONS TO BE CHECKED AGAINST ARCHITECTURAL DRAWINGS AND CONTRACT DOCUMENTS.
2. ALL DIMENSIONS TO BE CHECKED AGAINST ARCHITECTURAL DRAWINGS AND CONTRACT DOCUMENTS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS TO BE CHECKED AGAINST ARCHITECTURAL DRAWINGS AND CONTRACT DOCUMENTS.

BRADY WILLIAMS STUDIO 2023
TENDER ISSUE
DESIGN INTENT ONLY

CLIENT: PRIVATE
PROJECT: B&M KARAOKE
PROJECT NO.: 12/20
DATE: 09.05.2023
SCALE: 1/75 @ A1 & 1/150 @ A3
DRAWN BY: DB
TITLE: BASEMENT LEVEL -01
GA OPTION Z

Mediation between the applicant and the interested party

On 4 Aug 2023, at 12:14, Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk> wrote:

Hello,

Hope you are well.

Please find attached additional documents supplied by the applicant following your representation with respect to 74 Victoria Street SW1E 6SQ.

Could you confirm if you continue to maintain your representation?

Thank you

Regards,

Emanuela Meloyan

Senior Licensing Officer

Licensing Service

Public Protection and Licensing

Westminster City Council

15th Floor City Hall

64 Victoria Street

London, SW1E 6QP

From: [REDACTED]

Sent: Friday, August 4, 2023 4:33 PM

To: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>

Subject: Re: Mediation - 23/04190/LIPN 74 Victoria Street SW1E 6SQ

Importance: High

Dear Ms Meloyan,

Units 1 & 2 next door to this application have agreed to maintain Core Hours and have an express provision in the licensing permission that no sound shall be allowed to emanate from the premises from any aspect of the licensed activities.

Unless the same provisions are applied to this application our objections remain.

The decision on the premises next door are attached for reference. There is no reason why the above application should not have the same provisions.

Regards,

[REDACTED]

From: Meloyan, Emanuela: WCC

To: [REDACTED]

Subject: Agreed Conditions - 23/04190/LIPN 74 Victoria Street SW1E 6SQ

Date: 16 August 2023 07:36:00

Good morning [REDACTED],

I have addressed your concerns to the applicant and they confirm that the below conditions have already been agreed:

A noise limiter must be fitted to the musical amplification system and maintained

in accordance with the following criteria:

(a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,

(b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,

(c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,

(d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and

(e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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.

Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

All windows and external doors shall be kept closed after 18:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

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

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.

Thank you

Regards,

Emanuela Meloyan

Senior Licensing Officer

Licensing Service

Public Protection and Licensing

Westminster City Council

15th Floor City Hall

From: [REDACTED]

Sent: Wednesday, August 16, 2023 9:16 AM

To: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>

Subject: Re: Agreed Conditions - 23/04190/LIPN 74 Victoria Street SW1E 6SQ

Thank you for your reply. I am satisfied with this condition

However, has the applicant agreed or has the council determined that the premises should keep within Core Hours as is applicable to the next door premises. Unless this is established our objection will remain.

Best regards.

[REDACTED]



Unit 3, Zig Zag Building, 74 Victoria Street, London SW1

OPERATIONAL MANAGEMENT STATEMENT

June 2023

Summary

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4- The prevention of crime and disorder	16
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1- Introduction:

This Operational Management Statement ('OMS') has been prepared to set out the strategy and approach to the operation of BAM Karaoke Box ('BAM') venue proposed at Unit 3 ('the Premises') of the Zig Zag Building (the Building') at 74 Victoria Street, London SW1.

The purpose of this OMS is to give a clear overview of the proposed venue and the ethos and management strategy underpinning its operation. Due regard has been given to industry best practice within central London and specifically Westminster, BAM's experience operating in France and Spain, and other relevant Operational Management Strategies approved by Westminster.

BAM has carefully analysed site-specific considerations and built appropriate management measures into this OMS. This OMS is a document that is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

It is acknowledged that the OMS is an overview of the operation and is provided with the aim of furnishing all those concerned (namely the licensing and planning authorities, other responsible

authorities and other stakeholders) with a reasonable understanding of how the Premises will be operated and how the licensing objectives will be promoted.

BAM accepts that the terms of the OMS will be binding and they must adhere to it. In addition, BAM accepts that any planning permission or license granted will also contain a number of bespoke conditions.

Key aspects of this OMS and particularly the measures taken to promote the best practices will be encapsulated and expanded upon in the operations specific policies and linked risk assessments which will be developed even further. The maintenance of these policies will also be encapsulated by conditions to ensure that they are implemented and are available for inspection to the responsible authorities.

2- Outline of Concept

How we see ourselves in the entertainment industry:

Inspired by the karaoke box concept born in Asia, BAM Karaoke Box breathes new life into city entertainment with a high-end concept offering a unique customer experience through modern technology, dedicated service, and infrastructure.

Since 2014, more than 1.1 million customers have already sung with us, and we've opened 8 BAM Houses in Europe.

Customers split:

From our 9 years of operations in our 8 venues in Paris (x5), Bordeaux (x1) and Madrid (x2), **93% of our clients book karaoke boxes online through our website** (www.bam-karaokebox.com). On this website they can get more info regarding the Karaoke concept, the venues, the boxes and the food and drink menu.

Clients' description:

- Our clients are mainly women (65%) and the average group is 10 people.
- Most of our clients are aged from 20 to 45 but we also welcome younger clients.
- They tend to stay in our venue between 2 and 3 hours as the karaoke session is 2-hour long.

BAM's concept in Victoria:

For our Victoria venue, the client will have 3 choices **on the website**:

- Book one karaoke boxes (from 4 to 30 people)
- Book several karaoke boxes (from 4 to 30 people)
- Book a table to have dinner and drinks (from 2 to 20 people) and enjoy live performances (as outlined below)

We expect having approximately 90% of our reservations made online for the 3 offers.

We'll have a thorough food and beverage offer we could describe as follows:

- Food for the karaoke rooms : easy-to-share dishes/plates to have inside the box (it should be convenient and easy to share as the clients are singing) - 4 to 6 different dishes.
- Food for the restaurant area: bigger plates and extended offer as clients will have more time to eat – 10 to 14 different dishes.
- The drink menu will be focused on the BAM signature cocktails (from 15 to 20 cocktails in total) in addition to the standard drink offer (soft drinks, wine, beers, champagne).

Course of a Karaoke session:

Here is how a **karaoke session** is handled at BAM:

- The client books online from 2 months to 5min prior the beginning of the session.
- During the online purchase or after it, food and drinks can be pre-ordered.
- The day of the session, the client gets a text message to reminder with the address, and the time.
- On arrival, the client is welcomed at the door by a BAM-staff who checks that a booking is in place.
- The staff waits for the rest of the group if needed and then accompany them to the box.
- Inside the box, the staff does a quick briefing to explain how the software and room ordering system are working.
- During the 2-hour session, the clients can order food and drinks via a tablet. The order is then served directly to the box by waitresses / waiters.
- At the end of the session, the client will:
 - o Either pay and then leave the venue – it's possible to order a taxi/Uber within the premises.
 - o Or be seated and can enjoy drink or food on the restaurant/bar area.

In rare cases (around 5%), we might have walk-in clients. The process is the same, but we'll take the payment and the registration of client's information when we welcome them before the beginning of the session, so we always know who is singing in one of our boxes.

Operations of restaurant area:

The restaurant area will be located downstairs and be 97 seats on a 1239 sqft area. This area is surrounded by benches and there is a bar in the center of the area.

Operations of live performances:

This area is the exact same area as the restaurant one but will be used in a slightly different way when we have live performances. We'll have performers on stage (approx. 9 sqft) of different kinds: musicians, DJ, live karaoke, singer, magician,

Live performances might take place every day until 30 minutes before closing.

3- Stakeholders & licensing objectives:

A contact for BAM to be available at all times (both site General Manager and Operations Manager).

Who are our stakeholders?

- Residents
- Local businesses
- Guests
- Employees
- General public
- Local authorities

Our responsibilities to the stakeholders are as follows.

4- The prevention of crime and disorder

We are proactive in our approach to preventing crime and disorder both on and around the Premises. We are determined to ensure the business engages all stakeholders and works collaboratively to ensure the Premises is a positive contributor to the local area.

CCTV

We recognise that CCTV is essential in the safe operation of the Premises and is for the safety of both staff and guests. The Premises will operate a CCTV system that conforms to the General

Data Protection Regulation (EU) 2016/679 (GDPR) and is operated for the purposes the prevention and detection of crime, public safety and employee security. The Data Controller is the Head of Operations.

CCTV will be installed inside and outside the premises and will be of the specification as stipulated in the Premises License. E.g. Digital images shall be retained for at least 31 days and shall be produced to an authorised officer on demand. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises. An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.

Door Supervisors & security

Door supervisors will be used or employed when a licensable activity is being carried out when considered necessary to prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder; Keep out excluded individuals (subject to court or pub watch bans); search and exclude persons suspected of carrying illegal drugs or offensive weapons; or maintain an orderly queue outside the venue.

The number of Door Supervisors employed at the premises when licensable activities are taking place, their location within the premises and the times they will be employed will be decided in consultation with the police where appropriate. These details will be written down and regularly reviewed. Be that as it may, at least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 21.00 on Thursday, Friday and Saturday whilst it is open for business.

Door Supervisors will keep a duty roster, an incident register and these will be available for inspection by an Authorised Officer.

Door Supervisors will wear their SIA license where it can be seen at all times when engaging in designated licensable activities. All Door Supervisors will produce their license for inspection on the request of any constable, any member or employee of the SIA or other person authorized by the SIA CCTV & Communication.

BAM will adopt a system of risk assessment at the premises to:

- Identify hazards;
- Decide who might be harmed and how;
- Evaluate the risks and decide on precautions;
- Record findings and implement them; and
- Review and update arrangements.

		Impact →				
		Negligible	Minor	Moderate	Significant	Severe
Likelihood ↑	Very Likely	Low	Moderate	High	High	High
	Likely	Low	Moderate	Moderate	High	High
	Possible	Low	Low	Moderate	Moderate	High
	Unlikely	Low	Low	Moderate	Moderate	Moderate
	Very Unlikely	Low	Low	Low	Moderate	Moderate

Entry Policy

We accept children (under 18) from opening until 8pm only when they are accompanied by an adult.

It's imperative that only those over the age of 18 are able to purchase alcohol. As such we will adopt a Challenge 25 policy and ensure only approved forms of identification are accepted.

Once the maximum capacity is achieved entry will only be permitted on a "one in, one out" basis with guests discouraged from queuing on Victoria Street through use of a digital "wait list" application that will notify via SMS when space becomes available.

The majority of guests visiting the Premises will be booked through our online reservations platform and as such we will have a contact detail for most groups who visit the venue.

There shall be no entry or re-entry to the premises after 00:00.

Exit Policy

The smoking area will be located in the external seating area and in such a way that it does not cause obstruction to the pavement or cause nuisance for any neighbours. Any guests who are smoking will be monitored and reminded to be considerate of the environment in terms of their noise and litter. The smoking area will be closed a minimum of 15 minutes before the venue closes (end of service).

When the lights are up and the music has been turned off, the security and management will facilitate the exit-only strategy by instructing guests to collect their belongings and directing them towards the exit on Victoria Street.

