



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 January 2016
Licensing Ref No:	15/08707/LIPV - Premises Licence Variation
Title of Report:	Zelman Meats 2 St Anne's Court London W1F 0AZ
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	Date Application received: 6 th October 2015 Validation Date: 2 nd November 2015		
Applicant:	St Anne's Court Restaurant Ltd		
Premises:	Zelman Meats		
Premises address:	2 St Anne's Court London W1F 0AZ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operate as restaurant/bar		
Variation description:	<p>The variation application is for a change of layout, including inter alia</p> <ul style="list-style-type: none"> • Re-arrangement of fixed seating • Moving of partition further away from bar area • Relocation of oyster bar • Removal of former cold station to be replaced by freestanding tables and chairs • Some reconfiguration of back-of-house areas 		
Premises licence history:	The premises are currently licensed under the Licensing Act 2003; reference 14/04699/LIPN		
Applicant submissions:	None		

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

Late night refreshment: No Changes Proposed						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			n/a	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	n/a	n/a		
Tuesday	23:00	23:30	n/a	n/a		
Wednesday	23:00	23:30	n/a	n/a		
Thursday	23:00	23:30	n/a	n/a		
Friday	23:00	00:00	n/a	n/a		
Saturday	23:00	00:00	n/a	n/a		
Sunday						
Seasonal	Current:			Proposed:		

variations:	N/A	N/A
Non-standard timings:	Current:	Proposed:
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	N/A

Sale by Retail of Alcohol: No Changes Proposed						
On or off sales		Current :			Proposed:	
		On			N/A	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	n/a	n/a		
Tuesday	10:00	23:30	n/a	n/a		
Wednesday	10:00	23:30	n/a	n/a		
Thursday	10:00	23:30	n/a	n/a		
Friday	10:00	00:00	n/a	n/a		
Saturday	10:00	00:00	n/a	n/a		
Sunday	12:00	22:30	n/a	n/a		
Seasonal variations:	Current:			Proposed:		
	n/a			n/a		
Non-standard timings:	Current:			Proposed:		
	Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day			n/a		

Hours premises are open to the public: No Proposed Changes						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	n/a	n/a		
Tuesday	10:00	23:30	n/a	n/a		
Wednesday	10:00	23:30	n/a	n/a		
Thursday	10:00	23:30	n/a	n/a		
Friday	10:00	00:00	n/a	n/a		
Saturday	10:00	00:00	n/a	n/a		
Sunday	12:00	22:30	n/a	n/a		
Seasonal variations:	Current:			Proposed:		
	n/a			n/a		
Non-standard timings:	Current:			Proposed:		

1-C Layout alteration

The application is for a change of layout in the premises which includes:

- Re-arrangement of fixed seating
- Moving of partition further away from bar area
- Relocation of oyster bar
- Removal of former cold station to be replaced by freestanding tables and chairs
- Some reconfiguration of back-of-house areas

1-D Conditions being varied, added or removed

Condition		Proposed variation	
n/a		n/a	
Adult entertainment:	Current position:	Proposed position:	
	n/a	n/a	

2. Representations

2-A Responsible Authorities

Responsible Authority:	The Environmental Health Service
Representative:	Ian Watson
Received:	29 th October 2015

The Licensing Act 2003
Zelman Meats, 2 St Anne's Court, W1

I refer to the application for variation of the Premises Licence.
 The premises are located within the West End Stress area.

This representation is based on the operating schedule submitted and plans submitted reference 104/1517 dated 05/10/15.

The applicant is seeking the following

1. To carryout alterations to include, *Change of layout, including inter alia: Re-arrangement of fixed seating, Moving of partition further away from bar area Relocation of oyster bar Removal of former cold station to be replaced by freestanding tables and chairs and some reconfiguration of back-of-house areas*

I wish to make the following representation

1. Objection is made to the application on the grounds of Public Safety.

A visit is required to be made to the premises to enable Environmental Health to assess the impact of the application on Public Safety.

The Environmental Health Service has provided noise complaints (**Appendix 3**).

