

Admiral Duncan

54 Old Compton Street, London, W1D 4UD

Application for New Premises Licence

Licensing Sub Committee: 24th October 2019, 10am

Applicant's Evidence Bundle Index

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stonegate
PUB COMPANY

“Traditional venue with free Cabaret entertainment every night ”



FIRST VALUES



Location / Background stonegate
PUB COMPANY

- One operational floor with a stage offering entertainment 7 nights a week.
 - Capacity of 125.
 - Primary customer base - Predominately gay males aged 25-60 years.
- Traditional venue with free Cabaret entertainment every night of the week, bringing a different twist during the day and night time.
 - Benefits from a core return market and well situated in London's 'Gay Village'.
- The premises have been trading since 1832 and has been with Stonegate since 2015.

FIRST VALUES



The History

stonegate
PUB COMPANY

- On the 30th April 1999, neo nazi, David Copeland placed a Nail Bomb inside the Admiral Duncan, killing 3 people & wounding 70 others.



- Crowds gathered round the Admiral Duncan to remember the victims of the Pulse, Orlando attack.



- The 20 year Anniversary of the Nail Bomb attack 2019.

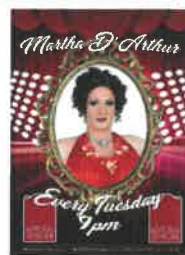
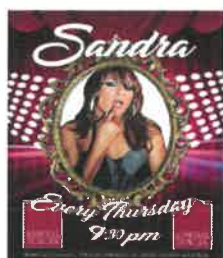


FIRST VALUES



The Cabaret Line Up

stonegate
PUB COMPANY



FIRST VALUES



Entertainment Night - Breakdown stonegate PUB COMPANY

- Monday – Karaoke/Cabaret Showdown with Sum Ting Wong from 7pm.
- Tuesday – Anything can happen Tuesday with Martha d'Arthur from 9pm.
- Wednesday – Alternate Wednesdays with Mrs Moore & Tanya Hyde from 9:30pm.
- Thursday – Cabaret with Sandra from 9:30pm.
- Friday – Triple Cabaret from 8pm till Midnight with different Drag Queens each week.
- Saturday – Triple Cabaret from 8pm till Midnight with different Drag Queens each week.
- Sunday – Chipz for Tea with Baga Chipz from 8pm.
- Live Entertainment costs have increased 30% Increase - FY17 to FY19.

FIRST VALUES



About Our Resident Queens... stonegate PUB COMPANY



Baga Chipz

Drag Idol competition winner 2010.
Appearing in the very first Ru Paul Drag Race UK on BBC3 IPlayer.
Resident at Admiral for over 7 years.
Doing Cabaret for almost 14 years.



Mary Mac

Resident for over 7 years, one of the most popular Drag Queens on the circuit.
Lives in Lanzarote and travels over every weekend to perform.



Sandra

Old school Cabaret act, on the circuit for nearly 30 years.
Has performed at iconic gay venues such as Black Cap & Two Brewers.

FIRST VALUES



Other Events

stonegate
PUB COMPANY

The collage features several event posters:

- Hocus Pocus**: A poster for a Halloween-themed event featuring the characters from the movie.
- Halloween Harvest Festival**: A poster for a Halloween-themed festival with a pumpkin and a witch.
- Spice Up Your Night**: A poster for a Halloween-themed event featuring a witch and a pumpkin.
- New Years Eve**: A poster for a New Year's Eve event featuring a large Union Jack flag.
- The Drag Calendar**: A poster for a drag-themed event featuring a drag queen.
- Drag Idol**: A poster for a drag-themed competition featuring a drag queen.
- Leftfooters FC**: A circular logo for a football team featuring a soccer ball and the text 'AVE IT!'.
- Battle of the Bars**: A poster for a karaoke competition featuring a microphone and the text '1st PRIZE £2000'.
- Lip Sync War**: A poster for a lip sync competition featuring a microphone and the text 'WIN £2500'.

FIRST VALUES

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Admiral Duncan

54 Old Compton Street, London

Draft Operational Plan

The Admiral Duncan is a much loved Soho institution, and has been trading since 1832. We are proud to be considered the epicentre of Soho's LGBT+ community and have built our reputation locally and internationally as a welcoming cabaret venue. We are Soho's only dedicated cabaret bar. Our customers are predominantly regulars and they are comfortable and safe in our premises.

In order to ensure that we continue to trade to the highest standards and remain a part of the community, an operational plan has been put together in the event that later hours are granted to set out the steps that will be taken to reduce the risk of public nuisance and crime and disorder occurring.

This draft operational plan is a work in progress which will be subject to further modification in the event of the new premises licence being granted. Cognisance has been taken of advice from Environmental Health and the Police Licensing Team in drafting this document. Additionally a noise impact assessment has been obtained from Ian Sharland Limited and a recommendation should the premises operate beyond midnight is that an acoustic lobby would be installed at the premises. The Premises Licence Holder subject to the grant of a licence to operate beyond midnight would agree to a condition on the Premises Licence regarding the installation of a lobby.

Please note that there are a number of conditions in the Premises Licence application as applied for which will be considered in conjunction with the final draft operational plan and subject to any further conditions or modifications made by the Licensing Sub-Committee should the licence application be granted.

The Licence Holder operates a robust set of policies to deal with the promotion of the licensing objectives in particular dealing with vulnerability awareness and duty of care, noise management, disorder strategy and conflict management, crime reporting and crime scene preservation, intoxicated customer policy, entry and door staff policy, drugs search and outside area policies and policies in relation to dispersal and underage sales.

There is comprehensive training provided by the Licence Holder dealing with all aspects of the promotion of the licensing objectives.

The below sets out the key elements of the management of the premises that would be subject to adjustment should extended hours be granted.

<u>Customer Management</u>	<ol style="list-style-type: none"> 1. Customers normally arrive in time for the cabaret show to start at around 8pm (depending on the day) and they will stay for the duration of the show. Should extended hours be granted an assessment will be done of the start and finish times of any cabaret shows to appropriately deal with the flow of customers arriving and departing. There is a capacity limit proposed in the
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Admiral Duncan
54 Old Compton Street, London
Draft Operational Plan

	<p>application of 125 persons including staff.</p> <p>2. A last entry time of 1am is proposed.</p>
<u>Noise Management</u>	<p>1. In all instances the playing of music and use of any amplification equipment must not be permitted to cause a nuisance to neighbouring properties.</p> <p>2. Entrances to all outside areas must be by self closing doors and must not remain open unnecessarily. It is the ultimate responsibility of the General Manager to ensure that doors do not remain held open other than for access and egress purposes.</p> <p>3. A noise limiter is to be fitted and operated in accordance with the premises licence conditions.</p> <p>4. Windows and doors shall be kept closed when regulated entertainment takes place, and at all times after 11pm, save for access and egress.</p> <p>5. Appropriate signage is in place, requesting customers to respect the local residents.</p>
<u>Dispersal</u>	<p>1. Following the end of the cabaret performance, it is anticipated that customers will disperse gradually. During this period it is the responsibility of the General or Duty Manager to ensure music is played which is of a quieter nature and a lower BPM. Customers shall be gently encouraged to leave.</p> <p>2. All customers are reminded that they must not take alcohol off the premises and this should be enforced by the provision of appropriate signage at the exit points of the venue and also all door supervisors must ensure that bottles and glasses are removed from any customers who are attempting to leave the premises with them.</p> <p>3. Most of our customers will disperse using the nearby public transport options and assistance will be provided with directions if requested.</p>
<u>External Area Management</u>	<p>1. After 11pm, customers who step outside to smoke shall not be permitted to take drinks with them.</p> <p>2. The external area will be subject to appropriate supervision by staff and door staff when on duty.</p>

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54 Old Compton Street, London

Draft Operational Plan

	<ol style="list-style-type: none"> 3. Ensure regular removal of glasses and bottles and related litter and ensure that the area is swept prior to the premises opening and immediately after closing, and at regular intervals as appropriate.. 4. Ensure that all means of escape are unobstructed. 5. Provide a contact number for all business and residential neighbours and ensure a prompt and courteous reply at all times.
<u>Door Supervisors</u>	<ol style="list-style-type: none"> 1. Where utilised, it is the responsibility of the Door Team, in conjunction with the Site Management Team, to use their best endeavours to ensure: <ol style="list-style-type: none"> a) Customers who are leaving the premises do so in a quiet and orderly manner. b) If groups of customers are found to be loitering outside the premises after leaving they should be politely asked to move on. d) Customers should be encouraged to leave gradually over the permitted period of "drinking up time". e) The practice of "herding out" customers as soon as service of alcohol has ceased should be discouraged and customers should be encouraged to leave gradually over the course of "drinking up" time. f) Members of the Door Team should be visible outside the unit for a period of time after closing until all groups of customers have left the vicinity. 2. Having had further discussions with the Police Licensing Team it has been suggested that the premises should operate with a minimum of 2 door supervisors where the premises trade beyond their existing terminal hour and cabaret is being offered. This will be written into the final operational plan and any additional door staff would be subject to further risk assessment.
<u>Welfare and Vulnerability</u>	<ol style="list-style-type: none"> 1. The Premises Licence Holder has a vulnerability awareness and duty of care policy. 2. To commit to sharing awareness of vulnerability and take measures to protect customers and provide a safe and

Admiral Duncan

54 Old Compton Street, London

Draft Operational Plan

	<p>welcoming environment for all our customers and employees.</p> <p>3. To cooperate and contribute to local schemes established for the promotion of vulnerability.</p> <p>4. The Premises Licence Holder Stonegate have worked closely with the Metropolitan Police Licensing Hub to ensure WAVE training is delivered to the management teams of their sites within Westminster and cascaded to the team as required.</p>
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THE ADMIRAL DUNCAN 54 OLD COMPTON STREET

ASSESSMENT OF NOISE IMPACT ARISING FROM PROPOSED EXTENSION OF LICENCE HOURS

v.2

Client:

POPPELSTON ALLEN

The Stanley Building
7 Pancras Square
London
N1C 4AG

21st October 2019


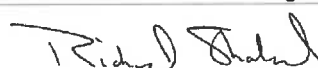
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Project Reference	M4577
Issue No.	2
Reviewed	Eddie Oxborough MSc AMIOA
Signature	
Author	Richard Sharland MA MSc CEng MIOA
Signature	
Date	21st October 2019

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1. SUMMARY

- 1.1 A noise impact assessment has been conducted by Ian Sharland Limited on behalf of Poppleston Allen, to consider the acoustic impact of music noise arising from the extended opening hours of The Admiral Duncan public house.

