



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	19 July 2018
Licensing Ref No:	18/06018/LIPV - Premises Licence Variation
Title of Report:	ME Hotel 335 Strand London WC2R 1HA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	21 May 2018		
Applicant:	London XXI Limited		
Premises:	ME Hotel		
Premises address:	335 Strand London WC2R 1HA	Ward:	St James's
		Cumulative Impact Area:	No
Premises description:	The premises currently operates as a Hotel, with ancillary bar and restaurant facilities on the ground floor and rooftop and function rooms/ conference and banqueting facilities in the basement.		
Variation description:	<p>The variation application seeks to:</p> <ol style="list-style-type: none"> 1. Permit the use of the southern terrace area on the 10th floor on Thursday to Saturdays until midnight. 2. Amend condition 37 to read: "After 22:30 the area marked Terrace 1 on the licence plan shall not be used except, <ol style="list-style-type: none"> a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons b. In an emergency at any time c. For access to and from the Penthouse Suite at any time" 		
Premises licence history:	This premises has benefitted from a premises licence since 2011. Full details of the premises history can be found at Appendix 3.		
Applicant submissions:	There are no submission from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Hotel Guest Rooms only	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Performance of live music & Performance of a Play

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:01	00:00	No change		Basement function rooms only	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Playing of Recorded Music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:01	00:00	23:00	00:00	Basement Function Rooms (Unrestricted) and Ground Floor Restaurant and Bar (STK) for the proposed hours.	No change
Tuesday						
Wednesday			23:00	01:00		
Thursday						
Friday			23:00	00:00		
Saturday						
Sunday						

Late night refreshment

Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	05:00	No change		All areas	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday - Sunday	00:01	00:00	No change		Residents, guests of residents and persons attending a pre-booked function	No change
Monday - Sunday	08:00	03:00	No change		Non-Residents: 10 th Floor Roof Area	No change
Monday - Sunday	08:00	01:00	No change		Non-Residents: Ground Floor Cucina Assellina Restaurant	No change
Monday – Sunday	08:00	02:00	No change		Non-Residents: Ground Floor STK Restaurant and Marconi Bar & Lounge	No change
Seasonal variations	Current:				Proposed:	
	<u>All Areas:</u> Condition 51: The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change	
Non-standard timings:	Condition 34: Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.				No change	
	<u>Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)</u> Condition 41: Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:01	00:00	No change		All areas	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

1-C Layout alteration
None

1-D Condition being varied	
Condition	Proposed variation
<u>Condition 37</u> After 22:30 the area marked Terrace 1 on the licence plan shall not be used except in an emergency and for access to and from the Penthouse Suite.	<u>Condition 37</u> Amend condition 37 to read: After 22:30 the area marked Terrace 1 on the licence plan shall not be used except: a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons; b. In an emergency at any time; and c. For access to and from the Penthouse Suite at any time

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Ian Watson
Received:	15 June 2018
<p>This representation is based on the information provided within operating schedule.</p> <p>The applicant is seeking the following variation</p> <p>1. To permit the use of the 10th floor southern terrace on Thursday to Saturday to midnight and amend condition 37 to allow this variation.</p>	

I wish to make the following comment.

1. The hours requested to permit the use of the 10th floor southern terrace will have the likely effect of causing an increase in Public Nuisance within the area.

The applicant has not stated if the use is for licensable activities or how the premises would minimise potential nuisance. The use of this area was restricted following a review of the premises licence in 2014 (14/06927/LIREVP).

No additional conditions have been proposed to address the application.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	18 June 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

We have concerns that this application will cause further policing problems in an already demanding area.

I will be in touch shortly with a list of conditions that I believe will satisfy police in relation to the prevention of crime and disorder.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Maintained	In support or opposed:	Opposed
Received:	13 June 2018		

Application notices posted on the hotel summarise that the application is to:

“Permit the use of the southern terrace area of the 10th floor by patrons until midnight on Thursdays, Fridays and Saturdays.”

I write with concerns about the major licence variation which has been made on behalf of the roof top bar of the ME Hotel.

Sometimes local businesses seeking licences in the area in question (the Aldwych end of the Strand) overlook that the area in question is mixed use and includes residential property. I am

the owner of [REDACTED]. There are 3 residential flats in [REDACTED] (9 homes in total). There are also a considerable number of flats within the [REDACTED] building which is adjacent to the ME Hotel.

If there is noise nuisance from the roof top bar, these 9 properties are affected. There is an unusual but proven (see below) acoustic effect that the bar noise travels across the four lane road of the Strand, over the tops of these properties and bounced back at bedrooms of these properties from the northern most walls of the buildings forming the north part of the Somerset House estate.

In 2013 the noise disruption from this roof top bar was of such concern to myself and other local residents that I regularly got in touch with hotel management (who ignored me), then the noise team at WCC, then the licensing team and ultimately I applied for a licence review armed with the invaluable advice and expertise of Richard Brown.

Mr Craig Baylis who represents the hotel in respect of this application was representing the hotel at that time and will be fully aware of the history. He will know that other objections to the running of the roof top bar came from local residents from both sides of the Strand – including those within the Marconi building under or next to the roof top bar.

In its preparations to defend itself against my licence review application for stringent new conditions to be applied to the roof top bar, the hotel commissioned an acoustic report (October 2014). I allowed access to my home for noise measuring equipment to be placed by my back windows and completed noise impact reports. That report, much to the hotel's disappointment, bore out that the noise from customers on the south terrace of the bar was causing noise nuisance within my property. To be clear the hotel had already at the time of that noise report removed music speakers which had been in use in on the terraces in breach of licence conditions. The noise nuisance which was confirmed by the commissioned report was in respect purely of customer generated noise. When customers stand at the edge of the bar's barrier and talk to each other their conversations can be heard as if they are just a few feet away.

I would expect Mr Baylis to bring a copy of the report to the hearing of this variation in the event that the panel wished to see it.

My licence review was successful and I was grateful to the licencing panel universally agreeing to impose new conditions on the bar – particularly that the bar was required to close the south side of the terrace from 10.30pm. This removed all noise nuisance to our flat and other local residents.

To be transparent, whilst our family occupied the property for 15 years until recently, we have temporarily moved out and are currently seeking tenants. It is our intention however to return to live in the property in a few years. We are mindful that noise nuisance that affected our enjoyment of the property would similarly affect the enjoyment of likely future tenants. Unhappy tenants typically vote with their feet and move on. Regular changes in tenants can lead to void periods and loss of income. We would prefer to have happy tenants who are not disrupted by noise nuisance from commercial premises nearby.

A couple of months ago I was contacted by the new Manager of the Hotel, Samantha Kandou-Fulton. (To be clear again, criticism of the hotel management in 2013/2014 is unconnected to [REDACTED].) We arranged to meet at the hotel and she talked though some changes that she was proposing to make to the business. She talked about the exuberant culture which had existed in the roof top bar – lots of "vertical drinking" and physical clashes between customers who had consumed too much. Her plans to stop vertical drinking and move to seated drinking in a more chilled out atmosphere sounded very positive and I sincerely wished her well with the envisaged changes. I was also very grateful that she made contact personally to discuss matters. [REDACTED] mentioned that the hotel was going to seek to make

amendments to the licence for the ground floor and basement of the hotel so it was not a big surprise when I noticed the signs in the hotel windows this weekend about the major variation sought. I was surprised however when I went closer to read them to find that they related to the roof top bar as I do not recall her indicating that an application was in the offing on this matter.

Having viewed the application documents I have concerns:

- 1) The application just seeks to increase the hours of southern terrace use without the limitations I would have envisaged. The only specified step that will be taken is to have SIA staff present at all times when customers are on the terrace. There is nothing to address vertical drinking for example. There is no effort to limit the number of persons who can be on that part of the terrace in the proposed additional hours. The terrace is surrounded by a glass wall/barrier. The barrier is of a height that encourages customers to lean on it to look at the views across the Thames. It is an amazing view and customers would naturally gravitate from the north side of the terrace (where they are currently able to drink later but where the views are less dramatic) to the south side where the views are better. In the past there had been mention in licensing meetings by the hotel and its representatives of increasing the height of the barrier to try to block customer noise but I do not believe that this has occurred. Mr Baylis will be able to confirm the point for the licensing panel. The acoustic consultant's report indicated that a better barrier (ie taller glass screen) would have the most acoustic impact, resulting in a 10db drop. I concur with his view.
- 2) In the past the hotel, when seeking to get changes made to the licence after my successful licence review submitted an application which indicated that the south terrace could be used as a restaurant late at night. The intention was to presumably to convey that a restaurant would be quieter than a venue where alcohol predominated consumption. That application was unconvincing, not least because of the hotel's marketing materials regarding the roof top terrace and the lack of any menus etc. Again there is nothing in this application which indicates that the use of the terrace will be diluted from the predominantly "bar" use which was causing noise nuisance for local residents until 2014. If the panel are minded to grant extended hours for use of the southern terrace then we would ask that they do so whilst simultaneously imposing WC's model restaurant conditions requiring alcohol consumption on the southern terrace to be ancilliary to substantial table meals.

Whilst the new management talked about changes in culture for the roof top bar which sounded very positive, sadly none of this is reflected in the application seen.

In absence of reassurance within the application regarding customer noise, I object to the application as it stands on the basis that it will create noise nuisance in my property and those of neighbouring properties. It is disappointing that the application is devoid of any evidence that noise attenuation measures have been considered/taken. I look forward to hearing when the application will be heard and will try to ensure that I can move work commitment to ensure that I and/or neighbours are able to attend. I would ask that those considering the application ask detailed questions about the use of the southern terrace to ensure that they do not sanction changes which are likely to produce noise nuisance which puts residents back to square one requiring them to engage once again with the noise team, licensing team and potentially seek another licence review, only a few years after the last review was successful.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Maintained	In support or opposed:	Opposed

Received:	12 June 2018		
<p>I write with concerns about the major licence variation which has been made on behalf of the roof top bar of the ME Hotel.</p> <p>Firstly I was surprised, that we as residents of [REDACTED] did NOT get any written notification by the council about this License application.</p> <p>Sometimes local businesses seeking licences in the area in question (the Aldwych end of the Strand) overlook that the area in question is mixed use and includes residential property. I am the owner of [REDACTED]. There are 3 residential flats in each of [REDACTED] (9 homes in total). There are also a considerable number of flats within the [REDACTED] building which is adjacent to the ME Hotel.</p> <p>I do fully agree with the objection and concerns [REDACTED] raised. I also want to add, that my flat, because it is [REDACTED] will be even more affected by the noise nuisance, due to the its open position.</p> <p>I am still living in the flat and the additional noise would have a great negative impact.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Maintained	In support of opposed:	Opposed
Received:	12 June 2018		
<p>I am writing to you in respect of the application to vary the licence conditions for the rooftop bar at the ME Hotel at 335 Strand and its effect on my flat, [REDACTED]. This is the [REDACTED] and backs onto the solid brick wall of part of Somerset House which is located about 30 ft away from the bedrooms in the flat.</p> <p>The rooftop bar of the ME Hotel has been a source of considerable disturbance over the years since it was established. Unhappily for the owners of the hotel and the residents of the 9 flats at [REDACTED] the noise from the outside terrace of the roof bar happens to reverberate of the rear wall of Somerset House and disturb anyone in the bedrooms, all of which are to the rear of the three buildings. I believe all the flats are configured in the same manner with the result that 18 flats are affected by the noise in these three buildings.</p> <p>Originally speakers were placed on the hotel's roof terrace and the residents =complained. They were removed but the noise continued although it came only from guests on the terrace. There was initially considerable scepticism from the hotel that the noise was as disruptive as the flat owners alleged and the upshot was that a noise survey was carried out by the hotel. This sound survey was conducted at the middle flat of the 9, the 2nd floor at [REDACTED]. It revealed that the residents were not exaggerating the impact of noise from customers using the roof terrace. As a result of this the current restrictions were placed on the licence. I assume that this survey has been produced in respect of this application.</p> <p>It is these restrictions which it is now sought to remove.</p> <p>However, nothing has changed and there is no justification for asserting that the results of the hotel's own sound survey are no longer relevant.</p> <p>For this reason I ask that the application relating to the roof bar be rejected.</p>			

3. Policy & Guidance

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

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Premises Licence Review (14/06927/LIREVP) decision notice
Appendix 5	Acoustics Report – ME Hotel 2014
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

