



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/11278/LIREVP**

Date:

**10<sup>th</sup> March 2016**

Classification:

**For General Release**

Title of Report:

**El Camion  
25-27 Brewer Street  
London  
W1F 0RR**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mr Ola Owojori  
Senior Licensing Officer**

Contact Details:

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## APPLICATION DETAILS

<b>Application Type:</b>	Review of a Premises Licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Mr Lawrence Lynch and Mr Kenneth White	<b>Date Application Received:</b>	1 December 2015
<b>Premises Name and Address:</b>	El Camion 25-27 Brewer Street London W1F 0RR		
<b>Ward Name:</b>	West End	<b>Cumulative Impact Area:</b>	West End
<b>Description of Premises:</b>	The premises are operated as a nightclub /bar.		
<b>Please Note:</b>	The application was previously scheduled for a hearing on 28 <sup>th</sup> January 2016 but was adjourned to 10 <sup>th</sup> March 2016 at the request of the Licensee.		

### 1. SUMMARY OF APPLICATION

- 1.1. An application submitted by Mr Lawrence Lynch and Mr Kenneth White for a review of the premises El Camion, 25-27 Brewer Street, London W1F 0RR, was received on 1<sup>st</sup> December 2015 on the grounds of Prevention of Public Nuisance and Protection of Children from Harm. Their concerns relate to noise emanating into residential accommodation including children's bedroom above the premises from music within the premises, noise from customers smoking outside the premises and noise from customers dispersing late at night. Please see **Annex A**.
- 1.2. The applicants have submitted witness statements, photographs, Westminster City Council Noise Team Inspection report sheet and video clips as part of the application. The video clips will be made available for viewing at the hearing if required.
- 1.3. Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.4. As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 1.5. The premises currently benefits from a premises licence 15/02786/LIPDPS, attached at **Annex B**) that permits:

#### Performance of Dance

Monday to Saturday: 09:00 to 03:00

#### Performance of Live Music

Monday to Saturday:	09:00 to 03:00
<b>Playing of Recorded Music</b>	Unrestricted
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b>	
Monday to Saturday:	09:00 to 03:00
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 03:30
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b> Unrestricted	
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 22:30
<b>The opening hours of the premises</b>	
Monday to Saturday;	09:00 to 03:30
Sunday	12:00 to 22:30

1.6 These review proceedings are brought under the licensing objectives on the grounds of Prevention of Public Nuisance and Protection of Children from Harm. The concerns raised refer to:

- Music noise emanating from the basement and or ground floor of the premises into residential accommodation above the premises.
- Noise nuisance from groups of customers of the premises smoking outside the premises
- Noise from groups of customers dispersing from the premises late at night
- Music noise emanating from the basement and or ground floor of the premises into the children's bedroom of flat 52 St James's Residence causing broken sleep of the children thereby harming their health and development.

1.7 Prior to the application to review the premises licence, the applicants have had meetings with the licensee and officers from the Council's Environmental Health in order to resolve the noise breakout issues. The action recommended appears not to have been fully implemented as noise from the premises continue to emanate into residential accommodation above the premises.

1.8. The applicants have proposed the following remedial actions which they believe are appropriate and proportionate to promote the licensing objectives.

- Removal of performance of dance, live music, recorded music and anything of a similar description from the ground floor.
- Remove the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

- Reduction in permitted hours for licensable activities and opening hours on Monday to Sunday to the Council's core hours.
- The addition of conditions proposed by the applicant and any other conditions the Sub-Committee deemed appropriate and proportionate.

The conditions proposed by the applicant are set out within **Annex F**

## **2. REPRESENTATIONS:**

- 2.1 The Environmental Health Service, as a responsible authority supports the review application stating that seven noise/nuisance related complaints have been recorded against the premises in the last two years. They also confirm that a Section 80 Abatement Notice under the Environmental Health Act was served on the premises 30<sup>th</sup> September 2015. In addition they have provided additional information which includes a witness statement from an Environmental Officer who has previously attended the premises to assess noise nuisance and set the noise limiting device. **See Annex C1**
- 2.2 The NHS Central London Clinical Commissioning Group as a responsible authority supports the review stating that disrupted sleep could be detrimental to health, affect the development of children and place additional stress on limited primary care resources. **See Annex C2**
- 2.3. Representations have been made in support of the review by three local residents on the following grounds:
- Noise breakout from the premises into residential accommodation is a regular occurrence at the premises.
  - Group of customers smoking outside the premises and customers leaving in the early hours of the morning sometimes causes noise nuisance to nearby residents.
  - They believe 03:00 hours terminal hour for licensed premises in close proximity of residential accommodation is not appropriate. **See Annex C3**
- 2.4. One representation has been made against the review stating that they are impressed in the management of the premises and they are satisfied with the conduct of the door staff at the premises by preventing noise nuisance to be caused by customers smoking outside the premises and those queuing to gain access to the premises. **See Appendix C4**

## **3. SUBMISSIONS:**

- 3.1 The licence holder has submitted documents which include witness statements, sound engineer's report, observation report in respect of the application and a statement from a local resident believed to be against the review application. **See Annex D1**
- 3.2. The applicants have submitted documents which include their response to the licence holder's submission and an update on the current situation at the premises. **See Annex D2**

## **4 OPTIONS**

- 4.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing

objectives. The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

- 4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

## 5 LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

5.1 Any applications under the Licensing Act 2003 are set out in **Annex E**.

5.2 The chronology relating to appeals and applications is set out in **Annex E**.

<b>List of Appendices:</b>	<b>Annex A – Application for Review</b> <ul style="list-style-type: none"><li>• <b>Annex A1</b> – Map of the premises and area</li><li>• <b>Annex A2</b> – supporting statements from other residents</li><li>• <b>Annex A3</b> – Premises licence</li><li>• <b>Annex A4</b> – Photos / Video(to be available at the hearing)</li><li>• <b>Annex A5</b> – List of noise complaints recorded by Environmental Health</li><li>• <b>Annex A6</b> – Relevant Correspondence</li></ul> <b>Annex B</b> – Current Premises Licence (15/02786/LIPDPS) <b>Annex C1</b> – Environmental Health representation <b>Annex C2</b> – NHS Central London Clinical Commissioning Group representation <b>Annex C3</b> – Local residents representations <b>Annex D1</b> - Licensee Submissions <b>Annex D2</b> – Applicant Submissions <b>Annex E</b> – Licence and Appeal History <b>Annex F</b> – Conditions on the current licence and proposed by the applicant <b>Annex G</b> – Residential Map and list of premises in the vicinity <b>Annex H</b> – Photograph of premises
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## Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Original



# City of Westminster

## APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service  
Westminster City Council  
Westminster City Hall  
4th Floor  
64 Victoria Street  
London  
SW1E 6QP

### AND

You must give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service:

1. **The Chief Officer of Police**  
Westminster Police Liaison Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP
2. **Fire Safety Regulation:**  
South West Area 4  
169 Union Street London SE1 0LL
3. **Premises Management (Environmental Health; Health & Safety; Weights and Measures)**  
Westminster City Council  
Environmental Health Consultation Team  
4<sup>th</sup> Floor, Westminster City Hall  
64 Victoria Street, London, SW1E 6QP

Continued.....

**4. Development Planning Services**

Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

**5. Area Child Protection Committee**

Head of Commissioning – Child Protection & Quality, Social and Community  
Services – Children and Families  
4 Frampton Street  
NW8 8LF

**6. Public Health**

Estates Lead  
NHS Central London Clinical Commissioning Group  
15 Marylebone Road  
London  
NW1 5JD

**For boats only:**

The Navigation Authority (for vessels not permanently moored)

Tidal Thames

The Harbour Master

The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames

The Environment Agency Recreation and Navigation, Thames Region, Kings  
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals

The Leisure Manager

British Waterways Board

1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General

The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll  
Rise

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

We Kenneth White and Lawrence Lynch

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> El Carnion 25-27 Brewer Street	
<b>Post town</b> London	<b>Post code (if known)</b> W1F 0RR

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Lupe's (Brewer Street) Limited
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<b>Number of premises licence or club premises certificate (if known)</b> 15/02786/LIPDPS Original reference: 05/10397/LIPC
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)



**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick  yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

<b>Surname</b> White	<b>First names</b> Kenneth
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Please tick  yes

I am 18 years old or over

<b>Current postal address if different from premises address</b>	15 St James's Residences Brewer Street
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<b>Post town</b>	London	<b>Post Code</b>	W1F 0RN
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<b>Daytime contact telephone number</b>	07518 785968
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<b>E-mail address (optional)</b>	ken@sohoha.org.uk
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**(B) DETAILS OF OTHER APPLICANT**

<b>Name and address</b> Lawrence Lynch 52 15 St James's Residences Brewer Street London W1F
<b>Telephone number (if any)</b> 07775 924347
<b>E-mail address (optional)</b>

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓  
✓

**Please state the ground(s) for review (please read guidance note 2)**

The purpose of the review is to request that the licensing authority amends the conditions of the licence for 'El Camion' (" the premises"), in order to promote the licensing objectives. The review application is made in connection with the licensing objectives of 'prevention of public nuisance' and 'protection of children from harm'. The premises is located in the heart of the West End Stress Area.

Prevention of public nuisance -

- Music noise emanating from the basement and/or ground floor of the premises into residential accommodation above.
- Noise from groups of customers of the premises smoking outside the premises
- Noise from groups of customers dispersing from the premises late at night

Protection of Children from Harm

- Music noise emanating from the basement and/or ground floor of the premises into the children's bedroom of flat 52, St James's Residences causing broken sleep of Mr Lynch's children, and thereby harm to their health and development.

These issues have been on-going to a greater or lesser extent for many years and regularly wake up the affected residents.

Please provide as much information as possible to support the application (please read guidance note 3)

### **Introduction and overview**

We are two local residents who live in St James's Residences on Brewer Street W1. 'El Camion' ("the premises") is located on the ground floor and basement within the same block as the Residences. Mr White has lived here for 21 years with his wife, Ann. Mr Lynch has lived here for 9 years with his wife, Clare and two sons, Percy (11yrs) and Henry (9years).

St James's Residences is a large residential block of flats run by a housing association, Soho Housing. The block consists of 60 1/2/3 bedroom flats that house a diverse group of people, including many families and children. 39 of the flats are located directly above and to the side of El Camion. I attach at **Appendix 1** a map of the local area and a photograph showing St James's Residences and the premises.

Mr White's 1 bedroom flat is on the 5<sup>th</sup> floor, above and to the left of El Camion when looking at the front elevation. He has experienced nuisance for 16 years, ever since the club got its 3am licence. Mr White is the chairman of the St James's Residences Residents Association.

Mr Lynch's flat has 2 bedrooms and is directly above El Camion on the first floor. He has experienced nuisance for 9 years, ever since moving into the flat with his family.

The problems we and other residents have experienced are summarised in the Grounds for Review. We will go into more detail in due course. The premises has a long history of causing noise nuisance in the flats above since it was somehow granted a 3am licence back in 1998. At the time no one objected – the local residents were demoralized by years of living in what seemed to them as a 'anything goes' area; the Soho Society's licensing team had temporarily gone out of operation; Mr White was in the process of moving into his wife to be's flat (15); and Westminster's legal advice at the time was that if no objections were received then they must grant a licence application. All these difficulties have now been rectified and the stress zone introduced. A similar application would be unlikely to succeed now.

The following residents have confirmed that they support this review:

Maria and Paula Soares, 53, St James's Residences, Brewer Street, Soho, London, W1F 0RP

Maria and Paula are mother and daughter, who live with the father Tony. Number 53 is a 2 bedroom Flat directly above the El Camion, on the 2<sup>nd</sup> floor.

### **The current premises licence**

I attach a copy of the current premises licence at **appendix 3**. The licence holder is 'Lupe's (Brewer Street) Limited'.

It permits licensable activities (performance of dance, performance of live music, anything similar. Late night refreshment and sale of alcohol (on and off the premises)) to 3am Monday-Saturday. Sale of alcohol is also permitted on Sundays to 10.30pm. Recorded music and private entertainment is unrestricted.

Given the very late terminal hour, the conditions have not proved sufficient to promote the licensing objectives and to prevent public nuisance or harm to children. I would draw the licensing authority's attention particularly to conditions 13 and 14. These two conditions are usually accompanied by a condition requiring a noise limiter to be set at an appropriate level. For some reason the licence is not subject to a specific noise limiter condition.

### **Basis for the application: the licensing objectives**

#### **Prevention of public nuisance**

##### **1. Music noise**

Ever since the premises was granted a licence back in the late 1990's there has been persistent amplified music noise nuisance from the club and restaurant. This is most noticeable by residents of St

James's Residences after 11pm, and can and does go on up to, and sometimes beyond, 3am. Mostly the nuisance is of the bass beat type, but can consist of the entire audible frequency range.

The nuisance has been the same with all three ownerships – 'Abigail's Party', 'Enclave', and latterly 'El Camion'. The quiet enjoyment of our homes is spoiled, sleep is disturbed, and children's development harmed by broken sleep and sleep deprived parents. The noise is transmitted through the building structure.

In 2013, we liaised at length with various parties to attempt to persuade the premises to be good neighbours and set a noise limiter level which could not be changed. We thought that we had succeeded in doing this.

The more recent noise nuisance culminated in a noise abatement notice being served under s80 Environmental Protection Act 1990 on or around 30 September 2015. It was this which made us realise that a review of the licence would probably be necessary. Since service of the abatement notice, the licence holder has belatedly agreed to have some further sound tests carried out. They also say that they disconnected the speakers on the ground floor after 2 October 2015. Nevertheless, music noise could still be heard. This might be explained by the fact that there is still loud music in the basement, and that there is some transfer through the structure. This appears to be the conclusion of the acoustic specialist who visited the premises, and whose Report the operator has shared with us.

Further, it appears that, very regrettably, the limiter in the basement had not been kept at the level agreed and set in 2013. This is a significant failing on the part of the management.

We both gave up a whole morning on Tuesday 24 November 2015 to accommodate the noise testing for the ground floor of the premises. It appears now that there are safeguards to ensure that the limiters cannot be tampered with. Why such safeguards were not in place in the past is unclear.

However, regardless of the efficacy of the tests and a further promise to set a noise limiter which will not be overridden, we are aware that these procedures can only become enforceable at all times if conditions are added on to the licence on review. Given that the noise limiter must have been frequently overridden in the past, we need the noise conditions to be formalised on the licence. In any event, there are other issues affecting the promotion of the licensing objectives which we would like the licensing authority to review.

We have therefore proposed that the licensing authority removes the effect of the deregulation provided by s177A Licensing Act 2003 (as amended) for the relevant licensable activities, so that existing conditions relating to the relevant licensable activities are made to have effect, and that new conditions which may be added as a result of this review are added as if the relevant activities were licensable.

Our evidence of this nuisance is in the form of:- Photographs, videos, our own recollections, e-mails to and from the owner (Ned Conran), meetings with the owner, calls to the Noise Team, visits and tests of the City Council's Environmental Health noise experts.

For more detail, please see the individual statements at **Appendix 2, photographs/videos at Appendix 4 and e-mails to Ned Conran at Appendix 6.**

Please also see the list of complaints to the noise team at **Appendix 5** for further details and specific incidents.

## 2. Noise from patrons smoking and queuing to get in outside the premises.

This has been a persistent problem, despite the best efforts of the door staff, who have tended to be the only conscientious members of the club's staff and management. Although notionally confined to a roped off area covering the pavement lights of the club, customers spill out beyond this area, often occupying the pavement and thereby causing obstruction to pedestrians, or using St James's Residences alcove entrance and thereby obstructing passage to our homes. This has been so under all three management/ownership regimes. Potential customers queuing to get in can be rowdy.

The evidence of this nuisance is as at 1 above – photographs, videos, recollections, and calls to the Noise Team.

For more detail, please see the individual statements and photo/video evidence at **Appendix 2 and 4**

**Policy STR2** relates to 'Reviews in areas of special policies relating to cumulative impact – Stress Areas' and states that 'In deciding what, (sic) steps, if any, are necessary\* to promote the licensing objectives in the determination of a review of a premises licence in a Stress Area, that the premises are in an area where special policies of cumulative impact apply and the need to reduce the cumulative impact of licensed premises within the Stress Area, will be taken into account.'

\*the test is now 'appropriate' rather than 'necessary'.

One of the main reasons set out in the SLP for the 'core hours' **Policy HRS** is dispersal of customers. **Para 2.4.1** states that 'The retention of people late at night contributes to cumulative impact.' **Para 2.4.10** states that 'Hours later than the operation of London Underground services add to the pressure on the limited facilities for transport late at night...'

The 'public nuisance' Policy (PN1) states at **para 2.2.11** that 'Playing of music can cause nuisance both through noise breakout transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance.'

**Para 2.2.12** states that 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left the premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. **The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.**' (our emphasis).

The considerations (p.19) state that 'Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.'

The SLP therefore recognises the potential for precisely these types of issues to arise in connection with late night venues such as these.

### Conclusion

The right for residents to review a premises licence under s51 Licensing Act 2003 is a 'key protection' (Para 11.1 of s182 Guidance) for the local community, where problems have occurred which are connected to the licensing objectives.

I and other residents have experienced nuisance from the premises for a lengthy period of time.

Therefore, I respectfully ask that the Licensing Sub-Committee imposes such conditions as it considers to be appropriate and proportionate, to promote the licensing objectives. I have thought carefully about what is a sensible balance which protects residents' interests, and I have concluded that a combination of a reduction of hours and additional conditions would achieve a proportionate response to the issues. I suggest the following:

- Remove from the ground floor the licensable activities of performance of dance, performance of live music, playing of recorded music and anything of a similar description.
- Reduce the hours for all licensable activities and the opening hours to midnight Fri-Sat, 11.30pm Mon-Thurs, 10.30pm Sun – to apply to the basement and ground floor.
- Add additional condition to replace conditions 13 and 14 on current licence:

'A noise limiter must be fitted to the musical amplification system set at a level determined by

Please also see the list of complaints at **Appendix 5** for further details and specific incidents.

### 3. Patrons of the premises leaving late at night

Those customers leaving in the early hours of the morning are habitually the worse for drink, slow to leave the area, and rowdy. The noise they create, although mingling with what is undoubtedly a lively area, is, nevertheless, distinct and of a level that disturbs our residents. This has been so under all management/ownerships.

Evidence is in the form of videos, recollections, and calls to the Noise Team.

For more detail, please see the individual statements at **Appendix 2** and videos at **Appendix 4**

Please also see the list of complaints at **Appendix 5** for further details and specific incidents.

### Effect of the issues

The effects of the various types of noise and disturbance are that we are unable to peacefully enjoy our home, disturbed sleep, and harm to our children. Ringing the noise team is a 2 hour process in the early hours of the morning, and despite their best efforts they often turn up too late to hear the noise themselves. The onus is always on the disturbed resident to make 'phone calls, negotiate with club owners/ management and try and act reasonably with unreasonable behaviour of the club and its customers.

### Efforts to resolve the problems

Mr Lynch and others have had to 'phone the City Council's Noise Team on numerous occasions. Attached at **appendix 5** is a list of calls made; please note that this does not reflect either the amount of calls made in total or the number of times when noise has been an issue. It is extremely inconvenient, distressing and tiring to telephone the Noise Team late at night when one is trying to sleep or have been woken up, and then wait for a visit from an officer – a wait of up to 2 hours. The visits and the assistance that have been offered by the Noise Team are appreciated.

Various people connected with the premises have been contacted face to face, by telephone and e-mail on numerous occasions over the years in an effort to resolve the noise problem. The attitude of some of the management and staff that 'if you do not like the noise in Soho why don't you move' is unhelpful and lacking in a historical perspective.

Two years ago a series of meetings took place between Mr White and Ned Conran, the owner of El Camion, in order to try and resolve the noise disturbance caused by his sound system speakers in the basement club area and the ground floor restaurant. This resulted in sound engineers from the council's Environmental Health department making tests in the club and Mr Lynch's flat (52). It was decided that no nuisance was caused by the speakers in the basement, but that the speakers located at several locations at ceiling height (just underneath Flat 52's floorboards) in the ground floor restaurant caused considerable disturbance to neighbouring flats. A noise limit and noise limiter were proposed for the sound system and speakers in the restaurant. It was also proposed by Ned Conran that the speakers would be relocated from the ceiling level and put under the seats and noise insulation installed. None of this was ever implemented. The speakers remain where they have always been, the noise limiter was either never installed or was overridden by his managers and staff. The noise has continued over the last two years and it seemed to surprise Ned Conran that his club continued to be a nuisance after the most recent complaints. His visit to the club and subsequent meeting with Ken White has been followed up with the usual promises of action to rectify the noise nuisance. He expressed disbelief that the noise could be turned up so loud. This is indicative of his 'hands off' management style. We now have more promises to rectify the situation after a period in which he seemed to be in denial that his club was the culprit – it is. See **appendix 6**.

### Westminster City Council's Statement of Licensing Policy 2011 ("SLP")

The premises is located in the heart of the West End Stress Area, and is therefore subject to the City Council's Stress Area policies.

and to the satisfaction of an authorised officer of the Environmental Health Service and in conjunction with affected residents, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.'

- Add additional condition:

'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.'

- Add additional condition:

'All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.'

- Add additional condition:

'At least two SIA licensed door supervisors shall be on duty outside the premises after 6pm on any day when the premises is open for business. The principal duties of the supervisors shall be to manage patrons who have temporarily left the premises, e.g. to smoke, and to ensure that customers disperse from the premises without causing a public nuisance to local residents.'

- Add additional condition:

'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.'

- Add additional condition:

'After 9pm, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall be limited to 6 persons at any one time.'

- Add additional condition:

'The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that they remain within the designated smoking area referred to in condition [ ] and to ensure that there is no public nuisance or obstruction of the public highway.'

- Add additional condition:

'A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.'

- That the licensing authority removes the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

Any other such conditions as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.

All timings etc to be as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.



Have you made an application for review relating to the premises before

x

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature Mr Mike Lynch

Date 1st December 2015

Capacity Applicants

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) See previous contact details given for Applicants	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

'El Camion', 25 Brewer Street, London W1

Review application under s51 Licensing Act 2003

List of appendices

1. Map of premises and area
2. Supporting statements from other residents
3. Copy of current premises licence
4. Photos/videos
5. List of noise complaints recorded by Environmental Health
6. Relevant correspondence

## APPENDIX 1



West Street (London, United Kingdom)

Navigation icons: X, Home, Street View, Location, Search, and a compass icon.



ST. JAMES'S RESIDENCES

SIMPLY PLEAS

Brewer St



Map navigation controls: A vertical bar with icons for Home, Street View, Location, Search, and a compass icon.

Map Search

Westminster College

SCHO  
Car Park

EMPEROR STREET

Chamber

SCHO PARKING OFF

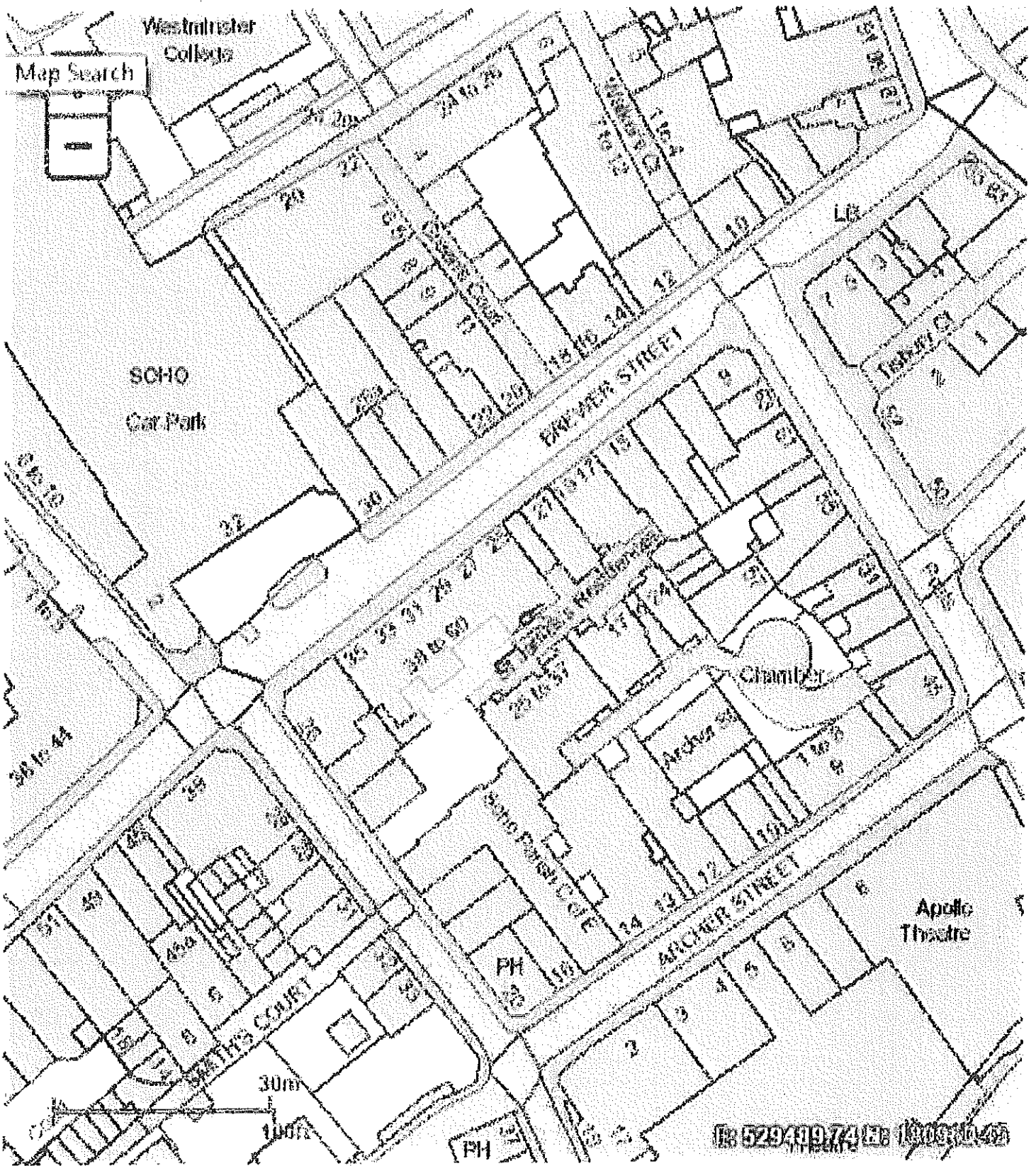
ARCHER STREET

Apollo Theatre

30m

100ft

05 529 4974 05 1000 1000



## APPENDIX 2



**Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1**

**S51 Licensing Act 2003**

**Premises licence ref: 15/02786/LIPDPS**

My name is Kenneth White. I live at 15, St. James's Residences, Brewer Street, Soho, London W1F 0RN. I have lived here for 18 years. My flat, which I share with my wife, is on the top (5<sup>th</sup>) floor. It is a one bedroom flat with all the rooms facing onto Brewer Street. I am the chairman of the St James's Residents and Archer Street Chambers Residents Association – 69 1/2/3 bedroom flats, housing a diverse community, including many families with children and inter-generational relationships. The block of flats is run by the Soho Housing Association.

I and my neighbour Lawrence Lynch (flat 52) are asking Westminster City Council to review the premises licence for El Camion on the grounds of 'prevention of public nuisance' and 'protection of children from harm'.

I am not directly affected by the amplified music that is transmitted through our building to some of my neighbours because my flat is on the 5<sup>th</sup> floor and, as you look at the front elevation of our flats from Brewer Street, is off-set to the left by the distance of one flat's width from the El Camion. I am affected by the noise coming from El Camion's customers that smoke outside and who leave the premises in a noisy, drink fuelled way. The noise of customers smoking, leaving in the early hours of the morning and at closing time combines in a cumulative way with customers of other clubs in our area, although El Camion is the only one in that is part of our building block.

