

Licensing Sub-Committee Report

Item No:	
Date:	27 September 2018
Licensing Ref No:	18/06944/LIPN - New Premises Licence
Title of Report:	Scotts 20-22 Mount Street London W1K 3SF
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 June 2018		
Applicant:	Caprice Holdings Limited		
Premises:	Scotts		
Premises address:	20-22 Mount Street London W1K 3SF	Ward:	West End
		Cumulative Impact Area:	None.
Premises description:	The application form describes the premises as a high-quality restaurant operating with ground floor and basement. The premises benefit from a private forecourt where there is an external seating area at the front of the premises on Mount Street.		
Premises licence history:	<p>The premises are currently licensed under reference 11/11976/LIPVM.</p> <p>The applicant has confirmed that due to the number of changes to the existing licence a new licence is sought, rather than submitting a variation application. A copy of the premises licence can be found in Appendix 2. A full premises licensing history can be found at Appendix 5.</p>		
Applicant submissions:	<p>The applicant has provided information relating to their application which is provided at Appendix 3.</p> <p>Since the submission of the application the applicant has reduced the terminal hour for licensable activities and the closing time of the premises as follows:</p> <ul style="list-style-type: none"> • Sale of alcohol to cease at 00:00 on Sunday; • Late night refreshment to cease at 00:30 on Sunday; and • Closing time for the premises to be 00:30 on Sunday. 		
Note:	<p>The applicant sought pre-application advice prior to submitting the application. A copy of the advice can be found in the applicants evidence bundle at Appendix 3.</p> <p>The application has been adjourned from previous hearings dates by both the applicant and the interested parties.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:00
Seasonal variations/ Non-standard timings:		<p>An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday.</p> <p>An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.</p>					
Late Night Refreshment: Amended				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:30
Seasonal variations/ Non-standard timings:		<p>An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday.</p> <p>An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.</p>					

Sale by retail of alcohol				On or off sales or both:			On the Premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		<p>An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday.</p> <p>An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.</p> <p>Note: Alcohol in external area to be limited to 23:00 hours daily.</p>					
Sale by retail of alcohol: Amended				On or off sales or both:			On the Premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		<p>An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday.</p> <p>An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.</p> <p>Note: Alcohol in external area to be limited to 23:00 hours daily.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:00
Seasonal variations/ Non-standard timings:		An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday. An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.					
Hours premises are open to the public: Amended							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:30
Seasonal variations/ Non-standard timings:		An additional 30 minutes to the terminal hour on New Years Eve when it falls on a Sunday. An additional 30 minutes to the terminal hour on all Bank Holiday Sundays.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	10 th July 2018
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted plans of the Basement and Ground Floor.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' the premises Monday to Saturday 10.00 to 01.00 hours and Sunday between 10.00 to 00.00 hours. 2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 to 01.30 hours and Sunday 23.00 to 00.30 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance within the area. <p>The applicant has provided additional information with the application which is being addressed and also states that a noise assessment has been carried out. I would be grateful if a copy of the noise assessment is provided for me to assess.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

The Environmental Health Service have provided a history of noise complaints as follows:

The following is a list of complaints made to this authority within the last four years.

Thursday 14th August 2014. Complaint from resident that premises are breaching the condition regarding the time the external tables and chairs must be rendered unusable.

Friday 29th August 2014 @ 21.35. Premises visited by a licensing inspector and showed 18 customers still seated at tables, although 2 of the tables were clear of any plates, glasses or cutlery. Spoke with the Duty Manager who made a full and frank admission; 2 of the tables had finished their meals and were paying their bills; he knew that this was wrong but the customers had wished to stay outside and he acquiesced to their wishes. He was advised to move them away forthwith and to ensure that he and all the other managers complied with these conditions at all times.

Premises again visited on Saturday 30th August 2014 @ 22.45 and found all tables empty and unusable as required.

Saturday 9th May 2015. Complaint by resident regarding temporary event notice (TEN) at the premises. A TEN 15/01999/LITENP regarding an election party was permitted. TEN was to allow trading to 03.00 hours. The premises were visited twice during the duration of the TEN

Thursday 7th May 2015 @ 22:40hrs. Checked premises from outside and noted 2 SIA officers outside premises, no escape of noise from premises, all quiet.

Friday 8th May 2015 @ 03:00hrs. Checked premises again and noted the premises was closed and musicians were packing away their equipment. No breaches noted.

Objectors have also raised the concern that permitting these premises longer hours would set a precedent for other premises to trade later.

The following is a list of licensed premises in Mount Street with external tables and chairs, their hours of operation, any conditioned restriction and related complaints for last two years.

Audley PH, 41-43 Mount St, W1. Alcohol hours Monday to Saturday 10.00 to 00.00 hours
Sunday 12.00 to 23.30 hours. Plus an additional hour on notable days. No time restriction on the use of tables and chairs or persons outside the premises.

Wednesday 20th April 2016 @ 15.15 hours. Loud noise coming from a kitchen ventilation unit. Noise officer visited @ 15.45 hours and noise barely audible and not at all a nuisance.

Thursday 21st April 2016 @ 09.33 hours. Air con unit, this is causing a lot of noise. The customer complained about it yesterday, but when the noise team came out there was too much other noise to hear. They suggested customer call when the noise is there. Noise officer visited @ 11.00 hours and noise just audible not a statutory nuisance. Spoke to the pub Landlord who stated the filters were replaced yesterday and the engineers reported no undue noise. I advised of complaint and asked if the fan had to be run at full speed all of the time. He will look to reduce fan speed when it is not required.

Thursday 26th April 2018 @ 21.59 hours. Loud rubbish removal going on at 05:30 each morning and she would like it stopped. Noise officer attended @ 05.35 on 27th April 2018 and noted 3 x wheeled bins outside front of The Audley PH on South Audley St side. Recycling wagon from Simply Refuse turned up and tipped bottles into back of wagon with huge loud crash. Residential flats nearby. Noise officer advised and Simply were able to confirm that collections

were made a 05.20hrs. They will make sure that there is no noise before 7am. Resident advised and she most pleased with outcome.

Thursday 3rd May 2018 @ 06.39 hours. Loud waste collection happening, this happens every morning between 05:30 - 06:30 hours. Noise officer phoned customer and advised that he would contact the pub to discuss. Spoke to Premises Inspector who says they would like to deal with the problem under licensing conditions. I agreed that this would be a useful way forward. Phoned and updated customer. Premises inspector visited and new arrangement to use pre-paid bags with collection after 07.00 hours. It is understandable that it will take until the beginning of next week to action the change over from bins to bags, but in the interim could you please reiterate to SWR (your waste carrier) that the bins must not be emptied until after 7am.

Friday 4th May 2018 @ 06.17 hours. Loud waste collection has woken up complainant, this happens every morning between 05:30 - 06:30 hours.

Wednesday 9th May @ 07.13 hours. Emptying used bottles into waste bins at "The Audley" public house. No visit required but complaint passed to premise inspectors to action.

George Club/Restaurant, 87-88 Mount Street W1 Alcohol hours Monday to Saturday 08.00 to 01.00 hours Sunday 08.00 to 00.30 hours. Restaurant/entertainment condition for last two hours of alcohol service. No time restriction on the use of tables and chairs or persons outside the premises.

No noise complaints relating to the premises.

Mount St Deli, 100 Mount St W1 Alcohol hours to 08.00 to 20.00 hours. Tables and chairs to be rendered unusable by 21.00 hours.

No noise complaints relating to the premises.

Fino's, 123 Mount St W1. Alcohol hours Monday to Saturday 10.00 to 00.00 hours Sunday 12.00 to 23.30 hours. No time restriction on tables and chairs or persons on the highway.

Friday 11th November 2016. Premises inspector visit @ 22.15 hours due to non-specific complaint from resident. Observations to check noise levels and how customers exit and leave the area. The area was particularly quiet and there was no cause for concern. We will however arrange a visit at another time and day as well as speak to residents to get a better understanding of times and dates.

Thursday 8th December 2016 @ 22.30 and again at 23.00 hours. Visit by premises inspectors following complaints regarding customers smoking and causing nuisance when leaving. The downstairs area was being controlled by a security guard, as promised by the management when the matter was originally investigated. There were no customers outside; smoking, or otherwise; nor were there any issues with customers leaving.

Saturday 10th December 2016 Visit by premises inspectors to speak with manager just to advise him that we had received another complaint. The manager informed me that he has taken concerns seriously and would like to meet with complainant to discuss a way forward. I found him approachable and amenable and thanked me for bringing the matter to his attention. He

also informed me that they will have a doorman on duty this Thursday and Friday evening and we will also conduct our own monitoring. Request to check the premises at around 22.00 hours for issues in relation to public nuisance. Premises observed for a brief period of time in which no issues were found.

Friday 12th May 2017 @ 13.46 hours. Visit by premises inspector @ 23.00 hours following noise complaint. At time of visited there were 4 people seated outside the premises. There was no undue noise and all patrons exited quietly.

Delfino, 121 Mount St W1. Alcohol hours Monday to Saturday 10.00 to 00.00 hours Sunday 12.00 to 23.30 hours. Conditioned as a restaurant. No time restriction on tables and chairs or persons on the highway.

Friday 9th June 2017. Visit by premises inspectors @ 22.00 hours following a recent noise complaint. At time of visited there were 6 people seated outside the premises. There was no undue noise and all patrons exited quietly.

Friday 25th August 2017 @ 14.47 hours. Visit by premises inspectors @ 22.00 hours following a recent noise complaint. At time of visited there were 7 people seated outside the premises. There was no undue noise and all patrons exited quietly during observations.

Connaught Hotel, Carlos Place W1. Alcohol hours Monday to Saturday 07.00 to 02.30 hours Sunday 07.00 to 00.00 hours. Tables and chairs to be removed by 23.00 hours.

No noise complaints relating to the premises.

Dean and Deluca, 117 Mount St W1 Alcohol hours to 21.00. Tables and chairs to be removed by 21.00 hours. Not trading.

Responsible Authority:	Metropolitan Police Service (Withdrawn)
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Representative:	PC Sandy Russell
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Received:	14 June 2018
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. Although the venue is not situated within Westminster's Cumulative Impact Area, it is our belief that if granted the application would undermine the Licensing Objectives.

I have looked through the application. Overall it is agreeable, however, I would like a few days to go over it and ensure it is as discussed. I will be in touch next week.

Following further discussion between the applicant and the Metropolitan Police Service the application was reduced. Following the reduction of hours the Metropolitan Police Service withdrew their representation.

2-B Other Persons

Received: 20 June 2018

I wish to object to later hours for this restaurant on the grounds of possible public disorder nuisance and crime and disturbance to residents including young children.

Firstly Mount Street is almost exclusively residential after 6pm and to introduce the noise associated with a late night restaurant - taxis, slamming car doors loud voices etc - would be to change the nature of the street. We have already had this experience with Berkeley street and last year the ward councillors commissioned a survey of late night licensing nuisance in Mayfair led by Chris Wroe which proved the residents were at high risk.

Secondly certain residents will be personally affected including hedge fund managers living opposite whose working day begins at 5am. It is inconceivable that they should only be allowed three hours sleep at night in order to allow the late night economy to thrive

Others including myself will be more than inconvenienced by late operation of the kitchen fan and ac which exit right by our bedrooms, in some cases no more than 3 feet from the bed. The working hours of this plant is strictly conditioned by planning and should not be extended. Most importantly the restaurant is not in fact soundproof, despite this being a strict condition of its licence as established in the magistrates court.

The residents immediately above have had to learn to live with this by emailing the Management every time the sounds of clearing up, hoovering, moving furniture etc become unreasonable after midnight. The managers then try to put a new regime in place - until it happens again. Obviously if the restaurant hours are extended the clearing up will go on further into the night stopping us from sleeping.

I have a long email trail proving this is which I will produce for the hearing.

Please note I have no personal animosity against this restaurant and we have learned to live with each other as good neighbours with the current hours but it has to be acknowledged that it is not in a late night area and that residents who also contribute considerably to the country's economy, must be allowed some consideration.

Finally I understand the restaurant is claiming to have met with the residents but these do not include myself and I have had not heard of such a meeting from any of my neighbours. The only meeting on the subject I know about was between myself and Richard Caring a couple of years ago when he consulted me about the theory of later hours and having heard my views assured he me he would not be applying.

If there has been a subsequent meeting please provide me with the names of those people present

Emails have been received from the resident which can be found in **Appendix 4.**

Received: 25 June 2018

I live above another Mayfair restaurant, so I am familiar with the noise and nuisance that can occur when a restaurant closes. I am concerned that a dangerous precedent will be set if this application is approved; applications for extended hours from other Mayfair restaurants will undoubtedly follow.

Even the best managed restaurant is unable to control the noise and nuisance their diners can create when they leave the immediate vicinity of their premises or when cars arrive to collect

them. Mayfair is home for many of us and we would like to enjoy a reasonable night's sleep. Extending a restaurant's hours of operation may increase their profits, but it is likely to do reduce the quality of life for residents and I believe that is unreasonable. Hence, I would ask that you refuse this application.

Received: 05 July 2018

this is totally unacceptable!

We have so much noise as it is from Scott's , every morning there is a huge truck collecting empty bottles , and it is very very noisy! The restaurant is actually opened till late ours. Guests of the restaurant are coming over by sports cars, I can hear the engines raving all the time , people talking and shouting !!!

I demand my right to sleep at night in peace!! Also I am 6 months pregnant and I have a baby on the way!! I do not need more noise and drunken people outside at night !!!

Received: 10 July 2018

I strongly oppose the application for a new premise license by Caprice Holdings Ltd, application reference (18/06944/LIPN). The application asks for a license that allows the restaurant to extend its opening hours on most days until 1.30 AM. Even on Sundays, opening hours are extended to 1 AM. Allowing these late night activities in a quiet residential street (i.e., Mount Street) will radically change its character. There is significant risk that customers leaving the restaurant late at night will cause significant disturbance in the street. I expect unacceptable levels of noise, shouting, and increased traffic as a result. In addition, allowing these extended opening hours will set a precedent for other restaurants in the area, would likewise will apply for extended operating hours. This is a largely residential area and businesses need to operate within the limits imposed by that reality.

Address and/or Residents Association: The Mayfair Residents Group

Received: 05 July 2018

The Mayfair Residents Group would like to support [REDACTED] objection to this application. Mount Street is indeed a highly residential street. If this application were to be granted we believe that it would upset the existing precarious balance between the needs of residents for peace at night and the commercial objectives of the 'hospitality industry' establishments in the street.

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.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

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	Current Premises Licence
Appendix 3	Applicant supporting documents
Appendix 4	Pre-Application advice.
Appendix 5	Comments received from resident
Appendix 6	Premises history
Appendix 7	Proposed conditions
Appendix 8	Residential map and list of premises in the vicinity
Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

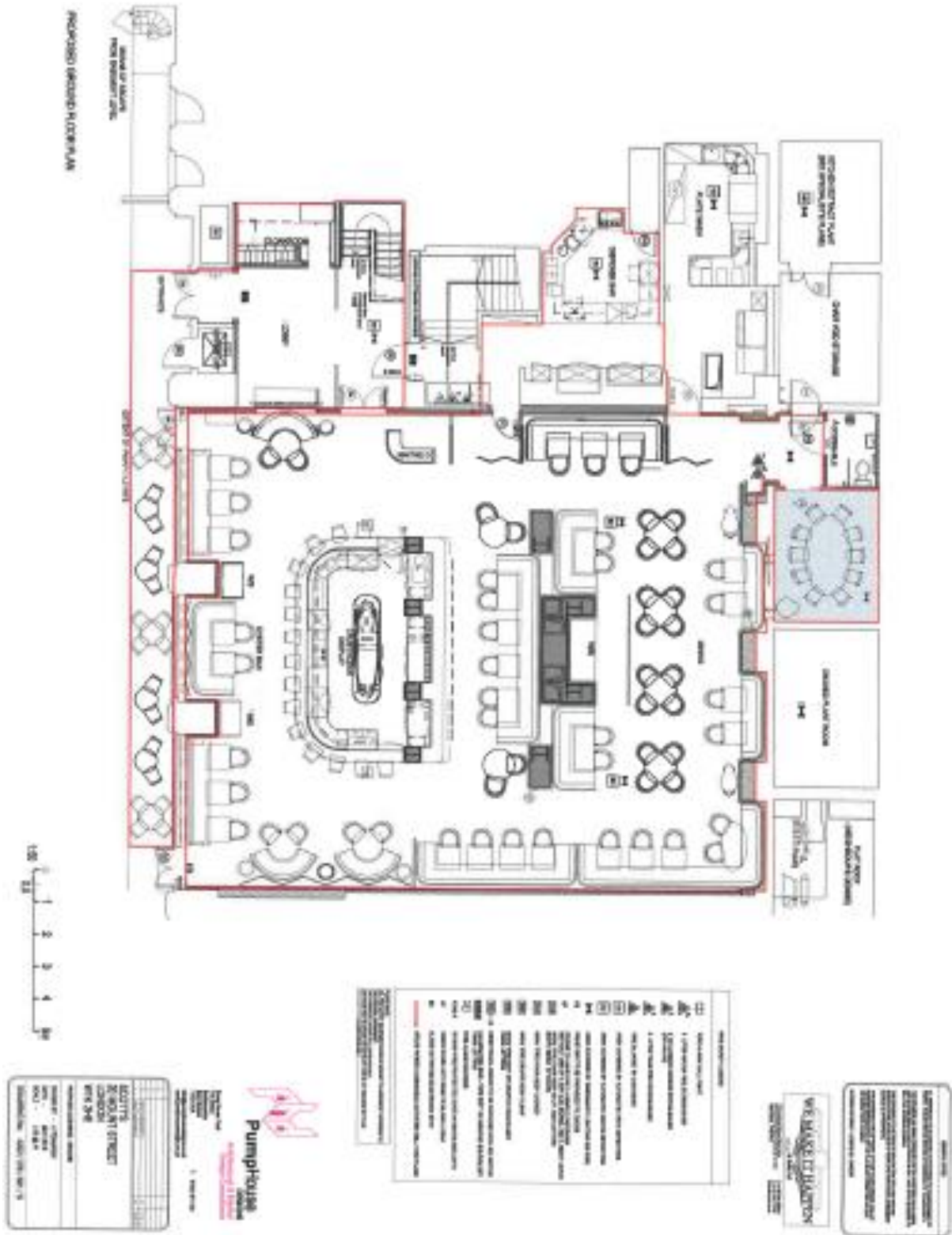
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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	April 2018
4	Representation – Environmental Health Service	10 th July 2018
5	Representation – Metropolitan Police Service	
6	Representation	7 th June 2018
7	Representation	25 th June 2018
8	Representation	5 th July 2018
9	Representation	10 th July 2018
10	Representation	5 th July 2018

Premises Plans

Ground Floor:



Current premises licence ref: 11/11976/LIPVM.