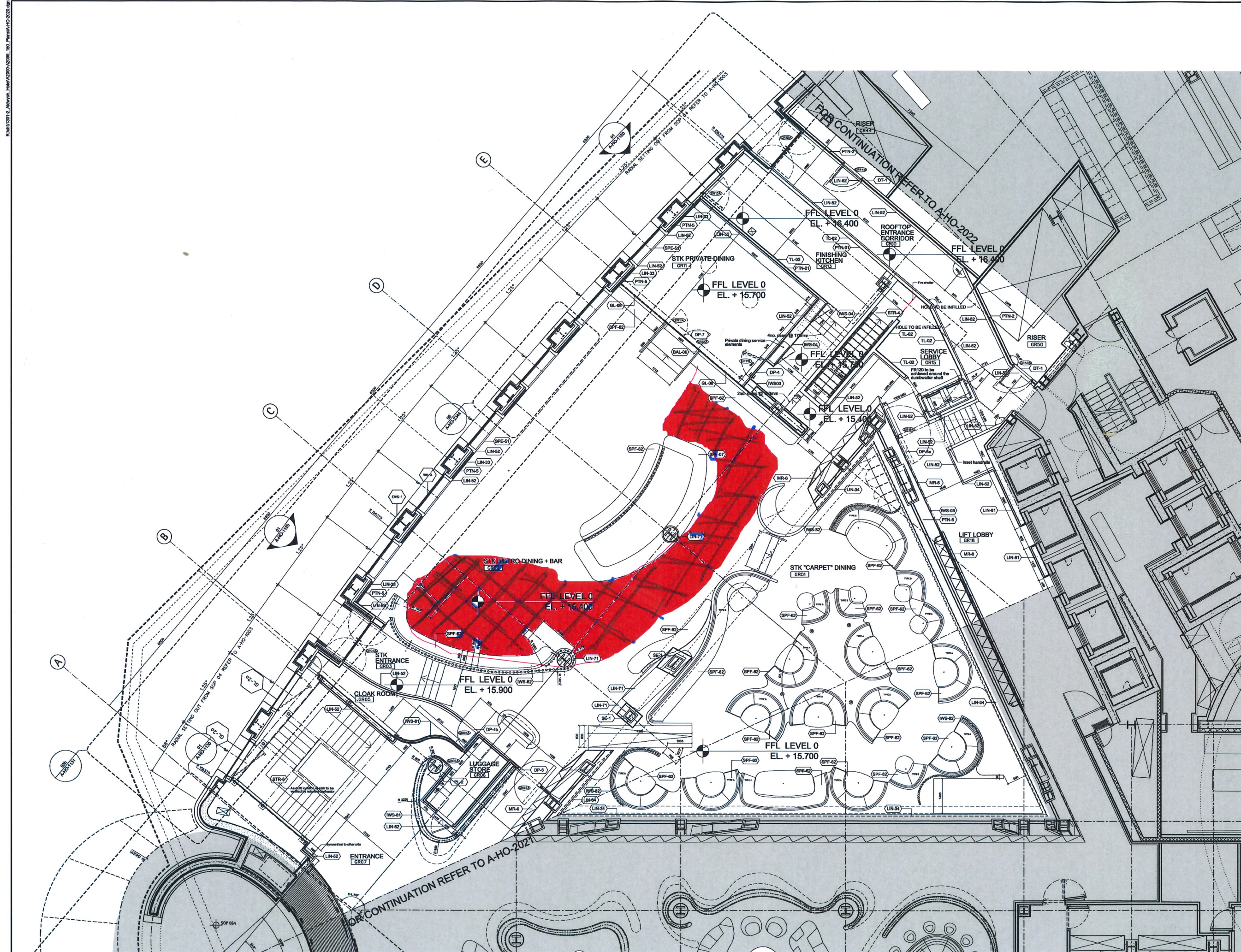
Report author:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Environmental Health Service representation	15 June 2018
5	Metropolitan Police Service representation	13 June 2018
6	Resident representation 1	18 June 2018
7	Resident representation 2	12 June 2018
8	Resident representation 3	12 June 2018

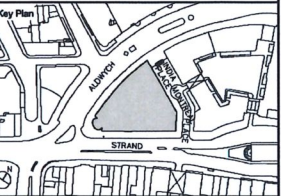
The premises licence plans for the Ground floor (Red Hatched) and the Basement to 10th floor are enclosed.



- General Notes
1. Do not scale drawings. Dimensions govern.
 2. All dimensions are in millimetres unless noted otherwise.
 3. All dimensions shall be verified on site before proceeding with the work.
 4. Foster + Partners shall be notified in writing of any discrepancies.
 5. Any areas indicated on this sheet are approximate and indicative only.
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Rev.	Date	Reason For Issue	CHK
09	26/03/12	For Building Control Review	NL
08	15/02/12	For Information	NL
07	10/02/11	For Information	NL
06	21/12/11	For Information	NL
05	21/11/11	For Information	NL
04	30/09/11	For Public area fit-out Contract	NL
03	10/08/11	For Tender	NL
02	03/08/11	For Tender	NL
01	12/07/11	For Tender	NL
00	23/02/11	External Cladding/Alum	NL

Rev.	Date	Reason For Issue	CHK
09	26/03/12	For Building Control Review	NL
08	15/02/12	For Information	NL
07	10/02/11	For Information	NL
06	21/12/11	For Information	NL
05	21/11/11	For Information	NL
04	30/09/11	For Public area fit-out Contract	NL
03	10/08/11	For Tender	NL
02	03/08/11	For Tender	NL
01	12/07/11	For Tender	NL
00	23/02/11	External Cladding/Alum	NL



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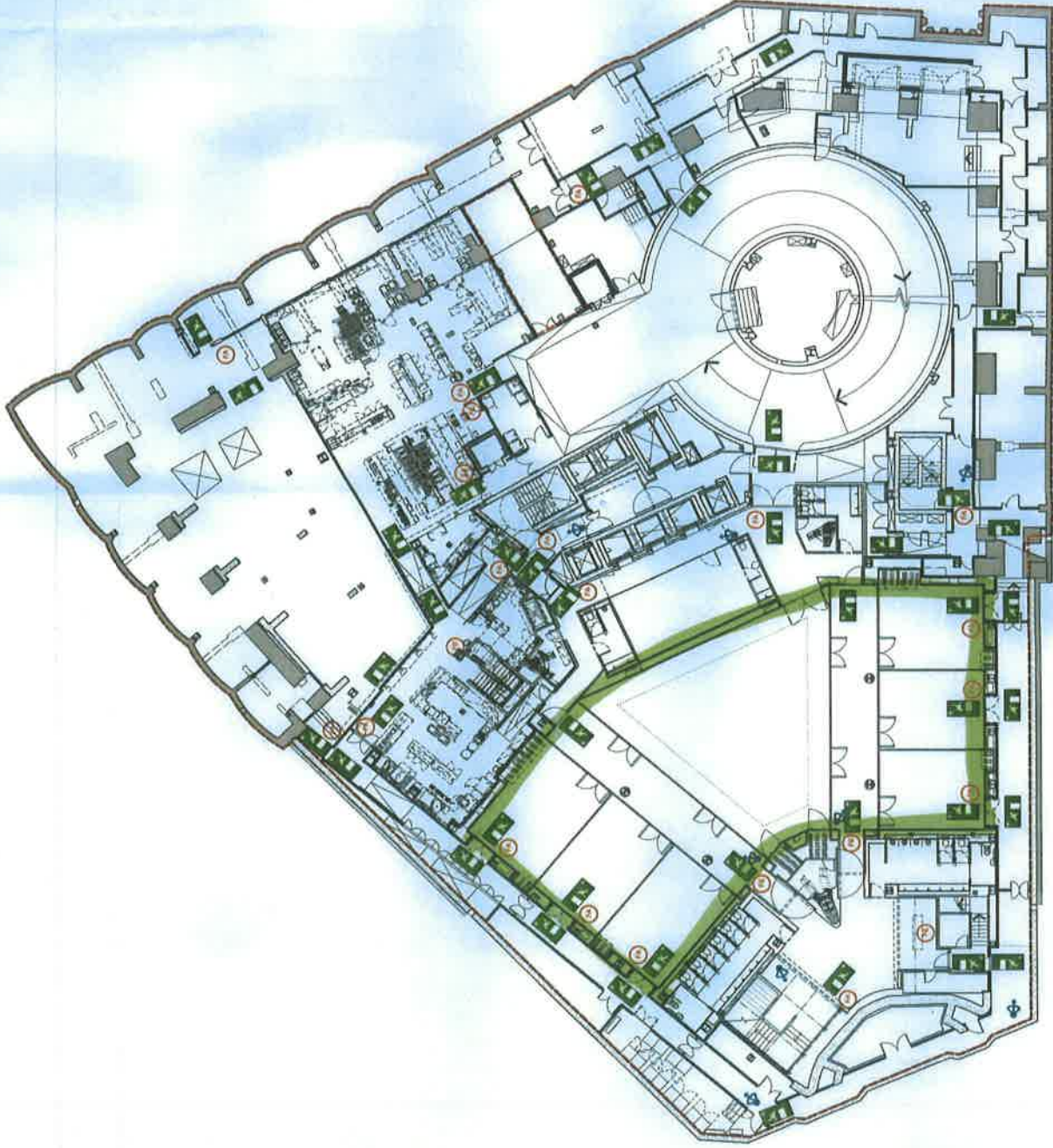
Client
Sol Meliá Hotels & Resorts

Project
ME London

Title
Northwest Plan
Ground Floor

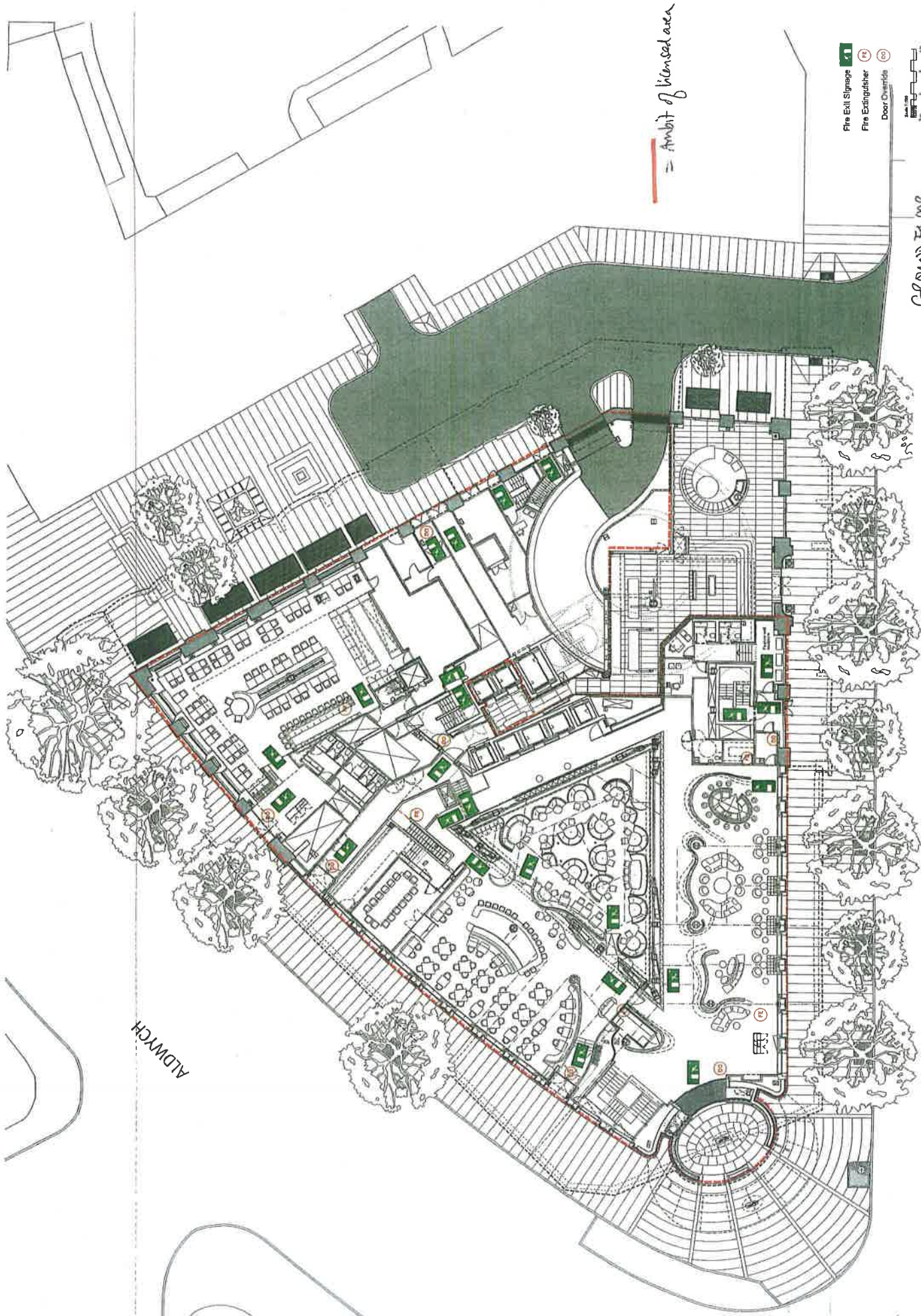
Project No.	Scale @ A0	Date	Drawn By
1301-2	1:50	23/02/11	HL
Number	Revision		
A - HO - 2020	09		