2-B Other Persons			
Name:		Mr Mark Allan	
Address and/or Residents Association:		3 Clarion House, 4 St Annes Court London	
Status:	Resident	In support or opposed:	Opposed
Received:	26 th October 2015		
<p><i>I live directly upstairs to these premises my bedroom is over the front of the premises. I object to the extension of the hours proposed and that they want to sell take away food. This will cause more noise in St Annes Court which is a narrow street. The noise comes up into my bedroom. Having a takeaway will probably cause people to queue in the street and stand around outside eating and discarding waste in the street. I strongly object to these changes.</i></p>			
Name:		Ms Rebecca Taylor	
Address and/or Residents Association:		18 clarion hs, London, W1F 00BA	
Status:	Resident	In support or opposed:	Opposed
Received:	8 th November 2015		
<p><i>My name is Rebecca Taylor i live at no.18 clarion hs and my flat is directly above zelman I'm writing to strongly oppose the new so called "restaurant" Zelman meats. Firstly the blue notice required by law has been covered by posters advertising the site for over two weeks. I have photos of this as proof. they have been adhered to all the windows externally hence the blue notice being obscured all that time. I gather the terms of the plan are a complete reversal of what was promised in February 2014, indeed the posters shout wildly of cocktails, clearly not advertising for a sit down restaurant. I should point out the change in use and the need for full restaurant conditions (model condition 66) in order to comply with policy and prevent both crime and disorder and nuisance. The application represents a change in use from restaurant to bar. Myself and the other residents are appalled of the insidious change. We will be strenuously opposing the bar and takeaway. Not one of the posters even mentioned a restaurant!! Its getting more and more like revolution bar, the place there before that caused such misery, they just are trying to sneak the same format through the back door. Sorry to be a cynic but I've lived here 30 years and am very sure this will take us back to all the problems we had before we all were exhausted and demoralised at how lawless the site had become, the drug pushers attracted and the terrible noise till well after closing time also, it would seem they have opened regardless and are already gathering outside good housekeeping opposite to avoid the max of 15 rule that was previously ordered. I've seen that partitioned off is a bar about half the size of this very large restaurant. This clearly is in violation of the previous order that it should be a sit down restaurant not a bar and there should be no takeaway. They feel above the law. The arrogance is gobsmacking and the fact they've ignored my email well...</i></p>			
Name:		Miss Brooke Bailey	
Address and/or Residents Association		Flat 17, Clarion House, 4 St. Anne's Court, London	

Status:	Resident	In support of opposed:	Opposed
Received:	<p><i>I voiced my concerns regarding the plans and asked for clarity regarding the application and if any requests had been made to change the usage, hours or nature of the license. Bina however confirmed and assured me that the only details related to the license application was to the change of layout.</i></p> <p><i>Fast forward a few weeks and not only have Zelman Meats concealed the blue notice required by law, they have also been completing drilling and building work after 13:00 on a Saturday which I have picture evidence of.</i></p> <p><i>When I approached the builders who were very aggressive they tried to make out that they weren't making any noise or drilling, but as you will see they were evidently mid way through putting up the signage and the drills were clearly visible on the tables inside the venue.</i></p> <p><i>The biggest issue now facing residents of Clarion House is that now they have opened they have blatantly re-opened as a bar, pumping loud music with a host of noisy punters then loitering in the street smoking and generating even more noise.</i></p> <p><i>The noise last night was deafening, and even in my flat up on the 3rd floor the bass penetrated through the floor. It is obvious that they ignored factoring in sound proofing when they did the refurbishment to try and cut costs given the amount of noise. The fact that the last restaurant Rex & Mariano didn't have loud music meant it wasn't such an issue, but the level of noise last night and the thought that is what we are going to be subjected to 7 days a week is utterly depressing.</i></p> <p><i>Please could you let me know what is going on and what Westminster Council plan to do about this blatant change of usage?</i></p>		
Name:	Mrs Oona Jean		
Address and/or Residents Association	7 Clarion House, 4 St Anne's Court, London		
Status:	Resident	In support or opposed:	Opposed
Received:	10 th November 2015		
<p><i>I was present at the initial licence hearing when this company took over the premises last year, and recall the company saying that they intended the restaurant to be a high end restaurant. The new proposal is for a cheap beef takeaway/ restaurant/ bar as advertised on the windows of the property for the past two weeks whilst they have been renovating the property, which I hasten to add has been of huge noise disturbance to the many residents above.</i></p>			

Before the new ownership, this was a highly problematic bar that caused much distress to the 22 resident flats above and as such was finally closed with thanks to Westminster. I am extremely concerned that the current occupiers are heading that way with their new theme of cheap takeaway eats and a bar.

