



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

24 November 2021

Licensing Ref No:

21/07322/LIPN - New Premises Licence

Title of Report:

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:

Karyn Abbott  
Senior Licensing Officer

Contact details

Telephone: 07866 019698  
Email: [kabbott@westminster.gov.uk](mailto:kabbott@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>	22 July 2021		
<b>Applicant:</b>	Novators Hospitality (Berkeley) Limited		
<b>Premises address:</b>	20 Berkeley Street London W1J 8EE	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	West End
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a Restaurant.		
<b>Premises licence history:</b>	The premises previously had the benefit of a premises licence (17/01674/LIPT) which was granted in July 2014 and lapsed in August 2020, details can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	The applicant has provided submissions addressing the Special Consideration Zone which can be found at <b>Appendix 2</b> .		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		On Sundays immediately prior to bank holidays 23:00 - 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

<b>Sale by retail of alcohol</b>				<b>On or off sales 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>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		On Sundays immediately prior to bank holidays until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
<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>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		On Sundays immediately prior to bank holidays until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	19 August 2021
<b>20 BERKELEY STREET, LONDON, W1J 8EE</b>	
<b>I refer to the application for a new Premises Licence for the above premises which is located in the Mayfair Special Consideration Zone (MSCZ).</b>	
<b>The following plans have been submitted:</b>	
<ul style="list-style-type: none"><li>• Upper Ground Floor, ref L01, dated 16/7/21</li><li>• Lower Ground Floor, ref L02A, dated 16/7/21</li><li>• Basement, ref L03A, dated 16/7/21</li></ul>	
<b>The applicant is seeking the following:</b>	
<ol style="list-style-type: none"><li>1. Supply of Alcohol 'On' and 'Off' the premises on Monday to Thursday, 09:00 to 23:30 hours, Friday and Saturday, 09:00 to 00:00 hours and Sunday, 09:00 to 22:30 hours. Also on Sundays immediately prior to Bank Holidays 23:00 - 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li><li>2. Provision of Late-Night Refreshment 'indoors' on Monday to Thursday 23:00 to 23:30 and Friday and Saturday 23:00 to 00:00 hours. Also on Sundays immediately prior to Bank Holidays 23:00 - 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li></ol>	
<b>I wish to make the following representations based on the plans and operating schedule submitted:</b>	
<ol style="list-style-type: none"><li>1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the MSCZ.</li><li>2. Provision of Late-Night Refreshment may have the effect of increasing Public Nuisance in MSCZ.</li></ol>	
<b>Environmental Health also makes the following further comments:</b>	
<ul style="list-style-type: none"><li>• The premises already has a premises licence and this appears to be an application to extend the licensable areas - clarification is requested if this also involves additional capacity.</li><li>• It is unclear from the application if the premises have already been constructed for the proposed use. Nevertheless, prior to commencement of any licensable activities, it will need to be inspected for Public Safety by Environmental Health after which a capacity condition may be proposed. Any capacity may also be assessed with regards to the provision of sanitary accommodation being in line with BS6465.</li><li>• Environmental Health shall require details of how internal noise transference shall not occur through party wall connections.</li></ul>	

- The Council revised its Statement of Licensing Policy earlier this year. One of the new requirements under the Policy is that greater emphasis has been placed on licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy). Free advice on complying with this can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

Some conditions have been offered in the operating schedule and these are under consideration if they are sufficient to allay Environmental Health concerns.

The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site after which Environmental Health may propose additional conditions for the proposed use.

## 2-B Other Persons

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

3 August 2021

I write to make an objection on behalf of [REDACTED] with respect to '21/07322/LIPN 20 Berkeley Streteen' licence application on the basis of 'prevention of public nuisance' and 'prevention of crime and disorder'.

There is already a similar licence in place for the premises and it is not clear why there is an application for a new licence. We are also concerned about the incremental 'creep' in the scope of the licence based on the following:

- 1) There was a planning application in 2020 to expand the capacity from 146 to 200. The current licence capacity is 125.
- 2) there is a pending planning application ref: 21/02115/FULL to extend the operating hours to 2.30am, which is way beyond the hours in the current licence and acceptable for a restaurant. It seems to us that the applicant is expanding both the hours and the capacity.

