



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

27 July 2023

23/01877/LIPV - Premises Licence Variation

Maison Estelle  
6 Grafton Street  
London  
W1S 4EQ

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

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Senior Licensing Officer

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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	24 March 2023		
<b>Applicant:</b>	Maison Estelle Limited		
<b>Premises:</b>	Maison Estelle		
<b>Premises address:</b>	6 Grafton Street London W1S 4EQ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises operates as a Private Members' Club from a Grade I listed Georgian building.		
<b>Variation description:</b>	The application proposes to vary the existing Premises Licence by regularising the existing terminal hours for the Basement and Lower Ground Floor on Wednesday to Saturday. And extend hours across all floors Monday to Saturday. No changes are being sought to existing conditions, any licensable activities on Sundays or non-standard timings.		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2017. The current premises licence (22/11947/LIPVM) can be viewed at <b>Appendix 1</b> of this report along with the premises licence history at <b>Appendix 2</b> .		
<b>Applicant submissions:</b>	<p>As part of the application the applicant has provided the following documents:</p> <ul style="list-style-type: none"> <li>• A copy of the mediation letter sent to the objector.</li> <li>• An acoustics report</li> <li>• Dispersal Policy</li> <li>• Observations by independent licensing consultant [REDACTED]</li> </ul> <p>These can be found at <b>Appendix 3</b>.</p>		
<b>Applicant amendments:</b>	<p>Following the agreement of conditions with the Metropolitan Police Service and an interested party the applicant has limited the capacity for premises after 01.00 hours so they shall not exceed 425 excluding staff.</p> <p>The full set of conditions can be seen at <b>Appendix 4</b>.</p>		

1-B	<b>Current and proposed licensable activities, areas and hours.</b>						
<b>Regulated Entertainment:</b>							
<ul style="list-style-type: none"> <li>• <b>Performance of Dance</b></li> <li>• <b>Exhibition of a Film</b></li> <li>• <b>Performance of Live Music</b></li> <li>• <b>Playing of Recorded Music</b></li> <li>• <b>Performance of Live Music</b></li> <li>• <b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b></li> <li>• <b>Performance of a Play</b></li> </ul>							
<b>Current Hours</b>		<b>Proposed Hours</b>	<b>Licensable Area</b>				
<b>Monday to Sunday:</b> 08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors) <b>Sunday to Tuesday:</b> 08:00 to 01:00 (Basement & Lower Ground Floor) <b>Wednesday to Saturday:</b> 08:00 to 02:30 (Basement & Lower Ground Floor) <b>Monday to Sunday:</b> 08:00 to 23.30 (Roof Terrace)		Monday to Saturday: 08:00 to 02:30  Sundays: 08:00 to 01:00	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="834 687 1098 719"><b>Current:</b></td> <td data-bbox="1098 687 1452 719"><b>Proposed:</b></td> </tr> <tr> <td data-bbox="834 719 1098 1128">Various floors as detailed in current hours column and plans appended to existing premises licence</td> <td data-bbox="1098 719 1452 1128">All floors.</td> </tr> </table>	<b>Current:</b>	<b>Proposed:</b>	Various floors as detailed in current hours column and plans appended to existing premises licence	All floors.
<b>Current:</b>	<b>Proposed:</b>						
Various floors as detailed in current hours column and plans appended to existing premises licence	All floors.						
<b>Seasonal Variations / Non-standard timings:</b>	<b>Current:</b>		<b>Proposed:</b>				
	An additional hour when British Summertime commences.  From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.		No change is proposed.				

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	01:00	23:00	02:30	All floors and roof terrace.	All floors
<b>Tuesday</b>	23:00	01:00	23:00	02:30		
<b>Wednesday</b>	23:00	02:30	23:00	02:30		
<b>Thursday</b>	23:00	02:30	23:00	02:30		
<b>Friday</b>	23:00	02:30	23:00	02:30		
<b>Saturday</b>	23:00	02:30	23:00	02:30		
<b>Sunday</b>	23:00	01:00	23:00	01:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		An additional hour when British Summertime commences.  From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.				

Sale by Retail of Alcohol				
On or off sales		Current :		Proposed:
		Both		No change
Current Hours		Proposed Hours	Licensable Area	
			Current:	Proposed:
<b>Sunday to Saturday:</b> 08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)		Monday to Saturday: 08:00 to 02:30	Various floors as detailed in current hours column	All Floors
<b>Sunday to Tuesday:</b> 08:00 to 01:00 (Basement & Lower Ground Floor)		Sundays: 08:00 to 01:00		
<b>Wednesday to Saturday:</b> 08:00 to 02.30 (Basement & Lower Ground Floor)				
<b>Monday to Sunday:</b> 08:00 to 23:30 (Roof Terrace)				
Seasonal variations/ Non-standard timings:		Current:		Proposed:
		An additional hour when British Summertime commences. (off sales conditioned to cease at 23:00 – see condition 18)  From the end of permitted hours on		No change is proposed.

	New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.	
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Hours premises are open to the public			
Current Hours	Proposed Hours	Premises Area	
		Current:	Proposed:
<b>Sunday to Tuesday:</b> 07:00 to 01:30 (Basement, Lower Ground Floor) <b>Wednesday to Saturday</b> 07:00 to 03:00 (Basement, lower Ground Floor) <b>Sunday to Saturday</b> 07:00 to 01:30 (Ground, 1st, 2nd, 3rd Floor) <b>Monday to Sunday</b> 07:00 to 23.30 (Roof Terrace)	<b>Monday to Saturday:</b> 07:00 to 03:00  <b>Sundays:</b> 07:00 to 01:30	All floors as detailed in the current hours column.	All floors
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>	
	An additional hour when British Summertime commences.  From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.	No change.	

<b>1-C</b>	<b>Layout alteration</b>
There is no layout alteration being sought.	

<b>1-D</b>	<b>Conditions being varied, added or removed</b>		
<b>Condition</b>		<b>Proposed variation</b>	
No conditions are being added, varied / removed.		N/A	
<b>Adult entertainment:</b>	<b>Current position:</b>		<b>Proposed position:</b>
	None.		None.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	20 April 2023		

[REDACTED]

Application ref: 23/01877/LIPV

Objection of [REDACTED] company managed & controlled [REDACTED] to application by Maison Estelle Limited for variation of premises licence 22/11947/LIPVM attaching to 6 Grafton Street, London W1S 4EQ

We are writing to make representations in relation to the application for the variation of the premises licence attaching to the above premises, which adjoin our own property at 5, Grafton Street, London.

The application seeks to 'regularise' licensed hours so that they operate from 8am to 2.30am the morning following on every day of the week except Sunday, when they would curtail at 1am. Closing time would be 30 minutes later, so 3am Mondays to Saturdays inclusive.

At present the licence terminates at 1am on the Basement & Lower Ground Floor from Sunday to Tuesday on the Ground, 1st, 2nd & 3rd Floors from Sunday through to Saturday. The application therefore represents a very significant extension of the existing business operation on the premises.

The essence of our objection to the application lodged is that the subject premises and its clientele is already the cause of such a public nuisance that the enjoyment of our property by our tenants and their guests is significantly adversely affected. In those circumstances the prospect of the existing use being extended is something which we find it impossible to contemplate.

We will be urging the licensing sub-committee to refuse the application in its entirety.

### Prevention of public nuisance

Our objection falls principally under this head and arises from the following impacts:

1. Noise from patrons as they stand around talking to one another in Grafton Street as they arrive and in particular, in both Grafton Street and Bruton Lane (to the rear) as they depart in the early hours of the morning;
2. Noise from patrons as they socialise on the premises roof garden; and
3. Music noise escaping both from the premises façades and also as transmitted through the internal structure of the property.

We will address each issue in turn.

#### *Noise from patrons as they arrive and depart*

As the licensing authority will be aware, Grafton Street is primarily a commercial location occupied by offices and galleries. Any noise generated within the street, particularly during the quieter evening period, tends to be very noticeable to those still in occupation in the adjoining properties.

Our own building, [REDACTED] was originally constructed in 1769-1772. It was designed in Neo-classical style by architect Sir Robert Taylor, built by Edward Gray with remarkable gold leaf interiors by renowned plasterer Joseph Rose and cabinetmaker John Mayhew; under the auspices of landowner the Earl of Grafton.

In 2007 our company acquired the property. Thereafter we instructed RIBA award-winning Purcell Architects and Richard Griffiths Architects to restore the Grade I listed property but deploying contemporary styles and materials.

In 2017 Maison di Luso Limited & Ennismore applied for permission to convert the vacant building at No 6 Grafton Street to Use as private members' club (Sui Generis), with associated internal and external alterations including roof level terrace and M&E Plant. Given the character of the area we objected to that application, anticipating a significant impact upon the enjoyment of our own property.

In its letter of objection dated 14 September 2017, lodged on our behalf by Carter Jonas, the firm noted (emphasis added):

"Section 5.4 of the Noise Control Strategy prepared by Hoare Lea claims that the Policy ENV7 of the UDP places an "onerous requirement" on the applicant to ensure that residential amenity of neighbouring properties is not negatively impacted by the proposed development. We have assumed that this statement confirms that the applicant cannot comply with Policy ENV7, and therefore will result in unacceptable noise impacts upon the residents of [REDACTED] contrary to policy ENV7.

Section 5.5 of the Noise Control Strategy references the party wall, shared by the applicant, and our client, and the impacts of internal noise. In particular, Hoare Lea make reference to paragraph 9.83 of the UDP when discussing this point. However, Paragraph 9.83 refers to proposed residential developments and existing sources of noise (of which this application is not) and therefore is not applicable to this application. Rather, paragraph 9.78 of the UDP is the appropriate paragraph for this element of the proposals which outlines acceptable and unacceptable noise impacts upon sensitive receptors. Paragraph 9.78 states

**"Noise sensitive properties that are to be protected from noise from developments are: all residential properties; educational establishments; hospitals; hotels; hostels; concert halls; theatres; broadcasting and recording studios. Developers should have regard to the times at which noise would cause disturbance to each of these. For residential properties, night time and evening are the most sensitive times..."**

We also wish to refer to paragraph 9.79 of the UDP (underlined for our emphasis) which states that:

**"In all developments the City Council will require that no audible noise or perceptible vibration will be transmitted through the building fabric to adjoining properties. This will require design features to prevent or inhibit the transmission of vibration and noise through the structure."**

Whilst some mitigation is included to minimise impacts, **the Grade I listing related to 3- 6 Grafton Street ensures that the mitigation required to lessen the audible noise and perceptible vibration is unlikely to be deemed acceptable due to the impact to the historic fabric of the proposed development.** The impacts that the Grade I listing will have upon the noise mitigation that can be provided as part of the development is identified by Hoare Lea within their Noise Control Strategy. **Therefore, we consider that as suitable noise mitigation cannot be provided, and as a result planning policy cannot be complied with; accordingly we conclude the use of this building as an entertainment venue is not acceptable."**

That letter was followed by a further letter of 18 October 2017 responding to the Supplementary Planning Statement prepared by the applicant:

**"As set out within our initial objection, at no point in the applicant's original Planning Statement, or the subsequent information provided, has reference been made to the smoking area fronting onto Grafton Street which was included within the initial Noise Control Strategy and outlined as remaining open until 03:00. We appreciate that it is difficult to accurately assess the level of noise generated from such sources or the amplifying effects through the light well to Grafton Street but consider that this has the potential to cause significant disturbance to the occupier of 5 Grafton Street/12**



Bruton Lane, as well as other nearby residents; even if the capacity of the smoking area is limited to 15 people, this will be very difficult to control. The impacts on the neighbouring properties should be assessed prior to the determination of the planning application to ensure that the City Council is in a position to make a fully informed decision relating to the proposals.

The Supplementary Planning Statement has done nothing to address our concerns to references in the application documents to "amplified and live music". Whilst we accept that measures can be taken to mitigate the noise impacts (such as the siting of speakers etc. away from party walls) it is particularly difficult to apply insulation and acoustically efficient glazing in a Listed Building; especially a Grade I Listed Building. In this regard, we are concerned that Hoare Lea has confirmed that the level of mitigation has not been designed pending the outcome of further tests. We consider that the City Council needs to be furnished with all necessary information and that this application should not be determined until all tests have been completed and a full and acceptable mitigation strategy has been provided and agreed; including details of the implications for the fabric of the building. It is not appropriate to suggest mitigation can be provided without details of how this can be achieved; especially given the residential uses adjacent to the site."