Their current licence states that alcohol should be served by a waitress to seated customers whom are having a substantial meal, could you please look in to how that will be done in a take away premises, and one that is advertising a bar.

I hope you take in to consideration all the residents living above this premises, many of whom are elderly and confined, and families with very young children when making decisions that will affect our daily lives.

Name:		Dr Luke Dixon	
Address and/or Residents Association		6 Clarion House, St Anne's Court, London, W1F 0BA	
Status:	Resident	In support or opposed:	Opposed
Received:	10 th November 2015		

This variation will have a dramatic effect on the lives of those of us living in the flats above the restaurant. We have a long history of aggravation from previous restaurants and the existing licence was agreed with the intention of ensuring that such problems were kept to a minimum. The licensee has not kept to the terms of its existing licence, (over noise, street disturbance) and changes will fundamentally change the operation from a sit down restaurant to a bar and take away. The restaurant has already made changes even though the variation has not been agreed. There is now loud music and a bar rather than a restaurant operating.

Name:		Mr Niall MacAnna	
Address and/or Residents Association		65Clarion House, St Anne's Court, London, W1F 0BA	
Status:	Resident	In support or opposed:	Opposed
Received:	10 th November 2015		

This variation will have a dramatic effect on the lives of those of us living in the flats above the restaurant. We have a long history of aggravation from previous restaurants and the existing licence was agreed with the intention of ensuring that such problems were kept to a minimum. The licensee has not kept to the terms of its existing licence, (over noise, street disturbance) and changes will fundamentally change the operation from a sit down restaurant to a bar and take away. The restaurant has already made changes even though the variation has not been agreed. There is now loud music and a bar rather than a restaurant operating.

Name:	Mr Niall MacAnna
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Address and/or Residents Association		6 Clarion House, St Anne's Court, London, W1F 0BA	
Status:	Resident	In support or opposed:	Opposed
Received:	10 th November 2015		

*This variation will have a dramatic effect on the lives of those of us living in the flats above the restaurant. I have sent a detailed version from myself and those suggested from other residents in one document via email (**below**). The Variations have been done without being agreed but show that the business is now substantially different from what had been approved. It was a formal restaurant now it's an informal retro lounge bar with food with and a takeaway. The noise, music, street disturbance is attracting a very different crowd to the area. The promises that were made at the hearings and in their previous applications have not been kept and our attempts to resolve issues around late night noise were blocked.*

Changes to decor inside and out: The variation details, as outlined on their application form, are: *Change of layout, including inter alia. Re-arrangement of fixed seating, moving of partition further away from bar area, relocation of oyster bar, removal of former cold station to be replaced by freestanding tables and chairs, some reconfiguration of back-of-house areas.*

I object to this variation of the above license as I believe they have substantially changed the nature of the business.

The changes to the decor described above have already been done and the business has been trading for some weeks, so I have included pictures and observations.

What was supposed to be a 'formal sit-down restaurant' with customers shown to their seats with waitress service and alcohol served only with substantial meals value at '£25 to £30' or above.

However, the business now operates as an informal lounge bar with small cuts of various meats. They say, 'There is no longer a menu just a blackboard' in their online PR and emphasise their staple - a 'Streak Sarnie' at around the £5 - £9 mark, a gimmick to 'Win your cut of Meat' and a Take Away service.

The waiting staff I saw were mostly serving small trays of long stemmed cocktails and carafes of wine from the Bar to small tables crowded around with glasses and bottles of spirits and wine. The interior decor is of red leather booths and small tables with tub chairs. The modern art on the walls recall the 'drinking club' aesthetics of The Revolution Bar which were the previous license holders.

Where their former Fish Restaurant was brightly lit – Zelman's is very dark inside and lit from low hanging industrial lamps. The brightest and most artfully lit section is the full length cocktail and spirits bar.

The front windows of the venue prominently feature bottles of Wine. Shelves of Wine several stacks high provide the back drop to the reception area at the Door.