Guests will be advised of the location of public transport by the security and management teams.

Guests will be reminded to be considerate of our neighbours and disperse in a quiet and prompt fashion. The security and management team will ensure guests leave the vicinity of the premises promptly and considerately.

A minimum of 2 high-visibility members of security will remain in position to facilitate the exit-only strategy and help guests continue their journey home as quickly and as quietly as possible.

Dispersal Policy

The BAM dispersal policy will be implemented to assist in the promotion of the four licensing objectives for licensing and the planning policies. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

BAM will work hard to build and maintain good relationships with its neighbours. BAM will work closely with many partners in the local area to ensure the premises is making a positive contribution and that we keep everyone informed of our activities.

BAM is aware of the potential for neighborhood noise and disturbance at the time that customers leave at closing time. BAM has agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

In relation to dispersing visitors or guests when BAM closes we have the following practices and procedures in place to ensure we avoid undue disturbance or nuisance to our neighbours:

- Effective management of customer behaviour whilst on the premises.

- A good staff to customer ratio.
- Duty Management presence at front of house.
- SIA trained Door Security Staff at night for dispersal
- Responsible drinking practices, e.g. small measures, properly trained staff, Challenge 21/25 policy.
- Appropriate signage at the exit points asking guests to respect our neighbours and leave quietly.
- Staff at exits to reinforce the message re leaving quietly.
- Waste disposal processes will ensure no noise is heard after hours.
- All incidents of crime or disorder or nuisance are to be reported by the Duty Manager and will be investigated immediately.
- The Designated Premises Supervisor shall ensure that the details of all complaints are recorded in the daily occurrence book and such complaints shall be investigated to see if there were ways to prevent the complaint from happening.
- BAM will not tolerate departing customers congregating outside of the premises and they will be asked to move on quickly and quietly.
- BAM will be at all times aware of activity outside of the premises and endeavor by their presence to minimise bad behavior regardless of whether they are visitors to BAM or not.
- Taxis and limousines will be allowed to pick up and drop off passengers near the entrance of the Property along Piccadilly. Staff will be available to assist where needed to reasonably ensure the smooth traffic operation.

This policy is overseen by the Designated Premises Supervisor and reviewed on a regular basis.

Crime Prevention

- Notices will be displayed throughout the Premises reminding guests to be aware of potential crime.
- All staff receive thorough, documented training before working in the Premises and are reminded during daily team briefings to be vigilant. Some of the topics covered are as follows:
 - Crime awareness
 - Alcohol consumption
 - Violent crime management
 - Containing incidents
 - Protecting the public from harm
 - Crime scene preservation policy
 - Encouraging use of coat and bag hooks
 - Spiking awareness
 - Drugs policy (zero tolerance), any suspicious behaviour to be reported immediately
 - Controlled access (door staff, management vigilance)
 - The importance of keeping doors closed/locked

5- Public safety

Public safety in this instance is primarily concerned with the physical safety of those on the premises.

BAM, as operator and employer, understands it is our responsibility to ensure the safety and wellbeing of all our guests and employees. All managers are trained to be aware of our crisis and safety policies ensuring they are followed appropriately.

The premises will comply with fire and food safety regulations and have a robust set of risk assessments specific to the Premises to ensure incidents are avoided.

All employees will also be trained on the importance of ensuring the Premises is accessible to all and will be regularly reminded of their responsibilities under the 2005 Disability Discrimination Act.

Capacity

The proposed capacity would allow for a total of 440 guests in the Premises (60 at ground floor level, 380 at the basement) including an additional 29 staff on site at any one time.

The guests would enter and exit via the main entrance located on Victoria Street. As detailed above, door staff and management shall be responsible for managing the entry and exit of guests to the Premises and ensuring that the pavement does not become obstructed.

Fire Safety

Clear evacuation procedures are to be on display for all to see, particular consideration is given to guests who are unfamiliar with the building.

All staff receive thorough, documented training before working in the Premises and are reminded during daily team briefings to be vigilant. Some of the topics covered are as follows:

- Good housekeeping, removing rubbish
- Locations of fire exits and door opening mechanisms
- Steps to take on discovering a fire or hearing an alarm
- Location of assembly point
- Location of and how to operate the fire alarm
- How to call the fire brigade
- Location of and how to use the firefighting equipment

Fire risk assessment are conducted by external contractors on an annual basis.

Regular call point and emergency light checks are carried out by the onsite management team and regular extinguisher and alarm inspections are done by external contractors.

Our teams are trained to do daily checks for any hazards or obstructions to exits, stairs etc.

It is of vital importance that every member of staff knows precisely what their responsibilities are in any emergency and the successful implementation of the fire evacuation procedures will depend upon every member of staff knowing what to do. It is therefore important and a legal requirement that regular fire and safety procedures training and evacuation drills are carried out. A full fire evacuation testing will take place every 6 months during daytime hours.

Disabled or elderly guests would be escorted by a member of staff to an alternative safe place of refuge and be accompanied at all times in an emergency situation.

Management

BAM would be responsible for all operational management within the Premises and associated common areas and will put in place a robust management structure to ensure compliance with statutory regulations and to ensure public safety.

Senior management will be contactable 24 hours a day, seven days a week to deal with any matters arising.

Management will employ an experienced and professional team for each area of business to guarantee optimum guest service standards throughout.

The overall site will operate with approximately 45 full and part time employees, and wherever possible would be drawn from the local community. Singtime UK will also hire 4 full time employees at the future London HQ. On site at any one time, there will never be more than 29 staff.

Staff are discouraged from smoking in the near vicinity of the venue and management will ensure the entrance and surrounding area is clear of cigarette/cigar ends.

Emergency exits

Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. Where chairs and tables are provided, internal gangways are to be kept unobstructed. All exit doors shall be easily openable and shall not require the use of a key, card, code or similar means. Doors at exits shall be regularly checked to ensure that they function satisfactorily and a record of the check will be kept. Any removable security fastenings shall be removed whenever the premises are open to the public or occupied by staff. All fire doors shall be maintained as effectively self-closing and not held open other than by approved devices (*for example, electromagnetic releases operated by smoke detectors*). Fire resisting doors to ducts, service shafts, and cupboards are to be kept locked shut. Edges of the treads of steps and stairways are maintained so as to be conspicuous.

Lighting

In the absence of adequate daylight the lighting in any area accessible to the public shall be fully operational. Fire safety signs shall be adequately illuminated. Emergency lighting shall not be altered without prior notification to the Licensing Authority. Emergency lighting batteries must be fully charged before admission of the public. In the event of failure of normal lighting, where the emergency lighting battery has a capacity of one hour, evacuation of the premises shall be possible within 20 minutes. Where the emergency lighting battery has a capacity of three hours, evacuation of the premises shall be possible within one hour.

First Aid

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. At least two suitably qualified trained first aider(s) will be on duty when the public are present. If more than one first aider is present their respective duties shall be clearly defined.

Drinks Promotions

The British Beer and Pub Associations Guidelines on On-Trade Promotions shall be adopted and complied with. The premises will not conduct drinks promotions such as 2 for 1, 3 for 2 or multiple drinks promotions.

6- The prevention of public nuisance

The Premises will prevent public nuisance by keeping windows and doors closed and ensuring there are visible signs to remind customers of the need to reduce noise can all help to avoid causing a public nuisance through noise.

Noise management

Noise from the music system to be managed at all times with the sound level monitored to ensure volumes are maintained at an acceptable level. A sound limiter will be added to the audio system and held in a locked cupboard which shall only be accessible to the DPS of the venue.

The music management system shall enable us to split the music (and therefore atmosphere) between ground floor and basement. The ground floor music will be lower.

We are engaging the services of a third party consultant (Richard Vivian, Big Sky Acoustics) to prepare a Noise Impact Assessment to ensure risk of noise pollution is limited.

The premises license holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises / nearest residential property. Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly. Any ventilation system shall be fitted with or include suitable sound attenuation.

Hours of operation

09:00 à 00:00 on Mondays and Tuesdays, 09:00 to 01:00 Wednesday to Saturday and 09:00 to 23:00 on Sundays.

Control of Noise Emissions

All external doors and ground floor windows to the premises would remain permanently closed, except for the main entrance, which will be monitored throughout the day and manned in the evening.

Decibel limiters will be in place to ensure compliance with any reasonable planning and licensing conditions and the correct levels of music are being played. All music will be switched off at closing times.

Strict compliance with statutory and licensing regulations and relevant planning conditions will be upheld.

Excess Vehicles

The Premises will not operate a delivery / take-away service which would mean that there would be no motorcycles/bikes collecting food etc.

Hours of Deliveries

A centralised loading bay is operated at the Building by the landlord, Landsec. All deliveries must be made between the hours of 07:00 and 19:00 Monday to Friday. BAM will comply with the Operational Procedures for the loading bay as set by the landlord. This will accord with the approved servicing scheme associated with the principle planning permission for development of the Building (LPA Ref: 13/10325/FULL).

Parking arrangements

No staff, guest or visitor car parking facilities would be provided on site. Staff cycle parking and showers are provided in the common areas of the Building, in accordance with the approved scheme for the Building (LPA Ref: 13/10325/FULL)

Waste Disposal

A centralised waste management facility is operated at the Building by the landlord and has been approved by planning permission 13/10325/FULL. All waste will be stored within the Premises back of house areas and sorted into the following categories before being transferred at least once a day to the waste collection area in the basement of the Building:

- Dry mixed recyclables recycled
- Food waste reprocessed
- Glass waste recycled

- Non-recyclables incinerated
- Ink toner & cartridge re used
- Battery recycling reprocessed
- WEEE recycling reprocessed

All waste collections at the building are managed by the landlord. BAM will comply with the Operational Procedures for the waste management facility as set by the landlord.

7- The protection of children from harm

Proof of age

Challenging the age of all guests who appear young through Challenge 25 we will ensure that only those of legal age are permitted to consume alcohol on the premises. Any under 18's must be accompanied by an adult and cannot access the venue after 8pm.

We have clear guidance for the employment of minors to ensure they are managed appropriately.

Children activities management

If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence to:

- (a) station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
- (b) control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
- (c) take all other reasonable precautions for the safety of the children.

8- Crisis Policy

BAM has a thorough crisis policy which covers the very rare possibility of our teams having to deal with weapons, terror attacks and bombs threats.

In addition, all team members are trained on the ACT guidance on preventing terrorism and understand the importance of "Run, Hide, Tell" in the unlikely event they would find themselves in a live act of terrorism. Each employee is thoroughly briefed on the importance of vigilance and reporting anything that seems "out of the ordinary".

Management and security complete full venue walk throughs at regular intervals to ensure all non-public areas are locked and to check for unattended packages/baggage.



IBAMI
KARAOKE BOX

Concept Presentation

BAM is about feeling good & creating memories

Inspired by the karaoke box concept in Asia, the French company BAM Karaoke Box first opened its doors in Paris in 2014 reinventing karaoke with a high-end concept and a unique client experience.

Our goal is to allow people to let loose, have fun and create lasting memories with friends, family or colleagues.