Ambit of licensable activity



- KEY
- Hotel boundary
 - CCTV Camera
 - Fire Exit Signage
 - Fire Extinguisher
 - Fire Alarm

BACAMENT



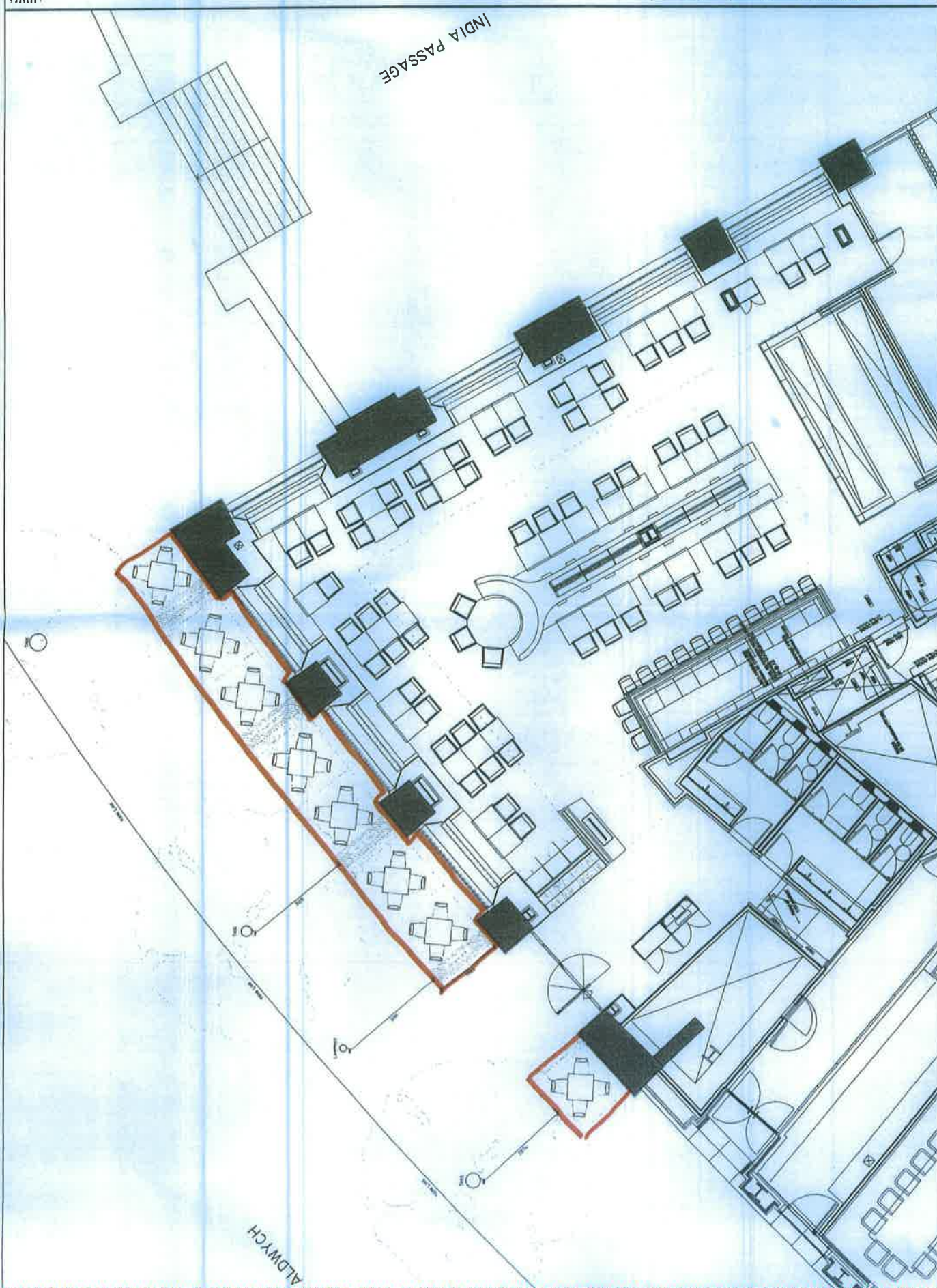
 = Ambit of licensed area

- Fire Exit Signage (E)
- Fire Extinguisher (H)
- Door Overriders (O)

GROUND FLOOR

SOL MELIA - ME LONDON 23/05/12
Foster + Partners
 GENERAL ARRANGEMENT
 SCALE 1:100 @ A0
 A-SKT-CT-120523-001_Level_00

STRAND

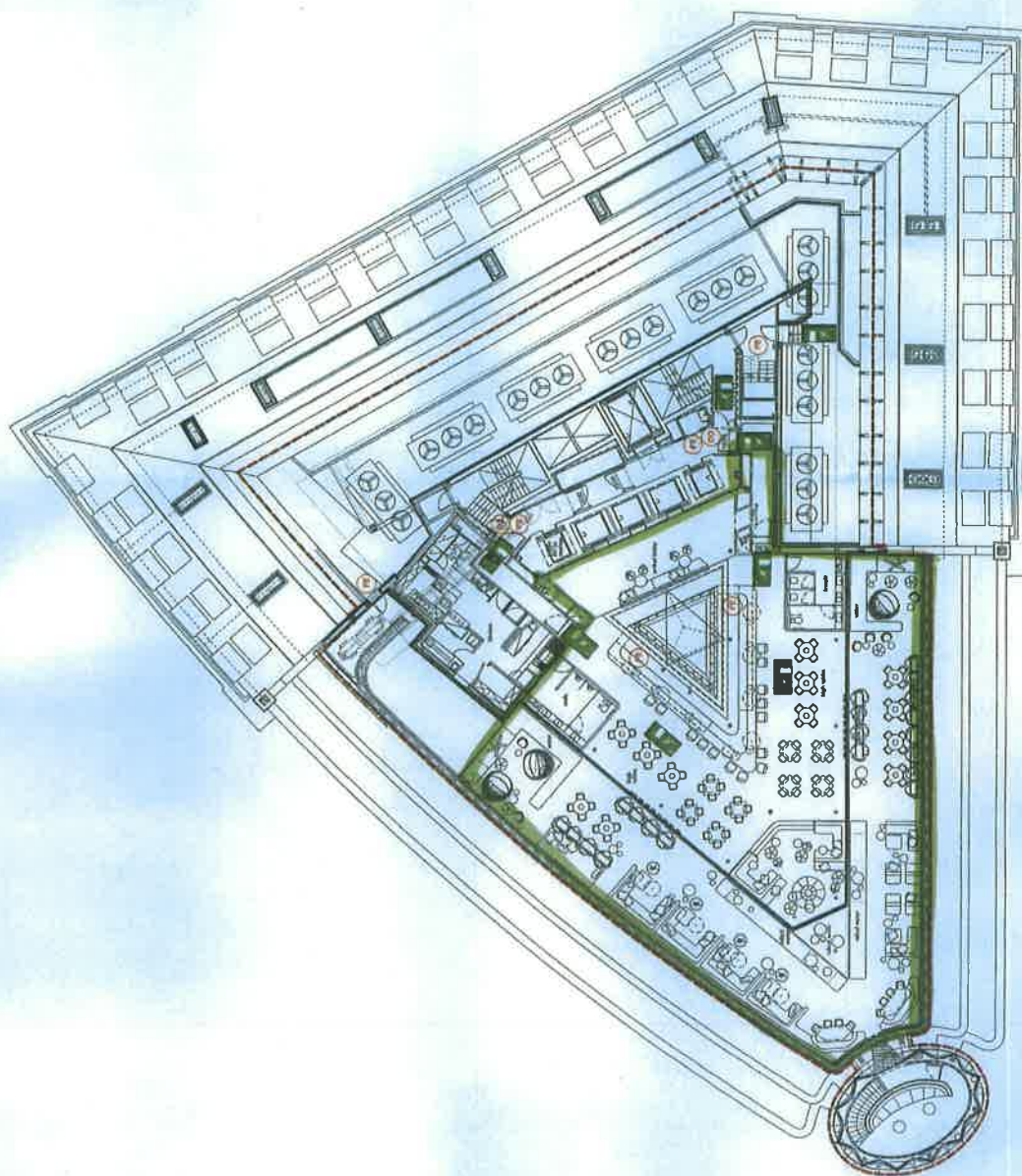




Ambit of licensable activity

- KEY
- Hotel boundary
 - CCTV Camera
 - Fire Exit Signage
 - Fire Extinguisher
 - Fire Alarm

4th Floor Reception / Roof Terrace



AMBIT OF
LICENSABLE ACTIVITY

Fire Exit Signage
Fire Extinguisher
Door Override

10th Floor Roof

Foster + Partners
SOL MELIA - ME LONDON
GENERAL ARRANGEMENT
LEVEL 10
SCALE 1:100 @ A0
20/05/11
A-SKT-NP-110520-010_Level_10

There are no supporting documents from the Applicant.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
11/06782/LIPN	New premises licence application	17/11/2011	Granted under delegated authority
12/01735/LIPT	Application to transfer the premises licence	23/03/2012	Granted under delegated authority
12/01950/LIPDPS	Application to vary the designated premises supervisor	28/03/2012	Granted under delegated authority
12/04408/LIPVM	Application for a minor variation	13/06/2012	Granted under delegated authority
12/07063/LIPV	Application to vary the premises licence	13/03/2012	Granted under delegated authority
13/01927/LIPV	Application to vary the premises licence	26/04/2013	Granted under delegated authority
13/02417/LIPV	Application to vary the premises licence	30/05/2013	Granted under delegated authority
13/03742/LIPT	Application to transfer the premises licence	10/06/2013	Granted under delegated authority
14/00248/LIPVM	Application for a minor variation	30/01/2014	Granted under delegated authority
14/02293/LIPV	Application to vary the premises licence	24/04/2014	Granted under delegated authority
14/02904/LIPDPS	Application to vary the designated premises supervisor	24/04/2014	Granted under delegated authority
14/04253/LIPDPS	Application to vary the designated premises supervisor	20/06/2014	Granted under delegated authority
14/10570/LIPDPS	Application to vary the designated premises supervisor	10/12/2014	Granted under delegated authority

15/01186/LIPV	Application to vary the premises licence	23/04/2015	Application refused by Licensing Sub-Committee
15/03351/LIPDPS	Application to vary the designated premises supervisor	02/11/2015	Granted under delegated authority
15/07403/LIPDPS	Application to vary the designated premises supervisor	18/09/2015	Granted under delegated authority
15/08328/LIPVM	Application for a minor variation	13/10/2015	Granted under delegated authority
16/05795/LIPDPS	Application to vary the designated premises supervisor	20/06/2016	Granted under delegated authority
16/08623/LIPDPS	Application to vary the designated premises supervisor	24/08/2016	Granted under delegated authority
18/03239/LIPV	Application to vary the premises licence	17/05/2018	Granted by Licensing Sub-Committee
18/06018/LIPV	Current application		

Application	Details of Application	Date Determined	Decision
14/06927/LIREVP	Review of a premises licence	16/10/2014	Conditions were modified and added to the licence

There is no appeal history

Application	Duration of event	Date Determined	Decision
14/03926/LITENP	05/06/2014 – 06/06/2014	28/05/2014	Event allowed to proceed
13/03111/LITENP	23/05/2013	15/05/2013	Event allowed to proceed
13/01000/LITENP	26/02/2013	20/02/2013	Event allowed to proceed

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

12. The provision of regulated entertainment is restricted to the basement area only.
13. The number of persons accommodated at any one time within the basement area (excluding staff) shall not exceed 300 persons. (subject to District Surveyor approval).
14. All activities shall be pre-booked and details of the event organiser and event shall be kept for a period of 21 days after the event.
15. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
16. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
17. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
18. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
19. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
20. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
21. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
22. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators

- o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
28. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
29. No striptease, no nudity and all persons to be decently attired at all times.
30. Licensable activity in this area will only be provided to hotel residents and their bona fide guests, persons attending a pre booked function, artists or performers at such functions.