Schedule 12
Part A

WARD: West End
UPRN: 100023475952

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

Premises licence

Regulation 33, 34

Premises licence number:

11/11976/LIPVM

Original Reference:

06/00073/LIPN

Part 1 – Premises details

Postal address of premises:

Scotts
20 Mount Street
London
W1K 2HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Sunday: 12:00 to 22:30 (External Area)
Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:30

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 10:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Caprice Holdings Limited
26-28 Conway Street
London
W1T 6BQ

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

01661349

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

Name: Stephen Hutchings

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 02185
Licensing Authority: London Borough Of Lambeth

Date: 25th February 2013

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person 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. 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

10. 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.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
12. A telephone contact number for a member of the management team will be provided upon request to local residents.

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

13. The sale of alcohol is permitted at an external seating area between midday and 22:30 hours daily.
14. All patrons to have vacated the premises by 00:30 Monday to Saturday and midnight on Sunday.
15. The capacity of the premises to be limited to:
150 persons (excluding staff) when both the basement and ground floors are in operation.
120 persons (excluding staff) when only the ground floor is in operation.
16. No music to be provided on the premises.
17. There shall be at least one doorman employed after 17:00 hours on any day the premises are open to the public until such time as they cease trading.
18. All plant serving the premises to be turned off by 00:30 Monday to Saturday and midnight on Sunday.
19. Alcohol for consumption on the premises to be served as an ancillary to table meals.
20. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. The service of alcohol for consumption on the premises shall be by waiter/waitress service.
22. There shall be no sale or supply of draught beer.
23. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.
24. Suitable prominent notices shall be affixed close to exits requesting patrons to leave quietly.
25. The premises shall be soundproofed such that there is no noise or vibration breakout in adjacent residential accommodation.
26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
27. No drinks to be taken outside to the external seating area or consumed unless they are served to customers taking a table meal and seated at a table.
28. All furniture on the ground floor outside seating area shall be rendered unusable from 22:30 hours.
29. The ground floor outside seating area will be limited to 20 chairs only and not more than 4 people per table up until 21:00 hours. After 21:00 hours up to 22:30 hours the ground floor outside seating area will be limited to 15 chairs and no more than 4 people per table.

Annex 4 – Plans

Attached

Rev.	Date	Comment

NOTES

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Project
SCOTT'S RESTAURANT

Title
BUILDING CONTROL
PROPOSED GROUND FLOOR PLAN

Date
1/30

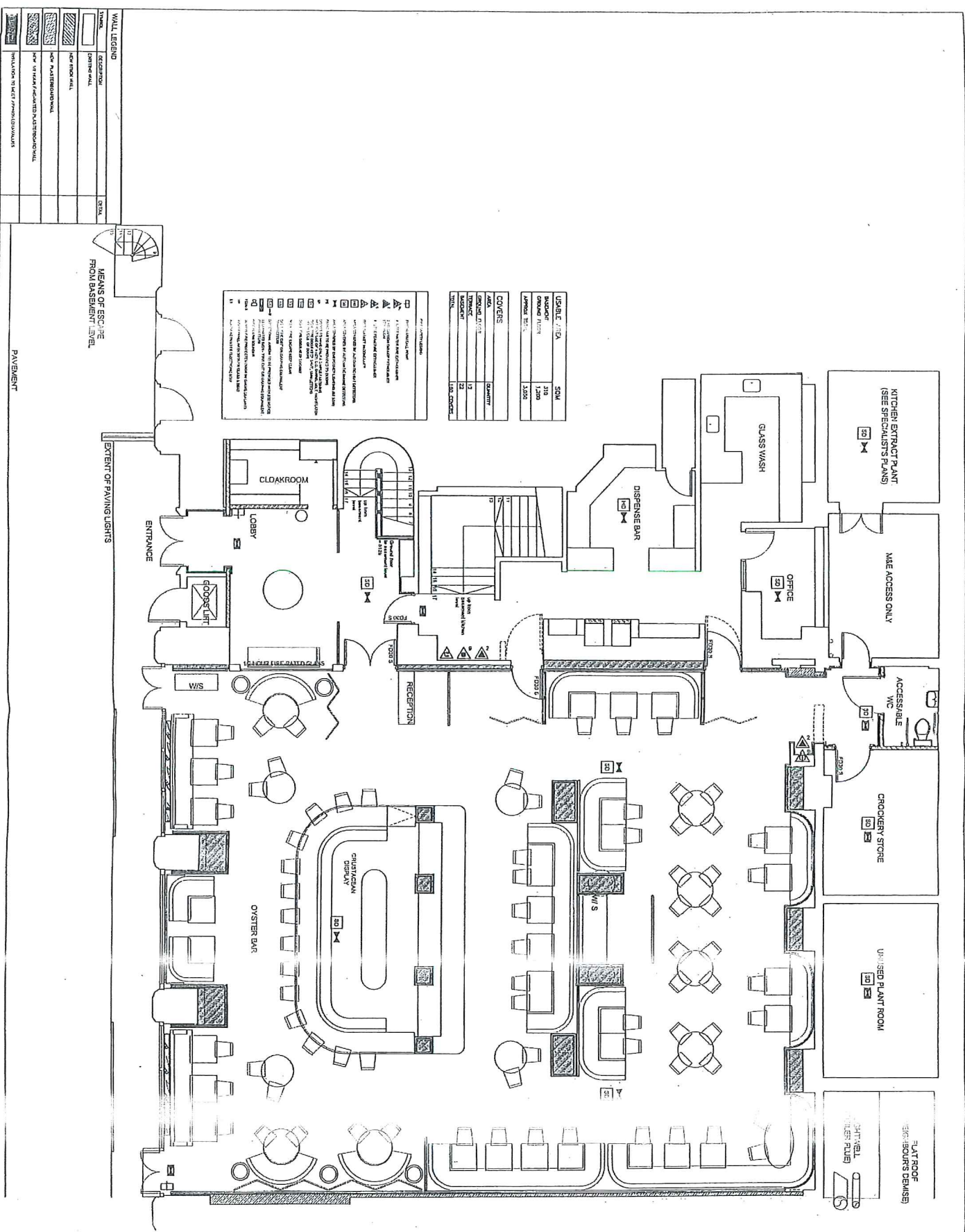
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Dwg No
8805.BC1

Rev.

Auto Cad ref
8805.BC1

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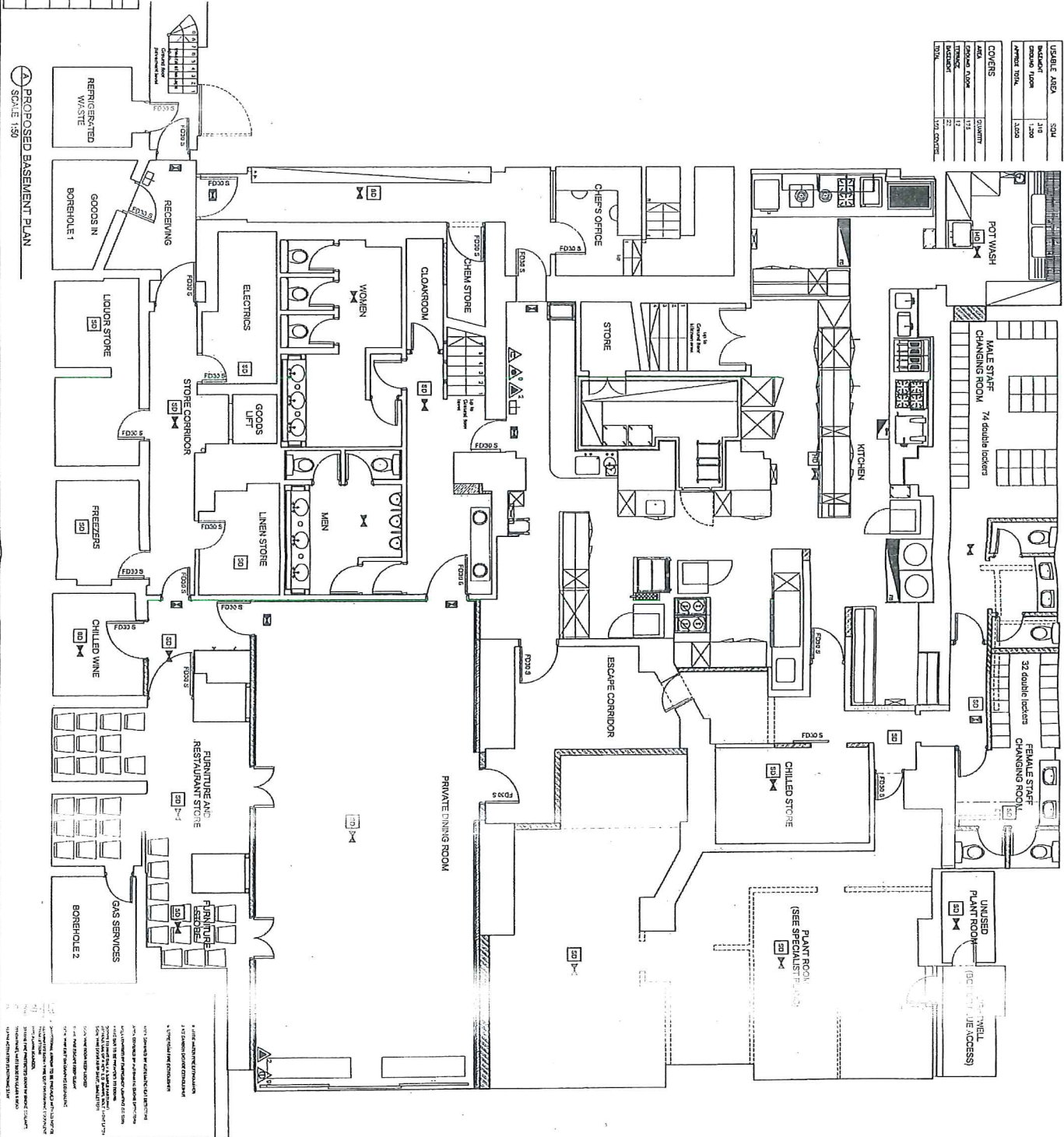


USABLE AREA	SQ. FT.
Backyard	110
Basement	1200
Average Total	1300

COVERS	QUANTITY
Ground Floor	115
Basement	22
MEANS	170 COVERS

WALL LEGEND	
[Symbol]	CONCRETE
[Symbol]	GLASS
[Symbol]	GLASS WITH ALUMINUM FINISH
[Symbol]	GLASS WITH BRASS FINISH
[Symbol]	GLASS WITH STAINLESS STEEL FINISH
[Symbol]	GLASS WITH WOOD FINISH
[Symbol]	GLASS WITH METAL FINISH
[Symbol]	GLASS WITH OTHER FINISH

PROPOSED BASEMENT PLAN
SCALE 1:50



- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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REV.	DATE	COMMENT

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10. ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK TO BE CONFIRMED BY THE CLIENT.

Project: SCOTT'S RESTAURANT
 Title: BUILDING CONTROL
 PROPOSED BASEMENT PLAN
 Date: 1:50 Scale
 Dwg No: 8605.BC2 Rev: Auto Cad ref
 8605.BC2

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Schedule 12
Part B

WARD: West End
UPRN: 100023475952

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

11/11976/LIPVM

Part 1 – Premises details

Postal address of premises:

Scotts
20 Mount Street
London
W1K 2HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Sunday: 12:00 to 22:30 (External Area)
Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:30

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 10:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Caprice Holdings Limited
26-28 Conway Street
London
W1T 6BQ

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

01661349

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

Name: Stephen Hutchings

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

N/A

Date: 25TH February 2013

Signed: pp
Operational Director - Premises Management

Applicant Supporting Documents

- Information regarding the application in part M of the application
- Information provided in part M of the application form (continued)
- Evidence bundle

P Describe the steps you intend to take to promote the four licensing objectives:

a) **General - all four licensing objectives (b,c,d,e)** (please read guidance note 10)

The premises currently operate as a high quality restaurant. The applicant is a well established and reputable operator of high quality restaurants across Westminster, including within Westminster's cumulative impact area. Although this premises does not fall within any of Westminster's cumulative impact areas, the applicant has given the same diligence and consideration to the application and the proposed restaurant operation.

Plan numbers 4322/376/501/B (Ground Floor) and 4322/376/502/B (Basement) are submitted with the application.

The applicant has pre-consulted with Ian Watson (Environmental Health Officer) in the form of a pre-application site visit and has pre-consulted with Sandy Russell (Police Licensing Officer).

(To be continued on extra pages)

b) **The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

(To be continued on extra pages)

c) **Public safety**

1. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed; 170 persons when both the basement and ground floor are in operation

140 persons when only the ground floor is in operation

2. All furniture on the ground floor outside seating area shall be rendered unusable from 23:00 hours.

3. No licensable activities shall take place in the area hatched blue on licensing layout drawing number 4322/376/501/B (Ground Floor) until the area has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

d) **The prevention of public nuisance**

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

2. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

(To be continued on extra pages)

e) **The protection of children from harm**

1. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

2. 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.

Scott's, 20 Mount Street, London, W1K 3SF

Continuation of Section M

a) **General (Continued)**

The applicant has also pre consulted with residents in the nearby vicinity by way of holding a residents meeting.

The premises currently trade under Premises Licence Number 11/11976/LIPMV. This Premises Licence permits the sale of alcohol to a terminal hour of midnight, Monday to Saturday and 23.30 hours on Sunday with closing 30 minutes thereafter. The current arrangements for the external area permit seating to be utilised until 22.30 hours. This application for a new premises licence in effect, seeks to do the following:

1. To approve updated licence plans, in particular to provide for a small additional customer area on the ground floor with the resulting amendment to the overall internal capacity.
2. An extension of the operating hours by 1 hour internally and 30 minutes externally.

Following pre-consultation with Westminster City Council's Environmental Health Team revised conditions have been included within the application. A copy of the pre-application report is submitted with the application. All additional conditions detailed in the pre-application advice have been incorporated within the application. In relation to the informative regarding additional points to address, these matters are dealt with within the management plan at the premises and all matters will be addressed unless conditioned below. A Noise Impact Assessment has also been undertaken, which confirms that the proposed modest amendments to the external seating area will have no adverse impact.

b) **The prevention of crime and disorder (Continued)**

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- All patrons to have vacated the premises by 01:30 hours Monday to Saturday and Bank Holiday Sunday's and 01:00 hours on Sunday.
- There shall be at least one doorman employed after 17:00 hours on any day the premises are open to the public until such time as they cease trading.
- The sale of alcohol for consumption 'On' the premises to be served as an ancillary to a table meal.
- The supply of alcohol for consumption 'On' the premises shall be by waiter/waitress service.

- Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

d)The prevention of public nuisance

- A telephone contact number for a member of the management team will be provided upon request to local residents.
- No drinks to be taken outside to the external seating area or consumed unless they are served to customers taking a table meal and seated at a table.
- All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.
- The ground floor outside seating area shall be limited to 20 chairs only with no more than 4 people per table.
- No music to be provided on the premises.
- All plant serving the premises to be turned off by 00:30 Monday to Saturday and midnight on Sunday.
- All windows and external doors are kept closed after 23:00 hours except for the immediate access and egress of patrons.

Scott's Restaurant
20 Mount Street, Mayfair, London, W1K 2HE

New Premises Licence Application
Licensing Sub-Committee Hearing
27th September 2018

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City of Westminster

Office Name: Ian Watson
 Designation: Senior Practitioner
 Environmental Health
 Date: 8/6/18
 Contact number: 020 7641 3183
 Email: iwatson@westminster.gov.uk
 Signed: Ian Watson
 Uniform Ref Number: 18/05574/PREAPM

Trading name of business and Address:

Scotts, 20 Mount St, London W1K 3SF

Reference Number if Applicable: 18/05574/PREAPM

Licence: 11/11976/LIPVM

Applicant/Solicitor: Lisa Inzani, Poppleston Allen

Cumulative Impact Area: No

Type of Business: Restaurant

Current Licensed Areas: Ground floor and Basement.