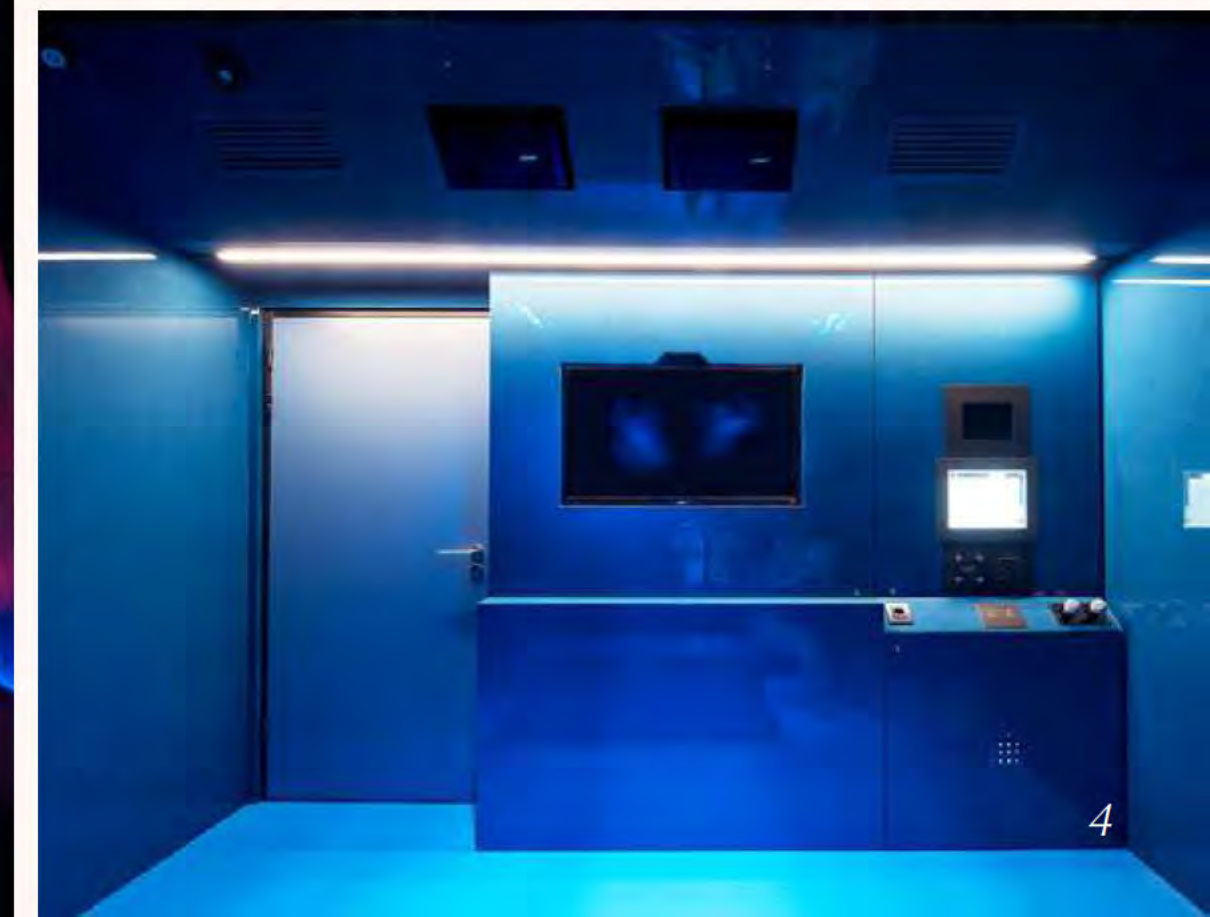




Each BAM House has its own identity Making every BAM experience unique

BAM which stands for “Boîte à musique” or for “Music Box” creates unique, magical spaces. BAM has worked with renowned architects, including Pablo Peyra, CUT architectures and Michaël Malapert, for its fashionable venues. Each BAM venue is designed like a house inviting you into different spaces, each beautifully decorated, to make your own and create an immersive experience.

Open everyday BAM venues welcome small to large groups (up to 30 people) for after-work parties, birthdays, team-building events or really just any occasion to have fun.





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The BAM experience is designed to achieve high customer satisfaction

Year over year, BAM prides itself on its outstanding customer service and customer satisfaction. Since BAM's first opening in 2014, it has continued to win Tripadvisor's Travelers' Choice award and has maintained an average customer rating of 4,7/5.

Beyond the incredible designs, each karaoke room is soundproofed and equipped with high-end equipment, such as Bose sound systems, high-definition TV screens and tactile screens for in-room food & drink service and in-room video recording & selfies. All bookings are easily and seamlessly made through BAM's website.





BAM Karaoke Box is the leader on the karaoke market in Europe

Since its launch in 2014, BAM has created a new market for premium karaoke boxes and has continued year after year to be a leader in this new market in Europe. As of May 2023, BAM operates 8 venues: 5 in Paris, 1 in Bordeaux and 2 in Madrid, with a total of 61 karaoke rooms for a total occupation of 650 persons. Upcoming opening : 1 venue in 2024 in Victoria.





Company Structure

BAM Karaoke Box is a brand operated by the French company Singtime SAS. Singtime is both the trading company and the tenant company on all occupational leases in France (and in Spain through its fully owned subsidiary Singtime IB).

In the UK, Singtime operates through its fully owned subsidiary Singtime Holding UK. The applicant will be Singtime UK Ltd owned 100% by Singtime Holding UK.

Singtime also owns The Songs Laboratory which produces and provides karaoke content.





About Arnaud Studer

Founder & CEO of BAM Karaoke Box

Upon graduating from EDHEC Business School and London School of Economics, Arnaud Studer starts his career working in investment banking in 2009.

An avid traveler, Arnaud goes on a trip to Tokyo in 2012 and, much to his surprise, discovers karaoke in private rooms, enjoying it so much that he goes back nearly every night during his trip, despite being a terrible singer.

Back in Paris where private karaoke rooms are nonexistent, Arnaud decides to launch a high-end karaoke box concept to deliver an upscale experience. In April 2014, Arnaud opens the first BAM venue at 30 rue Richer and the rest is history.





BAM Victoria

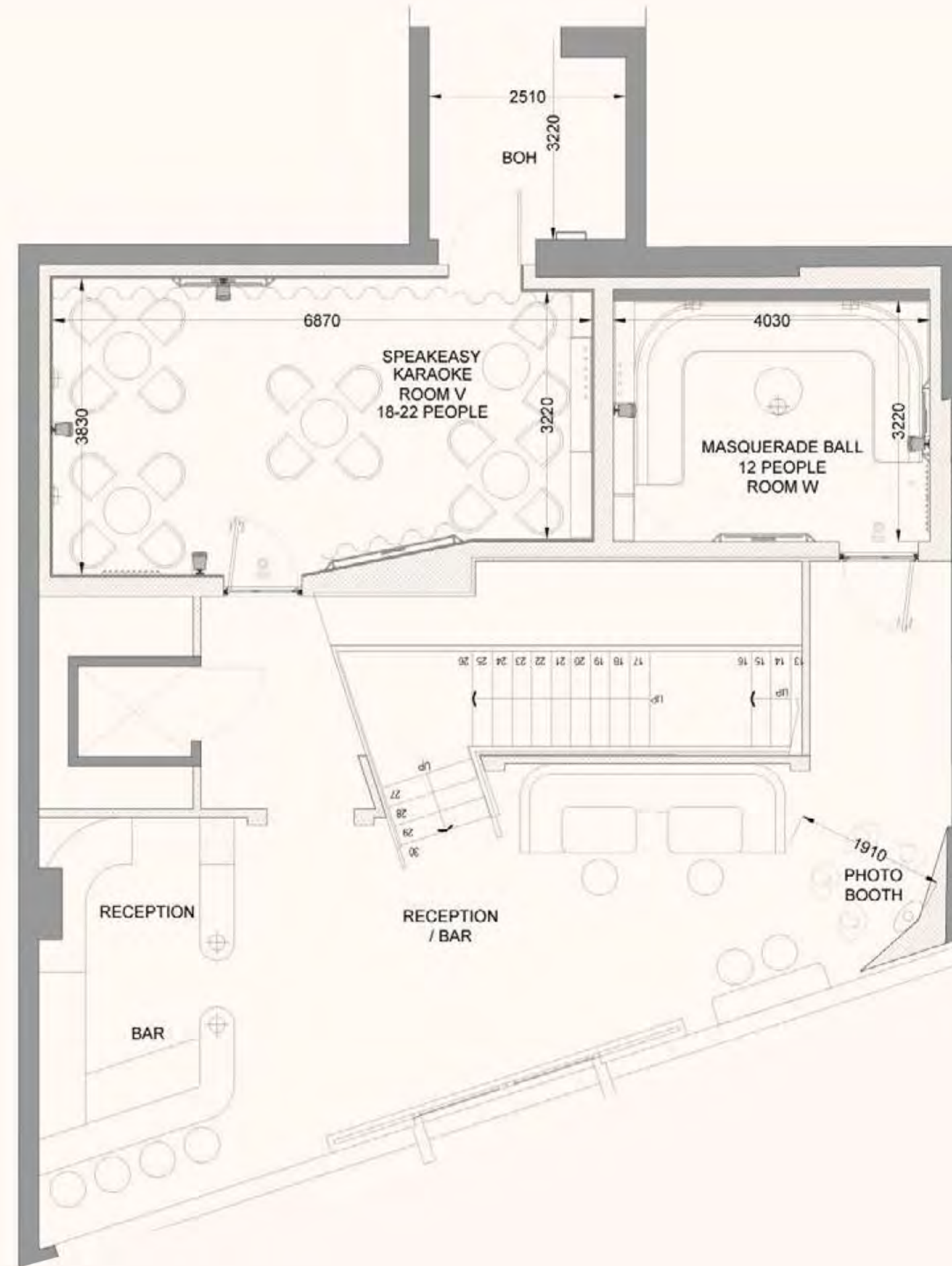
BAM Victoria is designed by the Brady Williams studio.

BAM Victoria will be most high-end karaoke venue in London. It will be made of 22 karaoke rooms and a restaurant for 100 persons.