10th Floor

31. The number of persons accommodated at any one time on the 10th Floor (including staff) shall not exceed 240 persons.
32. The supply of alcohol shall be by waiter or waitress service only.
33. There shall be no entry to the 10th floor of the premises after 01.00 except to the following persons:-
- o Residents of the Hotel and/or their guests (maximum number of 4 bona fide guests).
 - o A list of the persons on the guest list to be held at the Hotel reception.
 - o Persons attending a pre-booked function - a list of the persons attending the private function to be available at the Hotel reception.
 - o Persons employed by the Hotel proprietor including artistes.
34. Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.
35. A noise limiter must be fitted to the musical amplification system set at a level determined by and in consultation with local residents 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.

36. The premises licence holder shall ensure that any patrons drinking and/or smoking on the external terrace area do so in an orderly manner and are supervised by sufficient staff so as to ensure that there is no public nuisance.
37. After 22:30 the area marked Terrace 1 on the licence plan shall not be used except in an emergency and for access to and from the Penthouse Suite.

Proposed amendment is to vary condition 37 to read:

After 22:30 the area marked Terrace 1 on the licence plan shall not be used except:

- a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons;
- b. In an emergency at any time; and
- c. For access to and from the Penthouse Suite at any time

First Floor Fine Dining Restaurant (Cucina Assellina Restaurant)

38. Intoxicating liquor in the fine dining restaurant area shall not be sold or supplied on the premises otherwise than to a person seated taking table meals there and for consumption by any such person as an ancillary to their meal.
39. Notwithstanding the above condition, alcohol may be supplied and consumed prior to their meal in the designated bar area.
40. The supply of alcohol shall be by waiter or waitress service only in the fine dining restaurant.

Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)

41. Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.
42. On the ground floor where licensable activity is permitted, a minimum of one SIA registered door supervisor shall be on duty at all entrances to the premises from 22.00.
43. There shall be no new entry for non-residents after 00:30.
44. The maximum number of persons (excluding staff) within the ground floor licensed areas between 01.00 hours and 02.00 hours shall not exceed STK Restaurant 200 persons; Marconi Bar and Lounge 60 persons
45. After 1.00am, the sale of alcohol in the ground floor restaurants will be ancillary to food, consumed by seated persons, supplied by waiter / waitress.
46. After 1.00am, the sale and consumption of alcohol in the Marconi bar will be to seated persons, supplied by waiter / waitress.

Ground Floor Reception Area

47. Supply of alcohol to the first floor reception area shall only be to hotel residents and their bona fide guests
48. No regulated entertainment is permitted in the first floor reception area.

All Areas

49. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
50. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions.
51. The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
52. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
53. All deliveries shall be to the service road leading to the basement delivery area.
54. No loudspeakers shall be located in the entrance area/corridor or external to the building, including the external terrace area on the 10th Floor.
55. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 07.00hours.
56. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
57. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent recordings with the absolute minimum of delay when requested.
58. All refuse will be stored internally prior to collection.
59. Any 'off' sales of alcohol are to be in sealed containers only and for consumption off the premises.
60. There will be no self-service of alcohol except for in the guest bedrooms.
61. Notices shall be prominently displayed at all exits and on the 10th Floor external roof terraces requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
62. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
63. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.

64. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
65. There shall be at least one SIA registered door supervisor employed at the entrance to the Hotel at all times.
66. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
67. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
68. All beers and lagers sold in glass bottles are to be decanted into drinking containers prior to being served.
69. CCTV will be provided to cover the external area used for tables and chairs
70. All service of alcohol within the external area (edged in red) on the Aldwych as shown on plan JT 1413 shall be by waiter or waitress and to person seated only.
71. Any condition on this licence relating to live music will have effect and section 177A will not apply to such conditions.

Condition Proposed by the Applicant in relation to the 10th Floor only:

72. SIA staff shall be provided in all parts of the 10th floor terrace at all times that it is occupied by patrons.

Conditions proposed by the applicant following a meeting with the Environmental Health Service:

73. All patrons on the south terrace to be seated when licensable activity takes place
74. No more than 60 patrons permitted on the south terrace
75. No music on the south terrace
76. All doors to the south terrace to be kept closed after 22.30 hours save for the central door that shall be kept closed except for immediate access and egress.

77. A dedicated SIA door supervisor to be in attendance on the south terrace from 22.30 until cessation of licensable activity to ensure good order.

LICENSING SUB-COMMITTEE No. 5
Thursday 16 October 2014

Membership: Councillor Angela Harvey (Chairman), Councillor Heather Acton and Rita Begum

Legal and Policy Adviser: Anita Sharman
 Policy Adviser: Chris Wroe
 Committee Officer: Sarah Craddock

Relevant Representations: Environmental Health Service, Licensing Authority and Local Residents in support of the Review.

Present: Mr Richard Brown (representing Ms Kate Swann), Mrs Kate Swann (Applicant), Mr Craig Baylis (representing the premises licence holder), John Yantin (Food and Beverage Manager), Mr Ian Watson and Ms Cliona Coleman (Environmental Health Service)

Review Application for ME Hotel, 335 Strand, WC2R 1HA

An application was made by Mrs Swann (a local resident) for review of the premises licence on 14 August 2014 on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm in relation to the playing of loud music and noise nuisance on the 10th Floor Roof Terrace.

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, or an interested party such as a resident living in the vicinity of the premises, may ask the licensing authority to review the licence of a matter arising at the premises in connection with any of the four licensing objectives.

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.

The current activities permitted under the premises licence 14/04253/LIPDPS

Exhibition of a Film

Monday to Sunday: 00:00 to 00:00 (Hotel Guest Rooms only)

Performance of Live Music

Playing of Recorded Music

Performance of a Play:

Monday to Sunday: 00:01 to 00:00 (Basement Function Rooms Only)

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol

Monday to Sunday: 00:01 to 00:00 (Residents, guests of residents and persons attending a pre-booked function)

Monday to Sunday: 08:00 to 03:00 (Non residents 10th floor roof area)

Monday to Sunday: 08:00 to 01:00 (Non residents Cucina Assellina Restaurant)

Monday to Sunday: 08:00 to 02:00 (Non residents STK Restaurant and Marconi Bar & Lounge)

The opening hours of the premises:

Monday to Saturday: 00:01 to 00:00

This premises operates as a hotel. Complaints have been received from residents concerning the loud amplified music allegedly emanating from the 10th Floor Roof Terrace of the Hotel.

OPTIONS:

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 (modify, delete or add conditions);
- (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

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may provide that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

Decision (including reasons):

The Sub-Committee heard from Mr Browning, representing Ms Swann, who described in detail the problems that Mrs Swann had encountered since the premises had opened in relation to the playing of loud music and noise nuisance from the 10th Floor Roof Terrace of the hotel.

Mr Brown referred to pages 128 to 139 of the report which contained Ms Swann's review application of the premises and advised of the location of Ms Swann's flat. He explained that the noise from the 10th floor seemed to travel and bounce off the high wall behind Ms Swann's flat causing noise nuisance to Ms Swann and her family. (A history of the noise complaints were contained at page 135 to 137 of the report) Mr Brown advised that the issues regarding loud music had now been resolved and that crowd noise now remained Ms Swann's main concern.

Ms Swann advised that the ME hotel had been running events during the summer afternoons which had been very loud and oppressive. In addition loud music was being played during the evening that was causing her a great deal of stress as she was unable to sleep. This had had a detrimental effect on her family life.

Mr Brown referred to page 133, points 1-6 of the report, which set out Ms Swann's proposed conditions that she wanted attached to the licence to limit any permission to play recorded music in the roof bar so as to stop noise nuisance occurring through crowd and music noise. Mr Brown advised that all external music speakers must be removed from the external parts of the roof terrace, music levels should be set by a noise limiter, additional staff should be employed with specific responsibility of ensuring guests are quiet, appropriate signage be displayed and noise attenuation measures be carried out in the external area of the rooftop bar to eradicate the impact of music and people noise. Mr Brown then went through the proposed conditions with the Sub-Committee (set out in Appendix D of the report) and

suggested that model condition 71 be added to the licence to ensure sufficient staff was available to ensure people kept their personal noise down.

Mr Baylis, representing the Licensee, advised that action had already been taken to reduce the noise nuisance by removing the external loud speakers, displaying signs to remind guests that they were within a residential area and employing additional staff to ensure guests kept their personal noise to a reasonable level. Mr Baylis then went through the proposed conditions with the Sub-Committee (set out in Appendix D of the report) and advised that the applicant was happy to agree to all the proposed conditions. He further added that the applicant was also willing to vacate The Strand side of the terrace leaving only the Covent Garden side of the terrace in operation after 10.30pm. Further in order to minimise noise escape to The Strand side he said that the lost of the nearest sections on the Aldwyn side would be di minimus. He referred to the plan contained at page 181 of the report and indicated where the barrier would be located across the terraces and the access and exit points to and from the Penthouses. He agreed that a revised plan be submitted to the Licensing Authority showing the terrace area to be used after 10.30pm and he confirmed that the terrace area was never used after 2am.

Environmental Health had submitted a representation in support of the review application as they felt that the licensing objectives were being undermined. Environmental Health advised that that there had been complaints received by residents concerning the loud amplified music allegedly emanating from the 10th Floor Roof Terrace. Environmental Health advised that the 10th floor terraces had always been a concern but they had not been aware that the conditions attached to the licence were causing noise nuisance to the local residents.

Environmental Health advised that the barrier must not prevent the means of escape and windows and doors should not to be locked in case of a fire. He advised that he would like model condition 11 to be added to the licence regarding the instalment of a noise limiter. Environmental Health advised that the capacity was 240 patrons and that the 10th floor could easily accommodate this number of people.

The Sub-Committee had a lengthy discussion with all representatives regarding the position of the barrier on the 10th floor, the effect the glass panel had on noise nuisance, access to and from the Penthouse suite, the arrangement of the seating on the terrace and the travel of noise to the residential areas from the 10th floor.

Mr Chris Wroe, Policy Adviser, suggested that a new map of the 10th floor be submitted to the Licensing Authority setting out clearly the internal and external areas of the 10th floor and the designated terrace areas that will be used/not used after 10.30pm

The Sub-Committee considered all the representations very carefully and stated that they were disappointed that the nuisance had occurred and the loud speakers had been placed on the terrace. They were also surprised that the loud speakers had not been removed earlier during the complaint process. The Sub-Committee complimented Ms Swann on the clarity of her case and noted that the ME Hotel wished to ensure that the matters were kept under control now they had recognised the problem caused to neighbours and that by having conditions added to the premises licence they would good neighbours.

The Sub-Committee decided to impose conditions on the premises licence which would hopefully ensure that the problems did not recur and which would help clarify the use and operation of the premises and promote the Licensing Objectives. The Sub-Committee encouraged the hotel and residents to work together in the future.

Conditions to be attached to the Licence

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

8. The responsible person shall ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

- (b) customers are made aware of the availability of these measures.

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

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

- 9(ii) For the purposes of the condition set out in paragraph 9(i) above -

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 9(iii). Where the permitted price given by Paragraph 9(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
11. 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.

Basement Function Rooms:

23. The provision of regulated entertainment is restricted to the basement area only.
24. The number of persons accommodated at any one time within the basement area (excluding staff) shall not exceed 300 persons. (subject to District Surveyor approval).
25. All activities shall be pre-booked and details of the event organiser and event shall be kept for a period of 21 days after the event.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
33. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
28. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
29. No striptease, no nudity and all persons to be decently attired at all times.
30. Licensable activity in this area will only be provided to hotel residents and their bona fide guests, persons attending a pre booked function, artists or performers at such functions.