In its consideration of the planning application, the Council noted (emphasis added):

"Policy S24 of the City Plan sets out that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity and demonstrate that there would not be any adverse impact on residential amenity, health and safety or character and function of the area. It states that new large-scale late-night entertainment uses of over 500sq.m of floorspace will not generally be appropriate in Westminster.

The proposal is considered to be a large-scale, late-night entertainment use, which given its floor area of over 500 sq.m, would not generally be considered appropriate in Westminster. Permission will only be granted in exceptional circumstances and in accordance with UDP policy TACE 10."

Nonetheless, our objection to the proposal was unsuccessful, and the application was granted, albeit to a number of strict planning conditions.

We understand that there have been a number of variations to the initial grant, the latest being in February 2021, following an application to vary the approved drawings to facilitate the installation of glazed retractable roof and side glazing with steel railings to the outer face of the 4<sup>th</sup> floor terrace. The resultant consent was again subject to those strict planning conditions which included the following:

Planning condition	Apparent breach/inconsistency
<p>3. You must not allow more than 470 customers into the property at any one time. Except for private events where you must not allow more than 600 customers into the property at any one time; The number of private events, with between 470 customers to 600 customers on site, shall not exceed two per month.</p>	<p>This is inconsistent with the existing premises licence (Condition 38), which permits up to 600 persons on the premises, irrespective of the type of event.</p>
<p>4. No more than 26 customers shall have access to the roof terrace at any one time. The use of the terrace shall be managed in accordance with the Operational Management and overseen by a member of staff at all times, during opening hours.</p>	<p>This is inconsistent with the existing premises licence (Condition 38), which permits up to 60 persons on the Fourth Floor Terrace.</p>
<p>5. No more than 15 customers shall have access to the basement lightwell smoking area shown on drawing 1525-20-3-0080 Rev 08 at any one time. The use of the basement lightwell smoking area shall be managed in accordance with the Operational Management and overseen by a member of staff at all times, during opening hours.</p>	<p>There is no corresponding restriction on the Premises licence.</p>
<p>6. You must carry out the measures included in your management plan dated 16 October 2017 by Gleneagles at all times that the private members club (Sui Generis use class) is in use.</p>	<p>There is no corresponding restriction on the Premises licence.</p>
<p>7. Customers shall not be permitted within the private members club (Sui Generis); premises outside of the following hours:</p> <p>Sunday, Monday &amp; Tuesday: 07.00 - 01.30</p> <p>Wednesday &amp; Thursday, Friday, Saturday and Sundays before Bank Holidays Basement &amp; Lower Ground floor: 07.00 - 03.00 Ground, first, second &amp; third floor: 07.00 - 01.30</p> <p><u>Reason:</u> To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>	<p>We are not aware of any relaxation of this restriction and would oppose the present application, which seeks to permit customers to remain on the premises until 3am, Mondays to Saturdays inclusive.</p>

8. The roof terrace shall not be open to customers outside of the following hours:

07.00 - 22.00 Sunday -Thursday

07.00 - 23.00 Friday, Saturday and Sundays before Bank Holidays

Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

We are not aware of any relaxation of this restriction and would oppose any such application made.

14 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the private members club use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the private members club use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,and shall be representative of the activity operating at its noisiest.

Multiple breaches of these conditions are evident within our adjoining property (this may also contravene condition 13 which addresses noise emanating from plant and machinery).

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (AX1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning

<p>permission.</p>	
<p>15. No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.</p> <p><u>Reason:</u> As set out in ENVO (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.</p>	<p>Multiple breaches of these conditions are evident within our adjoining property.</p>
<p>16. The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq B hrs in bedrooms at night.</p> <p><u>Reason:</u> As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.</p>	<p>Multiple breaches of these conditions are evident within our adjoining property.</p>
<p>17. You must not play live or amplified music on your property, except within the basement, lower ground floor, ground floor bar and cafe, and 3rd floor lounge</p> <p><u>Reason:</u> To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)</p>	<p>We observe that music from the Club can be heard throughout our adjoining property</p>
<p>20. Prior to first use of the roof terrace, you must provide the acoustic screening. The acoustic screening shall be maintained in situ for the lifetime of the development.</p>	<p>We question whether the required acoustic screening has been provided given that noise from the roof terrace is evident</p>

Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

in our adjoining property.

Given the fact that the proposed use of the property was contrary to council policy it should be noted that planning permission was only granted for the application on the basis of strict compliance with the conditions attached (emphasis added):

"The proposed Private members club use would give rise to a greater number of people visiting the site late into the evening. The submitted OMP has set out appropriate measures to limit the noise impacts to neighbouring properties, and the council is satisfied that the proposal would not give rise to any unacceptable noise disturbance, and that the scheme would comply with UDP policy ENV7. Although there are some residential premises in close proximity the area is primarily commercial in character. On the basis that the use operates in accordance with the submitted OMS, which is to be secured by condition, it is considered appropriate to this part of Mayfair. In the circumstances the use is considered acceptable as it would be neither harmful to resident's amenities or the character and function of the area."

Sadly, that expectation has proved to have been wholly unjustified as there appear to be repeated, ongoing non-compliance with a number of those planning conditions.

In particular, the original Planning Officer's Report recommending approval of the application stated (emphasis added):

"A Noise Control Strategy by Hoare Lea, has been submitted with the application which identifies the nearest noise sensitive receptor as the residential dwelling at 5 Grafton Street, which the application site shares a party wall with, The report includes details on a number of measures to mitigate noise including, limiting opening hours, number of occupants and playing of amplified music. These aspects are all proposed to be controlled by condition.

The Noise Control Strategy sets out that all areas will have low levels of ambient music. Only the basement, ground floor bar and cafe, and 3<sup>rd</sup> floor lounge would have amplified music played. This would be limited to evenings. The strategy sets out that sound insulation tests will be undertaken to 5 and 6 Grafton Street, with acoustic insulation to be installed to the basement and lower ground floor as necessary in order to meet baseline noise requirements. Any loudspeakers would be floor mounted.

**The Council's Environmental Health officer has reviewed the acoustic report and advise that the application is acceptable subject to appropriate conditions.**

Naturally we appreciate that planning and licensing are separate and independent jurisdictions within the council and that each is subject to its own statutory and policy considerations. However, there is of course also a considerable degree of overlap. In the present case it is notable that the worst fears of our professional advisers in relation to the planning application have, most unfortunately, been fully realised.

Further, as Licensing Policy B23 indicates:

"The granting of a planning permission for premises, or finding that a premises enjoys a lawful use, does not constrain the council as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them."

The recent licence application has also caused us to consider the conditions imposed on the premises licence when the original licence application was apparently granted.

Again, it appears to us that the premises are likely to be in breach of existing licence condition 23:

Licence condition	Apparent breach
23. 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.	Noise can clearly be heard within [REDACTED] both through our windows (even when closed) and through the dividing wall.

We note that the applicant states that "The premises is not located in the West End Cumulative Impact Area or the Special Consideration Zones." The reality, in fact, is that the premises immediately adjoin (and the rear exit onto Bruton Lane, evacuates onto) the Mayfair Special Consideration Zone, within which noise nuisance has already been identified as an issue.

The licensing authority will also, no doubt, also wish to have regard to the following Licensing Policy provisions: PN1(A) and PN1(B). The following, in particular, are directly relevant to these premises:

"(1) The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. **This will particularly apply in areas**

of residential accommodation and where there is residential accommodation in proximity of the premises."

"(2) .. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix 11."

"(3) Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to limit noise and vibration, eating, drinking and smoking outside their premises and other environmental impacts by:

- Restricting the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open-air site.
- Limiting the escape of noise from the premises or open-air site.
- Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping.
- Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it including noise and other nuisance caused by customers' transportation and how dispersal is managed.
- Minimising and controlling noise from staff, contractors and suppliers and their activities.
- Minimising and controlling noise from vehicles associated with and providing services to the premises or open-air site and their customers (including delivery companies).
- Identifying whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
- Identifying whether the premises are under or near to residential accommodation.
- Introducing measures to make sure that customers move away from outside premises when such sales cease.
- Limiting the extent and location of areas proposed to be set aside for the consumption of food, alcoholic drink and for smoking.
- Identify the measures proposed for the management of people leaving the premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions.
- Identifying whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. In addition, there may be particular issues of crime and disorder with regard to outside activities.



- Identify whether queuing is likely, and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.
- Identify whether there are adequate measures to prevent:
  - » Litter, smells, fumes, dust, tobacco or other smoke, or other emissions.
  - » Street fouling.
  - » Light pollution.
  - » Arising from the proposed licensable activity that may cause disturbance to people in the vicinity.
- Identify whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.
- Whether the proposals would lead to the need for increased refuse storage or waste collection.
- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.
- Whether the sale of take-away food is proposed, and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.
- Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.

(4) The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix 11."

It will be readily apparent to the authority's environmental health officers that the applicant is already in breach of the requirements of Appendix 11, including NR30 (day), NR25 (night), and NR40 (LFmax). At the nearest façade of our own property the noise generated within each octave band level (LA eq 5 mins) significantly exceeds 5 dB below the minimum external background noise. Further, the applicant will be manifestly unable to demonstrate that:

"[18].. as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties."

During the course of any hearing (at which we would like to be present) into this application we will also provide examples of instances where individuals who were apparently Club members/guests, when arriving at and departing from the premises, have caused disturbance and annoyance to those in occupation at No. 5 Grafton Street, both at the front of the premises and at the rear façade fronting Bruton Lane.

*Noise from the roof garden*

There is, in practice, minimal noise attenuation evident at this level, from which patrons are able to see into bedroom windows on the Bruton Lane façade.

*Music noise escaping from the premises façades & transmitted through the internal structure*

This has been a serious issue for us since the Club opened its doors to members and there have been communications between our two organisations which we can detail for the sub-committee. In particular, it is wholly unacceptable that the Club's operations in the early hours of the morning should interfere with the use of our adjoining property as a private residence.

We will also lodge in evidence an acoustic analysis of the issue.

*Conclusion*

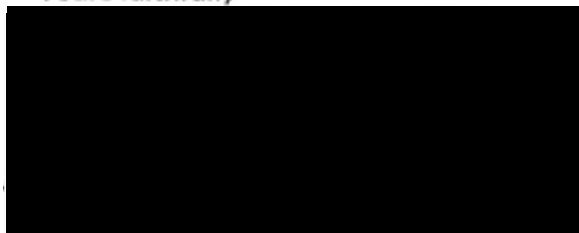
In conclusion, we suggest that these extremely serious concerns and impacts on a Grade I Listed residential building (not evident, of course, at the time of the granting of either planning permission, or the original premises licence) should now be thoroughly addressed and resolved by the applicant before the licensing authority proceeds to consider any extension to the existing premises licence.

We would be grateful if you would, please, acknowledge safe receipt of this letter and notify us of the date by which we will be required to lodge any evidence upon which we intend to rely.