- 1.2 The premises are currently limited to the following hours for the sale of alcohol, and the performance of live or recorded music:

Monday to Thursday	10.00 – 23.30
Friday to Saturday	10.00 – 00.00
Sunday	12.00 – 22.30

- 1.3 It is proposed that these hours be extended to:

Monday to Thursday	10.00 – 03.00
Friday to Saturday	10.00 – 03.00
Sunday	12.00 – 22.30 (no change)

with an additional 30 minutes 'drinking up' time

- 1.4 A 3-day survey of existing noise outside the premises has been conducted, to establish the existing levels noise during both the current trading hours and the proposed extended hours in the early morning. This objective survey has been supplemented by attended observations on site, from 11pm on Saturday night until 3am Sunday morning.
- 1.5 The surveys have confirmed internal noise levels during music events range from 90 dB(A) behind the external elevation to 95 dB(A) at the rear stage area. Externally, music was not audible across the street, when the door was closed.
- 1.6 Noise targets have been derived from the ambient survey and Policy ENV7 of the WCC UDP.
- 1.7 An assessment of proposed operation confirms the residual conditions externally would be acceptable up to 03.00, if the existing external façade remained closed.
- 1.8 Therefore, in order to accommodate ingress and egress during music events, it is recommended that an acoustic lobby be constructed behind the existing door set, the specification of which is given in Paragraphs 6.8 et seq.
- 1.9 With this measure in place, alongside management controls to prevent doors being left open and confirmation of setting of the PA's noise limiter, it is confirmed that the music within the premises would be contained to the acceptable level.

2. INTRODUCTION

- 2.1 Ian Sharland Limited has been instructed to prepare a formal assessment to consider the possible impact of extended operating hours at The Admiral Duncan public house on Old Compton Street.
- 2.2 The Admiral Duncan occupies the ground floor of the premises, with public access into Old Compton Street only. The trading area is a single room, with serving bar to one side and a stage area at the rear.
- 2.3 The public house operates a cabaret show in the evenings, with singing shows or karaoke. There pub does not operate as a night club, and there is no DJ.
- 2.4 There are two flats over the bar area, both of which are owned by the company, and occupied by staff.
- 2.5 Old Compton Street is a busy street in the centre of Soho, containing theatres, restaurants and numerous other licensed premises. It is noted that there are a number of bars, clubs and other venues in close proximity to The Admiral Duncan operating with late licenses (up to 0300).
- 2.6 The Admiral Duncan is currently limited to the following hours for the sale of alcohol, and the performance of live or recorded music:

Monday to Thursday	10.00 – 23.30
Friday to Saturday	10.00 – 00.00
Sunday	12.00 – 22.30

- 2.7 It is proposed that these hours be extended to:

Monday to Thursday	10.00 – 03.00
Friday to Saturday	10.00 – 03.00
Sunday	12.00 – 22.30 (no change)

with an additional 30 minutes 'drinking up' time

- 2.8 It is noted that there are residential properties above the restaurants and shops of Old Compton Street. This includes flats above the shops on either side of The Admiral Duncan, and in Kemble House at 58 Dean Street, which overlooks Old Compton Street and the entrance to The Admiral Duncan.
- 2.9 Representations have been made in respect of music noise, and it is therefore necessary to demonstrate that any noise emanating from the premises during the extended hours will have no adverse impact on the amenity of the local residents.

- 2.10 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.

3. REVIEW OF RELEVANT PLANNING GUIDANCE

3.1 National Planning Policy Framework (February 2019)

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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.

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

3.1.7 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.

3.1.8 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.

3.2 Noise Policy Statement for England (March 2010)

- 3.2.1 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".

- 3.2.2 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".

- 3.2.3 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".*

3.2.4 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.

3.2.5 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."

3.2.6 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.

3.3 DCLG Guidance Note, 2013 - 'Noise'

3.3.1 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.

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

Perception	Examples of Outcomes	Increasing Effect Level	Action
<i>Not noticeable</i>	<i>No Effect</i>	<i>No Observed Effect</i>	<i>No specific measures required</i>
<i>Noticeable and not intrusive</i>	<i>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.</i>	<i>No Observed Adverse Effect</i>	<i>No specific measures required</i>
		<i>Lowest Observed Adverse Effect Level</i>	
<i>Noticeable and intrusive</i>	<i>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.</i>	<i>Observed Adverse Effect</i>	<i>Mitigate and reduce to a minimum</i>
		<i>Significant Observed Adverse Effect Level</i>	
<i>Noticeable and disruptive</i>	<i>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.</i>	<i>Significant Observed Adverse Effect</i>	<i>Avoid</i>
<i>Noticeable and very disruptive</i>	<i>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</i>	<i>Unacceptable Adverse Effect</i>	<i>Prevent</i>

Table 3.1 – Noise Exposure Hierarchy

3.3.3 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.*

3.3.4 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.*

3.3.5 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).*

3.4 The London Plan, Spatial Development Strategy for Greater London

- 3.4.1 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*

- 3.4.2 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.

3.5 WCC Core Strategy Policy CS31 Noise

- 3.5.1 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.
- 3.5.2 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.*

- 3.5.3 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

3.6 WCC Unitary Development Plan TACE10

- 3.6.1 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.

- 3.6.2 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*

3.4 WCC Unitary Development Plan ENV6 & ENV7

- 3.4.1 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).
- 3.4.2 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;*
- 3.4.3 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.
- 3.4.4 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.

4. GUIDELINE ACOUSTIC VALUES

4.1 Introduction

- 4.1.1 There are number of relevant acoustic guideline values which can be used to assess the acceptability of noise within a particular environment.
- 4.1.2 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

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

- 4.2.1 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:

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

Table 4.1 - BS 8233 Guideline Values

- 4.2.2 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

Table 4.2 – Extrapolated External Guideline Values

- 4.2.3 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)

- 4.2.4 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.
- 4.2.5 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.
- 4.2.6 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.

4.3 World Health Organisation Guidelines

- 4.3.1 Further advice is provided in the 1999 WHO report "Guidelines for Community Noise".
- 4.3.2 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) $L_{Aeq, t}$.
- 4.3.3 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.

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

- 4.4.1 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".
- 4.4.2 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.

- 4.4.3 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".
- 4.4.4 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.

4.5 Institute of Acoustics Draft Guidelines for Noise and Vibration Assessment

4.5.1 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

Table 4.3 – Assessment of Impact

5. EXISTING NOISE CONDITIONS

- 5.1 A survey of current noise levels on Old Compton Street was undertaken from Thursday 17th October 2019 to Sunday 20th October 2019
- 5.2 A Rion NL52 Sound Level Meter was set up within a 2nd floor flat over the public house.



- 5.3 The microphone was set on a boom, protruding approximately 1m from the façade of the building (see photo above).
- 5.4 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. |
- 5.5 The equipment was calibrated before and after the survey and showed no shift.

5.6 Weather conditions during the survey were as follows:

Date	Average Temperature °C	Rainfall	Ave Windspeed Mph	Direction
Thur 17/10	12	n/a	7	W
Fri 18/10	10	n/a	8	SW
Sat 19/10	10	n/a	7	NE

Table 5.1 – Weather Conditions

5.7 Figure 2 provides a trace of the measured noise level above the entrance to the premises.

5.8 Of particular interest in the variation of noise from the last hours of the current licence (22.00 – 00.00), through the period of proposed opening (00.00 – 03.00). Noise levels are relatively steady through the former period and, with the exception of a small uplift immediately after midnight, levels then fall gradually through the early hours of the morning. Overall, there is a nominal difference of some 3 - 4 dB in the levels prior to midnight and those following:

Date	Period	L _{Aeq, 5 mins} dB(A) Average (Range)	L _{A90, 5 mins} dB(A) Average (Range)
Thur 17/10	2200 – 0000	68 (67 – 71)	64 (64 – 66)
	0000 – 0300	66 (62 – 70)	61 (58 – 64)
Fri 18/10	2200 – 0000	72 (70 – 77)	68 (66 – 71)
	0000 – 0300	69 (64 – 73)	63 (60 – 68)
Sat 19/10	2200 – 0000	73 (71 – 77)	69 (68 – 73)
	0000 – 0300	70 (65 – 77)	64 (60 – 72)

Table 5.2 – Summary of Ambient Conditions

5.9 The significance of these results will be discussed below

5.10 In addition to the long-term survey, attended measurements will be taken during the course of what is understood to be the loudest event within the premises, a cabaret night.