Current Activities: Supply of Alcohol, Late Night Refreshment.

Current Alcohol Hours: Monday to Saturday 10.00 to 00.00 hours. Sunday 10.00 to 23.30 hours.

Pre application advice purpose: To extend the permitted hours for opening and licensable activities for the sale of alcohol to 01.00 hours Monday to Saturday, Sunday 00.30 hours and permit all outside tables and chairs to be used to 23.00 hours Monday to Sunday.

The changes in hours would be by way of a new application to protect the existing licence.

Background to application: The premises are currently trading as a restaurant with some external tables and chairs to the front of the premises on private land. The operating hours to the external area are restricted to 22.30 hours each day but with a reduction from 20 chairs to 15 chairs after 21.00 hours. The premises claim that there will be no adverse impact on prevention of public nuisance with their current operating procedures.

Issues discussed and actions taken:

Inspection carried out by Ian Watson (Environmental Health – EH). There are no proposed changes to the premises. The findings are detailed below.

Public Safety:

There are no public safety implications.

Public Nuisance:

The premises are located in an area of mixed commercial and residential use. The premises are restricted by licence conditions that alcohol is ancillary to food, there shall be no music provided on the premises, all plant turned off by 00.30 hours and customers off the premises at specific times.

The outside area is restricted by condition that it shall not be used after 22.30 hours.

There has only been two complaints within the last four years. One in August 2014 against the premises in relation to the use of the outside area. This complaint was not in relation to nuisance but non observance of condition 28 and 29.

28. All furniture on the ground floor outside seating area shall be rendered unusable from 22:30 hours.

29. The ground floor outside seating area will be limited to 20 chairs only and not more than 4 people per table up until 21:00 hours. After 21:00 hours up to 22:30 hours the ground floor outside seating area will be limited to 15 chairs and no more than 4 people per table.

The premises were visited by a licensing inspector on 29th August 2014 @ 21.35 and he found;

This visit showed 18 customers still seated at tables, although 2 of the tables were clear of any plates, glasses or cutlery. We spoke with the Duty Manager who made a full and frank admission; 2 of the tables had finished their meals and were paying their bills; he knew that this was wrong but the customers had wished to stay outside and he acquiesced to their wishes. He was advised to move them away forthwith and to ensure that he and all the other managers complied with these conditions at all times.

The premises were also visited on the 30th August 2014 @ 22.45 and found all tables empty and unusable as required.

The second complaint related to concerns raised by a resident about the premises operating under a TEN 15/01999/LITENP regarding an election party. TEN was to allow trading to 03.00 hours. The premises were visited twice during the duration of the TEN

07.05.15 @ 22:40hrs. Checked premises from outside and noted 2 x SIA outside premises, no escape of noise from premises, all quiet.

08.05.15 @ 03:00hrs. Checked premises again and noted the premises was closed and musicians were packing away their equipment. No breaches noted.

A noise impact assessment could be carried out to assess the difference in background noise levels between the current operating hours and proposed hours. The assessment could also address if the current awning used to cover the external area is effective in minimising noise breakout from the area to the residents above.

It is not proposed to operate the extract plant beyond the current hours.

Licensing Position:

The premises are not located in any recognised cumulative impact area as identified within Westminster's Licensing Policy and therefore any additional hours/activities would be subject to relevant representations, compliance history regarding the licensing objectives and compliance with

current conditions and any additional conditions required to address the licensing objectives.

Policy 2.5.12 recognises that the wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city. Whilst these premises are not conditioned to RNT1 definition they are conditioned (19) to operate as a restaurant and Westminster's Licensing policy recognises that restaurants have little association with crime and disorder.

Policy 2.5.14 states that the granting of later hours would take into account the extent of the activities, the operation of plant and equipment and the proximity of residential property.

The desire of the premises would not be to extend the operation of the plant beyond their current permissions, but they would have to demonstrate that any extension of hours into the earlier hours would not undermine the licensing objective of Prevention of Public Nuisance and Crime and Disorder. Such applications will be considered on its merits against criteria set out in 2.3.2 paragraphs (ii) of Westminster's Licensing policy.

It was stated that the following additional hours would be sought.

Supply of Alcohol 'On' the premises.

Monday to Saturday	10.00 – 01.00 hours
Sunday	10.00 – 00.30 hours

Late Night Refreshment (Indoors)

Monday to Saturday	23.00 – 01.00 hours
Sunday	23.00 – 00.30 hours

The opening hours following the trading hours would also be extended to 01.30 hours Monday to Saturday and Sunday 01.00 hours to permit customers to finish their food/drinks.

Proposed Conditions

- The sale of alcohol for consumption 'On' the premises to be served as an ancillary to a table meal.
- The supply of alcohol for consumption 'On' the premises shall be by waiter/waitress service.
- Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- The number of persons permitted in the premises at any one time (excluding staff) shall not exceed;
 - 170 persons when both the basement and ground floor are in operation
 - 140 persons when only the ground floor is in operation
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a

minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- All patrons to have vacated the premises by 01:30 hours Monday to Saturday and Bank Holiday Sunday's and 01.00 hours on Sunday.
- A telephone contact number for a member of the management team will be provided upon request to local residents.
- No drinks to be taken outside to the external seating area or consumed unless they are served to customers taking a table meal and seated at a table.
- All furniture on the ground floor outside seating area shall be rendered unusable from 23:00 hours.
- All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.
- The ground floor outside seating area shall be limited to 20 chairs only with not more than 4 people per table.
- No music to be provided on the premises.
- There shall be at least one doorman employed after 17:00 hours on any day the premises are open to the public until such time as they cease trading.
- All plant serving the premises to be turned off by 00:30 Monday to Saturday and midnight on Sunday.
- No licensable activities shall take place in the area hatched blue on licensing layout drawing number 4322/376/501/B (Ground Floor) until the area has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed

from the Licence by the licensing authority.

Condition 22 can be removed as there is no longer a requirement to have cellar storage.

22. There shall be no sale or supply of draught beer.

To address the licensing objectives with regard to prevention of public nuisance the premises should consider,

- Limiting the number of people permitted outside to smoke/phone to xx people after 22.30 hours
- Ensuring people are retained within the premises after 00.00 hours if they are waiting for a taxi.
- Ensuring people within a group leave together and not hang around outside waiting for friends saying goodbye to staff or using the toilet facilities.
- Offer the provision of some sort of licensed taxi service to pick people up from Mount Street.
- Ensuring all windows and external doors are kept closed after 23.00 hours except for the immediate access and egress of patrons.
- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- Minimising noise from bottle collections.
- Offer that the doorman will also supervise the use of the outside area to minimise nuisance.
- Carryout an environmental noise impact assessment as per appendix 11 of policy. This assessment would compare the current noise levels on Mount Street during the normal hours the premises are open against the proposed hours of operation. Appendix 11 also details planned management measures that the premises could adopt if not already utilizing.
- Police may also ask that you consider a challenge 21 condition and alcohol refusal log.

Other licensed premises in the area with external tables and chairs and their hours of operation.

Audley PH, Mount St W1 Alcohol hours to midnight. No time restriction on tables and chairs or persons on the highway.

Dean and Deluca, 117 Mount St W1 Alcohol hours to 21.00. Tables and chairs to be removed by

21.00 hours.

George, 87-88 Mount Street W1 Alcohol hours to 01.00. No time restriction on tables and chairs or persons on the highway.

Fino's, 123 Mount St W1. Alcohol hours to midnight. No time restriction on tables and chairs or persons on the highway.

Delfino, 121 Mount St W1. Alcohol hours to midnight. No time restriction on tables and chairs or persons on the highway.

Mount St Deli, 100 Mount St W1 Alcohol hours to 20.00. No time restriction on tables and chairs.

Connaught Hotel, Carlos Place W1 Alcohol hours to 02.30. Tables and chairs to be removed by 21.30 hours.

Conclusion

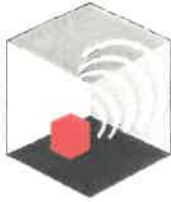
A new application would protect the existing licence from additional conditions being added etc if there was only a part grant. As part of the application process it is advisable to contact the residents to gauge their response to any extension of hours. The location of the premises may impact on residents in the immediate area if the arrival and dispersal of persons is not adequately controlled and supervised, especially during the later hours. The additional hours for external dining would need to be suitably supervised to minimise nuisance along with smokers. The noise impact assessment should give an indication of the background noise levels for the later hours but sudden impact noises (taxi doors closing) are sporadic and tend to cause disturbance that cannot be factored in. There are no Public Safety implications.

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

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







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**SCOTT'S RESTAURANT
20 - 22 MOUNT STREET
MAYFAIR
LONDON
W1K 2HE**

**ASSESSMENT OF NOISE IMPACT
EXTENSION OF HOURS FOR TERRACE DINING**
v.2

Client:
CAPRICE HOLDINGS LIMITED
26 -28 Conway Street
London
W1T 6BQ

11th September 2018
Ref: M4229

R Sharland MA(Cantab), CEng, MSc, MIOA
P Ashford BSc (Eng), MIOA
M Sharland
Ian J Sharland BSc (Eng), CEng, MRAs, FIOA (Associate)

Registered in England & Wales No. 1293250
Reg'd Office: 25 St Thomas St. Winchester SO23 9DD

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Project Reference	M4229
Issue No.	2
Reviewed	Eddie Oxborough MSc AMIOA
Signature	
Author	Richard Sharland MA MSc CEng MIOA
Signature	
Date	11th September 2018

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SUMMARY

1. A noise impact assessment has been conducted by Ian Sharland Limited on behalf of Caprice Holdings, in order to determine the potential impact of extended use of the external terrace area at Scott's Restaurant.
2. The dining area is currently used within the following limitations:

Monday to Sunday	10.30 – 22.30
	Max 20 covers up to 21.00 & max. 15 covers thereafter
3. It is proposed that these be amended to:

Monday to Sunday	10.30 – 23.00
	Max 20 covers at any time.
4. A 4-day survey of noise, in June 2018, above the terrace area has concluded that, when covers are reduced from 20 to 15, there is no material change in the local noise climate. A further attended survey of late evening dining on the terrace (August 2018) concluded that this is due to the modest nature of noise generated on the terrace, and the more significant levels of masking noise on Mount Street and around.
5. From this conclusion, it is extrapolated that maintaining 20 covers on the terrace would not affect the levels of noise currently experienced.
6. Similarly, the survey has identified a notional fall only in noise levels in the half-hour period after the terrace is currently closed. Again, this reflects the low levels of noise generated on the terrace and the typical levels of masking noise in the area.
7. Therefore, were the levels prior to that time sustained for the proposed extended period, it is concluded that there would be no significant increase in the levels of noise currently experienced.
8. The attended survey of noise in August 2018 identified that the most significant sources of noise on Mount Street are related to vehicle movements along the road (particularly sports cars and taxis), the sounding of horns and raised voices from the public house on the corner of Mount Street and South Audley Street.
9. Noise from restaurant patrons talking on the street outside the premises, and from taxis picking up or dropping off, is audible but at a significantly lower level than other peaks.
10. In relation to the clearing of tables from the terrace, the surveys confirm that noise associated with this activity is of minor significance in relation to the other ambient noise sources. In relation to the proposed amended terrace hours, however, it is confirmed that clearing of

tables will occur at the same time (after the restaurant itself closes) and there would therefore be no change in acoustic impact.

11. Overall, therefore, there is deemed that the proposed alterations to the terrace use will not adversely affect neighbouring occupiers.

1. INTRODUCTION

1.1 Ian Sharland Limited has been instructed to prepare a formal noise impact assessment for Scott's Restaurant, 20 - 22 Mount Street, on behalf of Caprice Holdings Limited.

1.2 Scott's Restaurant occupies the ground and basement levels of a four-storey building on Mount Street, in the centre of Mayfair. There is also an area of terrace dining at the front of the building and currently, the use of the terrace is controlled to the limits below:

Monday to Sunday	10.30 – 22.30
	Max 20 covers up to 21.00 & max. 15 covers thereafter

1.3 It is understood that Caprice Holdings wish to extend the use of the terrace, both in the hours and the number of covers. The proposed use would be as follows:

Monday to Sunday	10.30 – 23.00
	Max 20 covers at any time.

1.4 Ian Sharland Limited has therefore been commissioned to examine the any potential risk of disturbance to adjacent noise sensitive neighbours, and to advise on the means by which any adverse impact may be mitigated.

1.5 This report will describe the works undertaken to investigate the situation, and the conclusions which have been reached

2. REVIEW OF RELEVANT PLANNING GUIDANCE

2.1 National Planning Policy Framework (July 2018)

- 2.1.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.
- 2.1.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 2.1.3 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 2.1.4 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 2.1.5 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

2.1.6 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

2.1.7 Paragraph 180 of the NPPF states:

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

- a) mitigate and reduce to minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life¹
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

2.1.8 The Framework continues:

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

¹ Refers here to the NPSE, discussed in Section 4.2 of this report.

2.2 Noise Policy Statement for England (March 2010)

2.2.1 The document "Noise Policy Statement for England" sets out the following vision for on-going noise policy (Para. 1.6):

"Promote good health and quality of life through the effective management of noise within the context of Government policy on sustainable development."

This vision should be achieved through the following Noise Policy Aims (Para 1.7):

"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

avoid significant adverse impacts on health and quality of life;

mitigate and minimise adverse impacts on health and quality of life;

and where possible, contribute to the improvement of health and quality of life".

2.2.2 To achieve these objectives the Noise Policy Statement sets out three noise levels to be defined by the assessor:

- **NOEL** - No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level there is no detectable effect on health and quality of life due to the noise.

- **LOAEL** - Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected. Where levels lie between the LOAEL and SOAEL, the Statement requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development, as set out in the NPPF.

- **SOAEL** - Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur. It notes, however, that "it is not possible to have a single objective noise-based measure that describes SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times".

2.2.3 Paragraph 2.7 states that "... the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications".

2.2.4 This provides clear guidance that noise must not be considered in isolation but as part of the overall scheme, taking into account the overall sustainability and associated impacts of the proposed development; there is no benefit in reducing noise to an excessively low level if this creates or increases another adverse impact. Similarly, it may be appropriate in some cases for noise to have an adverse impact if this is outweighed by the reduction or removal of some other adverse impact that is of greater significance to the development as a whole.

2.2.5 The Noise Policy Statement considers that noise levels above the SOAEL would be seen to have, by definition, significant adverse effects and would be considered unacceptable. Where the assessed noise levels fall between the LOAEL and the SOAEL noise levels, the Policy Statement requires that (Para 2.24):

"all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development... .. This does not mean that such adverse effects cannot occur."

2.2.6 Where noise levels are below the LOAEL it is considered there will be no adverse effect. Once noise levels are below the NOEL there will be no observable change. An indication of the numerical definition of LOAEL may be derived from the following guidance.

2.3 DCLG Guidance Note, 2013 - 'Noise'

2.3.1 The Department of Communities and Local Government provided further guidance to support the NPPF. The section, Noise, published in August 2013 advises:

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.

Noise may override other planning concerns in certain circumstances, neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

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

This would include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

- 2.3.2 The table below summarises the noise exposure hierarchy, based on the likely average response:

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

2.3.3 The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. These factors include:

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;*
- *the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features). The local topology and topography should also be taken into account along with the existing and, where appropriate, the planned character of the area.*

2.3.4 The adverse effects of noise may be mitigated in one of the four broad approaches:

- *engineering;*
- *layout;*
- *using planning conditions/obligations to restrict activities; and*
- *mitigating the impact on areas likely to be affected by noise.*

2.3.5 The noise impact on residential developments may be partially off-set if the residents of those dwellings have access to:

- *a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling, and/or;*
- *a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced with increasing noise exposure and could be such that significant adverse effects occur, and/or;*
- *a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings, and/or;*
- *a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minutes walking distance).*

2.4 The London Plan, Spatial Development Strategy for Greater London

2.4.1 The London Plan, Spatial Development Strategy for Greater London (2016) provides guidance on the Mayor's strategy to reduce noise. Policy 7.15 states:

POLICY 7.15 REDUCING NOISE AND ENHANCING SOUNDSCAPES

Strategic

A *The transport, spatial and design policies of this plan will be implemented in order to reduce and manage noise to improve health and quality of life and support the objectives of the Mayor's Ambient Noise Strategy.*

Planning decisions

- B *Development proposals should seek to manage noise by:*
- a) *avoiding significant adverse noise impacts on health and quality of life as a result of new development;*
 - b) *mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;*
 - c) *improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);*
 - d) *separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation;*
 - e) *where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;*
 - f) *having particular regard to the impact of aviation noise on noise sensitive development;*
 - g) *promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.*

LDF preparation

- C *Boroughs and others with relevant responsibilities should have policies to:*
- a) *manage the impact of noise through the spatial distribution of noise making and noise sensitive uses;*
 - b) *identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra's Noise Action Plan for Agglomerations*

- 2.4.2 The Spatial Development Strategy confirms that the reduction of noise pollution and the protection of a good 'soundscape quality' where it exists, contributes to improving quality of life.