There are a number of residential buildings very close to the premises. 15 Hay Hill, is directly on top of the premises with close to 60 residential flats. 17, and 18 Berkeley street are two doors down and both are residential properties. 33 Dover street is directly at the back of 17 Berkeley street and shares a courtyard with the premises. A total of 100 residential flats together could be adversely affected by the operator.

Berkeley Street and its environs are under stress as a result of the number of licensed premises, including a significant number of new premises licences in the last several years. This has led to Berkeley Street being identified by a detailed study in 2016 as an area with all the characteristics of a 'cumulative impact area', and, more recently, as an area of concern under the City Council's recent 'cumulative impact assessment'. As a result of the latter, the area has been designated as a 'Special Consideration Zone' ("SCZ").

The SCZ Policy requires applicants to 'demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 C

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	9 August 2021
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Between planning and licensing applications with certain differences in the various elements it is difficult to understand what the applicant really wants. In any event looking solely at this application it would appear that the applicant wants an increase in size of licensed area and in permitted numbers. MRG objects to this on the grounds of increase in nuisance. The premises are in an SCZ area and are surrounded by residential property. It seems extremely likely that the changes sought would lead to increased nuisance.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	10 August 2021
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Dear Sir / Madam,

We are the owners of [REDACTED]. We are writing to object to this new licence application (21/07322/LIPN 20 Berkeley Street) from Café Pushkin on various grounds including "prevention of public nuisance" and "prevention of crime and disorder". We query its purpose as a very similar licence already exists and it seems that the licensed area is expanding and capacity increasing. There is also a planning application (I believe it is ref: 21/02115/FULL) for longer hours to extend the operating hours to 2.30am and we are concerned at the incremental "creep" in the scope of the licence.

Thank you and best regards,

<b>Name:</b>	[REDACTED].
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]

<b>Received:</b>	10 August 2021
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Hello - I refer to the above planning application and as an owner of a property in Berkeley House I would like to object under the prevention of public nuisance and prevention of crime and disorder.  
Please confirm receipt of this email

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	10 August 2021
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Dear Sirs

I object to this licence application on the grounds of "prevention of public nuisance" and "prevention of crime and disorder".

There is a licence in place for the premises and the reasons for the new application is not clear. Berkeley street is under stress and has been recently designated as a Special Consideration Zone. Any expansion of operations beyond the current licence is unacceptable and will have an adverse impact to the area.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 August 2021

Attention: Mr. Steven Rowe, Licensing Team Manager  
Dear Mr. Rowe,  
Application Ref. 21/07322/LIPN

Thank you for your above notification dated July 23, 2021.

I strongly object to the proposed new premises licence application at 20 Berkeley Street for the following reasons.

First and foremost, I wish to highlight that this Application relates to a restaurant, and not to a nightclub. The proposed extended opening hours are inappropriate and would significantly increase levels of noise and cause unreasonable late night disturbance for nearby residents. A very similar licence already exists and it appears that the licensed area is expanding and capacity increasing.

Furthermore, allowing the extended opening hours is likely to increase anti-social behaviour and the risk of crime, particularly as clients consume more alcohol late into the night. Residents have regrettably already witnessed swearing and shouting, aggression, loitering, littering and urination in the street.

The proposed extension to the opening hours will also increase the flow of late night traffic down Hay Hill (a one way street). There will be significant noise, disruption and disturbance to nearby residents late into the night. This includes hooting, drivers waiting in cars dangerously double parked or parked in resident bays, taxis and minicabs dropping off and collecting clients, and (super)cars revving their engines, which is already a major issue in the area.

I request you to safeguard the amenity of occupiers of noise sensitive properties and the area generally. It will create noise and nuisance to surrounding residential buildings when external background noise levels are quietest.

Finally, I urge you to consider the wider impact on the community in the context of the many restaurants and bars already in operation in Hay Hill, Berkeley Street/Square and Dover Street. The proposed extension to the opening hours of the restaurant is extremely harmful to the residential amenity. Mayfair is not only a commercial area, and the protection of the environment of people in neighbouring properties must also be taken in account.

Thank you for your consideration.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	12 August 2021

We refer to the above notification dated July 23, 2021.

We strongly object to the proposed new premises licence application at 20 Berkeley Street for the following reasons.