5.11 The site was attended on Saturday 19th October, from 2300 – 03.00. Noise levels were sampled across the trading floor and, whilst there was some variation inside the premises, the highest noise levels were found to occur 'mid-song', as follows:

Close to stage and next to the bar	90 – 95 dB(A) L _{Aeq, t}
Front of trading area, inside the Old Compton Street entrance	90 dB(A) L _{Aeq, t}

- 5.12 For the remainder of the evening, an inspection of the local area was conducted, with the following observations being made:

Period	Comments
23.00 – 00.00	<p>From directly across the street, music noise is not audible externally, when the doors are closed. On opening, there perceptible uplift, but the objective magnitude and duration is not sufficient to cause a change in the ambient L_{Aeq} level. It is likely, however, that this would be more noticeable if masking levels from street activity were lower.</p> <p>Externally, noise is dominated by vehicles and pedestrians on Old Compton Street (vehicle traffic is relatively light at this time, the most significant factor being peddle tuk-tuks with loudspeakers fixed to their rear. Patrons in the smoking area outside The Admiral Duncan, and Comptons public house (50m to the west along Old Compton Street) noticeable.</p>
00.00 – 00.15	<p>At closing time, here and at other local premises, there is a short but noticeable uplift in activity on the street (pedestrians and vehicles). Generally, patrons leave The Admiral Duncan and walk away (no vehicle pick-ups noticed). However, one or two small groups continued lively conversations outside for 5 minutes, before moving on.</p>
00.15 – 01.00	<p>Activity levels on Old Compton Street, outside The Admiral Duncan, continue with unrelated pedestrians and vehicles. Comptons closed now. Locally, Village, G A Y and Bar Soho still open, with music audible on the street immediately outside them. Large groups congregating outside Bar Soho.</p>
01.00 – 03.00	<p>Pedestrian activity continues throughout, numbers slowly but steadily diminishing. Still high numbers of vehicles on Old Compton Street and Dean Street. Note, take away restaurant opposite The Admiral Duncan remains open, drawing pedestrians inside and immediately out. Late licensed premises still busy, to the west and to the east ends of Old Compton Street.</p>

Table 5.3 – Confirmation of Site Observations, 19th – 20th October

6. IMPACT OF MUSIC NOISE ARISING FROM EXTENDED OPERATING HOURS

- 6.1 The written representations regarding the application have indicated that music noise emanating from within the premises is a significant concern. This must therefore be controlled to protect the amenity of the overlooking residents, both those in the buildings on either side of The Admiral Duncan and those facing across Old Compton Street.
- 6.2 As found during the site investigations, music was not audible above the activity of pedestrians and vehicles, providing the doors were closed. However, when intermittently open for the ingress and egress of patrons (there were door staff managing this process), music was temporarily audible. At present, the access is a single door which lead directly into the main trading area (at the back of which lies the cabaret stage).
- 6.3 Policy ENV7 of the Westminster UDP indicates that activity noise from such premises should be limited to a level 10 – 15 dB below the prevailing background noise levels.
- 6.4 The table below summarises the results of the ambient noise survey, and the target for music noise emissions which would then be derived:

Period	Up to midnight	00.00 – 03.00
Typical Background Noise Level, L_{A90} dB(A)	64 dB(A)	61 dB(A)
WCC Target for music emissions, $L_{Aeq, 15 \text{ mins}}$ dB(A)	49 - 54 dB(A)	46 – 51 dB(A)

Table 6.1 – Derivation of Noise Targets

- 6.5 Appendix 1 provides calculations of noise breaking out through the front façade of the public house, and the residual noise at flats adjacent to the premises and across the street. The calculations are based on a noise limit of 90 dB(A) in the area of the bar just behind the front façade. Results are provided when the entrance door is closed and when the door is open:

Door State	Predicted Façade Noise Level, $L_{Aeq, t}$	
	Doors Closed	Doors Open
Adjacent Flats	43 dB(A)	61 dB(A)
Flats facing across Old Compton Street	43 dB(A)	60 dB(A)

Table 6.2 – Predicted Music Noise Emissions

- 6.6 Under the current licence, the noise levels with doors closed are comfortably below the WCC target. There is an uplift when the doors are open, and it can be confirmed that the overall noise level over a reference period of 15 minutes would remain compliant providing the door is open for no more than a minute in that time.

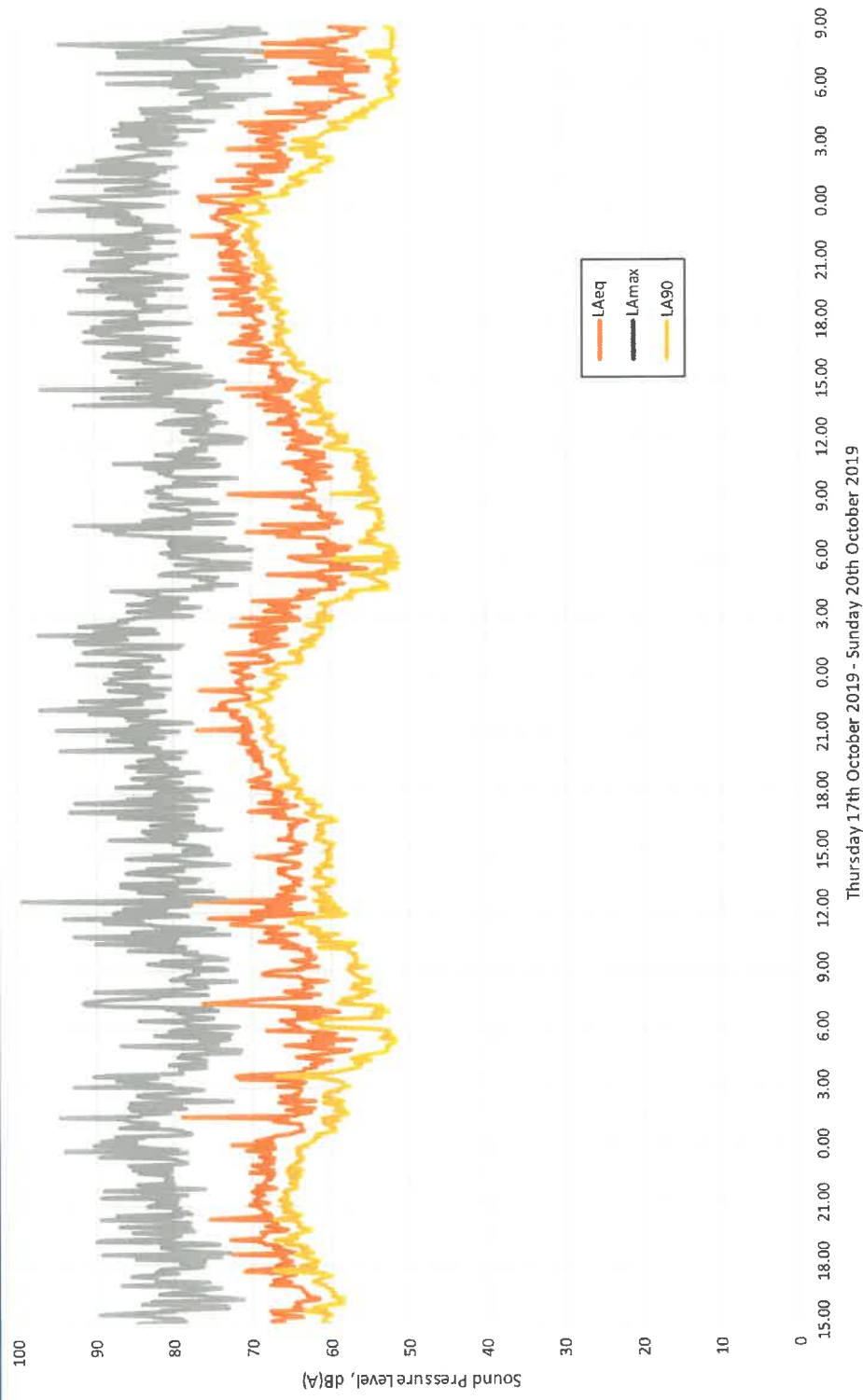
- 6.7 In the proposed additional hours, from 00.00 - 03.00, the situation would remain compliant providing the doors remains closed.
- 6.8 In order to provide access, therefore, it is recommended that the current entrance be reconfigured to create an acoustic lobby. There should be two sets of doors, each a 45mm solid core leaf set into a rebated frame with acoustic seals to head, jambs and threshold³.
- 6.9 The walls of the lobby should be in a timber or metal stud, fully filled with lightweight insulation, faced with two layers of 15mm SoundBloc plasterboard. If the walls do not extend to the underside of the existing ceiling, the roof to the lobby should comprise 22mm chipboard over a timber joists, fully filled with lightweight insulation and a soffit of two layers of 15mm SoundBloc plasterboard.
- 6.9 Subject to minimum Fire Regulations, the doors should be an appropriate distance apart.
- 6.10 The lobby itself should either be carpeted, or the soffit lined with an acoustically absorptive panel. Reference here would be made to Wallsorba acoustic panels, although a perforated plasterboard on insulated battens would also suffice.
- 6.11 As part of the strategy, the licensee will need to demonstrate that all music in the venue is played through a single PA system, and that this features a secure, digital noise limiter. The setting of this limiter should be reviewed alongside the Acoustic Consultant and Environmental Health department, to ensure that current settings will ensure the 90 dB(A) limit on the inside of the front elevation.
- 6.12 Door staff will remain a key feature to a noise management process, one of their most important functions being to ensure patrons pass through the lobby efficiently, and that doors are never left open when music events are taking place.

