

# Licensing Sub-Committee Report

Item No:	
Date:	14 July 2016
Licensing Ref No:	16/03607/LIPN - New Premises Licence
Title of Report:	Berkeley Square Gardens (North) Open Space Berkeley Square London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 April 2016 validated 10 May 2016  Notice of the application has not been displayed at the premises in accordance with Licensing Act Regulations.		
<b>Applicant:</b>	Westminster City Council		
<b>Premises:</b>	Berkeley Square Gardens (North)		
<b>Premises address:</b>	Open Space Berkeley Square London W1J 6EB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises is an open space which is hired for private events such as Antique and Art Fair in October and Glamour Awards in June		
<b>Premises licence history:</b>	<p>The Southern half of the Square has been licensed since 2006. An area of the Southern Square now has an on-going planning permission that permits temporary Arts and Sculpture installations for 6-12 months at a time which makes it impossible for events to be held in the southern half of the Square.</p> <p>The new application is to replace the existing premises licence for the southern half of the square with a new premises licence for the northern half of the square if the Committee is minded to grant.</p> <p>The existing licence will be surrendered once the new application is determined.</p>		
<b>Applicant submissions:</b>	None		
<b>Preliminary Note:</b>	The application form and the applicant's proposed conditions have been sent electronically to interested parties that were unable to assess the information online.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

<b>Performance of Dance, Live Music Recorded Music and Anything of a similar description</b>				<b>Indoors, outdoors or both</b>			<b>Both</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	N/A
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		N/A					

<b>Exhibition of Films</b>				<b>Indoors, outdoors or both</b>			<b>Both</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	N/A
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		N/A					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	N/A
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		N/A					
<b>Adult Entertainment:</b>		N/A					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	1/6/16
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises, dated 4/02/16, showing the North part of Berkeley Square.</p> <p><b>The applicant is seeking the following licensable activities:</b></p> <ol style="list-style-type: none"> <li>To provide the following regulated entertainments 'indoors' and 'outdoors' on Monday to Saturday between 12:00 to 00:00 hours: <ul style="list-style-type: none"> <li>• Films</li> <li>• Live Music</li> <li>• Recorded Music</li> <li>• Performances of Dance</li> </ul> </li> </ol>	

- Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance

2. Provision of Late Night Refreshment 'indoors' and 'outdoors' on Monday to Saturday between 23:00 to 00:00 hours

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours for and types of Regulated Entertainments requested may lead to an increase in Public Nuisance in the area and may adversely impact on Public Safety
2. The hours requested for and provision of Late Night Refreshment may lead to an increase in Public Nuisance in the area

Save for the for the location I understand this application is the same in all respects, including the operating schedule, as the Premises Licence, 06/07675/WCCMAP, which currently operates in the southern half of the square. The intention being that this Licence will be surrendered if the new Licence for the northern half is granted.

Although the conditions offered are extensive these will need to be updated based on 'model' wording and redundant ones removed.

The applicant is therefore requested to contact the undersigned to arrange a site visit discuss all of the above issues. Environmental Health may then also propose further conditions to allay its concerns.

Should you wish to discuss the matter further please do not hesitate to contact me.

Further to my memo dated 31 May 2016.

**For information – history check:**

- Environmental Health records show that there have been no nuisance complaints at events when the noise condition limiting amplified music to 70dB (A)<sub>5min</sub> has been complied with.
- Complaints have however been received at events staged in the Square where it was subsequently determined that this standard was not complied with. Such events have often been undertaken using TENs to allow for the provision of alcohol as a licensing activity.

**Environmental Health recommendations for conditions:**

Although this application is to move the existing licensable activities to the north part of the square with exactly the same conditions as currently operate on the existing licence for the south part of the Square (and subsequent surrender of this Licence on grant of the new Licence) Environmental Health recommends all of these conditions are replaced with the ones listed below. This is because many of the old conditions are considered to be ambiguous, duplicated and/or superfluous.