2.5 WCC Core Strategy Policy CS31 Noise

- 2.5.1 Noise pollution is recognised by Westminster Council as a particular issue within the city, related to the particular mix and density of use therein. The Council will therefore seek to reduce the impact of noise on health and wellbeing.
- 2.5.2 This objective is encapsulated in the Westminster City Council Core Strategy Policy CS31 Noise (adopted 2011), which states:

The council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by:

- (i) Requiring development to minimise and contain noise and vibration;*
- (ii) Ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources; and*
- (iii) Securing improvements to Westminster's sound environment, including protecting open spaces of particular value for their relative tranquility.*

- 2.5.3 Within the guidance of the Core Strategy CS31 and the NPPF there is no definitive, objective criteria for limiting noise emanating from a Class A3 use, as here. Instead, the principles are expressed with terms such as managing noise sources and minimising noise transmission and mitigating the adverse impacts so far as is possible

2.6 WCC Unitary Development Plan TACE10

- 2.6.1 Further guidance may be found in Westminster City Council Unitary Development Plan (adopted January 2007) TACE 10 – Exceptional Circumstances. This policy states that for:

'proposals for any entertainment use of greater than 500 sqm of gross floor space anywhere in the city.....permission will be grantedonly in exceptional circumstances.

- 2.6.2 In respect of acoustic considerations, the Policy continues:

Where, in exceptional circumstances, the City Council decides to grant planning permission for large or very large entertainment uses, it will, where necessary and appropriate, impose conditions to control:

- 1. the number of customers who may be present on the premises*

2. *the opening hours*
3. *the arrangements to be made to safeguard amenity and prevent smells, noise and vibration disturbance (including that from the use of ventilation and air conditioning plant) from the premises*
4. *servicing arrangements*
5. *arrangements for the storage, handling and disposal of waste, recyclable materials and customer litter*
6. *the positioning of tables and chairs in open areas within the curtilage of the premises*
7. *changes of use to other uses and activities within the same Use Class*
8. *other relevant aspects of the use of premises, in order to minimise adverse effects*

2.7 WCC Unitary Development Plan ENV6 & ENV7

2.7.1 When considering the acceptability of noise passing from a place of entertainment, and of noise generated from associated building services plant, primary reference would be made to adopted Policies ENV6 and ENV7 of Westminster City Council UDP (adopted January 2007).

2.7.2 These policies are quoted in Appendix A of this report, but in brief, perhaps the most pertinent clause in respect of activity noise is Paragraph 2 from ENV6

2. *Where developments adjoin other buildings or structures, require applicants to demonstrate that as far as is reasonably practicable developments will be designed and operated to prevent transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;*

2.7.3 Policy ENV7 sets objective targets for noise emitted from one building to neighbouring buildings. The limits are described as a level which is set in relation to the existing ambient noise climate pertaining to that particular location and at the particular times of day or night when the noise may occur. In broad terms, the Policy seeks to limit emitted noise to a level which is numerically 10 dB below the existing ambient noise climate (or 15 dB if the noise is tonal or intermittent in character), assessed externally to the building. By doing so, there is an implied criterion that the emitted noise would be either not audible or only faintly so, at the facade of the neighbouring buildings.

2.7.4 It is noteworthy that, whereas the objectives of ENV6 has been repeated to a large degree in Core Strategy CS31, the more explicit targets of ENV7 have not. It would therefore be suggested that the requirements of ENV7 should not be considered with equal weight to those of the Core Strategy.

3. GUIDELINE ACOUSTIC VALUES

3.1 Introduction

- 3.1.1 There are number of relevant acoustic guideline values which can be used to assess the acceptability of noise within a particular environment.
- 3.1.2 The remaining paragraphs within this section of the report will briefly summarise the most commonly referenced documents, and the noise targets and other guidance which are quoted therein

3.2 BS8233:2014 – 'Guidance on Sound Insulation and Noise Reduction for Buildings'

- 3.2.1 There is much guidance on the levels of intrusive noise which would be considered acceptable within residential accommodation such as this. Typical advice is found in British Standard 8233:2014 "Guidance on Sound Insulation and Noise Reduction for buildings". Following similar guidance in the 1999 World Health Organisation report "Guidelines for Community Noise", the Standard sets out the following limits for indoor ambient noise levels within living rooms and bedrooms. This suggests:

BS 8233 Guideline Values

Activity	Location	0700 - 2300	2300 - 0700
Resting	Living Room	35 dB(A) LAeq, 16 hr	-
Dining	Dining room/Area	40 dB(A) LAeq, 16 hr	-
Sleeping	Bedroom	35 dB(A) LAeq, 16 hr	30 dB(A) LAeq, 8 hr

- 3.2.2 It is usually considered that an open window will provide a reduction of some 10-15 dB(A)². Therefore the 'good' internal standards quoted above would equate to the following targets immediately outside:

Activity	Location	0700 - 2300	2300 - 0700
Resting	Living Room	48 dB(A) LAeq, 16 hr	-
Dining	Dining room/Area	53 dB(A) LAeq, 16 hr	-
Sleeping	Bedroom	48 dB(A) LAeq, 16 hr	43 dB(A) LAeq, 8 hr

- 3.2.3 BS8233 recognises that, where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB, and reasonable conditions will be achieved.

² Reference PPG24 Planning & Noise, which adopted a mid-range value of 13 dB(A)

- 3.2.4 It should be noted that the levels quoted in BS8233 are intended to reflect the acceptability of steady, continuous noise. Sources of intermittent and tonal noise may generate greater annoyance for a similar overall magnitude. Whilst BS8233 does not explicitly state a correction for those circumstances, it may be appropriate to consider that the Good and Reasonable standards would be achieved with levels which are perhaps 5 dB lower than stated in the table above.
- 3.2.5 An alternative approach is to consider the noise levels over a shorter period, representing the duration of the greatest activity rather than standard 16-hour day or 8-hour night time periods.
- 3.2.6 It is also noted that BS8233 was written from a view of designing new buildings to protect occupants from existing noise sources. This does infer that the acceptability of an occupant to an absolute level noise within a building may be different if the introduction of the noise source post-dates the construction of the building. Other factors may be relevant in certain circumstances, and they are covered in large part by BS4142, discussed below.

3.3 World Health Organisation Guidelines

- 3.3.1 Further advice is provided in the 1999 WHO report "Guidelines for Community Noise".
- 3.3.2 This indicates that the steady noise level in external amenity areas, such as gardens or outdoor living areas should not exceed 55 dB(A) $L_{Aeq, t}$, and should preferably be designed below 50 dB(A) $L_{Aeq, t}$.
- 3.3.3 The document also provides guidance on the impact of peak noise levels on sleeping conditions. This suggests that levels above 45 dB(A) L_{Amax} inside a bedroom would be disturbing to sleep. With windows open, this would equate to a level of approximately 58 dB(A) L_{Amax} externally.

3.4 BS4142:2014 - 'Method for Rating and Assessing Industrial and Commercial Sound'

- 3.4.1 Any formal assessment of commercial noise affecting residential properties would in all likelihood be based upon the recommendations of British Standard 4142:2014 "Methods for rating and assessing industrial and commercial sound".
- 3.4.2 In brief, this rating method determines "specific sound level" generated by the new plant, assessed immediately outside the residential properties most likely to be affected. For daytime (07.00 – 23.00hrs) only operation of the new plant, this would be the equivalent continuous noise level of the new noise, evaluated over a 1hr sampling period, its $L_{Aeq, 1hr}$. For plant operating during the night-time (23.00 – 07.00hrs) only the reference time interval is 15mins.

- 3.4.3 Corrections of up to + 9 dB (A) are then made to this "specific sound level" if the new noise has certain acoustic features such as; tonality, impulsivity, intermittency and any other sound characteristics, to give the "rating level".
- 3.4.4 An assessment of the impact of the specific sound level can be determined by subtracting the measured background level from the rating level, and consider the following;
- a) Typically, the greater this difference, the greater the magnitude of the impact.
 - b) A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.
 - c) A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
 - d) The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

NOTE: Adverse impacts include, but are not limited to, annoyance and sleep disturbance. Not all adverse impacts will lead to complaints and not every complaint is proof of an adverse impact.

3.5 Institute of Acoustics Draft Guidelines for Noise and Vibration Assessment

3.5.1 Institute of Acoustics published guidelines in 2002 to help clarify the impact of a change in noise level arising from variations in traffic noise. The document, entitled 'Institute of Acoustics/Institute of Environmental Management and Assessment Joint Working Party on Noise Impact Assessment Draft Guidelines for Noise Impact Assessment' offered the following advice.

Impact Category	Noise Change Band (dB(A))	Description
No Effect	0	Not discernible
Negligible	0.1 – 2.9	Not discernible – Marginal changes in noise levels of less than 3 dB(A) in residential areas, or outdoor recreational areas in close proximity to main roads
Minor Adverse	3 to 4.9	Noticeable adverse – Noise levels of 3-5 dB(A) in residential areas, or at outdoor recreational areas
Moderate Adverse	5 to <10	Considerable adverse – Noise level warrant mitigation of residential properties on a widespread basis in a community, or for outdoor recreation areas close to main roads
Major Adverse	10 or more	Major adverse – Noise increases to a level where continued residential use of individual properties is inappropriate, or where the use of a community building could be inappropriate

4. ASSESSMENT OF EXISTING CONDITIONS

- 4.1 In order to clarify the current acoustic conditions around the terrace area, a 4-day environmental noise survey was undertaken.
- 4.2 A Rion NL52 Sound Level Meter was set up on the roof of the portico above the main entrance to Scotts.



- 4.3 The microphone was set on a short tripod, at a height just below the windows of the residential apartment above the restaurant (see photo above).
- 4.4 The equipment was configured to measure 5-minute samples of the following acoustic parameters:
- L_{Aeq} The A-weighted equivalent continuous sound pressure level which, over the sample period, contains the same acoustic energy as the time-varying signal being recorded.
- $L_{Amax,f}$ The A-weighted maximum sound pressure level recorded during each sample period (as measured on fast response).
- L_{A90} A statistical parameter representing the A-Weighted noise level exceeded for 90% of each sample period. This is commonly used to describe background noise levels.
- 4.5 The equipment was calibrated before and after the survey and indicated no shift.
- 4.6 The survey ran from Friday 1st June 2018 until Tuesday 5th June 2018. Weather conditions were during the survey were variable, as detailed below:

Date	Average Temperature (°C)	Rainfall (mm)	Wind Speed (m/s)	
			Average	Direction
Friday 1/6	20	0	3	SW
Saturday 2/6	19	0	3	W
Sunday 3/6	20	0	2	Var
Monday 4/6	16	0	3	NE
Tuesday 5/6	15	0	4	NE

- 4.7 The full results of the survey are shown graphically in Figure 2. This demonstrates a typical diurnal variation in noise levels during the day time and night time in this urban location.
- 4.8 Of particular interest here is the current variation in noise level on the Street during the late evening, in the period before the terrace currently closes, through the hours of proposed extended use.
- 4.9 Figures 3 and 4 provide traces of the noise levels recorded on the Friday and Saturday nights, and on the Sunday and Monday nights, respectively.
- 4.10 Visually, there appears to be very little difference in noise levels for the periods immediately before 21.00 and after 21.00, when the number of covers is reduced from 20 to 15. Similarly, noise levels in the period 22.00 – 23.00 are essentially even.
- 4.11 Objectively, the table below summarises the values of $L_{Aeq, 15 \text{ mins}}$ on each evening, across these key hours:

Time (start)	01/06/2018 Friday	02/06/2018 Saturday	03/06/2018 Sunday	04/06/2018 Monday
20.00	65	63	61	62
20.15	64	62	63	62
20.30	64	62	61	62
20.45	64	63	62	62
21.00	66	61	61	60
21.15	63	64	61	62
21.30	63	63	58	62
21.45	63	61	61	60
22.00	61	62	60	62
22.15	63	60	59	62
22.30	61	64	60	62
22.45	62	60	60	63
23.00	61	61	60	64

- 4.12 The significance of these values will be discussed below.
- 4.13 A further survey was conducted to observe events from a typical Friday night service at the restaurant.

- 4.14 The site was attended on Friday 24th August 2018. Weather conditions were overcast with a light breeze (4 – 5 m/s) and occasional shower earlier in the evening (pre. 21.30).
- 4.15 The Rion sound level meter was returned to the position over the main entrance of the restaurant. For the duration of the evening, the restaurant was observed from the south side of Mount Street.
- 4.16 The variation of measured noise is shown in Figure 5, and the table below confirms the variation in the values of L_{Aeq} between the same period of 20.00 -23.00:

Time (start)	24/08/2018 Friday	01/06/2018 Friday (for comparison)
20.00	64	65
20.15	64	64
20.30	63	64
20.45	63	64
21.00	63	66
21.15	62	63
21.30	62	63
21.45	65	63
22.00	63	61
22.15	63	63
22.30	62	61
22.45	61	62
23.00	68 ³	61

- 4.17 It can be seen that the attended survey was conducted on a day which is, acoustically, consistent with the earlier survey.
- 4.18 During the course of the evening, notes were recorded to assign the measurements to particular events or sources. The table below summarises this information across 5-minute periods. For clarity, events related to Scotts are shown in dark blue text:

³ Note, this 'outlying' reading was due to two sports cars driving along Mount Street, and related shouting from patrons of the public house at the end of the road

Time	Peak Level L _{max} , dB(A)	Vehicle Movements on Mount Street		Notes:
		Unrelated Traffic	Scott's Related	
21:10	74.1	5	1	Doorman talking outside
21:15	74.1	10	0	
21:20	75.8	18	1	
21:25	74.8	15	0	Car horn from South Audley St
21:30	77.6	13	2	Car horn / 2 x taxis stopping outside
21:35	72.1	27	1	Car parked up outside for 1min with engine on
21:40	79.8	13	3	Taxis / sports car passing / Shouting from girls passing by / car doors slamming / Persons leaving Scott's
21:45	70.3	17	1	Taxi / Pedestrian talking on phone / waiter clearing glasses
21:50	89.0	12	1	Loud talking from outside pub / car parked outside front door / sports car passing
21:55	71.3	20	2	Taxi parked outside (idling) / waiters clearing tables
22:00	74.2	17	5	Taxi parked outside (idling)
22:05	77.2	21	2	Taxis picking up and dropping off / persons talking outside below meter
22:10	71.7	17	3	Persons talking outside
22:15	72.1	20	0	Persons talking outside / loud talking outside pub
22:20	74.7	10	2	Loud talking and shouting from outside pub / car horns / sports car stopping outside Scott's
22:25	73.1	20	2	Taxi outside
22:30	71.7	11	1	
22:35	72.8	24	4	Persons talking outside Scott's / Taxi (idling)
22:40	70.3	18	2	Car idling outside / car door slamming
22:45	69.8	17	3	Persons talking outside
22:50	72.1	13	0	Loud talking from pub / Persons talking outside / helicopter
22:55	71.7	16	1	People talking passing by / Pub noise / Church bells / guy outside on phone
23:00	72.4	19	1	Church bells
23:05	91.9	22	0	2 x Lamborghinis passing / Horn / Passers-by / shouting from pub
23:10	79.8	12	1	Persons talking outside
23:15	72.3	22	2	Pub noise / Taxi idling outside
23:20	78.0	20	2	Taxis idling outside / Pub noise / Persons talking outside
23:25	69.7	25	0	Loud talking from passers-by / singing in the distance / car door slamming
23:30	83.9	17	0	Motorbike passing / Passers-by / Persons talking outside / Horn

Contd.

Time	Peak Level L _{max} dB(A)	Vehicle Movements on Mount Street		Notes:
		Unrelated Traffic	Scott's Related	
23:35	76.5	23	2	Persons talking outside
23:40	70.3	14	2	Passers-by / Taxi / Persons talking outside / sports car passing
23:45	75.9	10	0	Persons talking outside / car idling
23:50	71.8	10	2	Horn / Persons talking outside / Banging (non - related)
23:55	75.5	12	1	Persons talking outside
00:00	72.2	9	1	Persons talking outside / Church Bells / Sports car in South Audley St / Taxi idling
00:05	76.5	14	1	Persons talking outside / Taxi idling
00:10	75.0	15	1	Persons talking outside / waiter putting awning away / Pole banging on ground
00:15	79.1	18	2	Persons talking outside / awning being put away / Aston Martin leaving
00:20	80.1	5	0	Passers-by / Horn
00:25	73.6	5	0	Persons talking outside / car horn / Laughing from patrons / helicopter
00:30	74.0	10	2	Persons talking outside / helicopter / Loud talking outside pub
00:35	72.8	11	2	Awning automatically retracting (2mins) / Persons talking outside / Laughing / Car horn in the distance / car idling
00:40	72.0	8	1	Persons talking outside / car idling outside / waiters talking
00:45	72.0	8	0	Car idling outside / Persons talking outside
00:50	76.0	9	1	Loud talking from passers-by / car moving away

4.16 Whilst Section 5 will provide further discussion, the following points may be drawn:

- (i) Mount Street is subject to a large number of noise sources, Scotts Restaurant being only one and far from the most significant
- (ii) Looking at the periods of highest level (that is L_{max} levels of 80dB(A) and above, as marked in red), all are caused by sources which are not directly related to operation of the restaurant or its patrons.
- (iii) Noise levels associated with the clearing-away of terrace furniture were not found to be significant in relation to other sources. This activity lasted for a total of some 15 minutes, starting at 00.35. For clarity, chairs were pulled across the pavement whereas tables were folded and lifted inside. The gas bottles from the heaters were removed and taken inside, with the occasional impact on the ground. Peak noise levels were in the order 72 – 73 dB(A) L_{Amax} during this period – at the lower end of any level

measured right across the evening. Similarly, the values of $L_{Aeq, 15 \text{ mins}}$ for the period in question was 60 dB(A), wholly commensurate with periods before and after, and with data from other days.