³ An acoustic rating of 35 dB Rw should be achieved. As required glazing can be accommodated into the door leaf (subject to confirmation of the overall acoustic rating).

Figure 1 - Site Location



Figure 2 - Measured Noise Levels on Old Compton Street



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.

Appendix B – Calculations of Music Noise Break-Out

Calculations for Adjacent Flats

Frequency	Hz	63	125	250	500	1K	2K	4K	8K	dB(A)
SPL inside Club (front façade)	dB	88	86	83	83	88	82	72	66	90
SRI Door (closed), assume 25 dB Rw	dB	-10	-19	-22	-26	-24	-23	-20	-25	
Areas of doors, , 8m2	dB	9	9	9	9	9	9	9	9	
Directivity @0degrees	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Directivity for 90degrees	dB	-9	-9	-9	-9	-9	-9	-9	-9	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 4m	dB	-12	-12	-12	-12	-12	-12	-12	-12	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	55	44	38	34	41	36	29	18	43
Frequency	Hz	63	125	250	500	1K	2K	4K	8K	dB(A)
SPL inside Club (front façade)	dB	88	86	83	83	88	82	72	66	90
SRI Door (closed), assume 25 dB Rw	dB	-10	-19	-22	-26	-24	-23	-20	-25	
Areas of doors, 6m2	dB	8	8	8	8	8	8	8	8	
Directivity @0degrees	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Directivity for 90degrees	dB	-9	-9	-9	-9	-9	-9	-9	-9	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 4m	dB	-12	-12	-12	-12	-12	-12	-12	-12	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	54	43	37	33	40	35	28	17	42
SIR Open Door	dB	0	0	0	0	0	0	0	0	
Areas of doors, 2m2	dB	3	3	3	3	3	3	3	3	
Directivity	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Directivity for 90degrees	dB	-9	-9	-9	-9	-9	-9	-9	-9	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 4m	dB	-12	-12	-12	-12	-12	-12	-12	-12	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	59	57	54	54	59	53	43	37	61
Combined	dB	60	57	54	54	59	53	43	37	61

Calculations for Facing Flats

Frequency	Hz	63	125	250	500	1K	2K	4K	8K	dB(A)
SPL inside Club (front façade)	dB	88	86	83	83	88	82	72	66	90
SRI Door (closed), assume 25 dB Rw	dB	-10	-19	-22	-26	-24	-23	-20	-25	
Areas of doors, 8m ²	dB	9	9	9	9	9	9	9	9	
Directivity	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 12m	dB	-22	-22	-22	-22	-22	-22	-22	-22	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	54	43	37	33	40	35	28	17	43
Frequency	Hz	63	125	250	500	1K	2K	4K	8K	dB(A)
SPL inside Club (front façade)	dB	88	86	83	83	88	82	72	66	90
SRI Door (closed), assume 25 dB Rw	dB	-10	-19	-22	-26	-24	-23	-20	-25	
Areas of doors, 6m ²	dB	8	8	8	8	8	8	8	8	
Directivity	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 12m	dB	-22	-22	-22	-22	-22	-22	-22	-22	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	53	42	36	32	39	34	27	16	42
SIR Open Door	dB	0	0	0	0	0	0	0	0	
Areas of doors, 2m ²	dB	3	3	3	3	3	3	3	3	
Directivity	dB	-8	-8	-8	-8	-8	-8	-8	-8	
Inside to Outside Correction	dB	-6	-6	-6	-6	-6	-6	-6	-6	
Distance to 12m	dB	-22	-22	-22	-22	-22	-22	-22	-22	
Façade Correction	dB	3	3	3	3	3	3	3	3	
Net SPL at Façade	dB	58	56	53	53	58	52	42	36	60
Combined	dB	60	57	53	53	58	52	43	36	60

PopplestonAllen

Mr D Duncan

S

E

I

Date: 26 September 2019

Our ref: CE/ERO/L11608-19403
Doc Ref: 2147239124

Your ref:

E-mail:

Direct line:

Dear Mr Duncan,

Admiral Duncan, 54 Old Compton Street, London
New Premises Licence – Reference 19/08810/LIPN

I act for Stonegate Pub Company Limited, who are the owners and operators of The Admiral Duncan.

I have been provided with a copy of your representation to my client's application for a new premises licence by Westminster City Council and I will be in touch shortly with some further information.

If I can assist at all in the meantime, then please do not hesitate to contact me using the contact details above.

Yours sincerely,


Clare
Poppleston Allen



PopplestonAllen

Mr D Giesse

54 Old Compton Street
London

54 Old Compton Street

London

Date: 10 October 2019

Our ref: CE/ERO/L11608-19403
Doc Ref: 2147275866

Your ref:

E-mail:

Direct line:

Dear Mr

Admiral Duncan, 54 Old Compton Street, London
Licensing Application for new premises licence

I act on behalf of Stonegate Pub Company Limited in relation to providing advice and assistance in respect of licensing matters. The Licensing Authority has forwarded to me, as part of the licensing process, your representation in relation to my client's application for a new premises licence.

I am writing to introduce myself and my colleague Helen to you and also to enquire whether you would be willing to meet with my client to discuss your representation, so that my client has the opportunity to explain in more detail the application, your concerns and how they intend to address those concerns.

I am the Partner with overall responsibility for providing licensing advice to Stonegate and additionally I will be representing them at the licensing committee hearing. My fellow colleague and solicitor Helen is working closely alongside me and our client in relation to this application.

By way of background, Stonegate Pub Company Limited, who own and operate The Admiral Duncan, are a national company with over 770 premises throughout the UK. They also operate 33 premises in Westminster.

My client operates many of its premises in close proximity to residents and they are committed to working in partnership with the community that they operate in.

My client's Area Manager, James E and the General Manager of the Admiral Duncan, Karl I are available to meet with you on the 15 October between 5pm and 7pm at the upstairs area at Bar Soho, 23-25 Old Compton St, Soho, London W1D 5JL.

Partners • James R D Anderson Ltd • Nick Arron Ltd • Graeme Cushman Ltd • Clare Eames Ltd • Andy Grimsey Ltd • Lisa Inzani Ltd
Lisa Sharkey Ltd • Jonathan M Smith Ltd • Sarah L Taylor Ltd • Associates • Steve Burnett • Hannah Price
The Stanley Building, 7 Pancras Square, London N1C 4AG • T 020 7611 1000 • W poppleston.co.uk
Principal Office in Nottingham

Authorised and Regulated by the Solicitors Regulation Authority (SRA no. 78244)



They would be very happy to discuss your concerns and further explain the application along with measures that are proposed to ensure the promotion of the licensing objectives.

If you are to meet then could you please contact Helen who will make the necessary arrangements and if that is not convenient again if you could contact Helen who would be happy to make the arrangements for another date and time.

If you would like to discuss further with me, or Helen then please do contact us on:

Helen

E: [redacted]

DD: [redacted]

M: [redacted]

Clare

E: [redacted]

DC [redacted]

M: [redacted]

I look forward to hearing from you

Yours sincerely



Clare
Poppleston Allen



City of Westminster

Office Name: Ian Watson
 Designation: Senior Practitioner EH
 Licensing
 Date: 4th April 2019
 Contact number: 020 7641 3183
 Email: iwatson@westminster.gov.uk
 Signed: Ian Watson
 Uniform Ref Number: 19/01580/PREAPM

Trading name of business and Address: Admiral Duncan PH, 54 Old Compton Street, W1D 4UD		
Reference Number if Applicable: 19/01580/PREAPM		
Licence: Yes 17/06945/LIPDPS	Applicant/solicitor: Clare Eames Poppleston Allen	Cumulative Impact Area: Yes West End
Type of Business: Bar		
Areas: Ground floor only		
Licensable Activities: Supply of Alcohol, Late Night Refreshment and Regulated Entertainment.		
<p>Pre-application advice purpose: To assess a proposal to extend the hours for licensable activities.</p> <p>Background to application: Following a meeting with the head of licensing Cllr Harvey, who stated that it was the council's policy to support premises offering entertainment facilities. The premises currently operate as a bar with nightly cabaret entertainment on the stage located to the back of the premises. Therefore, they are seeking technical and licensing advice with regard to a new premises licence application being made for longer hours and with regard to the premises being located within the West End cumulative impact area.</p> <p><u>District Surveyor Comments</u></p> <p>Means of Escape:</p> <p>The proposed premises currently has a single exit to the front. It is noted this is also enhanced by sliding doors that fully open but these cannot be relied upon consistently so can't be considered as part of the means of escape provision. To fully maximise the capacity it is recommended that the most appropriate way to assess would be to consider the front single exit in line with the guidance in the Technical Standards for Places of Entertainment for ground floor premises. As long as the exit is opening in the direction of escape and at least 1100mm clear width, then this would support a capacity of 125 patrons. This would also generally require travel distances of no more than 18m to the front exit from all parts of the premises, which is a little over at present however assuming the risk are suitably managed and as long as the general advice provisions below are followed I would be content with a maximum capacity of 125 persons. If the operator seeks a higher capacity they would need to justify technically how they feel this is possible.</p>		

In addition to the above the following general points should also be considered also if not already in place:

A fire risk assessment has now been provided 8th April 2019 to Alan Lynagh District Surveyor justifying a safe capacity of 125 persons and this has been assessed and can be applied as detailed.