First and foremost, I wish to highlight that this Application relates to a restaurant, and not to a nightclub. The proposed extended opening hours are inappropriate and would significantly increase levels of noise and cause unreasonable late night disturbance for nearby residents. We already experience disturbance and antisocial behaviour in the area. We already witness swearing and shouting, aggression, loitering, littering and urination in the street. You must consider the occupiers in the area generally, surely we are entitled to peace and quite.

Mayfair is not only a commercial area, and the protection of the environment of people in neighbouring properties must also be taken in account. Please consideration all of this when you look at this application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	16 August 2021

Dear Sirs:  
 I am writing to strenuously object to the above captioned License Application relating to 20 Berkeley Street which is located in Berkeley House, London, W1. My family and I own and live in [REDACTED] to which this latest planning Application relates. Consequently, my family and I will be seriously adversely affected by this Application if approved as, of course, will the other residents of Berkeley House. As you know, there is already an existing License for these premises but the new planning Application seeks to significantly expand the capacity to 200 people by adding the upper ground floor in addition to the basement and lower ground floor. There is also a pending application (21/02115/FULL) to extend the operating hours to 2:30 am! It is bad enough that the premises are to be operated as a restaurant but a 2:30 am closing time clearly indicates the premises will be operated as a nightclub rather than a restaurant. I further note this Application is requesting permission to sell alcohol as an off-licence which is a guaranteed recipe for more disorder and public nuisance in and around 20 Berkeley Street. Until the existing Licence was granted 2-3 years ago, 20 Berkeley Street was occupied as commercial office space as a result of which there were no additional crowds, noise and traffic in the evenings let alone the smell from the restaurant kitchens or anti-social behaviour. As you are no doubt aware, there is already another large restaurant (Bocconcino) located immediately next door to 20 Berkeley Street in the adjoining building and weather permitting, staff from this restaurant socialize nightly in the courtyard at the rear of Berkeley House after closing hours as a result of which there is often a great deal of noise late at night making it impossible for residents to sleep; staff from the proposed restaurant at 20 Berkeley Street will similarly have access

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> </ul>

	<ul style="list-style-type: none"> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<p><b>Policy HSR1 applies</b></p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li> <li>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</li> </ol>