Alcohol featured up front as Restaurant changes into a Cocktail Lounge with Bar Food



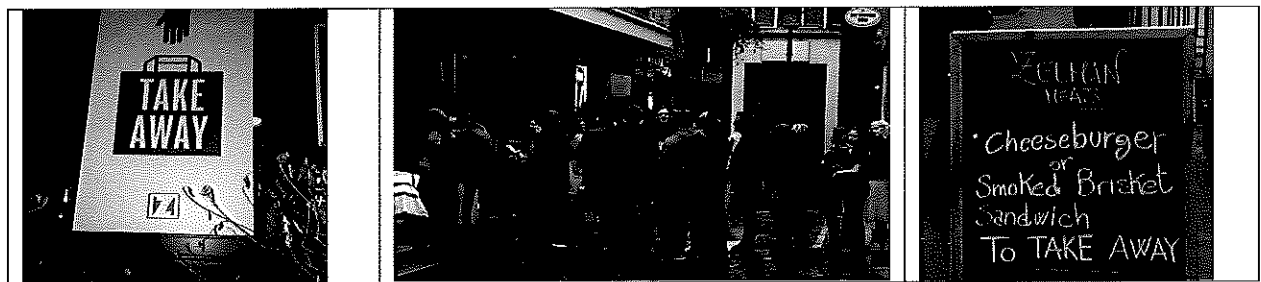
The venue itself now resembles and seems to operate as a Retro Cocktail and Lounge Bar. This recalled Annex 3 #14(vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

When loud Jazz Funk Music is played in the Bar, complaints from residents have been met with the excuse that 'this is a private party'. At the same time on the door on the left hand side of the Lounge was advertised as 'OPEN' with customers appearing to come and go as usual. (Pictures available)

Public customers appeared to be enjoying the recorded music, while the 'Private Party' continued. The Committee had been assured *'there would be no regulated entertainment and that the Applicant had agreed to The Councils 'Model Restaurant condition':*

In granting the original license the committee were assured that the premises would operate as a restaurant. Requests by the venue for late night alcohol and music license requests were dropped as were requests for a Take Away service. As a result of these assurances, some conditions were not attached as positive assumptions were made by The Environmental Health and The Metropolitan Police.

TAKE AWAY operation at odds with assurances given



Before the venue began trading, very large poster on their windows promoted their BAR and COCKTAILS in amongst the general WIN YOUR MEAT, ZELMAN'S as well as large TAKE AWAY signs complete with graphics of a Hand and a Take Away bag.

When they operated as a Take Away restaurant on 12 November 2015, the queue lined up straight out of its door and directly across the width of the street at a 90 degree angle, completely blocking the narrow alley. The Queue was managed by a waitress wearing a Zelman's T Shirt and handing out re-useable numbered tags to those in the line. (pictured)

The operation of a Take Away recalled Annex 3 #14(iii) and (iv) *to 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 and (iv) which do not provide any*

take away service of food or drink for immediate consumption,

Here is a quote from the minutes of the Sub Committee (1) hearing on Thursday 31st of July 2014, which was originally under the name of 'Smack Deli' before the title was changed to Rex and Mariano/Zelman's Meats:

"The Sub-Committee fully appreciated the problems that residents had experienced as a result of the premises known as Revolution being located at St Anne's Court. Revolution had however been a bar. As Mr Thomas and Mr Neil stated at the hearing, the Applicant had originally planned to have a lobster roll restaurant/takeaway concept at the premises (the boat bringing in the lobsters was called Smack hence the initial name of Smack Deli) but had taken into account that the concept of a takeaway with a bar was not suitable for the location. The premises would now be a higher end restaurant operating to core hours. Mr Neil added that the concept for the premises (which was yet to be named) was seafood based with each dish being approximately £25 to £30. Alcohol would be ancillary and be in keeping with the food provided. The clientele would not be the same as the patrons of Revolution. The Applicant had ten sites, with four in Westminster including the Goodman and the Burger and Lobster restaurants. They were well managed and the Mayfair restaurants were in residential areas. Mr Thomas advised that core hours for the operation of the premises were business critical and part of the agreed lease".

Noise and nuisance

The Committee had also noted that the venue should note *"that Local Residents had experienced specific problems with noise outbreak and it was agreed that the Applicant would be required to proceed with the necessary attenuation measures before the application was signed off by Environmental Health. A 'No Noise Shall Emanate' model condition was attached to the license."*

At the hearings and on their original application the applicants promised a special sensitivity to noise and stated that they would hire 'acoustic engineers' and take special measures. They assured the committee that they were running other restaurants with residents attached to the site e.g. in Mayfair and elsewhere in Soho.

Mr Strauss said to residents in December 2014 that their owners had spent £30k solving sound problems at their other venues and that they were keen to get things right.