Yours sincerely,

If you have any questions, please contact

Yours faithfully

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<b>3.</b>	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Hours Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p>For premises for the supply of alcohol for consumption on the premises:</p> <p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p>For premises for the provision of other licensable activities:  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Public Houses and Bars Policy PB1 applies:</b>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol>

#### 4. Equality Implications

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

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

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

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Current Premises Licence
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Interested Party	20 April 2023



**City of  
Westminster**

Schedule 12  
Part A

WARD: West End  
UPRN: 100023473327

64 Victoria Street, London, SW1E  
6QP

Regulation 33, 34

**Premises licence**

<b>Premises licence number:</b>	22/11947/LIPVM
<b>Original Reference:</b>	17/09669/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

6 Grafton Street  
London  
W1S 4EQ

**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:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences  
*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

**Exhibition of a Film**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

**Performance of Live Music**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

**Playing of Recorded Music**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

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

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

**Performance of a Play**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

**Late Night Refreshment**

Monday to Tuesday:	23:00 to 01:00 (All floors and Roof Terrace)
Wednesday to Saturday:	23:00 to 02:30 (All floors and Roof Terrace)
Sunday:	23:00 to 01:00 (All floors and Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays

**Sale by Retail of Alcohol**

Sunday to Saturday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02.30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23:30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays

**The opening hours of the premises:**

Sunday to Tuesday:	07:00 to 01:30 (Basement, Lower Ground Floor)
Wednesday to Saturday	07:00 to 03:00 (Basement, lower Ground Floor)
Sunday to Saturday	07:00 to 01:30 (Ground, 1st, 2nd, 3rd Floor)
Monday to Sunday	07:00 to 23.30 (Roof Terrace)

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

Alcohol is supplied for consumption both On and Off the Premises

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

Maison Estelle Limited  
Third Floor  
20 Old Bailey  
London  
EC4M 7AN

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

10564926

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

**Name:** Michael Thomas Ryan

*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:** PERS-LIC/1828  
**Licensing Authority:** London Borough of Camden

**Date:** 26 January 2023

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

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.



7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

## Annex 2 – Conditions consistent with the operating Schedule

11. Licensable activities shall only be provided to:
  - (a) members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 24 hours between their nomination or application for membership and their admission.
  - (b) persons attending a pre- booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises for 31 days and made available for immediate inspection by police or an authorised officer of the Council.
12. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
13. 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.
14. 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.
15. 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. It must be completed within 24 hours of the incident and 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.
16. 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.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
19. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
20. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
21. 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. 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.

23. 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.
24. 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.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. 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.
34. Unless otherwise agreed in writing with the Metropolitan Police, there shall be: -
  - a) A minimum of 2 SIA licensed door supervisors after 9pm; and
  - b) A minimum of 1 SIA licensed door supervisor at all times.
35. All SIA door supervisors shall display appropriate SIA identification.
36. There shall be no drinks taken from the premises onto the public highway.
37. Loudspeakers shall not be located in the entrance lobby or outside the premises building including the external terrace.
38. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
  - (a) Basement: 150
  - (b) Lower Ground Floor: 100
  - (c) Ground Floor: 120
  - (d) First Floor: 120
  - (e) Second Floor: 100
  - (f) Third Floor: 100
  - (g) Fourth Floor Terrace: 60

Subject to an overall maximum of 600 at any one time.

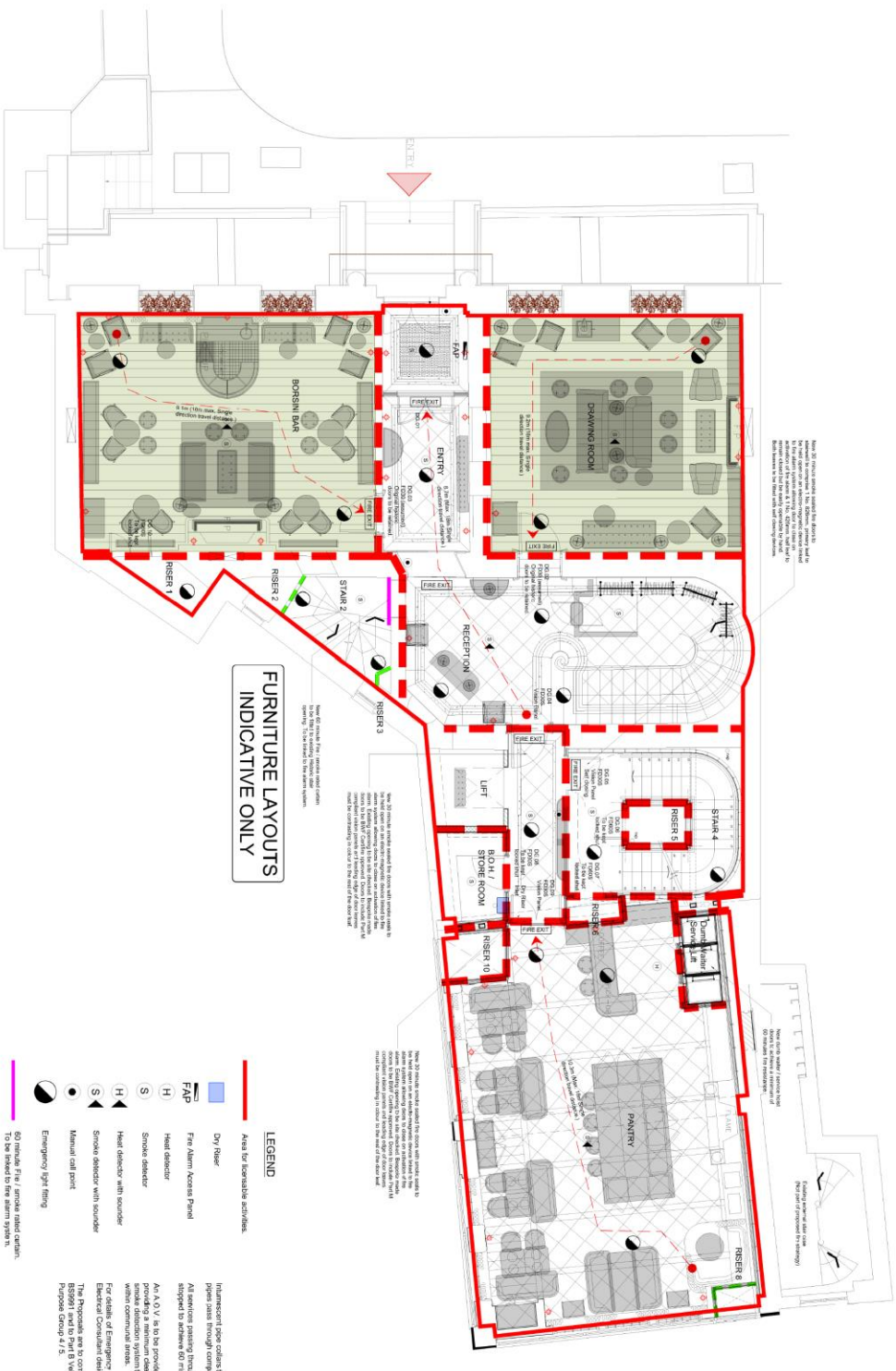
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None









**FURNITURE LAYOUTS  
INDICATIVE ONLY**

- LEGEND**
- Area for accessible activities.
  - Dry Riser
  - Fire Alarm Kiosks Panel
  - FAP
  - Heat detector
  - S Smoke detector
  - H Heat detector with sounder
  - S Smoke detector with sounder
  - Manual call point
  - Emergency light fitting
  - 60 minute Fire / smoke rated curtain.
  - To be linked to fire alarm system.
  - Historic listed area.
  - 30 minutes minimum fire rated walls - all doors within these walls must be 30 min. Certified approved fire rated doors except w.c.'s
  - 60 minutes minimum fire rated compartment walls - all doors within these walls must be 30 min. self closing fire rated doors with translucent strips & smoke bars
  - 15m
  - Travel Distance: Max. 20m, single direction travel 30m, three alternative directions available, 50m in emergency (EN19999)
- Influstrant pipe collars to be installed where soil / rainwater pipes pass through compartment walls etc. floors. All services passing through compartment walls to be the adopted to achieve the meeting standard.
- An A.O.V. is to be provided at the level of the staircase providing a minimum clear opening of 750mm to be linked to smoke detection system to activate on detection of smoke within the staircase.
- For details of Emergency lighting and Exit signage refer to the Design and Construction of Buildings and Part 18 BS9991 and Part 15 Volume 2 of the Building Regulations Purpose Group 4 / 5.

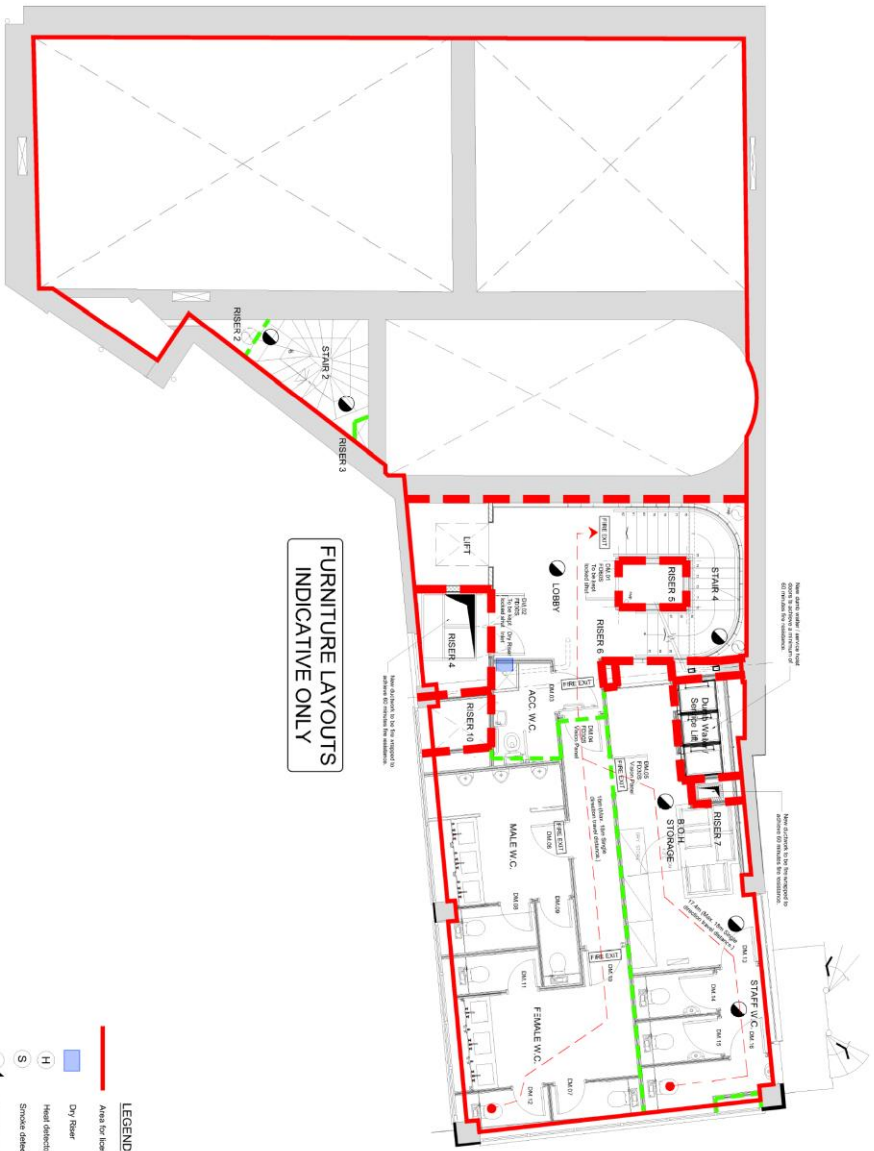
**Proposed Ground Floor**  
1:50 @ A1

9 Gresham Street, LONDON E1 3AU  
 Tel: 020 7460 8000  
 Fax: 020 7460 8001  
 Email: info@gsa.co.uk  
 Website: www.gsa.co.uk

**GSA Architects & Urban Design**  
 Environmental & Urban Design

Project: Proposed Ground Floor Fire Plan  
 Date: 22/01/11  
 Scale: 1:50 @ A1





FURNITURE LAYOUTS  
INDICATIVE ONLY

Proposed Mezzanine  
1:50 @ A1

- LEGEND**
- Area for licensable activities
  - Dry Room
  - H Heat detector
  - S Smoke detector
  - H Heat detector with sounder
  - S Smoke detector with sounder
  - Manual call point
  - ☉ Emergency light fitting
- 30 minutes minimum fire rated walls - all doors within these walls must be 30 min. Certifire approved fire rated doors except w.c.'s
- 60 minutes minimum fire rated compartment walls - all doors within these walls must be 30 min. Certifire approved fire rated doors with Interserver type 3 window glass
- 10m Travel Distance - Max. 20m single direction travel to fire risk category Table 11 BS5999

Intersecting pipe columns to be insulated where wall / rimwall / pipes pass through compartment walls and floors.

