



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	26 October 2017
Licensing Ref No:	17/08117/LIPV - Premises Licence Variation
Title of Report:	Cafe Pushkin 20 Berkeley Street London W1J 8EE
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 July 2017		
Applicant:	Cafe Pushkin Limited		
Premises:	Cafe Pushkin		
Premises address:	20 Berkeley Street London W1J 8EE	Ward:	West End
		Cumulative Impact Area:	N/A
Premises description:	The premise currently operates as a restaurant.		
Variation description:	The application proposes to extend the permitted hours for all licensable activities until 00:30 Monday to Saturday (an additional hour on Monday to Wednesday and an additional 30 minutes on Thursday to Saturday).		
Premises licence history:	The premise has been licensed since 2014. A full premises licence history is available at Appendix 2.		
Applicant submissions:	Noise Management Policy Operational Management Statement Policy Submission		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Late night refreshment					
Indoors, outdoors or both		Current :			Proposed:
		Indoors			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	23:00	00:30	Ground floor and basement
Tuesday	23:00	23:30	23:00	00:30	
Wednesday	23:00	23:30	23:00	00:30	
Thursday	23:00	00:00	23:00	00:30	
Friday	23:00	00:00	23:00	00:30	
Saturday	23:00	00:00	23:00	00:30	
Sunday					
Seasonal variations/ Non-standard timings:		No change			

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		Both			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	07:00	23:30	07:00	00:30	Ground floor and basement
Tuesday	07:00	23:30	07:00	00:30	
Wednesday	07:00	23:30	07:00	00:30	
Thursday	07:00	00:00	07:00	00:30	
Friday	07:00	00:00	07:00	00:30	
Saturday	07:00	00:00	07:00	00:30	
Sunday	08:00	23:00	No change		
Seasonal variations/ Non-standard timings:		No change			

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	07:00	23:30	07:00	00:30	Ground floor and basement
Tuesday	07:00	23:30	07:00	00:30	
Wednesday	07:00	23:30	07:00	00:30	
Thursday	07:00	00:00	07:00	00:30	
Friday	07:00	00:00	07:00	00:30	
Saturday	07:00	00:00	07:00	00:30	
Sunday	08:00	23:00	No change		
Seasonal variations/ Non-standard timings:	No change				

1-C Conditions being added	
Proposed condition	
30.	<p>The licensee shall operate the premises in accordance with a Berkeley Street Best Practice Policy which shall be created to promote the four licensing objectives. The best practice policy will be reviewed from time to time with the Licensing Authority and the local licensing police. The best practice policy shall cover the following:-</p> <ul style="list-style-type: none"> a) The arrival and gradual dispersal of customers to minimise any noise and disturbance from both Berkeley Street and Hay Hill entrances/exits b) The Taxi and Valet parking provision c) Delivery and collections d) Smoking policy <p>The best practice policy shall be available for inspection at any time and a copy shall be provided to the police or licensing authority or local resident upon request.</p>
31.	<p>The licensee shall meet with local residents not less than once every 3 months (if necessary) to review the best practice policy. The licensee shall advertise the meeting on their group website and notice will be given to the 17 Berkeley Street Residents Association and Mayfair Residents Group by email.</p>
32.	<p>There shall be no queues outside the premises.</p>
33.	<p>The licence holder will support any neighbourhood monitoring scheme that may exist (from time to time) including contributing financially to any paid for policing scheme on Berkeley Street.</p>
34.	<p>No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the</p>

specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Toby Janes
Received:	1 August 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder, as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The conditions already on the licence do address many of the Police concerns, however as the proposed hours will be increased Police would like to add the following condition:</p> <ol style="list-style-type: none"> 1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service. 	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	15 August 2017
<p>I refer to the variation application of the Premises Licence, 17/01674/LIPT, for the above premises.</p> <p>The applicant is seeking the following:</p>	

1. To increase the hours for the Supply of Alcohol 'on' and 'off' the premises so that they become on Monday to Saturday from 07:00 to 00:30 hours.
2. To increase the hours for the Provision of Late Night Refreshment 'indoors' so that they become on Monday to Saturday from 23:00 to 00:30 hours.

I wish to make the following representations as numbered above:

1. The increase in hours requested for The Supply of Alcohol 'on' and 'off' the premises may have the likely effect of causing an increase in Public Nuisance in the area
2. The increase in hours requested for the provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area

The premises are not in a Cumulative Impact Area as defined currently in Westminster's Statement of Licensing Policy. However the applicant is advised to have regard to the recently commissioned report 'Mayfair Evening and Night-time Economy Behaviour Study -Research Project to inform a Review of the Statement of Licensing Policy in 2017' available on the Council's website.

Environmental Health also seeks clarification on some of the additional information submitted to support the application:

- This application includes 'off' sales for alcohol whereas condition 12 on the existing licence does not permit 'off' sales.
- In addition to the 'Operational Management Statement' similar to as described in condition 27 on the existing licence the applicant has submitted 'The Noise Management Policy' by Big Sky Acoustics and 'Policy Submission' – all need to be made compatible and/or converted into conditions on the licence as suggested in the operational statement.

The applicant is therefore requested to contact the undersigned to discuss the above issues after which Environmental Health may request additional conditions.

2-B Other Persons

Received: 8 August 2017

This is a residential area. More traffic more noise later and later at night. It's becoming unbearable.