However, contrary to what was said to the Committee and to residents, promises of 'acoustic engineers' and solving problems did not mean they would resolve noise problems coming from their own venue.

Instead they wanted to impose an 'acoustic engineer' along with their measuring equipment, over night, inside a Residents home.

Each complaint was met with this intrusive suggestion and came to represent a block to co-operation. There could be no agreement to this since they would not be independent and would side step the Westminster Council's own Noise Team.

Recently, their Extractor fan which opens on the roof of the residential block has been sounding more aggressively loud and raucous than usual. On Wednesday 11th of November, Mr. Strauss said that the noise was the fault of the buildings' owners since the extracting could be done in many other ways and so it was a planning issue.

Their management have been invited several times over the past year to hear these noises for themselves but they have chosen not to. Other emails to Mr. Strauss from residents have also received no response.

Efforts to engage

In person and on email from the 3rd December 2014, to Jan 26th 2015 in particular, we looked to engage and find a work-around solution for the noise and nuisance.

Amongst the issues Residents had to complain about was noise from the Extractor Fans, noise and vibration from Air Conditioning and Refrigeration Extractors, disturbances from late night cleaners, early deliveries and bottling noise from waste disposal.

We suggested noise management techniques such as agreed timings and equipment settings, with reminder notices to staff, schedules and protocols for cleaners – especially contract cleaners and emergency out of hours contact numbers.

We were met little or no co-operation and it became a kind of ongoing attrition including a long email trail.

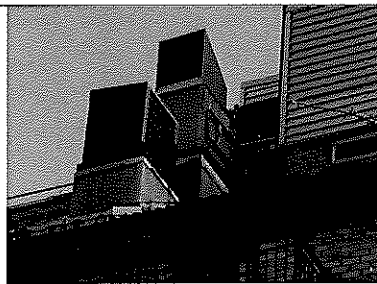
An Example: Late Night cleaners inside the venue.

The Rex and Mariano was open plan with tiled walls, a steel kitchen and no soundproofing on the ceiling. There were no room-dividers or curtains to absorb any sound.

Noise from their late night cleaners between Midnight and 5am could be heard through the ceiling in the homes above. Those with small children complained directly but were met with flat denials and a blaming of others.

Families were forced to refute these denials with photographs, witness statements and video of the cleaners responsible in order to get any acknowledgement. Not to mention countless complaints to the Westminster Noise Team. *No adequate sound insulation Annex 3 #16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. Sound proofing and sound reduction measures which were called for in Appendixes B3 to B10 as well as Annex 3*

Noise from this business adds to the general noise in the area in the area is having a detrimental cumulative impact on residents' quality of life in particular their health and well being.



Loud Extractor Fan – no action over 1 year.



Noise & vibration under floor at Richmond Buildings.



Customers under residents windows.

Doors front and rear

Their main door is mostly open at night which they had promised not to do because of noise. On event nights, music emanates from the door on the Bar side when opened. As noted above, much was made in the hearings to grant the original license that the applicants were dropping their request for recorded music both the Committee and the Metropolitan Police commented favourably.

St Anne's Court is a narrow pedestrian walkway and sound reverberates more than a normal street, this is also true of the rear of the premises in Richmond Buildings where

complaints about late night noise from bottles and early have been ignored over the past year.

According to the residents who live directly above the back door these restrictions to deliveries too early in the morning and dumping of waste bottles late at night were not met and were the subject of numerous complaints to the Westminster Noise Team. *Annex 3 #17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day and #18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.*

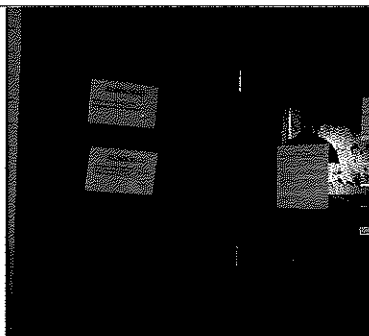
No Notice re noise at Doors for 1 year of trading.

Today Friday November 27th just before the deadline for local objections, 2 notices were put up beside the front door. They resemble the A4 printed page that appeared for a short period this summer before being taken down.

This comes after a year of trading without a permanent notice, prominently displayed at areas used for smoking, front or back, requesting patrons (or staff) to respect the needs of local residents and use the area quietly.



Blue Notice turned to the wall on open main door throughout November.



After 1 year of trading without - a notice re noise appears Fri 27th Nov.