General Advice

Fire detection and alarm system within the premises should ideally be BS 5839 Part 1 2002 Category L2 protection (this is advisory but this would give good flexibility with capacities and approval).

All fire doors protecting the escape routes should be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.

The escape route should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4. These signs should be maintained given the nature of the premises.

Both primary and secondary lighting should be provided throughout with particular attention drawn to any changes of level and key locations such as stage and fire alarm panel.

An automatic cut off should be provided to any musical equipment upon operation of the fire alarm and detection system.

Suitable RCD protection should be in place to hand held supplies at a sensitivity of 30 milliamps. If special effects are proposed (smoke machines etc) a specific FRA should be carried out and we would suggest we place an approvals condition on the licence if not already in place.

Licensing Policy:

The premises are located within the West End Cumulative Impact area and therefore there would be a policy consideration for determining the application dependent upon how the use of the premises is defined, although sometimes the operation of a premises does not comfortably sit within the stated premises use policies.

In my opinion these premises if sufficiently defined by condition regarding the availability of entertainment activities to the public could be determined under PVC2, Theatres, cinemas, other performance venues, and qualifying clubs in the cumulative impact area.

Policy 2.5.33 states these policies apply to a wide range of premises including; theatres, cinemas, concert halls and other performance venues providing regulated entertainment.

Although policy 2.5.34 states these policies do not apply to premises where facilities are included for enabling persons to take part in entertainment (see policy MD2).

Policy MD2 relates to the provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment. It may be that a condition is proposed that public dancing will not be permitted on the premises whilst the stage shows are in performance.

Policy PVC2 states that applications will be granted subject to other policies in this statement, provided it is demonstrated that they will not add to cumulative impact in the CIA.

Such other policies would be 2.3 Hours, 2.4 Cumulative Impact and 2.2 Licensing Objectives.

The provision of a bar within such premises is addressed under 2.5.33 which states that bars are a normal feature of performance venues but should remain ancillary to the overall use of the

premises as a performance venue. Any more general use of these bars would need to demonstrate they would not add to cumulative impact and would generally attract policy PB2 where the policy is to refuse applications. This may be difficult to achieve if the premises are open during the day with no staged entertainment provided.

The hours for licensable activity are outside the council's core hours, policy 2.3 although 2.3.9 states that such premises have little association with crime and disorder or public nuisance and would be given the opportunity to operate more flexibly late at night.

A stated capacity for the premises would also go some way to address cumulative impact.

Public Nuisance

The applicant will need to address Appendix 11 of licensing policy especially in relation to people/traffic movement during the proposed early hours associated with the operation of the premises. This would need to be in the form of an impact assessment to address the arrival and dispersion of people, minimising noise breakout, smokers etc during the late operating hours.

There has been one complaint of noise breakout in the last two years.

Friday 8th September 2017 @ 21.46 hours. Live PA system and the noise is really loud. Premises visited by noise officer @ 00.10 hours and no noise witnessed.

It is likely that the premises had ceased trading by the time the noise officer arrived.

It is recommended that a noise lobby be fitted to the entrance door that will minimise noise breakout during entertainment performance. This may also assist in achieving the maximum capacity regarding escape provision.

The fully openable frontage would also need to be conditioned so that it is maintained closed when entertainment is provided and/or during later hours.

Licensing Position:

The following additional licensable activities would be added. Performance of Dance.

The proposed trading hours of the premises will be;

Supply of Alcohol

Monday to Saturday 10.00 – 03.00 hours

Sunday 12.00 – 22.30 hours

Late Night Refreshment (Indoors)

Monday to Saturday 23.00 – 03.00 hours

Regulated Entertainment (Indoors)

Monday to Saturday 10.00 – 03.00 hours

Sunday 12.00 – 22.30 hours

To address the licensing objectives with regard to the Licensing Policy and to minimise public concerns the current conditions need to be updated.

Conditions 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 26, and 27 can be removed.

Replace condition

16 with

- Door supervisors shall ask customers to leave quietly.

20 with

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

22 with

- Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

23 with

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

24 with

- All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

25 with

- 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.

28 with

- There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

Add the following conditions;

- The hours for licensable activities shall end at 23.30 hours Monday to Thursday and midnight Friday and Saturday when live staged entertainment is not provided after these hours.

Or

- After 23.30 hours Monday to Thursday and midnight Friday and Saturday the supply of alcohol shall be ancillary to the provision of live staged cabaret entertainment.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- There shall be no admittance or re-admittance to the premises after midnight, save for smokers.
- After 23.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
- The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons.
- 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.
- 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.
- A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any visit by a relevant authority or emergency service.
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
- No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
- The variation will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Conditions regarding SIA supervisors may be requested from the police.

Conclusion

The application should address the operation of the premises as an entertainment centre and ensure that appropriate conditions are proposed to address both the licensing policy and objectives. Such conditions should address any concerns raised by the responsible authorities/residents but the licensing authority may still raise a representation to allow the licensing committee to ensure policy has been addressed and that there would be no additional cumulative impact in the West End CIA.

The plans attached to the premises licence do not reflect the current layout in that a stage is not shown.

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.

Helen Ward

From: Emma Rogers on behalf of Clare Eames
Sent: 17 October 2019 14:03
To: Abbott, Karyn: WCC
Cc: Helen Ward
Subject: 19/09810/LIPN - 54 Old Compton Street, London

DOCID: 2147289361
SENTON: 17/10/2019 14:02:41

Dear Karyn,

I write further to your representation to my clients Premises Licence application for The Admiral Duncan.

In your representation you refer to audience participation. The premises is used for cabaret performances and there is no audience participation. On that basis, my clients would be willing to agree the condition that you have proposed which reads *Public dancing will not be permitted on the premises beyond 23:30 hours, Monday to Thursday and midnight on Friday and Saturday.*

I note that your representation says that if the above condition is agreed, the application will align closer with policy PVC2.

I would be grateful if you could kindly let me have your thoughts.

Kind regards,

Clare

Rebecca Styles

From: Abbott, Karyn: WCC <kabbott@westminster.gov.uk>
Sent: 21 October 2019 14:51
To: Clare Eames
Cc: Helen Ward; Steward, Michelle: WCC
Subject: RE: 19/09810/LIPN - 54 Old Compton Street, London
DOCID: 2147293701

Hi Clare

Thank you for agreeing the below condition

1. Public dancing will not be permitted on the premises beyond 23:30 hours Monday to Thursday and midnight Friday and Saturday.

The Licensing Authority agree that after the above hours the application will fall into Westminster's PVC2 Policy. Also the PB2 policy is still relevant to this application and the applicant will need to provide exceptional circumstances to depart from policy.

Many Thanks

Karyn Abbott
 Senior Licensing Officer
 Licensing Team
 Public Protection & Licensing Department

Westminster City Council
 15th Floor
 64 Victoria Street
 London SW1E 6QP

Direct Line 020 7641 8112
 Mobile 07931 546328
 Call Centre (for general queries) 020 7641 6500



Global city, strong neighbourhoods, thriving community

From: Clare Eames <C.Eames@popall.co.uk>
Sent: 17 October 2019 14:04
To: Abbott, Karyn: WCC <kabbott@westminster.gov.uk>

LICENSING SUB-COMMITTEE No. 2*Thursday 16 December 2010*

Membership: Councillor Bradley (Chairman), Councillor Marshall and Councillor McAllister.

Legal Adviser: Gitanjali Waithe
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health Service, Metropolitan Police Service and Soho Society.

Present: Mr Philip Doyle (representing Applicant company), Mr Dankuro Assanuma (Director, Applicant company), Ms Alison Flynn (Environmental Health) and PC Bryan Lewis (Metropolitan Police).

**Karaoke Box, 18 Frith Street, W1
 10/08452/LIPV**

1. Regulated Entertainment: Indoors

To extend the terminal hour for:

(i) The exhibition of Films

01:00 to 05:00 - Thursday night

02:00 to 05:00 – Friday and Saturday night

(ii) Live Music

00:00 to 01:00 - Monday to Wednesday night

00:00 to 05:00 - Thursday night

02:00 to 05:00 – Friday and Saturday night

(iii) Performance of Dance

01:00 to 05:00 - Thursday night

02:00 to 05:00 – Friday and Saturday night

(iv) Anything of a similar description to Live Music, Recorded Music, and the Performance of Dance

00:00 to 01:00 - Monday to Wednesday night

00:00 to 05:00 – Thursday, Friday and Saturday night

and to permit,

Anything of a similar description to Live Music, Recorded Music, and the Performance of Dance

09:00 to 01:00 on Sundays.

Amendments to application advised at hearing:

Mr Doyle, the Applicant's Representative, stated that the Applicant was amending the application so that any proposed increases for the hours of licensable activities on Sundays were being removed. This meant that the terminal hour for Anything of a similar description to Live Music, Recorded Music, and the Performance of Dance would remain at 23:00 hours on Sundays.

Mr Doyle also stated that in those cases (including regulated entertainment: indoors above) where the proposed terminal hour for licensable activities was 05:00 hours, this was now being amended to 04:30 hours with customers having the option to leave the premises up to 05:00 hours.

Decision (including reasons if different from those set out in report):

The Sub-Committee granted parts (i), (ii) and (iii) and the first part of part (iv) above until the terminal hour of 04:30 hours which had been requested by the Applicant. The Applicant removed the aspect of the application in part (iv) which would increase the terminal hour for Anything of a similar description to Live Music, Recorded Music, and the Performance of Dance on Sundays.