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	1/6/16
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>Should you wish to discuss the matter further please contact PC Reaz Guerra on <b>0207 641 1709</b> or via email, <a href="mailto:rguerra@westminster.gov.uk">rguerra@westminster.gov.uk</a>.</p>	

<b>2-B Other Persons</b>			
<b>Name:</b>	Lois Peltz		
<b>Address and/or Residents Association:</b>	Residents Society Of Mayfair & St. James's		
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13/5/16		
<p>We wish to object to the granting of a licence for music in Berkeley Square for a series of events. Apart from the terrible nuisance these events cause because so many people come into the area there is a great deal of antisocial behaviour .i.e.drinking ,pick - pocketing and the misuse of near by doorways as lavatories .The music because of the lay out of the square is loud late and most upsetting to residents &amp; office workers in the adjacent streets.</p> <p>We also wish to make the observation that no licensing should ever be given for longer than one year as circumstances change so rapidly and there would be no way to redress this huge mistake</p>			
<b>Name:</b>	Oliver Desit		
<b>Address and/or Residents Association</b>	Grosvenor Buildings Bourdon Street		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12/5/16		
<p>Dear Ola,</p> <p>I have been passed your details by local residents as we are unable to find this application on the WCC website.</p> <p>Please can this application be withdrawn on the grounds of the following:</p>			

a) that this use of Berkeley Square is contrary to permitted use of the Square under the relevant legislation relating to London Squares and Gardens.

b) that 70 decibels will create an intolerable situation for those living and working in the Square and nearby streets. I am expecting a baby soon and this will impact my family heavily.

c) that the proximity of the Square to Berkely St has the potential for serious disorder if the performances are unfortunately timed.

Many thanks  
Oliver Desit  
Grosvenor Building

<b>Name:</b>	Mr Jason Hirsh		
<b>Address and/or Residents Association:</b>	12A Grosvenor Hill Court 15 Bourdon Street London W1K 3PX		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27/4/16		

I am completely shocked that more events are even being considered in Berkeley Square.

Currently the square is closed twice a year which devastates the grass and renders the North side of the square practically unusable for months.

Then there is the increased traffic congestion during the set up and take down (as well as during events), all those idling diesels (plus the generators) spewing filth into the environment. You do realise Oxford street is 300m away and has the worst pollution in London right?

Current events like Lapada and Pad are lovely but frankly there are many other venues where they can be held such as the Grosvenor House where they were for years. Other events such as Glamour awards clog up Berkeley square traffic to a virtual standstill as the limos arrive.

Please don't get me started on the Morton's Disco (rave) which blasts nightclub level music in a tent in a wide open space and is unbearable.

Now you want to increase this? Really, what gain other than financial do you receive for an application such as this? To close a public space during the summer months? to prevent access from one side of the square to the other?

I can not see the proposed hours of the licensing and would appreciate those, but if anything is planned for the evening or weekends then the noise will echo around Berkeley Square, through Jones street and reverberate around Grosvenor Hill/Bourdon

Street like it always does during these events, which in the summer time leads to having to close windows to get any respite.

I strongly object to increased loss of a local amenity which is already oversubscribed in the summer months with people during the day and now you want to close off half?

yours sincerely,

A very tired resident.

<b>Name:</b>	Mr Michael Dunn		
<b>Address and/or Residents Association:</b>	Flat 32 129 Park St London W1K 7JB		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29/4/16		

There is admittedly a lack of detailed information at this stage which might in due course mitigate some of these objections but my general grounds for objection are :-

1. Inappropriate use of a valued public space which might even be in contravention of the legislation applicable to London Squares and Gardens.
2. Potential for serious nuisance caused by noise levels to anyone who lives or works in Berkeley Square and the surrounding streets.
3. Potential for serious disorder if these musical events are wrongly timed given the proximity of Berkeley Square to Berkeley St

<b>Name:</b>	Cllr Glenys Roberts		
<b>Address and/or Residents Association:</b>	Westminster City Council		
<b>Status:</b>	Local Councillor	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12/5/16		

Ola many people are concerned about this Berkeley square licence but there is only limited information accessible on the site. As councillor I am objecting to what appears to be a drinking and music licence on the grounds of public nuisance and probable public disorder. Please a knowledge this objection

It is not clear from the website what these licensable activities are. People have heard rumours of rock concerts.

