



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

16/02361/LIREVP

Date:

28 April 2016

Classification:

For General Release

Title of Report:

**Charlie Berkeley
15 - 16 Berkeley Street
London
W1J 8DY**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**David Sycamore
Senior Licensing Officer**

Contact Details:

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APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	The Metropolitan Police Westminster Licensing Team	Date Application Received:	3 March 2016
Premises Name and Address:	Charlie Berkeley 15 - 16 Berkeley Street London W1J 8DY		
Ward Name:	West End	Cumulative Impact Area:	No
Description of Premises:	Charlie Berkeley is a night club located in Mayfair. It re-opened in 2015 as its current incarnation.		
Preliminary Note:	<p>The review has been brought due to the premises coming to the attention of the Police as the result of a serious criminal incident occurring at a different premises. It is alleged that poor management at this premises led to a person becoming vulnerable due to high level of intoxication.</p> <p>The premises have now instructed a different legal representative, which has had a bearing on the Police position in relation to the review this is set out in the Police supporting documents.</p>		

2. SUMMARY OF APPLICATION

- 2.1 An application to review a premises licence was submitted by Sgt Hoppe of the Metropolitan Police, Westminster Licensing Borough on the 3rd of March. The review relates to Charley Berkeley of 15-16 Berkley Street, London, W1J 8DY. The review is in relation to the licensing objectives of the Prevention of Crime and Disorder and Public Safety. Appendix 1 to 1i.
- 2.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.4 The premises currently benefits from a premises licence that permits:

Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 22:30
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted

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

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

Sundays before Bank Holidays: 23:00 to 03:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 03:00

- 2.5 These review proceedings are brought under the licensing objectives on the grounds of the Prevention of Crime and Disorder and Public Safety. The Metropolitan Police engaged with the venue and Solicitor after an alleged serious offence occurred away from the venue, involving a person who left the premises. The Police have serious concerns about how intoxicated the person became during her time at the premises.
- 2.6 The Police requested 7 conditions added to the licence, and were happy to have this done by way of a minor variation, however this never materialised and this review was therefore submitted.

3. REPRESENTATIONS:

- 3.1 5 local residents support the review on the grounds generally of prevention of Crime and Disorder and Public Safety. Appendix 2.

4. OPTIONS:

- 4.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

List of Appendices:	1 – Police application and submission PEH 1 – 8. 1i – Police late submission and PEH 9 (Restricted) 2 – Resident comments. 2i - Resident further comments 3 - Licensing History and Appeal. 4 – Current Licence Conditions
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (6th January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Paul HOPPE PS 180CW..... URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 216416

This statement (consisting of: ... 11 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 9th March 2016.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am the above named person, currently the Licensing Sergeant for City of Westminster Police. This statement refers to the application for premises license review of Charlie Berkeleys Nightclub 15 Berkeley Street Mayfair London W18DY. I exhibit the review application paperwork as PEH/1.

I hold the office of Police Sergeant within the Metropolitan Police. I have been designated the responsibilities of Licensing officer by the Commissioner of the Metropolis through the Westminster Borough Commander. I have held this position since July 2015. Previous to this position I have been a neighbourhood Policing Sergeant on two Wards; one in Westminster and one in Islington. I have also been a licensing officer for Islington Borough, Town Centre Officer, Police self-defence instructor and response team officer. I am qualified to BIIAB Level 2 Practitioner.

This statement relates to the circumstances behind the Police request to Westminster City Council to review the premises licence at Charlie Berkeleys nightclub 15 Berkeley Street Mayfair London W18DY on the grounds of Prevention of Crime and Disorder and Public Safety, triggered by a serious sexual assault on a female customer on New Years Eve 2015/ 2016.

There has been considerable engagement with the venues management and licensing advisors.

History:

Charlie Berkeleys was, until August 2015 called Funky Buddha's. To give an overview of crime at the venue, Police have carried out an intelligence search on Crime Reporting Information System (CRIS) and the following crimes of note have been recorded.

There is nothing particularly outstanding in the figures below and in all honesty, although there was a 'call for service' to Police, many of the crimes were not investigated past the initial investigating stage. The exceptions are [redacted] and some of the assaults.

It should be noted however, that a considerable number of the investigators noted intoxication of both victims and

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suspects as a concern.

Crime	2013	2014	2015
ABH	1	4	2
GBH	1	1	1
Common Assault	1	3	1
Theft	18	18	11
Affray	1		
Sexual Assault	1		
Public Order Offences (not Affray)			
TOTAL	23	26	16

Note - the venue was closed for approximately four months in 2015

Of note however:

In the early hours of 26th June 2013 a lone, drunk, vulnerable female customer was sexually assaulted outside after spending the evening at the venue and leaving alone (Crime reference number [REDACTED]). This is very similar to the events which have triggered this review. It appears from the investigation that the only reason the suspect left the victim was when he was disturbed by a witness. The victim failed to engage with Police and the matter was not progressed further than a brief secondary investigation. The venue has clearly not learned its lesson from this serious incident and it was only a matter of time before hit happened again.

Crime reference number [REDACTED] Door Supervisor was charged with Common Assault after an altercation on the front door. This is of concern as door supervisors are trained in conflict management and it is uncommon for a door supervisor to be charged by Police as it could mean the end of his career as a door supervisor.

Incident on New Years Eve 2015/ 2016:

CCTV has been provided by the venue and has been exhibited in this statement (PEH/2, PEH/3 and PEH/4). At 2112.47 hours a white male with dark hair and beard wearing a three-piece suit (MALE A) can be seen entering through the front door of the venue with a door supervisor (this same male also comes in the following day 2nd February 2016 at 2243.44 camera 5 with the same door supervisor). This male follows the door supervisor through the venue to where the door supervisors are gathered and where they hold their briefing before starting work. The two males are now known to be flatmates. At 2114:16 hours MALE A can be seen shaking hands with most of the door supervisors working that night. It is clear they all know him. The male leaves the briefing room before this starts, but doesn't leave the venue.

The female victim wearing a white dress carrying a dark bag is seen entering the venue via the front door with a

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male (MALE B) at about 0027:05 hours. She appears to be sober and steady on her feet. Due to one (1) of the four (4) breaches of Annex 2 Conditions, Condition 30 (CCTV Condition), balloons celebrating New Years Eve make tracking the movements of the female inside the venue difficult. She is helped out of the venue by MALE A who is seen earlier entering with a door supervisor. It is clear that she is now very intoxicated. She has not left the venue all night and has become this way while being supplied alcohol at the venue. The venue have stated waiters are on each table to ensure customers do not become intoxicated.

The female victim is seen on CCTV leaving the venue with MALE A at 0400:33 hours. The female can clearly be seen to be unsteady on her feet and has to be almost carried out of the venue by MALE A seen earlier entering with the door supervisor. MALE A stands with the female victim, holding her up outside the venue for a few minutes and then at 0402:52 hours can be seen dragging her across the road [REDACTED]

At [REDACTED] MALE A identifies himself to the security team as a "Doorman from Charlies". It is known from viewing CCTV from another venue that MALE A telephones his flat mate, the door supervisor from the venue.

At 0410.45 the door supervisor is seen on his phone outside the venue, he goes back inside and then at 0411.16 he comes back outside on his phone and at 0411.28 meets MALE A in the middle of the road. They have a short discussion and then both males then go back to the other venue where MALE A has left the victim. At 0415.06 the door supervisor come back to the venue and greets other staff who are leaving. He goes back inside the venue. At 0415.57 the door supervisor comes out again on his telephone and appears to be waiting for MALE A as he keeps looking over the road towards the other venue. He indicates with his hand to another door supervisor to the other venue. At 0419.05 hours MALE A can be seen crossing the road back towards the venue. He is on his phone and goes right off the screen towards where his flatmate the door supervisor goes. MALE A has left the vulnerable victim in the other venue. It is because of this action that the female is later seriously sexually assaulted by a stranger.

Crime Investigation (Crime Reference [REDACTED])

The victim reports the assault to Police the following day after waking up naked in a confused state [REDACTED] alone. She does not know what has happened other than she feels she has been violated and was unable to consent. She has little memory of the night before. She also finds that her expensive (£11000) watch has been stolen. A criminal investigation begins and forensic evidence is gathered by Police. During the early stages, the venue supplies CCTV to the specialist sexual offences officers from a Police unit called SAPPHIRE. These officers contact Westminster Licensing Police due to the fact that the management team at Charlie Berkeleys cannot identify MALE A (the male who has taken the female victim out of the venue). The management team cannot be sure whether he is staff or not and it appears at this time that staff are protecting him.

On Thursday 7th January 2016 Westminster Licensing Police visit the venue and view and seize CCTV.

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Licensing Officers persuade the managers present to contact [redacted] to ascertain whether MALE A was working or not as a door supervisor on New Years Eve. It was confirmed that he does not work at the venue and was not working that night. Later investigations with the SIA discover that this male has *never applied for a door supervisors badge with the Security Industry Association and is not a door supervisor.*

As the initial Police criminal investigation progressed, it is an unwritten policy, usually agreed with the officer in the case (OIC) that Licensing officers would take 'second string' and follow the criminal investigation. This means that Licensing Officers maintain contact with the OIC and do not take action unless agreed with the OIC.

The victim agrees to assist Police and the suspect is identified. He is arrested and interviewed. As this is an ongoing investigation, the details of this portion of the investigation cannot be revealed at this time. There is however, concern that the suspect has links to a famous, outspoken sports person.

Once this was identified, Licensing officers were concerned that any action taken could negatively affect the venues reputation.

Licensing Investigation:

As explained above Licensing officers follow the criminal investigation and do not take action unless agreed with the OIC as any action they take may prejudice the criminal investigation. However, Licensing officers must balance this delay in taking action against the fact that the venue is still open and the Licensing Objectives must be promoted.

PS Hoppe took statements from the security officers at the venue the victim was taken to by MALE A. The two officers clearly identified the fact that the male who carried the victim in to the hotel identified himself as a "Doorman from Charlies" [redacted] This is the only reason they allowed him in [redacted] as there is a premises license condition not to let anyone in after 0000 hours (midnight) - [redacted]

There was some considerable concern from Licensing Officers that Charlie Berkeleys continued to operate without making any changes to the operating schedule. On 2nd February 2016 PS Hoppe emailed the venues DPS outlining the areas that the venue should consider to tighten up their processes (PEH/5). It is clearly understood that Police cannot and will not demand a venue take action. The reply from the venue was non-committal.

On 10th February 2016 at 1420 hours PS Hoppe again emailed the DPS re-iterating his concerns that the issues he identified had still not been addressed in a formal way (PEH/5). Again the venues reply was non-committal.