Received: 14 August 2017

We object to the proposal of extending the licensing hours as it will increase the level of noise and traffic at night etc., causing more disturbance to our residential block.

Received: 14 August 2017

I live at No. 10 Berkeley Street and would like to object to this application. Berkeley Street is becoming intolerable for residents due to excessive Licences issued and there is more room for extension or new licences.

Received:	14 August 2017
<p>We as residents do not want ongoing crowds late at night, this is a cafe and having a late license will turn it into another late entertainment space where people will be drinking, making noise, obstructing the flow when I try to get home, stand outside our doorstep and smoke, making the street messier and also of course making noise. I do object heavily to this application.</p>	
Received:	15 August 2017
<p>Berkeley street is already saturated and life has become intolerable for the residents due to excessive grant of licences.</p>	
Received:	15 August 2017
<p>I strongly object to the application made by cafe Pushkin 20 Berkeley Street on grounds of prevention of public nuisance. The Berkeley Street is heavily saturated with late night operators and the residents currently experience extreme level of nuisance.</p>	
Received:	15 August 2017
<p>I'm a resident of Flat 9, 17 Berkeley Street and and the Chairman of 17 Berkeley Street Residents Association. I strongly object to the application made by Cafe Pushkin 20 Berkeley Street. The grounds for objection are prevention of public nuisance, prevention of crime and disorder, and public safety. We currently experience extreme level of nuisance from current premises operating late at night in Berkeley Street. The current application seeks extension to the hours which falls outside the core hours. 17, 18 and 20 Berkeley street are all residential properties with very close proximity to the premises. Further a report was published in May 2017 by an independent consultant following a study of the evening and night time economy in parts of Mayfair and its impact on the statutory 'licensing objectives'. I understand that this study has been produced as part of the requirement for the Council to maintain and where appropriate review its Statement of Licensing Policy. The report found that the issues reported by residents cannot be attributed to individual premises but are the result of the 'cumulative impact' of a large number of late night premises. My experience bears this out. Premises contribute both individually and collectively to the negative impact on the licensing objectives. The report concludes that Berkeley Street is a 'prima facie' candidate for designation as a 'cumulative impact area'. I therefore strongly urge the committee to reject this application. Thank you for your consideration!</p>	
Received:	15 August 2017
<p>The MRG wishes to oppose this application. The Berkeley Street vicinity is already heavily saturated with late night licenced premises, which cause local residents severe problems. A loosening of the restrictions on this particular licence would not only exacerbate these problems but could also become a precedent for future licence applications. From the residents point of view, this would be simply disastrous.</p>	
Received:	15 August 2017
<p>I live at 17 Berkeley street which is few doors down from these premises. I want to express my strongest objections to this requested changes to the current licence on grounds of prevention of public nuisance and prevention of crime and disorder. I currently suffer from noise and nuisance from 10pm to early hours of the morning from</p>	

current premises in the street.
I therefore request the committee to reject this application.

Received: 16 August 2017

I write to make an objection as Hawksford Fiduciaries in relation to the Application to premises license under Reference is 17/08117/LIPV. Cafe Pushkin 20 Berkeley Street. We are the owner of Flat 5, 17 Berkeley Street and reside in this property so will be directly affected by these proposals.

I write to object this application on the basis of an ever increasing nuisance we are seeing in this area from businesses being able to change their license and having a negative impact on the quiet enjoyment of the residents in the vicinity.

We have in recent years seen an ever increasing issue with noise, anti-social behaviour and other such problems which arise due to the late night licensed premises in what is in fact a small area.

Allowing this application to pass is downgrading our neighbourhood and causing further discomfort to the residents of our property and the surrounding buildings. We are allowed quiet enjoyment of our home and the cumulative impact of licensed premises are already hindering this greatly. This application, if granted, would only increase the noise levels and anti-social behaviour in our neighbourhood, we do not want this to set a further precedent for our area, as we feel one has already been set which is having a huge negative impact.

We believe the application would have an effect on public safety, be a public nuisance, and goes completely against the rights of the local resident to quiet enjoyment of their properties and feeling safe in the immediate home environment.

Received: 13 August 2017

As local ward councillor, very familiar with the disturbances caused by a surfeit of licensed premises in this street, I support the residents in their objection to later hours. So concerned were the councillors that a study of late night licensing in the area was commissioned which concluded Berkeley street had reached saturation point.

Therefore it is difficult to reconcile any extension of hours for any premises in the street with the licensing objectives including prevention of public disorder and disturbance and the protection of children.

Received: 15 August 2017

In the evenings especially at the end of the week Berkeley changes character and becomes unbearable for local residents.

The traffic is squeezed into one lane as taxis double park outside of Novikov causing drivers to hit their horns at all times of the evening.

The wealthy clientel visiting restaurants attract undesirable types-beggars prostitutes and pimps making the street an unpleasant place to be when coming home in the evenings.