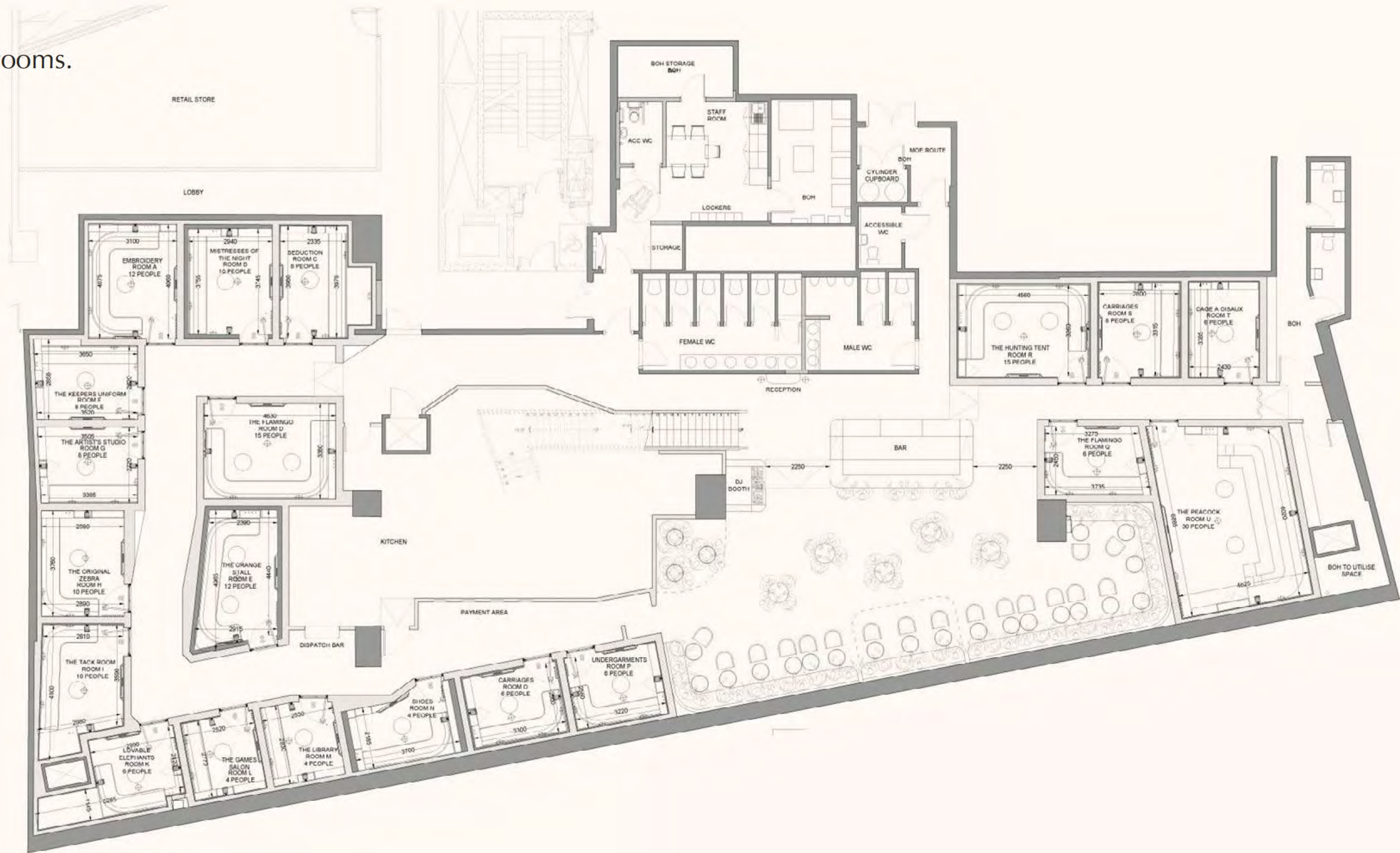
Proposed Ground Floor Plan

Reception and 2 karaoke rooms.



Proposed Basement Plan

Kitchen, restaurant and 20 karaoke rooms.



Karaoke Rooms

All our sound-proofed rooms have a different design. They include all the same BAM technology :

- Touchscreen to select your songs
- In-room ordering system
- Camera to record your memories
- ...



Food & Drinks

We create a full menu for people to eat and drink before, during and after their karaoke session.

In the rooms, it will be mostly shared dishes. At the restaurant, we will serve larger plates.

We aim to have all our products locally sourced.





BAM Karaoke Box
74 Victoria Street, London SW1E 6SQ
Noise Impact Assessment & Mitigation Strategy

Prepared by: Richard Vivian, Big Sky Acoustics Ltd
On behalf of: BAM Karaoke Box
Document Ref: 23041124
Date: 1st June 2023

Big Sky Acoustics document control sheet

Project title:	BAM Karaoke Box 74 Victoria Street, London SW1E 6SQ Noise Impact Assessment & Mitigation Strategy
Technical report number:	23041124
Site visit and inspection:	25 th April 2023
Submitted to:	██████████ ██████████████████ ██████████████████████ ██████████████████ ██████████ ██████████ acting on behalf of BAM Karaoke Box
Submitted by:	Richard Vivian Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB ██████████████████ ██████████████████████
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL Principal Acoustic Consultant

Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	01/06/2023	RV

DISCLAIMER

This report was completed by Big Sky Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Big Sky Acoustics Ltd accepts no responsibility whatsoever, following the issue of the report, for any matters arising outside the agreed scope of the works. This report is issued in confidence to the Client and Big Sky Acoustics Ltd has no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk. Unless specifically assigned or transferred within the terms of the agreement, Big Sky Acoustics Ltd retains all copyright and other intellectual property rights, on and over the report and its contents.

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by [REDACTED] of Gardiner & Theobald LLP, acting on behalf of BAM Karaoke Box, to carry out an assessment of the impact of noise from the proposed refurbishment of a former restaurant at ground floor and basement levels (Class E) to form a karaoke bar, restaurant and live music performance space (Sui Generis).
- 2.2 This report was prepared following detailed discussions with the client team, a visit to the site, inspection of the building, examination of the existing planning consent and premises licence for the site, inspection of drawings and other documents.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20µPa.

3.0 Site and surrounding area

- 3.1 The application site is in the Zig Zag building which was granted planning permission in 2011 and completed in 2015. The existing restaurant use (Class A3) in the basement is granted under 15/03897/FULL, with use of the ground floor as as wine merchant (Class A1) and bar area (Class A3) added under 17/06654/FULL. The site has already been assessed as a New Entertainment Use under Policy S24 of the old City Plan (November 2016).
- 3.2 The predominant land use in Victoria is commercial. There are other entertainment uses nearby but the overall number on this part of Victoria Street remains small and relatively dispersed.

- 3.3 The previous premises licence for the application site, granted in November 2021 under the Licensing Act 2003, permitted the premises to be open Sunday to Thursday from 07:00 to 00:00 and on Friday to Saturday from 07:00 to 00:30. Licensable activities included the playing of recorded music and there were standard (model) conditions for noise on the licence. There is evidence of loud music, including live music performances, being a feature of the previous restaurant use, indeed a common comment on some review websites is that the music in the restaurant was too loud for comfortable dining.
- 3.4 There is no history of noise complaints from the restaurant use other than one plant noise complaint in 2016.
- 3.5 The closest residential properties are the newly constructed apartments at Kings Gate which is a structurally separate purpose-built development approximately 100m to the east on Victoria Street.
- 3.6 I am familiar with the site and the wider area. I have carried out many noise measurement surveys and observations in the vicinity and am familiar with the location of existing noise sources and general activity in the area at all hours of the day and night.
- 3.7 The application site has excellent access to public transport and the highest PTAL¹ rating of 6b.
- 3.8 The closest entrance to Victoria Station is 180m to the west of site, and St James Park is 420m to the north-east. As a major transport hub Victoria Station provides overground and underground train services and is comprehensively served by buses including routes 2, 3, 6, 11, 13, 24, 26, 36, 38, 44, 52, 148, 170, 185, 211, 390, C1, C10 and night routes N2, N11, N26, N32, N38, N44 and N136. Many bus routes, including night bus routes, pass immediately outside the site along Victoria Street.
- 3.9 The noise climate is characterised by local road traffic on Victoria Street including private cars, taxis, and buses as well as significant pedestrian footfall. Commercial aircraft are usually noticeable up until around 23:30hrs and then again from around 05:00hrs in this part of London.
- 3.10 There are short duration noise peaks that occur at this location all through the night including emergency service sirens, police helicopters, refuse and recycling collections, and street cleansing.
- 3.11 It is important when assessing the impact of noise from the proposed change of use at this site to understand the concept of *additional* noise associated with the change. The incremental change to noise levels caused by the normal operation of the proposed karaoke concept, when compared to the previous use as a restaurant, and at a location where there is already established noise and activity, could be so

¹ The public transport accessibility level (PTAL) is a method used to assess the access level of geographical areas to public transport. The result is a grade from 1–6 (including sub-divisions 1a, 1b, 6a and 6b), where a PTAL of 1a indicates extremely poor access to the location by public transport, and a PTAL of 6b indicates excellent access by public transport.

small as to be undetectable. It is highly unlikely to impact on average noise levels at this location if noise from internal activities is contained by the building envelope and patron dispersal follows a similar pattern to the previous use.

4.0 Criteria

NPPF

- 4.1 The revised National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.
- 4.2 Paragraph 81 of the NPPF requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.3 References to noise can be found in Section 15 titled "Conserving and enhancing the natural environment". The NPPF states at Paragraph 174 sub-paragraph (e) *"Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.
- 4.4 The NPPF states at Paragraph 185 that *"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 life; 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"*.
- 4.5 The comments about *adverse impacts on health and quality of life* are referenced² to the Noise Policy Statement for England (NPSE) published by the Department for Environment, Food & Rural Affairs in 2010. The NPSE is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.

² NPPF at footnote 65

- 4.6 The NPSE sets out the Government's long-term vision to *'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'* which is supported by the following aims:
- *Avoid significant adverse impacts on health and quality of life;*
 - *Mitigate and minimise adverse impacts on health and quality of life.*
- 4.7 The NPSE defines the concept of a 'significant observed adverse effect level' (SOAEL) as *'the level above which significant adverse effects on health and quality of life occur'*. The following guidance is provided within the NPSE: *'It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'*
- 4.8 The Planning Practice Guidance (PPG) on Noise published by Ministry of Housing, Communities & Local Government in March 2014 (last revised on 22 July 2019) is written to support the NPPF with more specific planning guidance on how planning can manage potential noise impacts in new development.
- 4.9 The PPG reflects the NPSE and states at Paragraph 001 that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).
- 4.10 The PPG clarifies at Paragraph 002 that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.
- 4.11 The PPG expands upon the concept of SOAEL (together with Lowest Observed Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 4.12 Figure 1 is reproduced from PPG Paragraph 005 and summarises the noise exposure hierarchy, based on the likely average response.
- 4.13 The PPG at Paragraph 005 considers that a noise impact with an effects level which is lower than SOAEL is acceptable but that consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level (NOEL)			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level (NOAEL)			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level (LOAEL)			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, 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 small actual or perceived change in the quality of life	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOAEL)			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, 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
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Figure 1: PPG Noise Exposure Hierarchy Table (revision date: 22.07.2019)

4.14 When the significant observed adverse effect level boundary is crossed noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be

used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

- 4.15 At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that, regardless of the benefits of the activity causing the noise, this situation should be avoided.

The London Plan - March 2021

- 4.16 **Policy HC5** promotes the continued growth and evolution of London's diverse cultural facilities and creative industries. It supports, where appropriate, the development of new cultural venues in town centres and places with good public transport connectivity
- 4.17 **Policy HC6** promotes the night-time economy³, where appropriate. It protects and supports evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues, and encourages the management of the night-time economy through an integrated approach to planning and licensing.
- 4.18 **Policy SD4** concerns the CAZ and seeks to promote unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "*the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced*".
- 4.19 **Policy D14** concerns noise and seeks to ensure that proposals reduce, manage and mitigate noise to improve health and quality of life proposals by avoiding significant adverse impacts, along with other criteria and measures.

Westminster City Plan 2019-2040 - adopted April 2021

- 4.20 **Policy 16** addresses food, drink and entertainment uses and has superseded Policy S24 of the old City Plan which was used to assess the current use. The policy states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location and recognises that Westminster has a vibrant entertainment sector that plays a vital role in supporting the visitor economy and providing local employment opportunities.