On 12th February 2016 1807 hours PS Hoppe sent a third email, specifically outlining seven (7) premises license conditions which he requested the venue consider to promote the Licensing Objectives and demonstrate learning. PS Hoppe also pointed out that there was no acceptance of guilt by adopting these conditions. He even explained this could be done simply by way of minor variation application. The venues response was that the conditions had been unofficially adopted. PS Hoppe was concerned that the venue was not taking this situation seriously and

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license to make the license more beneficial for his clients; the owners of the venue. PS Hoppe reminded the meeting that there had been four (4) (actually five (5)) breaches of premises license conditions on the night which lead to [redacted] of a vulnerable (drunk) customer of the venue and that the venue continued to operate. He was also concerned that the venue was looking to remove Conditions after it had failed to achieve them which he considered inappropriate. PS Hoppe also stated he was concerned that if a similar incident happened before action had been taken, there would be considerable criticism of the venue, Police and the Council for not taking action to ensure measurable processes were put in place to protect customers and prevent crime and disorder. Mr [redacted] kept returning to the fact that he wished to "Make the conditions better than you (PS Hoppe) had written". This comment meant a full application which could take a considerable amount of time to be approved. PS Bunch and PS Hoppe both agreed that the premises licence could be looked at in the future after an application was made, but it was the serious incident on the 31st December 2015 that had to be dealt with first and the failings on that night. The meeting eventually closed with Mr [redacted] agreeing that he would have an answer on the seven (7) conditions by lunchtime Wednesday 24th February 2016. This was because PS Hoppe was out of the office after this time for six (6) days and he wanted some measurable, recordable action taken before he was away for such a long period of time.

- Submitted Work:

After the above meeting Mr [redacted] completed a considerable amount of work. He carried out a full review of the current premises license and made alterations to conditions he felt was appropriate to benefit the venue; his clients. Unfortunately this is not the work that PS Hoppe had requested. All PS Hoppe had requested was consideration of the seven (7) conditions to prevent a similar incident as to the New Years Eve [redacted]

At about 1300 hours on Wednesday 24th February 2016 Mr [redacted] telephoned PS Hoppe to tell him that he had carried out this full review of the premises license and he felt that this was going to make PS Hoppe's life easier. PS Hoppe spent around forty-five (45) minutes trying to explain to Mr [redacted] what had already been discussed; being that PS Hoppe would consider any application made, the situation at hand was the most important; being to resolve the holes in management practise, preventing further [redacted] and breaches of the existing Premises License Conditions.

This piece of work from Mr [redacted] arrived by email at 1433 hours on Wednesday 24th February 2016 which was at least an hour and a half after it was promised. The work consisted of a complete premises license review by Mr [redacted] and the removal of conditions which had been previously added due to issues in the venue.

PS Hoppe telephoned Mr [redacted] and told him clearly that while he appreciated the work, it was not what was required at this time. At a subsequent meeting with Westminster City Council, it was agreed that due to the scale of changes, this application would have to be a full variation. PS Hoppe indicated at the time of this telephone

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had allowed the events which led to the serious sexual assault of one of their customers. Therefore the only way to demonstrate learning and promote the licensing objectives was to add these conditions which could be monitored. PS Hoppe also felt it was appropriate to inform the venue that he would consider alternative wording to these conditions but nothing was forthcoming.

On Thursday 18th February 2016 PS Richard Bunch, the second Licensing Sergeant telephoned the DPS Mr Paul Smith and left a message requesting he attend a meeting on Monday 22nd February 2016 at 1100 hours to discuss the suggested conditions. By lunchtime Friday 19th February there was no reply. PS Hoppe telephoned and left a second message again requesting Mr Smith contact Licensing police to confirm the meeting on Monday 22nd February. Another weekend was about to pass so at 1930 hours PS Hoppe emailed the Licensing Officer on duty that weekend the 19th - 21st February 2016, PC Mike Day, copying Mr Smith into the email stating that if the venue failed to engage with Police on this matter, PS Hoppe would have no option other than to take enforcement action (PEH/7). This appeared to stimulate the DPS into action and on Monday 22nd February 2016 at 1100 a meeting was held at the Council Offices City Hall Victoria. In attendance were: PS Hoppe, PS Bunch, Mr Paul Smith DPS, Mr [redacted] solicitor for Charlie Berkleys and Mr [redacted] solicitor for Charlie Berkleys.

Meeting on 22nd February 2016:

The meeting on 22nd February 2016 at 1100 at Council Offices City Hall Victoria was called by PS Hoppe to discuss whether the venue management were prepared to accept the suggested conditions he had made as there was still no discernable action taken on behalf of the venue. PS Hoppe explained this in his opening comments and also the fact that these suggestions had been brought about by the [redacted]. To this Mr [redacted] asked "Was it a serious [redacted]" PS Hoppe was incensed by this naïve comment and challenged Mr [redacted] remark. Mr [redacted] admitted this was not an appropriate comment and apologised for his choice of words.

From this point Mr [redacted] introduced the idea of making major changes to the premises licence. He insisted on discussing that the premises licence conditions and the fact that he felt that many were now obsolete. PS Hoppe reminded Mr [redacted] that he had called this engagement meeting to discuss the very simple seven (7) suggested conditions and whether his clients would accept them or wished to consider them and make some brief changes. Mr [redacted] insisted on trying to discuss what would have amounted to a full variation. PS Hoppe tried to keep the conversation on subject and reminded the meeting that this was a serious incident and that he had been engaging with the venues management through email which appeared to have been ignored. At this point Mr [redacted] stated that he was not really prepared for the meeting as he had not had sight of the email chain. PS Hoppe presented him with a copy of this email chain, but Mr [redacted] refused to read it there and then and repeated that the had only been instructed on Friday evening and was not prepared for the meeting. These comments did not add value to the conversation as it appeared that Mr [redacted] was only prepared to discuss major changes to the premises

Signature: [Handwritten Signature] PS 180CW Signature witnessed by: [Redacted]

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door supervisor on 2nd January 2016 at 2243.44 hours. He again greets working door supervisors in the briefing room. The venue has provided CCTV from other nights, but MALE A cannot be seen entering on other occasions.

3) MALE A does not have his identification scanned as required by Annex 2 Condition 36. Initially venue management did not know who this male was. It was only because Police Licensing insisted on investigating him did his identity become known.

4) MALE A is not searched as required by Annex 2 Condition 37.

5) The victim is clearly *not* intoxicated on entry. She becomes intoxicated while in the venue. According to the crime report the victim believes she had very little to drink and may have had her drink spiked. This is very possible if MALE A who has contact with her, has not been searched.

6) The venue management claim to have waiters at each table, supposedly to ensure customers do not become too intoxicated. At no point was the victim identified as vulnerable or intoxicated by staff.

7) By its own admission, the venues management accidentally covered some CCTV cameras with balloons to celebrate New Years Eve. This is a breach of Annex 2 Condition 30.

8) The female victim was 'picked up' by MALE A inside the venue and taken outside. He supports her as he walks her to another venue [REDACTED] As he gets to the entrance, he identifies himself as a "Doorman from Charlies". This is the only reason security let him in. He is *not* and has *never been* a holder of an SIA licence.

9) When MALE A takes the victim out of Charlie Berkleys, other staff take a 'double look' at the couple. No one appears to identify this female as vulnerable or question MALE A.

10) MALE A telephones his flatmate (a door supervisor at the venue) and this door supervisor is seen on CCTV coming over to where MALE A has taken the victim. At no point does the door supervisor report this vulnerable customer to the management of Charlie Berkeleys.

11) Many of the door supervisors working outside the venue are not wearing their hi-visibility jackets. A breach of Annex 2 Condition 32.

12) At the end of the night there are not two SIA door supervisors and a manager outside the venue for an hour. A breach of Annex 2 Condition 39.

13) The door supervisor who allowed MALE A to visit the venue at least twice, thus breaching two Conditions - 36 and 37 was supposedly the 'joint' head doorman for the night because the regular head door supervisor was not working. This demonstrates a total lack of respect by the contracted door company for the venues management. It also demonstrates a lack of management control over the door supervisors.

14) This is not the first time this venue has had an incident similar to this. See Crime Reference [REDACTED] where a vulnerable female customer was [REDACTED] after being allowed to leave the venue alone.

15) There has been considerable engagement from the Police with this venue. There has been:

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call that he felt this would be the case and he did not have the time to consider such a huge piece of work, particularly due to its late arrival.

PS Hoppe followed this up by email see PEH/8.

Meeting on Wednesday 2nd March 2016:


While PS Hoppe was off duty between 24th February 2016 and 2nd March 2016, Mr . telephoned PS Bunch and arranged a further meeting regarding work he had done (see section above entitled - Submitted Work). Prior to this meeting PS Hoppe met with PS Bunch, Mr David Nevitt (Environmental Health) and Ms Claire Hayes (Licensing) from Westminster Borough Council. The purpose of this meeting was to ascertain whether it was necessary for all parties to meet with Mr . It should be remembered that there had been considerable consultation with Police by face to face meeting, telephone and email. PS Hoppe fully explained the historical issues and what he was trying to achieve by suggesting the seven (7) conditions. It was unanimously agreed at this meeting that there was no requirement for everyone to attend as the premises license changes that Mr : was suggesting amounted to a full variation and as such would have to be made by application. There was also a concern that Mr was attempting to use this meeting as a pre-application advice session which is a paid-for service offered by Westminster Council.

The meeting was held in City Hall, attended by PS Hoppe, PS Bunch and Mr : . At this meeting PS Hoppe introduced the that fact that he was running the investigation into the events on New Years Eve and that the Police Licensing Team were responsible for more than 3500 licensed premises and this venue had taken up a considerable amount of time. He clearly asked Mr whether his clients were accepting the suggested conditions or not. Mr refused to answer this question and PS Hoppe had to push for an answer. Once Mr had replied that his clients were not prepared to consider the suggested conditions, PS Hoppe had no other choice other than to close the meeting. This upset Mr , but as PS Hoppe stated, this was not intentional, but he did not have any more time to discuss the managements refusal to adopt his suggested conditions and he could not spend the time listening to a full variation. It appeared that Mr : was upset that the Council Officers did not attend. It appears this is because he wanted advice on his full variation.

Summary of Concerns:

There are a number of concerns which have been highlighted by this serious incident:

- 1) The venue allows MALE A into the venue when it is closed. He is not a member of staff nor a paying customer. MALE A then goes to the door supervisors briefing room and greets the other door supervisors. They know he is in the venue before it opens, but do not inform the management. In the light of the recent Paris attacks, which only happened weeks before, it is expected that venue security would be of utmost importance.
- 2) Having watched CCTV from the next working night, MALE A is seen coming in again with his flatmate, the

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- 1 visit to the venue on 7th January 2016 when Police informed the venues management of their concerns, viewed CCTV and persuaded management to obtain the name of MALE A.
- 1 meeting at City Hall with Management team on 3rd February 2016 at City Hall where PS Hoppe explained that he was still investigating, but he would require some action to demonstrate learning.
- 1 meeting at City Hall with the Management team and their licensing advisor on 22nd February 2016.
- 1 meeting at City Hall with the venues licensing advisor alone.
- A number of emails between Police and the venues management.
- Countless phone calls between Police and the venues management and licensing advisor.