5. ASSESSMENT OF IMPACT ARISING FROM EXTENDED OPERATING HOURS

- 5.1 The proposal under consideration here is based on a change to an existing operation, and the key consideration is whether any change has an acoustic implication, not only in its own respect but more crucially in respect of the overall noise climate experienced by neighbouring occupants.
- 5.2 The first part relates to the increase in the number of covers allowed on the terrace after 21.00.
- 5.3 The survey data, from four consecutive nights, indicates that there is no significant change in the ambient noise levels above the terrace dining area when there are 20 covers available, up to 21.00, or when this is reduced to 15 covers, after 21.00.
- 5.4 For the busier Friday and Saturday night, the average noise level for the half-hour before 21.00 is identical to the level for the half-hour immediately after. On the Monday night, there is a 1 dB difference, and on the Sunday night (the quietest day sampled), a 2 dB difference.
- 5.5 This information would well reflect the nature of the restaurant's clients and the use of the terrace, and also the level of masking noise provided in the street by other sources – such as traffic and other local licensed premises. Indeed, the attended noise survey on the 24th August confirmed that the highest local noise sources tend to be sports cars and taxis driving along Mount Street (including regular sounding of their horns), and raised voices outside the public house at the end of Mount Street. The principal noise associated with the restaurant is that of patrons talking on the pavement outside, and vehicles or taxis dropping off or collecting.
- 5.6 Within the context of change, it is usually considered that a 3 dB step in level is considered the smallest increment which is readily noticeable in normal listening conditions.
- 5.7 The information acquired would therefore suggest that the impact of this proposal is negligible given the existing ambient noise climate.
- 5.8 The second proposal is to extend the use of the terrace from 22.30 to 23.00.
- 5.9 As previously discussed, the current noise climate indicates no material change in the periods before and after the current closing of the terrace. Again, the difference noise levels over the two 30-minute periods is a 1 dB reduction on the first three nights surveys, and a 1 dB increase on the final Monday night.
- 5.10 Again, this material lack of change in measured levels, coupled with the results of the attended survey, strongly indicated that any noise currently produced by the terrace dining is not a significant contributor to the local ambient noise climate. The noise climate does not appear to change during the proposed extended hours and therefore, if the dining noise was continued into this period, no significant change in overall ambient conditions would be expected.

- 5.11 With respect to the clearing of furniture from the terrace, this is currently conducted at the end of the service within the dining room. In the first instance, it is confirmed that the activity does not generate any significant contribution to the overall levels of noise at that time.
- 5.12 If the terrace hours are extended as proposed, the timing of clearing the terrace will not change (this being determined by the end of service). Therefore, if the application is approved, there would be no impact on adjacent occupiers.
- 5.13 Of course, the Operational Management Plan should include the following changes, to:
- (i) Reflect the limiting hours of the proposed extensions; and
 - (ii) Highlight the need for staff to monitor any noise activity on the terrace and, in the unlikely event of observing such, request that patrons respect the proximity of residential neighbours.
- 5.14 With such controls in place, it is concluded that the proposed extensions to the use of the terrace will not result in an adverse impact on the amenity of the neighbouring occupiers.

Figure 1 - Site Location

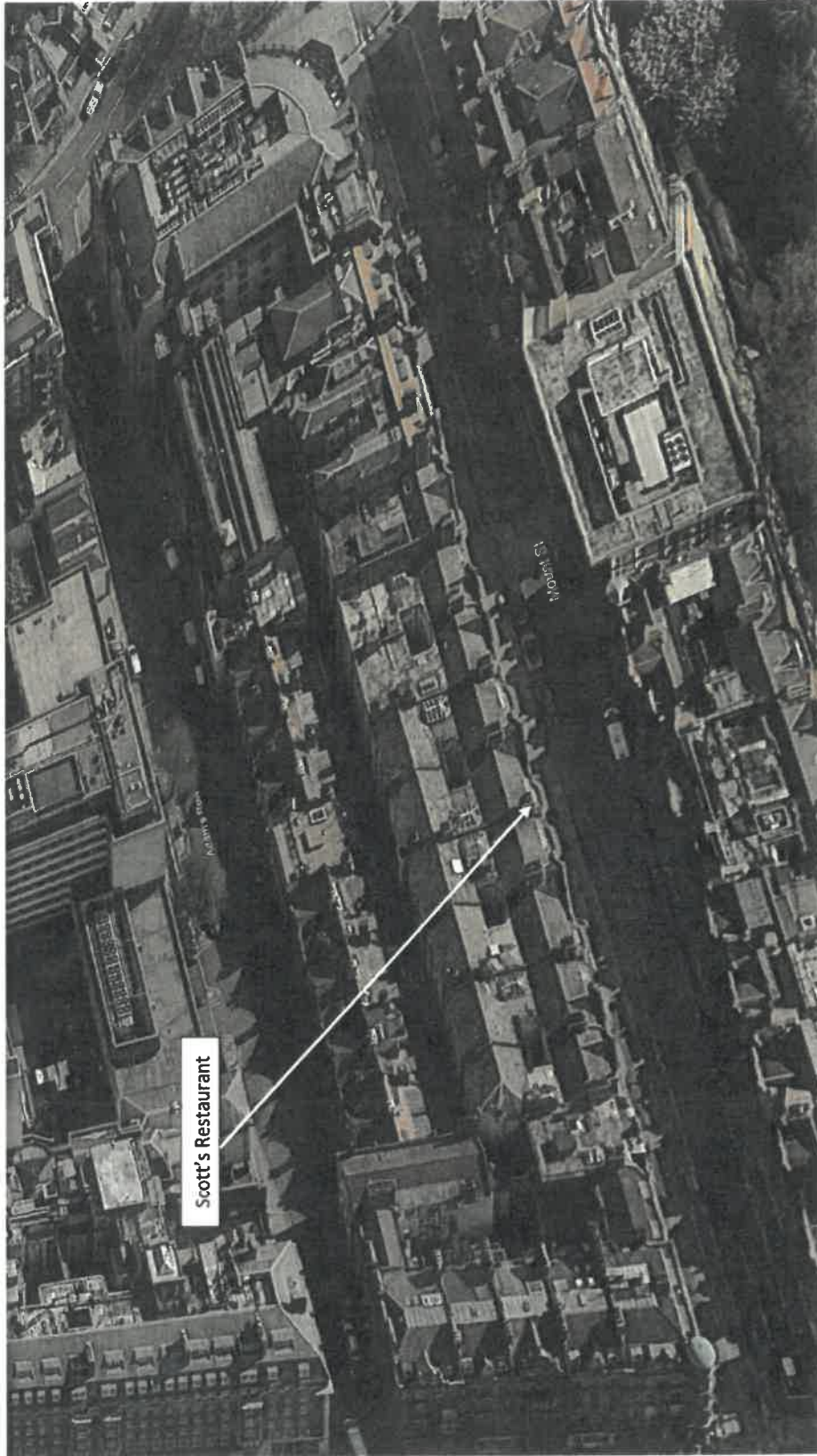
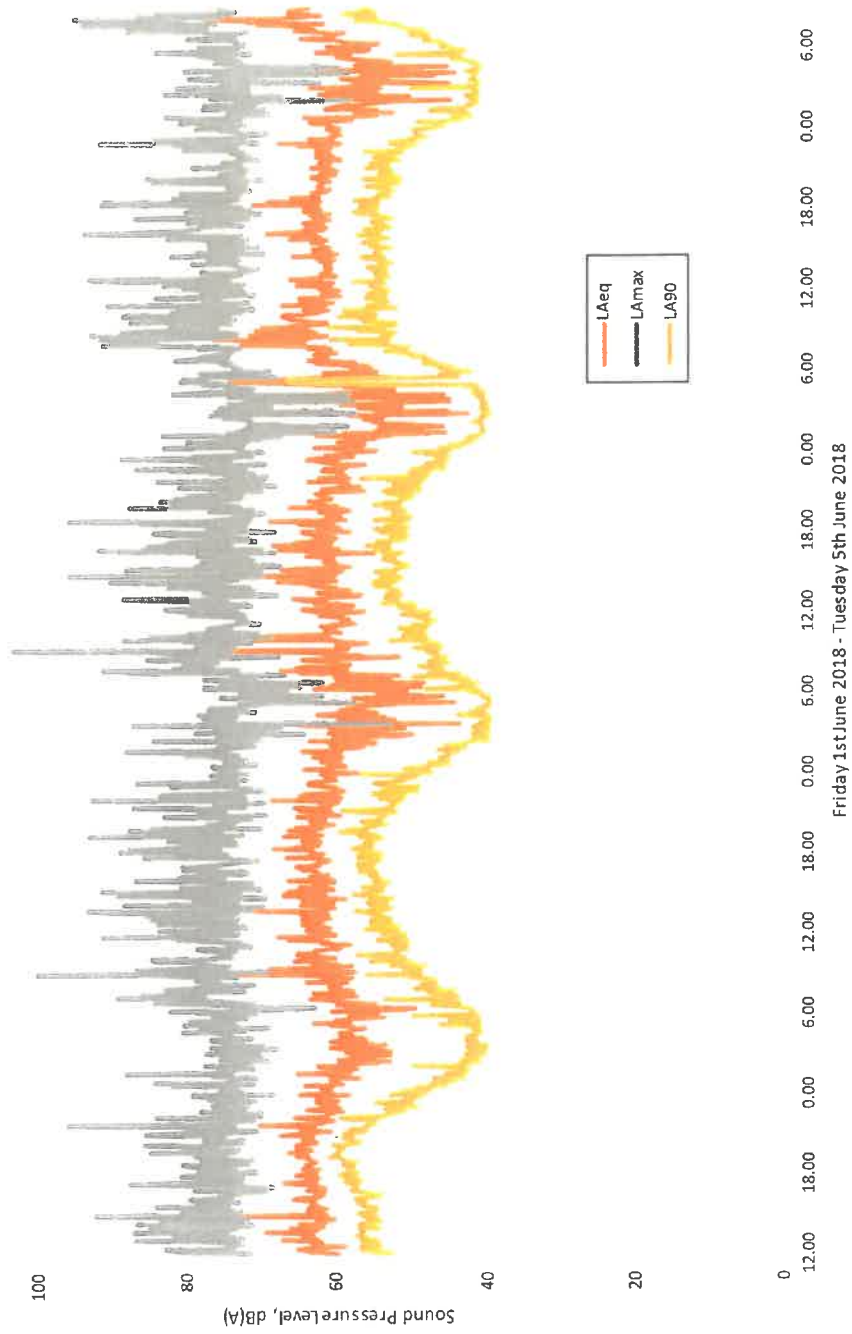


Figure 2 - Measured Noise Levels over the Terrace, 01 – 05/06/18

120



Friday 1st June 2018 - Tuesday 5th June 2018

Figure 3 – Measured Noise Levels, Friday & Saturday Nights, 01 -02/06/18

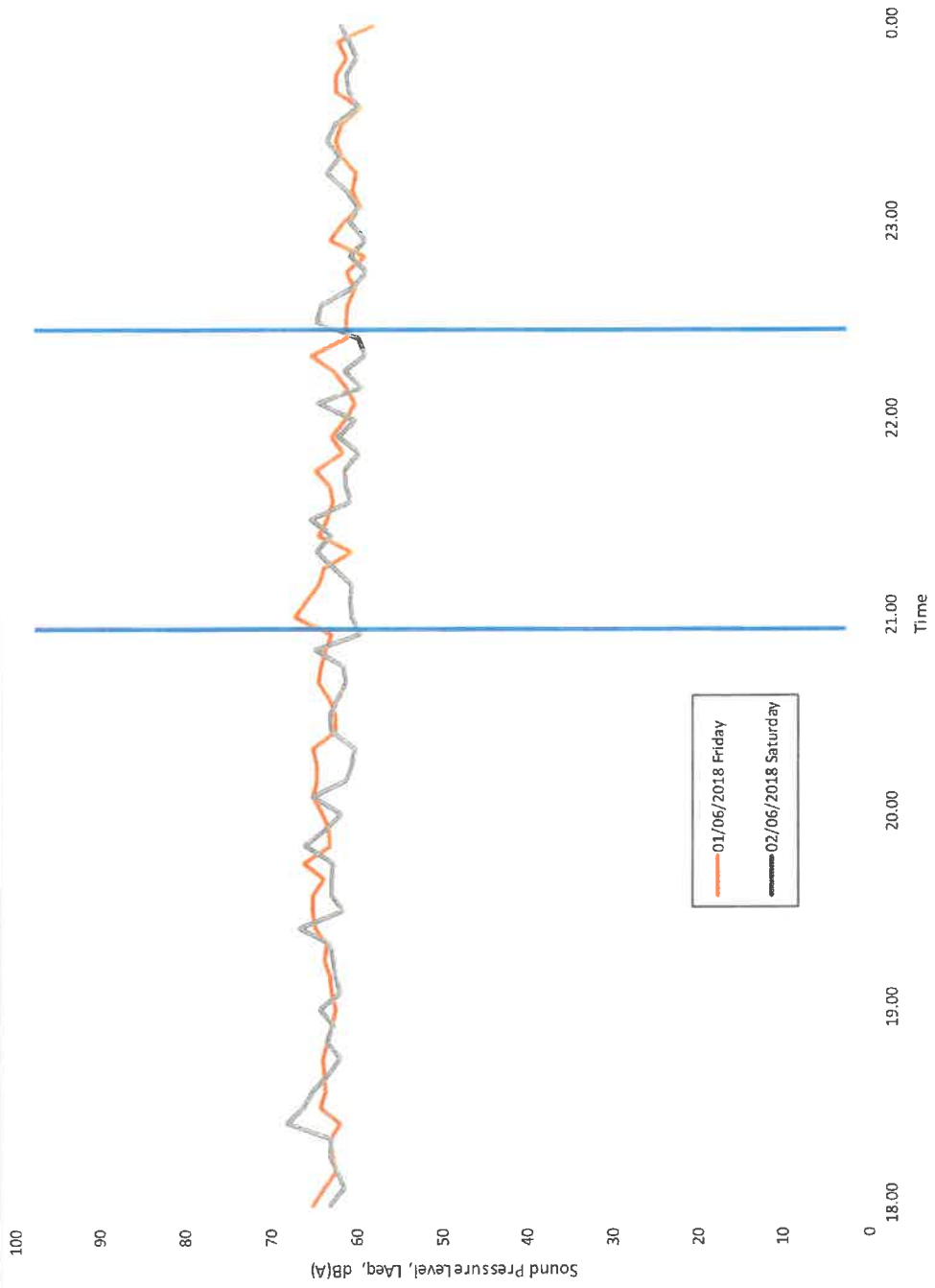


Figure 4 – Measured Noise Levels, Sunday & Monday Nights, 03 – 04/06/18

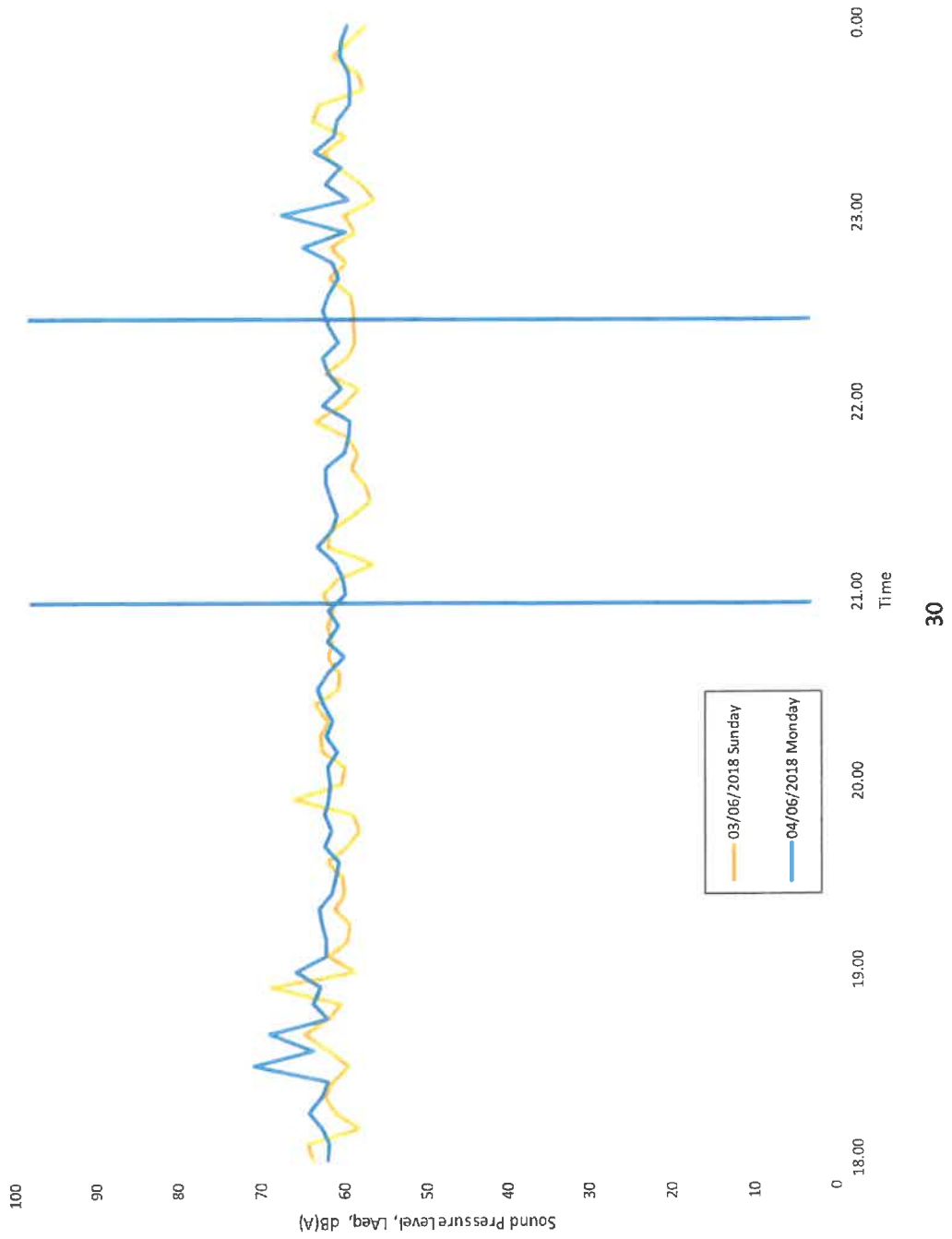


Figure 5 – Measured Noise Levels, Friday 24/08/18



31

Appendix A - Extract From Westminster City Council Unitary Development Plan Jan 2007

Policy ENV 6: Noise Pollution

The City Council will:

1. Require design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties;
2. Where developments adjoin other buildings or structures, require applicants to demonstrate that as far as is reasonably practicable developments will be designed and operated to prevent transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties;
3. Require a noise and vibration assessment report where development or change of use could affect noise sensitive properties;
4. Require residential developments to provide adequate protection from existing background noise;
5. Not permit development that would cause noise disturbance in tranquil areas;
6. Apply conditions when granting planning permission to restrict noise emissions, transmission of noise or perceptible vibration and hours of operation, to require incorporation of acoustic measures to meet these conditions and to require, where appropriate, such conditions to be complied with before new plant or the development is used;
7. Require all mechanical, ventilation and ducting equipment to be contained within the building envelope of new developments;
8. Encourage developers to ensure servicing of plant and machinery so that that noise conditions are met at all times;
9. Require developers, when carrying out construction work, to keep to a minimum disturbance to surrounding areas, and to adhere to hours of working agreed with the City Council prior to start on site;
10. Seek measures to minimise and reduce noise from traffic.