Although Lawrence Lynch (52) and Maria and Paula Soares (53) are the only ones of my neighbours who are prepared to make a statement, attend a review hearing and give evidence, I am aware of a considerable number of other neighbours whose quiet enjoyment of their homes is affected by the noise from El Camion. Their reasons for them not coming forward to assist in this review are many and various, but, without being patronizing, many low income people are unsure of becoming involved in a quasi-judicial process. This is certainly the case with my neighbours who are reluctant to come forward, but who, nevertheless, would like their lives to be free of the noise from El Camion. We all accept that we live in a lively area and are not the complaining sort, but the noise caused by El Camion and their customers is making some of my neighbour's lives unbearable. I would point to the fact that none of my neighbours complain about the 'Wembley' like roar coming from customers of the 'The Yard' - a bar with an open courtyard area that backs onto our flats from Rupert Street. This is because its noise is confined to animated customers in the outside area and not amplified music. Crucially its terminal hour is 11.30pm.

Just over two years ago I became involved, in my capacity as chairman of our tenants association, in a discussion with Ned Conran about how to stop amplified noise from his club, El Camion, from disturbing the sleep of Lawrence Lynch and his family. Westminster's Environmental Health sound engineers became involved and various noise level and noise quality test were done in Lawrence

Lynch's flat (52), and the ground floor and basement of El Camion. There was, and still are, music speakers placed at the junction of the walls and ceiling of the ground floor restaurant, directly beneath Mr Lynch's flat, controlled by a console at the rear of the ground floor. In the basement there are 'club' size music speakers that are controlled by an independent console down there. The sound tests showed that no music was audible in Mr Lynch's flat from the speakers in the basement, even when turned up very loud. However, music from the ground floor restaurant speakers could be heard in Mr Lynch's flat at quite low levels. A noise level that would not disturb residents was agreed for the ground floor, and Ned Conran promised to have a noise limiter fitted so that that the noise level could be fixed and not capable of being overridden. For a short period of time things appear to have quietened down, however, it was not long before Mr Lynch started to say to me that at certain times during the week the music was as bad as ever. He tried talking to the management of the club (not Ned Conran, who is rarely there), but that only produced temporary respite. I told him that it was obviously a waste of time trying persuasion as the management seemed to do what they liked when Ned was not there. Ned appeared to have a hands off approach during the evening and night. Mr Lynch and his children then settled down to 2 years of disturbed sleep. I told him that I would help him if he would telephone the noise team when things were bad in the early hours. I know how hard this is to do because of my own noise problems with the now closed 'Escape' bar across the road – the struggle between disturbed sleep and spending 2 hours waiting for the noise team is a hard thing.

Mr Lynch has telephoned the noise team spasmodically over the last couple of years, but starting on the 30<sup>th</sup> September this year he galvanized himself. His call on the 30<sup>th</sup> resulted in the a 'noise' notice being served on the manager. On the 1<sup>st</sup> October I informed, by e-mail, Ned Conran, Shaftesbury plc (landlords), Soho Housing Association, and Richard Brown (solicitor employed by CAB) of my intention to seek a review of the club's licence. This resulted in an apologetic e-mail from Ned to me, saying he would have reacted earlier had he known. Ned and myself met to discuss matter very shortly after at the club and he was amazed at the volume that the speakers on the ground floor could be turned up to and the fact that there was no noise limiter on the sound consul. He promised to fix things immediately. Mr Lynch made a further noise complaint on 9<sup>th</sup> October but the noise team arrived after the club closed. I again met Ned Conran in the club with Mr Lynch on 15<sup>th</sup> October. Ned was full of apologies and promised to set things right. Mr Lynch was disturbed again by music from the club again that night but felt too tired and exasperated to call the noise team. This led Ned to e-mail me on 16<sup>th</sup> October stating that he had checked the club the night before and that the noise must be coming from somewhere else. It is not. He is in denial about the nuisance caused by his club and management. Further calls to the noise team were made on 17<sup>th</sup> and 27<sup>th</sup> October. Since this Ned has met with Shaftesbury plc and there has been no further noise from the sound system.

Ned Conran is trying to organize his sound engineer to have a 3 hour access to Mr Lynch's flat to do tests. We will cooperate if need be, but we have been round this particular loop 2 years ago with no effect. The trouble is Ned's management staff disregard what he says, and his style of ownership is 'hands off'. A permanent solution is required to a problem club that does not rely on pious promises of the owner. The club is in the wrong. The residential population must be protected.

It is an historical aberration that there is a 3am licenced club embedded in a large, old, residential block of flats. Ideally this anachronism should be removed by El Camion's licenced hours being reduced to 'core' hours 11.30/12mn.

Music speakers on the ground floor should be removed from their present position under Mr Lynch's floorboards and relocated under the seats or at head hight. Ideally they should be removed altogether to avoid any temptation to 'override' the noise limiter. A noise limiter for the speakers set and monitored by Westminster noise team or licensing enforcement officers.

'Smokers' limited to 6 in a confined area directly outside the club.

I confirm that the content of this statement is true to the best of my knowledge and belief. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form art of the Report to Sub-Committee which is a public document.

Signed.....

*M. White*

Date.....

*4.11.15*

**Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1**

**S51 Licensing Act 2003**

**Premises licence ref: 15/02786/LIPDPS**

My name is Lawrence Lynch, I live at 52, St James's Residences, Brewer Street, Soho, London W1F. I have lived here for 9 years with my wife, Clare, and my two sons, Percy (11yrs) and Henry (9yrs). My flat, living room and two bedrooms are directly above El Camion.

I and my neighbour Kenneth White are asking Westminster City Council to review the premises licence for El Camion on the grounds of 'prevention of public nuisance' and 'protection of children from harm'

The nuisance I have experienced from the operation of the premises is as follows.

Ever since we moved into the flat we have suffered from the effects of noise from the club downstairs. It operated under several names – 'Abigail's Party', 'Enclave' and now 'El Camion'. The noise is mainly by caused the speakers placed around the ceiling of the ground floor of the club, directly beneath our floor boards. It is persistent rock music, with a penetrating base beat. The sleep of my wife, boys and myself is disturbed on a regular basis, not just on weekends. Additional noise is caused their smokers outside the premises, directly beneath our windows, and by their rowdy, drink filled customers leaving in the early hours. This club is licenced till 3am, but sometimes they continue way past this hour – it must be about ten times in the last year that this has happened. So we are all suffering from sleepless nights and my children's development is being harmed.

It is very hard in the early hours of the morning, sleeping fitfully, tired after a day's work, yet tormented by the loud music and customers of El Camion, to get out of bed and ring the council noise team, wait for them to call back, then wait for them turn up and witness the noise – a process that can take up to 2 hours. When the noise team arrives 2 hours later the noise has often stopped. It is often the way that you just turn over, put your head under the pillow and bear it.

Nevertheless, I have rung the noise team over the years, with varying success. Sometimes the noise team witness the noise and they serve a notice on the club – the last time this happened was a couple of weeks ago, 30.9.15 I think. They have the record. A week later I rang again, 9.10.15 I think, but this time the noise team turned up just after 3am and they had turned the music down. Yesterday, 15.10.15. I spoke to Ned Conran, the owner of El Camion, about the noise. He was full of apologies again and promised that he would sort the noise out. He did not, because the music was just as bad as ever last night. My wife and I have also telephoned and spoken to the club staff on numerous occasions over the years about the noisy music and customers. They have promised a lot, but nothing has changed. A couple of years ago we had the council's environmental health team round with their sound engineers. They did tests in the flat and the club, then set a noise limiter on

the sound system to everyone's satisfaction. Yet the disturbing music continued at the same level as before. I saw for myself yesterday, in the presence of Ken White, my neighbour, and Ned Conran the reason – someone had overridden the noise limiter. Ned turned the system down and gave instructions that it was not to be turned up. They ignored him because it was just the same last night. Ned is never there at night to witness things.

The root of the problem is the fact that a 3am licenced club is embedded in a residential block of flats that was built in 1890, a time before amplified music and modern sound insulation. The residents are not the problem, the club is. I would like Westminster City Council to strip El Camion of its 3am licence down to normal core hours so we can sleep. No amount of tinkering with insulation and noise limiters is going to work – anyway, we have tried that two years ago and the experiment failed. If that solution is not acceptable I would like a complete ban on music on the ground floor and hour reduced to 1am and numbers outside reduced to 6.

I confirm that the content of this statement is true to the best of my knowledge and belief. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed.....

Date...16<sup>th</sup> October 2015.....

**Statement in support of application to review the premises licence for 'El Camion', 25-27 Brewer Street, London W1**

**S51 Licensing Act 2003**

**Premises licence ref: 15/02786/LIPDPS**

My name is Maria Soares. I live at Flat 53 St James Residences, 23 Brewer Street, London W1F 0RP. I have lived here for 22 years with my husband and daughter. My flat is on the second floor directly above El Camion.

I am aware that two of my neighbours, Mr White and Mr Lynch, are asking Westminster City Council to review the premises licence for El Camion. I would like to fully support the application, on the grounds of 'prevention of public nuisance.'

The nuisance I have experienced from the operation of the premises is as follows.

For a numerous amount of years, we have continuously suffered with noise and public nuisance due to the establishments based at 25-27 Brewer Street. When I first moved in with my family there had always been a Japanese restaurant that closed at midnight under the terms of their license and not a peep was heard from them. Why subsequent businesses to follow were granted a later license to include entertainment until 3am is beyond me, given the fact that the council are fully aware of the residential premises directly above and that take up a vast amount of length along Brewer Street, practically a whole block.

It all first started with Abigail's Private Members Club which was shut down due to numerous complaints of noise and disturbances, in which I had an active role and attended the court hearing where I was a witness. Following this was Taboo another members club which we also had numerous problems with all due to noise and public nuisance, in then this club was shut down due to a drugs raid where it was found to have been trading these substances. Then came along El Camion which to our delight we thought, great a restaurant where the hours of trade would be that of a normal restaurant and no great levels of noise. Well how wrong were we.

I have lost count of the number of times my daughter and I have called the noise environment concerning noise coming from within the premises and outside due to the large groups of customers they allow to congregate outside the restaurant, talking loudly, screaming, drinking and smoking. This is a daily occurrence and it has been persistent since they have opened. They have a security guard who might as well not be there as he seems to join in so to speak in the banter and conversing with customers, rather than do his job which is to maintain order and ensure that the levels of noise and customers outside are kept to a minimum.

I have given up on ringing the noise environment of late as half the time they don't even show up and nothing is done regarding this persistent and ongoing problem, therefore have contacted El Camion directly to request on numerous occasions that the music be turned down or their customers asked to be quiet outside. I have witnessed them sending clients across the road to stand in front of the Thai restaurant Jane Tira or Palace store to smoke and then have seen them walking

back over and into El Camion, to which the managers deny and say they are not our customers. My daughter Paula Soares has also been witness to this when she arrives home of an evening out and to the point of their customers being stood in front of the gates into St James, which is an added nuisance as some are extremely rude, to the point of verbal abuse at times when asked to move away from door way, leave their cigarette butts, dump their drinks and just generally unpleasant. The noise that this makes through the walk way into the courtyard (as it echoes) can often be heard by my daughter as her room faces the back of St James courtyard and many a time she has been awoken by this and also the base line comes through into her bedroom. She has called them several times in the last 3 weeks to request that the music be turned down and majority of the time they haven't bothered. We are fully aware that the music system has a regulator which was installed as it was outlined as a requirement by the council from previous occupants due to a sound proofing issue. However just the other day the manager denied this to me that they have no regulator, well unless they have removed it (which is highly likely) then how is it that on the rare occasion that they have fulfilled my daughters request to lower the music the base line was not audible in her room.

On another occasion my daughter even called the police as a couple of their clients had used the fire escape which comes up into our courtyard and they were having a drunken argument and fight throwing the benches etc. After calling the police, who attended, she rang El Camion where the security guard answered and she said why have you allowed your customers to come out the fire exit, he was in a panic and within minutes ran to take them out through the front gates of St James. This begs me to question their persistent claim to have 2 securities on site, one on the front door and another downstairs at the pink flamingo, which is the bar/club part of El camion. When confronted with this they insisted that they have 2, therefore my question is how did the customers get out of the fire exit then? Surely if there was an altercation already starting downstairs, if a security guard (which is not the case) was present then this would not have occurred.

On making any type of complaint directly to the management or staff at El Camion, it has always been met with insincere apologies, arrogance from one member of staff who's response was "what the hell do you live in Soho for why don't you move!", and on other occasions they deny any events from happening, such as the 'lock ins' that staff often have, with customers. As I am aware their license is until 3am however there have been many occasions where my daughter and her boyfriend have arrived home around 4-5am or even later and seen the lights on through the red velvet curtains they try to fully close, music and people talking. I have also complained to the noise environment about this and often they don't even come out as they should or even call back.

The continued persistence of noise pollution and public nuisance from El Camion and its customers has and continues to take its toll on my health and that of my family, such as endless sleepless nights, being woken up suddenly with banging of doors, loud music and thudding noise from base line penetrating through the building, clientele screaming and talking excessively loud outside the front of the premises, excessive fumes from the amount of smokers outside at any given time, which doesn't allow us to have our windows open during warmer evenings as it is intoxication to me as a chronic asthma sufferer. As you can appreciate this letter could go on and on, with the countless occasions something has happened in relation to El Camion, however I hope that finally something will be done with regards to these persistent problems we have been having as long term tenants. We have had enough of being disregarded and feel that our concerns must be heard and drastic measures taken to ensure that a stop is put to all this, once and for all.

I have some photographic evidence and short video clips which I can provide if required.

This is an issue I, my daughter and family feel needs immediate attention and we are strong believers that the premises at 25-27 Brewer Street should have any license restricted to normal core hours. Surely there should not be a 3am club in a residential block of flats. Hours for any subsequent businesses that may take over the premises and including any that remain, should that be the case for El Camion, be reduced to 11.30/midnight and no later, with the addition of the bar/club downstairs being closed (i.e. not being able to trade as such). Also the number of people outside smoking should be reduced to 6.

I confirm that the content of this statement is true to the best of my knowledge and belief. I am aware that this statement will be used in support of an application to review the premises licence, and that as supporting documentation it will be seen by the licence holder and will be available to view on the City Council's Licensing Register, and will form part of the Report to Sub-Committee which is a public document.

Signed Maria Soares MARIA SOARES

Signed Paula Soares PAULA SOARES

Date 17th October 2015.



## APPENDIX 3



Schedule 12  
Part A

WARD: West End  
UPRN: 100023470310

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

Premises licence

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

Original Reference:

05/10397/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

El Camion  
25-27 Brewer Street  
London  
W1F 0RR

**Telephone Number:** 020 7734 7711

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

<b>Performance of Dance</b>	
Monday to Saturday:	09:00 to 03:00
<b>Performance of Live Music</b>	
Monday to Saturday:	09:00 to 03:00
<b>Playing of Recorded Music</b>	Unrestricted
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b>	
Monday to Saturday:	09:00 to 03:00
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 03:30
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 12:00 to 23:00

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

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

**Part 2**

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

Lupe's (Brewer Street) Limited  
Finsgate  
5 - 7 Cranwood Street  
London  
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

*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: 17291  
Licensing Authority: London Borough Of Tower Hamlets

Date: 25 July 2015

This licence has been authorised by Mr Ola Owojori 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. 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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions relating to regulated entertainment**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.

16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, it's premises, or any of it's events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

#### **Conditions for Sale of Alcohol**

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
  - (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
  - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
  - (c) artistes or persons employed on the premises;
  - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.

31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

**Conditions related to the Sale of Alcohol**

33. (i) Monday to Saturday
  - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
    - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
    - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
  - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
    - (i) with the substitution of references to 04.00 for references to 03.00
  - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
  - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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



expense of their employer or of the person carrying on or in charge of the business on the premises.

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

(ii) Sunday

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

In this condition, permitted hours means:

- a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;
- d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

34. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- a) He is the child of the holder of the premises licence.
  - b) He resides in the premises, but is not employed there.
  - c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

35. 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 the premises licence (or the holder of the club premises certificate):
- (a) to 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) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
36. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023470310

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

**Part 1 -- Premises details**

**Postal address of premises:**

El Camion  
25-27 Brewer Street  
London  
W1F 0RR

**Telephone Number:** 020 7734 7711

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

<b>Performance of Dance</b> Monday to Saturday:	09:00 to 03:00
<b>Performance of Live Music</b> Monday to Saturday:	09:00 to 03:00
<b>Playing of Recorded Music</b>	Unrestricted
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b> Monday to Saturday:	09:00 to 03:00
<b>Late Night Refreshment</b> Monday to Saturday:	23:00 to 03:30

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 12:00 to 23:00

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

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

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

Lupe's (Brewer Street) Limited  
Finsgate  
5 - 7 Cranwood Street  
London  
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

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

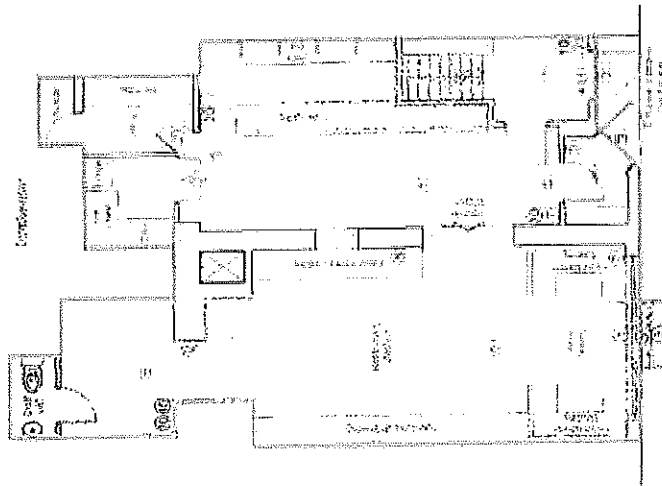
Restricted

Date: 25 July 2015

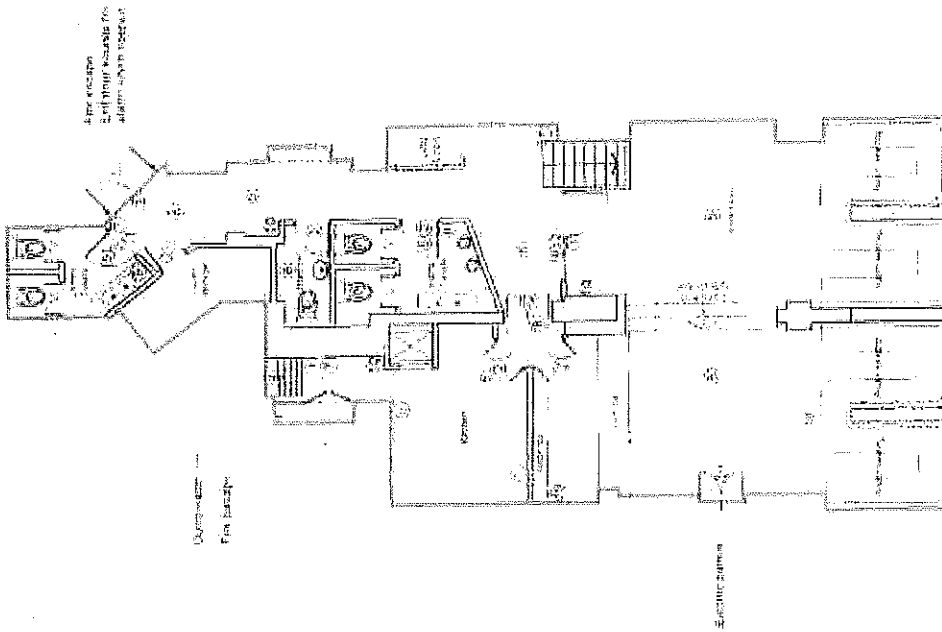
This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

Consumption of alcohol and licensable activities take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

Date 3/2/16



Ground Floor Plan  
Scale 1:100 @ A3



Basement Plan  
Scale 1:100 @ A3

NO.	REVISIONS
1	Issue for comment
2	Issue for comment
3	Issue for comment
4	Issue for comment
5	Issue for comment
6	Issue for comment
7	Issue for comment
8	Issue for comment
9	Issue for comment
10	Issue for comment

- NOTES:**
- The consumption of alcohol and the licensable activities including the retail sale of alcohol may take place anywhere within the red line.
  - The location of fire equipment is shown on this date hereof but may be moved with the consent of the Fire Officer.

- LEGEND**
1. Illuminated / directional exit sign
  2. Exit door
  3. Fire alarm call point
  4. Fire extinguisher
  5. Fire alarm control panel
  6. Fire alarm
  7. Fire alarm call point
  8. Fire alarm call point
  9. Fire alarm call point
  10. Fire alarm call point

Client: **Orchard Estate Ltd**  
 Address: **Allegiate Park**  
**25 - 27 Brewer Street**  
**Soho, London**  
 Ground & Basement  
**Fire Plans - As Built**  
 1/16

Drawn by: **Studio K**  
 Date: **3/2/16**  
 Scale: **1:100 @ A3**



## APPENDIX 4



HOLDERS ONLY

ERM

ERS ONLY

11/11/11



## APPENDIX 5



**City of Westminster**

Mr Kenneth White  
15, St.James Residence, Brewer Street  
London  
W1F 0RN

Premises Management  
Westminster City Council  
Westminster City Hall  
10th Floor East  
64 Victoria Street  
London  
SW1E 6QP  
Telephone 0207 641 7081  
Email [kmason@westminster.gov.uk](mailto:kmason@westminster.gov.uk)

**Please ask for Kevin Mason**

**Our ref:** 1420633

**Your ref:**

**Date:** 6 November 2015

Dear Mr White

**Freedom of Information Act 2000**

I am pleased to provide some of the information you have requested. I have enclosed the information that you requested.

I can confirm that the remainder of the information you have requested is held by Westminster City Council, by law. However, I'm unable to give this to you.

The information is exempt from disclosure under Section 40(2) of the Freedom of Information Act (FoIA). The information is personal data as defined by the Data Protection Act 1998 (DPA). As it is information about someone else I'm unable to give this to you; release of this information would constitute a breach of Principle 1 of the DPA. Principle 1 states that personal data shall be processed (used) fairly and lawfully and, in particular, shall not be used unless at least one of the conditions in Schedule 2 of the DPA is met; in this case none of those conditions have been met. This response therefore acts as a refusal notice under section 17 of the FoIA.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Knowledge and Information Management Team  
Westminster City Hall  
10th Floor East  
64 Victoria Street  
London  
SW1E 6QP  
[foia@westminster.gov.uk](mailto:foia@westminster.gov.uk)

**Westminster City Council**

**Environmental Health Service  
Noise Team Inspection Sheet Report**  
Date printed: November 6th, 2015

**Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN: Status:  
Owner : Tel. No.  
Address :

Occupier : Status:  
Tel. No.

**CI Details:** Customer would like to check with the noise team the sound levels at his club are acceptable for the residents in the flats above.

Complaint Type: ENAQ Query or Question;  
CI Status: B\_CLO Received by: VE\_THR  
Officer: NT\_MGP Date received: March 8th, 2012  
Unit / Ward: EHNOIS  
IVA reference: 12/020150/NCOMP CI reference No.: 12/08151/ENAG;  
No.:

**Complainant Details**

Telephone No. Home: Work: Anon.?  
PHONEH : YES

IVA Report Date Completed: 09.03.2012

Date	Time	Officer	Visit Type	
09.03.2012	13:48	NT_MGP	ENNVR	No Noise Visit Required

**Comments:**

He has installed a new sound system and wants WCC to establish level. Request form put into RR today. Informed Spud.

**Westminster City Council**

**Environmental Health Service  
Noise Team Inspection Sheet Report**

Date printed: November 8th, 2015

**Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN: Status:  
Owner : Tel. No.  
Address :

Occupier : Status:  
Tel. No.

**CI Details:** loud music coming from club

Complaint Type: ENAC Noise from Commercial Premises;  
CI Status: 8\_CLO Received by: VE\_MRK  
Officer : NT\_PZB Date received: July 28th, 2012  
Unit / Ward : EHNOIS  
IVA reference: 12/045400/NCOMP CI reference No.: 12/25873/ENAC;

**Complainant Details**

Telephone No. Home: Work: Anon.?  
PHONEH : YES

**IVA Report**

Date Completed: 29.07.2012

Date	Time	Officer	Visit Type	
29.07.2012	03:20	NT_PZB	ENVR	Noise Visit Required

**Comments:**  
Saw people inside but no music heard.

Date	Time	Officer	Visit Type	
29.07.2012	02:34	NT_GHC	ENPASS	Pass to Another Team or Officer



**Westminster City Council**

**Environmental Health Service  
Noise Team Inspection Sheet Report**  
Date printed: November 6th, 2015

**Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN:  
Owner : Status:  
Address : Tel. No.

Occupier : Status:  
Tel. No.

---

**CI Details:** People in the street spilling out of club. Gathered in the street making a lot of noise. License is for 3 o clock and they still have people in the club This was e-mailed yesterday - no further action required.

Complaint Type: ENAC Noise from Commercial Premises;  
CI Status: 8\_CLO Received by: VE\_AAF  
Officer : NT\_CXS Date received : January 10th, 2013  
Unit / Ward : EHNOIS  
IVA reference No.: 13/001303/NCOMP CI reference No.: 13/01052/ENAC;

**Complainant Details**

Telephone No. Home: PHONEH Work: Anon.? NO

---

IVA Report Date Completed: 13.01.2013

Date	Time	Officer	Visit Type	
10.01.2013	04:10	NT_CXS	ENVS	Visit, Problem Stopped

**Comments:**  
Visited no noise heard at time of visit.



## Westminster City Council

### Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

#### Property Details

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN: Status:  
Owner : Tel. No.  
Address :

Occupier : Status:  
Tel. No.

---

#### CI Details: (Incident Addr: on a bar at no 27)

been going on for over an hour

Complaint Type: ENABA Burglar Alarm;  
CI Status 8\_CLO Received by: VE\_SEK  
Officer: NT\_MGP Date received: May 27th, 2014  
Unit / Ward: EHNOIS  
IVA reference: 14/020759/NCOMP CI reference No.: 14/16219/ENABA;  
No.:

#### Complainant Details

Telephone No. Home: Work: Anon.?  
PHONEH : YES

---

IVA Report

Date Completed: 27.05.2014

Date	Time	Officer	Visit Type	
27.05.2014	10:14	NT_MGP	ENFEED	Feedback to Customer

Comments:

**Westminster City Council**

**Environmental Health Service  
Noise Team Inspection Sheet Report**  
Date printed: November 6th, 2015

**Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN:  
Owner : Status:  
Address : Tel. No.

Occupier : Status:  
Tel. No.

**CI Details:** alarm still going off previous ref no 14/16219/enaba phone no on the alarm is 02089804710 bates alarm

Complaint Type: ENABA Burglar Alarm;  
CI Status: 8\_CLO Received by: VE\_HLN  
Officer: NT\_MGP Date received: May 27th, 2014  
Unit / Ward: EHNOIS  
IVA reference No.: 14/020761/NCOMP CI reference No.: 14/16221/ENABA;

**Complainant Details**

Telephone No. Home: PHONEH Work: Anon.? YES

**IVA Report** Date Completed: 27.05.2014

Date	Time	Officer	Visit Type	Feedback to Customer
27.05.2014	10:15	NT_MGP	ENFEED	Feedback to Customer

**Comments:**





## Westminster City Council

### Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

#### Property Details

Address: 26-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN:  
Owner : Status:  
Address : Tel. No.

Occupier : Status:  
Tel. No.

---

CI Details: Loud Club/Party music coming from a commercial premises. Mexican Restaurant.El-Camino

Complaint Type: ENC45 Noise from commercial premises;  
CI Status: 8\_CLO Received by: VE\_BOL  
Officer : NT\_KGA Date received : April 8th, 2015  
Unit / Ward : EHNOIS  
IVA reference No.: 15/011738/NCOMP CI reference No. : 15/08172/ENC45;

#### Complainant Details

Telephone No. Home: Work: Anon.? YES

---

#### IVA Report

Date Completed: 08.04.2015

Date	Time	Officer	Visit Type	
08.04.2015	00:16	NT_KGA	EN45RC	45 minute response complaint logged

Comments:

## Westminster City Council

### Environmental Health Service Noise Team Inspection Sheet Report

Date printed: November 6th, 2015

#### Property Details

Address: **25-27 Brewer Street  
London  
W1F 0RR**

Property Use :                      UPRN:    Status:  
Owner :    Tel. No.  
Address :

Occupier :    Status:  
Tel. No.