10th Floor

31. The number of persons accommodated at any one time on the 10th Floor (including staff) shall not exceed 240 persons.
32. The supply of alcohol shall be by waiter or waitress service only.
33. There shall be no entry to the 10th floor of the premises after 01.00 except to the following persons:-

- o Residents of the Hotel and/or their guests (maximum number of 4 bona fide guests).
 - o A list of the persons on the guest list to be held at the Hotel reception.
 - o Persons attending a pre-booked function - a list of the persons attending the private function to be available at the Hotel reception.
 - o Persons employed by the Hotel proprietor including artistes.
34. Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.
35. A noise limiter must be fitted to the musical amplification system set at a level determined by and in consultation with local residents 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.
36. The premises licence holder shall ensure that any patrons drinking and/or smoking on the external terrace area do so in an orderly manner and are supervised by sufficient staff so as to ensure that there is no public nuisance.
37. After 22:30 the area marked Terrace 1 on the licence plan shall not be used in except in an emergency and for access to and from the Penthouse Suite.

First Floor Fine Dining Restaurant (Cucina Assellina Restaurant)

38. Intoxicating liquor in the fine dining restaurant area shall not be sold or supplied on the premises otherwise than to a person seated taking table meals there and for consumption by any such person as an ancillary to their meal.
39. Notwithstanding the above condition, alcohol may be supplied and consumed prior to their meal in the designated bar area.
40. The supply of alcohol shall be by waiter or waitress service only in the fine dining restaurant.

Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)

41. Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.
42. On the ground floor where licensable activity is permitted, a minimum of one SIA registered door supervisor shall be on duty at all entrances to the premises from 22.00.
43. There shall be no new entry for non-residents after 00:30.
44. The maximum number of persons (excluding staff) within the ground floor licensed areas between 01.00 hours and 02.00 hours shall not exceed STK Restaurant 200 persons; Marconi Bar and Lounge 60 persons
45. After 1.00am, the sale of alcohol in the ground floor restaurants will be ancillary to food, consumed by seated persons, supplied by waiter / waitress.

46. After 1.00am, the sale and consumption of alcohol in the Marconi bar will be to seated persons, supplied by waiter / waitress.

Ground Floor Reception Area

47. Supply of alcohol to the first floor reception area shall only be to hotel residents and their bona fide guests
48. No regulated entertainment is permitted in the first floor reception area.

All Areas

49. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
50. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions.
51. The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
52. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
53. All deliveries shall be to the service road leading to the basement delivery area.
54. No loudspeakers shall be located in the entrance area/corridor or external to the building, including the external terrace area on the 10th Floor.
55. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 07.00hours.
56. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
57. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent recordings with the absolute minimum of delay when requested.
58. All refuse will be stored internally prior to collection.
59. Any 'off' sales of alcohol are to be in sealed containers only and for consumption off the premises.
60. There will be no self-service of alcohol except for in the guest bedrooms.

61. Notices shall be prominently displayed at all exits and on the 10th Floor external roof terraces requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
62. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
63. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
64. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
65. There shall be at least one SIA registered door supervisor employed at the entrance to the Hotel at all times.
66. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
67. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
68. All beers and lagers sold in glass bottles are to be decanted into drinking containers prior to being served.
69. CCTV will be provided to cover the external area used for tables and chairs
70. All service of alcohol within the external area (edged in red) on the Aldwych as shown on plan JT 1413 shall be by waiter or waitress and to person seated only.
71. Any condition on this licence relating to live music will have effect and section 177A will not apply to such conditions.

A copy of the acoustics report that was prepared during the review of the premises licence in 2014 and referred to by the resident opposing the application is enclosed.

Report No. 0222.2 rev 1
October 2014

**ROOFTOP RADIO BAR, ME HOTEL,
336-337 STRAND, LONDON WC2R 1HA**

NOISE ASSESSMENT

DKN ACOUSTICS

Report prepared by:
Duncan Newhall BSc MIOA
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On behalf of:
The ONE Group
336-337 Strand
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Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

1.0 EXECUTIVE SUMMARY

- 1.1 This assessment considers the noise impact from external customers at the rooftop Radio Bar of the ME Hotel to the resident (complainant) at Flat 2, 148 Strand.
- 1.2 A noise survey was carried out at to the rear of the complainant's property from Friday 3 October to Sunday 5 October 2014.
- 1.3 Visits were made to the local area throughout and the noise was witnessed at the complainant's property on the evening of Saturday 4 October.
- 1.4 It was observed that customer noise was clearly audible to the rear of the property and at a level that is expected to constitute a statutory nuisance when witnessed on the flat roof and also in the bedroom when the window was open. This is confirmed by sample audio recordings undertaken by the complainant during the survey. It is not considered a statutory noise nuisance in the bedroom when the window was closed.
- 1.5 It is likely that customer noise is being reflected to the rear of the property off the high flank walls surrounding it. The noise is more noticeable at the rear as the road traffic noise in particular is much lower here than at the front, and so does not 'mask' the customer noise so readily.
- 1.6 Customer noise is not audible at the front of the complainant's property due to the higher ambient noise level.
- 1.7 It should, however, be noted that there are a number of other significant noise sources in the area and to the rear of the complainant's property, unrelated to the ME Hotel/Radio Bar. These include mechanical services plant serving adjacent commercial premises, customer noise breakout from the bar and restaurant at the nearby Strand Continental Hotel, vehicle noise (sirens, car horns, bus brake

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squeals), aircraft and open air music/film/entertainment events at Somerset House to the rear (although not present during the survey).

1.8 The Radio Bar has introduced a number of good practice noise control measures to minimise noise emissions.

1.9 A number of additional noise control measures have been recommended to further reduce noise from external customers at the Radio bar.

1.10 It is expected that the correct implementation of a combination of these measures will reduce customer noise to a level that it is no longer considered a statutory nuisance.

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2.0 INTRODUCTION

2.1 DKN Acoustics has been instructed by The ONE Group to undertake a noise assessment of the rooftop Radio Bar at the ME Hotel, 336-337 Strand, London, W2R 1HA.

2.2 This is required for the Licence Review to be undertaken by Westminster City Council, following noise complaints from a local resident concerning customer noise from the Radio Bar.

2.3 The assessment has included:

- Noise survey from Friday 3 – Sunday 5 October 2014 at the complainant's property, including the option for the complainant to record audio samples;
- Noise survey at the Radio Bar on Saturday 4 October 2014;
- Visits to Radio Bar and complainant's property at key periods to witness and assess audible noise levels from the Radio Bar;
- Monitoring of other significant noise sources in the local area; and
- Recommendations for noise control measures as necessary.

2.4 Noise levels referred to in the text of this report have been rounded to the nearest whole decibel (dB), as fractions of dBs are imperceptible. A description of the relevant noise units and noise characteristics is provided in Appendix I.

2.5 The noise survey and assessment has been carried out by Duncan Newhall, who is a Member of the Institute of Acoustics (IOA) and holder of the IOA Diploma in Acoustics and Noise Control. DKN Acoustics is an independent acoustic consultancy.

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3.0 SITE DESCRIPTION

- 3.1 The Radio Bar is located on the tenth (top) floor of the ME Hotel, 336-337 Strand, London W2R 1HA, at the junction of Strand and Aldwych.
- 3.2 The bar has a central internal space with perimeter roof terrace overlooking Aldwych and Strand.
- 3.3 The opening hours are:
- Monday to Wednesday: 12:00 – 01:00 hours
 - Thursday to Saturday: 12:00 – 02:00 hours
 - Sunday: 12:00 – 23:00 hours
- 3.4 Amplified music is played in the internal space of the Radio Bar only, predominantly as 'background music'. There is typically an increase in amplified music levels during Friday and Saturday evenings from 20:00 hours when there is a DJ set. From 22:00 hours, the door to the external terrace on the Strand side is closed to help contain noise.
- 3.5 No amplified music is played on the external areas of the Radio Bar. External loudspeakers were originally installed but have now been removed.
- 3.6 The surrounding area of the Strand and Aldwych roads is well trafficked, leading to a significantly high 'ambient' noise level in the local area over 24 hours. There are a number of other commercial premises in the immediate area which also generate noise including:

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Strand Continental Hotel, 143 Strand:

Including first floor bar (India Club), second floor Indian restaurant and mechanical services plant to rear.

Pizza Express, 147 Strand

Mechanical services plant to the rear.

Thai Square restaurant, 148 Strand

Mechanical services plant to the rear.

Sitar Indian restaurant, 149 Strand

Mechanical services plant to the rear.

Somerset House, Strand

Including open air live music, film and performance events, Winter ice-skating and mechanical services plant.

- 3.7 The complainant lives at Flat 2 (second floor), 148 Strand, to the south of the premises. The complaint concerns noise from external customers at the Radio Bar. Due to the high ambient road traffic noise level, there is no perceived noise issue to the front of the complainant's flat, where the living room of the flat is located.
- 3.8 The complaint is of customer noise being audible to the rear of the flat. This area is overlooked by the bedroom windows, which are single glazed timber sash windows, with flat roof beyond. The space to the rear of the flat is surrounded by high flank walls of nearby properties. It is possible that this arrangement allows external noise propagating from the tenth floor Radio Bar to reflect off these structures to the rear of the complainant's flat. Road traffic noise to the rear is quite well screened by the intervening fourth floor building of 148 Strand, and so there is less 'masking' of any noise from the Radio Bar.

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4.0 PREMISES LICENCE CONDITIONS & WESTMINSTER CC CORRESPONDENCE

- 4.1 The existing premises licence, ref. 14/04253/LIPDPS, includes a number of conditions. The noise-related conditions relevant to the Radio Bar (tenth floor bar) and the current noise complaint are summarised as follows:

31. The number of persons accommodated at any one time on the 10th Floor Roof area (excluding staff) shall not exceed 240 persons.

.....

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

- 4.2 In addition, following a previous complaint concerning amplified music, Westminster City Council has confirmed, with caveats, the music noise level in order for the Radio Bar to no longer cause disturbance to neighbouring properties. At the bar with all windows open, the agreed music noise level was confirmed at 85 dB L_{Aeq} , with 91 dB L_{Amax} and 81 dB L_{A90} also recorded. This is shown in WCC's letter dated 23 December 2013, which appears in Appendix V.

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5.0 NOISE SURVEY

5.1 Noise surveys and site visits were carried out from Friday 3 October to Sunday 5 October 2014.

5.2 Weather conditions were dry, relatively warm and calm (wind speed less than 5m/s) throughout, with the exception of a prolonged period of rain from approximately 10:00-16:00 hours on Saturday 4 October. The weather conditions during the key Friday and Saturday evening/night-time and Sunday lunchtime periods were therefore ideal for noise measurement.

Noise survey at complainant's residence

5.3 The complainant kindly co-operated to allow the noise survey at the Flat 2, 148 Strand.

5.4 Noise measurement equipment was installed on the second floor flat roof to the rear of the property. The microphone was located approximately 1m outside the bedroom window, mounted on a tripod around 1.2m above the flat roof.

5.5 The equipment comprised a RION NL-52 Type 1 integrating sound level meter (serial no. 00810302), pre-amplifier model NH-25 (serial no. 10296) and microphone model UC-59 (serial no. 03951). A continuous noise measurement survey was conducted from 17:10 hours on Friday 3 October until 14:30 hours on Sunday 5 October. Individual noise levels were measured sequentially over five minute periods during the survey. An all-weather windshield was fitted to the microphone. The calibration of the meter was checked before and after the survey, using calibrator model NC-74 (serial no. 34794362) with no variation in level noted.

5.6 The sound level meter was linked to a Noise Nuisance Recorder (NNR-03) which also allowed the complainant to record audio samples of any noise from the Radio bar when required. The complainant recorded 12 no. audio recordings, ranging

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from around one to five minutes in duration (maximum five minute recording possible per audio sample). The notes made by the complainant appear in Appendix III (11 no. notes made for 12 no. recordings).

5.7 In addition, the complainant was invited to call me to witness any noise incidents at the residence for the duration of the survey. Such a visit was made from approximately 22:30-23:00 hours on Saturday 4 October.

5.8 A summary of the measured levels is shown in Table 1. The full set of data is shown in chart form in Appendix II. Full details of individual measurements will be supplied on request.