³ The night-time economy refers to all economic activity taking place between the hours of 6pm and 6am, and includes evening uses. Night-time economic activities include eating, drinking, entertainment, shopping and spectator sports, as well as hospitality, cleaning, wholesale and distribution, transport and medical services, which employ a large number of night-time workers - paragraph 7.6.1 The London Plan.

- 4.21 **Policy 33, part C** seeks to ensure that development prevents adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds⁴, 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.

Licensing Act 2003

- 4.22 It is a material consideration that the use will require licensing under the Licensing Act 2003. The application site is already licensed and these premises licences will have to be varied to accommodate the proposed changes.
- 4.23 All activity on the site will therefore be subject to a separate, and powerful, relevant regulatory regime. Because the premises are licensed there is also an opportunity for scrutiny of the premises licence and activities at the site at any time under the review process provided by the Licensing Act 2003.
- 4.24 The Licensing Act 2003 requires Westminster City Council, in its role as Licensing Authority, to carry out its various licensing functions so as to promote the following four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.25 Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four are of paramount importance at all times. The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences, on the promotion of these licensing objectives.
- 4.26 The Licensing Act 2003 further requires this Licensing Authority to publish a Statement of Licensing Policy (SLP) that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. The current Statement of Licensing Policy (revision 7) has been operative since 1st October 2021.
- 4.27 The SLP seeks to balance the interests of business and residents to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within an environment that is safe and attractive to residents, business and visitors.

⁴ Noise Thresholds given in Draft Noise Technical Guidance Note (September 2020), paragraph 2.3 Table 2.

- 4.28 **Policy PN1** addresses the prevention of public nuisance identifying the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, limit the escape of noise from the premises, restricting noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping, minimise and control noise from customers arriving at the premises and departing from it, minimise and control noise from staff, contractors and suppliers and their activities, minimise and control noise from vehicles associated with and providing services to the premises and their customers.
- 4.29 **Appendix 11** of the Statement of Licensing Policy provides guidance on noise.
- 4.30 When it comes to the evaluation of noise under the Licensing Act an understanding of the concept of *public nuisance* is essential. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 4.31 Once those involved in making licensing decisions are satisfied of the existence of a public nuisance, or its potential to exist, the question is how to address it. Home Office Guidance⁵ is useful in this regard and explains that in the context of noise nuisance conditions might be a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time, noting that conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable.
- 4.32 The guidance is clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community.
- 4.33 The guidance also states that any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. (This is why there is still a need for a licence for performances of live music between 11pm and 8am even though it is deregulated at other times).

⁵ Revised Guidance issued under section 182 of the Licensing Act 2003, December 2022

- 4.34 As with all conditions, those relating to noise nuisance may not be appropriate in circumstances where provisions in other legislation adequately protects those living in the area of the premises.

Other relevant legislation

- 4.35 In addition to the protection afforded under planning controls, and the Licensing Act 2003, members of the public are protected from noise that is a nuisance.
- 4.36 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.
- 4.37 The Clean Neighbourhoods and Environment Act 2005 deals with many of the problems affecting the quality of the local environment and provides local authorities with powers to tackle poor environmental quality and anti-social behaviour in relation to litter, graffiti, waste and noise. A fixed penalty notice can be issued when noise exceeds the permitted level at night as prescribed under the Noise Act 1996 as amended by the Clean Neighbourhoods and Environment Act. The permitted noise level using A-weighted decibels (the unit environmental noise is usually measured in) is 34dBA if the underlying level of noise is no more than 24dBA, or 10dBA above the underlying level of noise if this is more than 24dBA.
- 4.38 The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as "*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*"; "*conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises*"; or "*conduct capable of causing housing-related nuisance or annoyance to a person*". The Act contains a range of powers intended to support Local Authority and partner bodies deal with anti-social behaviour. These include powers of premises closure in cases of nuisance or disorder which may support primary legislation.

British Standard 8233

- 4.39 BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values in the table shown below.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB L _{Aeq,16hour}	-
Dining	Dining room/area	40 dB L _{Aeq,16hour}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq,16hour}	30dB L _{Aeq,8hour}

Figure 2: Indoor ambient noise levels for dwellings (from BS8233 Table 4)

- 4.40 Annex G of BS8233 informs that windows, and any trickle ventilators, are normally the weakest part of a brick and block façade. Insulating glass units have a sound insulation of approximately 33 dB R_w and, assuming suitable sound attenuating trickle ventilators are used, the resulting internal noise level ought to be determined by the windows. If partially open windows are relied upon for background ventilation, the insulation would be reduced to approximately 15 dB.

Operational objectives

- 4.41 BAM Karaoke Box is committed to promoting good relationships with their commercial and residential neighbours and therefore, in addition to all statutory obligations, it is a primary operational objective that noise from the normal commercial operation of site will not have a detrimental impact on the neighbourhood.
- 4.42 To support this commitment operational procedures to manage noise are included in the Operational Management Statement and relevant extracts from this document can be found at Appendix C (noise) and Appendix D (dispersal). The OMS will be developed as the site evolves and will be regularly reviewed.

5.0 Balancing planning and licensing noise conditions

- 5.1 The guidance issued under Section 182 of the Licensing Act 2003 is clear in its general principles (Para 1.16) that *"[licencing conditions] should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation"*.
- 5.2 Similarly planning guidance has, for a long time, stated that additional planning conditions which duplicate the effect of other legislation should not be imposed, and current planning practice guidance is clear that conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning.
- 5.3 The House of Lords in its 2017 post-legislative scrutiny of the Licensing Act found that it is not only permissible, but logical, to look at licensing as an extension of the planning process.
- 5.4 The pragmatic approach to specifying relevant requirements for noise control conditions is that the more general noise criteria relating to the principle of use of the site are applied under the planning regime and more specific requirements relating to licensable activities such as hours of operation, the requirement for controls on regulated entertainment, or the need for a dispersal policy, are more effectively implemented and enforced through the licensing process.

6.0 The BAM Karaoke Box concept

- 6.1 BAM already operates six sites in France (five of them are in Paris) and two sites in Madrid. This would be their first site in the UK. Inspired by the karaoke box concept born in Asia, BAM Karaoke Box breathes new life into city entertainment with a high-end concept offering a unique customer experience through modern technology, dedicated service, and infrastructure. Since 2014, more than 1.1 million customers have already sung in a BAM House.
- 6.2 The karaoke concept differs from a normal bar or club with customer areas open to all because, within the confines of the premises, the majority of guests are entertained in their own private boxes. For this to be operationally successful a high level of sound insulation is required between each box so that activities elsewhere on the premises, including noise from the other boxes which are sometimes adjacent to each other, does not interfere with each private party in their own space. Similarly noise from the main circulation areas and live music stage must not impact on the individual boxes, and vice versa.
- 6.3 The proposal at this site is to create 22 individual karaoke boxes with capacities ranging from the largest at 30 people, to the smallest for 4 people. Maximum total capacity of all 22 boxes is 220 persons although it is very unlikely that all boxes would be at maximum capacity concurrently. There are also general circulation areas and a live music showcase stage which includes a sound system with a limiter.
- 6.4 Noise from the karaoke singing itself is contained by each individual room construction using a design specification that was developed by Sandy Brown Associates and detailed in a separate construction report. There has been a thorough approach to venue air-handling ensuring internal spaces are ventilated without increasing cross-talk between rooms. Attenuators are used within the air handling ventilation ducts to ensure there is no noise breakout to atmosphere.
- 6.5 A further, and very important element, is the sound systems which are configured and locked (limited) so that a pre-determined maximum sound level cannot be exceeded. All sound system controls are tamperproof. This use is actually self-regulating as no individual box, or the live showcase stage, can be so loud as to impact on the other boxes. Therefore room-to-room isolation and sound system technical controls have to work in a coherent and strictly controlled way.

7.0 The existing noise climate

- 7.1 The noise climate has been well documented for this development, and in other applications in this building and the surrounding area. In addition we hold data for various noise surveys at sites in the immediate area.

7.2 The lowest background noise levels measured during the original survey⁶ for this site were $L_{A90,16\text{hour}}$ 54 dB during the daytime and $L_{A90,8\text{hour}}$ 53 dB at night. These are very typical levels for the area and correlate with surveys we, and others, have carried out in the area since.

8.0 Predicted noise of patrons leaving the premises

8.1 Unlike a music venue, theatre, or sports arena where events have a definite finish time while there is a capacity crowd, the nature of a karaoke premises operating pre-booked private karaoke boxes to patron groups of between 4-30 persons is that these groups will arrive and depart independently of others as their individual evening, in these small social groups, starts and then comes to an end.

8.2 In order to assist in the understanding of actual noise levels produced by people leaving the premises it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases.

8.3 Referring to relevant international standards⁷ for human speech sound level, and also data held in our own library, normal conversation is typically in the range of 54-60dBA when measured at 1 metre.

8.4 In assessing for a worst-case condition then I have considered the largest group of 30 people are talking outside as they leave at the end of the evening.

8.5 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenario of half of the people talking concurrently at 60dBA, then in order to calculate the total noise level we logarithmically sum 15 sources of 60dB as follows:

$$\Sigma = 10 \log \left(n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where n is the number of people talking

8.6 The formula above gives a value for total sound pressure level for a group of 30 people to be 71.8dBA⁸.

⁶ Environmental Noise Survey Report 16817/ENS2 by Hann Tucker Associates.

⁷ ISO 9921:2003 Ergonomics - Assessment of speech communication, Annex A, Table A1 shows the vocal effort of a male speaker and related A-weighted speech level (dB re 20 μ Pa) at 1 m in front of the mouth. The table indicates that relaxed vocal effort is 54dB, and normal vocal effort is 60dB.

⁸ Alternative calculation method according to Growcott, D (Consideration of Patron Noise from Entertainment Venues, Australian Association of Acoustical Consultants Guideline, Australia, 2009) using $L_{Aeq} = 21 * \log(N) + 43$ gives 74dBA and therefore shows a close correlation.

- 8.7 It is important to remember that this is a worst-case value, when 50% of the people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, or conversations where there are more than one listener to each talker mean that less than 50% of an average group will be talking simultaneously. I have also observed that groups walking in close proximity to each other will splinter into smaller groups of two, and talk with more hushed voices than static groups of people spread out, for example, in a pub beer garden seated for a long time around a large table and surrounded by other talkers.
- 8.8 Sound is attenuated in air and this effect is noticeable as the listener moves away from the source. In a free field for every doubling of distance from a noise source the sound pressure level L_p will be reduced by 6 decibels.

$$\begin{aligned} L_{p2} - L_{p1} &= 10 \log (R_2 / R_1)^2 \\ &= 20 \log (R_2 / R_1) \end{aligned}$$

where

L_{p1} = sound pressure level at location 1 (dB)

L_{p2} = sound pressure level at location 2 (dB)

R_1 = distance from source to location 1

R_2 = distance from source to location 2

A "free field" is defined as a flat surface without obstructions.