---

**CI Details:** Loud music coming from diner below caller's premises (El Camion) Happens every night until 3am. Return call requested.

Complaint                      **ENC45**                      **Noise from commercial premises;**  
Type:  
CI Status                      **8\_CLO**    Received by:                      **VE\_DWI**

Officer :                      **NT\_DXS**    Date received                      **September  
30th, 2015**

Unit / Ward :                      **EHNOIS**    CI reference                      **16/26191/ENC45;**  
IVA reference                      **16/038358/NCOMP**    No. :

#### Complainant Details

Telephone No. Home:    Work:    Anon.?  
YES

---

**IVA Report**

Date Completed: **03.10.2015**

Date	Time	Officer	Visit Type	
30.09.2015		NT_DXS	EN45RC	45 minute response complaint logged

Comments:







**Westminster City Council**

**Environmental Health Service  
Noise Team Inspection Sheet Report**  
Date printed: November 6th, 2015

**Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN: Status:  
Owner : Tel. No.  
Address :

Occupier : Status:  
Tel. No.

**CI Details:** Loud music from bar. Regular occurrence, be aware the bar closes at 3am

Complaint Type: ENC45 Noise from commercial premises;  
CI Status: 3\_RSP Received by: VE\_PBL  
Officer : NT\_SXL Date received : October 17th, 2015  
Unit / Ward : EHNOIS  
IVA reference No.: 15/041316/NCOMP CI reference No. : 15/28111/ENC45;

**Complainant Details**

Telephone No. Home: Work: Anon.?  
PHONE : YES

IVA Report Date Completed:

Date	Time	Officer	Visit Type
		NT_SXL	ENFEER

Noise Team Feedback Request "visit"

**Comments:**

Date	Time	Officer	Visit Type
------	------	---------	------------

## **Westminster City Council**

### **Environmental Health Service Noise Team Inspection Sheet Report**

Date printed: November 6th, 2015

#### **Property Details**

Address: 25-27 Brewer Street  
London  
W1F 0RR

Property Use : UPRN: Status:  
Owner : Tel. No.  
Address :

Occupier : Status:  
Tel. No.

---

**CI Details:** There is a heavy bass sound thumping up from the restaurant below caller's residence. They are open till 03:00, so this is likely to be going on for some time, but noise levels are excessive. Please attend a.s.a.p.

Complaint Type: ENC45 Noise from commercial premises;  
CI Status: 4\_INV Received by: VE\_HBC  
Officer : NT\_KNE Date received : October 27th, 2015  
Unit / Ward : EHNOIS  
IVA reference No.: 15/042826/NCOMP CI reference No. : 15/29144/ENC45;

#### **Complainant Details**

---

**IVA Report**

**Date Completed:**

<b>Date</b>	<b>Time</b>	<b>Officer</b>	<b>Visit Type</b>	
27.10.2015	01:43	VE_HBC	EN45RC	45 minute response complaint logged

**Comments:**

## APPENDIX 6

On 1 Oct 2015, at 15:17, Ken White <[kenwhite.sohoha@gmail.com](mailto:kenwhite.sohoha@gmail.com)> wrote:

Dear Ned

I write to you as the owner, and I presume the premises licence holder, of El Camion, 25, Brewer St., Soho - a 3am licensed club and restaurant.

I live at 15, St James's Residences, Brewer St., Soho, W1F 0RN, and I am the chairman of the St James's Residences and Archer Street Chambers Resident's Association - a residential block of 69 1/2/3 bedroom flats, run by the housing association 'Soho Housing', which surround your club. For some unknown reason a 3am licence was granted to the premises in 1997. It was then known as 'Abigail's Party', and its operation caused endless noise and disturbance to my neighbours.

Since you took over the club it has continued to cause noise and disturbance to my neighbours. Apart from the noisy drunks who leave the club at closing time, amplified music is audible in the flat directly above your club, 52, St James's Residences. This flat is occupied by Lawrence and Clare Lynch and their two sons, Percy(11) and Henry(9). They cannot sleep because of the music - sing along to it yes, sleep no. A succession of telephone calls to the club and yourself, meetings with you and your manager, calls to Westminster Noise Team, and two sessions in which sound engineers from Westminster CC noise team have tried to set noise limiters to your sound systems have failed to have any lasting effect. In the early hours of Wednesday 30th September, this week, the Lynches were again unable to sleep because of the amplified noise from your club. Mr Lynch telephoned the council noise team, they attended, witnessed the noise and told him that a 'notice' would be served on the club.

You have made several promises to me and Mr Lynch that you would spend money and soundproof the club from the flats, and ensure proper management so that the noise limiters are not bypassed. These promises have not been kept.

Mr Lynch is an honest hardworking man, but he is not used to dealing with legal process, so I am representing him as a friend, neighbour, and chairman of our residents association.

This letter is to formally warn you and Westminster council that we intend to instigate a formal review of your licence, with the intention of having it revoked in order that we can enjoy a reasonable night's sleep, which is our right.

Kenneth White

## **Christine Gainsborough**

---

**From:** Councillor Paul Church <paulchurchwestend@live.co.uk>  
**Sent:** 01 October 2015 15:27  
**To:** Ken White; Edmund Conran  
**Cc:** PremisesLicensing; licensing licensing; Andrew Price; ricky.colley@mjmapp.com; Alun Thomas; Joe Chambers; Laurence Lynch  
**Subject:** RE: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

Dear Mr. Conran,

As the Ward Councillor, I have just read Mr. White and Mr. Lynch's concerns and frankly am disgusted that residential amenity seems to have been given such little consideration.

Should Mr. White and Mr. Lynch wish to take your premises to a licensing review meeting, they would do so with my full support as the local Ward Councillor.

With every best wish,

Paul

### **Councillor Paul Church**

Deputy Cabinet Member for Children & Young People

Westminster City Councillor for West End Ward

*Serving our communities in Fitzrovia, Marylebone, Mayfair & Soho*

### **E-Mail:**

[paulchurchwestend@live.co.uk](mailto:paulchurchwestend@live.co.uk)

### **Post:**

Westminster City Council, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

### **Twitter:**

@pauljchurch

### **Website:**

[www.paulchurch.org.uk](http://www.paulchurch.org.uk)

### **Surgery:**

The first Saturday of every month between 2 p.m. and 3 p.m.

Danceworks, 16 Balderton Street (off Brown Hart Gardens), Mayfair, W1K 6TG

---

Date: Thu, 1 Oct 2015 15:17:20 +0100

Subject: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

From: [kenwhite.sohoha@gmail.com](mailto:kenwhite.sohoha@gmail.com)

To: [ned.conran@mac.com](mailto:ned.conran@mac.com)

CC: [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk); [licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk);

[Andrew.Price@shaftesbury.co.uk](mailto:Andrew.Price@shaftesbury.co.uk); [ricky.colley@mjmapp.com](mailto:ricky.colley@mjmapp.com); [Athomas@tandtp.com](mailto:Athomas@tandtp.com); [joe@sohoha.org.uk](mailto:joe@sohoha.org.uk);

[Laurencelukelynch@gmail.com](mailto:Laurencelukelynch@gmail.com); [paulchurchwestend@live.co.uk](mailto:paulchurchwestend@live.co.uk)

Dear Ned

## **Christine Gainsborough**

---

**From:** Edmund Conran <ned.conran@mac.com>  
**Sent:** 02 October 2015 10:59  
**To:** Ken White  
**Cc:** PremisesLicensing; licensing licensing; Andrew Price; ricky.colley@mjmapp.com; Alun Thomas; Joe Chambers; Laurence Lynch; Paul Church  
**Subject:** Re: Review of the Premises Licence of El Camion, 25, Brewer Street, Soho, W1

Dear Ken,

First, I would like to sincerely apologise for any upset caused to Mr. Lynch and his family.

This has come as quite a surprise to me and up until Wednesday , when I was informed about the complaint, I had no idea that the volume of the music in the Venue was still an issue. We take the right of the residents to enjoy a peaceful night's sleep very seriously, having recently employed a second doorman to ensure that our customers are sent on their way swiftly and quietly when they leave the Venue.

The last record I have of correspondence between us about the volume of the music on the ground floor was November 6th 2013 at which time I had a sound system fitted that moved the bass away from the ceiling and limited on the system by the installer. At that time, I said that if the noise continued to be an issue, I would have sound proofing material fitted to the ceiling. You appeared satisfied with this course of action. I have heard nothing further from you since then so concluded that the matter was resolved. Now that I am aware that it is not, I have engaged the services of a sound proofing company.

If Mr. Lynch has made any complaints in the intervening two years, I have not been made aware of them. Certainly, now that I am aware that the Lynch family has again being disturbed, I have taken appropriate measures and disconnected the sound system on the ground floor and will continue to keep it disconnected until we have done whatever it takes to resolve this issue to their complete satisfaction.

I believe that you know me well enough to know that I would not wilfully cause a disturbance to our neighbours. Please forward my personal phone number (07584637771) to Mr. Lynch so that he may contact me directly in the unlikely event that there are any further noise issues.

Best wishes,

Ned

Edmund Conran

**Managing Director**

El Camion  
25-27 Brewer street  
London  
W1F 0RR

**[www.elcamion.co.uk](http://www.elcamion.co.uk)**

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**Christine Gainsborough**

---

**From:** Edmund Conran <ned.conran@mac.com>  
**Sent:** 16 October 2015 12:45  
**To:** Ken White  
**Cc:** ricky.colley@mjmapp.com  
**Subject:** Noise at 25/27 Brewer st

Hi Ken,

Thanks for calling this morning regarding Mr Lynch's noise complaint, I do find it very puzzling that he would still be disturbed by music when we had our system disconnected by Noise Solutions and as you saw is bolted down in such a way that it would be impossible to reconnect without a great deal of effort. As I mentioned, I visited the property myself late last night to check for myself that Mr Lynch would not be disturbed and can be sure that there was absolutely no music playing in the restaurant. I also spoke to various members of staff about mr Lynch hearing music the previous night and all have confirmed that there was no music playing in the restaurant and has not been since my email on the 2nd October.

I can only assume from this that the music disturbing mr Lynch is not actually coming from our restaurant. I think that if I could arrange a Noise Survey in mr Lynch's flat, we could finally get to the bottom of where the noise is actually coming from and hopefully come up with a solution.

Thanks,

Ned

Sent from my iPhone

## Christine Gainsborough

---

**From:** Mark Browning <mbrowning@balaw.co.uk>  
**Sent:** 04 November 2015 18:28  
**To:** 'Ricky Colley'; Ken White; Andrew.Price@shaftesbury.co.uk;  
Laurencelukelynch@gmail.com  
**Cc:** 'Edmund Conran'; noiseteam2@westminster.gov.uk  
**Subject:** El Camion - Acoustic Report  
**Attachments:** 15-0161-0 Short Report PR 2-11-15 v1.pdf

**Importance:** High

Dear All,

I am writing to update you on the situation regarding noise escape at El Camion.

Since the reports, we have disconnected the main system on the ground floor, engaged an expert, worked with the Westminster Noise Team and established that some transfer of noise may have been coming directly from the basement through the fabric of the building. As a result of recommendations, we have fitted rubber mountings to the speakers and had the limiters re-set and sealed for optimum performance. Please see a copy of the report attached. We hope that this has resolved the problems experienced upstairs.

The next stage is to set the limiter on the ground floor and we would be grateful for the upstairs tenant's co-operation in facilitating the tests so that any problems can be fully resolved. The ground floor is currently operating on a non-limiter setting of background recorded music.

El Camion has worked hard to address any issues and we hope that this has now made a significant difference.

Do please let me know if you have any comments.

Kind regards

Mark Browning  
BA LAW Limited  
T: 0870 458 4600  
M: 07956 415441

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other rules. If you have received this message by mistake please let us know by reply and then delete it from your system; you should not copy the message or disclose the contents to anyone. We have taken precautions to minimise the risk of transmitting software viruses, but we advise that you carry out your own virus checks on any attachments to this message. We cannot accept liability for any loss or damage caused by software viruses.

B-A-GROUP



El Camion, Brewer Street, London W1F 0RR  
Acoustic Investigation

04 November 2015  
15-0161-0 Short Report PR 2-11-15 v1

## 1. INTRODUCTION

- 1.1.1 Sustainable Acoustics Ltd. visited the premises known as El Camion , 25-27 Brewer Street London W1F 0RR on evening of the 31<sup>st</sup> October 2015.
- 1.1.2 As no access was available to the flats above the exercise was limited to reviewing the noise management policy and control measures in order that the premises were controlling music noise as far as reasonably practicable.
- 1.1.3 There were acoustic limiters that control both the basement sound system, and the ground floor restaurant system. These were both reviewed and where possible set to reasonable levels, which are set out in this report.
- 1.1.4 Ways to tighten up noise control measures were also discussed and are set out in this report.

## 2. CREDENTIALS

- 2.1.1 Mr Peter Rogers was in attendance, whom is a Fellow of the Institute of Acoustics, a Chartered Engineer with over 20 years of this type of noise control. He also spent 5 years as an authorised local government officer dealing with nuisance complaints. He is a registered expert witness for acoustic matters, and is well placed to form an expert view on matters such as music noise control, and best technical practice within the industry. The opinions expressed within this report are those of Mr Rogers, who is a professional acoustic consultant, considered to be competent in this area.

## 3. CONSULTATION

- 3.1.1 Mr Rogers made contact with the Environmental Services of Westminster City Council, and dealt with Mr Kevin Ezeoguine, who had visited the residential premises occupied by Mr Lynch previously.
- 3.1.2 He explained that when he attended that he could hear bass music that was coming from the basement of the premises, but that it was not sufficient to be causing a nuisance (and therefore to breach the abatement notice that is under appeal) at the time. He did however suggest that it was likely to be due to the noise travelling through the structure, which needs to be addressed. We agreed that mounting the speakers on resilient mounts would be a helpful way to reduce this.
- 3.1.3 He also tried to gain access for the evening, and was planning to attend to determine what were appropriate levels, so the limiter could be set. He explained in a phone call in the evening of the 30<sup>th</sup> that Mr Lynch had declined to assist, which he said was "unfortunate".
- 3.1.4 Mr Rogers kept Mr Ezeoguine aware that he was intending to attend despite this to provide as much advice as possible, although the lack of co-operation by Mr Lynch was obstructive to the venue being able to solve the alleged problem.



## 4. EQUIPMENT

- 4.1.1 Mr Rogers used a type 1 Sound Level meter, which is a RION NA28 (Serial number: 00170246, Calibration Certificate number U18435), to take measurements. It was field tested before and after measurements and no deviation noted. The calibration certificate extract is contained in Appendix 1.

## 5. SOUND SYSTEM

- 5.1.1 The basement sound system is located at the DJ booth on the edge of the dance area, with four large speakers connected to it, which are bolted to columns in the sub-structure of the building. The amplifiers run through a dBX compressor and a Lime acoustic limiter, which has a microphone near to the closest speaker and can be adjusted for overall gain, and also for high or low frequency output. The balance between each speaker can be set, and was set up such that the majority of sound energy was on the dancefloor, with the area near the bar filled in also. The adjustment of the limiter is necessary from the back, with a small screw driver adjuster.
- 5.1.2 The ground floor restaurant system is purely meant for use as an ambient system. There are four small speakers connected to it at the wall to ceiling junction. The amplifier takes a music feed from the downstairs system and plays it through a Lime plug in acoustic limiter, which is set to its lowest level. This system

## 6. ACOUSTICS ASSESSMENT

### Basement Music Limits

- 6.1.1 The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed to high levels (above 100dB(A) on the dancefloor).
- 6.1.2 The set-up of the mixing desk was altered so that all settings were on maximum and the limiter then adjusted to permit the maximum levels below to be achieved.
- 6.1.3 The best music quality was achieved when the mixing desk sliders were set to 0 (just out of clipping), but when pushed into the clipping zone the quality of the music reduced dramatically, so the incentive to operate in this zone is diminished.
- 6.1.4 The following music levels in Table 1 resulted once the limiter was set up to the minimum commercially acceptable music levels for the bar area and the dancefloor:

Position	L <sub>WA</sub> in dB(A)	L <sub>W1/3</sub> in dB(A)	L <sub>eq</sub> in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Top bar	86	94	74	83	83	84	82	76	78
Dancefloor	90	92	73	84	80	88	87	79	76

Table 1 – Music Noise Levels set up on limiter in basement



- 6.1.5 Operating at above these levels are considered to be the lowest commercially workable levels for a bar, where music is a focal point of the entertainment, based on our experience.
- 6.1.6 It will not now be possible with the limiter set up as it is now to exceed these levels, although there could be some track to track variation.
- 6.1.7 As part of the noise management plan the management will regularly monitor the noise levels within the space, using a budget sound level meter to provide a helpful record that the overall levels from night to night remain within limited levels. Records will be kept and will be available for inspection by WCC in the event that a complaint needs investigation.

### Loudspeaker mounting

- 6.1.8 The loudspeaker mountings in the basement were directly in the structural frame of the building, providing a route for acoustic energy to transmit up the building. It is the opinion of Mr Rogers that this is likely to be the route of energy transmission affecting Mr Lynch's flat, which is in agreement with Mr Ezeoguine views.
- 6.1.9 To reduce the transmission as far as reasonably practicable it is recommended that a resilient mounting technique is used to decouple the speakers from the wall. This should include at least a 10mm neoprene pad that should separate the mounting plate and the wall. Then neoprene beneath washers to the bolts should be used to create the separation required. This would employ best practice.

### Restaurant Music Levels

- 6.1.10 The restaurant music system is small, and only capable of providing mid to high frequency sound, so not capable of producing the bass music being complained of. Despite this it is appropriate to have checked what level this system was set to play at. The measured sound levels with and without music are presented below, in Table 2.

Position	L <sub>Aeq</sub> in dB(A)	L <sub>Amax</sub> in dB(A)	L <sub>eq</sub> in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
With ambient music on	77	85	68	69	68	73	72	71	62
People noise only at quiet period (no music)	67	78	70	66	62	65	61	60	56
People noise only at busy period (no music)	76	82	70	68	65	72	71	68	65

Table 2 – Music Noise Levels set up on limiter in ground floor restaurant

- 6.1.11 It can be seen that the music levels do not affect the levels when the restaurant is busy, from voices alone, which means it is truly ambient and not the focus of attention or of such a level likely to be audible in the flat above.



## 7. MUSIC CONTROL RECOMMENDATIONS

- 7.1.1 The following recommendations are made to ensure that the premises maintains control of music noise to their best technical and practicable ability, which is necessary to provide a best practicable means defence. This does not infer that they were not doing so in the past, but ways in which they can better tighten their noise management policy, to proactively protect the quality of life of those living above.

### Acoustic Limiter setting

- 7.1.2 The basement acoustic limiter has been now set up, and the adjustment ports sealed by signed and dated seals (by Mr Rogers) which prevent it being altered. It means that if the house system is used in the basement that music noise levels will be consistently kept below the values in table 1, with some minor variation possible between tracks.
- 7.1.3 With access the flat this can be tweaked in future but provides a robust and best practice control measure.
- 7.1.4 The first floor music system is currently unlimited, but is a low energy system, with small speakers capable of only providing low levels of sound to provide ambient music only, such the noise from people is likely to be the source more likely to exceed music levels. As this is not a source for complaint Mr Rogers is confident that the current levels would not cause audible music noise within the flat above. As such use of the limiter is a helpful precaution to provide reassurance to WCC that these levels are not being exceeded. The limiter is in the process of being set up, so that the noise levels can be controlled in the way the basement system is. This will be set up and the adjuster sealed so that music levels do not exceed those in table 2, when the basement system is refined.

### Loudspeaker mounts

- 7.1.5 By added neoprene between the speaker mount and the wall, with resilient washers to avoid connection through the bolts a significant reduction in structure borne noise transmission is expected by up to 80%. As it is not practicable to mount the speakers without contact to the wall, due to space, this approach is employing the best technical solution available.
- 7.1.6 In addition to the control of level and reduction of the transmission paths the venue is recommended to clarify its management policy around noise control. This will include a noise complaint procedure, which residents will be encouraged to use, to solve any problems at source.
- 7.1.7 The Noise Management Plan in Appendix 2 is recommended to form a basis for a noise management plan, which should be employed at all times, to minimise the risk of noise from music, people and other associated activities. This is far more reaching than simply music, but sets that benchmark for being able to demonstrate clearly how proactively the licensing objective to prevent public nuisance is being done.
- 7.1.8 It is recommended that the draft plan is tailored to a workable format for the premises, from that contained in Appendix 2, and submitted for comment by WCC Noise team. Once agreed this would become a basis for checking compliance with Best Practicable Means by that department, in the proactive prevention of nuisance.



## 8. CONCLUSIONS

- 8.1.1 Following the acoustic assessment was completed by Mr Rogers of Sustainable Acoustics Ltd. on the 31<sup>st</sup> October 2015, who is a suitably qualified expert in acoustics.
- 8.1.2 The basement noise limiter was set up, and sealed to limit the music noise levels to not exceed  $L_{Aeq,5min}$  87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area, which are the lowest levels considered commercially viable for the venue. The noise spectrum in each location was measured and is presented in Table 1, and should be used as a baseline condition for testing subjectively in the premises above. If adjustment is necessary this will only be likely in the bass frequencies, which can be done in conjunction with WCC, if Mr Lynch choses to co-operate in the future.
- 8.1.3 The ground floor system was checked (and is currently unlimited and awaiting resetting of the limiter as a feedback mic is being added to the system to improve its effectiveness. The levels of music noise do not exceed the noise from people, so is truly ambient and considered highly unlikely to be audible in the flat above. However as a precaution the limiter can be set to keep music noise levels to those set out in Table 2, if a setting exercise is completed in the way that was done for the basement. Use of this system until this time will be unlimited, and therefore remains a risk factor and so should only be used during non-sensitive times (ie. use only between 08:00 and 21:00) sparingly.
- 8.1.4 Advice has been provided for mounting of the speakers in the basement to reduce the transmission of acoustic energy by up to 80%. This will reduce further the bass energy that transmits through the structure, and permit higher music levels to be achievable. This will be taken into account when the limiter is refined, if access is granted to the flat above.
- 8.1.5 A noise management plan is recommended to be a general way in which the premises can continually demonstrate that they are implementing the proactive prevention of nuisance, as required by the licensing objectives.
- 8.1.6 If the recommendations within this report are implemented it is the professional opinion of Mr Rogers that it is unlikely that Mr Lynch will experience further intrusion, and that if he does that all best practicable means steps will have been taken, such that the business should be required to go further. Under such circumstances Mr Lynch will need to appreciate the character of the vicinity in which he lives is premised to provide some reasonable noise.
- 8.1.7 On this basis it would be appropriate to withdraw the abatement notice, as a result of the control measures that are put in place.



El Camion  
Report No. 15-0161-0 R01

# APPENDIX 1

## Calibration Certificate





**Campbell Associates Ltd**  
55 Chalmers Road Industrial Estate  
GREAT DUNMOV, Essex. GB CM8 1HD  
Phone 01371 871030 Facsimile 01371879108



CALIBRATION

0789

### Certificate of Calibration and Conformance

Certificate Number:- U18433

**Test object:** Sound Level Meter, BS EN IEC 61672-1:2003 Class 1 (Precision) and associated Frequency Analyser BS EN IEC 61260, Class 1

**Manufacturer:** Rion

**Type:** NA25

**Serial no:** 00170246

**Customer:** Sustainable Acoustics

**Address:** 5 Charlecote Mews, Staple Gardens, Winchester, Hampshire, SO23 8BR.

**Contact Person:** Claire Woodcock - Business Development Consultant

**Order No:** PO-15-101-SA

**Method :**  
Calibration has been performed as set out in CA Technical Procedures TP01 & 02 as appropriate. These are based on the procedures for periodic verification of sound level meters as set out in BS EN IEC 61672-3:2008 and for electrical testing of frequency filters as set out in BS EN IEC 61260. Results and conformance statement are overleaf and detailed results are in the attached Test Report.

Microphone	Producer	Type	Serial No	Certificate number
Calibrator*	Rion	UC59	00289	18433
Preamplifier	Rion	NC-74	34773049	U18434
	Rion	NH23	60254	Included

Additional items that also have been submitted for verification

Wind shield	Rion	WS10
Attenuator	None	
Extension cable	None	

These items have been taken into account wherever appropriate.

Environmental conditions:	Pressure:	Temperature:	Relative humidity
Reference conditions:	101.325 kPa	23.0 °C	50 %RH
Measurement conditions:	100.06 kPa	22.6 °C	41.2 %RH

Date received : 25/04/2016  
 Date of calibration: 21/03/2016  
 Date of issue: 24/03/2016

Engineer

Palanivel Marappan, B. Eng (Hons), M. Sc

Supervisor

Darren Batten Tech IOA



El Camión  
Report No. 15-0161-0 R01

## APPENDIX 2

### Draft Noise Management Plan



## Draft Noise Management Plan

### A: Music Control Steps

- All amplified music played in the venue will be controlled in level and frequency by sound limiter equipment, which has been set in conjunction with a specialist, and the adjustment port sealed by them. Input from the Local Authority will be invited should this need to be amended or refined.
- No external audio equipment will be permitted to be used, unless approved to not exceed the levels set out in Table 1 of the Sustainable Acoustics Report, dated 4/11/15.
- All external suppliers of entertainment (ie. DJ's) will be required to enter into a Service Level Agreement, which agrees to operate through the limited house system, and if they are found to not be will not be permitted to continue to supply services to the venue ;
- signs shall be displayed on the premises, to remind attendees to keep noise down outside once the music has finished, as they leave;

### B: Management Mitigation Steps

- A representative of the premises will ensure that the levels of sound during each operational run of the basement are recorded from the designated location, using a Sound Level Meter which records the  $L_{eq}$  (set to "A" and "slow") for the duration of the run. This information will be downloaded and held on record to provide indicative evidence of the historical music levels, which will be made available to WCC on request.
- The management staff will be aware of the limiters and the levels set;
- The premises will have a single point of contact for complaints, which is made available to residents that might be affected by noise from the premises (which may be a mobile number) and they should be encouraged to call it should they have a complaint about music noise;
- In the event of a complaint every effort will be made to quickly check that the control measures are in place, and to reduce levels voluntarily until such time as the complaint has been fully investigated;

### C: Enforcement Checks

- A representative of WCC can at any point visit and request to check the historical record of noise time histories by date, to check for irregularities in the measured noise levels;
- A simple visual check for the limiters is to request see that the seals are intact;
- A measurement check can be completed if there is remaining doubt, to check whether ambient music levels are at or below  $L_{Aeq,5min}$  87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area

## Christine Gainsborough

---

**From:** Ken White <ken@sohoha.org.uk>  
**Sent:** 08 November 2015 10:22  
**To:** Mark Browning  
**Cc:** Ricky Colley; Ken White; Andrew.Price@shaftesbury.co.uk;  
Laurencelukelynych@gmail.com; Edmund Conran; noiseteam2@westminster.gov.uk  
**Subject:** Re: El Camion - Acoustic Report

Dear Mark

Thank you for the acoustic report. I shall discuss this with our solicitor, Richard Brown. Access to Mr Lynch's flat (52) for noise coming from the speakers on the ground floor must be considered as part of a wider discussion with all parties. Perhaps Ned can enlighten you about the noise limiter loop we have already been through. Ricky Colley is going to try and progress things this week.

Ken White

Sent from my iPhone

On 4 Nov 2015, at 18:31, Mark Browning <[mbrowning@balaw.co.uk](mailto:mbrowning@balaw.co.uk)> wrote:

Dear All,

I am writing to update you on the situation regarding noise escape at El Camion.

Since the reports, we have disconnected the main system on the ground floor, engaged an expert, worked with the Westminster Noise Team and established that some transfer of noise may have been coming directly from the basement through the fabric of the building. As a result of recommendations, we have fitted rubber mountings to the speakers and had the limiters re-set and sealed for optimum performance. Please see a copy of the report attached. We hope that this has resolved the problems experienced upstairs.