I realise these events have happened before but what has happened is that the residents, who have been extremely patient, have watched the open spaces in the West End engulfed with commercial activity contrary to the London Squares Act. They are now fighting back. Even the maintenance argument does not hold water. The events create twice as much damage to the grass which has to put right as normal public use. We have to allow London to breathe and not regard it solely as a cash cow.

Whilst awaiting more details of the licensing application for the above I took these photos today, Sunday, of families, tourists and locals enjoying the peace and quiet of the square both to the North and the South. Such relaxing activities would no longer be possible if events are allowed there. It is clear it is fully in use as is and there is

absolutely no call to licence it for music and drinking indeed it would go completely against the purpose of a garden square.

Please add these observations to my submission and let me know the exact nature of the proposal because unless it maintains this much needed tranquillity in the centre of our busy town I maintain my objection





<b>Name:</b>		Lucy Whitcutt	
<b>Address and/or Residents Association:</b>		Not known	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29/4/16		
<p>I wish to make an objection to this but the website is not showing the application. Please advise?</p> <p>Regards Lucy Whitcutt</p>			
<b>Name:</b>		Mr Matthew Foster	
<b>Address and/or Residents Association:</b>		15 Bourdon Street London W1K 3PX	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	3/5/16		
<p>I am contacting you directly regarding the above Licensing Application as when this reference you have specified on your letter of the 14th April 2016 is entered on the Westminster.gov site it is not recognised.</p> <p>I wish to register my absolute opposition to this application to allow music events to take place in Berkeley Square, W1. The Streets surrounding Berkeley Square are predominately residential, with a mix of private &amp; also sheltered housing, families the elderly &amp; disabled all form part of this community. It is totally unacceptable for Westminster City Council to consider such a proposal which will cause considerable disturbance, anxiety &amp; unhappiness to all the residents living in this confined location.</p> <p>I would suggest that Westminster City Council begin to take their CIVIC DUTY &amp; the wellbeing of their rate payers more seriously than is apparently the case, which this current proposal clearly illustrates, rather than the mere interests of commercial businesses who's only consideration is in financial gain for themselves at the cost of the quality of life &amp; health of the residents &amp; rate payers of this borough.</p> <p>I intend to print and send this letter to you directly by signed for mail and will also register my objection on the official Westminster Gov site once you have supplied the correct Ref or the current problem with this Ref is corrected.</p> <p>Yours Faithfully, Matthew Foster.</p>			
<b>Name:</b>		Ron Whelan	
<b>Address and/or Residents Association:</b>		29A Brook Street London W1K 4HE	
<b>Status:</b>	Amenity Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	4/5/16		
<p>Our Residents Group wishes to object to the continuing abuse of this much valued Mayfair green space through the repeated efforts to transform it into an entertainment hub. It is, and has always been, a place for quiet relaxation for residents and visitors and their families. Westminster Council, in this application, is simply turning it's back on local concerns in the pursuit of short term economic gain. In contrast, Mayfair as an area will be poorer if this application is granted.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy COMB1 applies:</b>	<p>(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&amp;PB2, FFP1 &amp; FFP2, MD1 &amp; MD2.</p>
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

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

<b>Report author:</b>	Mr Ola Owojori Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Plan	12/4/16
<b>5</b>	Application	12/4/16
<b>6</b>	Proposed conditions	12/4/16
<b>7</b>	Application served and acknowledged	12/4/16
<b>8</b>	Public Notice	12/4/16
<b>9</b>	Residents notification	14/4/16
<b>10</b>	Jason Hirsh representation	27/4/16
<b>11</b>	Michael Dunn representation	29/4/16
<b>12</b>	Lucy Whitcutt representation	29/4/16
<b>13</b>	Matthew Foster representation	3/5/16
<b>14</b>	Ron Whelan representation	4/5/16
<b>15</b>	Cllr Roberts representation	12/5/16
<b>16</b>	Oliver Desit representation	12/5/16
<b>17</b>	Lois Peltz representation	13/5/16
<b>18</b>	Environmental Health representation	1/6/16
<b>19</b>	Police representation	1/6/16
<b>20</b>	Hearing notification	22/6/16
<b>21</b>	Environmental Health Service proposed conditions	5/7/16
<b>22</b>		
<b>23</b>		
<b>24</b>		