- 8.9 In calculating distance attenuation, the noise of people talking is assumed to be a number of discrete point sources so if the noise source is 72dBA at 1 metre then at 2 metres it is attenuated to 66dBA, at 4 metres 60dBA, and so on.
- 8.10 Attenuation due to distance means that a separation distance of 9 metres renders the sound of 30 people to be at the night time background noise level of 53dB L_{A90} and this typically equates to being subjectively inaudible. A further attenuation of the noise source is achieved by the insertion of any physical barrier that obscures direct line-of-sight from the receptor position to the source position.
- 8.11 Inside a residential property all external noise sources are attenuated by the glazing, by the distance from the noise source to the window, and by any physical obstruction of clear line of sight to the noise source. Furthermore the average person may wish to protect themselves from the sound of traffic and other activity in the city and so may choose to sleep away from windows on a façade to a busy public area, or with their windows closed.
- 8.12 New residential developments in the area will be required to take into account the existing noise climate and will therefore have to provide suitable internal noise levels for normal living. This is typically achieved with modern glazing and ventilation systems.
- 8.13 Calculations indicate that the resultant noise level will be below the background noise level at the façades of all noise sensitive windows and comfortably in compliance with the relevant standards and guidance, as well as being subjectively inaudible.

9.0 Mitigation strategy - remedial works to building

- 9.1 The building envelope is a modern construction purpose built for mixed commercial uses at ground floor and basement levels. The basement is very quiet and subjectively appeared fully isolated from the hubbub of Victoria Street above. Further testing of the building envelope isolation has been carried out by Sandy Brown Associates and is documented in their report.
- 9.2 Within the shell are the individual karaoke boxes which are designed to a standard that not only minimises noise breakout from the building, but also minimises noise transfer from one karaoke box to another effectively creating multiple soundproofed rooms within an already substantial masonry building.
- 9.3 The venue air-handling ensures internal spaces are ventilated without increasing cross-talk between the rooms and attenuators are used within the air handling ventilation ducts to ensure there is no noise breakout to atmosphere.
- 9.4 The karaoke box design combined with the building envelope insulation and attenuated ventilation system ensures there is no noise breakout from the karaoke boxes.



Figure 3: View of application site from Victoria Street

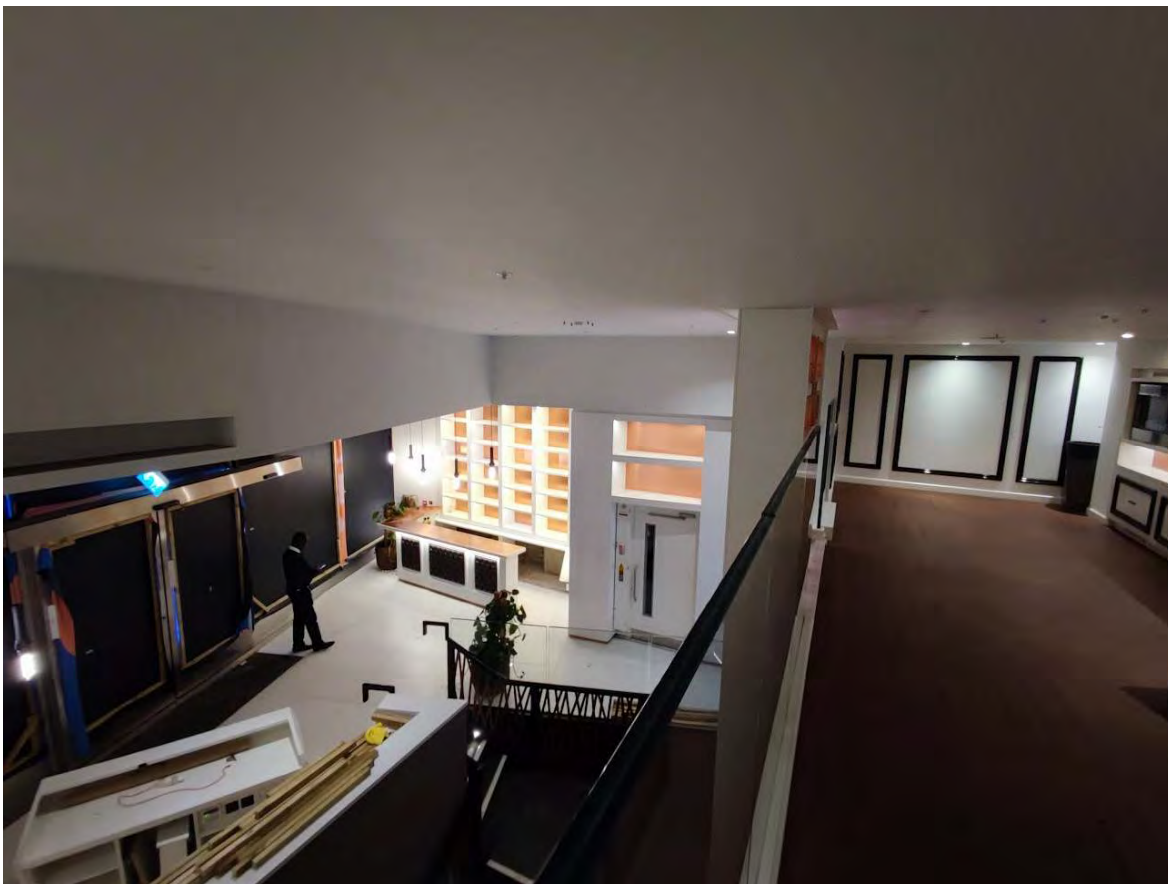


Figure 4: Entrance area, ground floor

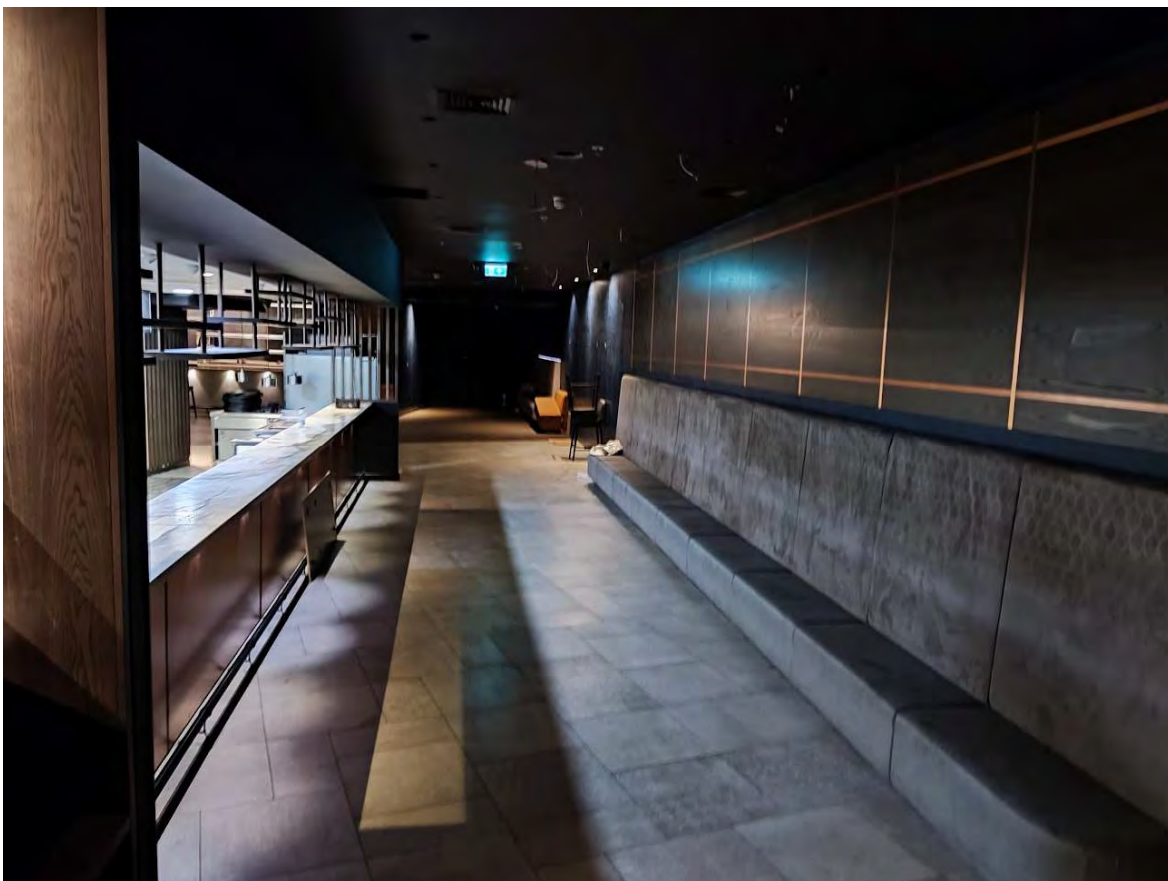


Figure 5: The main areas are subterranean and substantially isolated from outside