The next stage is to set the limiter on the ground floor and we would be grateful for the upstairs tenant's co-operation in facilitating the tests so that any problems can be fully resolved. The ground floor is currently operating on a non-limiter setting of background recorded music.

El Camion has worked hard to address any issues and we hope that this has now made a significant difference.

Do please let me know if you have any comments.

Kind regards

Mark Browning  
BA LAW Limited  
T: 0870 458 4600  
M: 07956 415441

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## Christine Gainsborough

---

**From:** Ken White <ken@sohoha.org.uk>  
**Sent:** 12 November 2015 12:30  
**To:** Ken White; Mark Browning  
**Cc:** Ricky Colley; Ken White; Andrew.Price@shaftesbury.co.uk;  
Laurencelukelynch@gmail.com; Edmund Conran; noiseteam2@westminster.gov.uk;  
licensing licensing  
**Subject:** RE: El Camion - Acoustic Report

Dear Mark

Sorry about the delay. Please give me your availability for next week and I will arrange access to Lawrence's flat (52) for the noise tests.

Dear all

I am meeting with our solicitor tomorrow. Our view at the moment is that we have a strong case if we go to committee for a review of the licence. There would be a sliding scale of requests to modify the licence to ensure the quiet enjoyment of our homes. The review would be instigated because of 'public nuisance' and 'harm to children' caused by noise from the club. Nevertheless, we are determined to act reasonably. That is why access to flat 52 is to be arranged for Mark's sound engineers despite the last effort, 2 years ago, of the noise limiter route being circumvented by management of the club. We request an open and frank meeting between all parties to see if recourse to a review can be avoided. We are not prepared to be seen as a bunch of nimby moaners. We are the ones who have been wronged. An acknowledgement of this would be the basis of any discussion.

Kenneth White

**Ken White**  
Volunteer  
020 7557 7400



4<sup>th</sup> Floor  
120 Charing Cross Road  
London WC2H 0JR  
020 7557 7400  
[www.sohoha.org.uk](http://www.sohoha.org.uk)  
@SohoHousing

**From:** Ken White (<mailto:ken@sohoha.org.uk>)  
**Sent:** 08 November 2015 10:22  
**To:** Mark Browning <[mbrowning@balaw.co.uk](mailto:mbrowning@balaw.co.uk)>  
**Cc:** Ricky Colley <[ricky.colley@mjmapp.com](mailto:ricky.colley@mjmapp.com)>; Ken White <[kenwhite.sohoha@gmail.com](mailto:kenwhite.sohoha@gmail.com)>;  
[Andrew.Price@shaftesbury.co.uk](mailto:Andrew.Price@shaftesbury.co.uk); [Laurencelukelynch@gmail.com](mailto:Laurencelukelynch@gmail.com); Edmund Conran <[ned.conran@mac.com](mailto:ned.conran@mac.com)>;  
[noiseteam2@westminster.gov.uk](mailto:noiseteam2@westminster.gov.uk)  
**Subject:** Re: El Camion - Acoustic Report

Dear Mark

Thank you for the acoustic report. I shall discuss this with our solicitor, Richard Brown. Access to Mr Lynch's flat (52) for noise coming from the speakers on the ground floor must be considered as part of a wider discussion with all parties. Perhaps Ned can enlighten you about the noise limiter loop we have already been through. Ricky Colley is going to try and progress things this week.

Ken White

Sent from my iPhone

On 4 Nov 2015, at 18:31, Mark Browning <[mbrowning@balaw.co.uk](mailto:mbrowning@balaw.co.uk)> wrote:

Dear All,

I am writing to update you on the situation regarding noise escape at El Camion.

Since the reports, we have disconnected the main system on the ground floor, engaged an expert, worked with the Westminster Noise Team and established that some transfer of noise may have been coming directly from the basement through the fabric of the building. As a result of recommendations, we have fitted rubber mountings to the speakers and had the limiters re-set and sealed for optimum performance. Please see a copy of the report attached. We hope that this has resolved the problems experienced upstairs.

The next stage is to set the limiter on the ground floor and we would be grateful for the upstairs tenant's co-operation in facilitating the tests so that any problems can be fully resolved. The ground floor is currently operating on a non-limiter setting of background recorded music.

El Camion has worked hard to address any issues and we hope that this has now made a significant difference.

Do please let me know if you have any comments.

Kind regards

Mark Browning  
BA LAW Limited  
T: 0870 458 4600  
M: 07956 415441

This message is confidential. It may also be privileged or otherwise protected by work product immunity or other rules. If you have received this message by mistake please let us know by reply and then delete it from your system; you should not copy the message or disclose the contents to anyone. We have taken precautions to minimise the risk of transmitting software viruses, but we advise that you carry out your own virus checks on any attachments to this message. We cannot accept liability for any loss or damage caused by software viruses.

B-A GROUP





Schedule 12  
Part A

WARD: West End  
UPRN: 100023470310

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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

15/02786/LIPDPS

**Original Reference:**

05/10397/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

El Camion  
25-27 Brewer Street  
London  
W1F 0RR

**Telephone Number:** 020 7734 7711

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Saturday: 09:00 to 03:00

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00

**Playing of Recorded Music**

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 12:00 to 23:00

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Lupe's (Brewer Street) Limited  
Finsgate  
5 - 7 Cranwood Street  
London  
EC1V 9EE

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

07006362

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

Name: Mr Matthew Scott

*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: 17291  
Licensing Authority: London Borough Of Tower Hamlets

Date: 25 July 2015

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,

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

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

**Conditions relating to regulated entertainment**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.

16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, it's premises, or any of it's events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

#### **Conditions for Sale of Alcohol**

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
  - (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
  - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
  - (c) artistes or persons employed on the premises;
  - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.

31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

**Conditions related to the Sale of Alcohol**

33. (i) Monday to Saturday
  - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
    - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
    - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
  - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
    - (i) with the substitution of references to 04.00 for references to 03.00
  - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
  - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

expense of their employer or of the person carrying on or in charge of the business on the premises.

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

(ii) Sunday

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

In this condition, permitted hours means:

- a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;
- d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

34. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- a) He is the child of the holder of the premises licence.
  - b) He resides in the premises, but is not employed there.
  - c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

35. 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 the premises licence (or the holder of the club premises certificate):
- (a) to 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) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
36. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

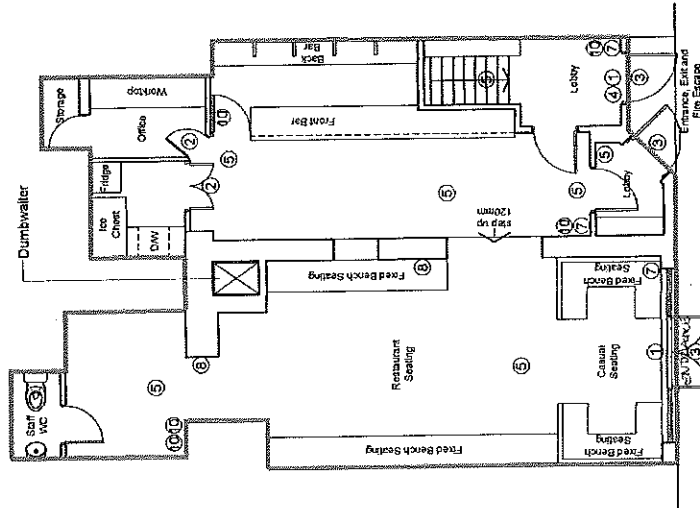


**Annex 3 – Conditions attached after a hearing by the licensing authority**

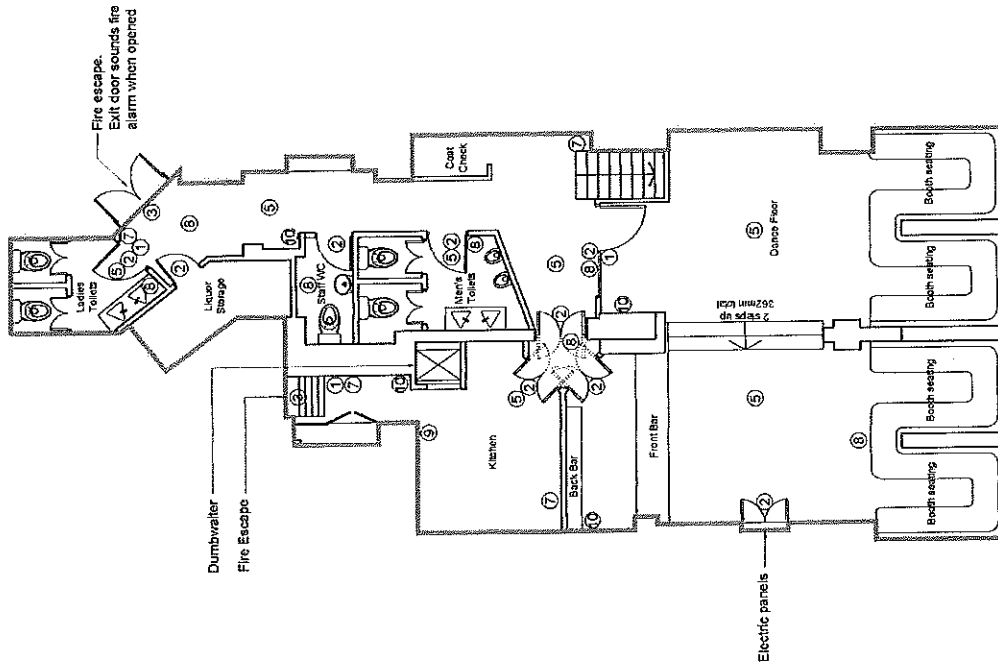
None

Consumption of alcohol and licensable activities take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

Date 3/2/05



Ground Floor Plan  
Scale 1:100 @ A3



Basement Plan  
Scale 1:100 @ A3

**NOTES**  
This drawing is the responsibility of the architect and may not be reproduced without permission.  
The architect is not responsible for the accuracy of the information provided by the client.  
ALL DIMENSIONS ARE TO BE PROVIDED BY THE ARCHITECT UNLESS OTHERWISE SPECIFIED.  
THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.  
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REV NO.	DATE	REVISION	DRAWN	CHECKED
B	06-06-05	Drawings revised to show Exit door sounds fire alarm when opened		
C	16-06-05	Notes & fire safety legend added		
D	18-06-05	WC replaced toilet/mechanical room on ground floor		
E	04-07-05	Revised notes		

**Notes**

- The consumption of alcohol and the licensable activities including the retail sale of alcohol may take place anywhere within the red line.
- The location of fire equipment is shown on the date hereof but may be moved with the consent of the Fire Officer.

**Legend**

- illuminated / directional exit sign
- Fire door
- Exit fire door with panic bar
- Exit signage
- Emergency lighting
- (not used)
- Fire alarm call point
- Automatic fire alarm
- Fire blanket storage
- Fire extinguisher storage

CLIENT	Cheeky Bars Ltd
PROJECT	Abigail's Party 25 - 27 Brewer Street Soho, London
DRAWING	Ground & Basement Floor Plans - As Built
SCALE	1:100
DRAWN BY	
CHECKED BY	
DATE	June 2004
DRAWING NO.	04081 - 100 rev E

Tel | 020 7692 2647  
Fax | 020 7338 0935  
Email | info@studio.k.co.uk  
Address | 31, Market Street  
London, WC1E 1LE





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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023470310

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/02786/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

El Camion  
25-27 Brewer Street  
London  
W1F 0RR

**Telephone Number:** 020 7734 7711

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Saturday: 09:00 to 03:00

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00

**Playing of Recorded Music**

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 12:00 to 23:00

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

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

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

Lupe's (Brewer Street) Limited  
Finsgate  
5 - 7 Cranwood Street  
London  
EC1V 9EE

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

07006362

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

**Name:** Mr Matthew Scott

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

Restricted

**Date:** 25 July 2015

**This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.**

CITY OF WESTMINSTER

MEMORANDUM

---

TO Licensing Officer

REFERENCE 15/11279LIREVP

---

FROM EH Consultation Team  
REFERENCE 15/049062/EHCT  
BEING DEALT WITH BY Sally Thomas (sthomas4@westminster.gov.uk)  
TELEPHONE 020 7641 2291  
DATE 22<sup>nd</sup> December 2015

---

**The Licensing Act 2003****Re: El Camion, 25-27 Brewer Street, London, W1F 0RR**

I refer to the application for a Review of the Premises Licence for the above named premises by Mr White and Mr Lynch under the Prevention of Public Nuisance and the Protection of Children from Harm Licensing objectives.

It is understood that the grounds of the Review relate to nuisance caused to residents by:

- Music from the premises;
- People noise from outside the premises smoking and;
- Noise from customer dispersal associated with the premises.

Please take this memorandum as confirmation that Environmental Health supports this Review. There have been 7 noise/nuisance related complaints (that relate to the Review) within the last 2 years recorded against these premises. A section 80 abatement notice under the Environmental Health Act 1990 was served 30<sup>th</sup> September 2015.

Further information regarding the outcome of the notice and the complaints will be sent to the Licensing Authority in due course.

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

Sally Thomas  
Senior Practitioner - Environmental Health Consultation Team

## Owojori, Olaposi

---

**From:** Thomas, Sally  
**Sent:** 02 March 2016 13:27  
**To:** Owojori, Olaposi  
**Subject:** El Camion, 25-27 Brewer St 15/11278/LIREVP  
**Attachments:** El Camion submission.docx; El Camion - John Crockford - witness statement.pdf

Hi Ola,

Please find my submission attached, along with John Crockford's witness statement.

Kind regards

### Sally Thomas

Senior Practitioner  
Environmental Health Consultation Team  
Public Protection and Licensing

Westminster City Hall - 4th Floor  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 2788  
[sthomas4@westminster.gov.uk](mailto:sthomas4@westminster.gov.uk)  
[www.westminster.gov.uk](http://www.westminster.gov.uk)



ASPIRATION

CHOICE

HERITAGE



**BIIAB**

**RECOGNISED CENTRE**

Westminster City Training

Tel: 020 7641 6252  
Email: [ehtraining@westminster.gov.uk](mailto:ehtraining@westminster.gov.uk)  
[www.westminster.gov.uk/training-programme](http://www.westminster.gov.uk/training-programme)

For online bookings <http://ehcb.westminster.gov.uk/>

## STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

Statement of **JOHN VERNON CROCKFORD**

Age of Witness  
(if over 18 enter "over 18") **OVER 18**

Occupation of Witness **ENVIRONMENTAL HEALTH ENFORCEMENT OFFICER**

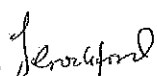
This statement, consisting of **9** pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 2<sup>nd</sup> March 2016

Signed 

1. I have been employed by Westminster City Council as an Environmental Health Enforcement Officer for 9 years. My duties include the setting of sound limiting devices at licensed premises.
2. My first involvement with the bar/restaurant at 25-27 Brewer Street was in May 2008. At this time the premises was trading as Enclave and I understand that it was under different ownership and management.
3. I visited Enclave on 21 May 2008 together with a colleague. The visit followed noise complaints made alleging nuisance from music noise played at Enclave. My notes from the visit updated on the Uniform database immediately following the visit read as follows:-

Dated 2<sup>nd</sup> day of March 2016

Signed 

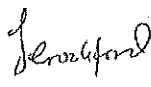
**Exhibit A**

*"Visited with KM. KM stayed in club with manager whilst I met residents rep Ken White. He took me to 3 flats - 51, 52 & 53. No sound heard nor vibration felt in any of the flats. 52 said had been very loud last Sat but others said been ok recently. KM confirmed music levels in basement loud but ground floor very low almost just background music. Left card at each of 3 flats if noise returned. Spoke to manager James Scott - advised that they do have sound limiter although they had been told by sound company that they didn't. He to contact em with view to arranging NAW check".*

As the sound engineer was not present it was not possible to set the sound limiting device.

4. I then revisited in May 2009 following further noise complaints. An arrangement was made with Enclave, the residents and their representative, Mr Ken White (KW) to visit on 22<sup>nd</sup> May 2009. The details of this visit and the set music noise levels are shown in the sound limiter data sheet (Exhibit A).
5. I was then advised by Mr Peter Cradock of the Council's Premises Licensing Team that Enclave went into administration in September 2009 and had ceased trading.
6. In March 2012 a request was received from the new owners/managers at the bar/restaurant to 25-27 Brewer Street to check the music noise levels from their sound system. This was in relation to a condition on their licence. The premises were now called El Camion.
7. The job was allocated to a colleague Miss Sarah Chowdhury (SC), who no longer works for the Council. I accompanied SC on 26<sup>th</sup> March 2012 with a view to setting the sound limiting device to our satisfaction in accordance with the licence condition.
8. It is normal practice for the premises to engage the services of a sound

Dated 2<sup>nd</sup> day of March 2016

Signed 



**Exhibit A**

engineer to be present during the visit. This would have been explained to the designated premises supervisor (DPS) prior to the meeting. Unfortunately no sound engineer was in attendance so it was not possible to set the sound limiting device.

9. The notes updated by SC on Uniform immediately after the visit read as follows:-

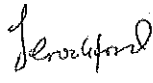
*"Went to premises to set limiter. Upon arrival, the manager explained that he had not arranged for a sound engineer to be present. Waste of our time. We did do a quick measurement and test within the premises and it appeared that the limiter must be set very high because it wasn't limiting the noise even when it was at 93dB LAeq, 1min. Told him that there was really nothing that we could unless a sound engineer was present. Told him to call us back when he had arranged for a sound engineer and the resident up stairs."*

10. The DPS made the necessary arrangements and a sound limiter setting visit subsequently took place on 8<sup>th</sup> August 2012. I was away at the time and SC was accompanied by another colleague. Of course, I have no comment to make in respect of this visit but I have attached the sound limiter data sheet (Exhibit B) and letter confirming the outcome of the visit (Exhibit C).

11. My next involvement with El Camion was in October 2015. Mr David Stewart (DS) of the Council's 24 Hour Noise Team had served a notice on El Camion to abate nuisance from loud music. DS emailed to say that El Camion was appealing the notice on the basis that the Council had set the sound limiter previously. I advised that I had been involved some years earlier.

12. In the meantime El Camion had engaged the services of Mr Peter Rogers from Sustainable Acoustics and a visit had been arranged for Tuesday 24<sup>th</sup> November 2015 with Mr Ken Agnew (KA) of the 24 Hour Noise Team. KA

Dated 2<sup>nd</sup> day of March 2016

Signed 

**Exhibit A**

requested some assistance so I agreed to accompany him. As it turned out KA was unable to attend so another colleague Mr Mark Walshe (MW) joined me instead.

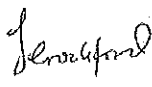
13. MW and I were met by KW, PR and Miss Sara Rubio (SR) from Sustainable Acoustics. Mr Lynch who lived above El Camion was also in attendance. We waited for over an hour for the manager, Mr Ned Conran, to arrive as he had mixed up the date of the visit.

14. Primarily PR and SR were taking noise measurements in both El Camion and the residential flat above. I was happy to rely solely on their data but I did take some measurements myself just for verification. These were latterly shared with PR to assist in the report that he was to prepare.

15. The visit took an inordinate length of time partly due to the complexities of setting the existing sound limiter to the basement bar/club area and the new sound limiter to the ground floor area and in part due to the late arrival of Mr Conran. MW accompanied KW and SR to assess the music noise level from Mr Lynch's flat. The music noise in both the basement and the ground floor was set to a level which was deemed virtually inaudible in the flat.

16. I agreed with all parties that I would confirm the sound limiter settings once I had received the report from PR. I only received the report by email from DS on 25<sup>th</sup> February 2016, although the draft report is dated 3<sup>rd</sup> December 2015

*Dated 2<sup>nd</sup> day of March 2016*

Signed 

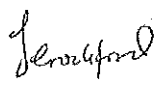
## EXHIBIT A

### Sound Limiter Data Sheet

For Large Premises use a column for each area where limiters are set (e.g. basement, ground floor etc).

<b>Premises</b>	Enclave	
<b>Address</b>	25-27 Brewer Street W1F 0RR	
<b>Case Ref / UPRN</b>	08/23185/EE1NOI	
<b>Contact Name</b>	Chris Theoridis	
<b>Phone Number</b>	07515 427099	
<b>Any previous complaints?</b>	Yes – residential above	
<b>Does the premises have a H&amp;S Risk Assessment</b>		
<b>Floor (B'ment, Grd etc)</b>	Basement	Ground
<b>Limiter type</b>	Cloud Limiter	
<b>Location of Limiter</b>	Under DJ booth	
<b>How is limiter locked?</b>	Screwed shut	
<b>What area music played in</b>	Basement	Ground
<b>Zones (if yes, how many)</b>		
<b>No. of speakers</b>	6 – 3 by bar and 3 by DJ booth	9
<b>Bass bins</b>	1 not in use – disconnected	1 – not in use disconnected
<b>Set Levels – LAmax</b>	80.1	75.2
<b>Set Levels – LAeq</b>	78.6	67.2
<b>Set Levels – LA90</b>	76.5	58.0
<b>Occ H&amp;S, Street, or complaint assessment</b>	Complaint assessment from residential flat above – music noise inaudible	
<b>Date set</b>	22 <sup>nd</sup> May 2009	

Dated 2<sup>nd</sup> day of March 2016

Signed 

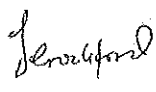
Continuation of Statement by John Crockford

Set by	John Crockford, Phil McIlwain and club representative/sound technician Terry Wedd (020 7434 2911)
Entered into Uniform (y/n)	Yes

**Notes / Recommendations:**

Terry Wedd has been involved with club for 6/7 weeks. He set the limiter following recent enforcement action. Volume control for basement is behind the bar and for ground floor is in manager's office (past bar area). Music levels were relatively low – esp in ground where only just background music. Basement area intended to be more clubby atmosphere but this area was not so loud that you couldn't hold a conversation. It was noted that the speakers on ground floor are hard mounted. One of which is attached to ceiling, rest very high up on wall. Recommendation made that club places speakers on anti vibration mounts and relocates ceiling speaker to wall. Music played at full volume on both floors (this was checked by resident's association chairman Ken White at his request). Music could not be heard in residential flat. Terry Wedd advised that both the bass bins had been disconnected. They were still in situ and the levels were set with these not in operation. It was made clear that they must remain disconnected.

Dated 2<sup>nd</sup> day of March 2016

Signed 

Continuation of Statement by John Crockford

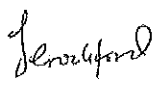
## EXHIBIT B

### Sound Limiter Data sheet

For Large Premises use a column for each area where limiters are set (e.g. basement, ground floor etc.

<b>Premises</b>	El Camion	
<b>Address</b>	25-27 Brewer Street , London, W1F 0RR	
<b>Case Ref / UPRN</b>	12/08564/EE1NON - 100023470310	
<b>Contact Name</b>	Bruno De Souza – Premises Manager Antonio Neto – Sound Engineer Ken White – Chairmen of Residents Association	
<b>Phone Number</b>	Premises Manager - 0788 306 4860 Sound Engineer – 07592 858 580 Residents Association – 07518 785 968	
<b>Any previous complaints?</b>	Yes	
<b>Does the premises have a H&amp;S Risk Assessment</b>	N/A	
<b>Floor(Basement Gnd etc)</b>	Ground Floor	Basement
<b>Limiter type</b>		dbx pro 266XL
<b>Location of Limiter</b>		Under mixing desk, left of the bar area.
<b>How is limiter locked?</b>		Limiter locked within a lockable cabinet with the manager obtaining only keys.
<b>No. of speakers</b>		2 working speakers and 2 non-operational speakers.
<b>Bass Bins (y/n)</b>		0

Dated 2<sup>nd</sup> day of March 2016

Signed 

Continuation of Statement by John Crockford

<b>What area music played in</b>	<p>Music played in restaurant area during restaurant opening times.</p> <p>This unit does not include a sound limiter. It is a single Hi-Fi unit connected to two visible speakers.</p> <p>The Hi-Fi unit is accessible by all staff members as it is not located in a secure/lockable area.</p> <p>Music from this unit is only operational for the restaurant hours.</p>	Mixing/DJ desk located for basement area only. Sound limiter connected and controls whole basement area.
<b>Zones (if yes, how many)</b>	N/A	1
<b>Set Levels – LAmax</b>	N/A	98.1 dB
<b>Set Levels – LAeq</b>	N/A	89.6 dB
<b>Set Levels – LA90</b>	N/A	84.0 dB
<b>Occ H&amp;S, Street, or complaint assessment</b>	N/A	
<b>Date set</b>	8 <sup>th</sup> August 2012	
<b>Set by</b>	Sarah Chowdhury & Chris Banks	
<b>Entered into Uniform (y/n)</b>	Yes	

**Notes / Recommendations:**

Tests were undertaken in relation to the Hi-Fi system in the restaurant area which was not connected to a sound limiter. The residents above were concerned with the music from the restaurant to be key source of disruption, in particular early mornings and after closing of the premises. It was speculated by the residents that the noise disturbance during such unusual times could be as a result of cleaners of the premises switching on the Hi-Fi in the restaurant area.

As a result, it was agreed that the manager will address this via speaking with his staff. It had also been agreed in principle for the Hi-Fi system to be placed in a lockable area that the manager/supervisor would have access to. This would suggest that the Hi-Fi system would not be tampered with by other members of staff to a level that could cause noise disturbance for surrounding residents.

Discussions with the premises manager were held to ensure that he was aware that if following the installation of the restaurant Hi-Fi being placed in a secure location, if complaints are still being received by residents in relation to audible music, the sound limiter for the basement will be re-evaluated and the Hi-Fi in the restaurant area will be required to go through a sound limiter.

Dated 2<sup>nd</sup> day of March 2016

Signed 

Continuation of Statement by John Crockford

## EXHIBIT C

This matter is being dealt with by:  
Sarah Chowdhury  
Environmental Health Enforcement Officer  
Tel: 020 7641 3137  
Fax: 020 7641 3436  
Schowdhury1@westminster.gov.uk  
Date 14 August 2012

Bruno De Souza  
El Camion  
25-27 Brewer Street  
London, W1F 0RR

By email only

Dear Bruno De Souza

**RE: Sound Limiter Setting at El Camion, 25-27 Brewer Street, London, W1F 0RR.**

I refer to the visit made on 8<sup>th</sup> August 2012 to the above named premises by myself and my colleague Mr Chris Banks, in relation to the setting of the sound limiter.

The noise limiter has now been set to the satisfaction of the Premises Management department. The agreed maximum permissible level measured at the basement bar is **89.6dB LAeq (1 min)**

However, these settings do not exempt your premises from any other statutory provision with respect to nuisance under the Environmental Protection Act 1990. Further action may be taken by the Council's 24-Hour Noise Team if a statutory nuisance is deemed to exist.

As discussed, the current noise limit means that there is noise breakout at the nearest residential property. This has been allowed as the noise limiter has been set for several years and this department has not been addressed to set the limiter as a response to a public complaint. However, if we do receive complaints in regards to the noise levels then we shall arrange another meeting to set the noise limiter at a lower level to reduce the noise breakout.

If you have any further queries, please do not hesitate to contact me on the above telephone number.

Yours sincerely



**Sarah Chowdhury**  
**Environmental Health Enforcement Officer**

*Dated 2<sup>nd</sup> day of March 2016*

Signed 

## **Environmental Health Submission**

**02/03/16**

**Sally Thomas**

### **Section 80 Notice**

Following complaints in 2015 (detailed in the Review Submission) a section 80 notice under the Environmental Protection Act 1990 was served on 30<sup>th</sup> September 2015. Since then four noise complaints were received (all included in the Review submission). A breach of the notice has not been witnessed to date. I have been informed by the solicitor of the premises that an appeal has now been lodged. This had not been validated when an initial appeal was made.

### **Setting of Noise Limiter**

Please refer to John Crockford's witness statement dated 02/03/16 with regard to the history of the setting of the noise limiters.

Separate noise limiters have now been installed and were tentatively set in November 2015. The sound levels have not yet been confirmed as the data report from the acoustic consultant was only received by John Crockford on 25<sup>th</sup> February 2016.

### **Previous complaint**

To add to the Review submission and the above witness statement a complaint of noise nuisance was also received on 03/03/12 at 03.36 hours 'Noise from people coming and going'. No noise was witnessed by the Noise Team as the premises was closed at 04.21 hours when a visit was made.