On every occasion Police have given the venue the opportunity to understand the serious failings at the venue which led to a vulnerable customer being seriously sexually assaulted. The venue's only response has been to apply for a full variation to *remove* conditions.

16) There are serious concerns from Police that the venue, its management team and the licensing advisor are not taking this situation seriously by delaying taking action. This incident happened more than two months ago and the venue still trades without making any measurable / enforceable changes to its operation. There is concern that the venue has not taken steps to tighten its management controls.

17) Police have been clear with the venue that there is a potential for adverse publicity attached to this incident as the suspect who has been arrested, but not yet charged, is a family member of a well-know, controversial sports person. Police have suggested the venue add seven (7) proportionate conditions to their licence to demonstrate learning. The venue has refused.

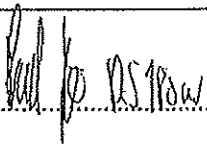
Supporting Policy Statements:

1) The location of Charlie Berkeleys on Berkeley Street could be considered a mini-Cumulative Impact Area. There are a number of venues in the immediate vicinity (within 100 meters) which have late licenses:

- NOBU - 0200 hours
- MAYFAIR HOTRL (& BAR) - 0100 hours
- FIFTY 9 Berkley Square - 0300 hours
- NOVIKOV - 0130 hours
- MAYFAIR CLUB - 0600 hours
- PALM BEACH CASINO - 0600 hours
- MAHIKI - 0300 hours

Although this venue is not in a Cumulative Impact Area, due to the nigh density of high-profile late-licensed (out of core hours) venues, Police feel that revised Guidance paragraph 13.33 applies. Therefore Police are requesting a reduction in hours to reduce the amount of time customers can purchase alcohol, in comparison with other

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venues close-by.

2) Police feel that the seven (7) premises license conditions suggested to the venue meet the proportionality test as described in 10.10 of the Revised Guidance and 3.1 of the Westminster City Council Licensing Policy:

3) Section 3.2 of the Westminster City Council Licensing Policy document refers to the approach Police have followed in this matter. There has been considerable engagement with the venue which has not only outlined the crime that has occurred due, in part to poor management at the venue, but also breaches of existing Premises License Conditions.

4) Regarding section 11.10 of the Revised Guidance, Police have given the venue and its agents considerable opportunity to remedy the issues revealed during the investigation. Police have also given a clear indication on the steps that could be taken to address the concerns of Police. However the venue has refused to co-operate.

Summary:

A vulnerable customer of Charlie Berkeleys was [redacted] after being removed from the venue by a male who lied about being a door supervisor. This male had been allowed into the venue at least twice without any checks, by a legitimate door supervisor.

Police have fully engaged with the venue and after initially pointing out the failings, suggested seven (7) proportionate conditions. The engagement has been all one way from Police. The venue has refused to deal with the immediate serious issue and has, since the review was applied for, made an application for a full variation. It is unbelievable that the venue has failed to achieve up to five (5) license conditions on one night but is seeking to remove Conditions by way of a full variation. It is the belief of Police that this application would never have been made if this incident had not happened.

Police have done everything possible to avoid this review, but the venues licensing advisor appears intent on appearing before the Westminster Licensing sub-Committee.

Police shall be objecting to the full variation on the grounds of Prevention of Crime and Disorder, Public Safety and the contents of this review statement.

Considering all the facts as explained above Police feel that there has been a breakdown in working partnership with the venue due to the reluctance to take Police advice, or not offer appropriate alternatives. For this reason Police have no hesitation in requesting the Licensing sub-Committee:

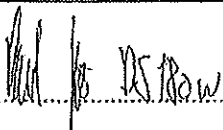
1) Add the seven (7) conditions suggested by Police to the premises licence to promote the licensing objectives and demonstrate learning.

2) Remove the DPS.

3) Reduce the terminal hour for all licensable activities to:

Monday to Thursday 0100

Signature:



Signature witnessed by:

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Friday and Saturday 0200

Sunday 0000

While there has been a considerable amount of crime in the past two years, Police are not in a position to support a request for the suspension or revocation of the premises licence at this time, based on the evidence currently available.

Exhibits:

Review application paperwork is exhibited as PEH/1. Summarised CCTV of this incident is exhibited as PEH/2. A full copy of the CCTV is exhibited as PEH/3. A transcript of the CCTV is exhibited as PEH/4. Still image of male carrying victim is exhibited as PEH/5. Email chain PEH/6. Email from PS Hoppe - enforcement action PEH/7. Email regarding work done by Skeens 24th February 2016 - PEH/8.

Paul Hoppe PS 180CW

Signature: *Paul Hoppe PS 180CW* Signature witnessed by:

Witness contact details

Home address: Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female-(delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): Station:
Time and place statement taken:

PEN/1
 Form 691



TOTAL POLICING

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Westminster Licensing Police
 apply for the review of a premises licence under Section 51 of the Licensing Act 2003
 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
Charlie Berkleys (licence held as Funky Buddha)

Post town: London Post code: W1J 8DY
 (if known)

Name of premises licence holder or club holding club premises certificate (if known):
Porchshire Ltd, HAO 1SU

Number of premises licence or club premises certificate (if known):
15/07202/LIPDPS

Part 2 - Applicant details

I am:

		Please tick Yes
1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

1439

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:				First Names:					
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:						Post code:			
Daytime Tel. No.:						Email: (optional)			

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
Westminster Licensing Police 4th Floor City Hall 64 Victoria Road SW1E 6QP	
Telephone Number (if any):	0207 641 6016
Email address: (optional)	

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
There is an ongoing criminal investigation linked to this review application and as such all information contained within this application should be treated as confidential so as not to prejudice the investigation. The Officer in the case has been informed of this premises license review application and is fully supportive.		
This review is being requested to Prevent Crime and Disorder and to Protect the Public Safety after a vulnerable female customer was seriously sexually assaulted due to the actions and then inactions of the venue.		
There has been considerable engagement (always instigated by Police) with the venue, but the venue refuses to add proportionate, reasonable Conditions to the Premises License to demonstrate learning and promote the Licensing Objectives.		

PROTECTIVE MARKING

On the evening of 31st December 2016 into the early hours of the morning of 1st January 2016 a female customer of Charlie Berkleys nightclub (previously known as Funky Buddha) was [REDACTED]. She is shown on CCTV evidence provided by the venue entering in an apparently sober state at about 0030 hours. She became intoxicated while in the venue and at about 0400 hours was helped out of the venue by a male who claimed to be a member of door staff - but is not a suspect (Crime reference number 650381/16 refers). The suspect has been identified and arrested and is currently on bail. The suspect has family links to a famous sports person, but this fact has no bearing on this review application.

Since the incident, the venue was initially helpful in providing CCTV of the incident and details of door supervisors working on the evening in question. Police have carried out a proportionate licensing investigation during which time a number of areas for learning has been identified and explained to the venue.

Police have instigated three face to face meetings with the venue management, the DPS and their licensing advisor. There have been a number of emails sent from Westminster Licensing Police to the venue management and their licensing advisors in an attempt to encourage the venue to demonstrate learning and promote the licensing objectives by adding the suggested Conditions or similar to the premises licence, however the venue has refused to consider the suggested Police conditions. This review is therefore requested to add Police conditions to the Premises Licence.

The issues identified by Police and emailed to the venue were:

- 1) Door staff appear to all know the male who could have been working on the evening of 31/12/2015, yet no one speaks up or informs management that he is in the venue when it is still closed to staff. This could be a Counter Terrorism issue.
- 2) This male takes it upon himself to help the female from the venue and take her to a [REDACTED] where he tells doors staff there that he is a Door Supervisor from the venue. The only reason he is let in with her is for this reason.
- 3) The venue CCTV is satisfactory, but balloons are covering cameras in some locations. This means that the CCTV condition is not achieved as coverage of the venue is not complete.
- 4) The female is a vulnerable person as she is not capable of making her own way home. She is not identified by your staff as a person who needs some assistance. Please consider vulnerability training for all staff.
- 5) There were four (4) breaches of Licence Conditions that night:

Annex 2 - Conditions 32, 36, 38, 39:

(32) All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

(36) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

(37) All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by SIA trained member of staff and monitored by premises CCTV system.

(39) A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.

There is a further breach which has not as yet been focussed upon being Annex 2 Condition 30 which is the CCTV condition. This is because there were balloons on the ceiling masking the CCTV camera coverage.

In an email on 2nd February 2016 Police requested some accountable action to be taken by the venue management team after the licensing investigation was complete. Nothing of substance was forthcoming.

On 10th February 2016 Police again emailed the DPS and management team re-stating the seriousness of the incident and requesting swift action. Again there was no measurable action taken.

On 12th February 2016 Police sent an email clearly outlining suggested Conditions (See attached). These would satisfy Police that the Licensing Objectives are being promoted and learning has taken place.

This venue has remained open throughout and no measurable action has been taken. The venue is located in an area where there are a large number of licensed premises. It is the opinion of experienced Licensing Police that if the above Premises License Conditions had been adhered to at the time of the incident and if the suggested conditions had been in place, this heinous crime would not have occurred.

It is clear that the venue had a number of opportunities to prevent this crime:

- 1) Identifying the vulnerable customer in the venue and preventing them from getting drunk inside
- 2) Preventing the vulnerable customer being taken away by a person not scanned or signed into the venue; claiming to be staff
- 3) Ensuring this vulnerable customer got home safely in a taxi
- 4) Ensuring the male who entered with the door supervisor was scanned or signed in and searched before entry

Police therefore respectfully request the Licensing sub-Committee add the attached seven (7) conditions to the premises licence. However Police would also invite the Committee to consider reducing the venues hours by one hour to 0200 to reduce the time customers have for getting drunk, removing the DPS and also to remove the ability for the venue to sign in customers from Annex 2 Condition 36 so that every customer will have to produce ID to enter the venue.