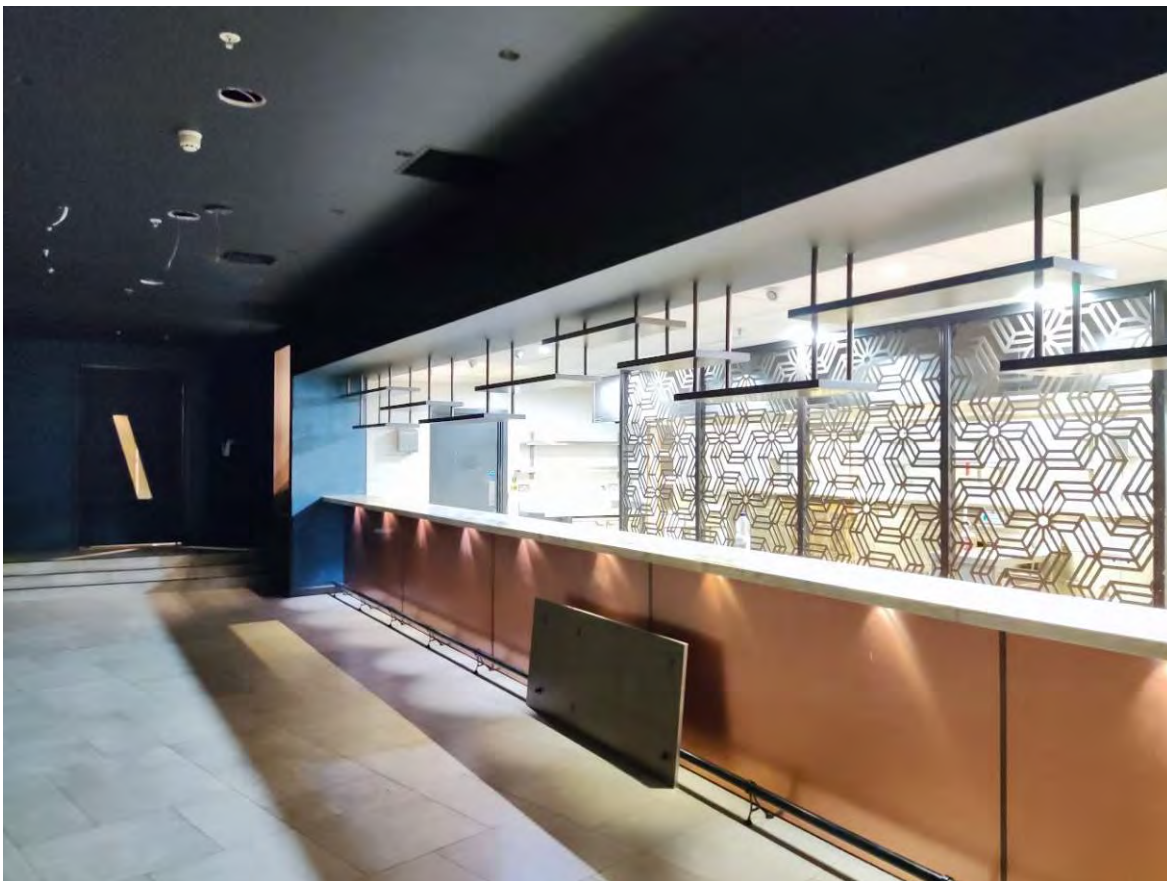


Figure 6: Further views of basement



Figure 7: Fire-doors are robust metal construction



Figure 8: View of rear service access

10.0 Mitigation strategy - sound system configuration

- 10.1 The sound equipment in the boxes consists of a computer controlled karaoke management system as the source. The loudspeakers are Bose DesignMax DM6SE [Frequency response: 70Hz-20kHz \pm 3dB, Sensitivity: 90dB, Rated power: 125W] which is a small two-way passive 6.5-inch woofer and a 1.25-inch coaxial tweeter loudspeaker, augmented with a Bose MB210-WR [Frequency response: 45Hz-180Hz \pm 3dB, Sensitivity: 90dB, Rated power: 500W] which is a 2 x 10" compact subwoofer.
- 10.2 For the showcase stage a Nexo system is proposed. This would include fully configurable DSP processing and include gain limiting and dynamics processing (maximum level limiting) on all channels. These devices can only be accessed using dedicated software on a laptop and are password protected. No user accessible controls exist and therefore the unit is highly tamperproof. No additional sound limiter device is required for this system.
- 10.3 All signal processing equipment will be secured to restrict unauthorised adjustment of controls. The sound systems will be configured so that a defined maximum operating level cannot be exceeded regardless of the input level. Once installed the sound systems should be periodically checked to ensure that the maximum operating level does not cause a nuisance at the nearest noise sensitive property. Assessment should be carried out, wherever possible, from the nearest noise

sensitive property itself at a time when ambient noise is at its lowest, but within normal operating hours of the premises.

- 10.4 In summary, the sound systems will be installed and operated to efficiently reproduce sound in the internal customer areas without causing noise elsewhere. Correct speaker locations, fixing methods and system configuration (crossover points, limiter settings, and system equalisation) can achieve high-quality sound without causing noise breakout to other areas of the building, or to outside the building.
- 10.5 A dedicated limiter device is not required if a suitable digital system controller is programmed with compression/limiting/gain functions to accurately control maximum sound level and then locked so that it cannot be adjusted, as is proposed with these sound systems.


11.0 Mitigation strategy - operational controls

- 11.1 The proposed use generates pedestrian footfall comparable to that of the previous use as a restaurant. Approximately 90% of customers are pre-booked online and therefore arrivals and departures are scheduled according to the booking time in much the same way as a restaurant. During the online booking process the client can order food and drinks which are consumed in the karaoke box during the two-hour karaoke session.
- 11.2 BAM has prepared an Operational Management Statement for the site which includes noise management and dispersal procedures based on industry best practice. These extracts can be found at Appendices C & D.
- 11.3 Noise management procedures will be an integral part of all employee training and will be regularly reviewed.

12.0 Conclusions

- 12.1 Big Sky Acoustics Ltd was instructed by Phoebe Crow of Gardiner & Theobald LLP, acting on behalf of BAM Karaoke Box, to carry out an assessment of the impact of noise from the proposed refurbishment of a former restaurant at ground floor and basement levels to form a karaoke bar, restaurant and live music performance space.
- 12.2 This assessment makes reference to the National Planning Policy Framework, the Noise Policy Statement for England, Planning Practice Guidance on Noise, Local Planning Policy, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005, the Noise Act 1996, the Anti-Social Behaviour, Crime and Policing Act 2014, the Licensing Act 2003, City Of Westminster Statement of Licensing Policy, British Standard 8233, relevant industry guidance, and the operational objectives of the applicant.

- 12.3 All noise from activity inside the premises is contained by the building envelope and the substantially soundproofed karaoke boxes. Calculations indicate that noise from patrons as they leave will be below the existing background noise level for the area and therefore below the Lowest Observed Adverse Effect Level (LOAEL) at the nearest noise sensitive properties, and comfortably in compliance with local and national planning policy, as well as the licensing objective of the prevention of public nuisance.
- 12.4 Given this location, the style of operation, proposed controls and willingness to take on board further controls if necessary, it is my professional opinion that the normal operation of the BAM Karaoke Box concept until 01:00hrs would not result in an increase in average noise levels in the area around the application site.



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Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

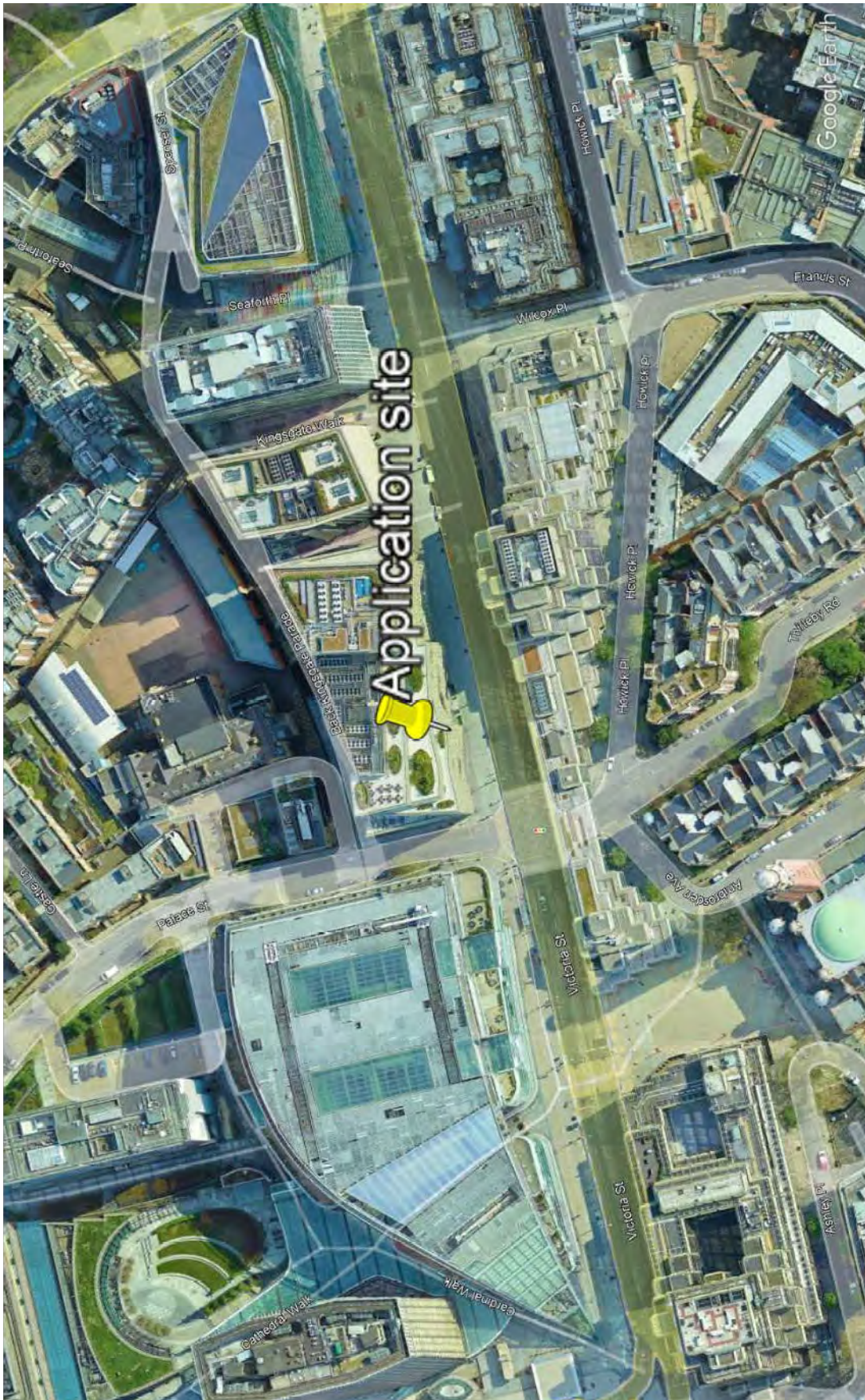
When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

Appendix B - Application site location



Appendix C - Operational Management Statement, Noise

The Premises will prevent public nuisance by keeping windows and doors closed and ensuring there are visible signs to remind customers of the need to reduce noise can all help to avoid causing a public nuisance through noise.

Noise management

Noise from the music system to be managed at all times with the sound level monitored to ensure volumes are maintained at an acceptable level. A sound limiter will be added to the audio system and held in a locked cupboard which shall only be accessible to the DPS of the venue.

The music management system shall enable us to split the music (and therefore atmosphere) between ground floor and basement. The ground floor music will be lower.

We are engaging the services of a third party consultant (Richard Vivian, Big Sky Acoustics) to prepare a Noise Impact Assessment to ensure risk of noise pollution is limited.

The premises license holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises / nearest residential property. Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly. Any ventilation system shall be fitted with or include suitable sound attenuation.

Hours of operation

09:00 to 00:00 on Mondays and Tuesdays

09:00 to 01:00 Wednesday to Saturday

09:00 to 23:00 on Sundays.

Control of Noise Emissions

All external doors and ground floor windows to the premises would remain permanently closed, except for the main entrance, which will be monitored throughout the day and manned in the evening.

Decibel limiters will be in place to ensure compliance with any reasonable planning and licensing conditions and the correct levels of music are being played. All music will be switched off at closing times.

Strict compliance with statutory and licensing regulations and relevant planning conditions will be upheld.

Excess Vehicles

The Premises will not operate a delivery / take-away service which would mean that there would be no motorcycles/bikes collecting food etc.

Hours of Deliveries

A centralised loading bay is operated at the Building by the landlord, Landsec. All deliveries must be made between the hours of 07:00 and 19:00 Monday to Friday. BAM will comply with the Operational Procedures for the loading bay as set by the landlord. This will accord with the approved servicing scheme associated with the principle planning permission for development of the Building (LPA Ref: 13/10325/FULL).

Parking arrangements

No staff, guest or visitor car parking facilities would be provided on site. Staff cycle parking and showers are provided in the common areas of the Building, in accordance with the approved scheme for the Building (LPA Ref: 13/10325/FULL)

Waste Disposal

A centralised waste management facility is operated at the Building by the landlord and has been approved by planning permission 13/10325/FULL. All waste will be sorted within the Premises into the following categories before being transferred to the waste collection area in the basement of the Building:

- Dry mixed recyclables recycled
- Food waste reprocessed
- Glass waste recycled
- Non-recyclables incinerated
- Ink toner & cartridge re used
- Battery recycling reprocessed
- WEEE recycling reprocessed

All waste collections at the Building are managed by the landlord. BAM will comply with the Operational Procedures for the waste management facility as set by the landlord.

Terrace management

The furniture will be standard chairs and tables and they will be rendered unusable by 23.00 hours each day.

Only premises' clients will be allowed to seat, and the staff will pay attention to make sure people remain seated while eating and drinking.