### **Monitoring visit**

A monitoring visit by City Inspector, Francis Keegan, was made on 9<sup>th</sup> January 2016 at 00.30 hours for 30 minutes.

*"There was doorman working at the entrance and he kept popping in and out of the venue. To the left of the venue was a "roped off" smoking area, with as many as 10 people there (sometimes as few as 2), and some of these smokers were quite loud, their voices being clearly heard by me from across the street.*

*A small canopy covered some of the smokers, and this may reduce the level of noise heard by the residents in the flats above, but I have not been in any of the residents' flats so I cannot be sure.*

*There were also numerous people approaching the venue and being admitted by the doorman.*



*I crossed the road and walked by a few times, and there was no escape of music or other noise into the street from within the venue.*

*What I did notice, and what caused me to speak to the doorman after 30 minutes, was the fact that no SIA badge was visible. I asked him about this and he showed me it was on a lanyard around his neck, but the badge was under his coat and jacket (both buttoned). He could offer no explanation for this so I told him to acquire an armband, the type of which is being used more and more in the West End, as soon as possible.*

*I asked to see the manager and was soon introduced to both Adam G McLeeen and Matthew Scott. Both produced their personal licences.*

*A brief walk- through the venue (which I have never visited before) revealed that the ground floor was being used as a bar (with some food – the kitchen area is on the ground floor), and the basement was being used as a “disco”. The music within the basement disco area did not seem loud to me, but of course noises can travel through the structure of buildings (especially older structures) and cause a nuisance.*

*In the basement another doorman was seen, properly displaying his badge on an arm band.*

*I gave some advice about fire door maintenance, fire door signage, fire extinguishers.*

*The full licence (dated 11.9.14) was produced, and we discussed some of the conditions briefly. I asked about the Rules of Management, and both confirmed they had never seen or read it, but they were sure they could acquire a copy from their employer (the licensee). I said that all duty managers must read and comply with these Rules , as they form part of the licence, and it was agreed they would contact me by email if they could not get hold of a copy in the next day or two.*

*It also seems that there may have been some unauthorised alterations to the venue (removal of a staff toilet ?), and I said that this matter must be addressed by way of a variation (assuming then plans and licence they showed me are the up to date documents).*

*There was no sign of excessive alcohol consumption or rowdy behaviour seen.”*

**Subject:** FW: Location: El Camion, 25-27 Brewer Street, London, W1F 0RR 15/11278/LIREVP

**From:** Davies Jonathan (NHS CENTRAL LONDON (WESTMINSTER) CCG)  
**Sent:** 02 December 2015 16:49  
**To:** Anand-Patel, Sumeet  
**Subject:** RE: Service - 15/11278/LIREVP - El Camion, 25-27 Brewer Street, London W1F 0RR - RRD

Hi Sumeet, thanks for this. The CCG supports this review on the basis that the issues reported could be detrimental to health and place additional stress on limited primary care resources as well as affecting the development of the children who are subject to disrupted sleep.

This is in the context that the nature of the licensing hours and the establishment are not congruous with the nature and type of property albeit the CCG accepts that this is in an area of similar establishments. The CCG accepts also that the premises owner has made efforts to work with the community however the detrimental health effects of stress and broken sleep are sufficiently well documented for the CCG to support this review.

Thanks and regards, Jonathan

Jonathan Davies  
**Programme Manager, Primary Care Transformation**

**NHS Central London Clinical Commissioning Group**  
15 Marylebone Road  
London

**Ken White**  
Volunteer  
020 7557 7400



4<sup>th</sup> Floor  
120 Charing Cross Road  
London WC2H 0JR  
020 7557 7400  
[www.sohoha.org.uk](http://www.sohoha.org.uk)

 @SohoHousing

**Details of public representations relating to 15/11278/LIREVP**

- **Elizabeth Mitchell -  
Received:  
SUPPORT**

I am a resident of St James Residences which is a block of residential flats situated above the premises and forms one of the most densely populated areas of Soho.

I am not sure how the current licensing conditions were originally granted given the restaurant/clubs proximity to the homes of families with children and others. Loud music can be heard outside the premises on a regular basis, ( several times weekly). In addition to this there is the nuisance of groups of people smoking outside, sometimes being rowdy due to alcohol or just general excitement. These groups generally get louder as the night goes on and this is a regular occurrence up until 3am, sometimes later.. There is also a problem with rubbish, with the staff leaving inadequately sealed bags of rubbish outside, broken glass and cigarette ends. I have written on several occasions to the owner to complain about this.

It really isn't acceptable that premises in close proximity (directly underneath) so many residential units should have such long licensing hours, particularly as the owners do not ensure that no music can be heard outside, do not control the behaviour of their customers whose rowdy behaviour can impact on residents until beyond 3 am , and allow the pavement outside to be unsanitary, dangerous and unpleasant due to inadequate cleaning.

I believe that the owners inherited the extended licensing hours, and now it is being reviewed, it is the ideal opportunity to correct an error which has resulted in the public nuisance caused by the presence of El Camion.

- **Mr Joe Chambers - 4th Floor, 120 Charing Cross Road, London  
Received:  
SUPPORT**

4:07 PM on 11 Dec 2015 I speak as the landlord of the long leasehold properties above the club in question and would object to the licence because it is reported to me by the tenants that live in the flats above that the noise from the club transmits into the flats and disturbs the sleep of the residents including children. The club is an integral part of the fabric of the building and therefore the noise cannot be contained and 3:00am is an unreasonable closing time given the nature of the building. It seems also that the club is poorly managed and those queuing to get in, those smoking outside and those leaving the premises are unruly and unnecessarily noisy disturbing residents.

- **Alice And Adam Harrison - 22B Brewer Street, Soho, W1F 0SL**

**Received:**

**OBJECTION**

My husband and I live directly opposite the premises and have occasionally visited, both for food and for drinks in the downstairs bar (the last occasion back in the summer this year). We have always been impressed with the way the establishment is run and, from our own observation, they are exceedingly thorough regarding making sure people are not let downstairs if downstairs is full.

Furthermore, the bouncer on the door is an extremely courteous man and a real credit to his profession. From the vantage point of our flat opposite, and walking past the premises in the evenings, we see him treating customers in a very firm yet polite and friendly manner. Inevitably, he sometimes has to deal with drunk and unruly people, yet he always remains very calm and non-aggressive, and seems meticulous about who he admits ie, I have seen him turning away people who are too inebriated and I have heard him refusing to let in people who are being pushy when the bar beneath is already at capacity. More than that, I have also heard him telling customers smoking on the street - or those queueing to be let in - to keep the noise down and be mindful of local residents, I am certain that he takes this aspect of his role very seriously.

If you choose to live in Soho then you must expect a fair amount of noise from the street. Far and away, the most noise we experience is from rickshaw cycles blasting music, general revelry/singing/shouting from pedestrians as they walk by, and from refuse collection vehicles. When we moved in over a year ago, we were of course concerned about living opposite El Camion, particularly when we realised it stayed open until 3am. However, the establishment is exceedingly well managed and I wholeheartedly support every aspect of their licence being renewed.

- **Martin Kennedy - 13 St James's Residences, 23 Brewer Street, London**

**Received: 14 Dec 2015**

**SUPPORT**

I refer to your letter of 02 Dec 2015 (copy attached) regarding the Notice of Review of a Premises Licence for El Camion, 25-27 Brewer Street, London W1F 0RR (reference:- 15/11278/LIREVP ).

As a long-suffering resident of St James's Residences I wholeheartedly support the application to severely restrict, or ideally remove this licence on the grounds of Prevention of Public Nuisance.

Given that the area is already saturated with late night noise and alcohol licences it is astonishing that such a licence was granted in the first place to a premises in the same building as a residential block where many people including families and the elderly live literally feet away.

It could hardly be more inappropriately situated for use as a rowdy late night club. Residents are plagued by noise nuisance practically all night six nights a week as numerous WCC environmental noise reports will confirm.

As well as the reverberant thud of over-amplified bass heavy music there is a permanent mob of people blocking the pavement beneath residents' windows either queuing to get in to the club or battling their way out to smoke - and at the end of the 'evening' (3:30am) they still don't disperse. Drunks continue to congregate outside the entrance to St James's Residences maintaining a constant barrage of screeching and shrieking which echoes through the whole block even disturbing residents inside the courtyard. Goodness only knows what it must be like for those street-side.

The owners of El Camion clearly have zero regard for their neighbours and a more suitable use for this premises should be found in keeping with its location.

Witness Statement  
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

**Statement of:** Edmund Conran

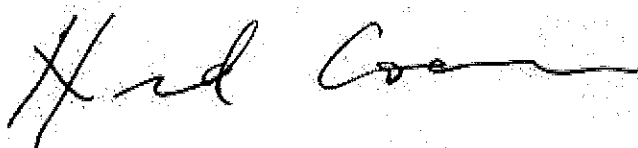
**Age:** Over 18

**Occupation:** Owner, El Camion

**This statement (consisting of 8 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.**

Dated: 21<sup>st</sup> December, 2015

**EDMUND CONRAN** Signed:

A handwritten signature in black ink, appearing to read 'Ed Conran', written over a light grey grid background.

My name is Edmund ("Ned") Conran. I am Managing Director of El Camion Restaurant & Bar in Brewer Street, Soho, London W1. El Camion is the second restaurant venture I have owned (previously I owned El Camion in Portobello Rd) but I am also a director of Conran & Prescott, a restaurant group that owns a number of restaurants including Albion (Bankside and Shoreditch), Les Deux Salons (by Trafalgar Square) and Lutyens (Fleet Street). My family also has a long tradition of running successful restaurant establishments.

I took over the lease of El Camion in 2009. I employ a management team who run the restaurant on a day-to-day basis with a senior member always on site and available. I attend the venue for meetings and discussions with the staff on at least one day a week, if not most days. I also receive daily reports from the duty manager, which include descriptions of any issues or problems encountered the previous night. I have always been proud, for example, that we have very rarely experienced any instances of violence or rowdy behaviour from our members and their guests. My wife, Sage, also a director of the business, spends at least a day a week at the venue. Additionally I employ a hospitality consultant to advise on commercial and catering matters. El Camion provides the greatest part of my livelihood, I take it very seriously indeed and am not, as

suggested in the application to review document, an 'absent business owner' who does not care.

Our Head Doorman, Ismael, has been with El Camion every day for the past five years, and is enormously respected, unfailingly polite and has the ability to deal with situations quickly and efficiently without ever raising his voice. Even the applicants have acknowledged the efforts and conscientiousness of our door staff. Ismael's main aim is to minimise disturbance to neighbours, and to move on troublemakers with the minimum of fuss. Our members are, on the whole, very well behaved and are certainly made aware that they need to keep quiet when smoking outside or leaving the venue for the night, both when they sign up for membership, and on notices posted by the exits. We also include a request to respect neighbours when taking bookings. There is of course always noise in Brewer Street from occasional roving groups of 'lads' looking for somewhere to drink after the pubs close. Our doorman moves them on wherever possible professionally and as quickly and as quietly as possible.

We first met Mr Ken White, (one of the Applicants) shortly after we had commenced operations at El Camion. He explained to us the difficulties he had had in dealing with the previous business, and that he believed the venue should never have been granted a late license. He said that he had experienced problems going back to 1998 and appeared to be determined to close the venue down. We explained that we planned to run the business as a restaurant on the ground floor with a member's bar in the basement. He seemed doubtful, and said something like "that's what they all say". He said that he had been a police officer for 30 years, and that we should be careful as he had many powerful friends. He has let me know on a number of occasions that he has made it his personal mission to rid Soho of any late licenses, and that he was personally involved in the closure of Madame Jojo's and Escape also on Brewer Street.

When I first met him I gave him my personal contact details and asked him to contact me if the residents were experiencing any difficulties. Whilst he does not live directly above us, I believe he may be acting on behalf of all the residents in the block; at least that is what he led me to believe.

Since then I have occasionally liaised with him in order to ensure that the music was not disturbing the residents. In particular, we had lengthy conversations in 2013 when we had complaints about the level of the music. At that time we asked the Westminster environmental team to become involved. During those discussions he made it clear to me that he thought the problem came from the ground floor restaurant, and not the basement. Accordingly this is where we focused our efforts, by moving the bass speakers away from the ceiling and into new and separate bass units at floor level. His statement says that we did nothing about the speakers, which is completely incorrect. We merely left the small treble speakers in place which were not the cause of any disturbance.

We also installed a limiter (receipts are available for inspection). Following the works, I asked Ken to get in touch if there were any further issues and that we would then look into installing soundproofing if needed. I heard nothing further from him for two years, and drew the conclusion that the issue had been rectified to everyone's satisfaction. I have to ask, if there were issues in the intervening time, why he did not contact me or give Mr. Lynch (the second Applicant) my contact details?

I was shocked to hear at the beginning of October 2015 that he was claiming that the neighbours were once again experiencing a disturbance. I immediately instructed the



management to turn the system in the restaurant off until we could rectify the problem. I instructed a sound proofing company and arranged for our landlords to come and do a survey of the property. Mr Lynch kindly made himself available, but unfortunately the landlord's agent (Ricky Colley of MJ Mapp) had not made the Applicants aware of the length of time necessary for the survey, and Mr Lynch had to return to work. I asked the sound engineers to disconnect the system in the restaurant completely in the meantime, which they did.

The following day I visited the Venue at 1.00am to ensure that no music could be heard in the restaurant and took decibel readings with an app on my phone, the reading equated to 'light background' conversation. I returned again at 2.30am the next day and repeated the process with the same result. The following Monday I received a call from Ken saying that Mr Lynch had complained that the noise was as bad as ever. I explained to him that the system in the restaurant had been disconnected by the sound engineer in such a way that it could not be turned back on by the staff, and therefore the noise could not be coming from the restaurant. I was perplexed, so we made arrangements to have an analysis carried out by an acoustic engineer, who concluded that the noise being heard was travelling through the fabric of the building from the speakers in our members club in the basement.

There has always been a limiter in the basement which is of the compressor/gate type and has adjustment knobs on the front of the device. It was kept in a locked cabinet to which only the senior management had access, so Mr White's reports of music turned up and down randomly are simply not true.

Following the report by the acoustic engineer we immediately took the following measures to mitigate any problems:

- ✦ Isolating the speaker mounts from the walls with neoprene.
- ✦ Installing a new limiter in place of the previous compressor/gate limiter
- ✦ Setting Levels with the assistance of an acoustic engineer at levels he considered to be reasonable
- ✦ Arranging for a visit with the council noise team to ensure that no noise could now be heard from Mr Lynch's flat
- ✦ Installing a decibel logger in the basement which constantly monitors sound levels in the basement. We keep these data files for each trading day
- ✦ Training staff on all matters relating to noise at the venue including both music and the control of customers outside the venue
- ✦ Reviewing the door policy and tightening up control of smoking and re-entry for club members
- ✦ Introducing a policy whereby customers leaving at closing time, wherever possible, leave in small groups rather than as a larger group
- ✦ Ensuring at closing that the doormen get assistance from at least one additional staff member to ensure greater control of customers leaving

I believe that, once alerted to the recent noise problems, we have demonstrated a swift, responsible and comprehensive response. On 12<sup>th</sup> November 2015, Ken White wrote requesting a meeting saying that he was threatening a Review. We suggested completing all works first, and then meeting. He agreed. However without further warning, he lodged the Review. This despite resolving the issue to the satisfaction of the Westminster noise team and Mr Lynch.

I have read the contents of the Review as presented by Messrs Lynch and White, and would make the following observations;

✚ In the 'introduction and overview' it is stated that the premises was 'somehow granted' a 3am license whilst the 'Soho Society's licensing team had temporarily gone out of operation'. Is there a suggestion that the license was granted by anything other than a legitimate and proper process?

✚ I refute the misleading allegation that '... very regrettably the limiter in the basement had not been kept at the level agreed and set in 2013. This is a significant failing on the part of the management'. As stated above, the limiter has been properly and diligently used.

✚ Appendix 5 shows the incident reports from Westminster Council Noise Team. Here is a summary:

1. 09 03 12 – El Camion's own daytime call for advice from the noise team and setting limiter on new system.
2. 29 07 12 – Noise complaint - noise outside
3. 10 01 13 – Noise from people leaving venue
4. 17 03 13 – DIY works on site at 6am
5. 27 06 14 – Burglar alarm
6. 27 05 14 – Burglar alarm
7. 29 05 14 – Burglar alarm
8. 28 10 14 – Noise from queue & smoking outside
9. 08 04 15 – Music volume

Then:

10. 30 09 15 – Music volume

11.09 10 15 – Music volume

12.09 10 15 – Query on procedure from applicants

13.17 10 15 – Music volume

14.27 10 15 – Music volume

Interesting to note:

- ✦ Excluding the 2 daytime queries, the burglar alarm problem and the rather odd DIY complaint, there are 8 reports to the noise team. Clearly this is 8 too many but;
- ✦ 3 are due to noise from people outside the venue (2 nearly 3 years ago, none in last 12 months)
- ✦ 5 are due to music volume. However, all but one have been in the very concentrated period of less than a month.
- ✦ I was very surprised indeed about the most recent reports to the noise team, particularly as on some of those days the ground floor sound system had been switched off by me on receipt of Ken's email dated October 1st with strict instructions by me to the management not to turn it on under any circumstances. It was disconnected completely on my request by Noise Solutions limited on Thursday 15th of October.
- ✦ In 'efforts to resolve the problems' it is stated that 'various people have been contacted to try to resolve the issue'. Given the severity of the impact described in the report it is strange that, as the Managing Director, I was not contacted for nearly 2 years until the most recent bout of complaints
- ✦ I take offence to 'this is typical of Ned's hands-off management style'. On the contrary, I am extremely hands on.

- ✚ I refute that there are 'a considerable number of other neighbours whose quiet enjoyment is affected'. Furthermore I think it bizarre that the stated reason more don't come forward is that they are poor!
- ✚ Statements such as 'Mr Lynch and his children settled down to 2 years of disturbed sleep' do not belong in a document such as this
- ✚ I am not 'in denial over this problem' at all, as my actions in the last 2 months should have clearly demonstrated
- ✚ 'no amount of tinkering with insulation and noise limiters is going to work' – why not? Does Mr Lynch not want to actually solve the problem?

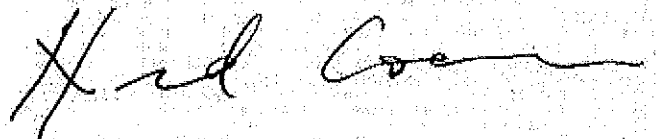
In summary I feel that this application is entirely inappropriate, and borderline vexatious. I have worked tirelessly in response to Mr White's comments and complaints and have liaised with the Westminster City Council Noise Team and appointed my own experts, at great cost to the business. Despite lodging a Review, in my view, without proper grounds, I have also met with Mr White in an effort to discuss a peaceful resolution of his concerns, an offer which he flatly rejected.

As far as I am aware, this Review is not supported by any of the statutory or responsible authorities nor the landlords of his own building, and indeed near neighbours have indicated that they feel it to be completely unjustified. A Review should only be contemplated where there has been a clear breach of the licensing objectives or a breach of conditions. I respectfully submit that this is not the case in this instance and that this Review should therefore be dismissed.

**EDMUND CONRAN:**

**Signed:**

**Dated: 21/12/15**

A handwritten signature in black ink, appearing to read 'Edmund Conran', written over a light grey dotted background.

Witness Statement  
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

**Statement of:** Matthew Alex Scott

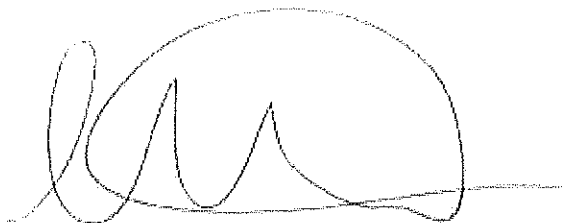
**Age:** Over 18

**Occupation:** General Manager, El Camion

**This statement (consisting of 3 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have signed it knowing it to be false or do not believe to be true.**

Dated: 21<sup>st</sup> December, 2015

**MATTHEW SCOTT** Signed:

A handwritten signature in black ink, appearing to be 'Matthew Scott', written over a horizontal line.

My name is Matthew Scott. I am the General Manager of El Camion Restaurant & Bar in Brewer Street, Soho, London W1. I came on board understanding that there had been a noise issue previously, and was made aware that the company actively works to remedy all complaints at the earliest opportunity. On starting, I hand posted a letter to all residents (attached and marked MAS1) in the St James house directly above the venue. This was to introduce myself and the management team, and provide them with contact details, so that should any issues arise they could contact me directly.

As General Manager, I and the management team run the venue in strict accordance with our license. The venue operates 7 days a week Monday to Saturday from 12:00 till 03:00 and Sunday from 14:00 to 22:30,

Outside the venue we have a door supervisor on site from 10pm who actively (alongside the management team) polices those guests that are smoking or queuing to gain entry. This is done in a polite and efficient manner, limiting smokers to six, which are confined in a roped off area in front of the venue; and those queuing are kept in an orderly manner not blocking the public highway or causing disruption. Anyone who does not comply with the above, is not granted access to venue. We understand that there are

residential properties within the vicinity, and we do our utmost to prevent any nuisance. At times it can be quite difficult due to noisy revelers walking along Brewer Street heading towards Old Compton Street/Wardour Street. In addition we have the problem of rickshaw drivers and cars pumping out loud music. At closing time the door supervisor stays dispersing guests leaving the venue, while the secondary doorman (on at peak times) and the management team and staff, circulate asking patrons to leave in an orderly fashion and not disturb neighbours by loitering outside. This is in direct contrast to nearby venues like The Box and Shadow Lounge who appear to force their guests out of the venues screaming shouting and blocking both Brewer Street and Rupert Street.

Inside the venue all access doors are kept closed (apart from in summer when we open our double front doors until 10pm). Upstairs in the restaurant we play amplified background music, but this is barely audible and can be overtaken by the normal chit chatter of guests. The music is played through a console that has a limiter attached, and it cannot be tampered with. When the last of the guests leave the restaurant, the music is turned off.

In a statement made by Mr White on the 15<sup>th</sup> of October regarding noise, he states that Mr Lynch could hear music coming from the restaurant. That night Ned Conran visited the venue to check how things were going and to check whether we were adhering to the rules that he had set. That night, myself and Ned stood in the restaurant; the sound system was off and the restaurant was empty of guests.

We were visited by the Westminster noise team, (George Christian and Kevin Ezeoguine) due to a complaint of noise transgressing upstairs from the basement. The officers were very happy with the levels within the venue and how we were operating. I explained that I and the owner were always willing and available to help resolve any

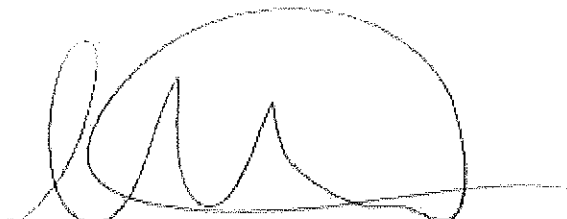
issues, and that we want to work to with the residents and Westminster to establish a good relationship.

Most contact with neighbours has been late at night, and on a couple of occasions our door supervisor Ismael has answered the phone. He instantly contacted me and I addressed it immediately. I've also spoken with Mrs Saurez on a couple of occasions regarding people loitering outside the venue, noise from smokers and general sound. On each occasion it has been in good spirit, and I have given her both mine and my assistant's details should she need to contact us.

All staff are aware of the need to manage the outside of the venue and the playing of amplified music as well as the times that this is allowed under the Premises Licence. They all take an active role in informing customers to keep the noise down when outside the venue and to leave quietly and not disturb our residents. We also keep noise to a minimum when breaking down the venue after closing and removing any rubbish.

**MATTHEW SCOTT** Signed:

**Dated:** 21 DEC 2015

A handwritten signature in black ink, appearing to be 'Matthew Scott', written over a horizontal line. The signature is stylized with a large loop at the end.



MAS1

# EL CAMION MEXICANO

El Camion (Lupe's Ltd)  
25-27 Brewer Street  
W1F 0RR  
0207 734 7711  
[www.elcamion.co.uk](http://www.elcamion.co.uk)

03/12/2014

Dear Resident

Please allow me to introduce myself to you. My name is Matthew Alex Scott and I have recently been appointed General Manager of El Camion.

I am aware that, in the past, there have been occasional noise and other issues between El Camion and the residents in our immediate vicinity. I would like to take this opportunity to re-assure you that I consider good relationships with our neighbours a very high priority. Obviously, with a successful late night venue, the potential for such problems will always exist and, with the best will in the world, I cannot promise there will not be, for example, the occasional customer who is noisy after leaving our premises. However, what I can promise is that my team and I will always promptly deal with all reasonable concerns you may have and work with you to reduce any negative impact our business may cause. I strongly believe I can perform my brief of maximising the potential of the business whilst retaining a healthy and mutually respectful relationship with our neighbours.

I am always happy to meet up and talk about any concerns you may have and how we might address them to our mutual satisfaction. Indeed I would welcome such an opportunity. Perhaps I could invite you to pop in and have a glass of something with me to introduce myself face-to-face? Please let me know if and when we might be able to do this. My contact details are:

Matthew Alex Scott  
Mobile: 07780 627501  
Email: [matthew@elcamion.co.uk](mailto:matthew@elcamion.co.uk)  
Restaurant landline: 020 7734 7711

Also, for when I am not at the venue, these are my assistant managers and their contact details:

Fergus English  
Mobile: 07584 099037  
Email: [fergenglish@gmail.com](mailto:fergenglish@gmail.com)

Guille Uriel  
Mobile: 07453 308798  
Email: [guile.elcamion@gmail.com](mailto:guile.elcamion@gmail.com)

I hope to meet you in the near future,

Best wishes and a Merry Christmas

Matthew

Witness Statement  
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)


**Statement of:** Adam McLeen

**Age:** Over 18

**Occupation:** Assistant Manager, El Camion

**This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.**

Dated: 21<sup>st</sup> December, 2015

Adam McLeen  


**ADAM McLEEN** Signed:

I am the Assistant General Manager of El Camion. When on site I am responsible for the general running of the restaurant and members bar downstairs. Part of this is ensuring that we do not cause a nuisance to neighbours. Both the management team and Ned Conran are always available to neighbours if they have a complaint or are unhappy in any way.

Since I started working at El Camion in May of this year there has only been one occasion when I have received a complaint from a neighbour. On this occasion in October, I answered the phone to an upstairs neighbour who stated that they could hear our music in their flat. I apologised and immediately turned the music down. Since 1st October the system in the restaurant has been switched off. On advice from our acoustic consultant, the location of the microphone connected to the limiter in the restaurant has been changed. This means that the music is cut off at a lower level than it was. Also we have installed a replacement limiter downstairs in the Member's bar with the microphone situated around a foot from the main speakers. We take hourly decibel readings in the restaurant during every evening, and have a noise recorder in the Member's bar that records throughout the evenings.

We are very aware of the nuisance that customers can cause both while smoking outside venues and while leaving, but at El Camion we are very lucky to have our doorman (Ismael) who ensures that our customers smoke in a designated area directly outside, leaving room on

the pavement for passersby, and also ensuring that they leave quietly. He is able to do this effectively as we have a good relationship with our customers most of whom are regular members. We have a second doorman on Fridays and Saturdays.

I will say that there is a lot of foot traffic on Brewer Street and that passersby congregate in the residences' entrance.

**ADAM McLEEN** Signed:

Adam Mcleen

A handwritten signature in black ink, appearing to read 'Adam Mcleen', written in a cursive style.

Dated

21 DEC 2015

Witness Statement  
(C J Act 1967, s 9; M C Act 1980, ss.5A(3)(a) & 5B; M C Rules 1981, r70)

**Statement of:** Ismael Bello

**Age:** Over 18

**Occupation:** Door Supervisor, El Camion

**This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.**

Dated: 21<sup>st</sup> December, 2015

ISMAEL BELLO



**ISMAEL BELLO** Signed:

I am employed as the door supervisor of El Camion. I always follow the duties that have been assigned to me within my boundaries. For instance I inform and remind customers to be quiet while smoking outside or leaving.