# Existing Plan

City of Westminster

Environment & Planning Department  
Westminster City Hall, Victoria Street, London SW1E 6QP

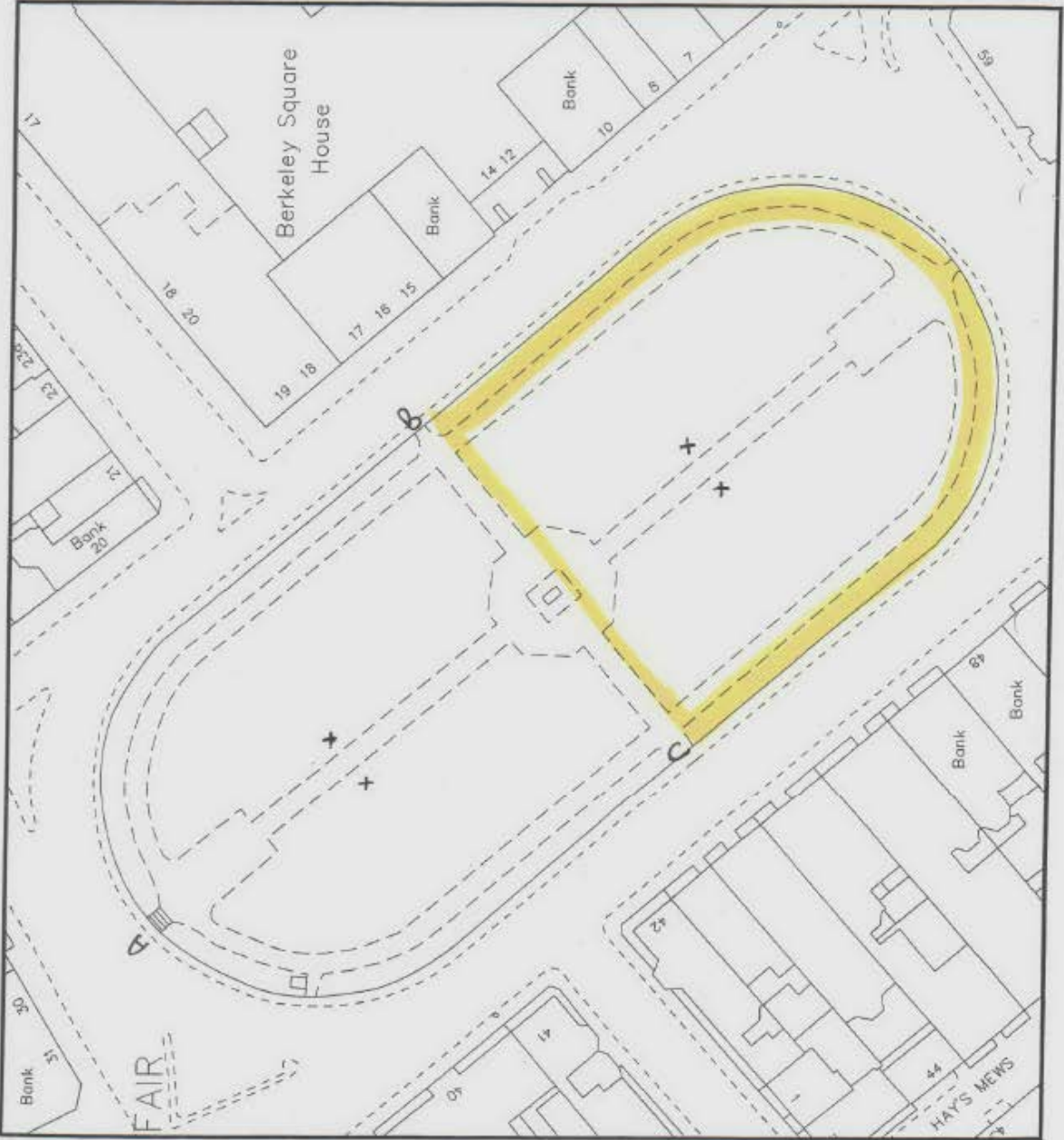
Notes:

X Hydrant PITS  
 The boundary of the premises of the position of the STAIR will be ALTERED SUBJECT TO HIGHWAY APPROVAL AND ACCESS ON SITE.  
 A, B, C, GATES TO ALLOW PUBLIC ACCESS.



Drawn and checked from Ordnance Survey 1:1250 flight data. Crown Copyright Reserved.

Project:	Berkeley Square
Drawing Title:	
Division:	Parks Section
scale:	drawn by: A. COOPER
checked by: M. WILSON	date: Oct, 98



Applicant Proposed Conditions

1. The licensee shall ensure that the Bandstand area and public space in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
2. When there is a performance of concerts, at the Bandstand the highway in the vicinity of the premises shall be swept at regular intervals and at the close of business. All litter and sweepings collected and stored in the accordance with the approved refuse storage arrangements. The Bandstand area is swept every evening prior to closing
3. The Licensee must ensure that the LAeq (5min) noise level does not exceed 70dB at the nearest affected premises during concert performances.
4. The following details must be provided to the Council's Environmental Health Consultation Team within a minimum of 28 days prior to the event day/s:
  - Onsite contact details for an appropriate person, in overall charge of the noise levels.
  - A running order of the proposed concerts that will be performed during the season.
5. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used upon 10 days prior written notice being given to the Licensing Authority and clearance by the London Fire and Emergency Planning Authority and the Environmental Health Consultation Team, Westminster City Council:
  - Dry ice and cryogenic fog
  - Smoke Machines and fog generators
  - Pyrotechnics including fireworks
  - Lasers
  - Strobe Lighting
6. For all performances only hangings, curtains, upholstery and temporary decorations complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary
7. The Licensee will comply with all reasonable requirements of the Environmental Health Consultation Team, Westminster City Council and the London Fire and Emergency Planning Authority

8. The Licensee shall ensure that all performers are issued with an Indemnity including all the conditions attached to the Premises Licence and, if relevant those agreed as a result of meetings with the Police and other agencies who have issues which need to be met.
9. The Bandstand changing area to comply with all issues relating to adequate Fire equipment, trained personal in the use of that equipment, and evacuation procedures. This to be verified by the local Fire Officer.
10. All Electrical equipment to be assessed by a competent person to comply with all current legislation for Health and Safety requirements.
11. Adequate medical and First Aid cover and facilities appropriate to the licensed area must be provided.
12. Adequate sanitary accommodation must be provided and maintained to serve the licensed event to the standards lay down by the Environmental Health Consultation Team. Onsite toilets for the performers in the Bandstand accommodation support this and Public Conveniences situated outside the park for the public, which is shown on the plan provided.
13. All gateways will be manned on performance times only. This is to facilitate emergency procedures with the public, to also maintain public safety, and to deal with incidents that may arise with the public.
14. No Alcohol is allowed into the Bandstand Auditorium during the concert performances.
15. The Licensee will comply with all reasonable requirements of the Environmental Health Consultation Team, Westminster City Council, The London Fire Brigade and Emergency Planning Authority, and the Metropolitan Police Service.
16. The duration of Live and Recorded Music shall not exceed a maximum of four hours in any giving day.
17. All events within the gardens shall comply with a set of standard conditions/permission letters for the use of the gardens, in addition to event specific conditions.
18. All statutory regulations and byelaws shall be covered within the standard conditions and regular advice and liaison will take place with the Environmental Health Service.
19. Consultation shall take place with local police, local businesses and communities in relation to event programme, timings and frequency.