No notice at rear of building re noise of bottling.

Residents live directly above the premises and loud voices, cigarette smoke and music can be heard through the windows and balcony. It is a detriment to the quality of life. (pictured) *Annex 3 #12 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.*

Customers stand about at each door after 9pm smoking some continuing to drink wine and other alcoholic drinks outside. (Pictured above right) *Annex 3 #21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. And #19 All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons. This was also an advised amendment from the Licensing Sub-Committee No.1 July 31st 2014.*

Adding to the background noise

Noise and a change of use in the venue of the same building as well as an unresponsive management at Zelman's come on top of several major ongoing stressful events in the nearby environment.

Many of the residents at Clarion House are elderly, some are physically disabled and several more live with ongoing health conditions which are exacerbated by stress. No one needs the increased disturbance of noise, music and increased activity of late night

drinkers. The residents front door of Number 4 St Anne's Court is directly beside the steps at their Bar area.

The immediate environment in St. Anne's Court is surrounded by building works, the demolition of 81 Dean St and works at 86 Dean St while to the rear of Clarion House there are works at 12 Richmond Buildings. It is also understood that buildings at 10-11 Richmond Buildings and the Nat West building across Dean St are both shortly due to be redeveloped. All this comes on top of the ongoing disruptions of Crossrail.

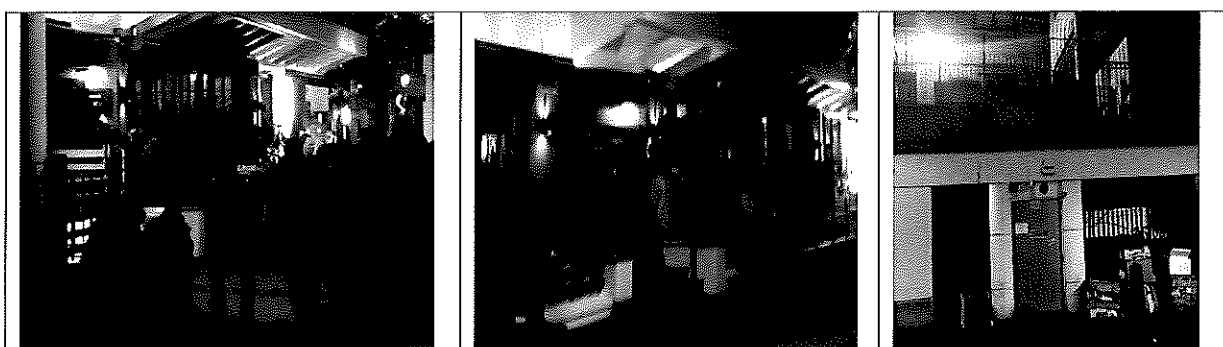
These stresses are having a cumulative detrimental effect on the residents' health and well being.

Anti-social behaviour

At night, the noise, music and activity as well as the 2 very large Neon 'Z' signs at either end of the building, is attracting curious revellers from both ends of St Anne's alley.

These are people who are already drinking and have cans and beer bottles in their hands. They stand on the low wall outside the building to see in. Others at various times sit on the steps and use the light provided by the signs to drink, chat, and roll cigarettes and talk.

The outdoor area is not being managed as was requested at the hearing of July 31st 2014 (pictured)



Security

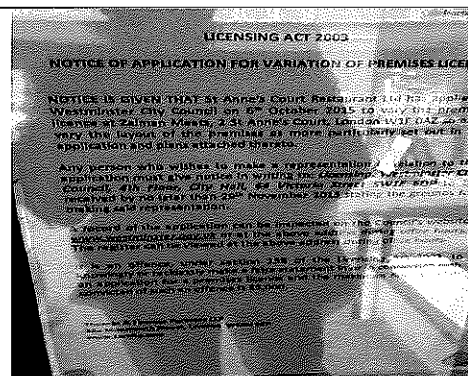
Residents have pointed out there seems to be no CCTV Camera coverage at the doors which they were required to have. (Annex 3 #9) It is supposed to be there to record all incidents, ejections of patrons, crimes, disorder, offensive weapons or drug offences etc, at the entrances and exits, front and back, in any light conditions.

Application Notice

The Blue A4 notice of Application has remained out of sight up a 2 steps into a shaded doorway.