Policy ENV 7: Controlling Noise From Plant, Machinery And Internal Activity

- (A) Where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve the following standards in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development.
- 1) where the existing external noise level exceeds WHO Guideline levels of $L_{Aeq,12hrs}$ 55dB daytime (07.00- 19.00); $L_{Aeq,4hrs}$ 50dB evening (19.00-23.00); $L_{Aeq,8hrs}$ 45dB night-time (23.00-07.00):
- either*
- (a) and where noise from the proposed development will not contain tones or be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq,15min}$) should not exceed 10 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of $L_{A90,15min}$.
- or*
- (b) and where noise emitted from the proposed development will contain tones, or will be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq, 15min}$) should not exceed 15 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of $L_{A90,15min}$.
- 2) where the external background noise level does not exceed the above WHO Guideline levels, policy ENV 7(A)(1)(a) and (b) will apply except where the applicant is able to demonstrate to the City Council that the application of slightly reduced criteria of no more than 5 dB will provide sufficient protection to noise sensitive properties:
- either*
- (a) where noise emitted from the proposed development will not contain tones or be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq15min}$) should not exceed 5dB below the minimum external background noise level at the nearest noise sensitive properties. The background noise levels should be expressed in terms of $L_{A90,15min}$.
- or*
- (b) where noise emitted from the proposed development will contain tones or will be intermittent sufficient to attract attention, the maximum emission level ($L_{Aeq,15min}$) should not exceed 10 dB below the minimum external background noise level at the nearest noise sensitive properties. The background noise levels should be expressed in terms of $L_{A90,15min}$.
- (B) Noise from emergency generators Where emergency generation plant is installed and requires testing, the City Council will permit noise emitted from this plant to increase the minimum assessed background noise levels by no more than 10 dB for the purpose of testing. This testing period is for up to one hour per month between 09.00 and 17.00 Monday to Friday only and not on public holidays.

Operational Management Plan

Scott's, 20 Mount Street, Mayfair, W1K 2HE

Introduction and Overview

The Management Team at Scott's, operate the business to the highest standards to ensure the promotion of the Licensing Objectives at all time and with key consideration for the specific location within Mayfair and the local community.

The operational management plan identifies two key areas to be more specifically addressed in relation to the management of guests arriving and departing at Scott's, the management of the terrace and also dealing with those occasions when the photographers are outside.

The Policy also takes in to account the comments made in the report prepared by Ian Sharland on 11th September 2018.

Management of the terrace at Scott's

(Please note this details the current management, which would be modified to permit the use until 11pm)

- The terrace is set up for service each day with 7 tables and 20 chairs in the formation of 3 tables of 4 covers and 4 tables of 2 covers.
- There are CCTV cameras in the restaurant and on the terrace. There is comprehensive coverage of the entrance and exit points to the restaurant and additional cameras on the terrace.
- We never allow more than 4 customers per table – if a table of 4 tells us that another guest wishes to join them we insist on them taking a table inside or splitting their party to take two tables outside. This is common practice. In addition, we never allow the tables to be pushed together.
- In the evening, all customers wishing to dine outside are clearly told about our 10:30pm curfew and it is explained that we may have to move them inside at that point if they wish to continue their evening with us.
- All bookings for the terrace are managed by the maître d' on duty who ensures that no more than 15 covers are seated after 9pm.
- Whenever the terrace is in use there is, depending on the level of business, one or two senior waiters dedicated specifically to the outside area.
- At around 10:15pm each night the manager on duty will assess the status of the tables outside to judge who will need to be moved inside. For example, if a table has just finished their main course, they will not have time to enjoy dessert outside before

the curfew. In this situation the manager on duty will speak to the customers and oversee the relocating of them to a table inside the restaurant.

- At 10:20pm the bills are printed for the remaining tables and payments are subsequently taken.
- As customers leave the terrace heaters are turned off and the chairs are positioned against the tables so they cannot be used.

Management of Photographers and Arrival and Departure of Guests

- All our door staff are SIA registered.
- Our staffing of the door is amended according to the levels of business, currently:

Lunch x1

Dinner Sun-Wed x 1

Dinner Thu-Sat x 2

If we suspect in advance that the presence of a high profile guest might attract photographers we amend the door cover accordingly. It has been the case in the past that we have had 3+ doormen on duty to cope with large numbers of high profile customers entering the restaurant for events.

- At this time of year many of our regular/high profile customers leave London. There have not been any 'photographer-worthy' dinner services at Scott's in the past couple of weeks. The photographers who I have noticed this week have been few and far between and have stayed on the opposite side of the road to the restaurant. They have certainly not been in sufficient number to cause any obstruction to the public highway.
- Large numbers of photographers are far from a regular occurrence at Scott's and our doormen generally maintain excellent control of any photographers who are trying their luck. Our doormen insist on the photographers standing aside and not blocking the public highway if they ever appear in significant numbers. On the only occasion recently where our doormen felt that the number of photographers had gotten out of control, we called Savile Row Police Station for assistance and the situation was resolved quickly and effectively. We always make sure that pedestrians can pass by the restaurant, safely, on the pavement.
- The front door of the restaurant and the public highway immediately adjacent to it is under CCTV surveillance at all times to make sure that we have access to video evidence should the police ever require it.
- Public safety and the prevention of public nuisance is a primary concern of Scott's. We have very recently been working closely with the Mayfair & St. James Safer Neighbourhood Team, based at Savile Row Police Station, to report and ultimately remove some aggressive beggars who had been passing up and down Mount Street on a regular basis. The involvement of our door staff in this exercise has certainly improved public safety in the area and reduced public nuisance.

- The constant presence of our doormen is an enormously positive addition to Mount Street and the surrounding community in many ways. Their presence raises the profile of safety and security for residents' homes and vehicles, they assist residents and tourists alike with their knowledge of the local area.
- Our doormen always ask taxi drivers to turn the engine off when parked outside Scott's. Doormen also open and close the doors of the taxis to ensure that any noise is minimal.
- All guests are greeted by maître d' and many of our guests are regulars and locals. The arrival and departure of guests is gradual and carefully managed.

CAPRICE

holdings limited

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w: www.caprice-holdings.co.uk

Dear Neighbour

Scott's – 20 Mount Street

As a valued neighbour, I would like to invite you to a drinks reception to be held at Mount Street Deli, 100 Mount Street, W1K 2TG on **Monday 4th June 2018 between 5.30pm – 7.00pm** to discuss with you our proposals for minor changes we would like to make at Scotts, 20 Mount Street and to answer any questions you might have.

Please RSVP to Claire Beaumont via email at claireb@rcaring.co.uk or alternatively via telephone to 0207 692 2011.

I hope that you will be able to join us on Monday 4th June. However, if you are unable to make this date and would like further information or a separate update on the proposals, please do not hesitate to be in touch.

Yours sincerely



Lilly Newell
Caprice Restaurants & The Birley Clubs – Group Executive Director

[REDACTED]

From: [REDACTED]
Sent: 12 July 2018 13:14
To: [REDACTED]
Cc: Scotts - [REDACTED]
Subject: FW: Scotts restaurant support request [REDACTED]

DOCID: 2146501717

FYI

From: [REDACTED]
Sent: 12 July 2018 13:08
To: [REDACTED]
Subject: RE: Scotts restaurant support request [REDACTED]

Dear Claire,

The email has been sent on [REDACTED] behalf.

"This email is to confirm my support for the recent and current application from Scott's Restaurant.

I understand that they wish to extend their trading hours to be able to serve alcohol until 1am Monday to Saturday and midnight on Sunday to be able to close 30 minutes after this, and also to extend their hours on the terrace to 11pm.

As a local neighbour (I live on South Audley Street) I have never had any problems in the way in which Scott's has been run. They have terrific doormen who are well known to the community, and a strong team, which means I have never been aware of any disturbances with customers arriving or leaving the restaurant. The terrace and restaurant has a specific type of customer, and I am confident that longer hours for either area will not cause any disturbances for the local residents – if anything, it will enrich Mount Street.

Kind regards

[REDACTED]

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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

To Whom It May Concern:

My name is [REDACTED]; and I am a resident of both [REDACTED], Mount Street, just across the street from Scott's.

In the three years that I have been living at this address, I have never had a problem with noise from Scott's – at any hour. Their doormen and front of house staff are extremely professional, and I have seen first-hand how adept they are at dealing with late-leaving patrons who may be a bit noisy.

I am a regular customer of theirs and feel very fortunate to live right across the street from them. They are an excellent restaurant, with professional staff who know how to be the best of neighbours. They are a great amenity to have on Mount Street, and I would welcome the opportunity for them to be able to extend their trading hours. The only problem I've ever had with them had nothing to do with noise, but that I was jet-lagged at midnight and hoping to nip across the street for a bite only to find that they were in the process of closing.

Mount Street has always been a busy place, mainly because of transient shoppers who frequent our street every day of the year. Very few of us who live on Mount Street are actually permanent residents; as one of those few, I can confidently make the aforementioned claim that Scott's never creates problems with noise at any hour. I do hope you'll consider their application to extend their trading hours, as well as their terrace licence, favourably.

Thank you very much for your time.

Best regards,

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

From: [REDACTED] Mount Street, W1K [REDACTED]

Dear Sir / Madam

We would like to support the application made by Scott's restaurant (reference 18/06944/LIPN) to extend their operating hours for both the restaurant and the terrace.

We live directly opposite the restaurant, and use it regularly. We met with the operations team in early June when they held a local residents reception and ran through the proposals, while answering any questions we may have. We are confident that the proposed extended hours will not negatively impact the local amenity in any way.

We have never had any issues with noise or disturbances from the restaurant. We both know the doorman and Front of House staff very well and are certain that they would manage these additional hours responsibly. To go further - we would say that Scott's is a very positive presence on the street, and we cannot see how extending the operating hours would change that at all.

Yours faithfully,

[REDACTED]

Scott's, 20 Mount Street, 18/06944/LIPN - Letter of Support

Dear Sir/Madame,

I refer to the above reference and would like to support the application made by Scott's Restaurant, 20 Mount Street to extend their trading hours to be able to serve alcohol until 1am Monday to Saturday and midnight on Sunday, with closing 30 minutes thereafter, and also for their application to amend their licencing hours for the terrace.

We have lived nearby for nearly 10 years and use Scott's frequently, and we can confirm that they operate their restaurant efficiently and effectively. We have had no issues in relation to how patrons currently arrive or leave and would trust that this would continue with later hours.

In addition, given the calibre of customer at Scott's, I do believe that there would be no increase in noise or rise in anti-social behaviour as a result of this extension, and the same for the external area.

At a time when all restaurants and retailers need support, I believe Scott's is an iconic asset to Mount Street and I am happy to support this application.

Kind regards.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

From: [REDACTED]
Sent: 25 July 2018 12:56
To: [REDACTED]
Subject: Application

DOCID: 2146519487

Dear [REDACTED]
I am a Resident in Mount Street and have been for 20 years.
I also have a large Investment , by way of a property portfolio- all in Mount Street and all 6 properties are within a stone throw from Scotts.
I use the Restaurant, for entertaining , at Lunch time, however, mainly in the evening, consequently , the little extra time would help me enormously, since most of them eat late.
I have no hesitation in agreeing, with Scotts that it would be very helpful to have an extra half hour on the Terrace in the evening and more operating time. I understand fully, why this application is being made I welcome Scott's careful consideration to their clients and indeed residents.
Over the past 20 years (both old and new Scott's) have been an asset to our village feel.
My tenants are also very happy to endorse the application, since most of them travel frequently and on many occasions, they tell me, the extra time is very helpful, when having to eat a little later.
Please do not hesitate to contact me should you wish.
Best Regards

[REDACTED]
[REDACTED]

Sent from my iPhone

[REDACTED]

From: Scotts - [REDACTED]
Sent: 25 July 2018 16:38
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: to Whom it may concern

DOCID: 2146519554

From: [REDACTED]
Sent: 25 July 2018 15:36
To: Scotts [REDACTED]
Subject: to Whom it may concern

To Whom it may concern,

I understand you are applying to change your opening hours. My team and I – [REDACTED], Mount Street - will support your decision.

Good luck,

All the best,

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

Scotts restaurant support letter

Dear Sir/Madam,

My name is [REDACTED] and I am an artist that has lived on Mount Street for the past four years, and it would be my absolute pleasure in showing my support for Scott's in regards to an application pending for a variation of their license.

I frequent Scott's perhaps once or twice a week and I can say without a doubt that it is my favourite restaurant to visit for lunch or dinner in London.

I particularly enjoy spending warm summer evenings on the beautiful terrace at Scott's overlooking Mount Street, and it would make for a more pleasurable experience if one could leisurely enjoy a delicious desserts, my favourite being the profiteroles, or a cold glass of rose without the pressure of the restaurant's closing time.

I live a two minute walk away from Scott's and the neighborhood is very peaceful in the evenings.

I therefore tend to spend my free time between meetings in Scott's, where I love to relax at the bar with a delicious cup of coffee and a newspaper.

I have never experienced anything but exceptional service at Scott's and can only commend the restaurant on their fantastic team and even more spectacular food, thus an opportunity to spend more time at my favourite spot in London would be marvelous and I'm sure many of Scott's regular customers would agree.

Yours Faithfully,

[REDACTED]

[REDACTED]

From: Scotts - [REDACTED]
Sent: 26 July 2018 11:08
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: In Support of Scotts Late Openings
DOCID: 2146520416

Sent from my iPhone

Begin forwarded message:

From [REDACTED]
Date: 26 July 2018 at 11:06:01 BST
To: [REDACTED]
Subject: In Support of Scotts Late Openings

Dear [REDACTED]

Claire Slaney here the manager from [REDACTED]

We are very much so in support of Scotts later opening hours, it's good for business and adds an additional security element to the street.

Best,
[REDACTED]

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

26 July 2018

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

Re: Letter of Support

I am writing to express my support towards Scotts Restaurant application.

I have been going to Scotts Restaurant for a number of years and have not seen or heard of any disturbance during the evening or late night.

I strongly endorse that they should be granted the additional operating time as requested to run the restaurant. I also know a lot of my friends some of which are also in the locality who enjoy going to the restaurant quite often and if the timings are to be tweaked with, I am sure everybody will enjoy it and Scotts will continue to ensure they manage their timings with the full consideration of the neighborhood.

I would highly appreciate if this letter would be taken into consideration while taking a decision in Scott's favor.

Many Thanks,

Regards

[REDACTED]
[REDACTED]

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

Dear Sir or Madam

**I am writing this letter as I wish to express my support for Scotts restaurant application for a slight variation in trading hours
I am a long term Mount street resident and have been over the years a very loyal customer of scotts and in particular Scotts terrace**

**I strongly back the application as Scotts has always been a professionally managed establishment and an established considerate business within the Mayfair community
I would also wish to state that for the entire period that I have resided on Mount street I have never heard any loud noise or disruptive late night activity from Scotts and I have never had reason to complain.**

I only have positive thoughts of Scotts restaurant and wish them all the best for the future

Yours Faithfully

[REDACTED]

To whom it may concern,

I am writing to express my support for Scott's license extension.

As a loyal customer of Scott's and a long term Mount street resident I wish to express my full support and backing for the restaurant to be granted their request concerning the minor variation to the opening hours where I regularly dine.