Table 1: Mean measured noise levels at Location 1 (complainant's flat), dB

Period	Noise level				Comments
	L _{Aeq}	L _{Amax}	L _{A10}	L _{A90}	
Friday trading (part 17:10-02:00 hrs)	54	68 (max 84)	54	51	Measured levels throughout controlled by a variety of noise sources, including opening of bedroom sash windows, mechanical plant noise, aircraft, road traffic including sirens, car horns and bus brake squeals, noise from commercial kitchens etc and noise contribution from Radio Bar customers.
Saturday non-trading (02:00-12:00 hrs)	52	66 (max 82)	50	46	
Saturday trading (12:00-02:00 hrs)	54	67 (max 82)	54	50	
Sunday non-trading (02:00-12:00 hrs)	50	66 (max 81)	50	44	
Sunday trading (part 12:00-14:30 hrs)	55	71	56	46	

Patrol of local area

5.9 In addition, the area immediately around the complainant's residence was patrolled intermittently during the survey. This was done to identify all significant noise sources present.

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- 5.10 However, note that it was not possible to find a location that was representative of the enclosed area to the rear of the complainant's property.

Noise survey at Radio Bar

- 5.11 The Radio Bar was visited periodically throughout the survey. It was noted that the awning on the Strand-side of the terrace was extended throughout, with the exception of the period before 20:15 hours on Friday 3 October and during the Sunday 5 October trading period when it was fully or partially retracted.
- 5.12 In addition, a noise measurement survey was also conducted on the terrace of the Radio Bar overlooking the Strand in the direction of the complainant. The measurement position was at the location shown in Figure 5, with the microphone approximately 1.2m above the terrace floor.
- 5.13 The survey was carried out from 22:00 hours on Saturday 4 October until 02:45 hours the following morning. Sequential five minute noise measurements were recorded during the survey, with individual measurements synchronised with those being measured at the complainant's property.
- 5.14 Noise measurements were undertaken using a RION NA-28 Type 1 sound level meter (serial no. 00991176), including pre-amplifier model NH-23 (serial no. 81217) and microphone model NUC-59 (serial no. 01421). The calibration of the meter was checked before and after the survey, using calibrator model NC-74 (serial no. 34794362) with no variation in level noted.
- 5.15 The measurements were recorded with a windshield fitted at all times during the survey.
- 5.16 A summary of the measured levels is shown in Table 2. The full set of data is shown in chart form in Appendix II. Full details of individual measurements will be supplied on request.

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Table 2: Mean measured noise levels at Location 2 (Radio Bar), dB

Period	Noise level				Comments
	L _{Aeq}	L _{Amax}	L _{A10}	L _{A90}	
Saturday trading (part 22:00-02:30 hrs)	75	89 (max 97)	76	68	Customers, amplified music (through closed doors), road traffic, aircraft

5.17 The manager of the Radio Bar keeps a daily log of customer numbers and of any noteworthy incidents. A record was also kept of whether the retractable awning on the Strand side of the terrace was extended or retracted. Copies of the manager's log sheets for the Friday and Saturday trading periods covered by the noise survey appear in Appendix IV. Customer numbers reached a maximum of 176 and 230 on Friday 3 and Saturday 4 October respectively.

6.0 ASSESSMENT OF NOISE FROM RADIO BAR

Noise survey at complainant's residence

- 6.1 The measured noise levels at Location 1 were largely a measure of all the various noise sources to the rear of the flat, as described in Table 1. There is no obvious increase in the measured noise levels when customer noise from the Radio Bar is reported to be audible. This was the case during the attended part of the survey, when the L_{Amax} peaks were caused by the sash window being opened and close (see Appendix II Chart A3).
- 6.2 An observation was made to the rear of the complainant's flat during the call out from 22:30-23:00 hours on Saturday 4 October. At this time, noise from customers' voices was clearly audible on the flat roof outside the bedroom window (near the noise measurement position). The perception was that the noise was being reflected to the rear of the property from the high sided flank walls of the enclosed space to the rear. At this time, the customer noise was identified as originating from the Radio Bar.
- 6.3 Other noise sources included mechanical plant, impact noise from adjacent commercial kitchens, road traffic (including brake squeals, car horns and sirens).
- 6.4 From inside the bedroom, customer noise was again clearly audible when the window was open. With the window closed, customer noise was only just audible.
- 6.5 It is expected that the Local Authority would consider the customer noise to the rear of the complainant's property to be a statutory nuisance at this time. This is expected to apply when heard on the flat roof and inside the bedroom when the window is open. When the bedroom window is closed, the noise is not considered adequate to be classed as a statutory noise nuisance inside the bedroom.

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6.6 It was noted that on Sunday 5 October (on collection of the noise equipment at 14:30 hours), customer noise was not audible to the rear of the complainant's property. The Radio Bar roof terrace was well occupied on the Strand side, with an estimated 50 customers seated externally. The customers were predominantly dining with a more intimate and less animated style of conversation than occurred during the late evening/night-time periods. In this circumstance, there was no statutory noise nuisance.

6.7 The audio recordings undertaken by the complainant have been studied. Noise from customers is audible during a number of the recordings. Other audible noise sources include road traffic (including bus brake squeals, sirens, horns) and mechanical plant.

Patrol of local area

6.8 It was not possible to access a location that was representative of the enclosed area to the rear of the complainant's property.

6.9 Customer noise from the Radio Bar was not audible in any of the publicly accessible areas immediately adjacent to the complainant's flat. These areas included the street level on the Strand in front of the flat and the cul-de-sac road to the rear to the north-west of Somerset House (see Figure 3).

6.10 However, it was noted on Friday 3 October that there was a private party in the first floor bar of The Strand Continental Hotel. This was well attended and the bar was full of people, with the event taking place from around 19:00-00:20 hours. The rear window of this bar was open.

6.11 Also, the second floor Indian restaurant at the Strand Continental Hotel was full of diners until around 22:30 hours. The rear door to the restaurant was open.

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6.12 Customer noise from the bar and restaurant at the Strand Continental Hotel was very clearly audible (even above the noisy mechanical plant and construction noise in the area at the time), as witnessed from the cul-de-sac road to the north-west of Somerset House. This position is very close to the rear of the complainant's residence.

Noise survey at Radio Bar

6.13 The measured levels at the Radio Bar (Location 2) have been compared with the measurements over the equivalent period at the complainant's flat (Location 1). This is shown in chart form in Appendix III Chart A4.

6.14 As described previously, the measurements were largely a display of all noise sources in the area, not just as a result of the Radio Bar customers.

6.15 The measured levels shown in Table 2 cannot readily be compared with the reference noise levels described in WCC's letter of 23 December 2013. They have each been recorded in different locations (i.e. at bar versus on terrace) and under different conditions (i.e. with music playing/doors open versus customer noise dominant/doors closed).

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7.0 RECOMMENDED NOIOSE CONTROL MEASURES

Existing noise control measures

7.1 The Radio Bar has introduced a number of good practice measures designed to minimise noise. These include the following:

- Use of part-height perimeter parapet glazing to provide some acoustic screening;
- Removal of all external loudspeakers on roof terrace;
- Preventing any DJ sets or scheduled noisy events from taking place on the external terrace area;
- Closing of door from Strand-side terrace to bar during later trading periods from 22:00 hours, with access to the terrace only from the Aldwych-side door after this time;
- Close staff supervision of customers to minimise unnecessary and unreasonable noise;
- Staff encouraging customers to relocate indoors during later trading periods;
- Encouraging the use of the Strand-side terrace as a 'chill-out' area, in contrast to the Aldwych-side, as it is separated from and remote from the internal amplified music.

Recommendations for further noise control measures

7.2 Further recommendations for noise control measures are available. These are separated into measures that can be applied at source, noise pathway and at the receiver (complainant's flat) as follows:

At source:

- Introduce appropriate signage on the external terrace reminding customers of the residential nature of the area and requesting that noise be kept to a minimum.
- Reduce the number of customers on Strand-side of terrace.
- Limit times of use of this area of the terrace to avoid later trading hours.
- Possible use of Strand-side of terrace for dining only. This would encourage more intimate conversation rather than the more animated style associated with drink-only customers, leading to reduced noise at source.

Noise pathway:

- Seal the existing small gaps between the individual panels of the perimeter parapet glazing to ensure no gaps remain.
- Consider the use of floor-mounted or portable acoustic screens on the terrace, constructed from glazing or high density Perspex to ensure it is above head height when customers are standing. A top section angled back over the terrace would provide the best standard of perimeter screening attenuation possible with this arrangement. Material should have a minimum mass of 10 kg/m² and should have no holes or gaps in its construction, including at its base with the terrace.

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- Introduce acoustically absorbent material to the underside of the glazed roof overhang, underside of the retractable awning, inside of 'cabana' seating booths and any other acoustically reflective surface on the terrace. At present, there is a large area of acoustically 'hard' reflective surfaces on the terrace, which can readily reflect customer noise towards the complainant's flat. The absorptive linings should cover as large an area as possible. This measure can be bespoke made or there a number of proprietary products commercially available. The principle is to provide acoustically absorbent material, such as mineral wool, to absorb reflected/reverberant noise, which can be held in place for instance by perforated metal sheeting or timber slat cover, providing there is a minimum 25% open area to the covering exposing the absorbent material behind.

At receiver:

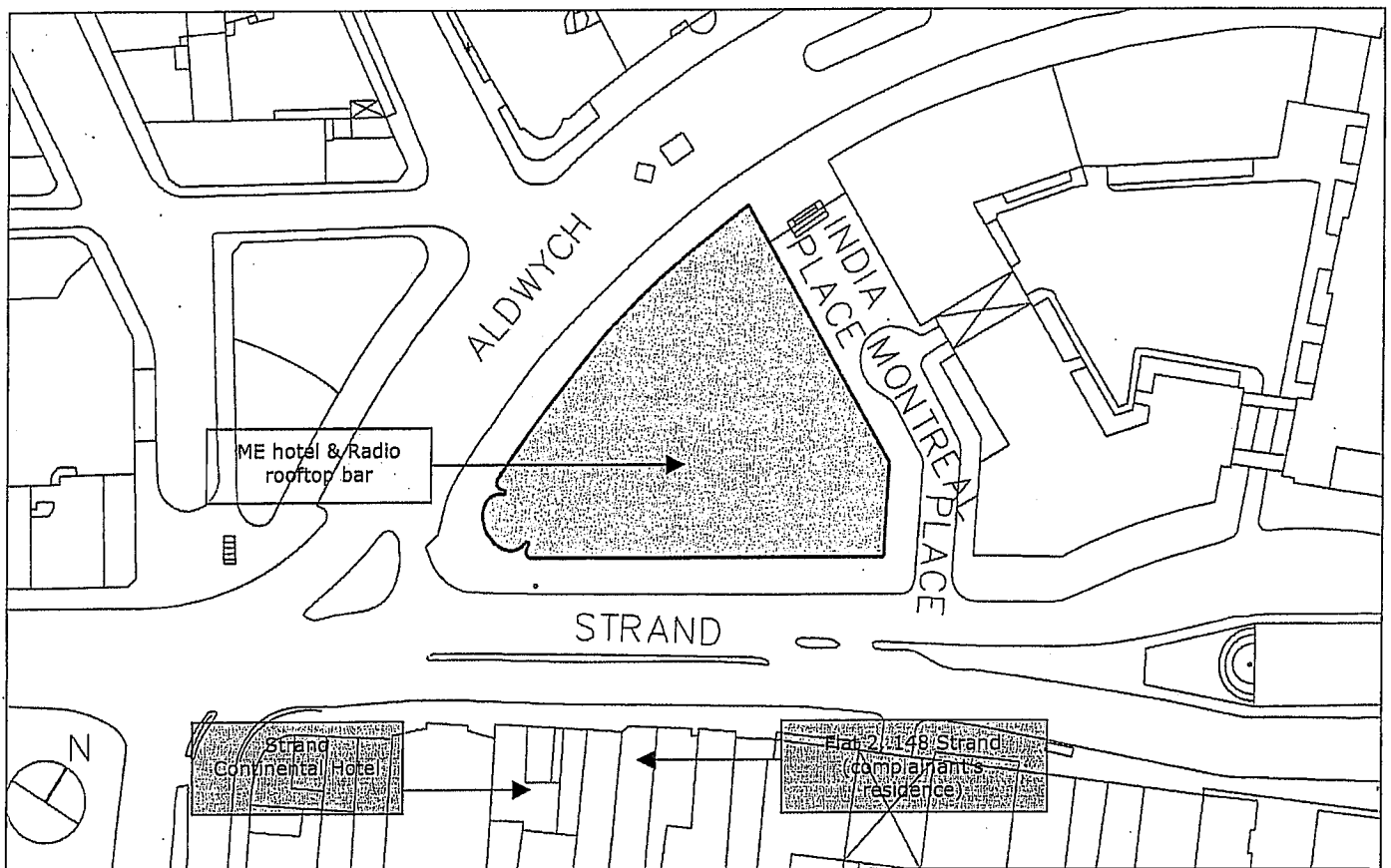
- Upgrade glazing to complainant's flat, from existing single glazed sash windows to well-sealed double glazed or secondary glazed units. This measure would only provide a benefit when windows are closed.