PROTECTIVE MARKING

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

PROTECTIVE MARKING

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 6 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

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

Signature:



Date:

02/03/2016

Capacity:

Westminster Licensing Police

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Post town:

Post code:

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

Notes for Guidance

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

Retention Period: 7 years
MP 321/12

Charlie Berkleys

Suggested Police Conditions
For Incident on NYE

- 1) All staff (including contracted staff) to be trained in identifying 'vulnerable people'. This training to be signed for by each member of staff and a copy held on each member of staff's personal record for inspection by Police or other authorised officer.
- 2) All door supervisors are to present their personal SIA identification badge to the Duty Manager before starting work. All door supervisors will PERSONALLY enter their all their details into the door supervisors log sheet and sign the sheet.
- 3) All CCTV cameras will be fully functional as per Annex 2 Condition 30. There shall be no obstruction, temporary or permanent covering the full recording angle of every camera.
- 4) No persons shall be permitted to enter the venue before the official opening time, unless they are:
 - Staff (who are on duty that night. No off-duty staff shall be allowed)
 - Contractors carrying out work for which they have authorisation from the management team
 - Police or authorised officers
 - Persons who have privately hired the venue and are dressing the venue for a private event
- 5) There shall be a written process for dealing with 'vulnerable people'. This process shall be reviewed every year from <date> and signed each year as current by the DPS.
- 6) All persons signed in by the management team (as per Condition 36) shall provide photograph identification to the countersigning manager who shall clearly record:
 - First Name - Last Name - Date of birth - Address - Type of identification and number (for example passport number)
- 7) The venue shall enter into an agreement with a Hackney Carriage or Private Hire Company to provide a contact number of the Company for customers of the venue. The venue shall record every attempt to obtain transport home for customers on their behalf.

The above Conditions are suggested for Charlie Berkleys and are intended for the premises license review dated 02/03/2016

Signed..... *[Signature]* Print..... *P. NOME* Date..... *02/03/2016*

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)
If yes, please state the date of that application:	Day Month Year
If you have made representations before relating to this premises please state what they were and when you made them:	

PROTECTIVE MARKING

[Large empty rectangular box for protective marking]

Please tick Yes	
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>

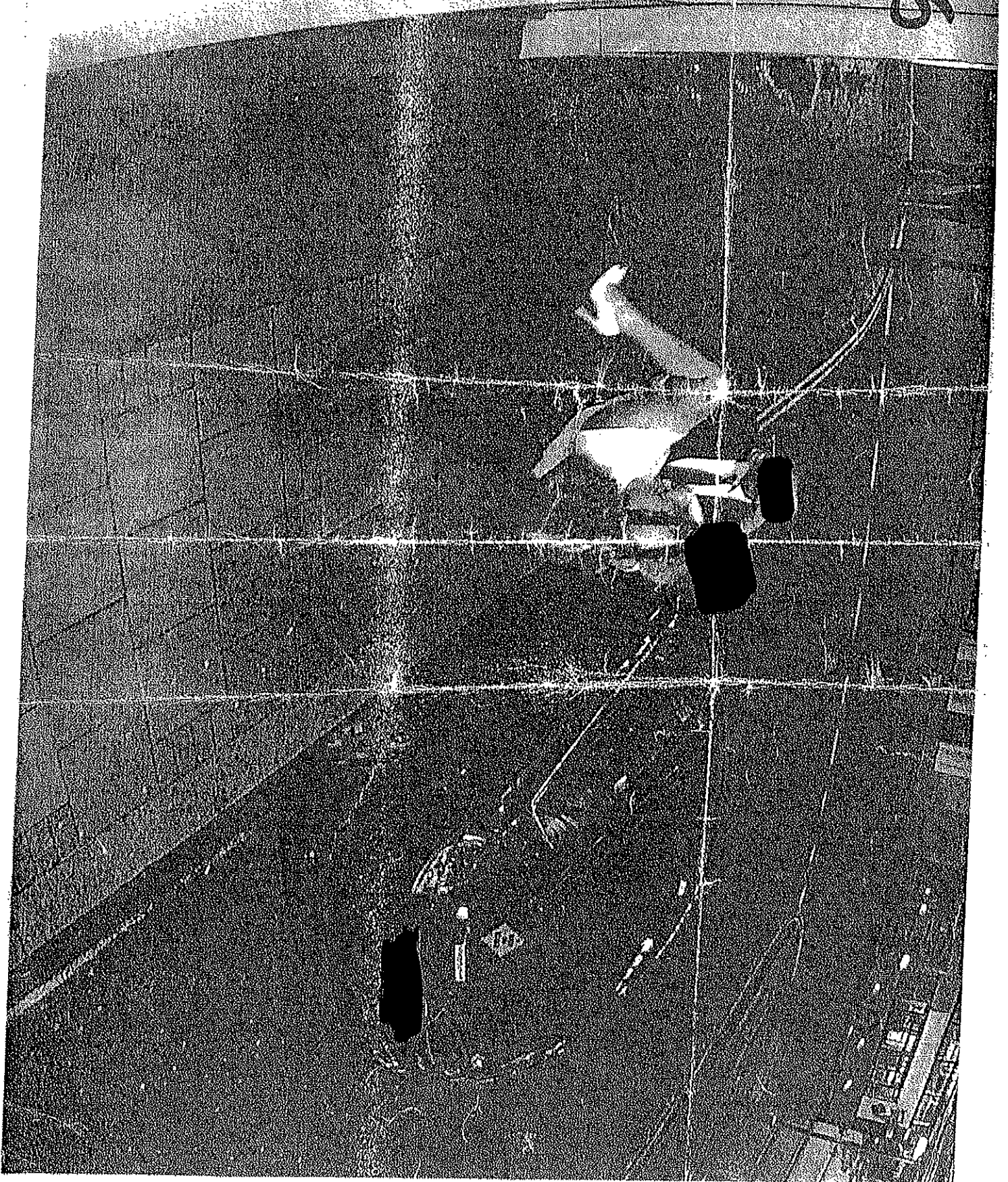
CHARLIE BERKELEYS

New Years Eve 2015/2016

PEM/14
 Kelly R. Rouse

Time From	Time To	Camera No.	Detail
2112.47		5	MALE A enters venue with flatmate
2113.29	2114.16	14	MALE A enters briefing room and shakes hands with DS
0027.05		5	Victim enters venue on phone with MALE B. Victim steady on feet
0027.31		6	MALE B and Victim approach cash desk
0028.42		7	Victim enters venue - walking steadily with MALE B
0028.48		8	Victim and MALE B are seen near cloakroom
0359.13	0359.45	9	Victim struggles to get shoes on and is helped by MALE A
0400.00	0400.28	8	Victim is unsteady on her feet and is helped out by MALE A
0400.20	0400.34	7	Victim is unsteady on her feet, helped by MALE A by cloakroom
0400.27	0400.34	6	Victim being helped out by MALE A
0400.33	0400.50	5	Victim leaves through the venue
0400.34		1	Victim staggers out of venue with MALE A
0402.52	04.03.10	1	Victim leaves with MALE A. Door staff watch
0400.34	0402.52	2	Victim staggers across road with MALE A helping her
0400.34	0403.24	4	Victim leaves venue with MALE A. Door staff watch
0410.45	0411.55	1	Victim staggers across road with MALE A helping her
0415.06	0415.57	1	Door supervisor on phone then meets MALE A
0419.05	0419.16	1	Door Supervisor comes back to venue and goes inside. He comes out again and waits for MALE A
			MALE A walks back across road following door supervisor

Penis



PEH/6
 Paul Smith
 15/02/16

Hoppe Paul - Westminster

From: Paul Smith [paulsmith@charlieberkeley.com]
 Sent: 17 February 2016 17:53
 To: Hoppe Paul - Westminster
 Cc: Jimmy OB; Paul Chung; Butterworth Matthew - Westminster; Bunch Richard N - Westminster
 Subject: Re: Meeting
 Attachments: Intoxicated persons policy.pdf

Hi Paul,

Firstly my apologies in the delay in my reply as I've been on sick leave for a couple of days. I have been consulting with Hassan Serdoud directly on the conditions pointed out. Everything that you highlighted in your email has been implemented and is part of our Company and Security policies. I feel that this can be achieved without adjusting the conditions of the premises license.

1. As part of our company policy, training is provided in identifying vulnerable or intoxicated people. Each member of staff who has undergone training signs in for Duty-of-Care training for staff and acknowledges that they are fully aware of the training they have received. A copy of this is held in the manager's office. If you require a copy of this, I can send to you in due course. Please note, in staff files we have a copy of identification of all staff, mainly passport copies.

2. As part of [REDACTED] security policy, all door supervisors do present their personal SIA identification badges to the head of security and duty manager, they do personally sign in to their log sheet with all their details. This is now countersigned by the duty manager.

3. Annex 2 Condition 30 can be adjusted. This is to include that there will be no obstruction, temporary or permanent covering the full recording angle of every camera.

4. It is company policy that no persons shall be permitted to enter the venue before the official opening time unless they are;

Staff (who are on duty that night, no off duty staff shall be allowed without prior permission from management)

Contractors carrying out work for which they have authorisation from senior management

Police or authorised officers

Persons who have privately hired the venue and are dressing the venue for a private event. This is supervised and consulted with by a member of the management

5. As part of our security policy and contracted agreement with [REDACTED], the security policy includes an Intoxicated Person Policy. Please find attached, this is strictly adhered to by the DPS and all members of the company.

6. As per condition 36, I am a little perplexed as it gives leeway for 10 persons without identification to be signed in to the licensed premises. This is strictly adhered to, with names, addresses, dates of birth and contact numbers being recorded by the DPS or member of management. There is a biometric scanning system in place also.

7. There is a black taxi rank provided directly outside our front door, customers are encouraged to use this service and for any customer that we feel vulnerable or intoxicated, the details of the driver are taken by security and recorded.

22/02/2016

I hope that you find this sufficient and that the implementation of these policies has been put in to place with immediate effect.

On Fri, Feb 12, 2016 at 6:07 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:
Hi Paul,

Thank you for your email, which I have read thoroughly. I am sorry to say there is no indication in your email regarding making an application to add Premises Licence Conditions.

As I stated at our meeting on 3rd February, this is a serious incident and there is a considerable amount of learning that each venue involved can take from it. I have discussed this with all venues involved and I am treating each with the same respect in allowing them to take voluntary action.

I feel that in order to demonstrate commitment to promoting the Licensing Objectives and evidence learning, I would invite you to consider adding conditions to your premises licence to ensure this type of incident does not happen again.

Conditions proportionate to this type of incident may be:

- 1) All staff (including contracted staff) to be trained in identifying 'vulnerable people'. This training to be signed for by each member of staff and a copy held on each member of staff's personal record for inspection by Police or other authorised officer.
- 2) All door supervisors are to present their personal SIA identification badge to the Duty Manager before starting work. All door supervisors will PERSONALLY enter their all their details into the door supervisors log sheet and sign the sheet.
- 3) All CCTV cameras will be fully functional as per Annex 2 Condition 30. There shall be no obstruction, temporary or permanent covering the full recording angle of every camera.
- 4) No persons shall be permitted to enter the venue before the official opening time, unless they are:
 - Staff (who are on duty that night. No off-duty staff shall be allowed)
 - Contractors carrying out work for which they have authorisation from the management team
 - Police or authorised officers
 - Persons who have privately hired the venue and are dressing the venue for a private event
- 5) There shall be a written process for dealing with 'vulnerable people'. This process shall be reviewed every year from <date> and signed each year as current by the DPS.
- 6) All persons signed in by the management team (as per Condition 36) shall provide photograph identification to the countersigning manager who shall clearly record:
 - First Name
 - Last Name
 - Date of birth
 - Address
 - Type of identification and number (for example passport number)
- 7) The venue shall enter into an agreement with a Hackney Carriage or Private Hire Company to provide a contact number of the Company for customers of the venue. The venue shall record every attempt to obtain transport home for customers on their behalf.