All services passing through compartment walls to be fire stopped to achieve 60 minutes fire resisting standard.

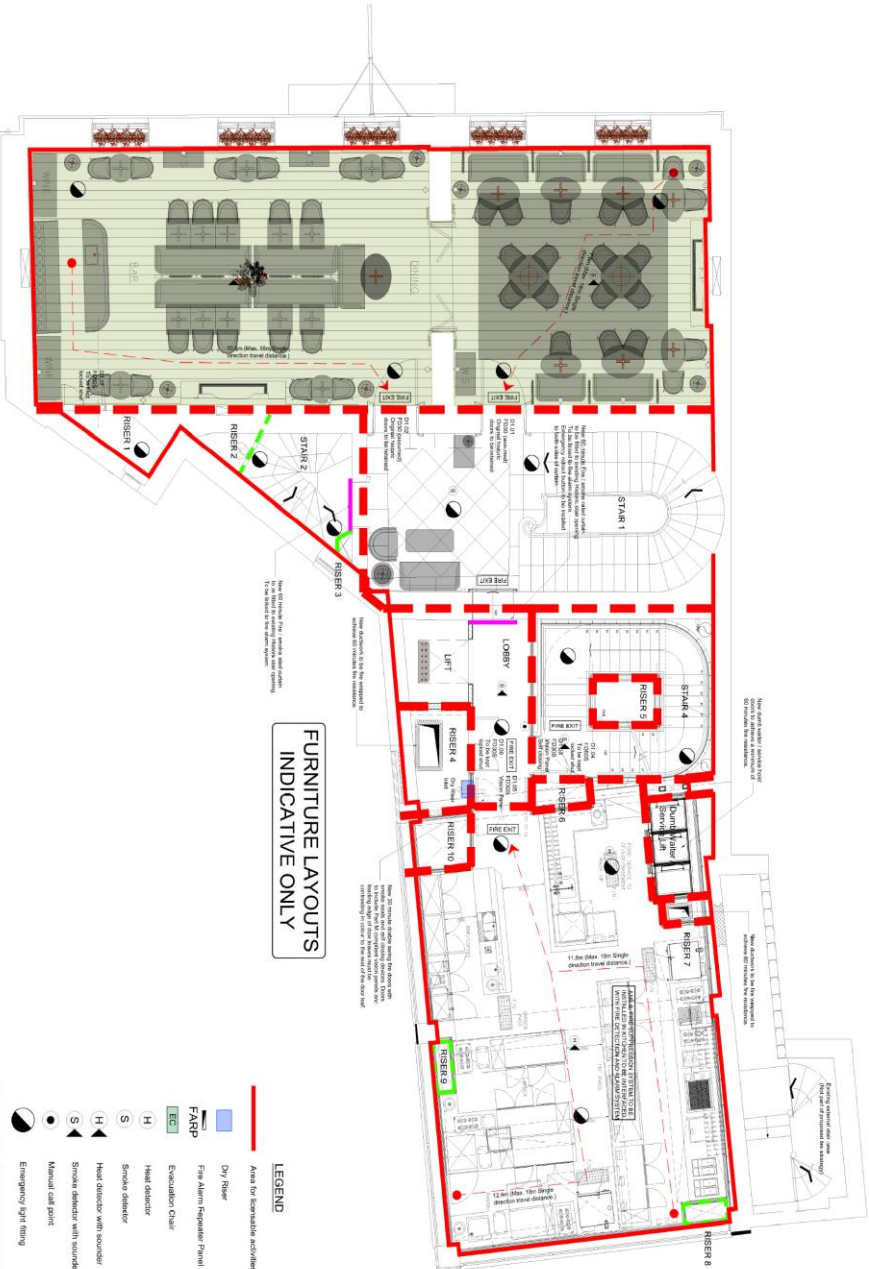
All A.O.V.'s to be provided at the head of the staircase providing a minimum clear opening of 750 to be linked to the staircase door with Interserver type 3 window glass within communal areas.

For details of Emergency lighting and Exit signage refer to Electrical Consultant design proposals.

The Proposals will comply with the Guidance set out in BS5999:1 and Part B Volume 2 of the Building Regulations Proposed Group 4/5.

40	Garth Street, Llanelli	20/21/1
10	PROPOSED MEZZANINE FLOOR PLAN	10/10/20
10	DATE	10/10/20
10	SCALE	1:50 @ A1
10	PROJECT	10/10/20
10	CLIENT	10/10/20
10	ARCHITECTS	10/10/20
10	ENVIRONMENTAL & TRAFFIC DESIGN	10/10/20

Proposed 1st Floor Plan  
1:50 @ A1



FURNITURE LAYOUTS  
INDICATIVE ONLY

**LEGEND**

- Area for furniture activities.
- Dry Riser
- Fire Alarm Repeater Panel
- Escalator Chair
- Heat detector
- Smoke detector
- Heat detector with sounder
- Smoke detector with sounder
- Manual call point
- Emergency light fitting
- Emergency light fitting (To be linked to the alarm system)
- Historic Listed area
- 30 minutes withstand fire rated walls and doors
- 60 minutes withstand fire rated compartment walls - all doors within these walls must be 30 min. and ceiling fire rated doors with minimum 45 min. & smoke seals.
- 15min
- Travel Distance: 34m, 20m single direction travel
- 82 fire risk category - Table 11 BS9999

Intumescent pipe collars to be installed where soil / rainwater pipes pass through compartment walls and floors.

All services passing through compartment walls to be fire stopped to achieve 60 minutes fire resisting structure.

An A.G.V. is to be provided at the head of the staircase providing a means of escape or fire to be used by persons with reduced mobility or disabled persons.

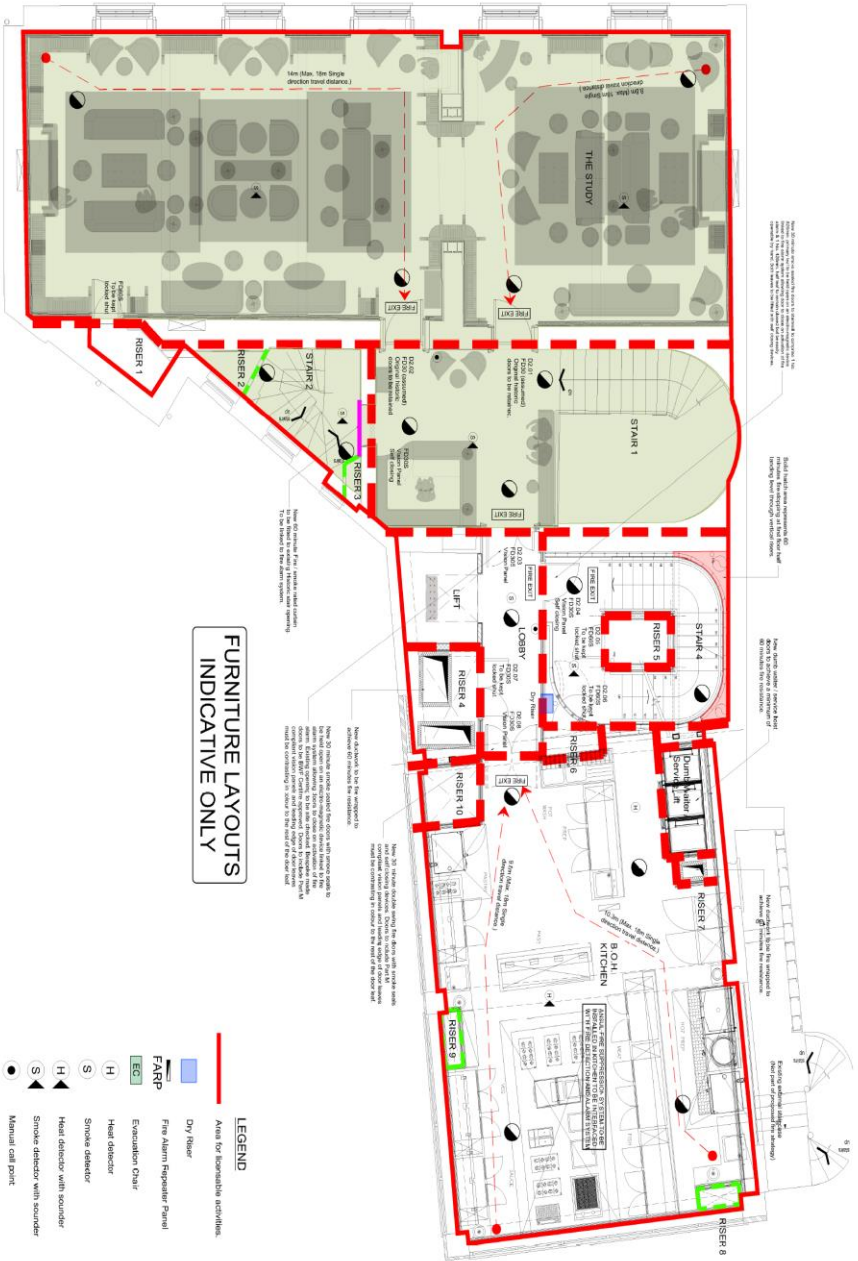
For details of Emergency lighting and Exit signage refer to Electrical Consultant design proposal.

This Proposal is to comply with the Guidance set out in Purpose Group 4.5

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The  
Gordon Street  
Architecture  
Environmental & Urban Design

110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



**FURNITURE LAYOUTS  
INDICATIVE ONLY**

- LEGEND**
- Areas for fire alarm acoustics.
  - Dry riser
  - Fire Alarm Repeater Panel
  - FARP
  - Expansion Chair
  - H Hand detector
  - S Smoke detector
  - H Heat detector with sounder
  - S Smoke detector with sounder
  - Manual call point
  - Emergency light fitting
  - 60 minute Fire / smoke rated curtain. To be linked to fire alarm system.
  - Historic Listed area.
  - 30 minutes minimum fire rated walls - all doors within these walls must be 30 min Certificate approved fire rated doors except w.c.'s
  - 60 minutes minimum fire rated compartment walls - all doors within these walls must be 30 min, self closing fire rated doors with intumescent strips & smoke seal.
  - 1m Toward Exit door. Min. 20m single direction travel B2 fire risk category. Table 11 BS9999.

Intumescent paper curtains to be installed on fire exit / rainwater pipes passing through compartment walls and floors. All services passing through compartment walls to be fire stopped to achieve 60 minutes fire resistance.

An A.O.V. is to be provided at the head of the staircases providing a minimum clear opening of 1000mm to be formed to the stairs to be used to provide a clear path to the stairs within communal areas.

For details of Emergency Lighting and Exit signage refer to Electrical Consultant design proposal.