I would admit at times customers can start to become loud but I just remind them to keep the volume down. As the venue is in a busy area when other people pass by the street or linger around, it is often not within my power to move them on or to ask them to keep quiet. I witness a lot of people causing a public nuisance; from rickshaws playing loud music to drug dealers arguing with addicts on the street and in front of residence gates.

I set up a smoking area for customers to stand in so they don't obstruct the public pavement or stand in front of the residence entrances. The general people that may stand in the residential entrance from time to time are passers-by that take shelter to smoke or worse underneath the alcove. They are sometimes mistaken for our customers. Also antisocial people who hang around that part of Soho use the residence alcove to hide and do shady deals.

When customers leave I always remind them to leave quietly and not to congregate outside the venue. Our customers follow this rule. If they are waiting for a taxi I encourage them to wait inside the venue until it arrives.

**ISMAEL BELLO** Signed:

ISMAEL BELLO

**Dated**

21 DEC 2015

A stylized handwritten signature in black ink, consisting of a large, bold letter 'B' with a diagonal slash through it.

# El Camion

El Camion, Brewer Street, London  
W1F 0RR

Music levels control

Report No. 15-0161-0 R02



## Music levels Control

### El Camion

EL CAMION, BREWER STREET, LONDON W1F 0RR

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Report No.: 15-0161-0 R-02

Date: 03 December 2015

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Prepared by:

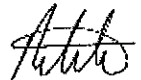
**Sara Rubio** BSc(Hons) AMIOA



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Checked by:

**Peter Rogers** BSc(Hons) MSc CEng FIOA



Managing Director: Peter Rogers BSc(Hons) MSc CEng FIOA

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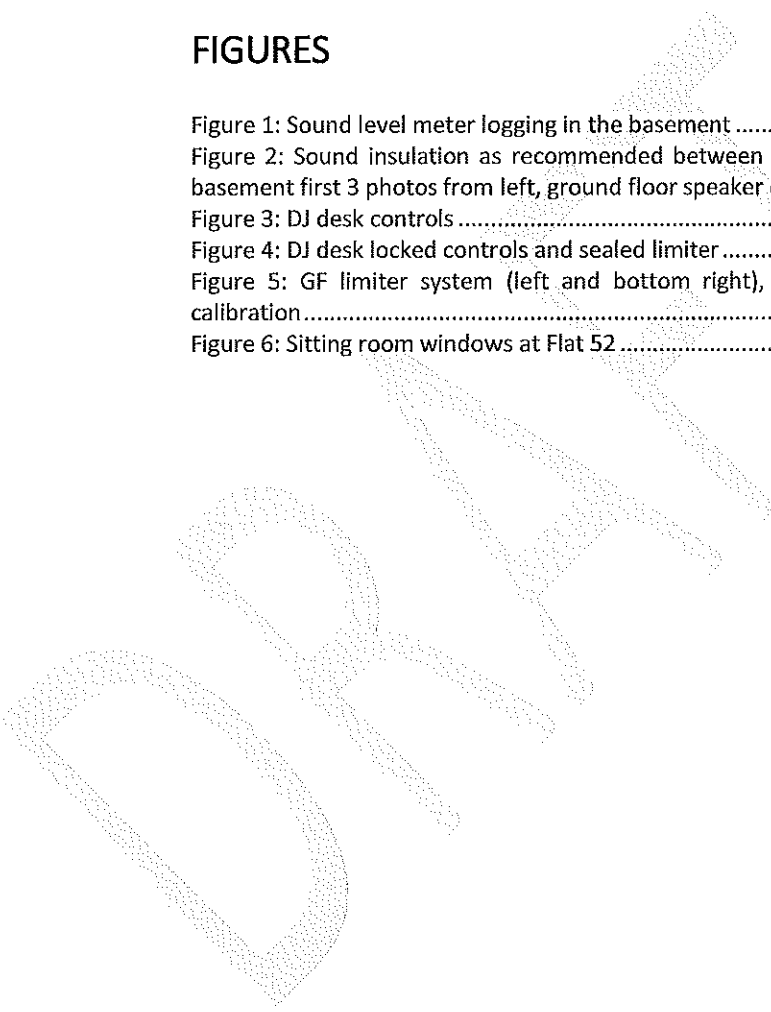


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## 1 INTRODUCTION

Sustainable Acoustics Ltd. visited the premises known as El Camion, 25-27 Brewer Street London W1F 0RR on the morning of the 24<sup>th</sup> November 2015, following up the previous visit done on the evening of the 31<sup>st</sup> October 2015. Access to flat 52, property of Mr Lynch, was granted allowing the control of audibility of music from the premises into this flat, where the sitting room is immediately above the ground floor of El Camion.

### 1.1 Context

The visit carried out on the morning of the 24<sup>th</sup> November 2015 was aimed at finding a suitable solution for all parties. During this event, the following people were present:

*Mr Peter Rogers and Ms Sara Rubio – Sustainable Acoustics Ltd (SAL).*

*Mr Ned Conran – El camion.*

*Mr John Crockford & Mr Mark Walshe – Environmental Science Team at Westminster City Council (WCC).*

*Mr Lynch and Mr White – Current occupant of Flat 52 and representative of the residents association.*

This meant all parties implied in the issue were present and therefore a suitable solution for everyone was sought.

During the previous visit there was no access available to flat 52 and therefore recommendations were given, based on an assessment of possible issues at the premises. These recommendations were explained in the previous short report, attached as Appendix 1 for further information, have now been implemented as explained in section 3.1.

## 2 METHODOLOGY AND INSTRUMENTATION

### 2.1 Overview

Measurements were taken at the premises (mainly basement and levels checked on the ground floor) and at the living room of Flat 52 throughout the morning of 24<sup>th</sup> November 2015. The duration of the measurements was of 1 minute unless the measurement had to be stopped earlier (e.g. end of song being played, measurement of specific part of song or interruption).

The levels at the basement were measured when using ipod/iphone plugged into the computer connected to the speaker system and when playing a CD, these levels were modified in order to be within the limits to avoid disturbance at the living room and bedrooms of Flat 52.



Background noise without music were measured at the basement of El Camion and in the lounge of Flat 52 to identify whether there was a noticeable or audible impact due to music generated in the basement. Measurements within the living room of Flat 52 were taken when music in the basement was being played through different sound sources (ie. an iphone and through a CD) and also when music in both the basement and the ground floor restaurant were being played, in order to make sure that the combined sound did not cause audible sound in the flat that was considered subjectively by the EHO to be likely to cause disturbance.

The noise monitors used by SAL and the EHO recorded the broadband parameters  $L_{Aeq}$ ,  $L_{Amax}$  and Z-weighted octave band values in the 63Hz and 125Hz bands, as these bands are the most relevant for "bass" sound transmission and music audibility within the residential property.

Once the acoustic limiters set up to achieve acceptable levels subjectively, signed seals were put in place to cover strategic adjustment ports so that evidence of any changes would leave a visual trace of a broken or tampered with seal.

As a secondary part of this assessment, the levels at the basement bar were measured in order to determine whether there should be a restriction on the number of hours El Camion staff should serve at the basement bar, in line with the requirements of noise at work regulations, attached as Appendix 3.

## 2.2 Instrumentation

Noise levels were measured using a Rion sound level meter, type NA-28 (serial number 00170246), with a Rion type UC-59 ½-inch free field microphone (serial number 00299) and a Rion type NH-23 pre-amplifier (serial number 60254) fitted. The microphone was fitted with a windshield during the measurements. The sound level meter, microphone and preamplifier were last calibrated in a calibration laboratory on 31 March 2015 and calibration and conformance certificates are available.

Prior to and on completion of the survey, the sound level meter and microphone calibration was checked using a Rion type NC-74 Sound Level Meter Calibrator (serial number 34773049). The Calibrator was last calibrated on 31 March 2015, in accordance with the requirements of ISO 10012 and a calibration and conformance certificate is available. No significant change in the calibration level occurred during the survey.

## 3 SOUND SYSTEM

The sound system equipment has not been changed since the previous visit. However, the recommendations made in the previous short report, attached as Appendix 1 here, have been implemented as explained in the following section.

### 3.1 Improvements since last visit

A sound level meter (capable of accuracy  $\pm 1.5$ dB) is constantly located in the basement, as shown in Figure 1. This measures sound levels continually to create a record of noise levels over operational times. This is an important part of the Noise management plan as it provides a



reference against which relative changes in noise level can be recorded, making it possible to establish retrospectively whether (in case of a complaint) the noise levels in the basement of the premises were likely to be above those set by the limiter or consistent with what was expected.

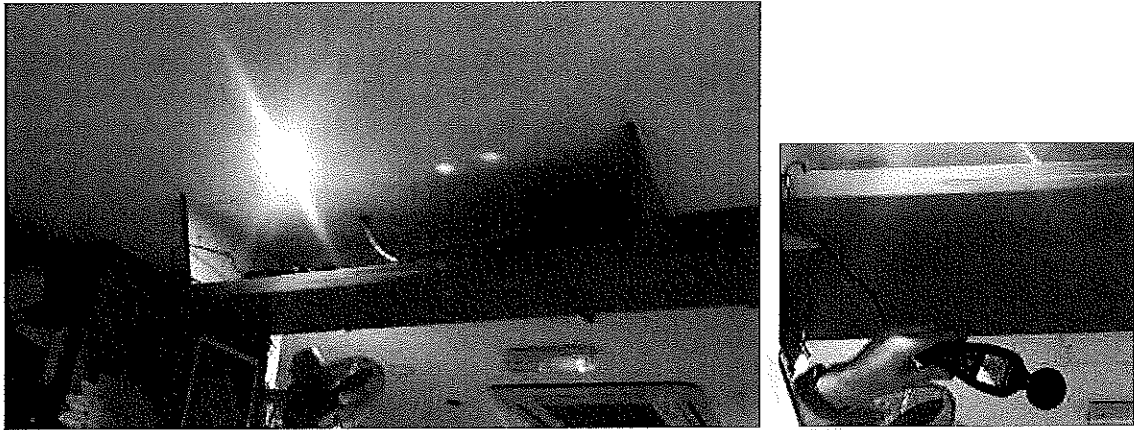


Figure 1: Sound level meter logging in the basement

One of the main issues that was identified during the last visit was the hard mounting of the basement loudspeakers to the walls, providing a good path for the sound to travel through the building structure to the flat above. This work has been completed in line with our advice by using neoprene layers that provide sound insulation between speakers and building structure, as it can be seen in Figure 2. This has resulted in a noticeable reduction of energy transfer to the structure.

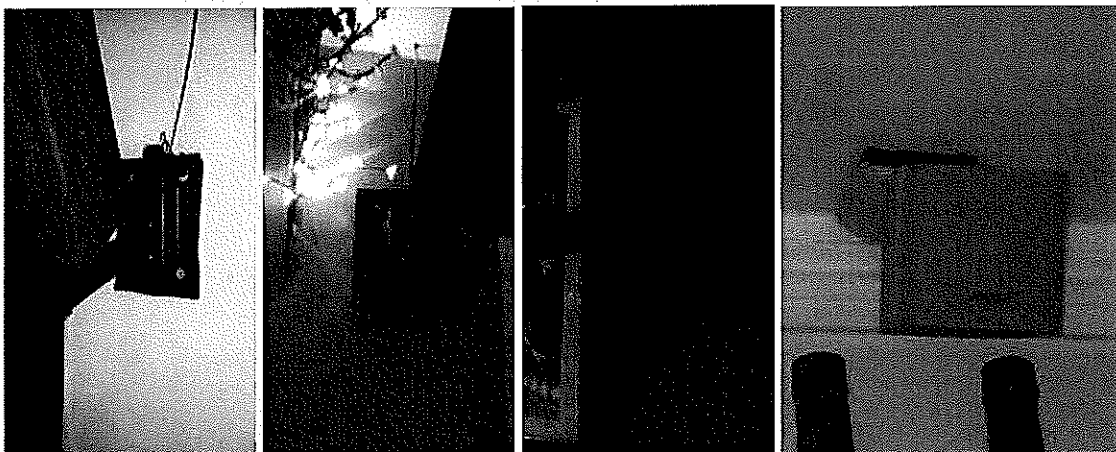


Figure 2: Sound insulation as recommended between speakers and building structure – basement first 3 photos from left, ground floor speaker on the right hand photo (with resilient mounting to ceiling)

The DJ desk is located in the basement. This system has an acoustic limiter that was set up during the previous visit by SAL and which was recalibrated during the visit on the 24<sup>th</sup> November in order to provide a fine tuning of noise levels so that they were not audible within Flat 52. Figure 3 shows the DJ controls, where if the DJ tries to increase the levels over the fixed limit permitted by the limiter, the sound signal is compressed and reduces the sound quality and level so that the operator is encouraged to optimise the levels to achieve good sound quality. The system is connected to the



locked control cupboard beneath the desk, where the limiter is stored. On the 24<sup>th</sup> November this was opened, the limiter fine-tuned and resealed using signed seals by Mr Rogers and the EHO afterwards as shown in Figure 4.



Figure 3: DJ desk controls

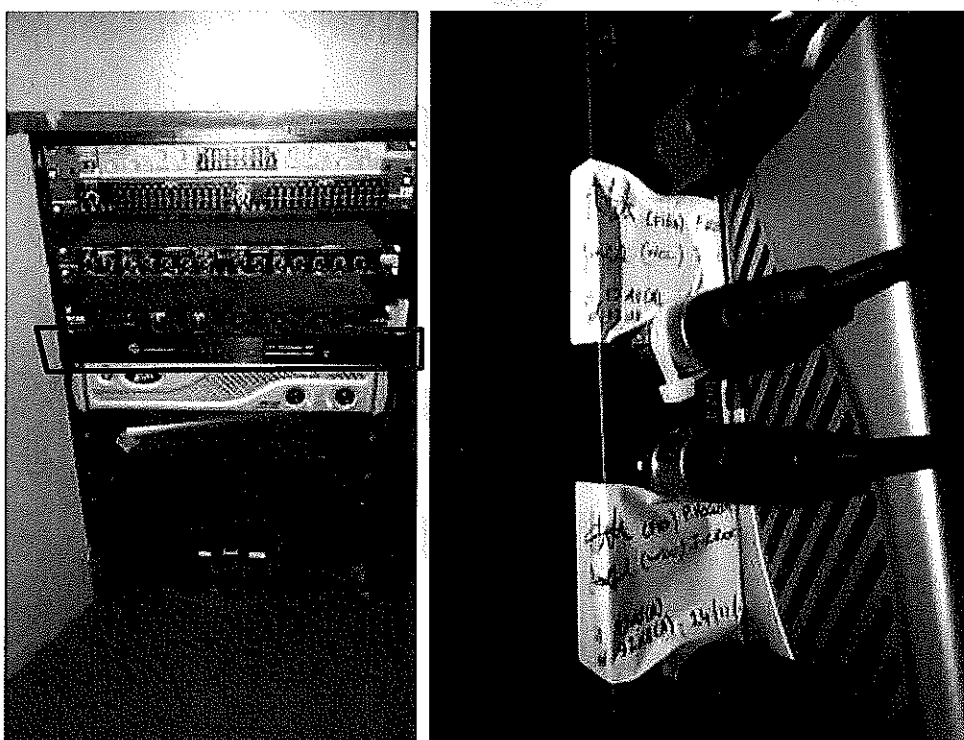


Figure 4: DJ desk locked stack (with limiter within red outline) and signed seals over limiter adjusters at rear

The ground floor system is used to provide background ambient music only for people eating at the restaurant. The limiter for this system has a microphone near a speaker and was set up so that levels did not exceed that demonstrated not to be audible in the flat above. It was then sealed in order to ensure the plugs could not be removed and the noise limits are preserved when the system was set to maximum. Figure 5 shows the ground floor system and the seals placed on the 24<sup>th</sup> November.

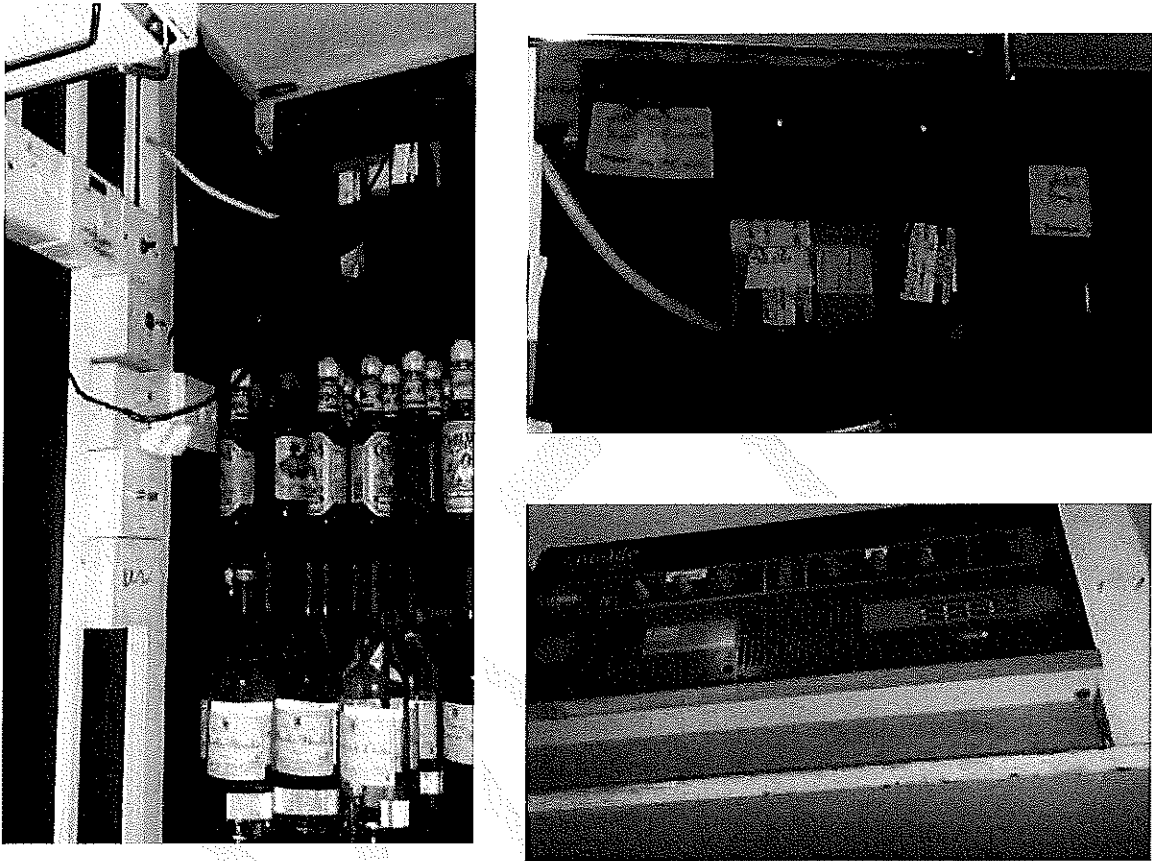


Figure 5: GF limiter system (left and bottom right), top right – 3 placed seals after calibration

#### 4 ACOUSTIC ASSESSMENT AND MEASURED RESULTS

In order to establish the noise limits at El Camion premises, noise levels were measured at the premises and inside Flat 52. Table 1 shows the measurements obtained by Sustainable Acoustics (SAL). The measurements in Flat 52 were taken in the sitting room, where the main background noise is from traffic from the road to the front of the property. As it can be seen in Figure 6, the sitting room has two big windows to the road.

Noise level measurements were also taken simultaneously by Westminster City Council (WCC). Throughout the day it was checked in several occasions that the levels measured by both sound level meters (SAL's and WCC's) were within 1dB of each other, which is within a good level of agreement. It was agreed that this data will be shared, providing an even more robust noise assessment, based on agreed data. Table 2 shows these measurements, all taken within the basement of El Camion.

The basement logger (property of El Camion) was not running, as this is only in operation during the night shift when the basement system is on. It was checked that the readings at several points throughout the morning of 24<sup>th</sup> November were close (within 1.5dB) to the levels being measured by SAL's and WCC's sound level meters.



Number	Time (hh:mm)	Duration (mm:ss)	Location - Notes	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>eq, 63Hz</sub>	L <sub>eq, 125Hz</sub>
1	10:28	01:00	Ambient in the basement (speakers on, but no music through) - next to DJ desk (dance floor)	49.4	51.0	48.6	51.0
2	10:30	01:00	Ambient in the basement (speakers on, but no music through) - under air-con system	52.2	56.3	48.8	53.3
3	10:32	01:00	Ambient in the basement (speakers on, but no music through) - next to speakers on the bar side	46.4	62.3	51.6	46.3
4	10:42	01:00	Flat 52 - ambient at the sitting room, 1 window partially open	37.0	50.3	47.8	42.4
5	10:43	01:00	Flat 52 - ambient at the sitting room, windows closed	31.0	36.2	47.4	40.2
6	10:53	01:00	Music from phone through speakers at the basement – next to DJ desk (dance floor)	81.8	87.7	70.8	80.3
7	10:55	01:00	same as 6, different song	82.1	87.7	85.9	85.7
8	10:56	01:01	same song as 7, next to speakers on the bar side	80.7	84.5	76.6	78.6
9	11:06	01:00	Flat 52 - sitting room. Music on basement (not as loud as usually) - not audible in flat in sitting position	31.7	42.0	44.7	41.7
10	11:26	00:32	Basement - different song - main peak at 125 Hz	91.8	95.7	57.1	80.5
11	11:26	00:18	Basement - same song as 10	87.0	96.5	77.7	85.7
12	11:32	01:00	Full sound level, same song as 6	82.9	89.7	90.8	92.3
13	11:35	01:01	Basement - different song - main peak at 125 Hz	83.4	88.9	80.7	98.5
14	11:37	01:00	same as 13	85.1	92.0	82.1	96.8
15	11:41	01:00	Basement - different song	96.8	107.0	83.9	91.2
16	11:43	00:30	same as 15, quiet part in term of low freq (bass)	96.6	106.9	77.4	87.6
17	11:44	00:50	same as 15, bass heavy part of song	96.4	104.4	87.5	90.9
18	11:52	01:03	change to playing CD as source	87.9	92.5	92.4	93.2
19	11:54	00:20	next to DJ desk with CD as source – increased bass	89.1	92.6	92.6	95.2
20	11:54	00:20	next to speakers bar side	84.1	88.4	86.0	88.3
21	11:55	00:26	by bar - 6dBA difference with level by DJ desk	83.1	86.7	89.3	87.0
22	11:56	00:31	bass part of song (by DJ desk)	86.6	90.8	90.5	93.6
23	11:59	01:01	(CD) different song (next to DJ desk)	88.6	97.2	87.8	97.5
24	12:03	01:00	same as 23	89.4	96.5	87.3	97.2
25	12:13	00:13	before adjusting limiter	89.9	94.3	90.8	98.7
26	12:13	00:16	After adjusting limiter down	88.1	95.7	90.6	95.9
27	12:14	00:15	After reducing it down until noise audible in Flat 52 (with CD)	84.5	89.6	89.2	92.4
28	12:15	00:40	signal decompressed (clean)	80.5	86.8	85.6	91.4
29	12:18	01:00	clean signal full levels (checked in flat), set up limit	92.2	102.6	81.1	85.0
30	12:23	01:00	check in Flat 52 if sound as measurement 29 is audible (not audible)	36.3	49.0	51.3	44.3
31	12:26	01:01	Inside Flat 52 – with ipod full blast (not audible)	33.6	51.3	48.7	44.9
32	12:30	01:00	Inside Flat 52 - CD full blast (not audible)	38.9	55.3	48.2	44.7
33	12:40	00:24	Flat 52 - CD + ground floor maximum level ambient music - exclude	40.2	50.2	53.7	50.2
34	12:41	00:20	same as 33 (music not audible)	37.9	42.4	54.4	49.3
35	12:45	00:40	ground floor noise level at restaurant corresponding to 33	72.1	79.4	72.3	69.2

Table 1: Measurements by SAL



Figure 6: Within sitting, looking towards windows overlooking street inside Flat 52

Number	Time (hh:mm)	Duration (mm:ss)	Location - Notes	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>eq, 63Hz</sub>	L <sub>eq, 125Hz</sub>
1	11:00	00:21	Basement – compare with Table 1 no.8,(9)	79.9	85.4	-	-
2	11:14	00:17	Basement – no simultaneous SAL measurement	86.5	92.1	-	-
3	11:30	01:00	Basement – compare with Table 1 no.10-12	79.9	85.6	83.6	86.9
4	11:31	00:47	Basement – compare with Table 1 no.12	80.5	87.6	87.0	90.0
5	11:34	00:18	Basement – compare with Table 1 no.13	77.2	81.8	75.1	91.7
6	11:34	01:00	Basement – compare with Table 1 no.13	80.9	88.1	74.1	92.6
7	11:35	01:00	Basement – compare with Table 1 no.13	82.0	88.1	73.5	92.3
8	11:36	00:30	Basement – compare with Table 1 no.13,14	82.1	89.6	72.9	92.5
9	11:39	01:00	Basement – compare with Table 1 no.15	94.1	103.0	77.9	87.7
10	11:40	01:00	Basement – compare with Table 1 no.15	94.2	102.3	80.7	87.6
11	11:41	00:22	Basement – compare with Table 1 no.15	94.0	103.8	73.0	83.9
12	11:42	00:54	Basement – compare with Table 1 no.15,16	94.4	101.8	-	-
13	11:51	01:00	Basement – compare with Table 1 no.18	85.0	89.8	86.2	87.8
14	11:52	01:00	Basement – compare with Table 1 no.18	87.2	94.1	90.2	92.9
15	11:53	00:02	Basement – very short measurement	88.6	90.1	89.3	93.8
16	12:13	00:32	Basement – compare with Table 1 no.25	85.1	90.8	89.1	95.7
17	12:13	00:44	Basement – compare with Table 1 no.26	80.5	86.5	84.4	93.1
18	12:16	00:59	Basement – compare with Table 1 no.28	91.8	98.9	80.8	87.2
19	12:24	00:55	Basement – compare with Table 1 no.30	90.8	98.7	83.3	86.2
20	12:25	00:16	Basement – compare with Table 1 no.31	89.2	98.6	62.0	73.6
21	12:26	00:48	Basement – compare with Table 1 no.31	86.6	96.6	79.0	79.8
22	12:28	01:00	Basement – compare with Table 1 no.32	81.6	86.0	82.9	85.9
23	12:29	00:01	Basement – very short measurement - exclude	79.7	82.0	83.3	89.4
24	12:29	00:21	Basement at bar – compare with Table 1 no.32	84.8	89.5	82.5	90.9
25	12:38	00:40	Ground floor – compare with Table 1 no.33	71.5	77.9	72.8	66.4

Table 2: Measurements completed by WCC Noise team





## 4.1 Noise Exposure of Staff in the Basement

The Control of Noise at Work Regulations (2005) establish exposure limits and action values, as explained in summary in Appendix 3. A level of 90dB(A) for 8 hours means that the daily lower exposure action value would be reached after 1 hour of exposure and the daily upper exposure action value after 2.5 hours. Where staff are exposed to levels like this their time of exposure needs to be limited, or hearing protection used. With the limited levels in the basement at the bar noise levels of  $\leq 85\text{dB(A)}$  (from measurement 24 in Table 2). This suggests that staff are likely to be exposed to levels above the lower threshold limit if working over an 8 hour shift. The shift would have to be less than 2 hours to reduce exposure levels below that. Where staff are to work for longer than two hours at the bar then it is appropriate to offer them access to suitable hearing protection (ie. earplugs with at least SNR 20dB performance). This is a voluntary on the employers part, at these levels of noise, but if accepted it is a legal obligation that employees use them.

## 4.2 Comparisons of objective & subjective results between SAL and WCC

The notes on Table 2 show the relevant measurement from Table 1 to compare the results obtained from the two sound level meters. The measurements were not started and finished at the exact same time, so it was expected that the levels would differ, however it was possible to find an approximate measurement time and pair the measurements taken by SAL and WCC.