7.3 It is expected that a combination of some or all of these measures will be required to reduce the noise impact from customers to a level below that deemed a statutory nuisance at the complainant's property.

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Figure 1 – Site location plan



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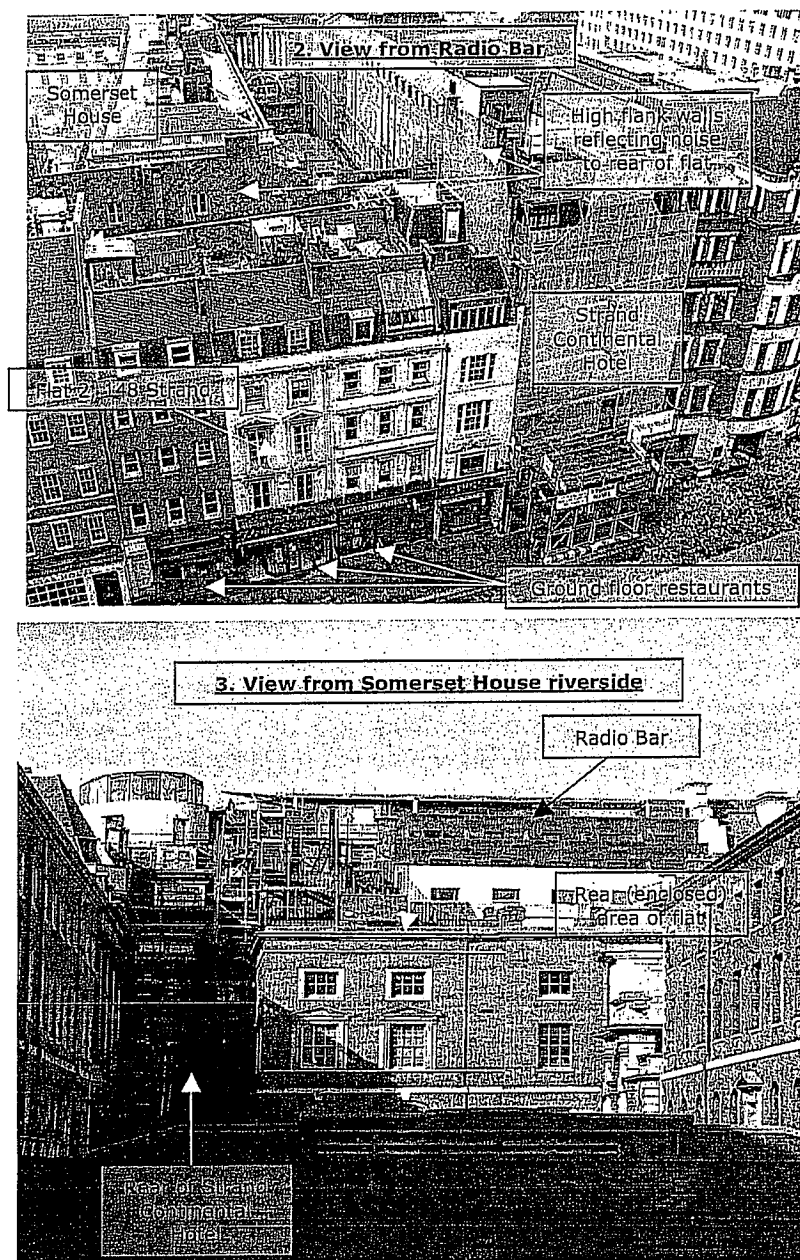
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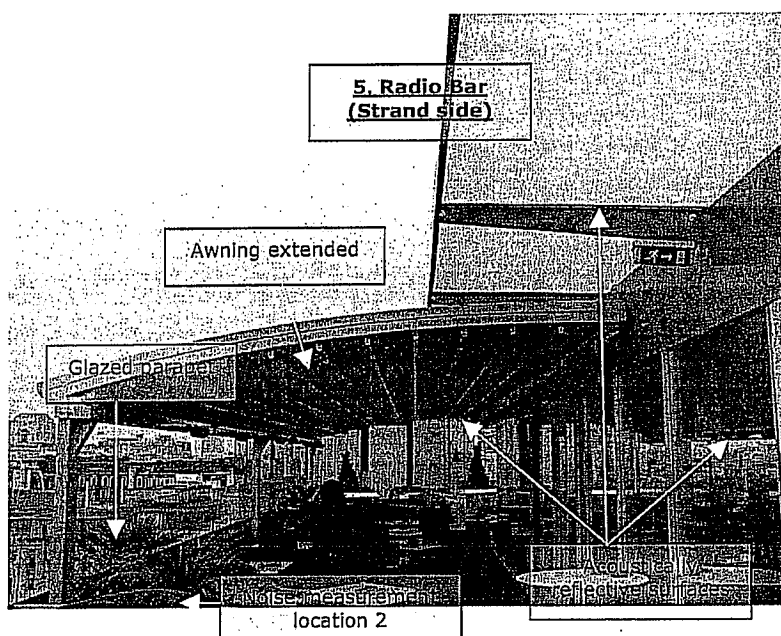
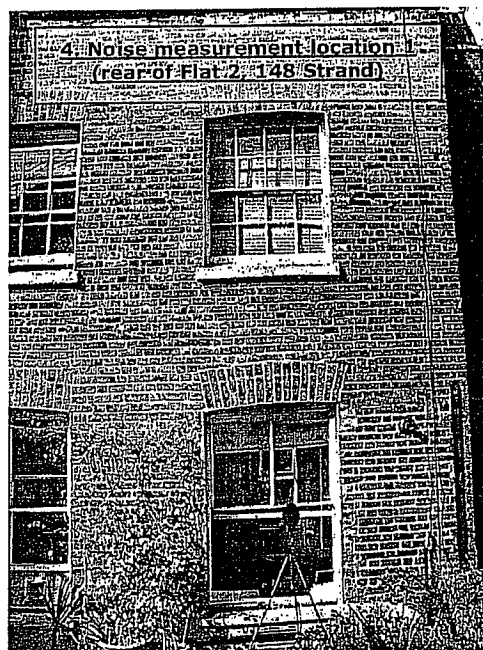
Site address:
Radio rooftop bar, ME Hotel

Figure 2-6 – Photographs of area



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Site address:
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Client:
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Site address:
Radio rooftop bar, ME Hotel

Appendix I – Noise units and indices

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 120 dB (threshold of pain).

An increase in noise level of 10 dB(A) is roughly perceived as a doubling of the sound source. A 3 dB(A) change in noise level is generally the minimum perceptible difference.

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or Hertz (Hz). Sometimes large frequency values are written as kiloHertz (kHz), where 1 kHz = 1000 Hz.

Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

Glossary of Terms

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB(A) level. However, when the noise level varies with time, the measured dB(A) level will vary as well. In this case it is therefore not possible to represent the noise climate with a simple dB(A) value. In order to describe noise where the level is continuously varying, a number of other indices, including statistical parameters, are used. The indices used in this report are described below.

L_{Aeq} The A-weighted 'equivalent continuous noise level' which is an average of the total sound energy measured over a specified time period. In other words, L_{Aeq} is the level of a continuous noise which has the same total (A-weighted) energy as the real fluctuating noise, measured over the same time period. It is increasingly being used as the preferred parameter for all forms of environmental noise.

L_{Amax} The maximum A-weighted noise level that was recorded during the monitoring period.

L_{A10} The A-weighted noise level exceeded for 10% of the time period. L_{A10} is commonly used as a descriptor of road traffic noise.

L_{A90} The A-weighted noise level exceeded for 90% of the time period. L_{A90} is used as a measure of background noise.

A-weighting

The human ear responds differently to different frequencies of sound. A-weighting is the method of adjusting measured sound pressure levels to take into account human hearing and our uneven frequency response. For example, an A-weighted Leq noise level of 95 dB can be written as either Leq of 95 dB(A) or LAeq of 95 dB.

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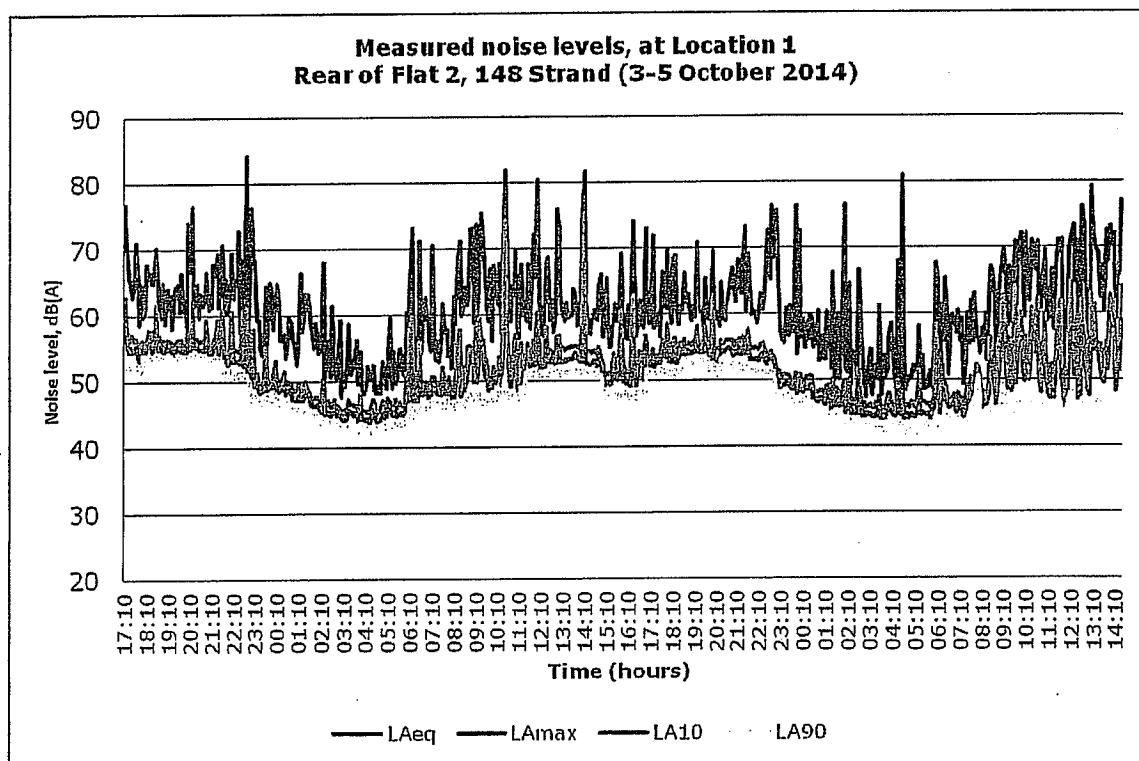
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Appendix II – Measured noise levels

Chart A1:



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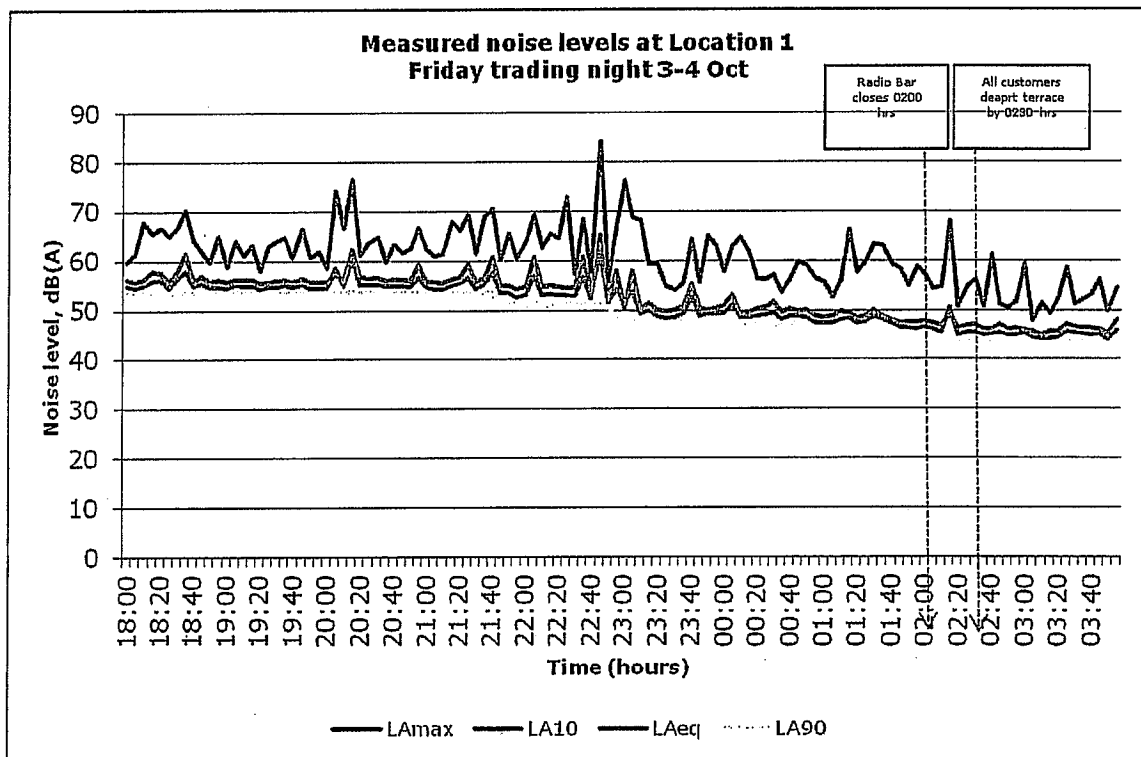
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Chart A2:



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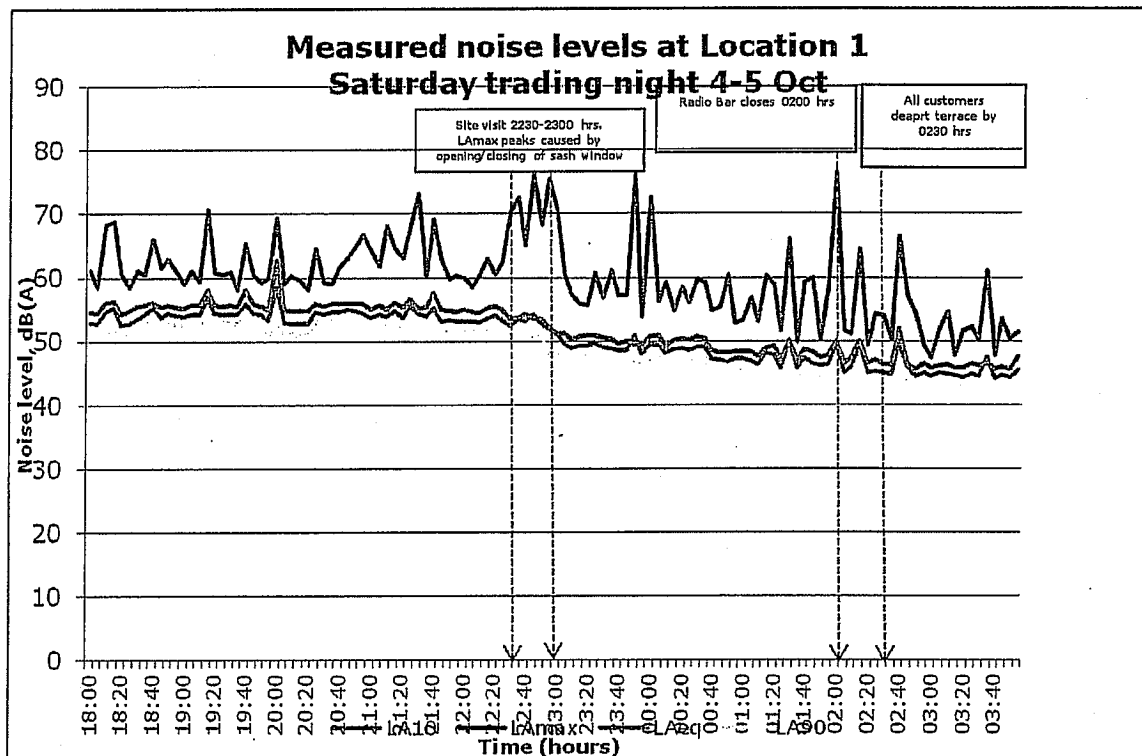
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Chart A3:



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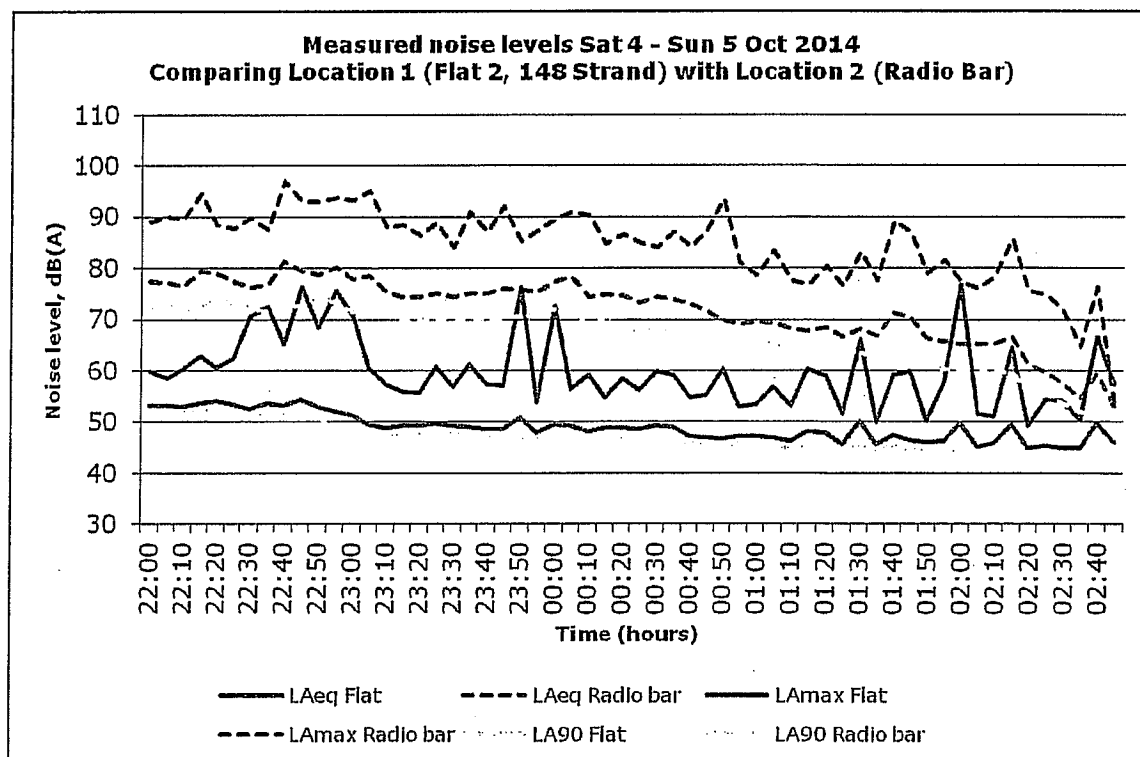
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Chart A4:



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Client:
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Site address:
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Appendix III - Complainant's log sheets

Kate Stann 05/10/14 Noise from Roof top bar of ME Hotel.

Date	Record no.	Time record started	Time record ended	Description of noise	Effect of noise (e.g. affected reading, conversation, TV watching, sleep)
3/10		23.15	23.15	[All references are to disruptive people noise from the bar - shouting, laughter, boisterous conversations.]	Impact on going to sleep
3/10		23.16	23.21		
03/10		00.15	00.20	→ Woken by a shout. Customers audible	Waking me from sleep
04/10		01.25	01.30	→ Woken again by a shout	on each occasion.
04/10		23.30	23.31		
04/10		23.32	23.32		
04/10		23.35	23.40		
04/10		23.50	23.52		
05/10		00.05	00.05		Impact on going to sleep
05/10		00.10	00.15		
05/10		00.30	00.35		

My not have caught about in time.

* Visit permitted 22.30 → 23.00 04/10/14
to hear sounds from roof and within bedroom.

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Appendix IV – Radio Bar log sheets

DATE		G. 5/15/74		TOTAL MS	
TIME					
01:30		76.7		54 / 107	
7:00		79.1		60 / 108	
7:30		78.3		65 / 150	
8:00		78		60 / 150	
8:30		78.4		57 / 146	
9:00		81		60 / 151	
9:30		82.1		51 / 141	
Total		78.1		297 / 105	
10:00		78.1		57 / 150	
11:00		78.4		56 / 145	
11:30		78		50 / 155	
12:00		78.7		33 / 144	
12:30		81.6		51 / 141	
1:00		80.1		171 / 30	
1:30		80.4		27 / 10	


Site address:
Radio rooftop bar, ME Hotel

TIME	IN	OUT	TIME	IN	OUT
6:00	78.1	78.1	10:00	78.1	78.1
6:30	78.2	78.2	10:30	78.2	78.2
7:00	78.4	78.4	11:00	78.4	78.4
7:30	78.5	78.5	11:30	78.5	78.5
8:00	78.7	78.7	12:00	78.7	78.7
8:30	78.9	78.9	12:30	78.9	78.9
9:00	79.4	79.4	1:00	79.4	79.4
9:30	79.1	79.1	1:30	79.1	79.1
10:00	79.5	79.5	2:00	79.5	79.5
10:30	81.9	81.9	2:30	81.9	81.9
11:00	78.1	78.1	3:00	78.1	78.1
11:30	78.4	78.4	3:30	78.4	78.4
12:00	78.6	78.6	4:00	78.6	78.6
12:30	78.7	78.7	4:30	78.7	78.7
1:00	78.7	78.7	5:00	78.7	78.7

Client:
The ONE Group

Site address:
Radio rooftop bar, ME Hotel

Appendix V – WCC letter

Westminster City Council	Westminster City Hall 100 Victoria Road London SW1E 6JL	020 7041 3000 www.westminster.gov.uk	 City of Westminster
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It's matter is being dealt with by:
Sarah Chowdhury
Environmental Health Enforcement Officer
Tel: 020 7041 3137
Fax: 020 7041 3436
S.chowdhury1@westm.gov.uk
Date: 28 December 2013

Mike Haydon
The ONE Group - London
Food and Beverage Director
36-337 The Strand
London
WC2R 1HA

By email only

Dear Mr M Haydon

RE: Noise levels from the Radio Rooftop Bar, The Strand, London.

I refer to the visit made on 23rd December 2013 to the above named premises in relation to establishing a sound level for the Radio Rooftop Bar in order for the premises to no longer cause noise disturbance to the neighbouring properties.

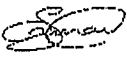
The agreed noise level at the bar with all the balcony doors open and music being played both inside and on the roof terrace was 65dB LAeq. The Lmax was recorded as 91dB(A) and the L90 was recorded as 81dB(A).

At this level, the music noise from the Radio Rooftop Bar should not be audible at nearby residential properties however, this is dependent on weather conditions and crowd noise. Therefore, noise disturbances may still be caused in the future with the change in conditions. If further testing and informal noise limit settings are required in the future then that can be arranged.

In the meantime, those 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.

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

Yours sincerely

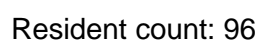


Sarah Chowdhury
Environmental Health Enforcement Officer
Environmental Sciences Team

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Premises within 75 metres of ME Hotel, 335 Strand

Licence Number	Trading Name	Address	Premises Type	Time Period
17/10169/LIPDPS	Pizza Express	Ground Floor 147 Strand London WC2R 1JA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/00677/LIPDPS	Thai Square	148 Strand London WC2R 1JA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/03676/WCCMAP	Sitar Indian Restaurant	Basement And Ground Floor 149 Strand London WC2R 1JA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/00953/LIPDPS	One Aldwych Hotel	Ground Floor To Sixth Floor 1 Aldwych London WC2B 4BZ	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/03399/LIPVM	India Club	143-145 Strand London WC2R 1JA	Restaurant	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 22:30
06/08176/WCCMAP	Strand News	145 Strand London WC2R 1JA	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
06/08106/WCCMAP	Cellar Door Jazz Cafe	Development Site At Former Wellington Street Toilets At Junction With The Strand And Wellington Street London	Wine bar	Monday to Sunday; 10:00 - 01:00
13/05698/LIPN	The Restaurant	1 - 5 Catherine Street London WC2B 5JS	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00