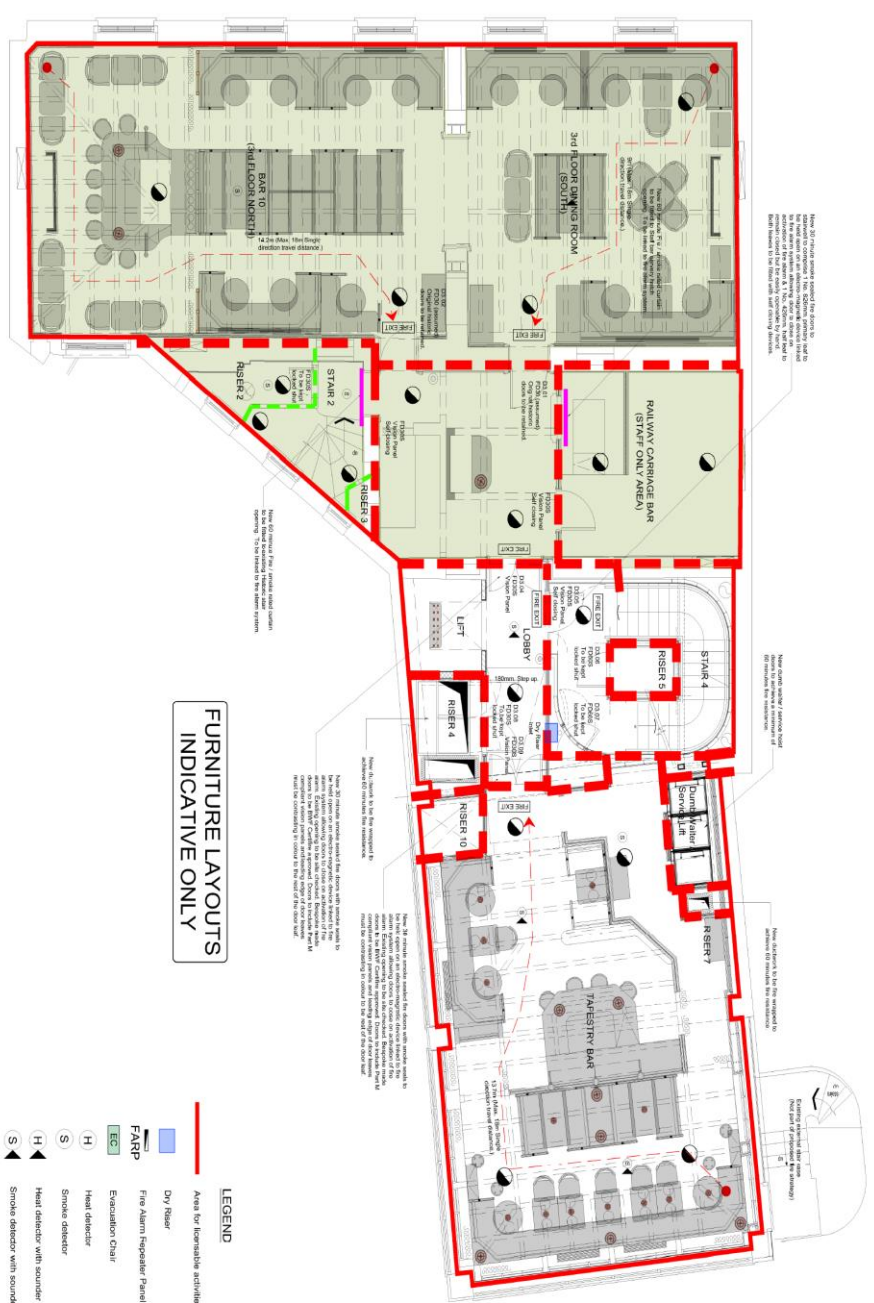
The Proposals are to comply with the Guidance set out in BS9991 and Part B Volume 2 of the Building Regulations Purpose Group 1/1.

10 Cornhill Street, London EC3A 3DF  
 Tel: 020 7421 2000  
 Fax: 020 7421 2001  
 Email: info@cjarchitects.com  
 Website: www.cjarchitects.com

Project: Proposed 2nd Floor Fire Risk  
 Date: 15/01/2011  
 Author: A1/01/11  
 Title: Fire Risk Assessment

CJ Architects  
 Environmental & Urban Design

Proposed 3rd Floor Plan  
1:50 @ A1



FURNITURE LAYOUTS  
INDICATIVE ONLY

LEGEND

- Area for licensable activities.
- Dry Riser
- Fire Alarm Repeater/Panel
- FARP
- Evacuation Chair
- H Heat detector
- S Smoke detector
- H Heat detector with sounder
- S Smoke detector with sounder
- Manual call point
- Emergency light fitting
- 60 minute Fire / smoke rated curtain.
- To be linked to fire alarm system.
- Historic Listed area.
- 30 minutes minimum fire rated walls - all doors within these walls must be 30 min. Certificate approved fire rated doors except w.c.'s
- 60 minutes minimum fire rated compartment walls - all doors within these walls must be 30 min. self closing fire rated doors with intumescent strips & introl seal.
- 11m Toward Distance Max 20m single direction travel
- B2 fire risk category Tables 11 BS9999.

6 Cannon Street, London EC3A 3DF  
 Tel: 020 7333 3333  
 Fax: 020 7333 3333  
 Email: info@jgarchitects.com  
 Architects & Urban Designers  
 20.03.11  
 ARCHITECTS







# City of Westminster

Schedule 12  
Part B

WARD: West End  
UPRN: 100023473327

64 Victoria Street, London, SW1E  
6QP

## Premises licence summary

Regulation 33, 34

Premises licence number:

22/11947/LIPVM

### Part 1 – Premises details

#### Postal address of premises:

6 Grafton Street  
London  
W1S 4EQ

#### 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:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

##### Exhibition of a Film

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

#### **Performance of Live Music**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

#### **Playing of Recorded Music**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

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

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

#### **Performance of a Play**

Monday to Sunday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02:30 (Basement & Lower Ground Floor)
Monday to Sunday:	08:00 to 23.30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays the same as permitted hours on Fridays and Saturdays.

#### **Late Night Refreshment**

Monday to Tuesday:	23:00 to 01:00 (All floors and Roof Terrace)
Wednesday to Saturday:	23:00 to 02:30 (All floors and Roof Terrace)
Sunday:	23:00 to 01:00 (All floors and Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays

#### **Sale by Retail of Alcohol**

##### **Sale by Retail of Alcohol**

Sunday to Saturday:	08:00 to 01:00 (Ground, 1st, 2nd & 3rd Floors)
Sunday to Tuesday:	08:00 to 01:00 (Basement & Lower Ground Floor)
Wednesday to Saturday:	08:00 to 02.30 (Basement & Lower Ground Floor)
Sunday to Thursday:	08:00 to 21:30 (Roof Terrace)

Friday to Saturday: 08:00 to 22:30 (Roof Terrace)

*Seasonal Details:* An additional hour when British Summertime commences

*Non-standard Timings:* From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. Permitted hours on Sundays immediately before Bank Holiday Mondays

**The opening hours of the premises:**

Sunday to Tuesday: 07:00 to 01:30 (Basement, Lower Ground Floor)  
Wednesday to Saturday 07:00 to 03:00 (Basement, lower Ground Floor)  
Sunday to Saturday 07:00 to 01:30 (Ground, 1st, 2nd, 3rd Floor)  
Monday to Sunday 07:00 to 23.30 (Roof Terrace)

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

Alcohol is supplied for consumption both On and Off the Premises

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

Maison Estelle Limited  
Third Floor  
20 Old Bailey  
London  
EC4M 7AN

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

10564926

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

Name: Michael Thomas Ryan

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

Restricted

**Date:** 26 January 2023

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**



**Thomas & Thomas**  
Partners LLP

Your ref: VD/nw  
Our ref: JS/ENN.1.1

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618



By email: [Redacted]

25 May 2023

Dear Sirs

**Maison Estelle, 6 Grafton Street - Licence Variation Application 23/01877/LIPV**

We act for the above Premises Licence holder and refer to your representation in respect of our client's application. Thank you for taking the time to comment on our client's proposals. Our client would be grateful for the opportunity to discuss the matters raised in your letter.

As you may know, our client and their acoustic consultant have been in contact with your client's contractor and have made several requests to arrange for a noise impact assessment to be undertaken. Access to your client's premises would allow the acoustic consultant to undertake proper readings, enabling them to comprehensively assess the matters raised in your letter and advise on any appropriate remedial action. As a result, your client's cooperation with the sound tests would be much appreciated.



We note that your letter has been sent on behalf of the company that owns the property. It would be helpful to properly understand the frequency of stay, general arrangements and identity of those persons living/staying in the property. This would provide our client, the acoustic consultant and the Licensing Authority the best possible opportunity to consider your client's concerns and any action that may be required. Alternatively, or in any event, the matters raised in your letter will be considered further during the public Licensing Sub-Committee hearing to be scheduled by Westminster City Council.

Thank you for your consideration of this letter. We look forward to hearing from you.

Yours faithfully

**Thomas & Thomas Partners LLP**

tel: [Redacted]  
email: [Redacted]

<b>TECHNICAL MEMORANDUM</b>			
Project:	Maison Estelle, 6 Grafton Street, London W1S 4EQ - site visit report		
Reference:	23071138	Date:	5 <sup>th</sup> September 2022
To:	 Thomas & Thomas	From:	

## 1. Introduction

The premises was inspected on Monday 5<sup>th</sup> September 2022 during the daytime. I am familiar with the location and the surrounding streets and have carried out a number of noise surveys in the area during the evening and into the night.

## 2. Building

The high sound area is the basement lounge of No 6. Sound insulation testing, by others<sup>1</sup>, identified a good field performance of the sound insulation (better than designed and accepted for planning<sup>2</sup>) between this area and the adjoining rooms in 5 Grafton Street.

## 3. Room acoustics

The interior design includes a luxurious scheme of soft furnishings, upholstered seating and carpeted areas which increases the acoustic absorption in the space and enhances quality of sound reproduction.

## 4. Sound system controls

The sound system is a high quality professional system installed by Marquee AV who are a long established sound installer that I have worked with on many projects. The Control System is a Q-SYS Core 510i Integrated Processor which is fully configurable. Each area in the premises is zoned allowing individual control of loudspeakers so that level, and equalisation, can be adjusted. The Q-SYS Core is programmed to include compression and limiting on all channels. As it is remotely accessed via dedicated software and there are no end-user accessible controls it is entirely tamper-proof by DJs or other unauthorised persons. This is a state-of-the-art method for controlling, and limiting, a sound system as once a defined maximum level is set and locked in software it cannot be overridden.

<sup>1</sup> Hoare Lee LLP document ref LET-1006892-5A-DF-20171128

<sup>2</sup> WCC 17/07355/FULL

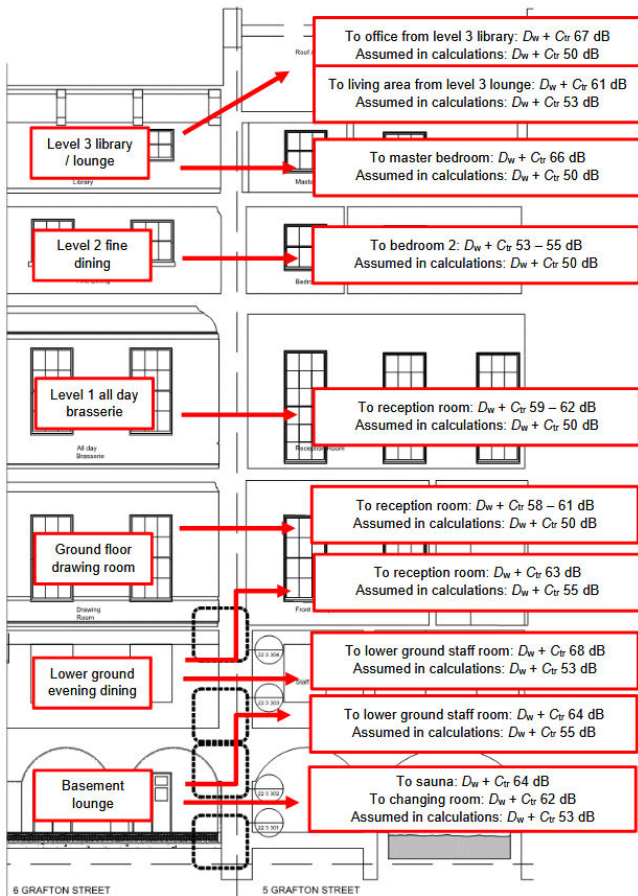


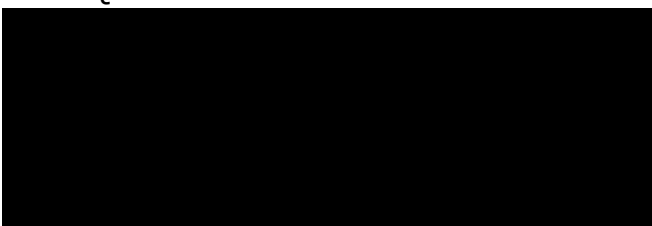
Figure 1: Section through 5 and 6 Grafton Street showing sound insulation performances measured

## 5. Operational procedures

We briefly discussed management of patron ingress and egress and some enhancements to patron dispersal procedures were being implemented.

## 6. Conclusions

The building is well designed and features a high-quality fully configurable sound system that has been set and locked. There are a large number of variables in any professional sound system allowing every element of the sound to be configurable. In the event of a complaint about noise my recommendation is always to go to the room where the noise is being witnessed and assess not just the level but also spectral content. With precision measurement and control the individual frequencies can be tailored to ensure that the sound system is appropriately, and precisely, controlled. The sound installer that commissioned the system has set these levels, and then refined them in May 2022. I suggest if any further changes are required then access is arranged for the adjacent property and I meet with the sound installer and neighbours in order to set maximum limit levels from the noise sensitive receptor rooms. This will then be set, and locked, in the Q-SYS Core software.