My flat is situated [REDACTED] and has windows overlooking Mount Street and Scott's front door area. Despite the location of my flat, [REDACTED] I have never had a concern regarding the noise either in the restaurant or on the street at any time of day

The management team and staff are respectful of the needs of the local residents and the customers. They do their utmost to ensure the current license is dutifully adhered to. It is a pleasure to be one of their neighbours and a loyal customer.

Kind regards,

[REDACTED]

[REDACTED]

Scott's
20 Mount Street
London
W1K 2HE
24/08/2018

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

REF: Scott's Licence Application - Scott's, 20 Mount Street, 18/06944/LIPN

To Whom It May Concern,

I live near the premises at [REDACTED] South Audley Street, and can confirm that I have never had any problems with the way the restaurant operates, specifically from noise break out from the terrace with diners, nor through people leaving the restaurant late at night. Both issues are well managed by the doorman and strong management staff who are themselves established and long standing, so are very well known to the neighbourhood.

As a close neighbour wish to express that I support this application and I fully understand its nature.

I recognise that I live on a primarily residential street, but Scott's is an asset to the community and granting these hours will add to the vibrancy to the area and it will not result in noise disturbances that would occur, should, for example, a pub have later hours.

I think this application should be granted.

Yours sincerely,

[REDACTED]
[REDACTED]

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

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

[REDACTED]

From: [REDACTED]
Sent: 25 August 2018 15:01
To: [REDACTED]
Subject: Scott's Planning Application

DOCID: 2146565133

To whomever it may concern

My name is [REDACTED] and I reside in [REDACTED] Mount Street. I am writing in connection with the submitted planning application by Scott's restaurant to extend the hours of the terrace area. I am aware of the application and fully understand the proposal.

My flat is directly above Scott's restaurant. I have lived there for more than 5 years. In that time I regularly dine at Scott's. I have found the staff to be extremely professional and in particular are always aware, conscious and respectful of the residents that live in the surrounding area. I have never experienced any problems (both whilst dining at the restaurant or when residing in my flat above the restaurant) and the staff ensure that the noise on the terrace is kept to a level so as not to disturb the local residents.

In short I support the application and have no objections to extend the hours. I trust Scott's professionalism and experience to continue to maintain the high standards whilst minimising the impact on the surrounding area.

Happy to discuss further if required.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]

28th August 2018

TO WHOM IT MAY CONCERN

Subject: SCOTT's Variation Application

I understand that Scott's Restaurant at 20 Mount Street, London, W1 has applied to add an additional hour of operating time within the restaurant and an additional 30 minutes on the terrace each evening.

I live in Adams Row which is within 5 minutes walk from the restaurant and we are regular customer of the restaurant. Scott's is a restaurant that caters for both business clients and families and many of their customers are local in Mayfair.

Currently the restaurant closes at 11pm weekdays and adding the extra hour gives us the customers better opportunity to find tables to entertain our business clients and families.

We never experienced any problems with the restaurant in the past. Their doormen always assist the customers moving in and out of the restaurant smoothly into their cars and taxis.

We do support their application and kindly appreciate your favourable decision in their favour.

Best regards

[Redacted signature]

8/31/2018

• • •

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

SCOTT'S

[REDACTED]

General Manager
20 Mount Street
London W1K 2HE

Letter of support for trading hours amendment

Dear [REDACTED]

With this letter I would like to express my support to your application to extend the operating time within the restaurant and the terrace each evening.

I am a local resident, living just across the street of Scott's. During the past years I never experienced any issues or disturbances caused by the restaurant or its clients.

I understand the need of Scott's to extend their trading hours and as a client of Scott's I would also appreciate the availability of longer opening hours.

Please do not hesitate to contact me for any further questions.

Best regards,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 04 September 2018 13:14
To: [REDACTED]
Cc: [REDACTED]
Subject: Support letter for Scotts restaurant for their application for a variation of License

DOCID: 2146576331

Good day [REDACTED],

It came to our knowledge - that you are assisting Scott's Restaurant in preparation to their application for variation to their license, having a hearing on 27th September, 2018 and we are writing this Email/Letter, in advance support for this pending Scott's restaurant application.

We, [REDACTED] and our 2 children, have had the honor and privilege, to live on the second floor over Scott's Restaurant for 33 Years (1978 - 2011, when in 2011 we moved nearby, to [REDACTED] Balfour Place London W1K 2AT) - neighbors through the years, to an iconic landmark location.

We fully understand the nature of the current Licensing application and we kindly wish to express that during the long 32 years (of close proximity with Scott's) and now our continued neighborhood, we have not ever had any problems or concerns or issues with the way that Scott's have been run and in particular, we have never been aware of any disturbances as a result of customers arriving or leaving the restaurant or from the terraced area.

We hope that our genuine feelings and observations in this support communication, might, can and will help in your application.

Kind regards,

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

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

7th September, 2018

Ref: letter of support for Scotts restaurant regarding a minor hours variation

To Whom it May concern,

I am the resident of [REDACTED] directly above the restaurant Scotts. I am aware that there has been an application to extend the operating hours to be able to serve alcohol until 1am Monday to Saturday and midnight on a Sunday with close 30 minutes thereafter. Also, to extend the hours on the terrace to 11pm.

We have never been inconvenienced by the restaurant below us and therefor have no objections to the request for longer opening hours. The staff have always been very courteous and the entrance to our building has always been kept clean. We have never been disturbed by clients or staff over the years, so we are very happy to give our accordance to this recent request.

Sincerely,

[REDACTED]

Dr Ahmed Tahoun
[REDACTED]
[REDACTED]
[REDACTED]

Date: 07 August 2018
Our ref: CE/SAU/P28209-511
Doc Ref: 2146537245
Your ref: [REDACTED]
E-mail: [REDACTED]
Direct line: [REDACTED]

Dear Dr Tahoun,

Scott's Restaurant, 20 Mount Street, Mayfair
New Premises Licence

I just wanted to drop you a short letter to confirm our conversation on the 25th July.

First of all, I would like to say thank you very much for taking the time to contact me and speak to me.

I fully understand the concerns that you have raised, which in essence are that whilst you have no issue with my client and indeed frequent their premises, you are concerned that if this application is granted it would set a precedent for other premises in the area. Thank you for explaining that you felt Scott's to be perfectly managed and that it does not cause you any issues. You also indicated you would explain that to the committee at the Hearing.

You also indicated that if the extension of hours internally was reduced by 30 minutes, that your concerns regarding that aspect would be mitigated against, as you just felt the additional hour was too much.

I would like to assure you that my client has robust operating procedures in place so as to ensure that they do not cause a disturbance to their neighbours and indeed, you are able to confirm that you weren't disturbed by the premises.

At this stage, my client's instructions are to pursue the application as applied for, but please be assured that your comments have been carefully considered.

If I can be of any further assistance in the meantime, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Clare Eames', written in a cursive style.

Clare Eames
Poppleston Allen



Your ref: 20-22 Mount Street - Conditio...
My ref: 18/05030/FULL

Please
reply to:
Tel No:

Shaun Retzback
020 7641 6027

Jon Dingle
Jon Dingle Ltd
29 The Green
Winchmore Hill
London
N21 1HS

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

24 July 2018

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No: 18/05030/FULL
Date Received: 14.06.2018
Date Amended: 14.06.2018

Plan Nos: Application Form ; NOISE IMPACT ASSESSMENT v.3 by Ian Sharland Limited, dated 8th June 2018, Ref:M3731

Plans Submitted with Previously Approved Application 05/09233/FULL:-

Hydro-geological appraisal for geothermal cooling facility dated November 2005; Acoustic design specification report dated 20 September 2005; Conabeare Acoustics report dated 10 August 2005; 8605.S1; S2; S3; P1; P2; P3; P4; BC1; BC2; 40; 4 1; 556/1; 2; 3; 4.

Address: 20-22 Mount Street, London, W1K 3SF,

Proposal: Variation of Conditions 1 (b) and 3 of planning permission dated 6 April 2006 (RN: 05/09233) for, 'Alterations to rear including new louvred panels to ground floor roof and replacement of existing boiler flue. Installation of new internal plant equipment, soundproofing and geothermal borehole cooling system'; NAMELY, to amend the hours to enable plant to operate between 09:00 and 00:30 hours.

See next page for conditions/reasons.

Yours faithfully



John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 (a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant/machinery hereby permitted shall be operated so as to ensure that any noise generated is not audible at any time outside any residential property (to be referred to as the 'receptor location/s').
- (b) If the 'maximum noise level' and 'measurement location' are fixed under this condition, the plant/machinery hereby permitted shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' between 09.00 hours and 00.30 hours daily (permitted hours of operation) when measured at the 'measurement location'.

For the purposes of fixing the 'maximum noise level' and 'measurement location' under this condition, details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:

- i. A suitable location accessible to the applicant and City Council, close to the plant/machinery hereby permitted, for measuring noise emitted by it (to be referred to as the 'measurement location'); and
- ii. Results of simultaneous monitoring at the 'measurement location' and 'receptor location/s'. This is to be carried out when the existing external background noise level at the 'receptor location' is quietest between 10.00 hours and 00.30 hours daily (permitted hours of operation). The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant/machinery hereby permitted when measured at the 'measurement location' and which remains inaudible at the 'receptor location/s'. The results shall be provided as the maximum sound levels over a 5-minute period expressed as LA_{max} LA_{eq} and un-weighted octave band frequency spectra.

Reason:

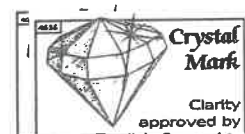
The plant/machinery hereby permitted is situated in a location where the existing external background noise level is high and is causing serious detriment to the amenity of occupiers of property in the area, or in an area sensitive to increases in noise levels. No development which would cause further detriment to the external background noise level is to be permitted in these areas. This condition is to ensure that the plant/machinery hereby permitted which is in the Central Activities Zone (CAZ), on a CAZ Frontage and/or within a Stress Area will be designed and operated so that noise will not be emitted that will be audible outside the nearest noise sensitive property.

This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

- 2 The plant/machinery hereby permitted shall be operated so as to ensure that there is no audible noise or perceptible vibration transmitted through the structure to adjoining premises.

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Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

- 3 The plant/machinery hereby permitted shall not be operated except between 09.00 hours and 00.30 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

- 4 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a of our Pre-Inquiry Unitary Development Plan. (R11AA)

- 5 The replacement boiler flue shall be painted black and permanently maintained in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in DES 1 and DES 5 or DES 6 or both and DES 7 or both, of our Unitary Development Plan, DES 1 and DES 5 or DES 6 or both and DES 9 of our Replacement Unitary Development Plan (Second Deposit version), and DES 1 and DES 5 or DES6 or both and DES 9 of our Pre-Inquiry Unitary Development Plan . (R26BC)

- 6 You must install the louvred panels shown on the approved drawings before you operate the extract duct. You must then maintain them in the form shown for as long as the extract duct remains in place.

Reason:

To protect the environment of people in neighbouring properties, as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan. (R13BA)

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- 7 You must install the acoustic ceiling shown on the approved drawings before you operate all equipment associated with the geothermal borehole cooling system. You must then maintain the acoustic ceiling in the form shown for as long as the cooling system remains in place.

Reason:

To protect the environment of people in neighbouring properties, as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan. (R13BA)

- 8 The double glazing shown at ground floor level between the plant room and proposed office, as shown on the approved plans, shall be installed before you install the replacement louvred roof. You must then maintain this in the form shown for as long as the louvred roof remains in place.

Reason:

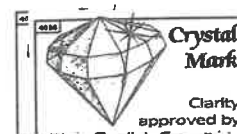
To protect the environment of people in neighbouring properties, as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan. (R13BA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 1, 2 and 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) Appeals to the Planning Inspectorate

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pes. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

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Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

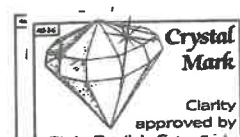
Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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Comments from resident:

Sent: 11 July 2018 13:18
To: Eaton, Samantha: WCC
Subject: Scotts

Hi Sam I am about to send you a representative number of emails dating back five years illustrating my point that there are clearing up and a/c noises from the premises late at night which would be even more disturbing should the restaurant get later hours. As you see Scotts always try to find out the source and remedy it however the residents should not be made responsible for 'policing' the premises and should be allowed their sleep. There are many more emails but I didn't want to overload you. I am also sorry I not technologically adept enough to put them in easy to read file for you. Perhaps you can do that and please acknowledge receipt

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

From: Kevin Lansdown [<mailto:kevinlansdown@me.com>]
Sent: 21 March 2013 10:52
To: Scotts - Steve Hutchings
Subject:

Good morning Stephen

Below is a text I received from [REDACTED] this morning. Personally I haven't noticed any difference in noise levels in either the plant room or the restaurant.,but it would' be worth touching base with Matt from Tech services .Are they due in for any maintenance on our closure day...or could it be noise from the extraction system which I believe is being leaned this weekend?

Kevin

Hi Kevin, Danielle said you were the person to contact in her absence. I wonder if the a/c etc is due for a service? It has suddenly become quite loud in the last couple of days - I usually email D when this happens, but I don't have your email, all the best [REDACTED]

From: Scotts - Steve Hutchings [<mailto:shutchings@scotts-restaurant.com>]
Sent: 21 March 2013 12:16
To: Jane Gore
Cc: Scotts - Managers
Subject: scotts a/c

Sorry forgot to include the email from [REDACTED] Thx steve

Stephen Hutchings
Assistant General Manager
SCOTT'S
20 Mount Street
London W1K 2HE

From: Jane Gore
Sent: 21 March 2013 13:53
To: Pam Green

Subject: FW: scotts a/c

From: Pam Green <office@tech-service.co.uk>
Date: 21 March 2013 14:08:52 GMT
To: Scotts - Steve Hutchings <shutchings@scotts-restaurant.com>
Subject: FW: Scotts a/c

Good afternoon Steve,

We have noted the details of your attached emails. We have looked into the queries raised and the annual maintenance was carried out Oct/November of last year and therefore not yet due. I have also spoken with Elite, as you know we carry out the electrical and belt checks etc on the kitchen grease extract systems once the cleans are completed. We know the last clean had been done in January and therefore the next one upon their confirmation is not due until August.

Andy Parton is in London tomorrow and although not in your area first thing, can come and take a look if you wish.

If you could kindly confirm.

Many thanks

Best regards
Pam

Pam Green
Technical Services Ref & A/C Ltd

From: Scotts - Steve Hutchings [shutchings@scotts-restaurant.com]
Sent: 21 March 2013 14:19
To: [REDACTED]
Subject: Fwd: Scotts a/c

Dear [REDACTED]
Please see email below concerning maintenance of a/c at Scott's.
I will arrange for Andy to look at it tomorrow morning
Kind regards
Stephen

From: [REDACTED]
Sent: 01 November 2013 09:24
To: Scotts - Steve Hutchings
Subject: Noises in the night!

Stephen could you help track down noises in the night. It has been quite loud at clearing up time lately and last night was the worst of the lot. A succession of dragging and thumping sounds after 12.30 and even much later ending with several knocks. These knocks occurred again at 7am maybe when your staff arrived. Danielle used to keep a noise diary because as you know my bed is right above your rear serving station and office annexe so anything loud wakes me up. Many thanks for looking into this, [REDACTED]

From: Scotts - Steve Hutchings [shutchings@scotts-restaurant.com]
Sent: 01 November 2013 09:45
To: [REDACTED]
Subject: RE: Noises in the night!

Morning [REDACTED]

I certainly will keep an eye out and record noise for you. I will also mention in the briefings to the staff and reinstate a person to be responsible for limiting noise amongst the team

Last night they would have been moving a few tables to make way for some cleaning so this must have been what you heard..

My apologies for that and will ensure that they are taking extra care to not make noise or disturb you in the future.

Best

Stephen

Stephen Hutchings
Joint General Manager
SCOTT'S
20 Mount Street
London W1K 2HE

From: [REDACTED]
Sent: 04 July 2014 00:43
To: Scotts Stephen Hutchings
Subject:

Hi Stephen, it has started to get a bit noisy at night over a period of time with lots of furniture moving. Tonight there was a sort of sawing to add to the rest- no idea what it was. Could you remind the staff, many thanks [REDACTED]

From: [REDACTED]
Sent: 11 August 2014 15:08
To: Keegan, Francis
Subject: Scott's mount street

Francis, is Scott's on your beat? Could someone keep an eye and check they are observing the terrace conditions. There was quite a racket there last night about 11.20, lots of voices raised and lots of smoking and I think the terrace is supposed to be out of bounds after 10.30

City of Westminster
64 Victoria Street, London, SW1E 6QP Schedule 12
Part A WARD: West End
UPRN: 100023475952
Premises licence
Regulation 33, 34

Premises licence number:

11/11976/LIPVM

Original Reference:

06/00073/LIPN

Part 1 - Premises details

Postal address of premises:

Scotts

20 Mount Street
London
W1K 2HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment
Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Sale by Retail of Alcohol
Monday to Sunday: 12:00 to 22:30 (External Area)
Monday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:30

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 10:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Caprice Holdings Limited
26-28 Conway Street
London
W1T 6BQ

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

01661349

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

Name: Stephen Hutchings

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 02185

Licensing Authority: London Borough Of Lambeth

Date: _____25th February 2013_____

Signed: pp

Operational Director - Premises Management

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person 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. 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

10. 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.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

12. A telephone contact number for a member of the management team will be provided upon request to local residents.

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

13. The sale of alcohol is permitted at an external seating area between midday and 22:30 hours daily.

14. All patrons to have vacated the premises by 00:30 Monday to Saturday and midnight on Sunday.

15. The capacity of the premises to be limited to:
150 persons (excluding staff) when both the basement and ground floors are in operation.
120 persons (excluding staff) when only the ground floor is in operation.