The Sub-Committee granted parts (i), (ii) and (iii) and the first part of part (iv) based on a previous decision made by the Licensing Sub-Committee in the past. As Members had previously been advised by David Matthias QC, there were two limbs to the Council's Stress Area policy (Policy STR1). Pubs, bars, late night refreshment premises and music and dancing were the chief cause of cumulative impact and the presumption was to refuse the application unless the hours applied for were within the Council's Core Hours policy. The second limb included restaurants with alcohol being ancillary to table meals and this was subject to other policies. Some edges were blurred such as karaoke. In the case of Karaoke Box, a previous Sub-Committee had decided that it was an entertainment-led venue in the second limb rather than it being a 'music and dancing' establishment in the first limb. The decision to grant hours beyond the Council's Core Hours policy and therefore grant an exception to the policy had impacted not only on that particular application but upon future applications at the premises. Prior to a subsequent appeal following a Sub-Committee refusing an application for an additional hour at the premises, legal advice had been received from Counsel that there was a weak case as the full rigour of the policy no longer applied. The case had been settled by the Council. The Chairman stated that it was important that Sub-Committees were all aware of the consequences of granting any application which is an exception to policy and setting a precedent at an establishment.

The Sub-Committee had taken into account the comments of those present at the hearing and also read the written representations received. Mr Doyle, representing the Applicant, had made the case that the application was entertainment led rather than drink led. There was no public nuisance at the premises as the entertainment took place in a small soundproof booth. The Police had stated that there were no crimes of note. In addition to amending the

application, Mr Doyle offered to amend condition 30 to 'Patrons are not permitted to enter or re-enter the premises after 02:30 on Friday and Saturday and only bookings for at least 2 hours in duration shall be taken'.

Environmental Health had maintained their representation on policy grounds as the application was for an extension of hours in the West End Stress Area. Ms Flynn commented however that there had been no history of complaints at the premises.

The Metropolitan Police had strongly opposed the application. PC Lewis stated that alcohol could still be consumed for an additional 3 hours on Friday and Saturday and an additional 4 hours on Thursdays. Patrons could consume alcohol without food and upon leaving the premises either commit crime or become the victims of crime. Whilst there had been 3 crimes reported at the venue, a number of crimes had been committed in the wider area. There was a potential additional demand on Police resources.

2. Late Night Refreshment: Indoors

(i) To extend the terminal hour from:

01:00 to 05:00 - Thursday night

02:00 to 05:00 – Friday and Saturday night

and,

(ii) to allow Late Night Refreshment on a Sunday from 23:00 to 01:00.

Amendments to application advised at hearing:

Mr Doyle, the Applicant's Representative, stated that the Applicant was amending the application so that any proposed increases for the hours of licensable activities on Sundays were being removed. This meant that the terminal hour for Late Night Refreshment: Indoors would remain at 23:00 hours on Sundays.

Mr Doyle also stated that in those cases (including Late Night Refreshment: Indoors) where the proposed terminal hour for licensable activities was 05:00 hours, this was now being amended to 04:30 hours with customers having the option to leave the premises up to 05:00 hours.

Decision (including reasons if different from those set out in report):

The Sub-Committee granted part (i) above until the terminal hour of 04:30 hours which had been requested by the Applicant. The Applicant removed the aspect of the application in part (ii) which would increase the terminal hour for Late Night Refreshment on a Sunday.

	See section 1 for reasons for decision.
3.	Sale of Alcohol: On the premises
	<p><i>(no change is proposed to the hours for 'off' sales)</i></p> <p>To extend the terminal hour from:</p> <p>01:00 to 05:00 - Thursday night 02:00 to 05:00 – Friday and Saturday night.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Doyle stated that in those cases (including the sale of alcohol on the premises above) where the proposed terminal hour for licensable activities was 05:00 hours, this was now being amended to 04:30 hours with customers having the option to leave the premises up to 05:00 hours.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted until the terminal hour of 04:30 hours which had been requested by the Applicant.</p> <p>See section 1 for reasons for decision.</p>
4.	Opening Hours
	<p>To extend the terminal hour from:</p> <p>01:00 to 05:00 - Thursday night 02:00 to 05:00 – Friday and Saturday night 23:00 to 01:00 – Sunday night.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Doyle, the Applicant's Representative, stated that the Applicant was amending the application so that any proposed increases for the hours on Sundays were being removed. This meant that the terminal hour for the opening hours on Sundays would remain at 23:00 hours.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The terminal hour of 05:00 hours on Thursday, Friday and Saturday nights was granted. The Applicant removed the aspect of the application to increase the</p>

terminal hour for the opening hours on Sunday beyond 23:00 hours.

See section 1 for reasons for decision.

No additional conditions were attached to the licence. 1 condition was amended from the existing licence (09/08651/LIPV) as follows:

Condition 30 – Patrons are not permitted to enter or re-enter the premises after 02:30 on Thursday, Friday and Saturday and only bookings for at least 2 hours in duration shall be taken.

LICENSING SUB-COMMITTEE No. 3*Thursday 20 January 2011*

Membership: Councillor Brahams (Chairman), Councillor Hampson and Councillor McAllister.

Legal Adviser: Gitanjali Waithe
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health Service, Metropolitan Police Service and Soho Society.

Present: Mr Philip Doyle (Licensing Agent, representing Applicant), Ms Alison Flynn, PC Jim Sollars (Metropolitan Police) and Mr David Gleeson (The Soho Society).

**Karaoke Box, 18 Frith Street, W1
 10/09368/LIPV**

1. Regulated Entertainment: Indoors

To extend the terminal hour for:

- The Exhibition of Films
- Live Music
- Performance of Dance
- Anything of a similar description to Live Music, Recorded Music, and the Performance of Dance

From 01:00 to 02:00, on Monday, Tuesday and Wednesday nights

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below. The Sub-Committee granted the application based on a previous decision made by the Licensing Sub-Committee in the past. As Members had previously been advised by David Matthias QC, there were two limbs to the Council's Stress Area policy (Policy STR1). Pubs, bars, late night refreshment premises and music and dancing were the chief cause of cumulative impact and the presumption was to refuse the application unless the hours applied for were within the Council's Core Hours policy. The second limb included restaurants with alcohol being ancillary to

table meals and this was subject to other policies. Some edges were blurred such as karaoke. In the case of Karaoke Box, a previous Sub-Committee had decided that it was an entertainment led venue in the second limb rather than it being a 'music and dancing' or alcohol led establishment in the first limb. The decision to grant hours beyond the Council's Core Hours policy and therefore grant an exception to the policy had impacted not only on that particular application but upon future applications at the premises. Prior to a subsequent appeal following a Sub-Committee refusing an application for an additional hour at the premises, legal advice had been received from Counsel that there was a weak case as the full rigour of the policy no longer applied. The case had been settled by the Council.

The Sub-Committee had taken into account the comments of those present at the hearing and also read the written representations received. Mr Doyle, representing the Applicant, had made the case that the application was entertainment led rather than drink led. There was no public nuisance at the premises as the entertainment took place in small soundproof booths and there was no crime associated with the premises. He referred to the fact that the Sub-Committee had granted an application extending the hours for regulated entertainment, late night refreshment (indoors) and the sale of alcohol on the premises on Thursday, Friday and Saturday nights in December 2010 until a terminal hour of 04:30 hours. This decision had also been affected by the view taken by a Sub-Committee in 2009 that there was an exception to policy on the grounds that the venue was entertainment led.

Environmental Health had maintained their representation on policy grounds as the application was for an extension of hours in the West End Stress Area and would add to cumulative impact. Ms Flynn commented however that there had been no history of complaints at the venue in the last two years.

The Metropolitan Police also maintained their representation. PC Sollars stated that in general the longer people remained in the West End Stress Area, the greater potential there was for crimes to take place. There had however been little or no crime and disorder at the venue to date. The Police noted the position of the Sub-Committee in relation to the premises.

Mr Gleeson of The Soho Society stated that his representation was on the grounds of cumulative impact caused by late night and also drink led premises in the West End Stress Area. He believed that the hours proposed were unacceptable in the Stress Area.

2. Late Night Refreshment: Indoors

To extend the terminal hour from:

From 01:00 to 02:00, on Monday, Tuesday and Wednesday nights.

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in section 1).</p>
3.	Sale of Alcohol: On the premises
	<p><u>To extend the terminal hour from:</u></p> <p>From 01:00 to 02:00, on Monday, Tuesday and Wednesday nights.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in section 1).</p>
4.	Opening Hours
	<p><u>To extend the terminal hour from:</u></p> <p>From 01:00 to 02:00, on Monday, Tuesday and Wednesday nights.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

No additional conditions were attached to the licence.

LICENSING SUB-COMMITTEE No. 1*Thursday 12th September 2019*

Membership: Councillor Heather Acton (Chairman),
Councillor Margot Bright and Councillor Aicha Less

Legal Adviser: Horatio Chance
Policy Adviser: Kerry Simpkin
Committee Officer: Andrew Palmer
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health, the Metropolitan Police
and the Licensing Authority.

Present: Ms Helen Ward (Solicitor, representing the Applicant), Ms Keiko
Piotrowski and Mr Masa Saiki (Applicants), Mr Ian Watson
(Environmental Health) and Ms Angela Seaward (the Licensing
Authority).