Please also remember that there were four premises licence breaches on this night which I have not taken action on at this time. It has now been almost two months since this incident and I am concerned over the lack of measurable action taken.

I look forward to you comments and swift response.

Regards

Paul

From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 10 February 2016 22:32

To: Hoppe Paul - Westminster

22/02/2016

Cc: Butterworth Matthew - Westminster; Bunch Richard N - Westminster; Jimmy CB; Paul Chung
Subject: Re: Meeting

Good evening Paul,

As a result of his actions by inviting his friend, [REDACTED] to the venue on the night of 31-12-2015, [REDACTED] was immediately dismissed from [REDACTED] due to breach of code of conduct. [REDACTED] was employed with [REDACTED] for two and a half years and has realised the consequences of his actions on this occasion. Please note, due to the festive season we had temporary staff assigned on that particular evening as key members of our permanent security team were not present, including our Head of Security; [REDACTED] [REDACTED] was one of these temporary staff assigned. The severity of this particular case has been brought to the attention of all members of the venues team and I am confident that our current security team are fit for the purpose of securing the venue, its patrons and staff. They have been with us since we opened the venue last September and I have had absolutely no reason to doubt them up until this point.

Refreshments and water is provided to all tables, as well as to all patrons who visit the club. On the night of 31-12-2016, we did provide complimentary canapés to all guests for the first hour of trading as we expected all of our guests to arrive to the club before midnight, this could have been provided again later on in the evening also. On the evening, the female victim was joining on to a booked table; all tables are served by busboys and supervised by waiters. She seems to have left the company of this particular table, staff should have paid attention to this fact. Interaction with all guests is widely encouraged and practised to exercise the wellbeing of each of our guests whilst enjoying the clubs facilities.

All guests are asked to provide ID for scanning before entering the venue, this is monitored each night by a senior manager. Failure to provide ID results in denying entry to the premises, all guests when booking or enquiring are made aware of this. With the exception of ten guests, at the Designated Premises Supervisors discretion, there is room for ten people who must be signed into the venue. They must provide us with their name, address, date of birth and telephone number. A bank card or business card is asked for as proof of their name.

I do feel the impact that this incident had on the victim and will do everything in my power with the help of my team to ensure the safety of all guests and staff at all times.

Again, if you need anything else at all please let me know.

Regards,

Paul Smith

On Wed, Feb 10, 2016 at 2:40 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:

Good afternoon Paul,

Thank you very much for this email, however, I don't think I impressed on you the impact this incident will have on the victim.

I would seriously suggest you consider these points:

- At no point did any of your door supervisors bring this vulnerable person to the attention of your management team. I would ask you consider whether your current door team are still fit for purpose?
- The female victim is clearly seen on CCTV entering the venue, steady on her feet and in control of her senses. She leaves in quite the opposite state. What could have been done to prevent this?
- There are issues around customers signing in / using the scanning machine.

I shall be speaking to [REDACTED] in due course regarding his companies responsibilities.

I feel that you should be considering some conditions to demonstrate your commitment to promoting the licensing objectives.

I am looking forward to your swift response.

Regards

Paul

From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 09 February 2016 14:17
To: Hoppe Paul - Westminster
Cc: Butterworth Matthew - Westminster; Bunch Richard N - Westminster; Jimmy CB; Paul Chung
Subject: Re: Meeting

Good afternoon Paul,

I hope you had a good weekend. The following actions have been taken as a result of the issues highlighted;

1) All security staff are accounted for at their daily briefing. Either the manager on duty/senior management will countersign daily sign in sheets and do a role call and head count at the briefing. All new staff must be inducted and met by the manager on duty/ senior management on their first day of placement. All members of staff are aware of any new employee beginning with the company also.

2) I will email [REDACTED] to request a meeting with the [REDACTED]. The placement of guests [REDACTED] not practised or encouraged as part of our policy. If we do require a [REDACTED] any of our guests, only a director or a member of senior management must call [REDACTED] beforehand to arrange.

3) There will be no excessive decorations in future, any decoration must be fixed.

4) Staff have been subjected to full training by [REDACTED], director [REDACTED] on Duty of Care and safe guarding vulnerable persons who are guests on the premises. This training was given on Monday February 8th 2016.

5) With regards conditions 32, 36, 38 & 39

All security staff outside the entrance and in the foyer of the premises wear high visibility yellow vests.

All customers who enter the venue have their ID scanned, there is a biometric scanning system in place also and a limit of 10 persons are signed into the venue by the Designated Premises Supervisor (myself).

Nobody is permitted on the premises besides staff after 30 minutes of the permitted trading hour

Two SIA security are present, along with a manager, outside the premises until an hour or longer if necessary after the permitted terminal hour for the sale by retail of alcohol. All guests are safely guided after the venue is closed.

If there is anything else at all I can assist you with, please do not hesitate to contact me.

On Wed, Feb 3, 2016 at 6:31 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:

Hi Paul,

Thank you and Jimmy for making the time to meet me today.

I have reviewed the CCTV provided by yourselves and read the associated crime report. I given this incident a considerable amount of consideration and I believe, at this time,

22/02/2016

that the management team at the venue were not given the opportunity on the night to deal with the unfolding incident as a male decided to take this vulnerable female out of the club himself without any direction from the management team.

As promised, may I outline the issues I have identified:

- 1) Door staff appear to all know the male who was working on the evening of 31/12/2015, yet no one speaks up or informs management that he is in the venue when it is still closed to staff. This could be a Counter Terrorism issue. Please address.
- 2) This male takes it upon himself to help the female from the venue and take her to a [REDACTED] where he tells doors staff there that he is a Door Supervisor from your venue. The only reason he is let in with her is for this reason. Please address.
- 3) The venue CCTV is satisfactory, but balloons are covering cameras in some locations. Please address
- 4) The female is a vulnerable person as she is not capable of making her own way home. She is not identified by your staff as a person who needs some assistance. Please consider vulnerability training with ALL staff
- 5) As you already know, there were some breaches of Licence Conditions that night: Annex 2 - Conditions 32,36, 38, 39
I am confident that these can be addressed by yourselves now being aware.

Please consider all the points above and provide me with an action plan by the 10th February 2016 explaining how you are going to address these issues and by what date. You may of course chose to add conditions to your licence by way of minor variation to demonstrate your commitment to promoting the Licensing Objectives.

Please will you forward me the contact details you have for your security company as I shall have to speak to them regarding the failures of their employees to deal with this situation.

If anything is unclear, please contact me.

Regards

Paul

**PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016
Westminster City Hall, 4th Floor, 64 VICTORIA STREET, LONDON,
SW1E 6QP**

**Please consider the environment before printing this email
NOT PROTECTIVELY MARKED / RESTRICTED**

From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 03 February 2016 17:28
To: Hoppe Paul - Westminster
Cc: Jimmy CB; Paul Chung
Subject: Re: Meeting

Hi Paul,

Thank you for meeting with us this afternoon, both Jimmy and myself really appreciate your time.

I will await your follow up email with regards to what we spoke about and will have all details to you promptly.

Hope you enjoy the rest of your week.

22/02/2016

On Wed, Feb 3, 2016 at 11:31 AM, <Paul.Hoppe@met.pnn.police.uk>
wrote:

Hi Paul,

I would suggest that [REDACTED] does NOT come along.

There will be some difficult conversations around the door team and their actions - I would rather he was not there on this occasion as I would not want you and Jimmy to be under pressure from him at the meeting. If you wish to bring [REDACTED] from [REDACTED] that will be acceptable, but please let me know. If you insist on [REDACTED] that is your decision and I shall respect that.

I am going to telephone you to make sure you get this message.

Regards

Paul

From: Paul Smith - Charlie, Berkeley Street.
[mailto:paulsmith@charlieberkeley.com]
Sent: 02 February 2016 19:55
To: Hoppe Paul - Westminster
Cc: Bunch Richard N - Westminster
Subject: Re: Meeting

Good evening Paul,

4.30pm is perfect to meet you in City Hall tomorrow, I will be attending with Jimmy Man, one of our directors and also hoping to bring along [REDACTED] who is our head of security for the venue also. I hope this is ok?

Best wishes,

Paul Smith

General Manager

*Charlie Berkeley Street
15 Berkeley Street
Mayfair
London
W1J 8DY*

paulsmith@charlieberkeley.com

M - 0044 7552216131

*Twitter @paulsmit
@howaboutcharlie*

Instagram- charlieberkeleystreet

On 2 Feb 2016, at 10:52, <Paul.Hoppe@met.pnn.police.uk>

<Paul.Hoppe@met.pnn.police.uk> wrote:

Good morning Paul,

Thank you for telephoning yesterday, unfortunately I was out for the afternoon.

Please may I arrange a meeting with you to discuss the problems/ breaches I have discovered on the evening of the 31st December 2105 into 1st January 2016.

I would like to suggest meeting at City Hall where I will show you CCTV. Please let me know if you are going to bring anyone with you.

Regards

Paul

PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016

Westminster City Hall, 4th Floor, 64 VICTORIA
STREET, LONDON, SW1E 6QP

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Twitter: @metpoliceuk

Best Regards,

Paul Smith

General Manager

*Charlie Berkeley Street
15 Berkeley Street
Mayfair
London
W1J 8DY*

22/02/2016

PEH / 7
Paul Hoppe

Hoppe Paul - Westminster

From: Hoppe Paul - Westminster
Sent: 02 March 2016 20:29
To: 'Paul Smith'; Jimmy CB
Cc: Bunch Richard N - Westminster; Butterworth Matthew - Westminster
Subject: Review Application - Charlie Berkleys
Attachments: Review Application Charlie Berkleys - Funky.pdf

Dear

After todays difficult meeting I have now opened this email and I feel that I should respond to you email below. I believe you requested this meeting with Richard Bunch during my time off and I believe I had specifically informed you that I was dealing with this incident, not Richard. Since the beginning of January 2016 I have carried out a proportionate investigation into this incident and I feel that it is only right and proper that you deal with me and not Richard.

Before the meeting today I spent some time with Claire and Dave from Westminster Council and Richard Bunch. We discussed at length the issue around your application and we feel that the changes to the premises licence are too great for a minor variation.

Today's meeting was only to discuss the minor variation I have suggested to promote the licensing objectives and demonstrate learning after the incident on New Years Eve. I have re-iterate, that this is a risk management exercise - honestly I am trying to protect the venue from serious enforcement action should anything like this incident happen again before the venue has had the opportunity to carry out a full review of its processes and procedures and take appropriate action.