16. No music to be provided on the premises.

17. There shall be at least one doorman employed after 17:00 hours on any day the premises are open to the public until such time as they cease trading.

18. All plant serving the premises to be turned off by 00:30 Monday to Saturday and midnight on Sunday.

19. Alcohol for consumption on the premises to be served as an ancillary to table meals.

20. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

21. The service of alcohol for consumption on the premises shall be by waiter/waitress service.

22. There shall be no sale or supply of draught beer.

23. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection times.

24. Suitable prominent notices shall be affixed close to exits requesting patrons to leave quietly.

25. The premises shall be soundproofed such that there is no noise or vibration breakout in adjacent residential accommodation.

26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

27. No drinks to be taken outside to the external seating area or consumed unless they are served to customers taking a table meal and seated at a table.

28. All furniture on the ground floor outside seating area shall be rendered unusable from 22:30 hours.

29. The ground floor outside seating area will be limited to 20 chairs only and not more than 4 people per table up until 21:00 hours. After 21:00 hours up to 22:30 hours the ground floor outside seating area will be limited to 15 chairs and no more than 4 people per table.

From: Keegan, Francis [fkeegan@westminster.gov.uk]

Sent: 11 August 2014 15:17

To: Roberts, Glenys (Cllr) CODE03; Slone, Laurie

Subject: RE: Scott's in Mount Street

No, [REDACTED]

This venue is now covered by Laurie Slone's team

Laurie- please note this new referral. Thanks. The details of the current licence are below (to save you time looking them up)

Francis Keegan
Premises Licensing Inspector Team Manager
Tel: 020 7641 3385

On 23 Feb 2015, at 13:01, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

Hi [REDACTED]

Is there any particular time of day that the noise is worse or is it constant?

I just want to give as much info to tech services in advance

Thanks

Steve

Stephen Hutchings
Assistant General Manager
SCOTT'S

From: [REDACTED]
Sent: 23 February 2015 13:15
To: Scotts - Steve Hutchings
Subject: Re: re scotts

It's pretty constant for the last few days. It's noticeable when it comes on and goes off

Regards [REDACTED]

From: [REDACTED]
Sent: 24 October 2016 23:26
To: Scotts - Steve Hutchings <shutchings@scotts-restaurant.com>
Subject:

hi Stephen did the a/c kitchen fan go off late last night. It did seem terribly noisy - is it due for a service?

Regards [REDACTED]

On 25 Oct 2016, at 17:15, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

Hi [REDACTED]

Have contacted Tech who will resort back tomorrow

Sorry for delayed response as I went straight into a busy lunch service after doctors appointment

I will notify you of their findings. I am here tonight so will monitor also

Best

Steve

From: [REDACTED]
Sent: 25 October 2016 17:23

To: Scotts - Steve Hutchings <shutchings@scotts-restaurant.com>

Subject: Re: RE:

Thanks Stephen it seemed better last night but on Sunday it was noticeably noisy! Did you have a lot of people in?

████████

On 25 Oct 2016, at 17:27, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

Hi ██████████

It was a busy Sunday night but no more than is normal at scotts however I'm glad to hear that last night it was better for you

I have requested a full check on the fans to ensure all is in good shape and I will resort back as soon as I have the results

Have a nice evening

Best

Stephen

From: ██████████

Sent: 25 October 2016 17:55

To: Scotts - Steve Hutchings

Subject: Re: RE: RE:

Could you check on the time clocks too thanks

Regards ██████████

On 28 Jan 2017, at 11:22, ██████████ <██████████> wrote:

Hi Stephen hope all is well. There have been quite a few late night noises lately seemingly coming from along the back wall adjacent to your rear annexe. Normally they are around 12.30 at night though I have just heard something similar at 11. 15 in the morning which might give you a clue. Danielle used to remind the staff from time to time not to bang around especially at night. As you know my bedroom is immediately above you in this area.

By the way any news of Danielle?

Regards ██████████

From: ██████████

Sent: 28 January 2017 11:30

To: Scotts Stephen Hutchings

Subject: Noises part 2

Hi Stephen a quick update no they are not the same noises as I hear at night - this morning they are obviously doing some work with a drill or something mechanical.

I'll leave you to identify the others!

Regards ██████████

From: Scotts - Steve Hutchings [shutchings@scotts-restaurant.com]

Sent: 28 January 2017 11:35

To: ██████████

Subject: Re: Noises off

Hi ██████████

I am off today but am trying to contact managers on duty to find out what the noise is

Have instructed Mgmt team to brief and monitor staff during closing end of night to keep noise down
Danielle is well and enjoying her role as MD for HIX restaurants
Best
Steve

On 12 Apr 2017, at 21:38, [REDACTED] wrote:

Hi Stephen have you had some work done?
Ever since the weekend there has been a sort of dull drone which lasts till the early hours. It doesn't seem to be there first thing in the morning but it's very annoying last thing at night. I don't think it was there last week
Can you shed any light?
[REDACTED]

From: Scotts - Steve Hutchings [shutchings@scotts-restaurant.com]
Sent: 12 April 2017 22:16
To: [REDACTED]
Cc: Scotts - Managers
Subject: Re: Drone

What time does it start and where is the noise coming from ?
Will get some investigations started tomorrow when in
Managers in cc who will monitor it tonight and keep an ear out for any thing strange
Will update you tomorrow and will get tech in Also to do done checks
Best
Steve

On 13 Apr 2017, at 17:57, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

Hi [REDACTED]
A complete breakdown of the investigation completed this morning by tech services
Thx
Steve

The Engineer has been to site today and has reported the following:

Arrived to site, Checked air filters for the RESTAURANT SUPPLY and the KITCHEN SUPPLY AHU`s. Found to be dirty and restricting airflow. Replaced dirty air filters. Checked the kitchen extract to find no abnormalities. Noticed the water chiller was set to L-ON ,in this mode the chiller will operate 24/7.Reset to REN which means the chiller requires a remote signal to start up and shut down. Left all ok.

Should you require any further information, please do not hesitate to contact us.

Many thanks and best regards

Jane

Jane Gore
Technical Services Ref & A/C Ltd

From: [REDACTED]
Sent: 13 April 2017 18:13

To: Scotts - Steve Hutchings <shutchings@scotts-restaurant.com>

Subject: Re: drone noise

Well thank you Stephen i shall pay attention tonight and report back

Regards [REDACTED]

On 14 Apr 2017, at 10:03, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

Did the droning cease last night?

S

On 14 Apr 2017, at 11:46, [REDACTED] wrote:

Actually no it was even louder and a different higher tone. It faded out though didn't disappear after 1am and was and is there again in the morning.

Can't think what it can be, there is no new plant around to my knowledge.

Regards [REDACTED]

On 14 Apr 2017, at 12:09, Scotts - Steve Hutchings <shutchings@scotts-restaurant.com> wrote:

No there isn't

I will get back on to it when tech services return on Tuesday

Justin is also back Tuesday ,maybe he can listen to noise with you and will have a better idea

Best

S

From: [REDACTED]

Sent: 14 April 2017 23:23

To: Scotts - Steve Hutchings

Subject: Re: drone noise

Thanks Stephen I'm away for a few days we'll do it when I'm back Happy Easter

From: [REDACTED]

Sent: 20 July 2017 09:08

To: Scotts Stephen Hutchings

Subject: Noises

Hi Steve just to say the clearing up around 12.30-1 was really noisy last night to the point of kept waking me up. Could you check it out?

There is also a new mystery noise like a limping fan going on and off next to my bed, quite subdued but annoying

In the past when there has been a noise in that location it has been the staff toilets. I first noticed it late afternoon and then after midnight. It's not there this morning so perhaps could indeed be the fan.

Look forward to hearing from you

[REDACTED]

From: [REDACTED]

Sent: 16 July 2018 14:26

To: Eaton, Samantha: WCC <seaton@westminster.gov.uk>

Subject: Scotts

Please note, subsequent to my picture of the proximity of the kitchen fan to master bedrooms (6 affected in 18 and 22 Mount Street) that current planning hours for plant are 11.30pm. At my meeting with Richard Caring, after which he ultimately agreed he would NOT apply for later hours, his first proposal in order to convince me was NO extension of the a/c planning hours.

He claimed it would not be necessary to cook or use the a/c after 11.30 and even if he applied for a later licence he would not apply for a planning extension

██████████
██████████

From: ██████████
Sent: 13 July 2018 10:02
To: Eaton, Samantha: WCC <seaton@westminster.gov.uk>
Subject: Scotts later licence

Proximity of kitchen extract chimney to master bedroom windows on three floors



From: ██████████
Sent: 11 July 2018 13:23
To: Eaton, Samantha: WCC <seaton@westminster.gov.uk>
Subject: Scotts

Just one further point if there are no emails this year it is because I have been away much of the time and not in a position to hear anything!

Premises History

Licence & Appeal History

Application	Details of Application	Decision	Date Determined
05/07792/LIPC	Conversion Application	08.09.2005	Granted under delegated authority Licence Surrendered 20.11.2006
06/00073/LIPN	New Premises Licence Application	02.03.2006	Granted by Licensing Sub Committee
07/02348/WCCMAP	Master Licence	04.10.2005	Granted under delegated authority Licence Surrendered 20.11.2006
07/05151/LIPV	Application to vary the Premises Licence	19.07.2007	Granted under delegated authority
06/04895/WCCMAP	Master Licence	02.03.2006	Granted under delegated authority
08/05991/LIPDPS	Application to vary the designated premises supervisor	05.01.2009	Granted under delegated authority
08/06524/LIPD	Duplicate Licence Application	05.08.2008	Granted under delegated authority
08/07323/LIPV	Application to Vary the Premises Licence	02.10.2008	Granted by Licensing Sub Committee
09/02656/LIPV	Application to Vary the Premises Licence	18.06.2009	Granted by Licensing Sub Committee
09/06394/LIPDPS	Application to vary the designated premises supervisor	01.11.2009	Granted under delegated authority
10/04116/LIPCH	Change of details Application	08.07.2010	Granted under delegated authority
11/07404/LIPV	Application to vary the Premises Licence	15.09.2011	Refused by Licensing Sub Committee

11/11976/LIPVM	Application for a Minor Variation	23.12.2011	Granted under delegated authority
12/01137/LIPVM	Application for a Minor Variation	06.03.2012	Application Refused
18/06944/LIPN	New Premises Licence		To be determined

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

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

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

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

Mandatory Conditions

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

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

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

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

officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule:

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of the recent CCTV images or data with the absolute minimum of delay when requested.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All patrons to have vacated the premises by 01:30 hours Monday to Saturday and bank holiday Sundays and 01:00 hours on Sunday.

Amended by the applicant to:

All patrons to have vacated the premises by 01:30 hours Monday to Saturday and bank holiday Sundays and 00:30 hours on Sunday

13. There shall be at least one doorman employed after 17:00 hours on any day the premises are open to the public until such time as they cease trading.
14. The sale of alcohol for consumption 'On' the premises to be served as an ancillary to a table meal.
15. The supply of alcohol for consumption 'On' the premises shall be by waiter/waitress service.
16. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed;
170 persons when both the basement and ground floor are in operation
140 persons when only the ground floor is in operation.
18. All furniture on the ground floor outside seating area shall be rendered unusable from 23:00 hours.
19. No licensable activities shall take place in the area hatched blue on the licensing layout drawing number 4322/376/501/B (Ground Floor) until the area has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. A telephone contact number for a member of the management team will be provided upon request to local residents.
23. No drinks to be taken outside to the external seating area or consumed unless they are served to customers taking a table meal and seated at a table.
24. All waste shall be properly presented and place for collection no earlier than 30 minutes before the scheduled collection time.
25. The ground floor outside seating area shall be limited to 20 chairs only with no more than 4 people per table.
26. No music to be provided on the premises.
27. All plant serving the premises to be turned off by 00:30 Monday to Saturday and midnight on Sunday.
28. All windows and external doors are kept closed after 23:00 hours except for the immediate access and egress of patrons.
29. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
30. A record shall be kept detailing all refused sales of alcohol. This 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.

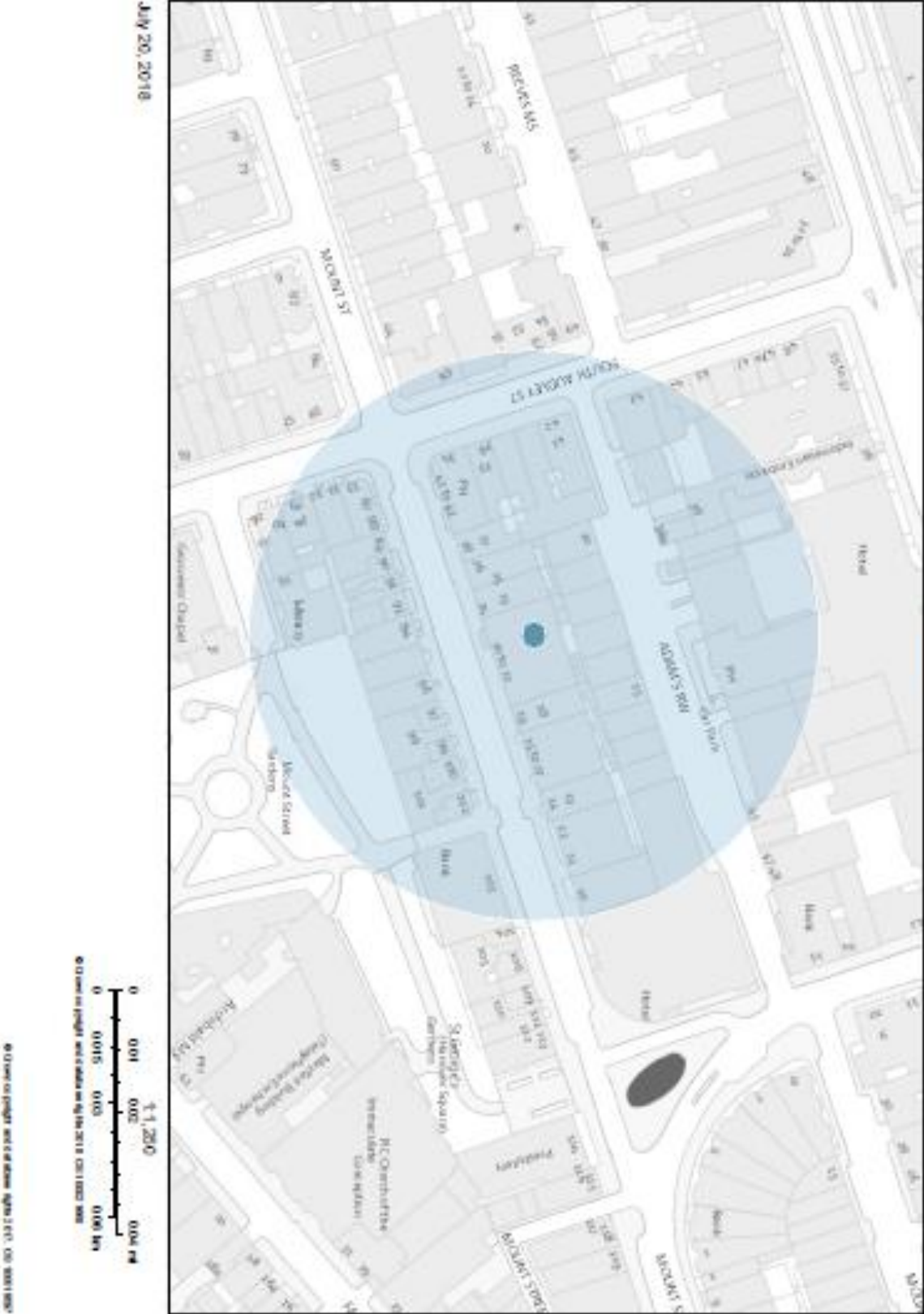
Conditions proposed by the Environmental Health

None.

Conditions proposed by the Police

None.

Residential Map and List of Premises in the Vicinity



Resident count: 96

Premises within 50 metres of: Scotts, 20-22 Mount Street, London

Ref	Name of Premises	Premises Address	Licensed Hours
11/11976/LIPVM	Scotts	20-22 Mount Street London W1K 3SF	Monday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 00:00
17/03637/LIPDP S	The Audley Public House	The Audley At 34 South Audley Street 41 - 42 Mount Street London W1K 2RX	Monday to Saturday; 08:00 - 00:30 Sunday; 09:00 - 00:00
16/06918/LIPDP S	The Mount Street Deli	Basement And Ground Floor 100 Mount Street London W1K 2TG	Monday to Saturday; 08:00 - 21:30
16/10746/LIPDP S	Richoux	Ground Floor West 41 South Audley Street London W1K 2PS	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/06228/WCC MAP	Shogun Restaurant	38 Adams Row London W1K 2PU	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/09813/LIPDP S	George	87 - 88 Mount Street London W1K 3NE	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00
09/09810/LIPN	William And Son	10 Mount Street London W1K 2TY	Monday to Friday; 10:00 - 18:00 Saturday; 10:00 - 17:00
12/05126/LIPDP S	Harry's Bar	26 South Audley Street London W1K 2PD	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00