As it can be seen by comparing Table 1 and Table 2, the measurements are within 1 or 2 dB of each other, being the  $L_{Aeq}$  values usually slightly higher for the SAL measurements. This is likely to be due to the differences in positions and sections of the tracks selected. The measurements in Flat 52 were being taken by SAL in some cases while levels at the basement were taken by WCC at their maximum level possible. This adds to the robustness of the exercise.

The first set up checked was with just the basement music, when this was played using an iPod connected to the computer that is connected to the sound system. The levels were adjusted so this was not audible in Flat 52.

It was established that when the music at the basement was from playing a CD it was just audible within the living room of Flat 52, but not in the bedroom. It was agreed that limits would be adjusted further downward to minimise the risk of noise intrusion within the residential property early in the morning. The difference between iPod and CD is the compression of the sound files being played since mp3s usually require smaller files and therefore has less sound information to reproduce. The CD therefore was used to test the worst case. Once the acoustic limiter was adjusted there was no audible music noise in Flat 52 when the music in the basement was operated at full levels. The WCC EHO within the flat was in agreement that this was the case.

The ground floor music only is used for ambient purposes. However, the limiter was set because of fears that there was a risk that it could be heard. Music was played at the maximum level together with CD music at the basement also at maximum level and it was confirmed by the resident, EHO and SAL personnel that this was not audible at the living room of Flat 52. Table 1 measurement no. 35 and Table 2 measurement no. 25 show the same value, 72 dB(A), measured at the ground floor when there was music at the upper limit permitted by the limiter. As a check, once all the limiters were set and sealed, measurements were again taken at Flat 52 for the different scenarios (Table 1,



measurements no. 30-34). It was agreed by all parties that the music was subjectively inaudible within the residential property for any of the possible set ups.

## 5 LIMITERS SET UP

The limiters at the basement and ground floor provide a pro-active way of controlling the music so that it can not go above certain noise limits, which have been adjusted such that all parties agreed that the music was sufficiently not audible in Flat 52. The limiter adjusters were then sealed by signed seals so unauthorised persons cannot change these limits without there being evidence of tampering on inspection.

The limiter at the basement allows refinement of frequency control, which was fine-tuned on the 24<sup>th</sup> November in order to avoid audibility of the “bass” elements within music in particular within the residential properties. This was done for the basement set ups for iPod and CD as sound sources to cover variability that can occur between tracks and for different inputs.

The ground floor limiter works in a different way to the basement limiter. On the ground floor, there is a microphone near to one of the speakers, which monitors the noise level from it. If it goes over the limit set for a sustained period (approximately 6 seconds) it triggers the limiter which cuts off the power supply to the amplifier so that the music cuts out. Once this happens, the music needs to be adjusted to a lower level in order to continue playing music and avoiding it happening again. This means that only background music can be generated and if the restaurant gets busy it is possible that people noise will increase to a point that it will activate the limiter and stop the music. In this case, it is recommended that either the music is then kept off, since the noise from people talking will provide the ambient sound. The added benefit of this is to stop the music from creeping up and competing with people noise, which would then result in increased levels of sound from customers trying to compete with the music, progressively escalating the noise level produced at the ground floor restaurant.

The limiters were adjusted by Mr Peter Rogers (SAL) during the visit on the 24<sup>th</sup> November. After measuring and checking that the levels were not intrusive to Flat 52, the final limits are shown in Table 3 below. These limits were agreed as suitable by all parties.

Limiters position	Music Noise Limits dB(A)
Basement - ipod	92
Basement - CD	85*
Ground floor	71

Table 3: Final limits at basement and ground floor

*\*It is important to note that although the CD sound level appears to suggest it is lower as an overall value this is because the bass frequencies are more effectively reproduced and so a lower level is needed to meet the limiter settings. In short it is more aggressively controlled because of the heavier bass that can be produced through the CD channels.*



## 6 ENFORCEMENT CHECKS

The limiters were set up and sealed at the basement and the ground floor in the presence of WCC EHO staff, which signed the seals. There are therefore a simple number of checks that can be completed to make sure the limiters are functioning correctly and have not been tampered with.

The **first check** is that the 3 seals on the ground floor system (used to secure switches and adjusters) remain unbroken. If they have been tampered with there is no guarantee that the limiter set up has not been changed. In the basement two seals can be inspected by asking for the cupboard beneath the DJ desk to be opened, slide out the limiter panel and check the rear to see if the seals have been broken, and the system is plugged into it. If intact the limiter is controlling the music levels to those set during this exercise.

The **second check** is to make a sound measurement in each space to see if the overall levels are at or below those set out in Table 3. This should be not more than 92dB(A) over 1minute in the basement bar, and 72dB(A) in the ground floor with no people noise. If this is the case it is likely the limiters are being effective.

The **third check**, which can be done retrospectively to check a complaint data, is to request sight of the basement sound level meter data, which should be kept logging noise levels at all times of operation, and the data downloaded regularly so it is possible to check noise levels in case of doubt or complaint. Where these levels appear to be more than 2dB above those set out in Table 3 for the basement then further investigation is justified. If not then it is likely the limits are being complied with, and other sources of noise should be considered (such as passing cars with entertainment systems).

Full recommendations have been attached as Appendix 2, giving a detailed noise management plan for the venue, which includes all measures that are considered necessary to fulfil their obligation for proactive prevention of nuisance, and to minimise the risk of further complaints due to noise. If they are following these steps then they are likely to be carrying out best practicable means to control noise, and therefore have a defence in law.

If any irregularities are found then it is considered appropriate to put these to the management of the El Camion to investigate before considering formal action.

## 7 CONCLUSIONS

The music noise from the basement and ground floors of El Camion have been successfully controlled by acoustic limiters that were set up to levels agreed as acceptable by all parties present (including WCC) during the visit on the 24<sup>th</sup> November 2015.

The assessment shows that El Camion staff serving in the basement bar during music should ideally not spend longer than 2 hours without considering the use of hearing protection to meet current regulations to protect their hearing.

It is expected that if the Noise Management Plan, set out in Appendix 2, in conjunction with the controls now in place that there should be no further music noise issues. A simple method of checking compliance has been provided for use by WCC.



## APPENDIX 1 Previous Acoustic Investigation report

DRAFT



## 1 INTRODUCTION

- 1.1.1 Sustainable Acoustics Ltd. visited the premises known as El Camion , 25-27 Brewer Street London W1F 0RR on evening of the 31<sup>st</sup> October 2015.
- 1.1.2 As no access was available to the flats above the exercise was limited to reviewing the noise management policy and control measures in order that the premises were controlling music noise as far as reasonably practicable.
- 1.1.3 There were acoustic limiters that control both the basement sound system, and the ground floor restaurant system. These were both reviewed and where possible set to reasonable levels, which are set out in this report.
- 1.1.4 Ways to tighten up noise control measures were also discussed and are set out in this report.

## 2 CREDENTIALS

- 2.1.1 Mr Peter Rogers was in attendance, whom is a Fellow of the Institute of Acoustics, a Chartered Engineer with over 20 years of this type of noise control. He also spent 5 years as an authorised local government officer dealing with nuisance complaints. He is a registered expert witness for acoustic matters, and is well placed to form an expert view on matters such as music noise control, and best technical practice within the industry. The opinions expressed within this report are those of Mr Rogers, who is a professional acoustic consultant, considered to be competent in this area.

## 3 CONSULTATION

- 3.1.1 Mr Rogers made contact with the Environmental Services of Westminster City Council, and dealt with Mr Kevin Ezeoguine, who had visited the residential premises occupied by Mr Lynch previously.
- 3.1.2 He explained that when he attended that he could hear bass music that was coming from the basement of the premises, but that it was not sufficient to be causing a nuisance (and therefore to breach the abatement notice that is under appeal) at the time. He did however suggest that it was likely to be due to the noise travelling through the structure, which needs to be addressed. We agreed that mounting the speakers on resilient mounts would be a helpful way to reduce this.
- 3.1.3 He also tried to gain access for the evening, and was planning to attend to determine what were appropriate levels, so the limiter could be set. He explained in a phone call in the evening of the 30<sup>th</sup> that Mr Lynch had declined to assist, which he said was “unfortunate”.
- 3.1.4 Mr Rogers kept Mr Ezeoguine aware that he was intending to attend despite this to provide as much advice as possible, although the lack of co-operation by Mr Lynch was obstructive to the venue being able to solve the alleged problem.



## 1 EQUIPMENT

- 1.1.1 Mr Rogers used a type 1 Sound Level meter, which is a RION NA28 (Serial number: 00170246, Calibration Certificate number U18435), to take measurements. It was field tested before and after measurements and no deviation noted. The calibration certificate extract is contained in Appendix 1.

## 2 SOUND SYSTEM

- 2.1.1 The basement sound system is located at the DJ booth on the edge of the dance area, with four large speakers connected to it, which are bolted to columns in the sub-structure of the building. The amplifiers run through a dBX compressor and a Lime acoustic limiter, which has a microphone near to the closest speaker and can be adjusted for overall gain, and also for high or low frequency output. The balance between each speaker can be set, and was set up such that the majority of sound energy was on the dancefloor, with the area near the bar filled in also. The adjustment of the limiter is necessary from the back, with a small screw driver adjuster.
- 2.1.2 The ground floor restaurant system is purely meant for use as an ambient system. There are four small speakers connected to it at the wall to ceiling junction. The amplifier takes a music feed from the downstairs system and plays it through a Lime plug in acoustic limiter, which is set to its lowest level. This system

## 3 ACOUSTICS ASSESSMENT

### Basement Music Limits

- 3.1.1 The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed to high levels (above 100dB(A) on the dancefloor).
- 3.1.2 The set-up of the mixing desk was altered so that all settings were on maximum and the limiter then adjusted to permit the maximum levels below to be achieved.
- 3.1.3 The best music quality was achieved when the mixing desk sliders were set to 0 (just out of clipping), but when pushed into the clipping zone the quality of the music reduced dramatically, so the incentive to operate in this zone is diminished.
- 3.1.4 The following music levels in Table 1 resulted once the limiter was set up to the minimum commercially acceptable music levels for the bar area and the dancefloor :

Position	L <sub>Aeq</sub> in dB(A)	L <sub>AMax</sub> in dB(A)	L <sub>eq</sub> in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Top bar	86	94	74	83	83	84	82	76	78
Dancefloor	90	92	73	84	80	88	87	79	76

Table 1 – Music Noise Levels set up on limiter in basement



- 3.1.5 Operating at above these levels are considered to be the lowest commercially workable levels for a bar, where music is a focal point of the entertainment, based on our experience.
- 3.1.6 It will not now be possible with the limiter set up as it is now to exceed these levels, although there could be some track to track variation.
- 3.1.7 As part of the noise management plan the management will regularly monitor the noise levels within the space, using a budget sound level meter to provide a helpful record that the overall levels from night to night remain within limited levels. Records will be kept and will be available for inspection by WCC in the event that a complaint needs investigation.

### Loudspeaker mounting

- 3.1.8 The loudspeaker mountings in the basement were directly in the structural frame of the building, providing a route for acoustic energy to transmit up the building. It is the opinion of Mr Rogers that this is likely to be the route of energy transmission affecting Mr Lynch's flat, which is in agreement with Mr Ezeoguine views.
- 3.1.9 To reduce the transmission as far as reasonably practicable it is recommended that a resilient mounting technique is used to decouple the speakers from the wall. This should include at least a 10mm neoprene pad that should separate the mounting plate and the wall. Then neoprene washers to the bolts should be used to create the separation required. This would employ best practice.

### Restaurant Music Levels

- 3.1.10 The restaurant music system is small, and only capable of providing mid to high frequency sound, so not capable of producing the bass music being complained of. Despite this it is appropriate to have checked what level this system was set to play at. The measured sound levels with and without music are presented below, in Table 2.

Position	L <sub>Aeq</sub> in dB(A)	L <sub>AMax</sub> in dB(A)	L <sub>eq</sub> in dB						
			63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
With ambient music on	77	85	68	69	68	73	72	71	62
People noise only at quiet period (no music)	67	78	70	66	62	65	61	60	56
People noise only at busy period (no music)	76	82	70	68	65	72	71	68	65

Table 2 – Music Noise Levels set up on limiter in ground floor restaurant

- 3.1.11 It can be seen that the music levels do not affect the levels when the restaurant is busy, from voices alone, which means it is truly ambient and not the focus of attention or of such a level likely to be audible in the flat above.



## 4 MUSIC CONTROL RECOMMENDATIONS

4.1.1 The following recommendations are made to ensure that the premises maintains control of music noise to their best technical and practicable ability, which is necessary to provide a best practicable means defence. This does not infer that they were not doing so in the past, but ways in which they can better tighten their noise management policy, to proactively protect the quality of life of those living above.

### Acoustic Limiter setting

4.1.2 The basement acoustic limiter has been now set up, and the adjustment ports sealed by signed and dated seals (by Mr Rogers) which prevent it being altered. It means that if the house system is used in the basement that music noise levels will be consistently kept below the values in table 1, with some minor variation possible between tracks.

4.1.3 With access the flat this can be tweaked in future but provides a robust and best practice control measure.

4.1.4 The first floor music system is currently unlimited, but is a low energy system, with small speakers capable of only providing low levels of sound to provide ambient music only, such the noise from people is likely to be the source more likely to exceed music levels. As this is not a source for complaint Mr Rogers is confident that the current levels would not cause audible music noise within the flat above. As such use of the limiter is a helpful precaution to provide reassurance to WCC that these levels are not being exceeded. The limiter is in the process of being set up, so that the noise levels can be controlled in the way the basement system is. This will be set up and the adjuster sealed so that music levels do not exceed those in table 2, when the basement system is refined.

### Loudspeaker mounts

4.1.5 By added neoprene between the speaker mount and the wall, with resilient washers to avoid connection through the bolts a significant reduction in structure borne noise transmission is expected by up to 80%. As it is not practicable to mount the speakers without contact to the wall, due to space, this approach is employing the best technical solution available.

### Noise Management Plan

4.1.6 In addition to the control of level and reduction of the transmission paths the venue is recommended to clarifying its management policy around noise control. This will include a noise complaint procedure, which residents will be encouraged to use, to solve any problems at source.

4.1.7 The Noise Management Plan in Appendix 2 is recommended to form a basis for a noise management plan, which should be employed at all times, to minimise the risk of noise form music, people and other associated activities. This is far more reaching than simply music, but sets that benchmark for being able to demonstrate clearly how proactively the licensing objective to prevent public nuisance is being done.

4.1.8 It is recommended that the draft plan is tailored to a workable format for the premises, from that contained in Appendix 2, and submitted for comment by WCC Noise team. Once agreed this would become a basis for checking compliance with Best Practicable Means by that department, in the proactive prevention of nuisance.





## 5 CONCLUSIONS

- 5.1.1 Following the acoustic assessment was completed by Mr Rogers of Sustainable Acoustics Ltd. on the 31<sup>st</sup> October 2015, who is a suitably qualified expert in acoustics.
- 5.1.2 The basement noise limiter was set up, and sealed to limit the music noise levels to not exceed  $L_{Aeq,5min}$  87dB(A) in the areas in front of the bar, and 90dB(A) in the dancefloor area, which are the lowest levels considered commercially viable for the venue. The noise spectrum in each location was measured and is presented in Table 1, and should be used as a baseline condition for testing subjectively in the premises above. If adjustment is necessary this will only be likely in the bass frequencies, which can be done in conjunction with WCC, if Mr Lynch choses to co-operate in the future.
- 5.1.3 The ground floor system was checked (and is currently unlimited and awaiting resetting of the limiter as a feedback mic is being added to the system to improve its effectiveness. The levels of music noise do not exceed the noise from people, so is truly ambient and considered highly unlikely to be audible in the flat above. However as a precaution the limiter can be set to keep music noise levels to those set out in Table 2, if a setting exercise is completed in the way that was done for the basement. Use of this system until this time will be unlimited, and therefore remains a risk factor and so should only be used during non-sensitive times (ie. use only between 08:00 and 21:00) sparingly.
- 5.1.4 Advice has been provided for mounting of the speakers in the basement to reduce the transmission of acoustic energy by up to 80%. This will reduce further the bass energy that transmits through the structure, and permit higher music levels to be achievable. This will be taken into account when the limiter is refined, if access is granted to the flat above.
- 5.1.5 A noise management plan is recommended to be a general way in which the premises can continually demonstrate that they are implementing the proactive prevention of nuisance, as required by the licensing objectives.
- 5.1.6 If the recommendations within this report are implemented it is the professional opinion of Mr Rogers that it is unlikely that Mr Lynch will experience further intrusion, and that if he does that all best practicable means steps will have been taken, such that the business should be required to go further. Under such circumstances Mr Lynch will need to appreciate the character of the vicinity in which he lives is premised to provide some reasonable noise.
- 5.1.7 On this basis it would be appropriate to withdraw the abatement notice, as a result of the control measures that are put in place.



## APPENDIX 2 Noise Management Plan

DRAFT



## Noise Management Plan

### A: Music Control Steps

- All amplified music played in the venue is now controlled in level and frequency by sound limiter equipment, which was set and sealed on the 24<sup>th</sup> November 2015. The Local Authority (WCC) was present during this process. Further input from the Local Authority will be invited should this need to be amended or refined in future, as the seals would need to be renewed.
- No external audio equipment will be permitted to be used, unless approved to not exceed the levels set out in Table 3 of the report Sustainable Acoustics Report, dated 03/12/15. It is understood that no other equipment other than that checked during the exercise on the 24<sup>th</sup> November 2015 would be used.
- All external suppliers of entertainment (ie. DJ's) will be required to enter into a Service Level Agreement, which captures in writing that they agree to operate through the limited house system, and if they are found to not be will not be permitted to continue to supply services to the venue.
- signs shall be displayed on the premises in strategic place, to remind customers to keep noise down when outside, they leave. Signs in staff areas should also remind them of this when they are in outside areas

### B: Management Mitigation Steps

- A representative of the premises will ensure that the levels of sound during each operational run of the basement are recorded from the designated location, using a Sound Level Meter which records the  $L_{eq}$  (set to "A" and "slow") for the duration of the run. This information will be downloaded regularly and held on record to provide indicative evidence of the historical music levels, which will be made available to WCC on reasonable request.
- The management staff will be aware of the limiters and the music levels they are set to.
- The premises will provide a single point of contact for complaints, which is made available to residents that might be affected by noise from the premises (which may be a mobile number) and they should be encouraged to call it should they have a complaint about noise covered herein.
- In the event of a complaint every effort should be made to quickly check that the control measures are in place, and working, then to proactively reduce levels voluntarily until such time as the complaint has been fully investigated and satisfied that it is not justified. If it is then all reasonable steps should be taken to resolve it, and records kept of the actions taken.
- If the seals are broken then they should be reset by WCC and the appointed acoustic consultant.

### C: Enforcement Checks

- A representative of WCC may at any point visit and request to check the limiters or the historical record of noise time histories by date, to check for irregularities in the measured noise levels.
- A simple visual check for the limiters is encouraged to show that the seals remain intact.



- A measurement check can be completed by WCC where there is remaining doubt, to check whether ambient music levels are at or below  $L_{Aeq,1min}$  levels shown in Table 3 of the report by Sustainable Acoustics Report, dated 03/12/15, which are 92dB(A) for laptop or ipod inputs, and 85dB(A) for CDs on the dancefloor area, and 72dB(A) in the ground floor bar due to music alone (in the centre of the floor)

#### **D: Best practice Steps**

*Management protocols are advices to take a proactive preventative role to minimise disturbance.*

- Dispersal: Signage and active management is recommended to encourage people inside the premises after midnight if necessary, and quiet dispersal of groups encouraged or loitering discourage outside by staff. This includes outside the rear door which can be used by the staff for short breaks.
- Opening/closing: Special attention should be made if the premises are being opened or closed during the night time hours. Setting of alarms, doors being shut and other possible noise sources should be kept to the minimum noise level possible.
- Bottling out and disposal: It is recommended that this is done during daytime hours only, ideally between 07:00 and 22:00 hrs to avoid sleeping disturbance.
- Deliveries: This should be made between 07:00 and 23:00 hrs to minimise disturbance.



## APPENDIX 3 Noise at Work Regulations Summary

DRAFT



## **1 NOISE AT WORK REGULATIONS**

The Control of Noise at Work Regulations establish criteria to limit the exposure of employees to noise levels that could result in hearing loss. The Regulations also specify that there is a general duty for employers to ensure that the risk to health and safety of employees from exposure to noise shall be eliminated at source or reduced to the lowest level reasonably practicable (Regulation 6). There is also a like duty to any other person at work who may be affected by the work carried out.

The Regulations define lower and upper exposure “action values” and an exposure “limit value”, that are based on the total noise exposure during the working day, the  $L_{EP,d}$ , and a peak sound pressure level  $L_{Cpeak}$ . If the exposure of an employee varies markedly from day to day a weekly exposure may be used. The total noise exposure can be derived from the logarithmic summation of the various levels of noise to which the worker is exposed, taking account of the period of exposure to each level. The action values do not take account of the use of hearing protectors, however account is taken when determining whether the limit values are met.

### **1.1 Lower Exposure Action Values**

The lower exposure action values are:

- a daily or weekly exposure of 80 dB(A); and
- a peak sound pressure level of 135 dB(C).

The first action value of 80 dB(A) takes account of the evidence that there is a small risk of hearing damage below 85 dB(A). At or above this level the employer should ensure a suitable and sufficient assessment of the risk to the health and safety is undertaken, which may include the need to measure noise levels. The purpose of the assessment is to identify employees likely to be exposed to at or above these values and propose measures that need to be taken in order to minimize the risk.

It is also necessary to provide hearing protectors to employees who ask for them. It is not compulsory for them to be used, but information about hearing protectors and how to obtain them must be available. General information, instruction and training should be carried out to reduce the risk of exposure to noise as detailed 2.5 of this report.

### **1.2 Upper Exposure Action Values**

The upper exposure action values are:

- a daily or weekly exposure of 85 dB(A); and
- a peak sound pressure level of 137 dB(C).

These values reflect that there is a quantifiable risk of hearing damage from exposures between 85 dB(A) and 90 dB(A). If any employee is likely to be exposed to noise at or above an upper exposure action value, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of organisational and technical measures, excluding the provision of personal hearing protectors, which is appropriate to the activity.

The Regulations require that, where the second action level of 85 dB(A)  $L_{EP,d}$  is likely to be exceeded, all employees likely to be exposed to these levels shall be provided with hearing protectors and are obliged to wear them.

The area in which the noise exposure occurs should be designated a Hearing Protection Zone and demarcated and identified by means of the sign specified for the purpose of indicating that ear protection must be worn in paragraph 3.3 of Part II of Schedule 1 to the Health and Safety (Safety Signs and Signals) Regulations 1996. Access to the area should be restricted where practicable and the risk



from noise exposure to persons entering justifies it. Where practicable, the employer should ensure that anyone entering the area is wearing personal hearing protectors.

### 1.3 Exposure Limit Values

The exposure limit values are:

- a daily or weekly exposure of 87 dB(A); and
- a peak sound pressure level of 140 dB(C).

In applying these values, unlike the action values, the noise attenuation provided by the use of hearing protection can be included. The exposure limit values should not be exceeded. If it is discovered that an exposure limit value is exceeded, the employer must ensure that the exposure is reduced forthwith, identify why it occurred, and ensure that it does not occur again.

### 1.4 Health Surveillance

If the results of an assessment of the risk to health and safety indicate that there is any risk of hearing damage, the employer must ensure that a programme of health surveillance is implemented for the affected employees. This would normally require hearing tests to be undertaken and records of the results kept and made available to employees.

If identifiable hearing damage is found, the employee should be examined by a medical doctor or specialist to whom the doctor refers the employee. If it is considered that hearing damage is likely to have been caused by exposure to noise at work the employee must be informed and organisational and technical measures should be reviewed for all employees with a similar exposure to noise. The employer should also consider re-assigning the employee to work where there is no further risk, under consultation with the employee.

### 1.5 Information, instruction and training

Where an employee is likely to be exposed to noise at or above the lower exposure values, a programme of information and training should be provided to reduce the risk of exposure to noise, where appropriate. This should also extend to people who may not be directly exposed to the same level of noise, but are responsible for the employee's working practice and safety, and to any other people who are likely to be present where the work is being carried out. The information provided should include:

- the nature and severity of risk;
- the exposure action values;
- details of organisational and technical measures taken to reduce the risk;
- the availability and correct use of hearing protection;
- how employees can detect and report hearing damage;
- employees' entitlement to health surveillance (hearing tests);
- how employees can minimise their exposure.

Generally employees can minimise exposure to noise by:

- turning off equipment when not in use;
- avoiding noisy areas unless it is necessary to be in them;



- taking regular breaks in quiet areas;
- avoiding excessive noise outside of work;
- ensuring hearing protection is always used when in noisy areas, not just when required by the regulations.

It is particularly important that young employees are encouraged to, and get into the habit of, using hearing protection. Personal hearing protection can take the form of ear plugs, or ear muffs. The former tend to be more comfortable, but there is a risk of ear infection if they are removed and replaced using dirty hands. The use of hearing protection may be a particular problem where speech communication is needed between employees. It is recommended that a small range of options is made available so that each employee can select the protectors that best suit their needs. It is important that manufacturers' guidelines are consulted when selecting suitable protection as performance varies considerably. All hearing protection must be in a good state of repair in order to work effectively.

Detecting potential hearing damage, other than by the results of a hearing test, can be made by employees' observations. If an employee often experiences the sensation of ringing or buzzing in the ears or temporary threshold shift (a degree of deafness that recovers after a period of time) there is a significant risk of hearing damage with continued exposure. Sounds may become muffled or distorted and it may be difficult for the person to understand speech. If employees have to raise their voices in order to communicate at work it is likely that noise exposure is high.

*For further information : <http://www.hse.gov.uk/pubns/indq362.pdf>*





LICENCE  
CONSULTANTS

## Licensing Observation Report

Name of premises	El Camion
Address of premises	25 Brewer Street, W1
Day, date and time.	Friday 20/11/15 23:00 – 02:00hrs
Name of person conducting observations	Deon van Niekerk

### 1. Introduction

- 1.1. I have been a Director of Licence Consultants since its inception in 2004. The main role of the company is to help clients with compliance with legislation and to promote best practice within the hospitality industry. As licensing practitioners we also have a duty to promote the Four Licensing Objectives under the Licensing Act 2003. I carry out regular observations visits to licensed premises.
- 1.2. I have worked in the hospitality industry for 30 years.
- 1.3. I was tasked with carrying out observations with regard to the noise levels within the venue, noise break out and the general operational procedures of the venue. This included observations of the management of the external area immediately outside the bar.

### 2. Background

- 2.1. I was tasked with carrying out observations with regard to the noise levels within the venue, noise break out and the general operational procedures of the venue. This included observations to the management of the external area immediately outside the bar.
- 2.2. The observations were carried out between 23.00 and 02.00 hours (Friday night going in to Saturday morning). The weather conditions were cold and wet.

- 2.3. Observations were conducted predominantly from a static monitoring point inside the basement bar within the premises although I was frequently moving around the room. This monitoring point gave an excellent view on the room (I could see 80% at all times) and was directly under a speaker.
- 2.4. Observations were recorded into my Blackberry throughout the evening.

### **3. Summary of Observations**

#### Noise

- 3.1. The music throughout the evening was provided by a DJ (named Kofi). The volume for a bar of that nature was below that of what would normally be expected. It was at a fairly consistent level throughout the night. Although the volume did rise slightly as the evening went on the number of people also rose thus allowing for more sound absorption. The rise in volume was actually very small overall.
- 3.2. There were no spikes at all in the volume at all. The music style was consistent throughout the evening (a commercial mix of popular and chart R&B) with seamless transitions between songs. The mixing and sound levels between each song was very smooth.
- 3.3. I was positioned directly in front of the speaker the entire evening. I was able to conduct a normal conversation with my companion. I went round and listened to two other speakers and they all appeared to emitting the same volume.
- 3.4. I could not here any noise upstairs at all upon arrival and when I left. This was in the small lobby immediately as you enter the premises.
- 3.5. There is noise out break out of the basement room that emanates toward the toilets. The door was open all night and there is music audible in this corridor that is at a similar level to what is in the room. The hard surfaces and the lack of people do not do anything to dampen the sound in this area.