We have already too many food outlets and there has to be control over their opening hours. A tight control is essential and I object to the request for more flexibility in opening hours.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Existing premises licence

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation Metropolitan Police	1 August 2017
5	Representation Resident	8 August 2017
6	Representation Resident	14 August 2017
7	Representation Resident	14 August 2017
8	Representation Resident	14 August 2017

9	Representation Resident	15 August 2017
10	Representation Resident	15 August 2017
11	Representation Resident	15 August 2017
12	Representation Resident	15 August 2017
13	Representation Resident	15 August 2017
14	Representation Resident	15 August 2017
15	Representation Resident	16 August 2017
16	Representation Councillor	13 August 2017

CAFÉ PUSHKIN, 20 BERKELEY STREET, LONDON W1J 8EE

APPLICATION TO VARY A PREMISES LICENCE

CITY OF WESTMINSTER STATEMENT OF LICENSING POLICY 2016

POLICY SUBMISSION

Policy HRS1 – Hours

The application proposes a terminal hour for licensable activities of 00.30am Monday to Saturday (the following day). This represents a 1 hour extension on Mondays to Wednesdays and a 30 minute extension on Thursdays to Saturdays. There is no proposed change to the terminal hour on Sundays.

The proposals are 1 hour beyond Core Hours on Mondays to Thursdays and 30 minutes beyond Core Hours on Fridays to Saturdays. Policy HRS1 states:

Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies

There is no Policy presumption to refuse the application. The other relevant policies are addressed in this document. In doing so the applicant is able to demonstrate that the application promotes the Licensing Objectives; will have no adverse impact in the local area; and can be granted on its merits under the Policy.

The factors to be considered under HRS1 are addressed below (using the same lettering as the Policy):

- (a) Policies CD1, PS1 and PN1 are addressed below.
- (b) Residential accommodation is situated on Berkeley Street. However, the limited scope of the application proposals, capacity, restaurant use and 00.30 terminal hour for licensable activities are not likely to adversely affect the local residents.
- (c) The proposed hours for licensable activities are 00.30 am with a 30 minute winding-down time until closure at 1.00 am.
- (d) Only incidental background music consistent with the restaurant use will be played. The application does not propose regulated entertainment during the later hours.
- (e) Customers will not be permitted to take food or drink outside the premises during the additional hours.

- (f) The proposed hours for licensable activities are relatively modest compared to existing licence premises in the vicinity.
- (g) The customers and staff will have excellent access to public transport when arriving and leaving the premises, especially at night. This is addressed in detail in the operational management statement.
- (h) The capacity of the premises is limited to 125 customers.
- (i) The premises will operate as a restaurant in accordance with its planning use and restaurant conditions imposed on the premises licence.
- (j) The dispersal policy and operational management statement includes provisions to ensure a proactive “winding-down” period to ensure a quick, controlled and quiet closure of the premises.
- (k) The proposed hours facilitate a 30 minute period between last orders and closure to ensure a suitable period of time for customers to leave the premises.
- (l) The council, responsible authorities and local residents have the power to review the premises licence in the (unlikely) event the proposed hours adversely impact upon the licensing objectives.
- (m) The application does not propose any non-standard hours.

Policy CIP1 – Cumulative Impact Area

The City Council have recently published a report by Dr Hadfield titled *“Mayfair Evening and Night-time Economy Behaviour Study – Research Project to inform a Review of the Statement of Licensing Policy 2017”*

Dr Hadfield’s report makes various recommendations relating to possible Cumulative Impact Areas in Mayfair. However it is important to bear in mind that the Premises is outside the current Cumulative Impact Areas. The application should be determined by the Licensing Authority under the current Policy.

Notwithstanding, the applicant makes the following observations in respect of Dr Hadfield’s findings:

- Concern is focused on restaurants on *“high alcohol (wet-) sales themes that offer disc jockey entertainment and spaces to dance”*. This type of venue is completely inconsistent with Café Pushkin’s business model (i.e. a very traditional fine dining restaurant). The premises licence does not authorise regulated entertainment and is controlled by model restaurant condition MC66.

- The report distinguishes between premises opening after 1am and those closing earlier. The premises proposes a terminal hour for licensable activities until 00.30am and a closing time of 1am. The proposed hours will not contribute to problems occurring in the area after 1am. Instead customers are more likely to stay in the restaurant for longer rather than moving onto nearby premises with later licences.

Policy RNT1 – Restaurants outside the Cumulative Impact Area

The existing operating schedule includes model restaurant condition MC66 ensuring restaurant use at the Premises.

Policy RNT1 states that *“Applications will generally be granted...subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.”*

Policy RNT1 states:

Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Paragraph 2.5.14 of RNT Policy distinguishes between restaurants operating after 1am and restaurants closing up to 1am. This is consistent with Dr Hadfield’s findings. The proposed hours do not exceed the 1am limit. Sunday hours will remain 23.00 to allow for ‘respite’ recommended in paragraph 2.3.3 of the Policy.

Policy CD1 – Prevention of Crime & Disorder

The relevant Policy considerations are addressed as follows:

(i) The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police’s effective management checklist (see Appendix 7) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.

- The Premises is located outside the Cumulative Impact Areas. It is therefore not regarded as an area with high levels of existing crime and disorder. Dr Hadfield’s recent findings are addressed below.
- The nature of the restaurant use is not likely to impact upon crime and disorder.
- Comprehensive up-to-date model conditions are already included in the premises licence operating schedule.
- The conditions ensure the Premises Licence will be properly conditioned from a Policy perspective and that the Premises promotes the Licensing Objective of the Prevention of Crime and Disorder.

- The Applicant is an extremely experienced operator. The original Café Pushkin is one of Russia's finest restaurants. The ownership team will be complemented by a management team experienced in operating licensed premises in England and Wales.