I have also pointed out that I am ONLY dealing with the New Years Eve incident at this time. This is where you seem to mis-understand me. I was more than happy to consider a full variation once these simple conditions have been accepted by your clients. I was also happy to consider similar conditions written by yourselves.

However, as you indicated today (only when I pushed you for an answer), you are not prepared to consider a minor variation to deal with the incident on New Years Eve. I have also pointed out that since the venue re-opened last year under the name Charlie Berkleys the venue has felt no need to make a variation to change the premises licence conditions. I know of no concerns from Police regarding the current state of the premises licence conditions other than the breaches and the my suggested conditions; but these have only come up after the [REDACTED] on New Years Eve.

I feel that there needs to be swift action taken after the investigation I have carried out and your clients need to demonstrate their commitment to the Licensing Objectives.

I am therefore attaching a copy of my review application. This application has been served on the appropriate responsible authorities. For ease I have also copied in the Management team at Charlie Berkleys.

Regards

Paul

PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
 Telephone 020 7641 6016
 Westminster City Hall, 4th Floor, 64 VICTORIA STREET, LONDON, SW1E 6QP
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10/03/2016

PEN/8
[Handwritten signature]

From: Paul.Hoppe@met.pnn.police.uk [mailto:Paul.Hoppe@met.pnn.police.uk]
Sent: 24 February 2016 16:33
To:
Cc: Richard.N.Bunch@met.pnn.police.uk; Matt.Butterworth@met.pnn.police.uk
Subject: RE: Charles

Dear

Regarding this and the other emails I have received this afternoon relating to suggested Premises Conditions to promote the licensing objectives after the [redacted] on New Years Eve where the victim had been drinking heavily at the venue and was then removed by a person claiming to be a member of door staff. I have been working with the venues management team to demonstrate learning after a number of issues were identified at the venue on the evening, including four (4) premises licence breaches.

I have given the venue the opportunity to take action itself but unfortunately this was not forthcoming and it was then that your services were employed. After this serious incident, I made suggestions to the venue by email and at a meeting to demonstrate learning by adding

proportionate conditions to the premises licence by way of variation. I fully accept the venue may chose to ignore these suggestions, but I do expect some action to be taken to prevent this kind of incident happening again.

I believe you have the email chain outlining these suggestions so I won't go over them again.

After the meeting on Monday 22nd February 2016 at City Hall when you stated quite clearly that you were not prepared, having only been instructed on the evening of Friday 19th February 2016, I believe I had been clear on the issues under discussion which were the prevention of another incident such as the one on New Years Eve 2015. Unfortunately you have not sent me what I requested, but a full licence variation. I am not minded at this time to discuss this matter; the matter under discussion is the prevention of another [redacted] at the venue and the addition of proportionate premises licence conditions to support and promote the licensing objectives.

Therefore while I accept that you may attempt to apply for a variation to make changes to the full premises licence, which you can do at any time; I am ONLY dealing with the New Years Eve incident as I would not wish for this serious incident to be reduced to a general licence variation.

Due to the fact that I feel I shall now need more time to consider the adjustments you have made to the very simple conditions I suggested and you are proposing not addressing at least two of them, I shall now require more time than I have left available today to fully consider this issue. This is due in part to the long conversation we had earlier today.

I shall email you next week with my thoughts on your adjusted licence conditions. In the meantime, I would strongly suggest that your clients ensure all current licence conditions are adhered to and consideration be given to vulnerable customers.

Regards

Paul

PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016
Westminster City Hall, 4th Floor, 64 VICTORIA STREET, LONDON, SW1E 6QP
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Details of public representations relating to 16/02361/LIREVP

Comments received electronically via Public Access:

- **Mrs Jaleh Zand - 17 Berkeley Street, London, W1J 8EA**
SUPPORT

2:15 AM on 29 Mar 2016 17 Berkeley Street Residents Association supports this review. Charlie Berkeley (formerly Funky Buddha) has been a source of extreme nuisance for local residents for decades.

Despite numerous complaints from the residents and even joining the Berkeley Street Monitoring Group, they have not addressed the problems and our residents remain disturbed almost daily.

- **Mrs Helen Arjomandkhah - 17, Berkeley Street, Mayfair, London**
SUPPORT

9:46 AM on 24 Mar 2016 I fully support the Police review of a premises license for The Charlie Berkeley Club (formerly known as Funky Buddha), on the grounds of Prevention of Public Nuisance.

This club is a huge disturbance on our lives, as I am sure it must be to all the lives of the residents of Berkeley Street.

During its opening hours, there are queues of people, already intoxicated, speaking loudly to one another, shouting profanities and generally behaving as though the street is a place to have a party, before they enter the club. The men who stand on the door don't do anything about this, they are only interested in whom they are going to allow in.

As a resident walking past this queue of people to get to my home it is intimidating and also difficult as they commandeer the pavement. This is an uncomfortable and unpleasant environment to have to wade through to get home.

It doesn't stop there, in front of my door there are couples mingling and smoking, I have to ask them to move to be able to get inside my own door.

Through out the night till early morning there is a constant stream of loud noise, shouting, swearing, screaming and fighting (often in the middle of the road) as people leave the club. What with this and the endless engine sound of taxis and people slamming doors directly below our bedroom window, as you can expect we don't get much sleep.

Once again the men working on the club doors do nothing about this offensive and undesirable behavior, so quite clearly nobody gives any consideration to the fact that people are living here.

The gentleman who is porter at our building regularly has the repulsive job of washing urine and vomit away from outside the front door, above one occasion he has also had to clear away used condoms.

There a number of prestigious restaurants on Berkeley Street they are vibrant and elegant, in keeping with the area of Mayfair, this club definitely does not fit in to that category.

- **Mr Grant Bowler - Flat 2 , 17 Berkeley Street, London, W1J 8EA**
SUPPORT

11:33 PM on 20 Mar 2016 Dear Sir,

I would like to register my support for a review requested by The Metropolitan Police of the licence (and operating hours) of former Funky Buddha - alias Charlie Berkeley.

The operation and management has not followed a good neighbour principle, with considerable disruption in the street. Their operation has lacked any willingness to remedy their shortcomings. The residents support the Berkeley Street Monitoring Group whereby the safety and security of

the street is monitored by the operators within the street. They have not participated in this voluntary activity and codes of practice to maintain some order.

Sincerely,
G Bowler

- **Mr Victor Arbulu - 10 Berkeley Street, London, W1J 8DP**
SUPPORT

5:31 PM on 18 Mar 2016 Funky Buda has been a source of problems to the neighbors at Berkeley Street for many years.

We hope this will be ended soon, since the noise and type of costumers that are around Funky Buda shouldn't exist in a neighborhood such as Mayfair.

- **Mr Ahmad Reza Salar Boroumand - 10, Berkeley Street, London**
Received:
OBJECTION

10:58 AM on 18 Mar 2016 I would like to object to the renewal of this Licence on the basis of public nuisance and increase in crimes. Berkeley Street has become a nightmare for its residents due to number of restaurants and clubs. These establishments have caused traffic congestion and have attracted undesirable people over years.

Appendix 2i

Re: 'Charlie Berkeley' (known previously as 'Funky Buddha'), 15-16 Berkeley Street, London W1J

8DY

Application for review of premises licence, ref: 16/02361/LIREVP

s51 Licensing Act 2003

Hearing listed for 28 April 2016

Statement of Jaleh Zand, 17 Berkeley Street Residents Association

1 Introduction

- 1.1 On 29 March 2016 I made a representation on behalf of 17 Berkeley Street Residents Association, in support of an application (ref: 16/02361/LIREVP) made by the Metropolitan Police, acting as a 'responsible authority', to review the premises licence for 15-16 Berkeley Street, currently operated under the name 'Charlie Berkeley'. The application is made under s51 Licensing Act 2003.
- 1.2 On 29 March 2016 I also made a representation on behalf of 17 Berkeley Street Residents Association, objecting to an application (ref: 16/02415/LIPV) made by Porchshire Limited, the premises licence holder, to vary the premises licence for 15-16 Berkeley Street. The application is made under s34 Licensing Act 2003.
- 1.3 Both representations were necessarily brief, as I was at the time unaware of the details of the review application save for the fact that it was brought under the licensing objectives of 'prevention of crime and disorder' and 'public safety'. It was clear from the timing and content of the variation application that it was related to the reasons for the police review, but did not shed any light on what these reasons were. I therefore decided to submit two short representations on behalf of myself as a local resident and as Chair of 17 Berkeley Street Residents Association, intending to augment this with a more detailed submission in due course. I am now aware of the circumstances which gave rise to the review application. This submission therefore constitutes my full response to both applications, although I appreciate that the hearing on 28 April is in respect of the review application only.
- 1.4 Along with others, I am concerned about the saturation of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased rapidly in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.
- 1.5 I set out below in more detail why I am supporting the review application and objecting to the variation application. I will also address the relevance of cumulative impact to the review application.

2 The review application and the variation application

- 2.1 The circumstances which have given rise to the review application are of profound concern to residents. We support the review application and object to the variation application on the grounds of 'prevention of crime and disorder' and 'public safety' based on the information in the review papers. There are allegations of breaches of licence conditions and lapses in management. However, we would like to take this opportunity to put forward our views on whether the licence holder is promoting the licensing objective of 'prevention of public nuisance', and whether the operation of the premises is adding to cumulative impact in the area.
- 2.2 For many years when the premises were operating as 'Funky Buddha', patrons attending the premises caused a great deal of noise nuisance and disturbance. Please note that I am able to give evidence that this specific premises has given rise to public nuisance concerns. My flat at 17 Berkeley Street is only a couple of doors down from 'Charlie Berkeley'.
- 2.3 I have therefore witnessed with my own eyes on many occasions noise nuisance being caused by patrons of the premises arriving on foot and by car (with slamming doors etc), queuing to enter the premises (shouting, arguing etc), temporarily leaving the premises to smoke (shouting, arguing etc), and leaving at the end of the night. The terminal hour is 3.30am. Apart from the Casino, it has the longest operating hours on the street.
- 2.4 A meeting took place last year with the management (Paul Smith and Jimmy Man) and their lawyer, attended by me, Ron Whelan of Mayfair Residents Group, and Councillor Roberts. We discussed the disturbance over the years, and they assured us that 'Charlie Berkeley' has a new management team (although the same owner as 'Funky Buddha') and that the way they intended to operate had changed. They also agreed to join the Berkeley Street Monitoring Group and they have been attending the meetings. However, we have not seen any changes since.
- 2.5 I have attached a photograph taken after the premises began operating as 'Charlie Berkeley'. The photo is taken from my window. I can confirm that this scene has been a common sight whether operating as 'Funky Buddha' or as 'Charlie Berkeley'. I have not noticed any effective changes implemented as result of the meeting last year, when we formally raised these concerns.
- 2.6 I also believe that the premises contributes significantly to anti-social behaviour and crime and disorder in the vicinity; these issues are a result not only of the cumulative impact of the late night licensed premises in the street, but also the operation of this particular premises. The issues raised in the review suggest that the safety of customers in the premises and local residents is being compromised. Some of the clientele make residents feel uncomfortable, particularly if they are smoking or loitering outside the door to no17. I imagine it is the same for residents of the other blocks. Their doormen and security team have no control over the crowd who are their patrons outside. Often their patrons are hanging out outside our doorstep and don't even move when residents want to get in and out of the building. Their

doormen take no responsibility to move the crowd, in fact I believe they encourage it. We also have had two cases of vandalism reported to the police but due to lack of CCTV at our entrance, it could not be proved to the criminal standard that it was patrons of 'Charlie Berkeley'.