	<p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

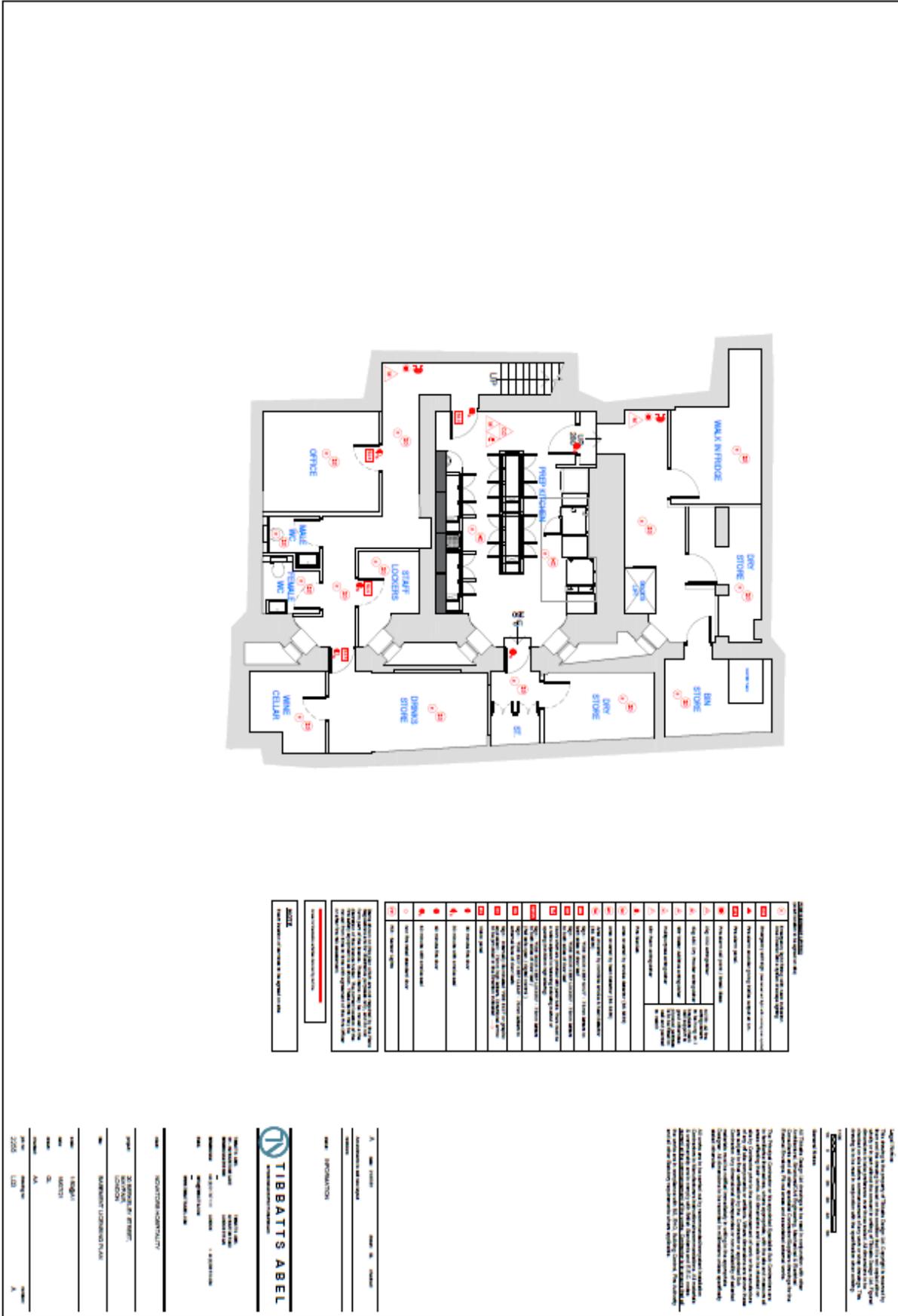
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	19 August 2021
<b>5</b>	Representation 1	3 August 2021
<b>6</b>	Representation 2	9 August 2021
<b>7</b>	Representation 3	10 August 2021
<b>8</b>	Representation 4	10 August 2021
<b>9</b>	Representation 5	10 August 2021
<b>10</b>	Representation 6	11 August 2021
<b>11</b>	Representation 7	12 August 2021
<b>12</b>	Representation 8	16 August 2021



HAY HILL



BERKELEY ST

ACCESS  
20 & 20A  
BERKELEY ST

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Scale: 1:100  
 Date: 12/12/2023  
 Project: Fire Safety Assessment  
 Client: ABC Company

Notes:  
 1. All fire exits must be kept clear at all times.  
 2. Fire extinguishers should be checked regularly.  
 3. Evacuation routes should be clearly marked.

**TIBBATT'S ABEL**  
 Fire Safety Engineers  
 123 Main Street, London, UK  
 Tel: 020 1234 5678  
 Email: info@tibbattsabel.co.uk

NO.	DESCRIPTION	STATUS
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**Application for Premises Licence**

20 Berkeley Street, London W1J 8EE

**APPLICATION SUBMISSIONS ADDRESSING LICENSING POLICY SCZ1**

This is an application for a restaurant at 20 Berkeley Street, London W1J 8EE (“the Premises”).

The Premises is located in the Mayfair Special Consideration Zone. The local issues that need to be considered in respect of this specific area are:

1. General Crime
2. Noise nuisance (noise).
3. Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.

The applicant has considered how best to address these issues as part of the application Operating Schedule and the proposed conditions contained therein. The application is for a Core Hours restaurant (MC66) and as such is not generally associated with issues of ambulance call outs or crime as often associated with other uses and hours.

Fourteen conditions are proposed as part of the application Operating Schedule. Below are the specific conditions selected to address the SCZ1 (Mayfair) local issues. The full wording of the conditions are contained in the Operating Schedule and adopt the Licensing Authority’s Model Condition wording.