(ii) Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix 7).

- The Premises layout will be consistent with a traditional restaurant.
- The design will promote an open layout with clear lines of site and blind spots avoided.
- A CCTV system will be installed to ensure comprehensive coverage in any light condition.
- The fit out will be to an extremely high standard.

(iii) Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix 7).

- A comprehensive package of management procedures will be implemented to address all relevant factors contained within Appendix 7 of the Policy.
- The management procedures will complement the proposed model conditions set out in the operating schedule of the application to ensure the promotion the Licensing Objective of the Prevention of Crime and Disorder.

(iv) Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account: the possibility of crowding the areas set aside for drinking while standing, and of the measures set out in Appendix 9. Other premises may have to have regard to these matters in exceptional circumstances.

- The premises will operate as a premium and conditioned restaurant. It will not operate as a pub or bar.
- No regulated entertainment is proposed.
- There will be no facilities for dancing at the premises.
- The premises will be set out with tables and chairs in accordance with the restaurant use.

Policy PS1 – Public Safety

The relevant Policy considerations are addressed as follows:

(i) Whether the premises already have a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

- The premises will be signed off by an Approved Building Control Inspector before opening to the public and all required safety certificates will be obtained.
- A fire risk assessment will be undertaken to ensure the premises is operated safely and within any required capacity limits.

(ii) Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for "pass outs" and readmission.

- The nature of the restaurant use does not present a risk of overcrowding at the premises.
- The number of persons present will generally be controlled by reception staff who will permit entry according to reservations and table availability.

(iii) Whether patrons can arrive at and depart from the premises safely.

- Access and egress will be monitored by staff at all times.
- Entrances, exits and means of escape will be maintained and kept unobstructed to ensure the safety of persons accessing and leaving the premises.

(iv) Whether there may be overcrowding in particular parts of the premises;

- The premises is of modest size and will not accommodate a large number of persons minimising the risk of overcrowding in particular parts of the premises.
- As stated above, the premises will be predominantly set out with tables and chairs consistent with the restaurant use.
- The number of persons present will generally be controlled by reception staff who will permit entry according to reservations and table availability.

(v) Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).

- The premises will not operate as a music and dance venue nor use special effects equipment that would affect public safety.

(vi) Whether due account has been given to the measures outlined in 'Safer Clubbing' in applications for facilities for music and dancing. The key areas identified are:

- i. prevention of overcrowding*
- ii. air conditioning and ventilation*
- iii. availability of drinking water*
- iv. affordable Cloak rooms*
- v. further measures to combat dancers and others overheating*

vi. overall safety

- This Policy consideration is not relevant as the premises will operate as a restaurant.

(vii) Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

- The modest restaurant use of the premises is unlikely to present a risk of emergencies.
- The premises management procedures will ensure staff are trained accordingly and policies will be implemented to call the emergency services when required.

(viii) The levels of compliance with conditions on existing licences relating to public safety.

- The applicant does not currently operate under an existing licence in the UK. Compliance with safety measures and conditions is taken extremely seriously by the applicant in its existing Café Pushkin restaurant in Russia. This will be transferred to its business operation in London.

Policy PN1 – Prevention of Public Nuisance

Measures to prevent noise and vibration

- The modest restaurant use is unlikely to introduce a source of noise and vibration in the area.
- The planning consent provides strict conditions to prevent noise and vibration emanating from the premises (conditions 1,3,6,7,8,9,10,11,13,14,15,19).
- The existing licence conditions include the following model conditions:
 - *"No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance."*
 - *"Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly."*
- The proposed hours of operation are within the 1am limit identified by Dr Hadfield and paragraph 2.5.14 of the Policy.
- The Premises will operate as a premium restaurant with low levels of customer turnaround. The proposed hours will allow customers to enjoy their meal over an extended period of time and reduce the risk of them leaving to seek other premises in the area with later licences. This reduces the risk of nuisance caused by customer access and egress, which will be kept to a minimum.

Eating, drinking and smoking outside the Premises

- The premises is a modest size with a controlled capacity level. The number of persons smoking outside is limited to only 6 at any one time (condition 23).
- Customers will not be permitted to take drinks outside when smoking.
- Customers smoking will be monitored by staff and supervised where appropriate. Any nuisance caused by persons smoking outside will not be tolerated under any circumstances whatsoever.

Other environmental impacts

- The nature and scale of the use is unlikely to adversely impact upon the Licensing Objective of the Prevention of Public Nuisance.
- Comprehensive management procedures will be implemented to ensure the premises has no adverse impact on the local environment. These will include policies on delivery times, refuse collections, waste storage and street cleansing etc., which are controlled by existing licence and planning conditions in any event. The proposed variation in hours will have no impact on servicing and delivery times.

Policy CH1 – Protection of Children from Harm

(i) Whether there are effective measures to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises (see Appendix 9).

- A Challenge 21 age verification scheme will be implemented in accordance with condition 20 of the premises licence.
- The nature of the premium restaurant use is unlikely to attract underage persons to the premises.
- The target clientele is expected to be aged 25 and over.

(ii) Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

- The premises will be food led where the primary supply of alcohol will be fine wines served with full table meals for consumption on the premises.

(iii) Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.

- The premises will be food led and operate under existing model restaurant condition MC66.

(iv) The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.