2.7 The premises are very close to Novikov. Between them, I feel that these premises create a 'perfect storm' of cumulative impact, particularly late at night when their customers leave the premises. The noise from taxis and cars is often extreme.

2.8 For these reasons, I believe that the hours permitted for licensable activities and for customers to be on the premises should be reduced.

3 Cumulative impact: Late night licences in Berkeley Street and its immediate vicinity

3.1 See table below.

Premises	Premises type	Terminal hour	Capacity	Points to note
Palm Beach Casino, 30 Berkeley St	Casino	7am	840	-
Mayfair Bar, (part of the Mayfair Hotel) 17 Stratton Street*	Bar	1.30am	250	Licence reviewed by residents in 2014 on public nuisance grounds
Charlie Berkeley (formerly Funky Buddha), 15-16 Berkeley Street	Nightclub	3am	220	Licence currently under review by the police
Nobu, 15 Berkeley Street	Restaurant	2am	460	-
Novikov, 50 Berkeley Street	Restaurant/bar/club	2am	520	-
Bocconcino, 19 Berkeley Street	Restaurant	12.30am	127	Started operating in 2015. Previously offices.

Café Pushkin, 20 Berkeley Street	Restaurant	Core Hours	125	New licence granted in 2013, not yet operating.
12 Hay Hill	Private Members Club with bar	Midnight Mon-Thurs, 1.30am Fri-Sat	250	Started operating in 2015.
Park Chinois, 17 Berkeley Street	Restaurant	2am	450	Started operating in 2015. Previously licensed but premises had not operated for some years.
Sexy Fish, 1-4 Berkeley Square	Restaurant	2am	220	Started operating in 2015. Was previously a Bank.
Fifty9, 59 Berkeley Square	Bar/club	3.30am	295	-
Rififi, 15a Hay Hill	Private Members Club	3.30am	75	-
Raw and BBQ, 11 Berkeley Street	Restaurant with ancillary bar	1.15am	unknown	Application for new licence pending. Previously offices.

* Mayfair Bar entrance and exit is on Berkeley Street

4 Comments on licensed premises in vicinity

4.1 This table does not include the numerous licences for Dover Street.

4.2 An analysis of the table clearly shows how the number of licensed premises operating and the total capacity has increased alarmingly in recent years.

4.3 Bocconcino, Cafe Pushkin, 12 Hay Hill, Park Chinois, Sexy Fish and Riffifi have all either been granted an entirely new licence (i.e. for a premises with no previous licensed history) or have started operating again after lying empty, in the last couple of years. By my calculations, the grant of licences/licences coming back into use amounts to an increase of over 1000 in

licensed capacity, putting further strain on an infrastructure that is already down to the bone. Yet another licence has recently been applied for at 11 Berkeley Street, with a proposed terminal hour of 1.15am.

4.4 The licence for Mayfair Hotel (specifically the public bar) was reviewed successfully in 2014.

5 Effect of the existing late night licensed premises

5.1 Almost every number or every other number on the upper part of Berkeley Street is now a licensed late night operator. At the same time the upper part of Berkeley Street is very residential. On one side of the street is 10 Berkley Street with 19 flats, 17 Berkeley Street with 12 flats, 18 Berkeley Street with 20 flats and Berkeley House has 42 flats and goes all the way through Hay Hill. On the other side in front of these residential buildings, is the Mayfair Hotel with 400 guest rooms, of which 100 face Berkeley Street. On the lower part of Berkeley Street there are plans to add additional residential units, which were previously offices. There is also the Holiday Inn London Mayfair with guest rooms facing Berkeley Street.

5.2 Below is a list of problems that the residents are currently facing from the cumulative impact of licensed premises. These problems have intensified hugely in recent years. I have direct knowledge of some of these problems relating specifically to 'Charlie Berkeley', as I can see the entrance from my flat.

5.2.1 The residents have been experiencing shouting, screaming and other antisocial behaviour from the clients of these operators late at night to early hours of the morning.

5.2.2 There is vomit, dried urine outside our door steps and this has become more frequent with the increase in the number of operators

5.2.3 There is waste and garbage left on both sides of the street and the council seems unable to deal with the current load.

5.2.4 There is massive amount of traffic during the night, with double and triple parking on parts of the street. We experience cars honking, people showing off with their sport cars with loud engines creating very significant high decibel low frequency noise, which can't be tackled with any acoustic system, waking up the residents late at night.

5.2.5 The characteristics of our street have changed in the recent years and in general in south Mayfair. Car show rooms, and galleries leaving the area and being replaced by bar, restaurants, and clubs.

- 5.3 As a result of the recent saturation there has been an increase in crime in Berkeley Street and the area around. The Mayfair Hotel is now using a privately funded scheme to provide extra policing around their premises.
- 5.4 One of the most agonising problems for the residents is the extreme noise. The situation has worsened in the recent years. We believe that residents have been failed by the number of licences which have continued to be granted. We would like to further point out that at least as far as 5 years ago the problem of noise was not to this extreme extent.
- 5.5 In short, all current four licensing objective are failing at Berkeley street. Residents' experience of the operation of 'Charlie Berkeley' confirms that this premises is a significant contributor to public nuisance due to its high capacity, late terminal hour, and style of operation. The fact that the police are so concerned with the attitude of the management to an apparent incident demonstrates that the 'prevention of crime and disorder' objective is also not being promoted.
- 5.6 We are actively involved in trying to bring about positive change to Berkeley Street. We applied for a licence review for the Mayfair hotel in 2014. We now support the police's review of 'Charlie Berkeley'. We were also involved in setting up the Berkeley Street Monitoring Group, which aims to promote good practice for licensed premises, chaired by Councillor Glanz.

6 Economic Impact of the change in nature of Berkeley Street

- 6.1 While we understand the arguments in favour of the night time economy, the balance has to be maintained. The night economy should not jeopardise the successful day economy that Mayfair enjoys.
- 6.2 We believe that such a massive number of late night operators so close to one another, are not in line with the character of this area. This is certainly the case for a premises whose operation the police have seen fit to review on the grounds of 'prevention of crime and disorder'. Mayfair has a very strong day time business economy. Both Berkeley Street and Berkeley Square are home to some of the most renowned hedge funds, trading companies, family offices, wealth managers, and consulting firms. These companies have chosen Mayfair due to its location but also the prestige that the area has historically offered. Mayfair is further known for galleries, car show rooms and art houses.
- 6.3 In the light of the recent move by the biggest players in the financial industry from the City to Canary Wharf, the Council has to protect this area and prevent the flight of these smaller boutique firms based in the heart of London. Dirtier streets, piled with garbage, building materials and hard core detritus, urine and vomit are not conducive to attracting and maintaining legitimate business operations.

6.4 Many local residents are of the view that this part of Mayfair has reached a tipping-point. It is saturated with late night and drink-led premises, and residents suffer a range of noise nuisance and criminal behaviour well into the small hours. It is extremely difficult to pinpoint specific problems to specific premises, although clearly some have the potential to cause more nuisance than others. Because of this, it is difficult for residents to initiate effective reviews of licensed premises. The range of nuisance is so all-encompassing that it arises from the cumulative impact of all the premises taken together, as much as any individual problematic premises. However, it is clear from our experience and from reading the police review application that 'Charlie Berkeley' can be identified specifically as a major contributor.

7 Conclusion

7.1 The review application is supported on the grounds of prevention of public nuisance, prevention of crime and disorder, and public safety. It is also supported on the basis that the premises adds significantly to cumulative impact in the vicinity.

7.2 Berkeley Street is not currently included within a designated Cumulative Impact Area (CIA). However, the s182 Guidance is clear that it is nevertheless open to residents to raise the issue of cumulative impact. Case law also confirms that issues of cumulative impact can be raised as part of a licence review regardless of whether the premises is situated in a designated official cumulative impact area.

7.3 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (*R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)). We suggest that the parameters should be no different on a review. It is clear that the local context accommodates a 3.30am nightclub only with a high likelihood of the licensing objectives being harmed.

7.4 For the reasons given, we support the police's application and object to the licence holder's variation application. We ask that the Sub-Committee take action which is appropriate to promote the licensing objectives, given the issues raised by residents and the police. We strongly support a reduction in hours.