SCZ1 Local Issue (Mayfair)	Comment/Proposed Condition
General Crime	<ul style="list-style-type: none"> <li>• Core Hours</li> <li>• CCTV – MC01, MC02</li> <li>• Age verification – MC47</li> <li>• Incident Log - MC49</li> <li>• Restaurant – MC66</li> </ul>
Noise nuisance (noise).	<ul style="list-style-type: none"> <li>• Core Hours</li> <li>• CCTV – MC01, MC02</li> <li>• Noise generated not to give rise to nuisance - MC12</li> <li>• Quiet notices - MC21</li> <li>• Timings for off sales of hot food &amp; drink – MC56</li> <li>• Timings for off sales of alcohol – MC16</li> <li>• Deliveries to/from the premises - MC64 &amp; 65</li> </ul>
Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.	<ul style="list-style-type: none"> <li>• Core Hours</li> <li>• Restaurant - MC66</li> <li>• CCTV – MC01, MC02</li> <li>• Age verification – MC47</li> <li>• Timings for off sales of alcohol – MC16</li> <li>• Off sales in sealed containers – MC17</li> </ul>

**Premises History****Appendix 3****Licensing Act 2003**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/04123/LIPN	New Premises Licence Application <b>Late Night Refreshment</b> Monday to Wednesday 23:00 to 23:30 Thursday to Saturday 23:00 to 00:00 <b>Sale by Retail of Alcohol</b> Monday to Wednesday 07:00 to 23:30 Thursday to Saturday 07:00 to 00:00 Sunday 08:00 to 23:00	17 July 2014	Granted by Licensing Sub Committee
14/08015/LIPV	Premises Licence Variation – Increase the Licensable Area and amend conditions	23 October 2014	Granted under Delegated Authority
17/01674/LIPT	Transfer Premises Licence Holder from Amgenston Enterprises Limited to Cafe Pushkin Limited	16 March 2017	Granted under Delegated Authority
17/08117/LIPV	Premises Licence Variation – Extend the permitted hours for all Licensable Activities until 00:30 Monday to Saturday.	26 October 2017	Refused at Licensing Sub Committee

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

**\*\* Licence Lapsed due to Licence Holder going into Liquidation in August 2020\*\***

**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. 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.

#### **Conditions consistent with the operating schedule**

9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

- (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
- (d) All recordings shall be stored for a minimum period of 31 days with date and timestamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  11. No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  12. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
  13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
  14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  16. 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, searching equipment or scanning equipment
    - (g) any refusal of the sale of alcohol
    - (h) any visit by a relevant authority or emergency service.
  17. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
  18. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
  19. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
  20. The premises shall only operate as a restaurant,
    - (i) in which customers are shown to their table or the customer will select a table themselves,
    - (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,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) 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.

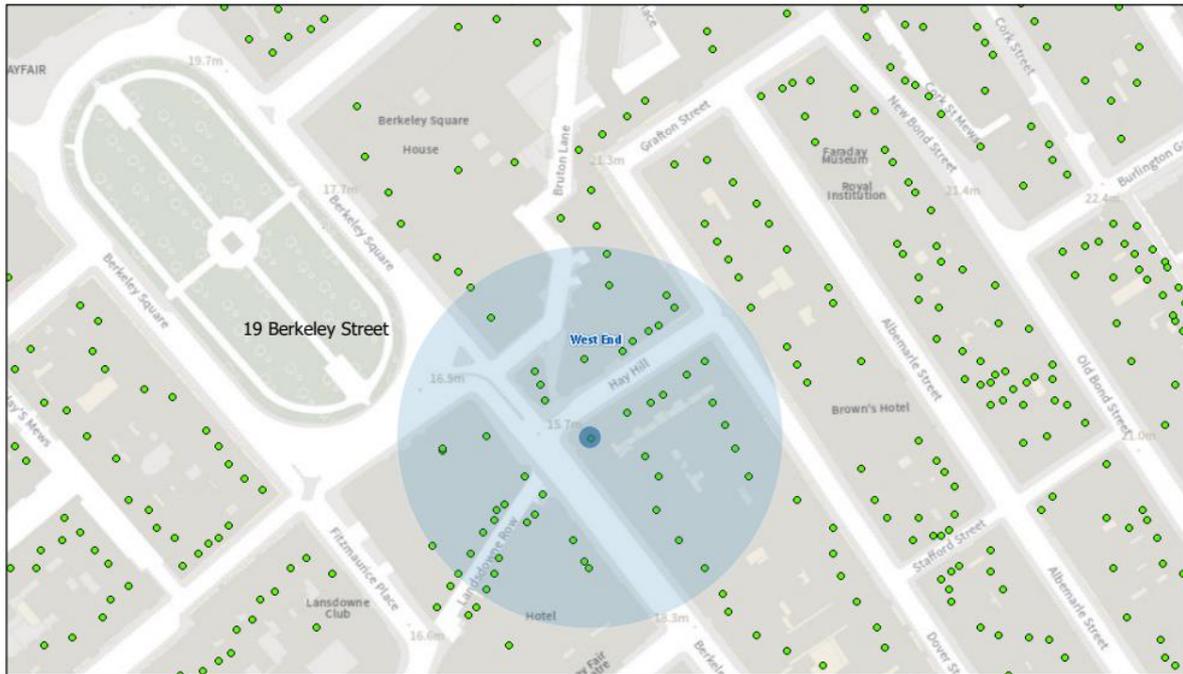
For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