#### Security

- 3.6. There were two visible security guards on duty. Both wearing SIA badges. Ishmael appeared to the senior door supervisor on duty and was predominantly manning the front door, overseeing the external area and controlling the smoking area.
- 3.7. The second door supervisor was positioned at the entrance of the basement bar. The two guards both had radios and were in constant

communication with each other and appeared to be a very efficient team. They also has direct communication with Adam (who is a manager I believe) who was on the same channel.

- 3.8. Both door supervisors were highly proactive throughout the evening and in control of the premises.
- 3.9. The welcome on the door was very good and clearly this bar has a lot of regulars. Many people were greeted by name with handshakes and there was none of the surly attitude often associated with door supervisors. Indeed when I left, Ishmael, who had sorted out my membership when I had arrived 3 hours earlier, said goodbye to me by name.
- 3.10. Guests who arrived who were not members were turned away.
- 3.11. The downstairs door supervisor was constantly doing head counts and had a clicker in his hand at all times, monitoring the numbers.
- 3.12. I did four head counts throughout the visit and the most guests in the room at any one time was 45.

#### Management

- 3.13. This is a very well managed premises. There was a female manager who appeared to be in charge downstairs. She was nonstop throughout the visit. She was interacting with her staff and guests and was constantly moving around the room picking up empty bottles and glasses regularly.
- 3.14. She was highly effective and the premises felt very much under control. There were no situations per se that required her to deal with but had there been she was in position to do so.
- 3.15. The bar felt safe, well controlled with a very good atmosphere. Most guests were in there late 20s early 30s and were clearly a likeminded sociable crowd.

#### Staff

- 3.16. The staff were friendly, smart and efficient. The drinks were very good and the service was excellent.
- 3.17. I ordered two drinks and when I went back some 40 minutes later to get another round the bartender (Adam) remembered the order.
- 3.18. I periodically watched cash handling behind the bar and there appeared to be good till integrity.

#### Outside Area

- 3.19. The smoking area is well demarcated with ropes and all guests smoking stayed within this area.

3.20. Guests waiting to enter the premises when I left were to the left of the door (as you exit) and smokers to the right.

3.21. There was no obstruction of the public highway.

#### Intoxication

3.22. I did not see any intoxicated guests during the observation. The customer demographic is mature crowd who were all enjoying themselves in a salubrious way.

#### Toilets

3.23. The toilets were clean and orderly with no evidence of drug dealing or drug taking. The manageress was actually observed changing the toilet paper in the ladies which would indicate that they are being monitored by the management.

### **4. Conclusions & Recommendations**

4.1. A summary of the observations with consideration of potential impact on the Four Licensing Objectives is provided in this section.

#### Prevention of Crime & Disorder

4.2. I did not witness any crime or disorder during the observation.

#### Recommendation

4.3. There was a lot of unattended property left in the seating area and people constantly rummaging around to find their jackets etc. Consideration should be given for a cloakroom although I appreciate that space is at a premium.

#### Public Safety

4.4. The premises felt safe and under control at all times during the observation. I did not witness any safety issues.

#### Recommendation

4.5. The door supervisor posted downstairs was repeatedly doing head counts. Consideration should be given to using two clickers for an in and out count to help keep track of the running total. The hourly figures should be logged as part of the premises' due diligence.

#### Prevention of Public Nuisance

4.6. I did not witness any issues that I believe would give rise to a public nuisance.

- 4.7. No music noise was heard emanating through the doors, even when standing immediately on the pavement outside. There was no audible music in the lobby area when I arrived.
- 4.8. There were a few people outside in the smoking area which was well managed, being controlled by vigilant door staff. Roped barriers ensured that there was a clear demarcation between pavement and smoking area and that the pavement was not obstructed.
- 4.9. There was a near constant presence, either manager or security, on the front door throughout the evening. Staff were seen to be proactive in dealing with enquiries efficiently and effectively and ensuring the pavement was kept clear.
- 4.10. Customers queuing were orderly and there no signs of intoxication or anti-social behaviour.
- 4.11. At no point did I witness the use of either the pavement or road being impeded through the main door on Brewer Street.
- 4.12. The general background noise levels in the area are relatively high with a near constant flow of vehicle and people traffic. Brewer Street is a busy thoroughfare in the heart of Soho.
- 4.13. I did not witness the manageress (or any other staff member) doing sound readings.

#### Recommendations

- 4.14. There is fan attached to the wall. This is driven by a motor that effectively vibrates. The speakers are attached to the wall with rubber to reduce the attenuation. Consideration should be given to adopting the same principle with the fan.
- 4.15. Consideration could be given to an acoustic curtain across the lobby door way in the basement with some other sound absorbing material in the corridor. There is no suggestion that music noise from the basement could be heard outside the premises.

#### Protection of Children from Harm

- 4.16. During the period of observations I did not witness anything arising from the operation of these premises that would have a negative impact on protecting children from harm.
- 4.17. Customers arriving at and entering the venue appeared to be over 25 years. There were no signs of any juveniles attempting to enter the premises.

- 4.18. Security and management were diligent in vetting all patrons prior to entry. Apart from those holding membership cards all guests had to be signed in by a member and the register kept at front door.

Recommendations

None.

Deon van Niekerk

25<sup>th</sup> November 2015

## Owojori, Olaposi

---

**From:** Mark Browning <mbrowning@balaw.co.uk>  
**Sent:** 24 February 2016 19:44  
**To:** Owojori, Olaposi; 'licensing licensing'  
**Cc:** Thomas, Sally  
**Subject:** RE: El Camion, 25-27 Brewer Street, London, W1F 0RR 15/11278/LIREVP  
**Attachments:** Reps for El Camion.doc; FW: El Camion - licence application - 15/11278/LIREVP

Hi Ola

Thanks for this. Just one typo, and one other matter;

Your rep summary (attached) lists Alice and Adam Harrison as supporting the Review, whereas they are objecting to it.

I understand also that there was a late rep from a local resident also objecting to the Review. Whilst I appreciate that it was out of time, I would like to ask nevertheless whether the panel would take it into consideration (attached).

It may be too early at this stage, but do you know which matters are being heard the same day (10<sup>th</sup> March) and whether we are likely to be heard at the beginning or end?

Many thanks

Mark

Mark Browning  
BA LAW Limited  
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B·A·GROUP



## Owojori, Olaposi

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**Subject:** FW: El Camion - licence application - 15/11278/LIREVP

-----Original Message-----

From: Matt Foy [<mailto:matthewjamesfoy@gmail.com>]

Sent: 07 January 2016 12:21

To: Licensing

Subject: El Camion - licence application - 15/11278/LIREVP

Dear City of Westminster Licensing Service,

Thank you for your letter reference 15/11278/LIREVP regarding the review of premises licence for El Camion restaurant and bar, 25-27 Brewer Street, London, W1F 0RR.

I live a couple of doors down from the premises and regularly enjoy eating in the restaurant and bringing friends for drinks in the downstairs bar. In my opinion El Camion is an exceptional establishment. It is a unique part of the Soho culture and nightlife where people of diverse backgrounds come together. It is also meticulously run, never allowing the downstairs to become over capacity and unlike many venues with late licenses, external noise is kept to a minimum, and the guests are polite and well behaved.

In particular this is down to Matthew the manager and Ishmel the doorman, who take their roles extremely seriously.

Living in Soho invariably comes with a fair amount of noise from the street. However, the majority of noise I experience is from rickshaw cycles blasting music, general revelry/singing/shouting from pedestrians as they walk by, and from refuse collection vehicles. I wholeheartedly support every aspect of their licence being renewed.

Please do contact me if you need any further information.

Yours faithfully,

Matthew

13 Brewer Street  
Soho  
W1F 0RH

Matthew Foy  
[matthewjamesfoy@gmail.com](mailto:matthewjamesfoy@gmail.com)



**Owojori, Olaposi**

---

**From:** Ken White <ken@sohoha.org.uk>  
**Sent:** 02 March 2016 09:45  
**To:** Owojori, Olaposi  
**Subject:** FW: El Camion  
**Attachments:** update.docx

Dear Sir

Please find attached my reply to the licence holder's submission to be included in the review documents for the hearing.

Kenneth White

**Ken White**  
Volunteer  
020 7557 7400



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Dear Sir,

I write as one of the Applicants for the above referenced review application. The purpose of this letter is twofold:

1. To address/clarify/respond to certain matters raised in the evidence submitted on behalf of the licence holder;
2. To update the Licensing Sub-Committee on the current situation

I should be extremely grateful if you would include this document in the Report to Sub-Committee. I have copied it to Mr Browning, who is acting on behalf of the licence holder.

### **Submissions of licence holder**

On 22 December 2015 we received a copy of the licence holder's submissions. Although we have no comment to make on much of this documentation, there are certain aspects of Mr Conran's statement to which I thought it might be helpful to respond prior to the Sub-Committee meeting. I have done this by quoting the relevant section of the statement in the left hand column of the table below, and provided my response in the right hand column.

<b>Mr Conran's statement</b>	<b>Mr White's response</b>
'He said that he had been a police officer for 30 years, and that we should be careful as he had many powerful friends.'	As far as I am aware, I do not have any 'powerful' friends and I refute the suggestion that I said this. In any event, I retired from the police 13 years ago and so have all my colleagues.  The police have not made a representation on this review. 'Prevention of crime and disorder' is not a ground on which the review has been brought.
'He has let me know on a number of occasions that he has made it his personal mission to rid Soho of any late licences, and that he was personally involved in the closure of Madame Jojo's and Escape...'	I was not 'personally involved' in the closures of those premises but, living opposite and being concerned about the events which gave rise to the reviews, I did make a representation supporting the police's action.  This is the first review of a premises licence I have applied for under Licensing Act 2003.
'I heard nothing further from him for two years, and drew the conclusion that the issue had been rectified...'	This conclusion was drawn without Mr Conran ever checking with Mr Lynch or myself whether the issue had been rectified.
'There has always been a limiter in the basement which is of the compressor/gate type and has adjustment knobs on the front of the device. It was kept in a locked cabinet to which only senior management had access, so Mr White's reports	I refer the Sub-Committee to the first 'Acoustic Investigation' Noise Report commissioned by the licence holder (attached as Appendix 1 to the second Noise Report). It states at paragraph 3.1.1 that 'The basement system was inspected,

<p>of music turned up and down randomly are simply not true.'</p>	<p>and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed (sic) to higher levels (above 100d(B)A on the dancefloor).'</p>
<p>'Is there a suggestion that the license (sic) was granted by anything other than a legitimate and proper process?'</p>	<p>No.  I was simply expressing my surprise that a 3am licence had been granted in this location within a residential block.</p>
<p>'I refute the misleading allegation that '...very regrettably, the limiter in the basement had not been kept at the level agreed and set in 2013.'"</p>	<p>I refer the Sub-Committee once again to the first 'Acoustic Investigation' Noise Report commissioned by the licence holder (attached as Appendix 1 to the second Noise Report). It states at paragraph 3.1.1 that 'The basement system was inspected, and found to be in an unlimited and unset state, so the mixing desk sliders did enable the music levels to pushed (sic) to higher levels (above 100d(B)A on the dancefloor).'</p>
<p>'Statements such as 'Mr Lynch and his children settled down to 2 years of disturbed sleep' do not belong in a document such as this.'</p>	<p>On the contrary, it is essential information for the Sub-Committee to consider. This was precisely the effect that loud music noise has had on Mr Lynch and his family.</p>
<p>'In summary, I feel that this application is entirely inappropriate, and borderline vexatious.'</p>	<p>No evidence is submitted to support these suggestions.  The suggestion that the application is 'borderline vexatious' is one which I would hope is withdrawn.</p>
<p>'I have also met with Mr White in an effort to discuss a peaceful resolution of his concerns, an offer which he flatly rejected.'</p>	<p>I am surprised by this statement. I readily agreed to a meeting. Following the meeting, Mr Conran's representative wrote to me with the licence holder's proposed conditions, suggesting that I should withdraw the application and they would make a 'minor variation' application. I explained that I could not unilaterally accept any such proposals as I felt that the matter should go before the Licensing Sub-Committee for determination. In any event, I was not aware if others had made representations.  I made it clear in my response dated 11 December 2015 that I would welcome continued dialogue and discussion. I had no reply to that email, and have had no contact whatsoever from the licence holder since then.</p>
<p>'As far as I am aware, this Review is not supported by any of the statutory or responsible authorities nor the landlords of his own building...'</p>	<p>Two responsible authorities and the landlord of the building have made representations supporting the review.</p>

<p>'A review should only be submitted where there has been a clear breach of the licensing objectives or a breach of conditions. I respectfully submit that this is not the case in this instance and that this review should therefore be dismissed.'</p>	<p>I refer the Sub-Committee to the witness statements appended to the application, and to the representations made in support of the review, including by responsible authorities.</p>
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**Update on the current situation**

The application was served on 1 December 2015.

On 4 December 2015, I was contacted by the licence holder's representative, suggesting a meeting. I readily agreed. I acknowledged that the sound tests had led to a successful outcome on that issue.

On 9 December 2015 I met with Mr Conran and his representative. A number of conditions were offered on Mr Conran's behalf, some of which were based on what was proposed in the application. However, it was suggested that these conditions could be added to the licence by way of a 'minor variation' rather than through a licence review.

Quite apart from the question of whether it is possible to withdraw a review application without it being determined by the licensing authority, the 28 day consultation period was still ongoing. I was of the view that it would be inappropriate for me to unilaterally agree to measures with which others may not agree. In any event, the conditions did not cover everything in the application and so were insufficient.

On 11 December 2015 I responded (enclosed) setting out these points. I also asked for the licence holder's views on the other conditions requested in the application. I have had no response. I ended by acknowledging the usefulness of the engagement so far, and expressing the hope that it would continue. I had no response to that email and I have had no contact whatsoever from the licence holder since then.

In the interests of fairness and ensuring that the Sub-Committee is aware of all the relevant facts, I am pleased to report that there has been an improvement in the situation since the review was submitted. Music noise has not been an issue since the review application was submitted. The other issues referred to in the review have improved. However, this does not negate the need for action to be taken to ensure that the improvement is sustained and is anchored by robust conditions and other changes to the licence, as proposed in the application.

Finally, I enclose an email from Cllr Church supporting the review.

Both myself and Mr Lynch are perfectly happy to have further discussions with the licence holder between now and the hearing. If nothing else, this may at least assist in narrowing down the 'live' issues before the Sub-Committee at the hearing.

Yours sincerely,

Ken White

Applicant

Encs –

1. **Email dated 11 December 2015**
2. **Supporting statement by Councillor Church**

## Owojori, Olaposi

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**From:** Ken White <ken@sohoha.org.uk>  
**Sent:** 02 March 2016 09:49  
**To:** Owojori, Olaposi  
**Subject:** FW: El Camion - Review of Licence  
**Attachments:** DOC101215-10122015100524.pdf

Dear Sir

Please find attached below my response to the licence holder's proposals for changes to the licence to be included in the papers for the hearing.

Kenneth White

Ken White  
Volunteer  
020 7557 7400



4<sup>th</sup> Floor  
120 Charing Cross Road  
London WC2H 0JR  
020 7557 7400  
[www.sohoha.org.uk](http://www.sohoha.org.uk)  
 @SohoHousing

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**From:** Ken White  
**Sent:** 11 December 2015 09:46  
**To:** Mark Browning <[mbrowning@balaw.co.uk](mailto:mbrowning@balaw.co.uk)>; 'Edmund Conran' <[ned.conran@mac.com](mailto:ned.conran@mac.com)>  
**Cc:** 'licensing licensing' <[licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk)>  
**Subject:** El Camion - Review of Licence

Dear Mr Browning and Mr Conran

Thank you for meeting with me on Wednesday to discuss the review of El Camion's licence. I am pleased that we were able to arrange a meeting so soon.

You proposed 9 conditions, which are attached. I have discussed them with my neighbours and our solicitor.

I am aware that we are still in the 28 day statutory consultation period. It would therefore I think be inappropriate to come to any formal agreement on conditions at this stage in any event even if there was an agreement, as there may be representations from other parties.

There are stumbling blocks to any compromise agreement that would satisfy both sides. Most fundamentally, my neighbours are of the opinion that an inherent part of noise and harm are the extended hours of operation. I appreciate that you are not prepared to consider a reduction in hours, but that is nevertheless what we have asked the licensing authority to consider, along with conditions, as a way of promoting the licensing objectives.

I note that most of the conditions you gave to me are the same as those requested in the review application, with some differences of wording. However there are a number of conditions requested in the application, apart from the hours, which are not mentioned in your document. What are your thoughts on these?

You suggested that Ned could make a 'minor variation' to the licence if we withdrew the review. I am afraid that we cannot agree to this. I and the other residents see this review as part of a process of achieving a solution which will ensure that the residents who live above the premises - some of whom have lived there for many years - can get a good night's sleep. My understanding is that the initiation of a review requires the licensing authority to hold a hearing and for the authority to consider the application and any relevant representations. This is the appropriate way forward. I am perfectly happy and indeed keen to have ongoing discussions prior to the hearing date, if it leads to the parties being able to narrow down the issues in dispute and therefore save time at the hearing.

In any event, I am advised that adding conditions to the licence by way of a minor variation would not have the effect of making the music-related conditions legally enforceable, as the provisions of s177A Licensing Act 2003 mean that music-related conditions can only be made to have effect upon the determination of the licensing authority on a licence review.

For these reasons we have decided to continue with the review process, whilst acknowledging the usefulness of your early and, hopefully, continued engagement with us.

**Ken White**  
Volunteer  
020 7557 7400



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- MC11 A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- MC12 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- MC14 All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- MC22 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.
- MC24 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- MC26 The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- MC67 Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (*specify location*).



## Owojori, Olaposi

---

**From:** Ken White <ken@sohoha.org.uk>  
**Sent:** 02 March 2016 09:55  
**To:** Owojori, Olaposi  
**Subject:** FW: El Camion, Brewer Street, Soho

Dear Sir

Please find attached below a letter of support for the review of El Camion's licence from councillor Paul Church to be included in the papers for the hearing.

The supportive letter from the EH scientific officer, John Crockford will be with you shortly for inclusion.

Kenneth White

**Ken White**  
Volunteer  
020 7557 7400



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@SohoHousing

**From:** Licensing <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Date:** 17 February 2016 at 13:21:56 GMT  
**To:** Councillor Paul Church <[paulchurchwestend@live.co.uk](mailto:paulchurchwestend@live.co.uk)>, Licensing <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Cc:** "Aiken, Nickie (Cllr)" <[nickie.aiken@btinternet.com](mailto:nickie.aiken@btinternet.com)>, "[ken@sohoha.org.uk](mailto:ken@sohoha.org.uk)" <[ken@sohoha.org.uk](mailto:ken@sohoha.org.uk)>  
**Subject:** RE: El Camion, Brewer Street, Soho

Dear Cllr Church

I can confirm this has been sent to the officer dealing with this case. He will be in contact shortly.

Kind regards

Westminster Licensing Team

---

**From:** Councillor Paul Church [<mailto:paulchurchwestend@live.co.uk>]  
**Sent:** 17 February 2016 12:45  
**To:** Licensing  
**Cc:** Aiken, Nickie (Cllr); [ken@sohoha.org.uk](mailto:ken@sohoha.org.uk)  
**Subject:** El Camion, Brewer Street, Soho

Dear Sir/Madam,

The above premises' licence will be reviewed on 10th March 2016 and, as the local elected Ward Member for The West End, I wanted to express my dissatisfaction with the venue. Several residents have written to me, as this venue is a long running source of disturbance and distress to my constituents, including some who are elderly and many who have small children. This club will be known to the Noise Team due to the frequency of my residents' complaints. A 3 a.m. licence directly under a residential block is entirely inappropriate (and particularly so in a stress area!) and despite several warnings from residents, the Council's Noise Team (and even local councillors), this venue has done nothing to ameliorate their behaviour - quite the contrary in fact, as I understand they have been found to be overriding noise limiters!

This venue has caused great harm to residential amenity and to children due to the lack of sleep they have encountered (a matter supported by the NHS). I would also describe the venue as a perfect example of public nuisance.

For the avoidance of doubt, as both the Ward Member for West End Ward and Deputy Cabinet Member for Children & Young People, I firmly believe that El Camion's late licence should be revoked.

With best wishes,

Paul

**Councillor Paul Church**

Deputy Cabinet Member for Children & Young People  
Westminster City Councillor for West End Ward  
*Serving our communities in Fitzrovia, Marylebone, Mayfair & Soho*

**E-Mail:**

[paulchurchwestend@live.co.uk](mailto:paulchurchwestend@live.co.uk)

**Post:**

Westminster City Council, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

**Twitter:**

@pauljchurch

**Website:**

[www.paulchurch.net](http://www.paulchurch.net)

**Surgery:**

The first Saturday of every month, 2 p.m. - 3 p.m.

Danceworks, 16 Balderton Street (off Brown Hart Gardens), Mayfair, W1K 6TG

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**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion	To convert the existing Justices On Licence and Public Entertainment Licence into a Premises Licence	4.10.2005	Granted under delegated authority
Transfer	Transfer from Mr Savvas Demos to Anathema Ltd	20.3.08	Granted under delegated authority
Transfer	Transfer from Anathema Ltd to MTL Management Services Ltd	25.8.09	Granted under delegated authority
Transfer	Transfer from MTL Management Services Ltd to Lupe's (Brewer Street) Limited	16.3.10	Granted under delegated authority

There is no appeal history for the premises.

**Conditions on the existing licence**

**Annex 1 – Mandatory conditions**

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

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

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

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

**Conditions relating to regulated entertainment**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
14. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
15. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.
16. Notices will be exhibited at the premises reminding club members that there are residents in the immediate vicinity and asking patrons to leave in a quiet and orderly manner.
17. There will be no deliveries to the premises before 08:30.
18. Cleaning will take place in the morning so as to avoid the necessity of staff to remain on the premises after patrons have left.
19. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
20. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time
21. The entrance door will be supervised by a registered door supervisor.
22. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
23. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground Floor - 95, Basement - 49.
24. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

## **Conditions for Sale of Alcohol**

25. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
- (a) members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission;
  - (b) any person attending a private function at the premises, of which 24 hours notice shall be given to police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities;
  - (c) artistes or persons employed on the premises;
  - (d) persons taking full table meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
26. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
28. No striptease, no nudity and all persons on the premises to be decently attired.
29. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
30. At least one (1) liquor Licensee to be present on the premises during the whole of the time that liquor is sold, supplied or consumed.
31. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority.

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

### **Conditions related to the Sale of Alcohol**

33. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
    - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
    - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;



- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
  - (i) with the substitution of references to 04.00 for references to 03.00
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

(ii) Sunday

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

In this condition, permitted hours means:

- a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- c) On New Year's Eve on a Sunday, 12:00 to 22:30;

- d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

34. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.

- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

35. 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 the premises licence (or the holder of the club premises certificate):
- (a) to 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) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
36. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

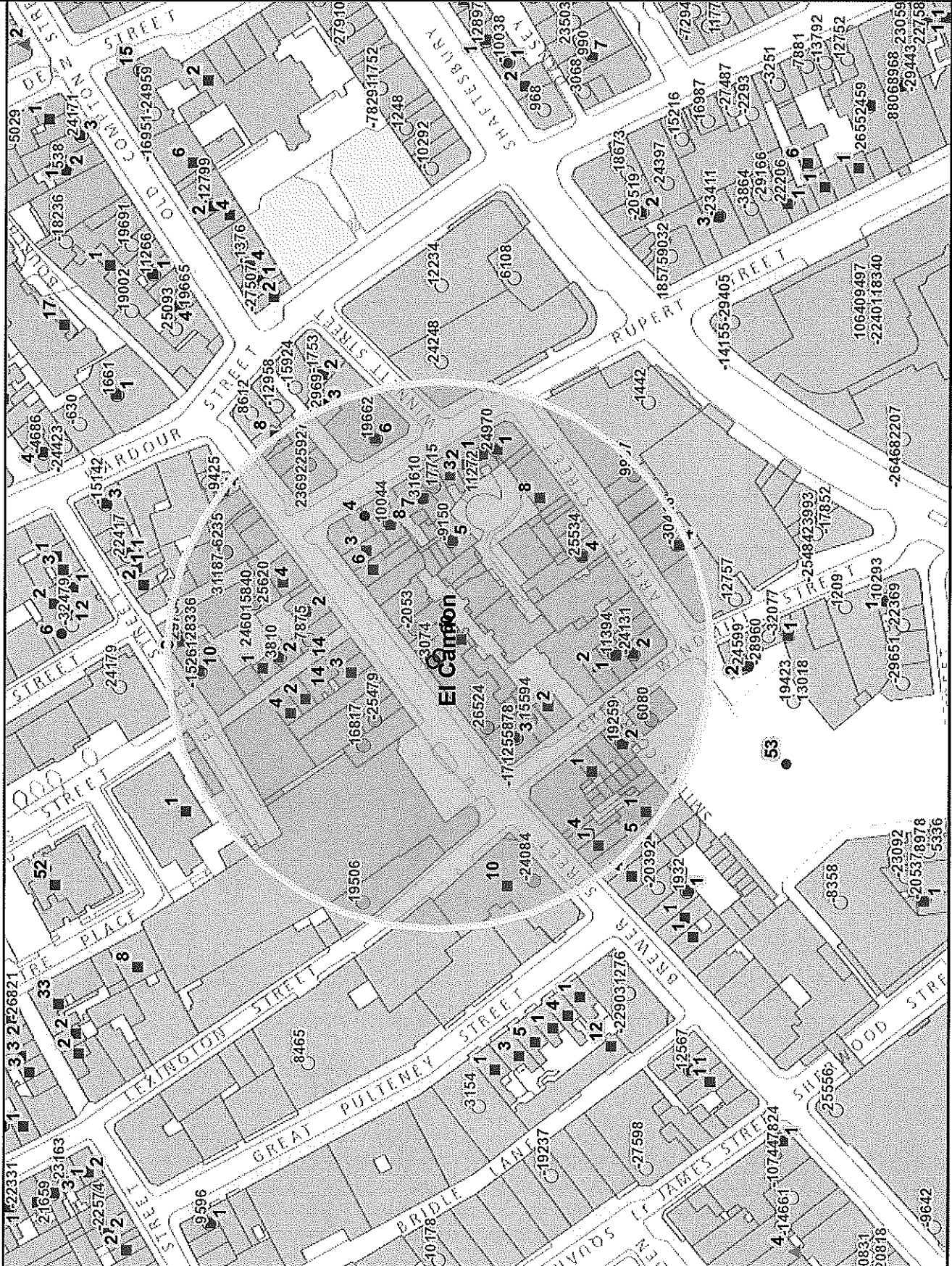
## **Conditions proposed by the applicants**

37. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service and in conjunction with affected residents, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

38. 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.
39. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
40. At least two SIA licensed door supervisors shall be on duty outside the premises after 6pm on any day when the premises is open for business. The principal duties of the supervisors shall be to manage patrons who have temporarily left the premises, e.g. to smoke, and to ensure that customers disperse from the premises without causing a public nuisance to local residents.
41. 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.
42. After 9pm, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall be limited to 6 persons at any one time.
43. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that they remain within the designated smoking area referred to in condition [ ] and to ensure that there is no public nuisance or obstruction of the public highway.'
44. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.



# El Camion



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Residential / Proposed Residential	251
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known

**Annex G**

Data Source: Uniform Database  
Date: 23/02/2016

**Premises within 75 metres of El Camion**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
11272	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
15594	Blacklock	25 Great Windmill Street London W1D 7LH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:30
16817	Adanami	30 Brewer Street London W1F 0SS	Monday to Sunday 00:00 - 00:00
17715	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
19259	Piccadilly Restaurant	31 Great Windmill Street London W1D 7LP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19506	Wagamama	10A Lexington Street London W1F 0LD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
28336	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
29734	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-24131	Be At One	20 Great Windmill Street London W1D 7LA	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:50 Monday to Thursday 10:00 - 23:30
-24084	Bills	36 Brewer Street London W1F 9TA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
-9150	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
5840	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
6080	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
11394	Melati Restaurant	21 Great Windmill Street London W1D 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
23692	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
25927	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
31187	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
31610	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-30446	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00
-25479	Janelira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00





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