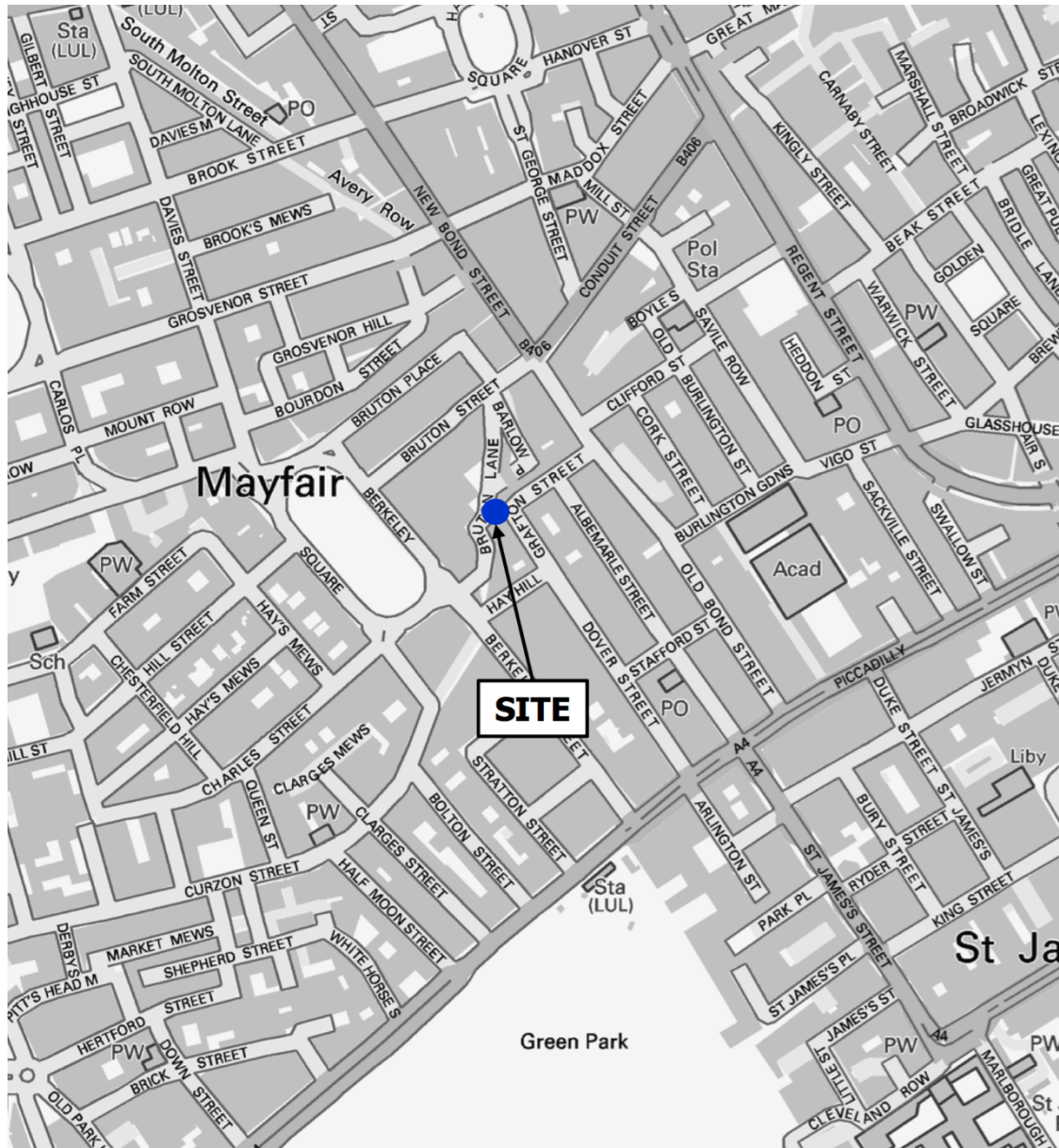


# **Maison Estelle Private Members' Club 6 Grafton Street**



## **Dispersal Policy**

Location



## **1 Dispersal Policy**

- 1.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of members and guests.
- 1.2 The Dispersal Policy promotes a professional and responsible management of members and guests as they leave to ensure they make their journey home without any adverse impact on local residents.
- 1.3 It is essential that the dispersal procedures are followed in conjunction with the four licensing objectives:
  - 1.3.1 The prevention of crime and disorder**
  - 1.3.2 Public safety**
  - 1.3.3 The prevention of public nuisance**
  - 1.3.4 The protection of children from harm**
- 1.4 A good dispersal plan will help prevent potential noise complaints from residents, help reduce guest incidents, and help prevent anti-social behaviour. This promotes good neighbourly relations in the local community.
- 1.5 Rules relating to dispersal are included in the Members' Rules and enforced to ensure compliance.

### **Entrances and Exits**

- 1.6 The main entrance and exit is situated on Grafton Street. This is managed by reception staff inside at all times and with a doorman/greeter at the entrance.
- 1.7 At peak periods, additional staff and SIA supervisors are employed to assist with the quiet dispersal of customers and to monitor taxis and parking.
- 1.8 Due to having a one-way road in front of the Club, it is important that the Club security team (as they have duty to care for guests and members after visiting the Club) make sure that guests do not stand in the road or disturb the flow of traffic.

## **Transport**

- 1.9 Members and guests arrive and depart by various modes of transport. Members and guests are welcomed straight into the Club by the doorman and members of staff to avoid queuing or loitering outside.
- 1.10 When arriving by private car, members and drivers where necessary are reminded not to leave engines running, to keep conversation to a minimum and avoid slamming car doors.
- 1.11 The Club is also well serviced by public transport links, as set out below. Staff are familiar with the transport links so they can advise guests where required.

### Tube

- 1.11.1 The following tube stations are located within walking distance of the Club and now with the benefit of the extending night-tube times:
  - 1.11.1.1 Green Park Underground Station.
  - 1.11.1.2 Hyde Park Corner Underground Station.
  - 1.11.1.3 Piccadilly Circus Underground Station.
  - 1.11.1.4 Bond Street Underground Station.
- 1.11.2 Where necessary members and guests are given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.
- 1.12 Taxi
  - 1.12.1 Black cabs are readily available right through the day and night in Mayfair. Members and guests are encouraged to go directly into a waiting cab when leaving the Club.
  - 1.12.2 Any member wishing to leave the Club by taxi / private hire vehicle is required to book a taxi in advance and is required to remain in the Club until their vehicle has arrived.
  - 1.12.3 SIA door supervisors act as a traffic stewards at busy times to ensure that all the above rules are adhered to and that no traffic is built up by members accessing or departing the Club.

## Dispersal Policy – Maison Estelle 6 Grafton Street

- 1.12.4 Staff assist members and guests calling a taxi if required.
- 1.12.5 Other forms of app-based taxis may also be used by members and guests. Members and guests can wait inside the Club until their taxi has arrived to ensure a quick and quiet exit.

### **Closing Procedure**

- 1.13 Management controls are implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure facilitates a quick and quiet closure of the Club.
- 1.14 Management controls include:
  - 1.14.1 Ensuring all members and guests are off the Club premises by the authorised closing times. There are no exceptions to this rule whatsoever.
  - 1.14.2 A prompt clean and clear up of the Club as soon as possible after closure.
  - 1.14.3 Employees are required to leave the Club quickly and quietly, at all times following the Dispersal Policy set out above.
  - 1.14.4 Employees are not permitted to loiter outside the Club or smoke in the vicinity after closing.
  - 1.14.5 The pavement is swept and cleaned every day.
- 1.15 A 'soft closure' procedure is in place at the Club. This is designed to close the premises slowly and thus to encourage a more even dispersal rather than everyone being asked to leave at the same time. This in turn seeks to minimise the potential for noise and anti-social behaviour, which can occur when larger numbers of people leave a venue at the same time.
- 1.16 When the music has been turned off and the lighting turned on, guests are asked to leave the premises.

### **Internal Dispersal**

- 1.17 On busier evenings the security team encourages a slow gradual dispersal to discourage guests and



## Dispersal Policy – Maison Estelle 6 Grafton Street

members leaving in large groups. This is achieved by Security officers tactically and kindly inviting guests or members to make their way out when it is correct to do so.

### External Dispersal

1.18 In the event of larger groups leaving the Club security officers proactively direct guests to prevent large groups loitering, and also assist and manage the taxi pick up process. Guests and members loitering may be doing so because they are unable to decide or easily access the information they require. Often, they will disperse when they are given this information. Many customers will move on if they can be helped to achieve one of the following outcomes:

1.18.1 How to get home?

1.18.2 Where can they go next?

1.18.3 Where is the nearest transport link?

1.18.4 Where can they get some food?

1.19 The Club security team and front of house team will follow the following policies and procedures:

1.19.1 **Security Presence** - Door Supervisors are easily identifiable. SIA Door Supervisors are required to display their SIA Licence, and the use of a clear uniform will provide greater awareness of their presence.

1.19.2 **Conduct** - Security officers will remind guests who are leaving to do so quietly and respectfully.

1.19.3 **Failure to Comply** - If guests have been asked not to assemble or loiter outside the premises once they have left, and if they are still doing so, they will be politely reminded that those who do not comply may be refused entry next time, and in future potential loss of membership.

1.19.4 **Littering** - throughout the evening and after closure the housekeeping will ensure the front of the property is kept clear of rubbish and litter.

# **Report of Observations at**

## **Maison Estelle**

**6, Grafton Street, W1S 4EQ**

By

**██████████, Independent Licensing Consultant.**

### **Introduction.**

1. ██████████ of Thomas and Thomas LLP has instructed me to conduct observations in the vicinity of Maison Estelle to observe the operation of the premises, the management of the vicinity by Door Supervisors employed at the premises and the dispersal from the premises.
2. The private members club currently has permitted hours that are staggered across the week, with the later hours authorised on Wednesday to Saturday on the lower floors only. It is proposed to apply to regularise the later hours across all floors from Monday to Saturday with 2.30 am for licensable activities across all floors to cease and 3.00 am premises close. A Temporary Event Notice (TEN) is in place for the night of the 16<sup>th</sup> of March to reflect these proposed hours and to assess any impact these hours have on the promotion of the licensing objectives.

### **Summary of Expertise – ██████████**

3. I retired from the police service on 2<sup>nd</sup> November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with

responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

4. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required.
5. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
6. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry,

NGOs and Government departments in order to improve the standards at licensed premises. I sat on the British Institute of Innkeeping working party and helped develop the national training for Door Supervisors. I worked with the national regulator the Security Industry Authority to successfully introduce the new regime under the Private Security Industry Act 2001 within London. I sat on Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.

7. I was involved with Best Bar None, a national voluntary scheme of accreditation for safe licensed premises, for a number of years and successfully helped a number of boroughs implement the initiative. I was a trained Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. I was also a trained assessor for Purple Flag, the national voluntary awards scheme for safe, diverse and accessible town centres. For the five years prior to my retirement, I was responsible for licensing of the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I attended internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping.
8. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided

support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late-night refreshment. I regularly provide expert independent witness evidence at both local authority and appeal court hearings.

### **Observations.**

9. I conducted observations in the vicinity of the premises on the night of Thursday the 16<sup>th</sup> of March 2023 from 22.00 hours until the premises closed at 03.00 on Friday 17<sup>th</sup> March. The weather was mild, dry and clear. There are extensive building works in Grafton Street with some additional parking restrictions and road works in the surrounding streets.
10. On my arrival outside the premises at about 22.00 hours there were three smartly dressed males outside the premises who appeared to be door supervisors and/or door hosts. Two were mainly at the entrance to the premises and one was deployed on the pavement and immediate vicinity to manage customers and vehicles as they arrived. They greeted customers on arrival and admitted them quickly to the premises. The vicinity of the premises was quiet and the premises entrance was quiet with customers arriving in small, orderly, groups and being admitted quickly into the premises.
11. Most customers arrived in cabs or private cars and were dropped off nearby or outside. A few parked in the vicinity although parking is limited, and this is exacerbated by the present building works. Grafton Street had a steady flow of vehicles and pedestrians along it who were unconnected to the premises and the premises had little impact on this traffic. Walking in Grafton street past the premises there was no audible noise from the premises. I understand that the roof terrace was in use but there was no noise from there audible at street level.
12. The premises continued to operate in this fashion with a slow but steady flow of customers arriving and leaving in a quiet and orderly fashion. Occasionally a cab or

private car would stop outside to drop off or pick up customers and temporarily obstruct the road but this did not cause any problems as it was brief and traffic was light.