- Unaccompanied children under the age of 16 will not generally be permitted on the Premises notwithstanding the primary restaurant use.

(v) Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks.

- Alcohol will be displayed in accordance with the premium restaurant use.

(vi) Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.

- The management procedures will deal with identifying unaccompanied children and keeping them safe.

(vii) The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.

- The location and nature of the premium restaurant use is very unlikely to attract children to the premises.
- Access will be controlled by reception staff.

(viii) Whether there is evidence of heavy, binge or underage drinking on the premises.

- The Applicant will not tolerate this type of activity under any circumstances whatsoever.
- The premises will be food led.

(ix) Whether the premises commonly provides entertainment or services of an adult or sexual nature (see Glossary).

- The premises will not provide adult entertainment.

(x) Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).

- The premises will not be used for any gambling activity.

(xi) Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself; Amended Guidance (paragraph 13.55) refers.

- Films will not be shown at the premises.

(xii) If performances or activities are likely to attract children, the number of adults required for the supervision of children.

- There will be no activities or performances likely to attract children to the premises.

(xiii) Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.

- Plays will not be provided at the premises.

(xiv) The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.

- Any children will be supervised by their parents or carer.

(xv) Proposals for the provision or arrangement for safe transport for children.

- Any children will arrive and leave with their parents or carer.

Please note the content of this document is intended to address the City Council's Statement of Licensing Policy. This document does not form part of the proposed conditions, which are submitted separately.

Operational Management Statement



Above: Interior of Café Pushkin Moscow

**Cafe Pushkin
20 Berkeley Street
London**

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Introduction and purpose of statement

Cafe Pushkin is a highly acclaimed premium and traditional restaurant currently operating in Moscow and owned by Maison Dellos, an experienced and well regarded restaurant company both in Russia and globally. The company is now opening its first site in the UK in London's Mayfair, with its first location at 20 Berkeley Street ("the Restaurant"). The applicant prides itself on the extremely high levels of cuisine and anticipates the Restaurant will be quickly recognised amongst the finest restaurants in the UK.

The current application seeks the following hours for licensable activities:

- Monday to Saturday: 07:00 to 00.30 (the following day)
- Sundays: 08.00 to 23.00 (as existing)

The hours make the restaurant operation feasible and are not dissimilar to other similar uses across the City of Westminster. The hours allow the Restaurant to serve customers supper post-theatre and encourages customers to enjoy their meal over an extended period.

The Operational Management statement ("OMS") sets out a number of the Restaurant's management systems to ensure that the use is operated successfully, sympathetically and without adversely affecting the local amenity.

The Restaurant is located on the corner of Berkeley Street and Hay Hill in Mayfair. It is outside the City Council's West End Cumulative Impact Area. The wider area comprises of various mixed uses, with a wide range of commercial uses including offices, hotels and retail. In addition, residential units are located within the vicinity of the Restaurant. The primary objective of this OMS is to protect the amenity of the Restaurant's local residents.

Comprehensive conditions are imposed on the existing Premises Licence. In addition, further conditions are proposed with the application to ensure the promotion of the Licensing Objectives. Please note the content of this document does not form part of the operating schedule and is not proposed as conditions.

1 General operational controls

- 1.1 The Restaurant's management takes its responsibilities as a neighbour very seriously.
- 1.2 The Restaurant's management controls will include:
 - 1.2.1 Extensive employee induction and on-going refresher training, covering inter alia:
 - 1.2.1.1 Responsibilities in the local area and towards local residents.
 - 1.2.1.2 Customer care and hospitality.
 - 1.2.1.3 Complaint handling.
 - 1.2.1.4 Food Safety.
 - 1.2.1.5 Health & Safety.
 - 1.2.1.6 Fire Safety.
 - 1.2.1.7 Team working skills and regular team meetings.
 - 1.2.1.8 Obligations under the Licensing Act 2003.
 - 1.2.2 Operational procedures to prevent any sources of nuisance whatsoever in the local area, covering inter alia:
 - 1.2.2.1 Responsible management of customers in and outside the Restaurant.
 - 1.2.2.2 Controlled management of the arrival of customers.
 - 1.2.2.3 Preventing loitering or any disturbance whatsoever.
 - 1.2.2.4 Prohibition on customers consuming alcohol in the street

1.2.2.5 Controlling and supervising customers smoking. The number of customers smoking outside the Restaurant will not exceed 6 at any one time. The following controls will be in place:

1.2.2.5.1 Smokers are not permitted to take drinks outside at any time.

1.2.2.5.2 Smokers will be monitored.

1.2.2.6 Sympathetic servicing of the Restaurant, including quiet and minimal waste refuse and deliveries.

1.3 The above operational controls are maintained to ensure all employees understand and promote the responsibility to ensure the operation of the Restaurant has no adverse affect on local residents.

2 Dispersal policy

- 2.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Restaurant's customers.
- 2.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Restaurant to ensure they make their journey home without any adverse impact on local residents.
- 2.3 The Policy prevents nuisance caused to local residents from the following risks:
 - 2.3.1 Noisy or anti-social behaviour by customers leaving the Restaurant.
 - 2.3.2 Large numbers of people leaving the Restaurant at the same time.
- 2.4 Despite the Restaurant's central London location, employees are made aware that local residents live close by, in particular on Hay Hill and Berkley Street.