20. All events shall be supervised and stewarded as according to the police and licensing requests.
21. Organiser shall supply an event safety plan, covering all aspects of health and safety, risk assessment, evacuation and first aid cover.
22. The type of event must reflect a tasteful and appropriate content to be submitted prior to the event and agreed by all parties to be suitable.
23. Where there is concern about the content of an event, the event shall not take place until a satisfactory result is found.
24. A lost children arrangement shall be provided at all public and private events if agreed by all parties.
25. Advice shall be sought from the necessary agency when children are to be present at an event and conditions set shall be adhered to.
26. All regulated entertainment and provision of Late Night Refreshment must be carried out within a Marquee or Tented Structure, which must be fully acoustically lined.
27. Accommodation limits for the tented structures will be set in line with the technical standards for places of entertainment by the Environmental Health Consultation Team 28 days prior to any event taking place.
28. The performance of dance shall be limited to a maximum of 20 occasions per calendar year.
29. The screening of films to be restricted to television or flatscreen and not to exceed 5 times per calendar year.
30. Live music shall not exceed a maximum of 4 hours in any given day and is restricted to a maximum of 20 days in the calendar year.
31. Recorded music shall not exceed more than 20 occasions per calendar year.
32. A minimum of 28 days written notice to be given to the Environmental Health Consultation Team of any event within Berkeley Square and/or where a temporary structure is to be erected.
33. Full structural design details and calculations of all and any structures to be erected within the licensed area, must be submitted to the Westminster City Council Building Control, to be able to obtain the necessary licence.
34. The Premises Licence Holder shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council when there is a performance of concerts, plays and



films. All litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

35. There shall be no noise audible at the boundary of the premises, from any construction or similar works in association with the set-up and breakdown of the site, outside the hours of:

08:00 to 18:00 hours Monday to Saturday  
10:00 to 13:00 hours Sunday

36. Electrical generators, where used, must be:

- (a) Located within the licensed area, clear of buildings, marquees and structures, and free from flammable materials except fuel necessary to power an electrical generator;
- (b) Enclosed to prevent unauthorised access and to prevent noise propagation;
- (c) Able to provide power for the duration of the event;
- (d) Provided with an alternative automatic back up system in the event of primary generator failure when essential communications or lighting are needed;
- (e) Operated and attenuated to a noise level that is agreed by the Environmental Health Consultation Team.

37. Twenty-four hour Security Industry Authority (SIA) approved security to be provided on site from the night when equipment first arrives until final removal.

38. No non-emergency vehicles shall be operated within the premises during the event or when members of the public are on the premises.

39. The Licensee will ensure that risk assessments are produced for each event. These shall be made available to the Environmental Health Consultation Team upon request.

40. The Licensee must nominate one person for each event to act as safety co-ordinator. This information shall be made available to the Environmental Health Consultation Team.

41. An Event Management Plan shall be presented to the Responsible Authorities 28 days prior to an Event. This is to include:

- (a) Emergency and Evacuation procedures;
- (b) Crowd management and stewarding arrangements;
- (c) A detailed plan showing site layout and emergency egress points.

42. Public areas must be kept clear of refuse and other combustibles prior to, and so far as is reasonably practicable, during the licensed event.

43. The event organiser to comply with all issues relating to adequate fire equipment trained personnel in the use of that equipment, and evacuation procedures. This is to be verified by the local Fire Officer.

44. A competent person shall assess all electrical equipment. Subsequent reports shall be made available to the Environmental Health Consultation Team upon request.

45. All functions relating to the setting up and dismantling of the event, the licensed area and all equipment are carried out in accordance with the Health and Safety at Work etc. Act 1974 and all related regulations, Codes of Practice and Guidance Notes. All documentation required by the Health and Safety at Work etc. Act 1974 relating to contractors and employees must be available for inspection by authorised officers at all times during the licensed event and must be kept at the location.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
New Application	Application for a new premises licence for the Berkeley Square Gardens (South)	04.07.06	Granted by Licensing Sub Committee

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

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

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

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

### **Mandatory Conditions**

1. 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.