The door is mostly open which meant that the text of the Notice is usually facing the wall and cannot or seen or read by anyone passing. (Pictured above)

Until recently it was displaying the out of date giving the impression that the deadline of 9th of October made already passed. (Picture 4th



Nov)	
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3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT2 applies:	Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Area
Policy CIP1 applies	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>Applications for other licensable activities in the Cumulative Impact Area will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Noise complaints history from Environmental Health Service
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

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

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

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

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

No supporting documentation

Appendix 2

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 15/08707/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 6th January 2016

The Licensing Act 2003

Zelman Meats, 2 St Anne's Court, W1

I refer to the application for variation of the Premises Licence.

The premises are located within the West End Stress area.

List of noise history for 2015.

Wednesday 7th January 2015 @ 09:25 Loud noise coming from an air conditioning unit and an oven at 6:45am, every morning. Noise officer visited and spoke to George Ryan 07890 577302 (duty manager) at Rex & Mariano restaurant 0207 4370566 re 1) cleaners from 00.00—03.00 and 2) the a/c, or equivalent, units coming on at around 06.45 hours.

1 - He will talk to all the kitchen porters and advise/warn.

2 - He thinks it is the extract making the noise as the ovens come on for the bread at about this time.

Feedback given.

Sunday 11th January 2015 @ 02:12 Restaurant Rex and Mariano at this location is creating a lot of noise. The cleaners are banging and smashing around as they are tidying. This is an ongoing issue. He would like a call back regarding this issue. Had given customer my direct number to phone over last weekend nights and this weekend nights if the noise was a problem. He didn't call until he called this morning at 02.30 to say he thought he had heard something tonight but did not want a visit as wife and child are asleep. He said he will call if an issue tonight. Spoke to GM Kevin Keogh 02074370566 and discussed possibility of other times. He doesn't think possible but will ensure they are quiet

Fed back to customer and agreed to visit Thursday Night if the problem persists.

Cleaners in 12 midnight until 3am. MGP has already spoken to them. Will follow up with their management today.

Saturday 24th January 2015 @ 01:29 Loud hovering and cleaning is being done customer also states that spoke to noise team before and has taken video footage and is requesting a call back. Premises inspectors state

Dear Kevin

Thank you for your time today.

Further to our meeting, I can confirm we have received a number of complaints from local residents regarding noise nuisance at the above premises (i.e. noisy cleaners working late into the night/early morning). I note that as a result of recent complaints you no longer move furniture at night, however, as discussed, please let me know, by email, if you are able to change the time when the cleaners vacuum the premises.

Furthermore, I would suggest that, considering you do not open to the public until midday, you move all cleaning at the premises to a time which has less impact on local residents?

As you are aware, the Licensing Act 2003 requires licensing authorities to carry out all their functions with a view to promoting the licensing objectives, which are:

- (a) The prevention of crime and disorder;
- (b) Public Safety;
- (c) The prevention of public nuisance; and
- (d) The protection of children from harm

Impairment of one or more of these objectives is a real concern. We would look to resolve the issues of noise through undertakings (e.g. new procedures), however if this is not possible, we may look to go down a more formal route which could lead to a review hearing of the premises licence if there is evidence that the licensing objectives are not being promoted.

Finally, I am concerned that management at the premises are not familiar with conditions on the premises licence. It was noted on my visit that the following licence condition was breached :-

14. 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.

Please take immediate action to rectify this and confirm by email.

Also, it is concerning that staff at the venue were unaware of conditions placed on your licence to control the outside area and in doing so, minimise . Even though my visit was to discuss noise from a different source, it shows that certain members of staff (at a management level) have clearly not read the licence.

21. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.

22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.

Again, please take immediate action to rectify this and confirm by email.

In view of the above, please arrange for a response to be sent on behalf of the licence holder. In any event, please advise me in writing, within the next 7 days, what action you intend to take in respect to the above matters?

For your information, we will continue to respond to complaints and monitor the situation on a 24 hour basis.

Tuesday 27th January 2015 @ 07:36 Cleaner starting at 6am and there is lots of aluminium pieces on the wall and ceiling and when they clean them it makes a very loud drum sound. Also, when he turns hot water on it is incredibly loud as it goes through the pipes. They have been leaving on an extractor fan a lot too. Cleaner has been verbally aggressive, blatantly lies to people that have watched him making noise and says he has done nothing and then reports the situation to his boss differently. Absolutely no sound deadening in there and it all goes straight up into the flats above. Callback please. Phoned customer - alleges that cleaners are working noisily at around 6.30. Had previously been a problem between 02.00 and 04.00 hours. He will send some compelling video footage

Monday 2nd February 2015 @ 12:55 Drilling coming from the restaurant below and its making the floor boards vibrate. Premises visited @ 14.15 and minor repairs being carried out. QPs not necessary. Work to be completed same day.