30 Brewer Street, London, W1F 0SS (The Premises")
West End Cumulative Impact Area
19/08540/LIPN

1. Films

Monday to Saturday: 09:00 to 23:30
Sunday: 09:00 to 22:30

Seasonal variations / Non-standard timings: None.

Amendments to application advised at hearing:

The Sub-Committee noted that the terminal hour for the sale of alcohol being
applied for on Sundays was 22:30.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Adanami Limited ("The
Applicant") for a new premises licence for the showing of film and sale of alcohol
in respect of 30 Brewer Street, London W1F 0SS. The Premises currently
benefited from a premises licence, and was operating as karaoke rooms with
customers being able to bring their own alcohol. It was also proposed that the
capacity of the Premises would increase from the current 32 persons to a
maximum of 92 persons excluding staff.

The Licensing Officer provided an outline of the application, which was situated
within the West End Cumulative Impact Area.

The Sub-Committee noted that Policy MD2 gave a presumption for applications for a new premises licence in a Cumulative Impact Area to be refused, and invited the Applicants to provide reasons why the application would be an exception to policy. The Sub-Committee also asked the Applicant to confirm how they intended to address cumulative impact given the proposed increase in capacity; together with the reasons why a licence for the sale of alcohol was being sought at this stage.

Ms Helen Ward addressed the Sub-Committee on behalf of the Applicant, and confirmed that the new licence was being sought to permit the sale of alcohol from a bar that would be situated in the basement to the existing karaoke rooms on the ground floor; and to new rooms that would be constructed in the basement that was currently used as a bookshop that had been previously located on the ground floor. Ms Ward considered the Applicant to be a unique part of Brewer Street with a loyal customer following; and that the Premises for the avoidance of doubt was a karaoke venue, and not a bar or restaurant with karaoke facilities. Ms Ward suggested that the operation of the Premises was very discreet and worked well with the community, with no concerns having been raised over the last 4 years. The current licence did not permit the sale of alcohol, but did permit certain entertainment with customers bringing their own alcohol. The Sub-Committee was advised that the Applicant was proposing a significant investment of some £250,000 to improve the customer facilities at the Premises.

The Sub-Committee noted that karaoke booths were currently situated on the ground floor, and that it was proposed to create four new karaoke booths in the basement together with a bar and waiting area for karaoke customers. The Sub-Committee was advised that Karaoke sessions had to be pre-booked, either online or at the booking facility in the delicatessen café area situated on the ground floor. There would be no queuing in the street; and the downstairs area was not visible from the street or advertised externally and could only be accessed by people with a karaoke booking.

No off sales or additional entertainment were being sought, and the operation would be finished by 23:00hrs at the latest and 22:30hrs on Sundays. On average, customers stayed at the Premises for two hours.

Ms Ward stated that the reason for seeking the sale of alcohol was that it would contribute additional income to fund the proposed refurbishment. The Applicant was a successful business, but as the bookshop was not viable it did need the ability to sell alcohol to ensure that it could continue to be successful. Ms Ward considered that the licence being sought would have the effect of promoting the licensing objectives better than the existing licence, which allowed for unrestricted opening hours to the café area at the front.

Ms Ward commented on the representations that had been received, and noted that the local resident had withdrawn their representation following reassurances given at a prior meeting with the Applicant. The Police had also withdrawn their representation subject to the licence having a condition restricting the sale of alcohol to one hour prior to the karaoke session and an hour after - this was

noted by the Sub-Committee

Ms Ward suggested that the Licensing Authority representation was policy based, and that Policy PB2 would not apply as the Premises were entertainment led and the supply of alcohol was ancillary to karaoke. Ms Ward also referred to a previous application by the Karaoke Box in 2017 which was similar to that submitted by the Applicant. The application by the Karaoke Box had been considered an exception to Cumulative Impact Policy and been granted permission, as the full rigour of the policy requirements in her opinion did not apply to karaoke. The Sub-Committee recognises its role to look at each case on its individual merits and did so when determining this application.

Ms Ward confirmed that the request to increase in capacity at the Premises from the current 32 persons to a maximum of 92 persons had been requested in response to the additional rooms that were being created. The Sub-Committee noted that capacity would be determined by the borough surveyor once the works had been completed.

Ms Ward expressed concern that the procedure for the surrender of the existing licence could result in the unintended consequences of the Premises having to close for 28 days before the new licence could come into effect.

Mr Ian Watson addressed the Sub-Committee on behalf of Environmental Health, and referred to previous complaints relating to the supply of alcohol at the Premises, which had been made before 2010 and before the Applicant became tenants of the property. Investigation into the complaints had determined that alcohol consumed by customers at the Premises while taking part in karaoke had been on a 'bring your own' basis. The Sub-Committee noted that investigations arising from historical complaints had always found the Premises to be operating satisfactorily within their licence and conditions; and that the concerns raised by a local resident in connection with the current application had arisen from the potential additional impact. Mr Watson also confirmed that the capacity of the basement area could not exceed 60 people due to public safety; and that Westminster currently had four dedicated karaoke Premises.

Ms Angela Seaward addressed the Sub-Committee on behalf of the Licensing Authority, who had submitted a representation in response to the application being for a bar in a Cumulative Impact Area. Ms Seaward confirmed that although the Licensing Authority were now satisfied that the application could be considered under Policy PB2 as premises were performance led with alcohol being ancillary to the main use, the application still fell in part under condition MD2 as it involved entertainment and alcohol.

With regard to the Applicants' concerns over the surrender of the existing licence, Ms Seaward confirmed that the transfer would be simultaneous, and that the surrender of a licence took immediate effect so as not to impact the new licence or have a period of time when the Premises would not be trading.

As the sale of alcohol on Sunday would be outside of core hours, Ms Seaward

suggested that the Applicant would need to demonstrate that they would not add to cumulative impact; and for the Sub-Committee to agree that exceptional circumstances were required to be proven.

Ms Ward also informed the Sub-Committee that Planning Permission had now been granted for new signage at the Premises and this would be changed in the near future by the Applicant.

The Sub-Committee heard from the Applicant, Ms Masa Saiki and Mr Keiko Piotrowski, who outlined how the Premises had been operating as a second hand Japanese bookshop and how it would change. The current licence had been obtained in 2012 by the previous owner, who had also introduced karaoke; and the Applicant had been operating the Premises since 2018. The delicatessen on the ground floor would be refurbished, and would offer hot drinks and Japanese snacks. The Applicant confirmed that alcohol would not be sold on the ground floor, and would only be available in the basement to customers who had booked a karaoke session.

The Sub-Committee invited the Applicant to explain the current arrangements and timing of dispersal of customers from the Premises. In response, Ms Saiki confirmed that dispersal was controlled through a natural, staggered process for departure. The largest groups leaving the Premises would comprise of twelve customers, who would have attended the larger karaoke room on the ground floor. The Sub-Committee noted that an additional twelve person karaoke room was planned for the basement. The Applicant commented that the careful management of customers was in the best interest of the business; and that people who took part in karaoke were often returning customers who acted responsibly when leaving the Premises, and did not create any disturbance or impact that would give rise to nuisance in the local area. The Sub-Committee noted that the karaoke booths were also soundproofed.

In summing up, Ms Ward suggested that the Applicant was a unique independent premises in Soho, and that they recognised the importance of working with the local community. Ms Ward commented that a karaoke bar was a niche activity which attracted repeat customers who had a proven track record of good behaviour; and stated that in her opinion karaoke was in itself an exception to Policy.

Mr Kerry Simpkin (Policy Officer) suggested that the wording of new condition 13 relating to alcohol required revision, in order to be clear that the sale of alcohol would be restricted to an hour before the session, during the session, and an hour after as per the Police recommendation.

Having considered carefully all the evidence before it, the Sub-Committee felt that on balance, in this case, sufficient reasons as to why the application was an exception to Cumulative Impact Policy had been proved and granted the licence accordingly subject to conditions. The Sub-Committee noted that the sale of alcohol would be ancillary to the main activity, and that activity must be pre-booked predominantly online beforehand. The undertakings given to the Sub-Committee by the Applicant during the course of the hearing with regard to

	employing professional and effective management practices and on customers dispersing in a graduated way helped the Sub-Committee in reaching its decision, The Sub-Committee was satisfied that the operation of the Premises was an exception to policy due to its unique quality as a business Premises and would therefore have the overall effect of promoting the licensing objectives. The Sub-Committee also encouraged the Applicant to continue positive engagement with the community and local amenity society so as to maintain a fruitful dialogue between all the relevant parties
2.	Sale by Retail of Alcohol – On Sales Monday to Saturday: 10:00 to 23:00 Sunday: 10:00 to 22:30 Seasonal variations / Non-standard timings: None.
	Amendments to application advised at hearing: The Sub-Committee noted that the hours being applied for on Sundays were from 09:00 to 22:30.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
3.	Hours Premises Are Open to the Public Monday to Sunday: 09:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).