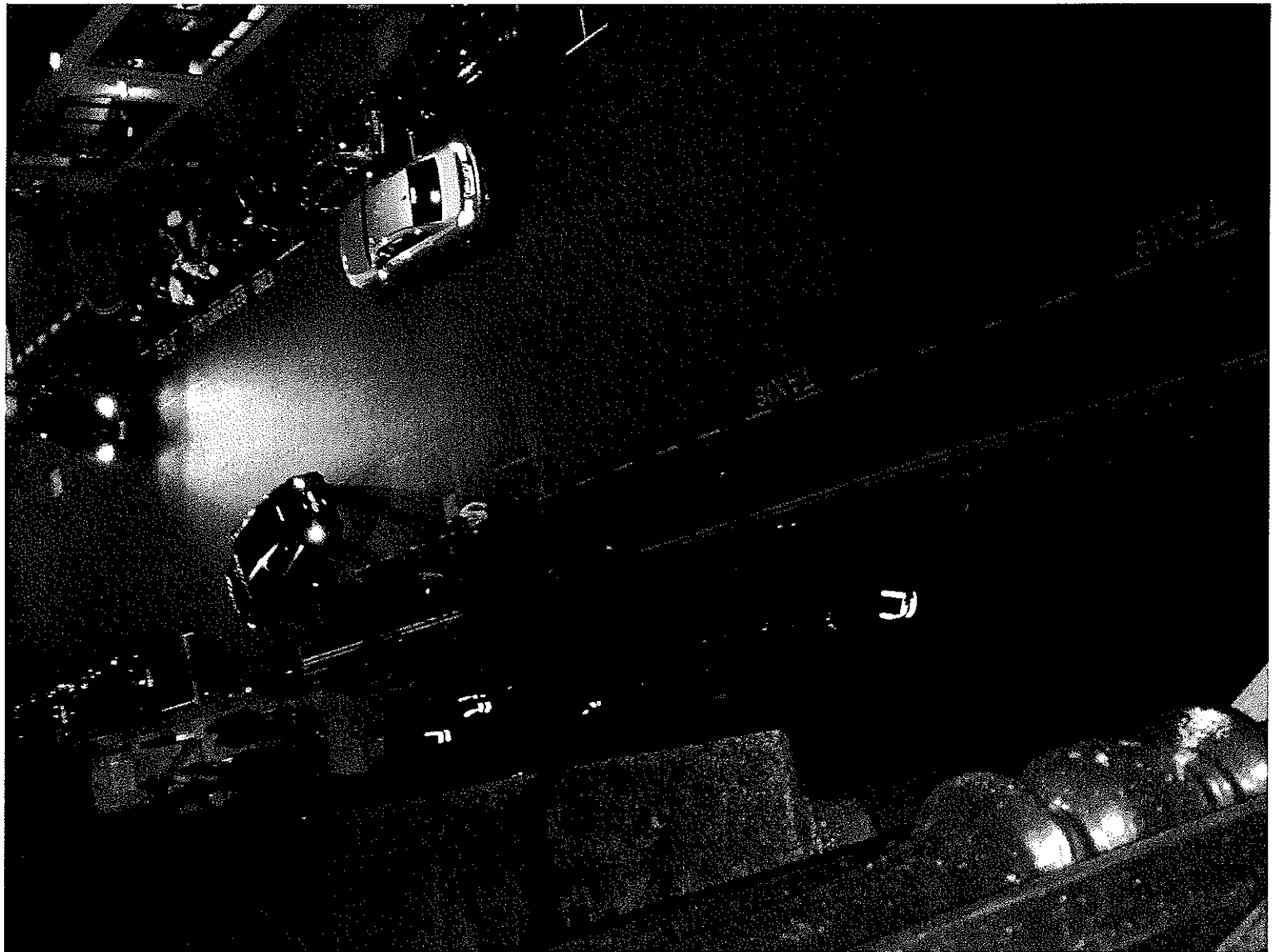
7.5 I am not able to attend the hearing as I am abroad on 28 April. I will be represented by Richard Brown.

Thank you for taking the time to consider the content of this statement.

Yours sincerely,

Jaleh Zand

17 Berkeley Street



Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
15/05793/LIPV	Full Variation – to make changes to the basement.	02.10.2015	Granted
14/09008/LIPVM	Minor Variation – add conditions as agreed with Police	07.11.2014	Granted
14/06195/LIPVM	Minor Variation - add conditions as agreed with Police	05.08.2014	Granted
13/07823/LIPVM	Minor Variation – add conditions as agreed with Police.	25.10.2013	Granted
10/02906/LIPDPS	Vary DPS	05.07.2010	Granted
07/07086/LIPV	Full Variation – to install a mini bar (amend plans)	13.09.2007	Granted
07/01763/LIPV	Full Variation – Seasonal Variation	24.05.2007	Granted at LSC
05/03956/LIPC	Converted Licence	11.07.2005	Granted

There is no appeal history for this premises.

TENS history for premises:

TENS Application	Details of Application	Date Determined	Decision
15/07096/LITENP	Private event in connection with London Fashion Week for Vivien Westwood	09.09.2015	Granted

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

When determining an application for review of a premises licence under the provisions of the Licensing Act 2003, the licensing authority may modify, add or remove conditions on to the licence to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) which are 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.

Current conditions on the existing licence:

Annex 1 – Mandatory conditions

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

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that -

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

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. 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.

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

Conditions relating to Regulated Entertainment

Monday to Saturday

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following
14. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that it is in use.
15. The licensee will meet with the Radisson Edwardian Hotel Management on a monthly basis to identify any issues.
16. A member of the management team shall be present outside the premises at all times that the premises are in use under this licence and will undertake a review of procedures taken to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
17. All refuse sacks containing bottles or glass shall be placed on the highway in a manner which does not cause a disturbance to local residents or hotel guests.
18. A member of staff shall be employed to monitor the CCTV system and report any disturbance to the duty manager.
19. The number of persons accommodated (excluding staff) shall not exceed 220.

Conditions related to the Sale of Alcohol

Monday to Sunday

20. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. On any evening where the premises are open for music, dance or entertainment and in which the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 23:00 other than to:
 - a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR
 - b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority; OR
 - c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; OR
 - d) Artistes or persons employed on the premises; OR
 - e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities
 - f) Persons taking full table meals a list of whom are held for inspection by the relevant authorities.
22. No striptease, no nudity and all persons to be decently attired.
23. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.
24. No persons under 18 years of age except those taking a table meal and for those chaperoned by an adult over the age of 21 years those minors not to exceed two persons per adult.

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

Conditions related to the Sale of Alcohol

25. (i) Monday to Saturday:
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment;
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.
- (ii) Sunday
 - (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;

- (c) On New Year's Eve on a Sunday, 12.00 to 22.30;
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

27. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.

28. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and
 - (c) to take all other reasonable precautions for the safety of the children.
29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

30. 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 preceding 31 day period.
31. 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.
32. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
34.
 - a). All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b). Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
35. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
36. All customers entering the premises shall have their ID scanned on entry, save for a when biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises.), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for

inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

37. All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by an SIA trained member of staff and monitored by the premises CCTV system.
38. All persons with the exception of staff, shall have left the premises no later than 30 minutes after the permitted terminal hour for the retail by sale of alcohol.
39. A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.
40. All promoted nights shall be notified to the Metropolitan Police Service and a form 696 completed and submitted within 14 days prior to the event, or such less time as agreed with the Police from time to time. Upon a reasonable request by Police the venue will not run any such event.
41. Refuse shall not be placed on Berkeley Street at anytime.
42. All staff engaged outside and in the entrance lobby to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
43. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

44. The variation of the Premises Licence (15/05793/LIPV) to include (vary the basement layout as per drawing 1649-L01 Rev d comprising a re-arrangement of the fixed seating in the main floor area and repositioning of the bar in the Haig Club) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

45. The hours for the sale of alcohol on Sundays are extended on Sundays before a Bank Holiday by four hours and thirty minutes from 22:30 to 03:00 the day following for private pre-booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.
46. Late Night Refreshment is permitted on Sundays before a Bank Holiday from 23:00 to 03:00 the day following for private pre booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.

Appendix 4



Schedule 12
Part A

WARD: West End
UPRN: 010033553151

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/07202/LIPDPS

Original Reference:

05/03956/LIPC

Part 1 – Premises details

Postal address of premises:

Charlie Berkeley Club
15 - 16 Berkeley Street
London
W1J 8DY

Telephone Number: 020 7494 2596

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
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00
Sunday: 12:00 to 22:30

Performance of Live Music

Monday to Saturday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sundays before Bank Holidays: 23:00 to 03:00 (Subject to condition 44)

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 03:00 (Subject to condition 43)

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

The opening hours of the premises:

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

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

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

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

Porchshire Limited
Trinity House
Heather Park Drive
Wembley
Middlesex
HA0 1SU

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

02235636

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

Name: Mr Paul Stephen Smith

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: 2015-00745-LAPER

Licensing Authority: London Borough Of Hammersmith & Fulham

Date: 12 January 2016

This licence has been authorised by Mr Yiannis Chrysanthou 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.

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

Conditions relating to Regulated Entertainment

Monday to Saturday

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following
14. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that it is in use.

15. The licensee will meet with the Radisson Edwardian Hotel Management on a monthly basis to identify any issues.
16. A member of the management team shall be present outside the premises at all times that the premises are in use under this licence and will undertake a review of procedures taken to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
17. All refuse sacks containing bottles or glass shall be placed on the highway in a manner which does not cause a disturbance to local residents or hotel guests.
18. A member of staff shall be employed to monitor the CCTV system and report any disturbance to the duty manager.
19. The number of persons accommodated (excluding staff) shall not exceed 220.

Conditions related to the Sale of Alcohol

Monday to Sunday

20. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. On any evening where the premises are open for music, dance or entertainment and in which the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 23:00 other than to:
 - a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR
 - b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority; OR
 - c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; OR
 - d) Artistes or persons employed on the premises; OR
 - e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities
 - f) Persons taking full table meals a list of whom are held for inspection by the relevant authorities.
22. No striptease, no nudity and all persons to be decently attired.
23. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.
24. No persons under 18 years of age except those taking a table meal and for those chaperoned by an adult over the age of 21 years those minors not to exceed two persons per adult.

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

Conditions related to the Sale of Alcohol

25. (i) Monday to Saturday:
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment;
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.
- (ii) Sunday
- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30;
 - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes, twenty minutes on a Sunday after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes on a Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

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

27. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.
28. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and
 - (c) to take all other reasonable precautions for the safety of the children.
29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

30. 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 preceding 31 day period.
31. 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.
32. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
34.
 - a). All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b). Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
35. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
36. All customers entering the premises shall have their ID scanned on entry, save for a when biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises.), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

37. All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by an SIA trained member of staff and monitored by the premises CCTV system.
38. All persons with the exception of staff, shall have left the premises no later than 30 minutes after the permitted terminal hour for the retail by sale of alcohol.
39. A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.
40. All promoted nights shall be notified to the Metropolitan Police Service and a form 696 completed and submitted within 14 days prior to the event, or such less time as agreed with the Police from time to time. Upon a reasonable request by Police the venue will not run any such event.
41. Refuse shall not be placed on Berkeley Street at anytime.
42. All staff engaged outside and in the entrance lobby to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
43. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

44. The variation of the Premises Licence (15/05793/LIPV) to include (vary the basement layout as per drawing 1649-L01 Rev d comprising a re-arrangement of the fixed seating in the main floor area and repositioning of the bar in the Haig Club) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

45. The hours for the sale of alcohol on Sundays are extended on Sundays before a Bank Holiday by four hours and thirty minutes from 22:30 to 03:00 the day following for private pre-booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.

46. Late Night Refreshment is permitted on Sundays before a Bank Holiday from 23:00 to 03:00 the day following for private pre booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033553151

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/07202/LIPDPS

Part 1 – Premises details

Postal address of premises:

Charlie Berkeley Club
15 - 16 Berkeley Street
London
W1J 8DY

Telephone Number: 020 7494 2596

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
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00

Sunday: 12:00 to 22:30

Performance of Live Music

Monday to Saturday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

Sundays before Bank Holidays: 23:00 to 03:00 (Subject to condition 44)

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 03:00 (Subject to condition 43)

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30

Sunday: 12:00 to 23:00

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

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

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

Porchshire Limited
Trinity House
Heather Park Drive
Wembley
Middlesex
HA0 1SU

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

02235636

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

Name: Mr Paul Stephen Smith

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

Restricted

Date: 12 January 2016

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