13. By about 00.15 it was busier outside the premises with customers leaving and with a steady flow of pedestrians apparently making their way from other premises in the area along Grafton Street towards Dover Street and Berkely Square and with vehicles driving past.
14. By 00.45 there was a steady egress from the premises with fewer people arriving. The area generally remained quite busy with pedestrians and traffic and on occasion vehicles stopping outside the premises held up traffic briefly, but this did not appear to cause any issues. Many were black cabs and private hire cars and while a few sought to park nearby most drove off.
15. By 01.30 it was busier outside with groups leaving and some still arriving. While many customers appeared to wait inside the premises until their vehicle arrived outside, speeding up their departure from the vicinity, some of those leaving did loiter outside and on occasion voices were audible above the background noise, although it never reached the point where I consider that it would be intrusive in nearby premises. I did not observe any drunkenness or disorderly behaviour.
16. It was also noticeable as the evening wore on that some drivers left their engines running and some manoeuvred outside the premises attempting to park and/or wait close by for customers. The door supervisor/host who was on the pavement outside the premises did speak to some of the drivers and on occasion directed them to pull in but I did not see him challenge any of the people who waited outside or encourage them to move away from the premises.
17. By 01.45 it was less busy outside the premises, while there were a few cars coming and going for customers there was more stopping space available outside and vehicles were able to wait discretely and then move off. Most customers left the area quickly but I did observe occasional small groups that loitered nearby waiting for friends or

transport and again the door supervisors could have been more pro-active in encouraging them to leave the area or to wait inside the premises.

18. Between 02.00 and 02.30 there was a busy period with what appeared to be the remaining customers leaving the premises. It was orderly with only the occasional voice heard above the background noise and I did not observe any drunkenness or disorder. The door supervisors remained outside the entrance with one on the pavement although there was limited interaction with leaving customers once on the pavement. Grafton Street itself had a slow stream of vehicles heading to the premises and through traffic and pedestrians and there was little to be heard from the premises above the background 'London noise'.

19. After 02.30 the area generally quietened down with less traffic and fewer pedestrians and the premises was quiet with only the occasional person leaving. The door supervisors remained outside but there were few cars arriving or parked and few people about. At about 02.50 the premises appeared closed, the door supervisors were outside and preparing to leave. At 03.00 they appeared to leave the door and I left the area.

### **Conclusion.**

20. I found that the premises had little impact on the surrounding area at any time during the evening. Customers arriving were dropped off nearby and quickly admitted to the premises. Most appeared to arrive and leave in cabs and private hire cars and while some of these did attempt to wait and/or park in the vicinity most left quite quickly. On occasion there was brief obstruction of the road when customers arrived or left but this appeared to have little impact on the road. There was a door supervisor/steward who was managing the traffic to an extent, this could be enhanced by a more pro-active approach to both vehicles and leaving customers.

21. I did not observe any drunken or disorderly behaviour from customers arriving or leaving the premises. A small number waited in the vicinity for transport when leaving and occasionally I could hear a raised voice but this was barely audible above the

London background noise. This could be minimised further by ensuring customers remain inside until their transport arrives and those that leave on foot do so quickly and move away from the vicinity.

22. Smoking areas and customers smoking close to premises is often a cause of noise and nuisance at licensed premises. At Maison Estelle members and guests are permitted to smoke on the roof terrace during permitted hours and this reduces the opportunity for noise and nuisance on the street. I observed only one or two people smoking in the vicinity of the premises and no noise or nuisance was generated. Drinks are not permitted to be taken outside by those smoking which reduces the potential for noise and loitering in the street.

23. There is an historical dispersal policy as part of the previous operational management plan for the premises when it was proposed as Gleneagles private members' club. This is a comprehensive guide and there would be value in updating this, with particular reference to the dispersal policy, and implementing it for the present operation.

24. Overall I found the vicinity of the premises to be well managed with a high level of staffing and it had little impact on the surrounding area at any time that I conducted my observations, despite the current building works. I recommend updating the operations and dispersal policy and I am confident that, should the premises be permitted to extend the hours of the basement and lower ground floor to the whole of the premises, this will not have an adverse impact on the promotion of the licensing objectives.

██████████

Independent Licensing Consultant,

18/03/2023.



# **Report of Observations at**

## **Maison Estelle**

**6, Grafton Street, W1S 4EQ**

By

**[REDACTED], Independent Licensing Consultant.**

### **Introduction.**

1. [REDACTED] of Thomas and Thomas LLP has instructed me to conduct observations at Maison Estelle and in the vicinity in order to observe the operation of the premises, the management of the vicinity by Door Supervisors employed at the premises and the dispersal of customers from the premises when it closes.
2. The private members club currently has permitted hours that are staggered across the premises, with the later hours authorised on Wednesday to Saturday on the lower ground floor and basement only. It is proposed to apply to regularise the later hours across all floors from Monday to Saturday with 2.30 am for licensable activities across all floors to cease and 3.00 am premises close.

### **Summary of Expertise –** [REDACTED]

3. I retired from the police service on 2<sup>nd</sup> November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any

associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

4. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required.
5. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
6. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the British Institute of Innkeeping working party and helped develop

the national training for Door Supervisors. I worked with the national regulator the Security Industry Authority to successfully introduce the new regime under the Private Security Industry Act 2001 within London. I sat on Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.

7. I was involved with Best Bar None, a national voluntary scheme of accreditation for safe licensed premises, for a number of years and successfully helped a number of boroughs implement the initiative. I was a trained Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. I was also a trained assessor for Purple Flag, the national voluntary awards scheme for safe, diverse and accessible town centres. For the five years prior to my retirement, I was responsible for licensing of the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I attended internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping.
8. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including

alcohol on and off licences, betting premises licences and late-night refreshment. I regularly provide expert independent witness evidence at both local authority and appeal court hearings.

### **Observations.**

9. I conducted observations in the vicinity of the premises on the night of Friday the 23rd of June 2023 from around 22.30 hours until the premises closed at about 03.00 on Saturday 24<sup>th</sup> June 2023. The weather was very warm, dry and clear. There are extensive building works in Grafton Street with some additional parking restrictions and road works in the surrounding streets. The area around the premises was very busy with the nearby pubs and bars busy including customers drinking outside.
10. Walking down Grafton Street to Dover Street, Hay Hill and Berkeley Street the pavements and roads were very busy and all the bars, restaurants and pubs were crowded and busy with customers spilling out onto the streets. I walked up Bruton Lane to the rear of Maison Estelle, Bruton Lane was quiet and the rear access to Maison Estelle was quiet and appeared closed. I walked up Bruton Lane a number of times during the night and it was quiet every time and the access to Maison Estelle did not appear to be used.
11. In the Hay Street and Berkeley Street area in particular, in addition to the customers of the various premises there, were a significant number of people selling flowers, cigarettes and touting for customers for sex and drugs. Pedi-cabs cruised the area with music blaring from them and often rode along the pavements and went down the various one-way roads the wrong way. I did not see any signs of enforcement from police or other authorities in connection with this.
12. In comparison Grafton Street outside Maison Estelle was fairly quiet on my arrival outside the premises at about 22.30 hours. It is a one-way street past the premises and with the exception of the pedi-cabs weaving their way through the traffic this was observed. There is parking available, and some customers appeared to park close by

while others arrived in chauffer driven cars and private hire cars. On occasion these did stop close by to drop off and/or pick up customers but with the generally busy streets and slow-moving traffic this did not have a significant impact on traffic flow.

13. There were three smartly dressed males outside the premises, two appeared to be door supervisors and one a door host. The door supervisors were mainly at the entrance to the premises opening the door and ushering customers inside while the host was mainly on the pavement and in the immediate vicinity managing customers and vehicles as they arrived and ensuring they were admitted quickly to the premises. There was a small group of what appeared to be customers smoking to the right of the entrance and other people on the pavement making their way past the premises who appeared unconnected to it.
14. In Grafton street there was no music or noise from the premises audible above the ambient noise in the area. On occasion there was music audible in the area from vehicles passing by with open windows and predominantly from the pedicabs that all appeared to have loud music systems in addition to the bright flashing lights attracting attention. There is a smoking area at the premises in the basement light well and I could not hear any noise coming from this area.
15. At about 01.20 I went to the premises and met the manager Mr. Sean Coogan who showed me around the premises. The roof terrace and upper floors were closed as it was past the 01.00 hours closing time. As with the whole premises these floors are decorated to a high standard and are divided into small, intimate areas comprising of lounges and a variety of dining areas including a fine dining restaurant and open kitchen style area. All the rooms are mainly set out to seating, around dining tables or in a comfortable lounge setting and with table service; I understand that this food led, and lounge style is going to continue under the proposed extended hours. There is a glass roof over the roof terrace that slides over to enclose the area.
16. The lower ground floor and basement were operating in a nightclub style, again divided into a number of smaller areas and with bars and decorated and fitted out to a high standard. There were SIA door supervisors present on each floor and further

security patrolling. The areas were busy but not overcrowded and the atmosphere was good with people dancing. I did not see any drunkenness.

17. On the ground floor by the entrance there is a large reception area where customers arriving confirm their membership status and those leaving were waiting for cars and cabs to arrive outside which enabled them to then leave the premises, access their transport and leave the area quickly. There is a smoking area in the basement light well which appeared busy, but I did not notice any noise breakout from outside the building. I asked Mr Coogan about the operation of the premises while he showed me around and I was impressed with his knowledge of the premises and licence conditions and understanding of potential issues.
18. From my discussions with Mr. Coogan I understand that the premises operates exclusively as a members club with a maximum of two guests permitted for each member. New members have to be proposed and seconded by existing members and ID is checked when applying so all members are identified. Details of all guests are obtained when they arrive. Mr. Coogan was clearly familiar with many members as we walked the premises and polite but firm when, for example, a member asked for access to one of the upper floors that was closed. Moving around the closed floors all were locked and the head of security attended on request to permit us access to view them.
19. Most of the restaurant tables are pre-booked, although member walk-ups are permitted when there are tables available. The upper floors that are not set out for restaurant service are comfortable lounges with seating and table service and it is proposed that this will continue, should the present application be permitted, and they will not become extensions to the existing club style premises on the lower and basement floors, but will be an area for members to relax and for those from the club to wind down prior to leaving, assisting the gradual dispersal from the premises. It has also been agreed that the maximum premises capacity after 01.00 hours will be 425, excluding staff, and this will also assist with the gradual dispersal.

20. I was outside the premises observing egress from about 02.00 hours. The wider area generally continued to be busy and there was a steady exit of customers from the premises with no new arrivals seen. Bruton Lane to the rear remained quiet and I did not see anyone leaving from there. Many customers appeared to leave into waiting private cars or cabs and Ubers while others made their way away on foot. Grafton Street was busy with through traffic coming from Albemarle Street, around past the premises and into Hay Hill and the busy Berkely Street area.

**Conclusion.**

21. Located in a busy, largely commercial area, I found that the premises had little impact on the surrounding area at any time during the evening. Customers arriving were dropped off nearby and quickly admitted to the premises. Most appeared to arrive and leave in cabs and private hire cars and while some of these did attempt to wait and/or park in the vicinity most left quite quickly. On occasion there was brief obstruction of the road when customers arrived or left but this appeared to have little impact on the road. There was a door supervisor/host who was managing those arriving and leaving the premises.