Hours of Operation

- 2.5 The proposed operational hours of the Restaurant will be:
 - 2.5.1 Monday to Saturday: 07:00 to 00.30 (the following day)
 - 2.5.2 Sundays: 08.00 to 23.00
- 2.6 This OMS and Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 2.7 The main entrance/exit of the Restaurant is on Hay Hill.

Dispersal

- 2.8 The primary point of dispersal is the main Hay Hill exit. From this point customers will go straight to a waiting car or disperse directly towards the area's numerous transport links (see below).

- 2.9 Towards closing time, measures are taken to ensure a gradual and quiet closure of the Restaurant including politely reminding customers that the Restaurant is about to close.

Transport

- 2.10 Customers will arrive and depart by various modes of transport, including by foot and private car. There will be no queuing on Hay Hill or Berkeley Street.
- 2.11 When arriving by private car, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors. Unnecessary sounding of car horns will not be tolerated under any circumstances. Waiting cars will be reminded to move on and not loiter unnecessarily.
- 2.12 The Restaurant will be well serviced by public transport links, as set out below. All staff will be familiar with the transport links so they can advise customers when required.

Underground

- 2.12.1 The following underground stations are located within easy walking distance of the Restaurant:
- a. Green Park Underground Station.
 - b. Bond Street Underground Station.
 - c. Piccadilly Circus Underground Station.
 - d. Hyde Park Corner.
- 2.12.2 The nearest overground rail station is Victoria, which is easily accessible by taxi, bus or the Underground.
- 2.12.3 Staff will be able to advise customers accordingly and refer to alternative means of transport (see below) if required.
- 2.12.4 Where necessary customers will be given directions to the relevant station and will be reminded to go to the station as quietly and as quickly as possible when they leave.

2.13 Buses

- 2.13.1 The Restaurant is well serviced by public buses. Transport for London bus services, including night buses, are accessible at nearby bus stops, in particular on Piccadilly. These go to a variety of destinations throughout London.
- 2.13.2 Staff will be familiar with the bus services and will be able to advise customers accordingly.

2.14 Taxis

- 2.14.1 Black taxi cabs are readily available throughout the day and night in Mayfair. Customers will be encouraged to go directly into a waiting taxi cab when leaving the Restaurant.
- 2.14.2 If there are no available black taxi cabs, customers will be asked to wait inside the Restaurant until a black taxi cab becomes available so as to avoid customers waiting outside on either Berkeley Street or Hay Hill.
- 2.14.3 Staff will assist customers hailing a black taxi cab if required.
- 2.14.4 Customers will be encouraged to wait inside the Restaurant when using app-based taxi services such as Uber.
- 2.14.5 Waiting taxis will be discouraged from loitering unnecessarily.

Private Car Service

- 2.15 The Restaurant will have an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Restaurant until their car has arrived to ensure a quick and quiet exit.
- 2.16 Staff will remind drivers to keep noise to a minimum and avoid waiting with engines running.

3 Closing procedure

- 3.1 Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure promotes a quick and quiet closure of the Restaurant.
- 3.2 Management controls will include:
 - 3.2.1 Ensuring all customers are off the premises by the authorised closing times.
 - 3.2.2 A prompt “clean and clear up” of the Restaurant will take place as soon as possible after closure.
 - 3.2.3 Employees will leave the Restaurant as quickly and quietly as possible, at all times following the Dispersal Policy set out in section 2 above.

4 OMS summary and effect

- 4.1 A culmination of all these controls and safeguards, together with the type of offer, customer and purpose of visit, combine to ensure the Restaurant will operate successfully and with minimal, if any, impact on the local amenity.



Noise management policy

20 Berkeley Street, London, W1J 8EE

Prepared by: Richard Vivian, Principal Consultant at Big Sky Acoustics Ltd
On behalf of: Maison Dellos
Document Ref: 17060722
Date: 30th June 2017

Noise Management Policy

We operate a considerate business. We aim to manage all noise from our premises so that we do not disturb people resting and sleeping in their homes. There are many other licensed premises in the area and these may create noise but this is no reason why our operation should not be rigorously controlled so that any noise we or our patrons make is kept to an absolute minimum. We therefore have a comprehensive approach to managing noise from our premises and from the area outside our premises.

The following points are critical to our noise management policy and are used in conjunction with our end of evening dispersal policy:

- We will ensure that noise emanating from our premises will not cause a nuisance at nearby residential properties.
- The entrance doors are supervised.
- All licensable activities take place within the building envelope.
- Except for access, maintenance and safety reasons, the service doors will be kept closed. The service doors will not be secured open when the premises are trading. All internal doors in regular use will be fitted with soft closers and these will be adjusted to ensure that doors do not slam.
- Arrangements are in place to ensure that deliveries, collections and operational servicing are carried out between 07.00-19.00hrs except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- Empty bottles will be placed into storage receptacles inside the building and then taken to the refuse storage area. No empty bottles will be tipped or thrown into outside storage receptacles at the premises after 23:00hrs.
- Refuse collections are made at the times allocated for the street. We will ensure that waste is correctly packaged and can be removed quickly and efficiently. There will be no on-street refuse storage.
- Our background sound system is fitted with a limiter which will be maintained and calibrated in agreement with a technical officer from Westminster City Council.
- Patrons may step outside the building to smoke. The maximum number of smokers in front of the building will be controlled. Ashtrays will be provided and the area will be regularly swept of any cigarette debris. Drinks will not be allowed outside the premises.
- Any glass or bottles in the immediate vicinity of the premises will be cleared from street furniture, walls, pavements and gutters then safely disposed of. Bottles and glasses will not originate from our premises as we will not allow drinks outside, but these will still be cleared away as we make every effort to keep the area around our building tidy and safe.
- We will encourage all personnel to take pride in the building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris that may have nothing to do with us, but in the interests of making this a better area we will still clear it up.
- We will constantly review our Noise Management Policy and respond quickly to the needs of our neighbours.