### **Conditions proposed by the Environmental Health (To replace those proposed by the applicant)**

2. A suitable Event Management Plan shall be produced prior to an event for an audience consisting of more than 500 persons and made available on request to an authorised officer from the responsible authorities at least 28 days prior to the event starting. The event plan shall include, amongst other things , details of the following:
  - Event schedule, including details of build and de-rig
  - Health and Safety risk assessments
  - Media strategy and local publicity
  - Stewarding/Security plan
  - Fire risk assessment
  - Emergency procedures
  - WC provision
  - First Aid
  - Electrical and power supply arrangements
  - Parking/Traffic management
  - Dispersal policy
  - Noise management plan
  - Refuse/Cleansing arrangements

3. The Licensee shall comply with all reasonable requirements of the Environmental Health Consultation Team, Westminster City Council Special Events Team, The London Fire Brigade and the Metropolitan Police Service.
4. Notification of the intention to hold an event, at least 14 days prior to any event, shall be posted on site notice boards and/or by direct communication with local residents, businesses and local Residents Associations
5. Where necessary full structural design details and calculations of all temporary structures must be submitted to Westminster Building Control, and the appropriate temporary structures licences obtained prior to an event starting.
6. The maximum number of persons accommodated at the premises within the boundary security fence at any one time (excluding staff and performers) shall be: 1000
7. The Licensee must ensure that the LAeq (5 min) noise level does not exceed 70 dB (A) at the nearest noise sensitive premises whenever amplified music is provided.
8. The provision of Live and Recorded music shall not exceed more than 20 occasions per calendar year.
9. The duration of Live and Recorded Music shall not exceed a maximum of four hours on any given day
10. There shall be no noise audible at the boundary of the premises from any construction or similar works carried out in association with the set up and dismantling of the site, outside the hours of:  

08:00 - 18:00 Monday to Saturday  
10:00 - 13:00 Sunday
11. The licence holder shall ensure that any queue to enter the premises or crowd gathering which forms outside the premises is orderly and supervised by security staff so as to ensure that there is no public nuisance or obstruction to the public highway.
12. Electrical generators, where used, must be:
  - (a) Suitably located clear of buildings, marquees and structures, and free from flammable materials;
  - (b) Enclosed to prevent unauthorised access and to prevent noise propagation;
  - (c) Able to provide power for the duration of the event;
  - (d) Provided with an alternative automatic backup system in the event of primary generator failure when essential communications or lighting are needed;
  - (e) Operated and attenuated to a noise level that is agreed by the Environmental Health Consultation Team
13. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Environmental Health Consultation Team where consent has not previously been given:

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.

14. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- Any emergency lighting battery or system
- Any electrical installation
- Any emergency warning system