Conditions attached to the Licence	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person 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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv) (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. 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.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

13. Alcohol shall only be served to customers and their bone fide guests during a period of up to one hour prior to the stated time of a confirmed booking during that booking and one hour after their karaoke performance. Customers are those who are performing karaoke or are waiting to use the karaoke facilities. Karaoke shall only be performed in the booths provided.
14. The premises will operate as a karaoke venue where the sale of alcohol for consumption on the premises is ancillary.
15. All supplies of alcohol shall be by way of waiter/waitress service save for those persons in the bar area.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed xxx persons with the following number permitted within each booth;
Ground Floor
Booth 1 – 5 persons
Booth 2 – 5 persons
Booth 3 – 10 persons
Booth 4 – 12 persons
Basement - 60
Booths to be determined.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. Patrons temporarily leaving the premises, e.g. to smoke, shall not take any drinks with them outside the premises and shall be limited to a maximum of 5 persons at any one time.
19. 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.
20. Loudspeakers shall not be located outside the premises building.
21. All external doors shall be kept closed after 22:00 hours except for the immediate access and egress of patrons.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. 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.
24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
27. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. If waste is not collected during the scheduled collection time it must be removed from the highway.
28. This Premises Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
29. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
30. No licensable activities shall take place at the premises until premises licence 19/00157/LIPCH has been surrendered.



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12 Part A

WARD: St James's
UPRN: 010033615435

Premises licence

Regulation 33, 34

Premises licence number:

18/13366/LIPDPS

Original Reference:

11/02631/LIPN

Part 1 – Premises details

Postal address of premises:

Opium
Basement
21 Rupert Street
London
W1D 7PJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions 39 to 40

Exhibition of a Film

Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions 38 & 39

Performance of Live Music

Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions 38 & 39

Playing of Recorded Music

Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions 38 & 39

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

Monday to Sunday: 09:00 to 03:00
Non-standard Timings: See conditions 38 & 39

Performance of a Play

Monday to Sunday: 09:00 to 03:00
 Non-standard Timings: See conditions 38 & 39

Late Night Refreshment

Monday to Sunday: 23:00 to 03:00
 Non-standard Timings: See conditions 38 & 40

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
 Sunday: 12:00 to 00:30
 Non-standard Timings: See conditions 38 & 39

The opening hours of the premises:

Monday to Sunday: 09:00 to 03:00

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:**

Opium London Ltd
 C/O Stone King Llp
 Boundary House
 91-93 Charterhouse Street
 London
 EC1M 6HR

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

11147750

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

Name: Eamonn Aidan Mulholland

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: 87963
Licensing Authority: London Borough Of Islington

Date: 12 July 2019

This licence has been authorised by Daisy Gadd on behalf of the Director - Public Protection and Licensing.

Annex 2 – Conditions consistent with the operating Schedule

11. All drinking containers used within the lounge/club area shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises, as marked on the plans attached to the licence.
12. Notwithstanding condition 12 above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
13. All persons, with the exception of staff and security, shall have left the premises no later than 45 minutes after the permitted terminal hour for the retail sale of alcohol.
14. (a) When the premises are open all customers entering the nightclub/ lounge after 22:00 will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).

All customers entering shall have their facial image captured by the ID scanner camera except for person who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.

The above requirement is subject to the following exceptions, namely that a maximum number of 25 guests per night may be admitted at the Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

- (i) The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police approved managers.
 - (ii) A legible record (the signing in sheet) of these guests name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Police approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved Manager may never the less permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
- (b) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.

- (c) Any customer attending the restaurant who then wishes to enter the nightclub shall have their identification scanned, subject to the above provisions of this condition.
- 15. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

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

16. The number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 500, with no more than 250 in the hatched area and no more than 250 in the un-hatched area.
17. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors (as marked on the plans submitted) before being directed to the relevant area of the premises.
18. In the area marked 'restaurant' and marked as the hatched area on the plans alcohol shall not be sold or supplied on the premises otherwise than to persons seated taking table meals, by waitress service only and for consumption by such persons as ancillary to their meal.
19. The restaurant area of the premises (marked as the hatched area on the plans) shall be set out with tables and chairs at all times save for pre-booked or private events, details of which shall be forwarded to the Police at least 14 days (or such other time agreed with the Police in writing) in advance of the event.
20. There shall be waitress service throughout the entire premises at all times it is trading to the public.
21. There shall be no patrons permitted on the stage area as marked on the plans.
22. The provision of film shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. There shall be no consumption of alcohol outside the premises.
24. 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.
25. 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.
26. There shall be no removal of glasses or bottles from the premises by patrons when leaving.
27. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 07:30 hours.
28. No deliveries shall be made between the hours of 2300 hours and 0730 hours.
29. A noise limiter shall be fitted to the musical amplification system in agreement with and to the reasonable satisfaction of the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
30. No additional sound generation equipment shall be used on the premises without being routed through the noise limiter device.

31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
32. There shall be no speakers situated or amplification of music or sound within the entrance lobby on the ground floor.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
34. Notices will be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
35. Management will appoint dedicated taxi or licensed minicab companies and staff will offer to book the cars on behalf of patrons. After midnight all patrons who seek licensed vehicles to take them away will be encouraged to remain inside whilst the vehicle is summonsed.
36. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
37. The premises will participate in the Westminster Licensed premises shared radio scheme approved by Westminster City Council and the Metropolitan Police.
38. All Licensable Activities: When the hours authorised by the licence extend to a time later than 01:00am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence.
39. The permitted hours shall be extended on New Year's Eve until the start of permitted hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
40. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
41. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

42. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided."
43. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

44. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
45. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
46. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
47. After 21:00, or as agreed with the Police in writing (and a copy of any agreement to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
48. After 21:00 Registered Door Supervisors shall ensure that the specified capacities are adhered to at all material times. Before 21:00 Registered Door Supervisors and/or staff shall ensure that the specified capacities are adhered to at all material times. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or police officer on request.
49. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
50. From Monday to Sunday after 23:00 all patrons attempting to gain re entry will be subject to a search. After 21:00 Monday to Sunday, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admissions.
51. After 22:00 hours, unless otherwise agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) there shall be a minimum of two registered security staff on duty at the premises and an additional 1 registered security staff per additional 100 customers.
52. After 21:00, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) any designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff.
53. After 21:00 Monday to Sunday, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) either (a) an attendant shall be on duty in any designated male and female toilets or (b) management shall check and monitor the male and female toilets every 30 mins. In relation to (b) the checks shall be recorded in writing and made available to the Police and Council officers upon request.
54. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

55. A representative of the premises licence holder shall attend the local Pub watch meetings.
56. The premises shall order cabs for patrons on request.
57. No striptease, no nudity and all persons to be decently attired.
58. There to be at least one personal licence holder on duty when the premises are open to the public.
59. No entry / Re entry (excluding persons exiting to smoke) to the premises after 02:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
60. The lounge bar area shall predominantly be set out with tables and chairs at all times.
61. Whenever the VIP toilets in the basement lounge are in use there shall be a minimum of 1 SIA stationed in the VIP toilet lobby area.
62. A qualified medic shall be on duty on Friday and Saturday nights from midnight until the premises closes, whenever the basement lounge is in operation.
63. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
 - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (b) All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of police.
 - (c) All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the police, unless otherwise notified by then.
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
64. On nights where the part or all of the premises is operating as a nightclub (not including corporate events, or when the restaurant only is open) a traffic marshal ('the marshal') shall be employed by the premises management from 22:00 until all customers have left the immediate vicinity of the premises to ensure, as far as reasonably practicable, there is no obstruction on Rupert Street in the immediate vicinity of the premises from customers or vehicles related to customers, of the premises. The marshal shall wear a high visibility jacket of a different colour to those worn by SIA door staff and marked 'traffic marshal' so as to be clearly identifiable in this role.
65. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
66. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the

course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

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Case Law

- **In Cleary v Salford City Council (2008)** DJ stated that the applicant's experience and proven track record was a relevant factor.



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Case Law

- **R (on the application of Portsmouth City Council) v 3D Entertainment Group (CRC) Ltd [2011]**
- High Court – LA do not have to adduce evidence of negative CI when determining an application - burden reversed.



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Case Law

- **R on the application of A3D2 Limited (t/a Novus Leisure) v (1) Westminster Magistrates' Court (2) Westminster City Council [2011]**
- (Para 24 District Judge Roscoe) If unable to use a licence then the benefit of the licence is lost however this did not prevent the loss of those occupancy levels or indeed licensable activities being raised in any application for a new premises licence or application to vary an existing premises licence. It could be part, or all of an exceptional circumstance, as a result of what a licensing authority should grant on such an application.



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Case Law

- **R on the application of A3D2 Limited (t/a Novus Leisure) v (1) Westminster Magistrates' Court (2) Westminster City Council [2011]**
- Mr Justice Cranston (para 53) confirms finding not defective.
- (Para 60 Mr Justice Cranston) "In my view, the surrender of a premises licence in these circumstances cannot, under the Act, promote the licensing objectives with regard to an application for a new premises licence in respect of other premises situated elsewhere. In my judgment, the judge's answer to question 3 was faultless".

Para 24 - "a simple surrender of a premises licence could not be an exception to any statement of licensing policy unless it promoted the licensing objectives".



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Case Law

- **Brewdog Bars Leeds v Leeds City Council (2012) District Judge Anderson said:**

“It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down...”

Case looked at the individual merit of the application made and its unique place in the market. Brewdog was an exception to the type of premises the CIP was trying to prevent.



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Case Law

In Sainsbury's Supermarkets Limited v Leicester City Council (2013) the Magistrates' overturned a refusal by Leicester City Council and awarded costs. The Magistrates' stated:

“We fully understand and approve implementation of CIP, we are strongly persuaded that this application will have no adverse effect upon the objective of the Cumulative Impact Zone, the Licensing Policy and overall saturation”.



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Case Law

- **Para 14.40 Section 182 Guidance** “ ...It is therefore open to the licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.”