Maison Dellos Management Team, June 2017

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/04123/LIPN	This was an application for a new premises licence.	17.07.2014	Granted by Licensing Sub Committee
14/08015/LIPV	<p>This was an application to vary the premises licence.</p> <p>Variation is to:</p> <p>Part 1 - increase the licensable area and change the layout of the premises in accordance with the enclosed plans, including:</p> <p>Ground Floor</p> <ul style="list-style-type: none"> - Relocation of the kitchen from the ground floor to the basement. - Alterations to the main entrance hallway. - Addition of a private dining area, including relocation of doors and changes to the door openings to the area. - Addition of dumb waiters. - Redesign of bar. - Addition of Disabled WC. <p>Basement</p> <ul style="list-style-type: none"> - Redesign of male and female toilet facilities. - Addition of private dining area. - Addition of kitchen (relocated from the ground floor). <p>Part 2 - amend condition 17 of the licence to "The number of customers permitted in the premises at any one time shall not exceed 125 persons".</p>	23.10.2014	Granted under Delegated Authority
17/01674/LIPT	This was a request to transfer the licence from Amgenston Enterprise Limited to Café Pushkin.	16.03.2017	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the

- (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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

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

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.

12. There shall be no sales of alcohol for consumption off the premises.

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

14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. No waste or recyclables materials, including bottles, shall be moved, removed or placed in outside areas between 22:00 and 08:00 hours on the following day.
16. The number of customers permitted in the premises at any one time shall not exceed 125 persons.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. No collection of waste or recycling materials (including bottle) from the premises shall take place between 22:00 and 08:00 on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
20. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
21. Deliveries to the premises shall only take place between 07:30 and 23:00 Monday to Saturday and between midday and 1600 Sunday.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time and shall not be permitted to take drinks or glass containers with them.
23. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
24. No customers will be allowed to queue outside the premises on either Hay Hill or Berkeley Street.
25. The premises shall only operate as a restaurant:-
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part

consumed and resealed bottles of wine supplied ancillary to their meal.

26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The premises shall operate in accordance with the Operational Management statement as submitted to the Licensing Sub Committee on the 17 July 2014.
28. The licence shall have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from the licence.

Conditions proposed by the Police – the condition has been agreed by the applicant

29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Conditions proposed by the applicant

30. The licensee shall operate the premises in accordance with a Berkeley Street Best Practice Policy which shall be created to promote the four licensing objectives. The best practice policy will be reviewed from time to time with the Licensing Authority and the local licensing police. The best practice policy shall cover the following:-

- a) The arrival and gradual dispersal of customers to minimise any noise and disturbance from both Berkeley Street and Hay Hill entrances/exits
- b) The Taxi and Valet parking provision
- c) Delivery and collections
- d) Smoking policy

The best practice policy shall be available for inspection at any time and a copy shall be provided to the police or licensing authority or local resident upon request.