The Terrace will be closely managed and monitored by staff, supervisors and CCTV under the same regime as the rest of the premises.

The terrace will also be the place where smokers coming from inside the venue will be able to stand.

Appendix D - Operational Management Statement, Dispersal

The Premises will prevent public nuisance by keeping windows and doors closed and ensuring there are visible signs to remind customers of the need to reduce noise can all help to avoid causing a public nuisance through noise.

The BAM dispersal policy will be implemented to assist in the promotion of the four licensing objectives for licensing and the planning policies. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

BAM will work hard to build and maintain good relationships with its neighbours. BAM will work closely with many partners in the local area to ensure the premises is making a positive contribution and that we keep everyone informed of our activities.

BAM is aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. BAM has agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

In relation to dispersing visitors or guests when BAM closes we have the following practices and procedures in place to ensure we avoid undue disturbance or nuisance to our neighbours:

- Effective management of customer behaviour whilst on the premises.
- A good staff to customer ratio.
- Duty Management presence at front of house.
- SIA trained Door Security Staff at night for dispersal
- Responsible drinking practices, e.g. small measures, properly trained staff, Challenge 21/25 policy.
- Appropriate signage at the exit points asking guests to respect our neighbours and leave quietly.
- Staff at exits to reinforce the message re leaving quietly.
- Waste disposal processes will ensure no noise is heard after hours.
- All incidents of crime or disorder or nuisance are to be reported by the Duty Manager and will be investigated immediately.
- The Designated Premises Supervisor shall ensure that the details of all complaints are recorded in the daily occurrence book and such complaints shall be investigated to see if there were ways to prevent the complaint from happening.
- BAM will not tolerate departing customers congregating outside of the premises and they will be asked to move on quickly and quietly.
- BAM will be at all times aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour regardless of whether they are visitors to BAM or not.
- Taxis and limousines will be allowed to pick up and drop off passengers near the entrance of the Property along Piccadilly. Staff will be available to assist where needed to reasonably ensure the smooth traffic operation.

This policy is overseen by the Designated Premises Supervisor and reviewed on a regular basis.



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

Schedule 12
Part A

WARD: St James's
UPRN: 100023337372

Premises licence

Regulation 33, 34

Premises licence
number:

23/02561/LIPT

Original Reference:

15/03546/LIPN

Part 1 – Premises details

Postal address of premises:

M W Restaurants
Kingsgate House
66 - 74 Victoria Street
London
SW1E 6SQ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Sunday: 08:00 to 00:00

Playing of Recorded Music

Monday to Sunday: 08:00 to 00:00

Late Night Refreshment

Monday to Sunday: 23:00 to 00:00

Seasonal Details: On the day of commencement of BST the terminal hour will be an additional hour to the one state.

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

Sale by Retail of Alcohol

Monday to Sunday:	08:00 to 00:00 (On sales)
Monday to Saturday:	08:00 to 23:00 (Off Sales)
Sunday:	10:00 to 22:30 (Off Sales)

The opening hours of the premises:

Sunday to Thursday:	07:00 to 00:00
Friday to Saturday:	07:00 to 00:30

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

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

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Ls Zig Zag Limited
100 Victoria Street
London
United Kingdom
SW1E 5JL

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

08465672

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

Name: Isaac Charilaou

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

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

Licence Number: LN/201601026
Licensing Authority: London Borough of Enfield

Date: 18 June 2023

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

Annex 1 – Mandatory conditions

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

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

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

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

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

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

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

Where -

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

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

- (i) the holder of the premises licence,

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

Annex 2 – Conditions consistent with the operating Schedule

10. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue 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 request of police or authorised officer throughout the preceding 31 day period.
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 are open to the public. This staff member shall be able to show police or authorised officer a recent recording with the absolute minimum of delay when requested.
12. An Incident Log shall be kept at the premises and made available on request to an authorised officer of the City Council or the police which will record the following:-
 - i. all crimes reported at the venue
 - ii. all rejections of patrons
 - iii. any incidents of disorder
 - iv. any faults in the CCTV system
 - v. any refusal in the sale of alcohol
 - vi. any visit by relevant authority or Her Majesty's Service.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
14. No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1082 as amended by the Greater London Council (General Powers) Act 1086 (whether or not locally adopted) shall be provided. The supply of alcohol between the hours 08:00 and 10:00 throughout the premises shall only be to a person taking a table meal there and for consumption by such a person ancillary to the meal.
15. A proof of age scheme, Challenge 21, shall be operated at the premises where the only forms of identification are recognised photographic identification cards; such as a driving licence, passport, PASS approved card or Military ID card.
16. Alcohol consumed in any lawfully permitted external area of the premises that is authorised by a separate tables and chairs licence shall only be consumed by patrons seated at tables.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises with the exception of premium specialist beer, lager and cider sold in glass bottles.
19. No single cans of beer, lager or cider shall be sold at the premises.

20. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises except in any lawfully permitted external area authorised by a separate tables and chairs licence
21. Loudspeakers shall not be located at any entrance to or outside of the premises building.
22. All outside tables and chairs shall be rendered unusable by 23:00 hours each day if authorised by a separate tables and chairs licence.
23. 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.
24. Waiter/waitress service shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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. 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.
27. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 - a. Ground Floor inc Mezzanine 60 persons
 - b. Basement 300 persons
28. 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.
29. 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.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
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 safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

35. In the area hatched black on the basement plan the premises shall only operate as a restaurant:-
 - i. in which customers are shown to their table
 - ii. provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
 - iii. which do not provide any takeaway service of food or drink for immediate consumption and
 - iv. where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons in ancillary to taking such meals
36. In the areas cross hatched black at basement level alcohol shall only be served to persons who are seated and by waiter/waitress service.
37. In the area cross hatched black at mezzanine level alcohol shall only be served to persons seated and by waiter/waitress service, and between the hours of 2300 and 0000 shall also only be ancillary to a table meal.
38. Throughout the premises the supply of alcohol between the hours 08:00 and 10:00 shall only be to a person taking a table meal there and for consumption by such a person ancillary to the meal.
39. When the basement is open for licensable activities there shall be seating provided for a minimum of 75% of the total occupancy.

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

None



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

Schedule 12
Part B

WARD: St James's
UPRN: 100023337372

Premises licence
summary

Regulation 33, 34

Premises licence
number:

23/02561/LIPT

Part 1 – Premises details

Postal address of premises:

M W Restaurants
Kingsgate House
66 - 74 Victoria Street
London
SW1E 6SQ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Sunday: 08:00 to 00:00

Playing of Recorded Music

Monday to Sunday: 08:00 to 00:00

Late Night Refreshment

Monday to Sunday: 23:00 to 00:00

Seasonal Details: On the day of commencement of BST the terminal hour will be an additional hour to the one state.

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

Sale by Retail of Alcohol

Monday to Sunday: 08:00 to 00:00 (On sales)

Monday to Saturday:	08:00 to 23:00 (Off Sales)
Sunday:	10:00 to 22:30 (Off Sales)

The opening hours of the premises:

Sunday to Thursday: 07:00 to 00:00
Friday to Saturday: 07:00 to 00:30

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

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

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

Ls Zig Zag Limited
100 Victoria Street
London
United Kingdom
SW1E 5JL

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

08465672

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

Name: Isaac Charilaou

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

Restricted

Date: 18 June 2023

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

Licensing Act 2003

Application	Details of Application	Date Determined	Decision
15/03546/LIPN	<p>New premises licence</p> <p>Exhibition of a Film Monday to Sunday: 08:00 to 00:00</p> <p>Playing of Recorded Music Monday to Sunday: 08:00 to 00:00</p> <p>Late Night Refreshment Monday to Sunday: 23:00 to 00:00</p> <p>Sale by Retail of Alcohol Monday to Sunday: 08:00 to 00:00 (On sales) Monday to Saturday: 08:00 to 23:00 (Off Sales) Sunday: 10:00 to 22:30 (Off Sales)</p>	19.08.2015	Granted under Delegated Authority
21/08266/LIPDPS	Application to vary the Designated Premises Supervisor	10.09.2021	Granted under Delegated Authority
21/12280/LIPDPS	Application to vary the Designated Premises Supervisor	24.11.2021	Granted under Delegated Authority
23/02561/LIPT	Application to transfer the premises licence	03.05.2023	Granted under Delegated Authority

Temporary Event Notices

Temporary Event Notices	Date of Event	Activities/Hours	Decision
22/01663/LITENP	17.03.2022 to 18.03.2022	Regulated Entertainment, Late night refreshment and Retail Sale of Alcohol 00:00 to 04:00	Event allowed to proceed

There is no appeal history.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Conditions consistent with the operating schedule

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a karaoke bar.
12. The supply of alcohol in the area hatched black on the plan shall be by waiter or waitress service only.
13. The supply of alcohol in the areas hatched black on the deposited plans shall be ancillary to the provision of entertainment and substantial food.
14. In the karaoke rooms marked on the deposited plan seating and tables shall be provided.
15. There shall be no admittance or re-admittance to the premises after 00:00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call) or those patrons who have pre-booked a karaoke pod.
16. After 00:00 hours there shall be a minimum of 10 karaoke pods available for booking if the ground floor or basement bar is to remain open for licensable activity.
17. 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.
18. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the plan.
20. All outside tables and chairs shall be rendered unusable by (23.00) hours each day.
21. 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.
22. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria: (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses, (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder, (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team, (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
23. 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.

24. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
25. All windows and external doors shall be kept closed after 18:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. 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.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
29. 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.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. Other than when using the dedicated Zig Zag Building refuse collection areas and systems, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
32. Other than when using the dedicated Zig Zag Building delivery area and system, no deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
33. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
34. 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.
35. 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.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
40. A Challenge 21 or 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.
41. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 21.00 on Thursday, Friday and Saturday whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.
42. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
43. 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.
44. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
45. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
46. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. This shall be no greater than 60 persons on the ground floor and 380 in the basement (excluding staff).

Conditions proposed by the Environmental Health Service

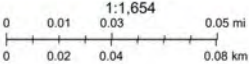
None

74 Victoria Street, London, SW1E 6SQ



19/09/2023, 15:06:37

- Property Mailing List
- ▭ Ward Boundaries
- Ward Labels



Resident count within 75 metres: 0

Licensed premises within 75 metres of 74 Victoria Street, London, SW1E 6SQ				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/06775/LIPDPS	Ivy Collection	66 Victoria Street London SW1E 6SQ	Restaurant	Friday to Saturday; 07:00 - 00:30 Sunday to Thursday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30
20/06307/LIPT	Iberica	Zig Zag Building 70 Victoria Street London SW1E 6SQ	Restaurant	Friday to Saturday; 10:00 - 00:30 Sunday to Thursday; 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:30
23/01746/LIPN	Lane 7	Zig Zag Building 70 Victoria Street London SW1E 6SQ	Indoor bowling centre	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
23/02561/LIPT	M W Restaurants	Kingsgate House 66 - 74 Victoria Street London SW1E 6SQ	Restaurant	Friday to Saturday; 07:00 - 00:30 Sunday to Thursday; 07:00 - 00:00
23/04504/LIPDPS	Hotel Chocolat	133 Victoria Street London SW1E 6RD	Shop	Monday to Sunday; 08:00 - 23:00