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

16. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

17. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

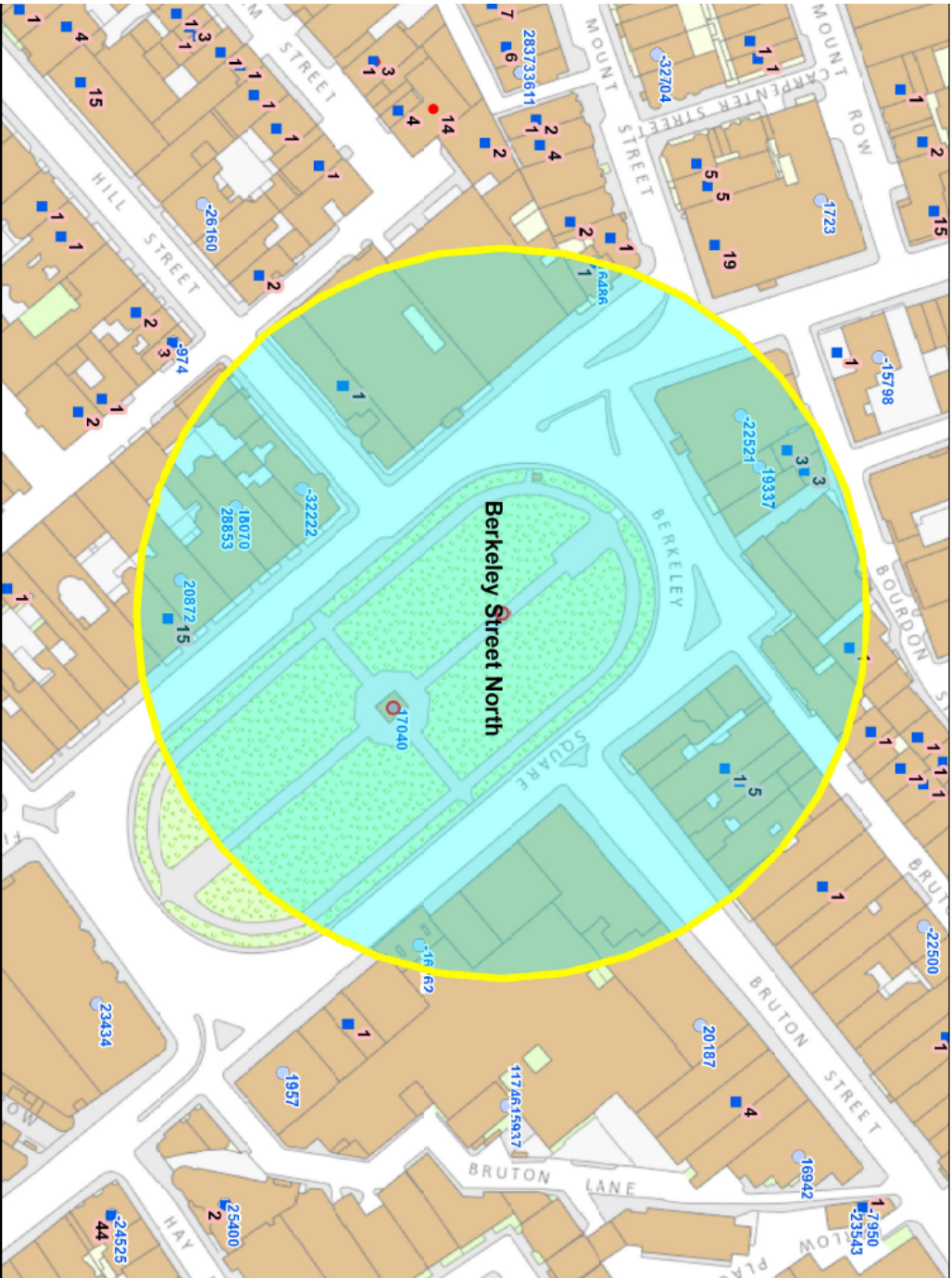
18. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

19. All fabric, including curtains and drapes, used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request to authorised officers of the Responsible Authorities.



City of Westminster

Berkeley Square Gardens (North)



10  
Meters

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Residential / Proposed Residential	30
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known
Data Source: Uniform Database Date: 22/06/2016	

### Premises within 75 metres of Berkeley Square Gardens (North)

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
17040	Open Space	Open Space Berkeley Square London W1J 6EB	Monday to Saturday 12:00 - 00:00
19337	Morton's Club	Basement To Third Floor 28 Berkeley Square London W1J 6EN	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 03:30
16486	GSK	34 Berkeley Square London W1J 5BF	Monday to Sunday 00:00 - 00:00
20872	Annabel's	46 Berkeley Square London W1J 5AT	Sunday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 01:30 Monday to Saturday 07:00 - 04:00
28853	Annabel's	Basement And Part Ground Floor And Part First Floor 44 Berkeley Square London W1J 5AR	Monday to Saturday 09:00 - 04:00 Sunday 12:00 - 23:00
-32222	Paisley + Tyler Co Ltd	42 Berkeley Square London W1J 5AW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-22521	Phillips	30 Berkeley Square London W1J 6EX	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-16262	Benares Restaurant & Bar	12 Berkeley Square London W1J 6EB	Monday to Sunday 11:00 - 01:30
18070	Clermont Club	Part Ground Floor And Part First Floor And Second Floor To Fourth Floor 44 Berkeley Square London W1J 5AR	Monday to Sunday 00:00 - 00:00