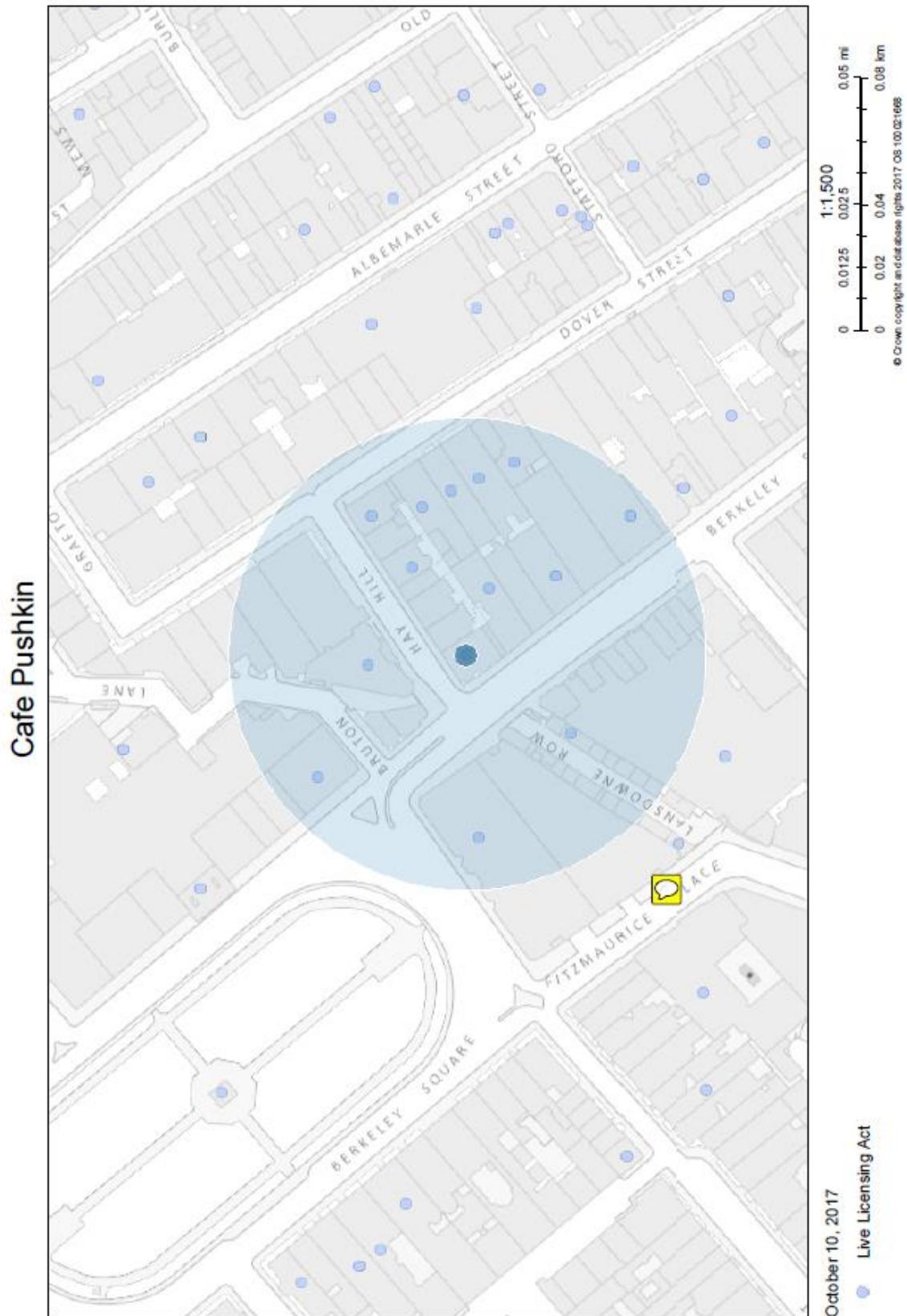
31. The licensee shall meet with local residents not less than once every 3 months (if necessary) to review the best practice policy. The licensee shall advertise the meeting on their group website and notice will be given to the 17 Berkeley Street Residents Association and Mayfair Residents Group by email.
32. There shall be no queues outside the premises.
33. The licence holder will support any neighbourhood monitoring scheme that may exist (from time to time) including contributing financially to any paid for policing scheme on Berkeley Street.

34. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

‘Directly’ means:- employ, have control of or instruct.

‘Indirectly’ means allowing / permitting the service of or through a third party.



Resident count = 93



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

Schedule 12
Part A

WARD: West End
UPRN: 100023473590

Premises licence

Regulation 33, 34

Premises licence number:

17/01674/LIPT

Original Reference:

14/04123/LIPN

Part 1 – Premises details

Postal address of premises:

Cafe Pushkin
20 Berkeley Street
London
W1J 8EE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Wednesday: 23:00 to 23:30
Thursday to Saturday: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Wednesday: 07:00 to 23:30
Thursday to Saturday: 07:00 to 00:00
Sunday: 08:00 to 23:00

The opening hours of the premises:

Monday to Wednesday: 07:00 to 23:30
Thursday to Saturday: 07:00 to 00:00
Sunday: 08:00 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:

Cafe Pushkin Limited
C/o Teacher Stem LLP
37-41 Bedford Row
London
WC1R 4JH

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

07302891

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

Name: Mr Timothy Nigel Selby

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: DH/PER/201/2005
Licensing Authority: Dartford Borough Council

Date: 16 March 2017

This licence has been authorised by Shannon Pring 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
12. There shall be no sales of alcohol for consumption off the premises.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclables materials, including bottles, shall be moved, removed or placed in outside areas between 22:00 and 08:00 hours on the following day.
16. The number of customers permitted in the premises at any one time shall not exceed 125 persons.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. No collection of waste or recycling materials (including bottle) from the premises shall take place between 22:00 and 08:00 on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
20. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
21. Deliveries to the premises shall only take place between 07:30 and 23:00 Monday to Saturday and between midday and 1600 Sunday.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time and shall not be permitted to take drinks or glass containers with them.
23. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

24. No customers will be allowed to queue outside the premises on either Hay Hill or Berkeley Street
25. The premises shall only operate as a restaurant:-
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The premises shall operate in accordance with the Operational Management statement as submitted to the Licensing Sub Committee on the 17 July 2014.
28. The licence shall 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 4 – Plans

Attached



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023473590

Regulation 33, 34

Premises licence number:

17/01674/LIPT

Part 1 – Premises details

Postal address of premises:

Cafe Pushkin
20 Berkeley Street
London
W1J 8EE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment	
Monday to Wednesday:	23:00 to 23:30
Thursday to Saturday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Wednesday:	07:00 to 23:30
Thursday to Saturday:	07:00 to 00:00
Sunday:	08:00 to 23:00

The opening hours of the premises:

Monday to Wednesday:	07:00 to 23:30
Thursday to Saturday:	07:00 to 00:00
Sunday:	08:00 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:

Cafe Pushkin Limited
C/o Teacher Stern LLP
37-41 Bedford Row
London
WC1R 4JH

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

07302891

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

Name: Mr Timothy Nigel Selby

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

Restricted

Date: 16 March 2017

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