- 21. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
- 22. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

**Conditions proposed by the Environmental Health**

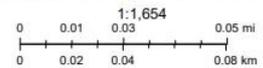
None

20 Berkeley Street, London



02/11/2021, 09:19:54

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



**Resident Count = 93**

<b>Licensed premises within 75 metres of 20 Berkeley Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
17/01368/LIPVM	Bocconcino	19 Berkeley Street London W1J 8ED	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 00:30
19/11917/LIPDPS	12 Hay Hill Limited	Lower Ground Floor To Fourth Floor 12 Hay Hill London W1J 8NR	Office	Monday to Sunday 00:00 to 00:00
21/05419/LIPDPS	Socialista	15A Hay Hill London W1J 8NX	Night clubs and discos	Sunday; 12:00 - 23:00   Monday to Saturday; 09:00 - 03:30
20/07486/LIPDPS	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 08:00 - 02:00
18/07851/LIPT	Baku Bistro	22 - 24 Lansdowne Row London W1J 8QL	Restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 -

				00:30   Sundays before Bank Holidays; 07:00 - 00:00
18/07544/LIPN	Moffats	Basement And Ground Floor 1 Lansdowne Row London W1J 6DP	Food store	Saturday to Sunday; 07:00 - 21:00
17/08546/LIPV	Aubaine	Part Basement And Ground Floor North 31 Dover Street London W1S 4ND	Restaurant	Sunday; 12:00 - 00:30   Monday to Saturday; 10:00 - 01:30
20/05520/LIPT	Chucs Bar & Grill	30B Dover Street London W1S 4NB	Restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:00
20/07485/LIPDPS	(Restaurant)	Ground Floor 33 Dover Street London W1S 4NF	Public house or pub restaurant	Saturday; 08:00 - 03:00   Sunday; 10:00 - 23:30   Monday to Friday; 07:00 - 03:00   Sundays before Bank Holidays; 10:00 - 01:00
18/15726/LIPT	Fifty9	59 Berkeley Square London W1S 4EA	Night clubs and discos	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 03:30
20/11075/LIPCH	Be At One	59 Berkeley Square London W1S 4EA	Night clubs and discos	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 03:30
20/07090/LIPT	Itsu, Ground Floor, Lansdowne House	55 Berkeley Square London W1J 5BE	Restaurant	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 23:30   Friday; 07:00 - 23:30   Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00
21/04769/LIPDPS	Sexyfish	4 Berkeley Square London W1J 6EB	Restaurant	Sunday; 08:00 - 01:00   Monday to Saturday; 07:00 - 02:00
21/06047/LIPCH	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00   Tuesday; 09:00 - 01:00   Wednesday; 09:00 - 01:00   Thursday; 09:00 - 01:00

				Friday; 09:00 - 01:00   Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:30
20/04244/LIPVM	Luxx	15 - 16 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
20/11958/LIPVM	Il Borro	Ground Floor 15 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 02:30   Tuesday; 09:00 - 02:30   Wednesday; 09:00 - 02:30   Thursday; 09:00 - 02:30   Friday; 09:00 - 02:30   Sunday; 12:00 - 00:00
17/01368/LIPVM	Bocconcino	19 Berkeley Street London W1J 8ED	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 00:30