Saturday 7th November 2015 @ 14.02 Restaurant on ground floor is doing construction work. Noise team contact. They seem to have stopped, as she has not heard the noise since she called.

Monday 7th December 2015 @ 23:25 Zelma meats have a very loud extractor fan and they supposed to turn it off at 11pm but have not. Phoned the restaurant on 02074370566 and spoke to the manager, Alex Khiliss. He told me that the kitchen extraction is usually switched off at 22.30 hrs, Mon - Thursday. He admitted that it may have slightly over ran last night for which a resident came to them and complained.

Thursday 10th December 2015 @ 23:18 No call back is needed. Noise coming from Zelman Meats Restaurant as a result of a loud extractor fan. Visited but the restaurant was closed and plant noise not audible from outside.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06224/LIPC	Conversion Application	03.09.2005	Granted Under Delegated Authority
06/09805/WCCMAP	Application for a premises licence	26.09.2007	Granted Under Delegated Authority
11/07816/LIPV	Application for a Variation premises licence	29.09.2011	Refused by Licensing Sub-Committee
12/00527/LIPDPS	Application to Vary the Designated Premises Supervisor	17.04.2012	Granted Under Delegated Authority
12/03890/LIPVM	Application for a Minor Variation	06.06.2012	Granted Under Delegated Authority
12/09250/LIPDPS	Application to Vary the Designated Premises Supervisor	03.12.2012	Granted Under Delegated Authority
13/01540/LIPV	Application for a Variation premises licence	13.06.2013	Refused by Licensing Sub-Committee
13/07749/LIPDPS	Application to Vary the Designated Premises Supervisor	25.10.2013	Granted Under Delegated Authority
13/08763/LIPDPS	Application to Vary the Designated Premises Supervisor	20.11.2013	Granted Under Delegated Authority
13/10146/LIPDPS	Application to Vary the Designated Premises Supervisor	02.01.2014	Granted Under Delegated Authority
14/04699/LIPN	Application for a premises licence	31.07.2014	Granted by Licensing Sub Committee

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 9(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.
- 9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

13. The licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
14. 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.
15. No deliveries to the premises shall take place between 23:00 and 08:00 the following day.
16. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

17. There shall be no sales of alcohol for consumption off the premises.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
21. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The number of persons accommodated at the premises (excluding staff) shall not exceed 200.



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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Data Source: Uniform Database
Date: 23/12/2015

Premises within 75 metres of: Zelman Meats 2, St Anne's Court London			
p / n	Name of Premises	Premises Address	Licensed Hours
20502	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00
19920	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 08:00 - 23:30
19854	Hearst Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Monday to Sunday 00:00 - 00:00
11286	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 01:00
-7977	Soho Dean Street	76 Dean Street London W1D 3SQ	
-12815	Enrique Tomas	132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30
-21918	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-24838	Busaba Eatthai	108-110 Wardour Street London W1F 0JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27414	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
31610	Inamo	136 Wardour Street London W1F 8ZR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
27460	The Ship Public House	116 Wardour Street London W1F 0TT	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
26200	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
24993	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
22734	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
11863	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30

-21288	Wardour News	Ground Floor 118-120 Wardour Street London W1F 0TU	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
25077	Billy And The Chicks	27 - 28 St. Anne's Court London W1F 0BN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
24841	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
6940	Soho Joe	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday 07:00 - 01:00 Sunday 09:00 - 00:00
-9042	Cote	Basement And Ground Floor 122-126 Wardour Street London W1F 0TY	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 03:00 Friday to Saturday 09:00 - 03:30
15576	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30
22041	Piccolo Forno Pizzeria	9-12 St. Anne's Court London W1F 0BB	Sunday 10:00 - 22:30 Monday to Saturday 10:00 - 23:30
3204	Rex & Mariano	2 St. Anne's Court London W1F 0AZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
827	Soho Hotel	Soho Hotel 4 Richmond Mews London W1D 3BD	Monday to Sunday 00:00 - 00:00