22. I did not observe any drunken or disorderly behaviour from customers arriving or leaving the premises. Most appeared to arrange transport while inside the premises, or to walk away when leaving presumably to access transport further away or to move on to hotels or other premises. A small number waited in the vicinity for transport when leaving but I did not see any noise or nuisance caused.

23. Smoking areas and customers smoking close to premises is often a cause of noise and nuisance at licensed premises. At Maison Estelle members and guests are permitted to smoke on the roof terrace during permitted hours although this was closed during my observations. There is also a basement light-well smoking area which did not appear to have any impact on the street or noise levels. I observed only a small number of people smoking in the vicinity of the premises and no noise or nuisance

was generated. Drinks are not permitted to be taken outside by those smoking which reduces the potential for noise and loitering in the street.

24. There is an historical dispersal policy as part of the previous operational management plan for the premises when it was proposed as Gleneagles private members' club. This is a comprehensive guide and there would be value in updating this, with particular reference to the dispersal, proposed changes to the hours and the reduced maximum premises capacity after 01.00 hours of 425, excluding staff, which will aid gradual dispersal.
25. Overall I found the premises and immediate vicinity outside to be well managed with a high level of staffing and it had little impact on the surrounding area at any time that I conducted my observations, despite the current building works. I recommend updating the operations and dispersal policy and I am confident that, should the premises be permitted to extend the hours of the basement and lower ground floor to the whole of the premises, and taking account of the reduced capacity after 01.00 hours to 425 excluding staff, this will not have an adverse impact on the promotion of the licensing objectives.

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Independent Licensing Consultant,

14/07/2023.



## Appendix 3

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/09669/LIPN	New premises licence application	23.10.2017	Granted under delegated authority
21/07328/LIPDPS	Vary DPS	13.08.2021	Granted under delegated authority
21/07496/LIPVM	Minor variation to: Update the layout of the premises. Remove works conditions Update the name of the premises to '6 Grafton Street' No changes to the capacity, hours or activities.	18.08.2021	Granted under delegated authority
21/11719/LIPRW	Removal of works conditions	21.10.2021	Granted under delegated authority
22/00945/LIPV	Full variation application to vary the permitted hours for licensable activities on the Roof Terrace only until 23:30 Monday to Sunday	02.03.2022	Granted under delegated authority
22/11947/LIPVM	Minor Variation application to amalgamate existing capacity condition 34 & 35. The application does not propose any changes to licensable activities, permitted hours or any other licence conditions.	11.01.2023	Granted under delegated authority

Application	Details of Application	Date of event	Decision
23/03387/LITENP	Temporary Event Notice for 65 persons on the Lower Ground floor until 04:00 hours.	09.06.2023	Event allowed to proceed
23/03386/LITENP	Temporary Event Notice for 135 persons on the Ground Floor until 04:00	09.06.2023	Event allowed to proceed
23/03385/LITENP	Temporary Event Notice For 65 persons on the 4 <sup>th</sup> floor.	08.06.2023	Event allowed to proceed
23/03383/LITENP	Temporary Event Notice for 135 persons on the 1 <sup>st</sup> Floor until 04:00 (regulated entertainment and LNR only)	09.06.2023	Event allowed to proceed
23/03382/LITENP	Temporary Event Notice for 170 persons on the basement Floor 02:30 to 04:00	09.06.2023	Event allowed to proceed
23/03389/LITENP	Temporary Event Notice For 100 persons on the 3rd floor.	09.06.2023	Event allowed to proceed
23/03388/LITENP	Temporary Event Notice For 100 persons on the 2nd floor.	09.06.2023	Event allowed to proceed
23/01248/LITENP	Temporary Event Notice Private Members Only Event - no general members of the public. 120 persons until 02:30 on the ground floor	17.03.2023	Event allowed to proceed
23/01246/LITENP	Temporary Event Notice For 60 persons on the 4 <sup>th</sup> floor. Private Members Only Event - no general members of the public	16.03.2023	Event allowed to proceed
23/00088/LITENP	Temporary Event Notice 200 person in the basement 01:00 to 03:00	13.02.2023	Event allowed to proceed
22/11555/LITENP	Temporary Event Notice 220 person in Basement, Ground, First and Second Floors for annual Christmas Party	16.12.2023	Event allowed to proceed
22/07179/LITENN	Temporary Event Notice for 60 persons.	05.08.2022	Event allowed to proceed
22/05298/LITENP	Temporary Event Notice for 65 persons on the 4 <sup>th</sup> Floor terrace.	22.06.2022	Event allowed to proceed

**There is no appeal history for the premises.**

## **Appendix 4**

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

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

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

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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

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

11. Licensable activities shall only be provided to:
  - (a) members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 24 hours between their nomination or application for membership and their admission.
  - (b) persons attending a pre- booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises for 31 days and made available for immediate inspection by police or an authorised officer of the Council.
12. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
13. 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.
14. 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.
15. 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. It must be completed within 24 hours of the incident and 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.
16. 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.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
19. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.

20. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
21. 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. 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.
23. 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.
24. 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.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. 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.
34. Unless otherwise agreed in writing with the Metropolitan Police, there shall be:
  - a) A minimum of 2 SIA licensed door supervisors after 9pm; and
  - b) A minimum of 1 SIA licensed door supervisor at all times.
35. All SIA door supervisors shall display appropriate SIA identification.
36. There shall be no drinks taken from the premises onto the public highway.
37. Loudspeakers shall not be located in the entrance lobby or outside the premises building including the external terrace.

38. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
- (a) Basement: 150
  - (b) Lower Ground Floor: 100
  - (c) Ground Floor: 120
  - (d) First Floor: 120
  - (e) Second Floor: 100
  - (f) Third Floor: 100
  - (g) Fourth Floor Terrace: 60
- Subject to an overall maximum of 600 at anyone time.

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

None.

**Conditions agreed with the Metropolitan Police Service.**

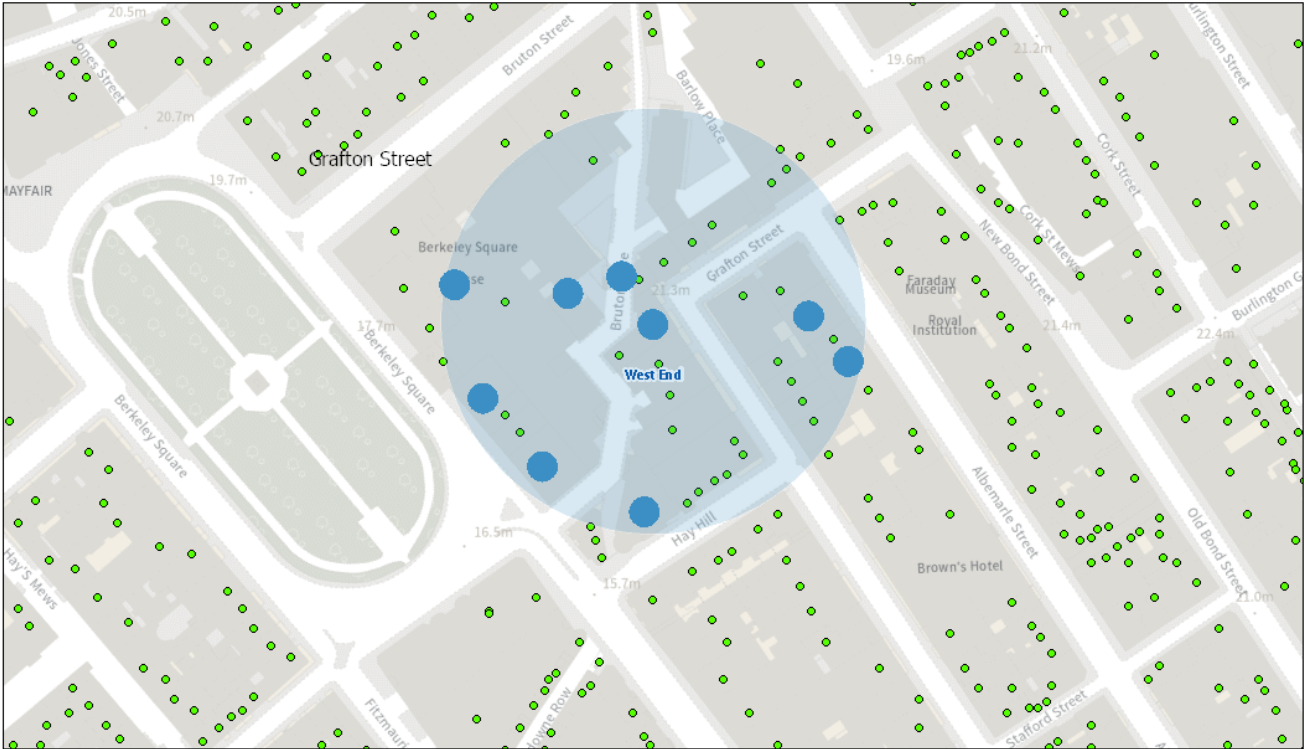
39. (MC99) A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

**Conditions agreed with an interested party.**

40. Apart from a maximum of four pre-arranged members events per annum the maximum number of persons on the premises after 01.00 shall not exceed 425 excluding staff.

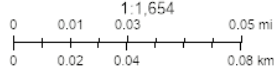


6 Grafton Street London W1S 4EQ



18/07/2023, 17:54:32

- Property Mailing List
- Ward Boundaries
- Borough Boundary - Detailed
- Borough Boundary - Mask
- Ward Labels



Resident Count: 5

**Licensed premises within 75 metres of: 6 Grafton Street London W1S 4EQ**

Licence Number	Trading Name	Address	Premises Type	Time Period
22/11947/LIPVM	6 Grafton Street	6 Grafton Street London W1S 4EQ	Club or institution	Monday; 08:00 - 00:00   Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:00   Saturday; 08:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 00:00   Sunday; 08:00 - 00:00
17/08787/LIPN	Warayaki, Starwash Building,	Bruton Lane London	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30
14/08468/LIPDPS	Mr Fogg's	15 Bruton Lane London W1J 6JD	Wine bar	Friday to Saturday; 08:00 - 02:30   Sunday to Thursday; 08:00 - 02:00
23/03046/LIPDPS	Area Of Land Next to Mr Foggs Residence	15 Bruton Lane London W1J 6JD	Public house or pub restaurant	Monday to Sunday; 09:00 - 23:30

23/03047/LIPDPS	Mr Foggs	15 Bruton Lane London W1J 6JD	Wine bar	Monday; 08:00 - 02:30   Tuesday; 08:00 - 02:30   Wednesday; 08:00 - 02:30   Thursday; 08:00 - 02:30   Friday; 08:00 - 02:30   Sunday; 08:00 - 00:30
21/04790/LIPVM	Oswalds	25 Albemarle Street London W1S 4HX	Restaurant	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 01:00
18/09579/LIPVM	Not Recorded	25 Albemarle Street London W1S 4HX	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
23/03003/LIPDPS	Sexyfish	4 Berkeley Square London W1J 6EB	Restaurant	Sunday; 08:00 - 01:00   Monday to Saturday; 07:00 - 02:00

22/02608/LIPDPS	Not Recorded	10 Berkeley Square London W1J 6AA	Not Recorded	Monday; 07:00 - 01:30   Tuesday; 07:00 - 01:30   Wednesday; 07:00 - 03:00   Thursday; 07:00 - 03:00   Friday; 07:00 - 03:00   Saturday; 07:00 - 03:00   Sunday; 09:00 - 01:30
19/11917/LIPDPS	12 Hay Hill Limited	Lower Ground Floor To Fourth Floor 12 Hay Hill London W1J 8NR	Office	Not Recorded; XXXX - XXXX
22/01058/LIPDPS	Isabel Mayfair	26B - 26C Albemarle Street London W1S 4HY	Not Recorded	Sunday; 08:00 - 23:00   Monday to Saturday; 08:00 - 02:30
15/08436/LIPN	Sumosan	26B Albemarle Street London W1S 4HY	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 09:00 - 01:30

17/10979/LIPN	Warayaki	Development Site At Berkeley Square House 6-19 Berkeley Square And 17 - 20 Bruton Street London	Not Recorded	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 01:30   Sundays before Bank Holidays; 10:00 - 01:30   New Year's Eve; 10:00 - 00:00   New Year's Day; 00:00 - 01:30
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